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：国家网信办、公安部联合发布《小型个人信息处理者个人信息保护简化措施规定》（国家网信办、公安部令第 25 号），9 月 1 日起施行，为中小微企业合规减负；国家数据局综合司印发《数据产权登记工作指引（试行）》（国数综政策〔2026〕35 号），部署构建全国统一数据产权登记制度；《人工智能拟人化互动服务管理暂行办法》（五部门令第 21 号）7 月 15 日起施行，情感 AI/陪伴 AI 首次纳入专门监管。

Snapshot of News: The CAC and the Ministry of Public Security jointly issued the Simplified Measures for Personal Information Protection of Small-Scale Personal Information Processors (Decree No. 25), effective September 1, 2026, reducing compliance burdens for micro, small and medium-sized enterprises. The General Office of the National Data Administration issued the Trial Guidelines on Data Property Rights Registration (Guoshuzong Zhengce [2026] No. 35), deploying a unified national data property rights registration system. The Interim Measures for the Administration of AI Anthropomorphic Interactive Services (Joint Decree No. 21 of five ministries) took effect on July 15, 2026, bringing AI emotional companionship and virtual companion services under dedicated regulation.

• 新规速递：国家网信办发布《数据出境安全管理政策法规问答（2026 年 7 月）》，就告知同意义务、评估结果延期、招聘场景出境必要性三大实务问题作出答复。

Snapshot of New Regulations: The CAC issued the Data Export Security Management Policy Q&A (July 2026), providing answers on three practical issues: notification and consent obligations, extension of assessment results, and the necessity of cross-border resume transfers in recruitment scenarios.

• 深度专题：小型个人信息处理者合规减负实务——谁适用、减什么、怎么做。

In-Depth Analysis: Practical compliance burden reduction for small-scale personal information processors—who qualifies, what is reduced, and how to proceed.

• 国际观察：马来西亚就《人工智能治理法案》（AI Governance Bill）开展公众咨询（反馈期已于 2026 年 7 月 31 日截止），有望成为马来西亚首部综合性 AI 立法；欧盟 MiCA“祖父条款”过渡期于 2026 年 7 月 1 日届满，进入全面执法阶段。

Global Observation: Malaysia conducted a public consultation on the AI Governance Bill (feedback closed on July 31, 2026), poised to become Malaysia’s first comprehensive AI legislation. The grandfathering transitional period under the EU’s MiCA ended on July 1, 2026, marking the start of full enforcement.

• V&T 提示：2026 年第三季度合规自查要点——小型处理者认定、数据产权登记准备、AI 拟人化服务合规整改、数据出境评估有效期管理。

V&T Suggestions: Q3 2026 compliance self-check priorities—small processor qualification, data property registration preparation, AI anthropomorphic service compliance rectification, and data export assessment validity management.

一、新闻速递 | Snapshot of News

（一）国家网信办、公安部联合发布《小型个人信息处理者个人信息保护简化措施规定》

CAC and Ministry of Public Security Jointly Issued the Simplified Measures for Personal Information Protection of Small-Scale Personal Information Processors

2026 年 7 月 24 日，国家互联网信息办公室、公安部联合公布《小型个人信息处理者个人信息保护简化措施规定》（以下简称《规定》），自 2026 年 9 月 1 日起施行。该规定核心目标是在守住个人信息安全底线的同时，降低中小微主体合规成本。

On July 24, 2026, the Cyberspace Administration of China and the Ministry of Public Security jointly issued the Simplified Measures for Personal Information Protection of Small-Scale Personal Information Processors (hereinafter referred to as the "Measures"), effective September 1, 2026. The Measures aim to safeguard the bottom line of personal information security while reducing compliance costs for micro, small and medium-sized entities.

核心要点：

Key Points:

1.适用主体：境内处理不满 10 万人个人信息的个人信息处理者；

Applicable Entities: Personal information processors within China processing personal information of fewer than 100,000 individuals.

