On Privacy, Trust and Verification of China Higher Education Information

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Liabilities and Obligations Prescribed by the Cyber Security Law of People’s Republic of China

Updates on Students Information Service
Disclaimer

The information contained in this presentation is not legal advice and reflects only the opinions of the presenters.

The interpretation of the *Cyber Security Law* is mainly from the perspective of collection, process and employ of education data.
Background

The network security situation is increasingly serious, and the combination of network and reality is getting closer and closer.

Cyber security fraud case

August 21, 2016, Xu Yuyu died from information fraud.
Definition of cyber security

Cyber security refers to the ability to protect network data integrity, confidentiality, availability and maintain the network in a stable and reliable state by taking necessary measures to prevent network attack, intrusion, interference, destruction and illegal use and intentional accidents.

Scope of application

Almost all companies, users, authorities and individuals in cyber security and informatization area.
Article 21 The state will adopt a tiered system for cyber security protection. Network operators are required to fulfill following obligations under the requirements of the tiered cyber security protection system.

**Requirements for Network Operators**

**Fulfill obligations**

1. An internal security management regulation and operation rules.
2. Taking preventive measures.
3. Monitoring and recording network running status and network security events, and keep relevant web logs for no less than six months.
4. To classify data, encrypt and back up important data.
Set up specialized security management institutions and safety management heads, and conduct security background checks for the persons in charge and key positions.

Regular network safety education, technical training and skill assessment for employees are required.

Disaster recovery backup is required for important systems and databases.

Draw up contingency plans for cyber security incidents and conduct regular drills.

Fulfill obligations

Article 34 In addition to the above provisions, the operators of the critical information infrastructure should fulfill the following security protection obligations.
Requirements for Operators of Critical Information Infrastructure

**Article 37 and 38**

To evaluate cyber security and other potential risks at least once a year, a security assessment will be conducted.
Requirements for Personal Information Security

**Principle of information collection:**
To obtain consent from the users.

**Principle of information use:**
To public rules, express purpose and application scope, obtain users' consent. Network operators bear the responsibility of protection.

**Data leakage**
Remedial measures should be taken.
Enforcement of Legal Responsibility

Other Laws and Regulations about Personal Information

- The Supreme People’s Court of the People’s Republic of China, The Supreme People’s Procuratorate of the People’s Republic of China Judicial Interpretations of Law Application on Civil’s Personal Information Invasion Cases
- Amendment of criminal law of the People's Republic of China (IX)
- Government Information Disclosure Regulations of People’s Republic of China
Enforcement of Legal Responsibility

Regulations of Ministry of Education

- Regulations on Education Data of Ministry of Education’s Agencies and Its Affiliated Institutions
- Emergency Plan on Cyber Security Cases of Education System

National Standard

- Personal Information Security Specifications (it is recommended)
Recognition of Personal Information

Definition of Personal Information in the *Cyber Security Law*

Information recorded by electronic or other methods, and it can be used alone or combined with other information to recognize a natural person’s identification, including but not limited to person’s name, date of birth, identification number, biometric information, address, telephone number and so on.

Recognition Path

Associated Path
About Personal Consent

The **Cyber Security Law** Regulates

Network operators who collect, use and send personal information should obtain person consent.
Network operators shall not divulge, tamper or destroy the personal information collected by them.
Network operators can’t provide personal information to others without the consent of the person.

Explicit consent

&

Unambiguous consent

Action: “Send”
About Personal Consent

Exception Principle

1. Unrecognized information processed by some particular method and unable to be recovered is not included.

2. The administrative organ shall not disclose government information involving state secrets, trade secrets or personal privacy. However, information consent by the obligee, and government information involving trade business and personal privacy that will impact public interests if it is not disclosed, can be disclosed.
1. Personal information protection

- Information classified security protection
- Digital certificate
- Identification verification
- SMS verification code
- Data encryption
- Remote data backup
## 2. Collection and usage of student data

<table>
<thead>
<tr>
<th>Collection</th>
<th>Usage</th>
</tr>
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<tbody>
<tr>
<td>registration</td>
<td>transcript</td>
</tr>
<tr>
<td>qualification</td>
<td>employment information</td>
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<td></td>
<td>statistic analysis</td>
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<td>e-transmission</td>
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<td>issuing paper and online verification reports</td>
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Data Statistics of 2017 Student Information Service

167 Million Qualification Records Registered Since 1991

With an annual growth of 10 million

By the end of 2017
Data Statistics of 2017 Student Information Service

18.1 million
Online Verification Report

1.49 million
Paper Verification Report
Updates on Students Information Service

## Trust

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<thead>
<tr>
<th>CDGDC</th>
<th>CHESICC</th>
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<tbody>
<tr>
<td>Secondary Ed qualification</td>
<td>Updates on verification reports in 2017</td>
</tr>
<tr>
<td>Secondary Ed transcript</td>
<td>1. GPA</td>
</tr>
<tr>
<td>International Summer Course Transcript</td>
<td>2. File Number</td>
</tr>
<tr>
<td></td>
<td>Huikao &amp; Secondary Ed transcript verification since 2016</td>
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Global Cooperation

CollegeNet、Parchment、NSC、Digitary、DUO、My eQuals
Updates on Students Information Service

- More agreements achieve compatibility.
- The introduction of BLOCKCHAIN technology.
- To push forward the transcript electronization of domestic higher education institutions.