万商天勤数据合规与人工智能法讯

V&T Data Compliance and Artificial Intelligence Newsletter

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本期摘要 | Summary

• 新闻速递：中央网信办、工信部、公安部部署 2026 年个人信息保护系列专项行动，聚焦六大重点领域开展专项治理。

Snapshot of News: The Cyberspace Administration of China, Ministry of Industry and Information Technology, and Ministry of Public Security jointly deployed the 2026 Personal Information Protection Special Action, focusing on six key areas for comprehensive governance.

• 新规速递：沪、京、粤三地自贸区数据出境负面清单制度正式施行，确立清单外数据免予三项程序便利化规则；三部门联合印发《智能体规范应用与创新发展实施意见》，首次从国家层面将智能体/具身智能纳入规范管理与创新发展体系；工信部首份具身智能行业标准正式施行；杭州率先为具身智能机器人产业发展立法，促进我国具身智能产业政策体系加速成型。

Snapshot of New Regulations: The negative list system for cross-border data transfer in Shanghai, Beijing, and Guangdong Free Trade Zones has officially taken effect, establishing facilitation rules exempting non-listed data from three procedural requirements.Three central authorities have jointly issued the Implementation Opinions on the Standardized Application and Innovative Development of Intelligent Agents, which for the first time brings intelligent agents and embodied intelligence under the national framework of standardized regulation and innovative development. Meanwhile, the first industrial standard for embodied intelligence released by the Ministry of Industry and Information Technology has officially taken effect. Hangzhou has also taken the lead in enacting legislation to boost the development of the embodied intelligent robot industry. These moves are accelerating the formation of China's policy system for the embodied intelligence sector.

• 深度专题：负面清单与原有三条路径的关系辨析——划定"非负面即自由"的明确边界，三地负面清单差异比对。

In-Depth Analysis: Distinguishing the relationship between the negative list and the original three paths—drawing clear boundaries of "freedom unless negative-listed," and comparing differences among the three regional negative lists.

• 执法观察：专项行动持续高压，SDK 和扫码场景成重点。

Enforcement Observation: Special actions maintain high pressure, with SDK and QR code scanning scenarios becoming focal points.

• V&T 提示：数据出境合规三步法——认区域、认领域、认清单。

V&T Suggestions: Three-Step Compliance check for Cross-Border Data Transfer—Identify the Region, Identify the Sector, Identify the List.

一、新闻速递 | Snapshot of News

2026 年个人信息保护系列专项行动全面启动

2026 Personal Information Protection Special Action Fully Launched

2026 年 4 月 2 日，中央网信办、工业和信息化部、公安部联合部署开展 2026 年个人信息保护系列专项行动，集中治理 App/SDK、互联网广告、教育、交通、卫生健康、金融六大领域违法违规收集使用个人信息行为，并同步开展个人信息违法犯罪案件打击治理。

On April 2, 2026, the Cyberspace Administration of China, Ministry of Industry and Information Technology, and Ministry of Public Security jointly deployed the 2026 Personal Information Protection Special Action, focusing on illegal collection and use of personal information in six areas: Apps/SDKs, internet advertising, education, transportation, health and medical care, and finance, while simultaneously cracking down on personal information-related criminal cases.

企业需特别注意的新增执法重点：

Key Enforcement Priorities for Enterprises to Note:

- 互联网广告个性化推荐须提供便捷关闭选项；

  Internet advertising personalized recommendations must provide convenient opt-out options;

- 教育、医疗、金融领域禁止将人脸识别作为唯一验证方式；

  Education, medical care, and financial sectors are prohibited from using facial recognition as the sole verification method;

- 公共停车场扫码缴费强制收集手机号被纳入交通领域整治范围。

  Mandatory collection of mobile phone numbers through QR code scanning for public parking payments has been included in the transportation sector governance scope.