简化措施：简化信息处理规则公示、用户告知、授权同意、用户权利响应、信息删除等流程。

Simplified Measures: Streamlined rules publication, notification, consent, rights response and deletion.

2.数据出境：向境外提供个人信息，符合第十条六项条件之一的免予申报数据出境安全评估、订立个人信息标准合同、通过个人信息保护认证；重要数据不适用豁免；告知、取得个人单独同意等义务仍须履行。

Data Export:Where personal information is provided overseas under any of the six conditions in Article 10, the processor is exempted from security assessment filing, standard contract execution and certification; the exemption does not apply to important data, and the obligations of notification and separate consent remain.

3.合规管理：可按附件自查表简便方式开展合规审计，至少每五年一次并保存自查表至少五年；可按附件影响评估表简便方式开展影响评估并保存至少三年；通过个人信息保护认证且在有效期内的，免予开展合规审计。上述自查表与影响评估表作为规定附件同步公布，便于企业自主完成合规自查。

Compliance Management: Compliance Management: Compliance audits may be conducted in a simplified manner using the annexed self-checklist, at least once every five years with records

retained for at least five years; impact assessments may use the annexed form with records retained for at least three years; processors holding valid personal information protection certification are exempt from compliance audits during the validity period. The self-checklist and impact assessment form are published as annexes to the Measures, facilitating enterprises' independent compliance self-checks.

4.监管差异化：明确应当不予处罚、可以不予处罚及应当从轻、减轻处罚的适用情形；支持企业、社会组织、专业机构帮扶小型处理者提升保护能力。

Differentiated Supervision: Circumstances for mandatory non-penalty, discretionary non-penalty, and mandatory leniency or mitigation are clarified; enterprises, social organizations and professional institutions are encouraged to assist small processors in improving protection capabilities .

（二）国家数据局综合司印发《数据产权登记工作指引（试行）》

NDA General Office Issued the Trial Guidelines on Data Property Rights Registration

2026 年 7 月 1 日，国家数据局综合司印发《数据产权登记工作指引（试行）》（国数综政策〔2026〕35 号），要求各地结合实际参照落实，推动构建全国统一的数据产权登记制度，促进数据安全合规高效流通使用。

On July 1, 2026, the General Office of the National Data Administration issued the Trial Guidelines on Data Property Rights Registration (Document No. Guoshuzong Zhengce [2026] 35), requiring localities to implement accordingly and promoting the establishment of a unified national data property rights registration system to facilitate secure, compliant, and efficient data circulation.

核心要点：

Key Points:

1.登记类型：包括初次登记、转让登记、变更登记、续期登记和注销登记五种类型。

Registration Types: Five types—initial registration, transfer registration, change registration, renewal registration, and cancellation registration.

2.权利结构：数据产权分解为持有权、使用权、经营权；三者互相独立，同一权利人可全部享有或享有其中一项或多项，对同一数据的同一权利，不同权利人可同时享有且互不排斥。

Rights Structure: Data property rights comprise holding rights, usage rights and operating rights. The three are independent; the same right holder may hold all or any of them, and different right holders may simultaneously hold the same right over the same data without mutual exclusion.

3.登记机构：经省级数据管理部门推荐，由国家数据管理部门遴选确定，纳入全国数据产权登记机构目录；企业法人实缴注册资本不得低于一亿元，并须具备二年以上数据登记或数据流通相关服务经验、专职审查团队、网络安全等级保护三级或以上备案等条件；登记机构可异地执业，在全国开展登记业务。

Registration Agencies: Selected by the national data administration upon provincial recommendation and included in the national directory; an enterprise legal person must have paid-in registered capital of no less than RMB 100 million, plus at least two years of data registration or circulation service experience, a dedicated review team, and MLPS Level 3 or above filing for its information system; registration agencies may practice across regions nationwide.

