Provisions on the Administration of Algorithmic Recommendation of Internet Information Services of the People’s Republic of China

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Standards for Algorithmic Recommendation Services 2

Chapter III — User Rights and Interests Protection 2

Chapter IV — Supervision and Administration 3

Chapter V — Legal Liability 3

Chapter VI — Supplementary Provisions 4

Issued by the Cyberspace Administration of China, the Ministry of Industry and Information Technology, the Ministry of Public Security, and the State Administration for Market Regulation on December 31, 2021

Effective: March 1, 2022

Table of Contents

- Chapter I — General Provisions
- Chapter II — Standards for Algorithmic Recommendation Services
- Chapter III — User Rights and Interests Protection
- Chapter IV — Supervision and Administration
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Provisions are formulated in accordance with the Cybersecurity Law of the People's Republic of China, the Data Security Law of the People's Republic of China, the Personal Information Protection Law of the People's Republic of China, the Law on the Protection of Minors, and other laws and administrative regulations for the purpose of regulating algorithmic recommendation activities of internet information services, promoting the healthy and orderly development of algorithm application, safeguarding national security and the public interest, and protecting the lawful rights and interests of citizens, legal persons, and other organizations.

Source: https://www.danyoungcpa.com/provisions-algorithmic-recommendation-internet-information-services-prc-2022/

Article 2 — These Provisions apply to the provision of algorithmic recommendation services for internet information within the territory of the People's Republic of China. For the purposes of these Provisions, "algorithmic recommendation service for internet information" refers to the activity of using algorithmic technologies such as content generation, personalized recommendation, selection and sorting, search and filtering, and scheduling and decision-making through the internet to provide information content to users. These Provisions do not apply to the provision of algorithmic services for news gathering, editing, and distribution.

Article 3 — The national cyberspace administration authority shall be responsible for the coordination and overall management of the governance and relevant supervision and administration of algorithmic recommendation services. The departments of telecommunications, public security, market regulation, and other relevant departments shall, in accordance with their respective duties, be responsible for the supervision and administration of algorithmic recommendation services within their respective scopes of responsibilities.

Chapter II — Standards for Algorithmic Recommendation Services

Article 4 — Algorithmic recommendation service providers shall adhere to the correct political direction, public opinion orientation, and value orientation, vigorously disseminate positive energy, and promote the creation and dissemination of high-quality algorithm application content. Algorithmic recommendation service providers shall uphold the principle of fairness, impartiality, and transparency, and shall not use algorithms to engage in price discrimination or other illegal acts.

Article 5 — Algorithmic recommendation service providers shall regularly review, evaluate, and validate the mechanisms, models, data, and application results of their algorithms, and shall not set up algorithm models that may induce users to become addicted to internet content or engage in excessive consumption. Where an algorithm model is outdated or has defects, the provider shall promptly optimize or rectify it.

Article 6 — Algorithmic recommendation service providers shall establish and improve management systems and technical measures for algorithm recommendation. They shall strengthen the management of recommendation sections of information content and actively present information content that meets the requirements of mainstream value orientation through the recommendation sections. They shall strengthen the ecological management of algorithm recommendation sections and create positive and uplifting, civilized and healthy, safe and trustworthy sections.

Article 7 — Algorithmic recommendation service providers shall enhance the transparency and explainability of their algorithms. They shall inform users in an appropriate manner of the basic principles, purposes, intentions, and main operating mechanisms of their algorithms, and shall provide users with the option not to be subject to personalized recommendations or the option to conveniently turn off algorithm recommendation services.

Article 8 — Algorithmic recommendation service providers shall not use algorithms to manipulate traffic, control search results, alter search rankings, or interfere with search results. They shall not use algorithms to falsely increase or decrease the number of views, followers, likes, or comments.

Article 9 — Algorithmic recommendation service providers shall not use algorithms to implement unreasonable differential treatment in terms of transaction prices and other transaction conditions. They shall not use algorithms to restrict information access by users, compel users to use their services, or deny users the use of other services through technical measures.

Chapter III — User Rights and Interests Protection

Article 10 — Algorithmic recommendation service providers shall provide users with the function of selecting or deleting user tags used for algorithmic recommendation services. Users shall have the right to choose or

Source: https://www.danyoungcpa.com/provisions-algorithmic-recommendation-internet-information-services-prc-2022/

delete relevant tags. Algorithmic recommendation service providers shall provide users with convenient options to turn off algorithm recommendation services.