二、新规速递 | Snapshot of New Regulations

1. 中国（上海）自由贸易试验区及临港新片区、国家服务业扩大开放综合试点地区（上海）数据出境负面清单管理办法及清单

1. Measures and Negative List for Cross-Border Data Transfer in China (Shanghai) Pilot Free Trade Zone and Lingang New Area, National Comprehensive Service Industry Expansion and Opening-up Pilot Area (Shanghai)

2026 年 4 月 24 日，上海市互联网信息办公室、上海市数据局发布《中国（上海）自由贸易试验区及临港新片区、国家服务业扩大开放综合试点地区（上海）数据出境负面清单管理办法（试行）》《中国（上海）自由贸易试验区及临港新片区、国家服务业扩大开放综合试点地区（上海）数据出境管理清单（负面清单）（2025 版）》《中国（上海）自由贸易试验区及临港新片区、国家服务业扩大开放综合试点地区（上海）数据出境负面清单实施指南（试行）》，自发布之日起施行。

On April 24, 2026, the Shanghai Cyberspace Administration and Shanghai Data Bureau issued the Trial Measures for the Administration of the Negative List for Cross-Border Data Transfer, the 2025 Edition of the Negative List, and the Trial Implementation Guidelines for the Negative List in China (Shanghai) Pilot Free Trade Zone and Lingang New Area, effective from the date of issuance.

核心要点：

Key Points:

覆盖领域：再保险、国际航运（港口/船员管理）、商贸（零售/餐饮/住宿）、气象四个行业领域。

Coverage: Four industry sectors—reinsurance, international shipping (port/crew management), commerce (retail/catering/accommodation), and meteorology.

适用主体：适用于在上海市注册且在上海市开展数据出境活动的非关键信息基础设施运营者。

Applicable Entities: Non-critical information infrastructure operators registered in Shanghai conducting cross-border data transfer activities in Shanghai.

2. 中国（北京）自由贸易试验区、国家服务业扩大开放综合示范区数据出境负面清单管理办法及清单

2. Measures and Negative List for Cross-Border Data Transfer in China (Beijing) Pilot Free Trade Zone and National Comprehensive Service Industry Expansion and Opening-up Demonstration Zone

2026 年 5 月 8 日，北京市互联网信息办公室、北京市商务局、北京市政务服务和数据管理局联合发布《中国（北京）自由贸易试验区、国家服务业扩大开放综合示范区数据出境负面清单管理办法（试行）》及《中国（北京）自由贸易试验区、国家服务业扩大开放综合示范区数据出境管理清单（负面清单）（2025 版）》《中国（北京）自由贸易试验区、国

家服务业扩大开放综合示范区数据出境管理清单（负面清单）申报指南（2026 版）》，自发布之日起施行。

On May 8, 2026, the Beijing Cyberspace Administration, Beijing Municipal Commerce Bureau, and Beijing Municipal Government Services and Data Administration jointly issued the Trial Measures for the Administration of the Negative List, the 2025 Edition of the Negative List, and the 2026 Filing Guidelines for the Negative List in China (Beijing) Pilot Free Trade Zone and , National Comprehensive Service Industry Expansion and Opening-up Demonstration Zone,effective from the date of issuance.

核心要点：

Key Points:

覆盖领域：在覆盖领域上，"两区"负面清单共涵盖 9 个行业领域、67 个业务场景和 612 个字段，主要包括两类，一是首批自贸区负面清单直接转为"两区"清单，涵盖汽车、医药、民航、零售、人工智能等 5 个领域。二是新编制了医疗器械、自动驾驶（智能网联汽车）、贸易物流、银行业等 4 个领域负面清单。

Coverage: The "Two Zones" negative list covers 9 industry sectors, 67 business scenarios, and 612 data fields. It mainly includes two categories: first, the initial FTZ negative list directly converted to the "Two Zones" list, covering 5 sectors including automotive, pharmaceuticals, civil aviation, retail, and artificial intelligence; second, newly compiled negative lists for 4 sectors including medical devices, autonomous driving (intelligent connected vehicles), trade logistics, and banking.

适用主体：在适用区域上，"两区"负面清单的适用范围由北京自贸试验区扩展至北京全市域。

Applicable Scope: The application scope of the "Two Zones" negative list has been extended from the Beijing Pilot Free Trade Zone to the entire Beijing municipality.