4.登记程序：申请→受理（3 个工作日内告知结果）→审查（数据描述准确性、来源合规性、产权明确性）→公示（5 个工作日）→异议处理→信息存证→凭证核发。登记机构自受理之日起十个工作日内办结，特殊情况经批准可延长十个工作日。

Registration Procedure: Application → Acceptance (result notification within 3 working days) → Review (accuracy of data description, compliance of data sources, clarity of property rights) → Public Notice (5 working days) → Objection Handling → Information Certification → Certificate Issuance. The agency completes registration within ten working days of acceptance, extendable by ten working days upon approval in special circumstances.

5.凭证效力：可作为数据流通交易、资产入表、融资担保、作价入股、争议解决、企业培育认定等活动的权属证明。有效期一般不超过五年。

Certificate Effect: Serves as proof of ownership in data circulation and trading, asset capitalization, financing guarantees, equity contributions, dispute resolution, and enterprise qualification. Validity generally does not exceed five years.

（三）《人工智能拟人化互动服务管理暂行办法》正式施行

Interim Measures for the Administration of AI Anthropomorphic Interactive Services Take Effect

国家网信办、国家发展改革委、工业和信息化部、公安部、市场监管总局于 2026 年 4 月 10 日联合公布《人工智能拟人化互动服务管理暂行办法》（五部门令第 21 号），自 2026 年 7 月 15 日起施行。该办法是我国首部专门针对 AI 情感陪伴、虚拟伴侣等持续性拟人化互动场景的部门规章，被业界视为全球范围内该领域的首部国家级专门立法。

The CAC, NDRC, MIIT, MPS and SAMR jointly issued the Interim Measures for the Administration of AI Anthropomorphic Interactive Services (Joint Decree No. 21) on April 10, 2026, effective July 15, 2026. The Measures are China's first departmental rules specifically targeting continuous anthropomorphic interaction scenarios such as AI emotional companionship and virtual companions, and are regarded by industry observers as the world's first national-level dedicated legislation in this field.

核心要点：

Key Points:

1.适用范围：利用 AI 技术向境内公众提供模拟自然人人格特征、思维模式和沟通风格的持续性情感互动服务（含文字、图片、音频、视频形式的情感照护、陪伴、支持等）；智能客服、知识问答、工作助手、学习教育、科学研究等不涉及持续性情感互动的服务不适用。

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Scope of Application: AI-based continuous emotional interaction services simulating natural persons' personality traits, thinking patterns and communication styles provided to the public within China (including emotional care, companionship and support via text, image, audio or video); services not involving continuous emotional interaction — such as intelligent customer service, knowledge Q&A, work assistants, learning and education, and scientific research — are excluded.

2.未成年人保护：禁止向未成年人提供虚拟亲属、虚拟伴侣等虚拟亲密关系服务；向不满十四周岁未成年人提供其他拟人化互动服务须取得监护人同意；应当建立未成年人模式，提供时长限制、定期现实提醒等设置，并采取有效措施识别未成年人用户。

Minor Protection: Virtual intimate relationship services (virtual relatives, virtual companions, etc.) to minors are prohibited; other anthropomorphic services to minors under 14 require guardian consent; a minor mode with usage limits and periodic reality reminders must be established, together with effective minor-identification measures .

3.披露义务：应当履行人工智能生成合成内容标识义务，采取有效措施提示用户正在与人工智能服务而非自然人进行互动；用户连续使用每超过 2 个小时的，应以对话或弹窗等方式提醒注意使用时长。

Disclosure Obligations: Providers must fulfill AI-generated content labeling duties and take effective measures to remind users that they are interacting with an AI service rather than a natural person; for every continuous use exceeding two hours, users must be reminded of usage duration via dialogue or pop-up.

4.数据安全：建立健全训练数据管理、用户交互数据保护、内容安全审核、科技伦理审查等制度。

Data Security: Establish and improve systems for training data management, user interaction data protection, content security review, and tech ethics review.

