

Hainan Free Trade Port Data-Export Negative List (2024)

DCC working English reference — measures and list scope. 海南自由贸易港数据出境管理清单（负面清单）
(2024年版)

DCC working translation — not official; not legal advice. This English rendering is prepared by Data Compliance China for the convenience of overseas counsel. Where it diverges from the published Chinese text, **the Chinese original controls**. The list's field-level detail is summarised for scope rather than reproduced in full — consult the Chinese original (downloadable alongside this file) for the authoritative text.

REGION	Hainan 海南 — Free Trade Port
VERSION	2024 edition
ISSUED	February 20, 2025
ISSUERS	Hainan CAC · Hainan Provincial Data Administration
LEGAL BASIS	Cybersecurity Law · Data Security Law · Personal Information Protection Law · Network Data Security Management Regulation · Provisions on Promoting and Regulating Cross-Border Data Flows (2024)
SCALE	Scenario-based, field-level; 5 focus areas
MODEL	Pre-export filing

Part A — Administrative Measures / General Provisions

Hainan published this list without a separate administrative-measures document: the list is an annex (附件) that runs straight into its five sector chapters. The only operative rules of general application are the per-sector notes (注) appended to each chapter. Those notes are highly parallel across sectors; they are consolidated below by theme, with sector-specific divergences flagged. Where a rule appears in some sectors but not others, that is stated.

Covered sectors and entities in scope

The list covers five focus areas (领域). Each chapter identifies the Hainan Free Trade Port entities to which it applies, in each case “including but not limited to”:

- **Deep sea (深海)** — deep-sea industry enterprises, e.g. deep-sea resource exploration and development enterprises and marine-engineering equipment manufacturers.
- **Aerospace (航天)** — commercial aerospace-activity enterprises, e.g. spacecraft-development enterprises, satellite operators, aerospace-technology application enterprises, commercial aerospace companies, and deep-space exploration institutions.
- **Seed industry (种业)** — commercial seed enterprises, e.g. seed enterprises, germplasm-resource protection units, and seed-inspection institutions.
- **Tourism (旅游)** — tourism-related enterprises, e.g. travel agencies, scenic-area management units, hotels, online travel platforms, and cruise companies.
- **Duty-free goods retail (免税商品零售业务)** — duty-free goods retail operators, e.g. offshore duty-free stores, downtown (in-city) duty-free stores, and port duty-free stores.

What counts as “sector data”

Each chapter defines the data it governs. In every case the definition is limited to data arising in the sector's ordinary production and business activities:

- **Deep sea** — important data (重要数据) involved in deep-sea resource exploration, development, R&D, environmental monitoring and similar activities.
- **Aerospace** — important data involved in commercial spacecraft R&D, manufacturing, satellite application and similar activities.
- **Seed industry** — important data involved in germplasm-resource collection and protection, variety breeding, seed production and processing, quality inspection, genomic and genetic-information data, and market sales.
- **Tourism** — the personal information (个人信息) arising in the provision of Hainan Free Trade Port tourism services.
- **Duty-free goods retail** — the sensitive information (personal characteristics, document images, etc.) collected in duty-free-store security monitoring, customer identity recognition and similar processes.

Data outside the list — residual national-security rule

Data that falls outside a chapter's scope but touches higher-order state interests is not governed by this list; it is handled under the rules of the relevant national authorities:

- **Deep sea** — data touching national marine strategy, national-defence security, or major scientific-and-technological breakthroughs follows the relevant national authorities' rules.
- **Aerospace** — core secret data (核心机密数据) touching national security, national-defence construction, or major sci-tech breakthroughs follows the national authorities' rules and, **in principle, may not be exported**.
- **Seed industry** — core secret data touching national grain security, biosecurity, or major sci-tech breakthroughs follows the national authorities' rules and, **in principle, may not be exported**.

(The “in principle may not be exported” language appears in the aerospace and seed chapters; the deep-sea chapter states only that such data follows national rules. Tourism and duty-free retail carry no residual clause of this kind.)

Scientific-research-data carve-out

Three sectors exclude certain research data from the list; tourism and duty-free retail do not:

- **Deep sea** — the list does not apply to research data produced by research institutions for basic-research purposes; management of the deep-sea research data such institutions obtain in basic research follows the relevant rules of the science-and-technology authorities.
- **Aerospace** — the list does not apply to research data produced by research institutes undertaking national science-and-technology program projects; such data follows the rules of the competent industry authority.
- **Seed industry** — research data produced by publicly funded seed-industry research activities (e.g. national sci-tech program projects) follows the rules of the competent science-and-technology authority.