3. 中国（广东）自由贸易试验区数据出境负面清单管理办法及清单

3. Measures and Negative List for Cross-Border Data Transfer in China (Guangdong) Pilot Free Trade Zone

2026 年 5 月 15 日，广东省互联网信息办公室、广东省商务厅、广东省政务服务和数据管理局会同有关部门制定了《中国（广东）自由贸易试验区数据出境负面清单管理办法（试行）》《中国（广东）自由贸易试验区数据出境管理清单（负面清单）（2025 版）》，自发布之日起施行。

On May 15, 2026, the Guangdong Cyberspace Administration, Guangdong Provincial Commerce Department, and Guangdong Provincial Government Services and Data Administration, together with relevant departments, formulated the Trial Measures for the Administration of the Negative List and the 2025 Edition of the Negative List for China (Guangdong) Pilot Free Trade Zone, effective from the date of issuance.

核心要点：

Key Points:

覆盖领域：个人征信服务业、智能装备制造业两个行业领域。包含重要数据、个人信息 2 类数据，涉及 7 个业务应用场景、67 个数据项。对其他自贸试验区正式发布的负面清单，广东自贸试验区和河套深圳园区可参照执行。

Coverage: Two industry sectors—personal credit information services and intelligent equipment manufacturing. It includes 2 categories of data (important data and personal information), involving 7 business application scenarios and 67 data items. The Guangdong Pilot Free Trade Zone and Hetao Shenzhen Park may refer to the negative lists officially issued by other pilot free trade zones.

适用主体：广东自贸试验区和河套深圳园区内登记注册、开展数据跨境流动等相关活动的数据处理者。

Applicable Entities: Data processors registered in the Guangdong Pilot Free Trade Zone and Hetao Shenzhen Park conducting cross-border data flow and related activities.

4. 三部门联合印发《智能体规范应用与创新发展实施意见》

4.Three Authorities Jointly Issued the Implementation Opinions on the Standardized Application and Innovative Development of Intelligent Agents

2026 年 5 月 8 日，国家网信办、国家发展改革委、工业和信息化部联合印发《智能体规范应用与创新发展实施意见》（以下简称《实施意见》）。《实施意见》旨在落实国务院《关于深入实施“人工智能+”行动的意见》，促进智能体规范应用与创新发展。

On May 8, 2026, the Cyberspace Administration of China, the National Development and Reform Commission, and the Ministry of Industry and Information Technology jointly issued the Implementation Opinions on the Standardized Application and Innovative Development of Intelligent Agents (hereinafter referred to as the Implementation Opinions). This document aims to implement the State Council’s Opinions on Further Implementing the "AI+" Initiative and advance the standardized application and innovative development of intelligent agents.

5. 首份具身智能行业标准 YD/T6770—2026《人工智能 关键基础技术 具身智能基准测试方法》正式实施

5. Official Implementation of YD/T 6770-2026, the First Industrial Standard for Embodied Intelligence

2026 年 3 月工业和信息化部（2026 年 第 3 号）批准发布《YD/T 6770-2026 人工智能 关键基础技术 具身智能基准测试方法》，具身智能领域首份行业标准正式发布，于 2026 年 6 月 1 日正式实施，标志着具身智能评测迈入“有标可依”的新阶段。

In March 2026, the Ministry of Industry and Information Technology approved and issued YD/T 6770-2026 Artificial Intelligence – Key Basic Technologies – Benchmark Test Methods for Embodied Intelligence (Official Announcement No. 3 of 2026). As the first industrial standard in the field of embodied intelligence,

it came into force on June 1, 2026, marking that the evaluation of embodied intelligence has entered a new stage with unified industrial standards.