Article 11 — Where algorithmic recommendation service providers provide algorithmic recommendation services to minors, they shall facilitate access to information beneficial to the healthy physical and mental development of minors in accordance with the law, and shall not push information that may harm the physical and mental health of minors. They shall not use algorithmic recommendation services to induce minors to become addicted to the internet.

Article 12 — Where algorithmic recommendation service providers provide algorithmic recommendation services to the elderly, they shall ensure convenient access to information for the elderly, take into account the needs of the elderly, and facilitate the safe use of algorithmic recommendation services by the elderly in accordance with the provisions of relevant state regulations.

Article 13 — Algorithmic recommendation service providers providing algorithmic recommendation services to workers shall treat workers fairly, shall not use algorithms to impose unreasonable differential treatment on workers' rights and interests, and shall establish and improve platform labor dispatch order management and labor quota determination mechanisms.

Article 14 — Algorithmic recommendation service providers providing algorithmic recommendation services to consumers shall protect consumers' rights to know, self-selection, fair trade, and other lawful rights and interests in accordance with the law, and shall not use algorithms to implement unreasonable differential treatment in terms of transaction prices and other transaction conditions.

Article 15 — Algorithmic recommendation service providers shall establish and improve complaint acceptance and handling mechanisms, set up convenient complaint and reporting portals, promptly accept and handle complaints and reports on algorithmic recommendation services, and provide feedback on the results of handling.

Chapter IV — Supervision and Administration

Article 16 — Algorithmic recommendation service providers that provide algorithm recommendation services with the function of public opinion attributes or social mobilization capabilities shall undergo security assessments in accordance with the relevant provisions of the state. Algorithmic recommendation service providers shall retain online logs of algorithm recommendation services for no less than six months.

Article 17 — Algorithmic recommendation service providers shall file their algorithms with the cyberspace administration authority. The filing information shall include the basic information of the algorithm, the basic principles of the algorithm, the main operating mechanism of the algorithm, the purpose of the algorithm, the application scenarios of the algorithm, and other information.

Article 18 — The cyberspace administration authority and relevant departments shall, in accordance with their duties, supervise and inspect the algorithm recommendation services of algorithm recommendation service providers in accordance with the law. Algorithm recommendation service providers shall cooperate with the supervision and inspection carried out by the cyberspace administration authority and relevant departments in accordance with the law, and truthfully provide relevant materials and data.

Chapter V — Legal Liability

Article 19 — Where an algorithmic recommendation service provider violates the provisions of these Provisions, the cyberspace administration authority and relevant departments such as telecommunications, public security, and market regulation shall impose penalties in accordance with relevant laws, administrative regulations, and departmental rules. Where laws and administrative regulations do not provide for penalties, the cyberspace administration authority and relevant departments shall, in accordance with their duties, issue a warning, circulate a notice of criticism, and order the provider to make corrections within a prescribed

Source: https://www.danyoungcpa.com/provisions-algorithmic-recommendation-internet-information-services-prc-2022/

time limit. Where the provider refuses to make corrections or the circumstances are serious, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed.

Article 20 — Where an algorithmic recommendation service provider violates the provisions of these Provisions by disseminating illegal information, failing to fulfill the obligation to report algorithm filings, or otherwise violating provisions on algorithm filing, it shall be handled in accordance with the provisions of relevant laws, administrative regulations, and these Provisions.

Chapter VI — Supplementary Provisions

Article 21 — For the purposes of these Provisions, "algorithmic recommendation service provider" means an organization or individual that uses algorithmic technologies to provide internet information services, including algorithm recommendation service providers that provide their services through self-built websites, applications, applets, and public accounts.

Article 22 — The cyberspace administration authority shall be responsible for the interpretation of these Provisions.

Article 23 — These Provisions shall come into force on March 1, 2022.

Disclaimer: This English translation is provided for reference and informational purposes only and does not constitute legal advice. While we strive for accuracy, this translation has not been officially certified or authorized by the regulatory authorities of the People's Republic of China. For matters involving legal rights, obligations, or compliance requirements, readers should consult the official Chinese text and seek professional legal counsel. Dan Young Business Consultancy makes no representation or warranty as to the accuracy, completeness, or currency of this translation, and disclaims any liability for reliance on the contents herein.

Source: https://www.danyoungcpa.com/provisions-algorithmic-recommendation-internet-information-services-prc-2022/