5.安全评估与算法备案：上线拟人化互动服务、服务发生重大变化、注册用户 100 万以上或月活跃用户 10 万以上等情形，应当开展安全评估并向所在地省级网信部门提交评估报告；应当按照《互联网信息服务算法推荐管理规定》履行算法备案手续。

Security Assessment and Algorithm Filing:A security assessment must be conducted and reported to the provincial cyberspace administration upon launch of services, material changes to services, or where registered users exceed 1 million or monthly active users exceed 100,000; algorithm filing must be completed pursuant to the Algorithm Recommendation Management Provisions.

6.落地动态：据媒体报道，腾讯元宝已于 2026 年 6 月 30 日下线用户自建智能体功能，豆包、千问于 7 月 15 日施行当日同步下线相关功能，显示监管要求已进入执行层面。

Implementation:According to media reports, Tencent Yuanbao took down user-created agent functions on June 30, 2026, and Doubao and Qwen followed suit on July 15, the effective date — indicating that the regulatory requirements have entered the execution stage.

二、新规速递 | Snapshot of New Regulations

国家网信办发布《数据出境安全管理政策法规问答（2026 年 7 月）》

CAC Issues Data Export Security Management Policy Q&A (July 2026)

2026 年 7 月 24 日，国家互联网信息办公室发布《数据出境安全管理政策法规问答（2026 年 7 月）》，就近期收到的代表性咨询问题进行研究并公布答复，要点如下：

On July 24, 2026, the Cyberspace Administration of China issued the Data Export Security Management Policy Q&A (July 2026), studying and publishing answers to representative inquiries recently received. Key points are as follows:

问答一：个人信息处理者向境外提供个人信息，应如何有效履行告知同意义务？

Q&A 1: How should personal information processors effectively fulfill notification and consent obligations when providing personal information overseas?

- 告知事项包括境外接收方名称或姓名、联系方式、处理目的、处理方式、个人信息种类、个人行使权利的方式和程序。

The notification must cover the overseas recipient's name, contact information, processing purposes and methods, categories of personal information, and how individuals may exercise their statutory rights.

- 出境敏感个人信息的，还应告知必要性及对个人权益的影响。

For sensitive personal information, its necessity and impact on personal rights must additionally be notified.

- 单独同意须具体明确，不得与其他处理活动捆绑、不得“一揽子”授权；取得方式可参考 GB/T 42574-2023（书面签署、弹窗确认、邮件短信回复等）。

Separate consent must be specific and clear — no bundling with other processing activities, no blanket authorization; methods may follow GB/T 42574-2023 (written signature, pop-up confirmation, email/SMS reply, etc.).

问答二：已通过数据出境安全评估的，申请延长评估结果有效期应当符合哪些条件？

Q&A 2: What conditions must be met to apply for an extension of the validity period of data export security assessment results?

按照《数据出境安全评估申报指南（第三版）》，申请延期应同时符合以下条件：

According to the Data Export Security Assessment Application Guide (Third Edition), the following conditions must be simultaneously met:

（一）数据出境的目的、范围等未发生变化；

(1) The purpose and scope of data export have not changed;

（二）数据处理者和境外接收方等未发生变化；

(2) The data processor and overseas recipient have not changed;

（三）出境个人信息的，未来三年涉及自然人数量增幅不超过原评估结果准予过去三年出境数量的 20%；

(3) For personal information export, the increase in the number of natural persons involved in the next three years does not exceed 20% of the number approved for export in the past three years under the original assessment result;

（四）出境重要数据的，未来三年出境数据规模增幅不超过原评估结果准予过去三年出境数据规模的 20%；

(4) For important data export, the increase in data scale in the next three years does not exceed 20% of the scale approved for export in the past three years under the original assessment result;

（五）与境外接收方订立的法律文件符合《数据出境安全评估办法》第九条规定；

(5) The legal documents concluded with the overseas recipient comply with Article 9 of the Data Export Security Assessment Measures;

（六）过去三年数据出境活动严格按照评估结果通知书合规开展，且未发生重大数据安全事件。

(6) Data export activities in the past three years have been carried out in strict compliance with the assessment result notice, and no major data security incidents have occurred.