6. 杭州率先为具身智能机器人产业发展立法

6.Hangzhou Takes the Lead in Legislating for the Embodied Intelligent Robot Industry

2026 年 5 月 1 日，《杭州市促进具身智能机器人产业发展条例》正式施行。作为全国首部聚焦具身智能机器人领域的地方性法规，《条例》紧扣产业发展核心需求，构建覆盖技术创新、基础设施、产业培育、场景赋能、安全管理的全链条制度体系，助力具身智能机器人“跑”得又快又稳。

The Regulations of Hangzhou Municipality on Promoting the Development of the Embodied Intelligent Robot Industry officially took effect on May 1, 2026. As China’s first local regulation dedicated to embodied intelligent robots, it targets the core demands of industrial development and establishes a full-chain institutional system covering technological innovation, infrastructure construction, industrial cultivation, scenario empowerment and safety management, enabling the sound and rapid development of the embodied intelligent robot industry.

三、深度专题 | In-Depth Analysis

负面清单是什么？与原有的三条路径是什么关系？

What is the Negative List? What is its relationship with the original three paths?

原有的数据出境管理制度可概括为"三条路径"：

The original cross-border data transfer management system can be summarized as "three paths":

- 数据出境安全评估：适用于重要数据，或非关键信息基础设施运营者自当年 1 月 1 日起累计向境外提供个人信息的个人信息处理者（累计出境一般个人信息 100 万人以上或敏感个人信息 1 万人以上）；

  Data Export Security Assessment: Applicable to important data, or personal information processors that are non-critical information infrastructure operators handling over 1 million individuals providing personal information overseas; or personal information processors that have cumulatively provided personal information overseas since January 1 of the current year (over 1,000,000 general personal information or over 10,000 sensitive personal information);

- 个人信息出境标准合同备案：适用于处理个人信息不满 100 万人的非关键信息基础设施运营者，且自当年 1 月 1 日起累计向境外提供个人信息未达到安全评估门槛的个人信息处理者（即累计出境一般个人信息 10 万人以上不满 100 万人、敏感个人信息不足 1 万人）；

Standard Contract Filing for Personal Information Export: Applicable to non-critical information infrastructure operators processing personal information of fewer than 1 million individuals, and personal information processors that have not reached the security assessment threshold for cumulative overseas personal information provision since January 1 of the current year (i.e., over 100,000 but fewer than 1 miilion general personal information or fewer than 10,000 sensitive personal information);

• 个人信息出境保护认证：适用于非关键信息基础设施运营者，且自当年 1 月 1 日起累计向境外提供 10 万人以上、不满 100 万人个人信息（不含敏感个人信息）或者不满 1 万人敏感个人信息。前述个人信息不包括重要数据。

Personal Information Export Protection Certification: Applicable to non-critical information infrastructure operators that have cumulatively provided over 100,000 but fewer than 1 million personal information (excluding sensitive personal information) or fewer than 10,000 sensitive personal information since January 1 of the current year. The aforementioned personal information does not include important data.

在没有负面清单前，企业常陷入"合规焦虑"，倾向于"从严"申报，增加了不必要的成本。负面清单的首要意义，就是划出了一条清晰的分界线——清单内的数据，按负面清单的要求流动（安全评估/标准合同/认证）；清单外的数据，免予申报数据出境安全评估、订立个人信息出境标准合同、通过个人信息保护认证，按照规定依法有序流动。这种"非负面即自由"的模式，把有限的监管资源，聚焦在真正重要的高风险数据上。在确保安全的前提下，寻求发展的最大空间。

Before the negative list, enterprises often fell into "compliance anxiety," tending to "strictly" file applications, increasing unnecessary costs. The primary significance of the negative list is drawing a clear dividing line—data within the list flows according to negative list requirements (security assessment/standard contract/certification); data outside the list is exempt from filing for data export security assessment, entering into standard contracts for personal information export, or obtaining personal information protection certification, and may flow in an orderly manner in accordance with law. This "freedom unless negative-listed" model focuses limited regulatory resources on truly important high-risk data, seeking maximum space for development while ensuring security.