Data classification-and-grading; ongoing risk assessment

Four of the five sectors — **deep sea, aerospace, seed industry, and duty-free retail** — impose the same standing obligation: relevant enterprises and institutions must establish and improve a data classification-and-grading system, periodically assess data-export security risks, and ensure that data-export activities are lawful and compliant. The tourism chapter carries no equivalent classification-grading clause; its handling obligations appear instead in the special-protection notes below.

Personal-information definitions (tourism and duty-free retail)

Both PI-driven chapters restate the statutory definitions:

- **Personal information** — information recorded electronically or otherwise that relates to an identified or identifiable natural person; it does not include anonymised information.
- **Sensitive personal information (敏感个人信息)** — personal information that, once leaked or unlawfully used, may readily cause a natural person to suffer discrimination or serious harm to personal or property safety; it includes ID-document numbers, biometrics, bank accounts, and movement trajectories.

Special-protection cautions (tourism and duty-free retail)

- **Tourism** — when exporting Hainan tourism data, take particular care to protect sensitive information touching Free Trade Port construction and offshore duty-free (离岛免税) policy, so as not to harm the national interest or Hainan’s development strategy. Tourism enterprises must follow the minimum-necessity principle in collecting, processing and transmitting personal information and must not over-collect; they must adopt effective technical measures to secure data, with heightened privacy protection when handling sensitive information such as that of hotel guests. When handling the personal information of inbound and cruise passengers, they must take full account of the international implications of cross-border data flows and ensure conformity with relevant international agreements and practice. Particular care must also be taken to protect sensitive information touching national image, cultural heritage and natural resources.
- **Duty-free goods retail** — in the course of data export, take particular care to protect data touching offshore duty-free and other special policies, so as not to harm the national interest or the construction of the Hainan Free Trade Port.

Periodic review and update

Every chapter provides that its list will be assessed and updated periodically. Aerospace, seed industry, tourism and duty-free retail tie updates to industry development, national strategic needs, **and changes in the international situation**; the deep-sea chapter ties updates to industry development and national strategic needs only.

Part C — The Negative List: Scope

Structure. The list is organised into five sector chapters (领域). Within each chapter, data items are arranged under one or both of two mechanism tiers:

- **Tier 1** — (一) **the security-assessment list**: data that may be exported only after clearing a **data-export security assessment (数据出境安全评估)**.
- **Tier 2** — (二) **the standard-contract / certification list**: data that may be exported via a filed **personal information standard contract (个人信息出境标准合同 + 备案)** or **personal information protection certification (个人信息保护认证)**.

Consistent with the negative-list mechanism of the Provisions on Promoting and Regulating Cross-Border Data Flows (CBDF Provisions), the list identifies the data for which a mechanism is required; data outside the list is generally not subject to these formalities (confirm against the Chinese original and the framework rules).

Three data types appear across the chapters: **important data (重要数据)**, **non-sensitive personal information (个人信息)**, and **sensitive personal information (敏感个人信息)**. Their placement is not uniform:

- **Deep sea, aerospace and seed industry** — the list consists **entirely of important-data categories**, all placed in the Tier 1 security-assessment list. These sectors have **no Tier 2 list and no personal-information thresholds**.
- **Tourism** — the list consists **entirely of personal-information volume bands**. The high bands sit in Tier 1 (security assessment); the mid bands sit in Tier 2 (standard contract / certification).

- **Duty-free goods retail** — the list combines **one important-data item plus personal-information volume bands**. The important-data item and the high PI bands sit in Tier 1; the mid PI bands sit in Tier 2.

Personal-information thresholds (cumulative from 1 January of the year in question, by the same scenario within a sector):

Mechanism tier	Non-sensitive PI	Sensitive PI
Tier 1 — security assessment ((一))	$\geq 1,000,000$ persons	$\geq 10,000$ persons
Tier 2 — standard contract / certification ((二))	$\geq 100,000$ and $< 1,000,000$ persons	$< 10,000$ persons

Counting rule. Personal-information volumes are counted on the basis of the figure obtained after de-duplication by natural person (以自然人为单位去重后的统计结果). Volumes falling within the situations set out in **CBDF**

Provisions Articles 3, 4, 5(1)(i) – (iii) and 6 are **not** counted toward the cumulative total.