问答三：人员招聘场景中，如何判断境内求职者简历出境的必要性？

Q&A 3: In recruitment scenarios, how should the necessity of cross-border transfer of domestic job seekers' resumes be determined?

- 判断维度：出境活动与招聘事项的关联度、涉及自然人数量规模、出境数据项范围。

Assessment dimensions: relevance to the recruitment matter, number of individuals involved, and scope of exported data items.

- 境外总部或关联机构不参与录用决策的，出境不具备必要性。

Where the overseas headquarters or affiliate does not participate in hiring decisions, the export lacks necessity.

- 参与录用决策的，出境人员规模和数据项均应压缩至境外决策所需最小范围，并按《促进和规范数据跨境流动规定》以安全评估、标准合同或认证方式合规开展，同时履行告知、取得单独同意及个人信息保护影响评估义务。

Where it does participate, both the applicants and data items exported must be minimized to what is necessary for overseas decision-making, and the transfer must proceed compliantly under the Provisions (security assessment, standard contract, or certification), together with notification, separate consent, and a personal information protection impact assessment.

三、深度专题 | In-Depth Analysis

小型个人信息处理者合规减负实务——谁适用、减什么、怎么做

Practical Compliance Burden Reduction for Small-Scale Personal Information Processors—Who Qualifies, What Is Reduced, and How to Proceed

《小型个人信息处理者个人信息保护简化措施规定》（令第 25 号）首次以部门规章形式对小型个人信息处理者确立差异化合规框架。企业享受简化红利的前提，是准确认定身份、逐项对标简化措施、守住法定义务底线。

The Simplified Measures (Decree No. 25) establish, for the first time at the departmental-rule level, a differentiated compliance framework for small-scale personal information processors.

The prerequisite for enjoying the simplification benefits is accurate self-identification, item-by-item alignment with the simplified measures, and adherence to statutory bottom lines.

（一）谁适用？——"10 万人”门槛的认定规则

Who Qualifies?—The "100,000 Persons" Threshold Determination Rules

《规定》第二条明确：小型个人信息处理者，是指处理不满 10 万人个人信息的个人信息处理者。针对“10 万人”的计数方式，答记者问明确：按照个人信息处理者当前处理个人信息涉及的自然人数量进行累计统计，不包含 10 万人本数，不包括已经删除的个人信息。

Article 2 of the Measures clarifies: A small-scale personal information processor refers to a personal information processor processing fewer than 100,000 individuals' personal information. Regarding the counting method for "100,000 persons," the Q&A with the press specifies: cumulative statistics based on the current number of natural persons whose personal information is processed by the processor, excluding the figure of 100,000 itself and deleted personal information.

实务要点：

Practical Points:

1.去重计算：同一自然人的多条信息只计 1 人，不得重复统计。

De-duplication: Multiple records of the same natural person count as one person only.

2.删除不计：已依法删除的个人信息对应自然人不计入总数。

Deleted Excluded: Natural persons whose personal information has been lawfully deleted are not counted.