三地已发布的负面清单覆盖领域对比

Comparison of Coverage Areas Among the Three Regional Negative Lists

地区 Region	已发布领域 Published Sectors	相同点 Commonalities	特殊规定 Special Provisions
上海 Shanghai	再保险、国际航运、商贸、气象 Reinsurance, International Shipping, Commerce, Meteorology	重要数据一律安全评估；个人信息按年度去重自然人数量分档；关键主体一致：关键信息基础设施运营者均不适用地方负面清单；出口管制优先；适用规则相同。 Important data always requires security assessment; personal information is tiered by	覆盖领域差异；申报流程成熟度：北京有明确服务平台、3 年有效期和延期机制；上海和广东在有效期和变更机制上尚需进一步明确。特殊豁免条款：上海对商贸会员数据有详细列举。 Coverage differences; Filing process maturity: Beijing has an explicit

		annual de-duplicated natural person count; key entities consistent: critical information infrastructure operators are not subject to local negative lists; export control takes precedence; applicable rules are identical.	service platform, 3-year validity period, and renewal mechanism; Shanghai and Guangdong need further clarification on validity period and change mechanisms. Special exemptions: Shanghai provides detailed enumeration of commerce member data.
北京 Beijing	汽车、医药、民航、零售、人工智能、医疗器械、自动驾驶、贸易物流、银行业 Automotive, Pharmaceuticals, Civil Aviation, Retail, AI, Medical Devices, Autonomous Driving, Trade Logistics, Banking	同上 Same as above	覆盖领域差异；北京明确排除自动驾驶企业；有明确服务平台和3年有效期。 Coverage differences; Beijing explicitly excludes autonomous driving enterprises; has explicit service platform and 3-year validity period.
广东 Guangdong	个人征信服务业、智能装备制造业 Personal Credit Information Services, Intelligent Equipment Manufacturing	同上 Same as above	覆盖领域差异；广东对特定领域高层次科技人才个人信息有特殊豁免。 Coverage differences; Guangdong has special exemptions for high-level scientific and technical talent personal information in specific fields

三地已发布的负面清单申报流程对比

Comparison of Filing Procedures Among the Three Regional Negative Lists

环节 **Procedure**	**上海** **Shanghai**	**北京** **Beijing**	**广东** **Guangdong**
申请受理 Application Acceptance	向所在区提交备案申请 Submit filing application to the district	通过北京市数据跨境流动公共服务平台在线提交 Submit online through Beijing Public Service Platform for Cross-Border Data Flow	向所属区域管理机构报告 Report to the regional management authority
初审时限 Initial Review Timeline	10个工作日 10 working days	10个工作日 10 working days	/ /
终审 Final Review	市网信办、市数据局确认。 Confirmed by Municipal Cyberspace Administration and Municipal Data Bureau.	市网信办会同市商务局、市政务服务和数据管理局等开展联评联审。 Joint review by Municipal Cyberspace Administration, Commerce Bureau, and Government Services and Data Administration.	/ /
结果有效期 Result Validity	/ /	3年 3 years	/ /
变更汇报期限	15个工作日	15个工作日	及时向所属区域管理机构报

Change Reporting Deadline	15 working days	15 working days	告数据出境情况 Promptly report cross-border data transfer status to the regional management authority

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四、执法观察 | Enforcement Observation

专项行动持续高压，SDK 和扫码场景成重点

Special Actions Maintain High Pressure; SDK and QR Code Scanning Become Focal Points

2026 年 4 月 2 日，中央网信办、工信部、公安部联合部署 2026 年个人信息保护系列专项行动。近一个月执法动态：

On April 2, 2026, the Cyberspace Administration of China, Ministry of Industry and Information Technology, and Ministry of Public Security jointly deployed the 2026 Personal Information Protection Special Action. Recent enforcement developments:

- 4 月 27 日，中央网信办通报 33 款 App 违规收集个人信息，突出问题包括：无个人信息收集使用规则或在首次运行时未通过弹窗等明显方式提示用户阅读个人信息收集使用规则（15 款）、未逐一列出收集使用个人信息的 SDK，未取得用户同意（2 款）、违反必要原则超范围收集个人信息（4 款）、未提供有效账号注销途径或为用户注销账号设置不合理条件（12 款）。

  April 27: The CAC notified 33 Apps for illegally collecting personal information. Key issues include: no personal information collection rules or failure to prompt users to read rules via pop-ups on first run (15 Apps), failure to list all SDKs collecting personal information or obtain user consent (2 Apps), collection beyond necessary scope (4 Apps), and failure to provide effective account cancellation or setting unreasonable conditions (12 Apps).