Sector	Important data — Tier 1 security assessment ((一)): representative categories	Personal information — Tier 1 security assessment ((一)): bands & scenarios	Personal information — Tier 2 standard contract / certification ((二)): bands & scenarios
Deep sea 深海	Three categories: (1) marine-resource and deep-sea topography/geomorphology data from ocean exploration and resource surveys (e.g. seabed mineral-resource distribution maps; domestic exclusive-economic-zone survey data); (2) commercially valuable data from deep-sea hydrological-environment monitoring and marine scientific surveys (3-D hydrology, circulation dynamics, temperature-salinity fine structure, water chemistry, marine meteorology, ecosystem surveys, deep-sea circulation numerical models); (3) key data touching marine information-infrastructure security from communication-network build-out and navigation-positioning operation (submarine-cable laying paths, underwater-acoustic network layouts, nav-positioning facility distribution, observation-network key nodes, equipment operating parameters).	—	—
Aerospace 航天	Two categories: (1) remote-sensing observation data of foreign regions from Chinese satellites — restricted so the receiving country may use it only for its own territory and may not transfer it onward to a third country — above the enumerated thresholds (e.g. panchromatic finer than 0.5 m, multispectral finer than 2 m, plus hyperspectral, infrared, microwave-imagery and geomagnetic-field data at their stated resolutions/sampling rates, and data on sensitive areas/times; see original for the full threshold table); (2) data arising from technical cooperation with overseas aerospace institutions — technical parameters, experimental data and research results (e.g. TT&C interface specs, reliability reports, joint-test results, environmental-adaptability data, functional/performance test reports, fault-handling records).	—	—
Seed industry 种业	Four categories: (1) germplasm-resource data (genetic resources of crops and wild relatives; livestock/poultry and aquaculture germplasm — quantity, distribution, traits; analytical data from	—	—

Sector	Important data — Tier 1 security assessment ((一)): representative categories	Personal information — Tier 1 security assessment ((一)): bands & scenarios	Personal information — Tier 2 standard contract / certification ((二)): bands & scenarios
	collection, preservation and identification-evaluation); (2) new-variety R&D data (genetic-improvement data; molecular markers and gene-function validation for key traits; variety-testing trait evaluations; regional- and production-trial performance; non-public information from testing services to certification authorities); (3) seed processing and storage data (key equipment parameters; storage-condition optimisation; vigour-maintenance process parameters; online quality monitoring; smart-storage system operation data); (4) seed-enterprise business data (sales-network and channel data; market-share and competitive analysis; regional distribution and pricing; strategic-customer/dealer core information; R&D investment and variety-reserve data) — for leading enterprises, key production-operation units, and seed-administration authorities at prefecture/city level and above.		
Tourism 旅游	—	Non-sensitive PI \geq 1,000,000 persons; sensitive PI \geq 10,000 persons — within each of three scenarios: inbound/outbound tourism services (出入境旅游服务); tourism-service-platform membership management (旅游服务平台会员管理); tourism service management (旅游服务管理).	Non-sensitive PI \geq 100,000 and $<$ 1,000,000 persons; sensitive PI $<$ 10,000 persons — same three scenarios.
Duty-free goods retail 免税商品零售业务	One category: video/image data involving facial features, document information and other sensitive information collected in duty-free-store security monitoring, customer identity recognition and customs-clearance verification (facial-recognition data, document images of ID cards/passports, behaviour-trajectory video, suspicious-behaviour records) that has not yet been processed to the standard required by the relevant national rules.	Non-sensitive PI \geq 1,000,000 persons; sensitive PI \geq 10,000 persons — within each of two scenarios: duty-free-store identity verification & customs-clearance shopping (免税店身份验证、通关购物); customer management (顾客管理).	Non-sensitive PI \geq 100,000 and $<$ 1,000,000 persons; sensitive PI $<$ 10,000 persons — same two scenarios.

Source: 海南自由贸易港数据出境管理清单（负面清单）（2024年版），issued by Hainan CAC · Hainan Provincial Data Administration, February 20, 2025. Chinese originals downloadable at datacompliancechina.com/resources/negative-lists.

Prepared by Data Compliance China — *the careful translator*. Not legal advice. The Chinese original controls.