（二）减什么？——六大简化维度一览

What Is Reduced?—Overview of Six Simplification Dimensions

《规定》从规则公示、告知同意、权利响应、数据出境、合规评估、内部管理六个维度建立了差异化合规框架：

The Measures establish a differentiated compliance framework across six dimensions: rule publication, notification and consent, rights response, data export, compliance assessment, and internal management:

合规维度 Dimension	一般处理者要求 General Processor Requirements	小型处理者简化措施 Simplified Measures for Small Processors
规则公示 Rule Publication	详细的个人信息处理规则 Detailed personal information processing rules	简化版处理规则，至少包含名称/联系方式、权利受理方式等基础信息 Simplified processing rules, including at least basic information such as name/contact and rights acceptance methods
告知同意 Notification & Consent	处理前告知并取得同意，特定情形须取得单独同意 Prior notification and consent; separate consent required in	简化告知流程，但向境外提供仍需单独同意 Simplified notification process, but separate consent still required for

	enumerated circumstances	overseas provision
权利响应 Rights Response	建立便捷的权利申请受理和处理机制，及时响应 Establish convenient rights request acceptance and handling mechanisms and respond in a timely manner (PIPL Art. 50; no statutory time limit)	可以仅通过公开受理部门或人员及联系方式，建立权利申请受理和处置机制 May establish a rights request acceptance and handling mechanism solely by publicly disclosing the accepting department or personnel and their contact information.
数据出境 Data Export	安全评估/标准合同/认证三选一 One of security assessment, standard contract, or certification	符合《规定》第十条六项条件之一的免予三类程序（重要数据除外），告知与单独同意义务不免除 Exempted from the three procedures where any of the six conditions in Article 10 is met (important data excluded); notification and separate consent obligations remain
合规评估 Compliance Assessment	定期开展个人信息保护影响评估 Regular personal information protection impact assessments	简化评估要求，已获认证且在有效期内的免做审计 Simplified assessment requirements; exempt from audits if certified and within validity period
内部管理 Internal Management	健全的内部管理制度、安全事件应急预案 Sound internal management system and security incident emergency plans	简化制度要求，降低管理成本 Simplified system requirements, reducing management costs

（三）怎么做？——企业合规三步法

How to Proceed?—Three-Step Enterprise Compliance Approach

第一步：自我认定。建立个人信息处理台账，按去重原则统计当前涉及自然人数量，并每季度动态复核，确保持续符合小型个人信息处理者认定标准。

Step 1: Self-Identification. Establish a processing ledger, count the current number of natural persons on a de-duplicated basis, and review the figures dynamically on a quarterly basis to ensure continuous qualification as a small-scale personal information processor.

第二步：对照简化。逐条对照《规定》简化措施，修订隐私政策、用户协议、内部管理制度等文件。

Step 2: Alignment. Review the simplified measures in the Measures item by item, and revise privacy policies, user agreements and internal management documents accordingly.

第三步：底线守牢。简化不等于免除：不得违法收集使用个人信息；发生或可能发生泄露、篡改、丢失的应立即采取补救措施并依法通知个人和监管部门；配合网信部门、公安机关监督检查。

Step 3: Bottom Lines. Simplification does not mean exemption: no unlawful collection or use; in the event of (potential) leakage, tampering or loss, immediate remedial measures and statutory

notification to individuals and regulators are required; cooperate with supervision and inspection by cyberspace and public security authorities.

四、国际观察 | Global Observation

（一）马来西亚发布 AI Governance Bill 公众咨询，有望成为马来西亚首个综合性 AI 立法

Malaysia Releases AI Governance Bill Public Consultation, Poised to Become Malaysia's First Comprehensive AI Legislation.

2026 年 7 月 10 日，马来西亚国家人工智能办公室（NAIO）通过国家公共咨询平台发布《人工智能治理法案》（AI Governance Bill）公众咨询文件，面向利益相关方征求意见；书面反馈期已于 2026 年 7 月 31 日截止。如获通过，该法案将成为马来西亚首部综合性 AI 专门立法，也是东盟区域内 AI 综合立法的先行探索。

On July 10, 2026, Malaysia's National AI Office (NAIO) released a public consultation paper on the AI Governance Bill via the national public consultation platform; the written feedback period closed on July 31, 2026. If enacted, the Bill would become Malaysia's first comprehensive AI-specific legislation and a pioneering exploration of comprehensive AI legislation within ASEAN.