- 4 月 30 日，国家网络与信息安全信息通报中心通报 67 款移动应用涉嫌违法违规收集使用个人信息。

  April 30: The National Network and Information Security Information Notification Center notified 67 mobile applications suspected of illegally collecting and using personal information.

- 5 月 14 日，国家网络与信息安全信息通报中心通报 41 款移动应用涉嫌违法违规收集使用个人信息。

  May 14: The National Network and Information Security Information Notification Center notified 41 mobile applications suspected of illegally collecting and using personal information.

- 5 月 21 日，工信部通报 31 款 APP 及 SDK 侵害用户权益。

May 21: The Ministry of Industry and Information Technology notified 31 Apps and SDKs for infringing upon user rights.

- 5 月 25 日，上海网信办发布《关于属地 App 个人信息收集使用问题的通报（2026 年第二批）》，优衣库、沪上阿姨、汉堡王、亚瑟士、可口可乐、迪卡侬、奥乐齐等 13 个知名品牌"上榜"。

May 25: The Shanghai Cyberspace Administration issued the "Notification on Personal Information Collection and Use Issues of Local Apps (2026 Second Batch)," naming 13 well-known brands including Uniqlo, Auntea Jenny, Burger King, ASICS, Coca-Cola, Decathlon, and Aldi.

- 5 月 29 日，广东省网信办通报 28 款 App/小程序涉嫌违法违规收集使用个人信息。

May 29: The Guangdong Cyberspace Administration notified 28 Apps/mini-programs suspected of illegally collecting and using personal information.

五、万商天勤提示 | V&T Suggestions

建议企业在 2026 年第二季度对照合规清单完成以下工作：

Enterprises are advised to complete the following compliance checklist in the second quarter of 2026:

- 盘点企业注册地是否位于上海/北京/广东自贸区或相关试点区域内。若不在，评估迁址或在区内设立子公司承接数据出境业务的可行性。

Check whether the enterprise is registered in the Shanghai/Beijing/Guangdong Free Trade Zone or relevant pilot areas. If not, assess the feasibility of relocating or establishing a subsidiary in the zone to undertake cross-border data transfer business.

- 对照三地已发布的负面清单，判断企业数据出境业务是否落入已覆盖的行业领域。

Compare with the published negative lists of the three regions to determine whether the enterprise's cross-border data transfer business falls within the covered industry sectors.

- 统计自当年 1 月 1 日起累计向境外提供的个人信息数量（去重），确认是否触发安全评估、标准合同/认证门槛。

Count the cumulative personal information provided overseas since January 1 of the current year (de-duplicated), and confirm whether the thresholds for security assessment, standard contract, or certification are triggered.

- 核查出境数据是否符合国际贸易、合同履行、紧急保护生命健康等豁免情形，正确适用不计入累计数量的规则。

Verify whether the outbound data qualifies for exemptions such as international trade, contract performance, or emergency protection of life and health, and correctly apply the rules excluding such data from the cumulative count.

- 若适用负面清单，按所在地要求提交备案申请或报告出境情况；若不适用，及时启动安全评估、标准合同备案或认证申请。

If the negative list applies, submit the filing application or report the outbound status according to local requirements; if not applicable, promptly initiate the security assessment, standard contract filing, or certification application.

- 即使负面清单外数据可自由流动，仍需留存出境日志、采取技术措施、制定安全事件应急预案。

Even for data outside the negative list that can flow freely, outbound logs must be retained, technical measures must be taken, and security incident emergency plans must be formulated.

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如您需要评估企业数据出境路径、协助负面清单备案申请、或制定数据跨境合规方案，欢迎联系：

If you need to assess your enterprise's cross-border data transfer path, assist with negative list filing applications, or formulate cross-border data compliance plans, please contact:

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