核心制度设计（据咨询文件及公开报道）| Core Design （based on the consultation paper and public reports）：

1.风险分级监管：采用风险分级方法，将 AI 系统分为不可接受风险、高风险、低风险三个等级，分别适用不同强度的治理要求。

Risk-Based Tiered Regulation: AI systems are classified into three tiers — unacceptable risk, high risk and low risk — subject to governance requirements of varying intensity.

2.全生命周期覆盖：覆盖 AI 系统开发、部署至退出市场的整个生命周期，区分“开发者”（Developer）和“部署者”（Deployer）两类主体责任。

Full Lifecycle Coverage: The framework covers the entire AI lifecycle from development and deployment to market withdrawal, distinguishing between "Developer" and "Deployer" responsibilities.

3.AI 事件报告：高风险系统开发者/部署者须报告 AI 系统故障、弱点、滥用、意外效果等事件。

AI Incident Reporting: Developers/deployers of high-risk systems must report AI system failures, weaknesses, misuse and unexpected effects.

4.监管架构：咨询文件提出中央统筹、原则导向、风险分级的监管进路；具体机制（含是否设立监管沙盒、域外效力范围等）以咨询文件原文为准。

Regulatory Architecture: The consultation paper proposes a centrally coordinated, principle-based and risk-tiered approach; specific mechanisms (including whether a regulatory sandbox is established and the scope of extraterritorial effect) are subject to the original consultation paper.

（二）欧盟 MiCA“祖父条款”过渡期届满，进入全面执法阶段

EU MiCA Grandfathering Period Ends; Full Enforcement Begins

2026 年 7 月 1 日，欧盟《加密资产市场监管法规》（MiCA，条例(EU) 2023/1114）第 143（3）条允许的成员国“祖父条款”过渡期全面届满。未获授权的加密资产服务提供商（CASP）原则上须停止向欧盟客户提供服务；部分成员国对截止日前已提交授权申请且仍在审理中的主体留有继续运营空间。继续无证运营将构成违反 MiCA 授权要求，面临成员国监管措施与处罚。MiCA 以一部条例直接适用于 27 个成员国，取代此前分散的各国监管体系，是主要司法管辖区中首部统一的综合性加密资产监管框架。

On July 1, 2026, the member-state "grandfathering" transitional period permitted under Article 143(3) of the EU Markets in Crypto-Assets Regulation (MiCA, Regulation (EU) 2023/1114) fully expired. Crypto-asset service providers (CASPs) without authorization must in principle cease serving EU clients; certain member states allow entities that applied before the deadline and whose applications remain pending to continue operating under national law. Continued unauthorized operation constitutes a breach of MiCA’s authorization requirements, exposing firms to supervisory measures and penalties. MiCA applies directly across all 27 member states, replacing previously fragmented national regimes, and is the first unified and comprehensive crypto-asset regulatory framework among major jurisdictions.

核心要点：

Key Points:

1.主体区分：授权义务主体为加密资产服务提供商（CASP）；加密资产发行人（含资产参考型代币 ART、电子货币代币 EMT 发行人）适用白皮书、储备管理等另一套规则，二者不应混淆。

Entity Distinction: Authorization obligations fall on CASPs; crypto-asset issuers (including ART and EMT issuers) are subject to a separate regime of whitepaper, reserve and governance requirements — the two should not be conflated.

2.稳定币焦点：储备资产质量、赎回权、治理结构和支付互操作性为监管重点。

Stablecoin Focus: Reserve asset quality, redemption rights, governance structure and payment interoperability are regulatory focal points.

3.机构整合：银行和受监管金融机构越来越多地被允许提供托管、支付和受监督的稳定币发行服务。

Institutional Integration: Banks and regulated financial institutions are increasingly permitted to offer custody, payment and supervised stablecoin issuance services.

4.RWA 代币化：债券、基金、房地产等现实世界资产代币化推动监管进入资本市场领域，与证券法、支付监管和消费者保护框架交叉。

RWA Tokenization: Tokenization of real-world assets such as bonds, funds and real estate pushes regulation into capital markets, intersecting with securities law, payment regulation and consumer protection frameworks.

五、万商天勤提示 | V&T Suggestions

建议企业在 2026 年第三季度对照以下合规清单开展自查：

Enterprises are advised to conduct self-checks against the following compliance checklist in the third quarter of 2026:

• 小型个人信息处理者认定自查：统计当前处理个人信息涉及的自然人数量（去重），确认是否属于小型处理者范围；如属于，对照《规定》梳理可适用的简化措施，修订隐私政策和用户协议。

Small Processor Qualification Self-Check: Count the current number of natural persons whose personal information is processed (de-duplicated) to confirm whether the entity falls within the small processor scope; if so, review the Measures to identify applicable simplified measures and revise privacy policies and user agreements.

• 数据产权登记准备：评估企业持有的数据资源、数据产品/服务是否具备登记条件；关注所在地省级数据管理部门发布的登记机构遴选信息；梳理数据来源合规性证明和产权归属材料。

Data Property Registration Preparation: Assess whether data resources, data products, and services held by the enterprise meet registration conditions; monitor registration agency selection announcements from local provincial data administrations; organize data source compliance certificates and property ownership materials.

• AI 拟人化服务合规整改：如企业提供 AI 情感陪伴、虚拟伴侣等持续性拟人化互动服务，《办法》义务自 2026 年 7 月 15 日起施行之日起即已生效，尚未完成整改的企业存在现实违规风险，应立即启动整改，包括：建立未成年人模式、AI 身份显著提示、内容安全审核机制、算法备案，并核查是否触发安全评估情形。

AI Anthropomorphic Service Rectification: For enterprises providing continuous anthropomorphic interaction services, the Measures' obligations have been in force since July 15, 2026. Enterprises that have not completed rectification face present compliance risks and should act immediately, including: establishing a minor mode, conspicuous AI-identity prompts, content security review mechanisms, algorithm filing, and checking whether security assessment triggers apply.

• 数据出境评估有效期管理：首批数据出境安全评估结果（2023 年前后出具）按 3 年有效期计算将于 2026 年陆续届满，建议盘点评估结果出具日期，倒排届满前 60 个工作日的延期申请窗口；对照六项延期条件逐项自检，不满足条件的及时启动重新申报。

Data Export Assessment Validity Management: The first batch of security assessment results (issued around 2023) will successively expire in 2026 under the three-year validity rule. Inventory the issuance dates, count down the 60-working-day extension window before expiration, conduct item-by-item self-checks against the six extension conditions, and promptly initiate re-application if conditions are not met.

• 招聘场景数据出境合规：梳理境内外招聘数据流转路径，按问答三口径核查境外总部或关联机构是否参与录用决策——不参与的，停止简历出境；参与的，压缩出境人数和数据字段至最小必要范围。

Recruitment Data Export Compliance: Map recruitment data flows and, per the Q&A 3 standard, verify whether the overseas headquarters or affiliates participate in hiring decisions

— if not, cease resume exports; if so, minimize exported applicants and data fields to the minimum necessary scope.

• 个人信息出境告知同意改造：检查隐私政策跨境条款是否以概括勾选方式取得同意；改造为独立的告知与同意交互界面，确保单独同意具体明确，留存可审计的同意记录。

Cross-Border Notification and Consent Transformation: Check whether cross-border clauses in privacy policies rely on general checkboxes; transform them into independent notification and consent interfaces to ensure specific and clear separate consent, and retain auditable consent records.

六、本期编辑 | Newsletter Editor

如您需要评估企业数据合规路径、协助数据产权登记申请或制定 AI 合规方案，欢迎联系：

If you need to assess your enterprise's data compliance path, assist with data property registration applications, or formulate AI compliance solutions, please contact:

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