

# Notice of the Cyberspace Administration of China on Soliciting Public Opinions on the Draft Measures for the Administration of Generative Artificial Intelligence Services

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In order to promote the healthy development and standardized application of generative artificial intelligence technology, the Cyberspace Administration of China has drafted the "Administrative Measures for Generative Artificial Intelligence Services (Draft for Comments)" in accordance with the "Cybersecurity Law of the People's Republic of China" and other laws and regulations, and is now soliciting public opinions. The public can provide feedback through the following channels and methods:

1. Log on to the China Government Legal Information Network of the Ministry of Justice of the People's Republic of China ([www.moj.gov.cn](http://www.moj.gov.cn), [www.chinalaw.gov.cn](http://www.chinalaw.gov.cn)), enter the "Legislative Opinion Collection" column in the main menu of the homepage and submit your opinions.

2. Send via email to: [wajscy@cac.gov.cn](mailto:wajscy@cac.gov.cn).

3. Please send your comments by letter to: Cybersecurity Coordination Bureau of the Cyberspace Administration of China, No. 15, Fucheng Road, Haidian District, Beijing, Postal Code 100048, and indicate "Request for Comments on the Measures for the Administration of Generative Artificial Intelligence Services" on the envelope.

The deadline for feedback is May 10, 2023.

## Annex: Measures for the Administration of Generative Artificial Intelligence Services (Draft for Comments)

Cyberspace Administration of China

April 11, 2023

### Measures for the Administration of Generative Artificial Intelligence Services

(Draft for comments)

**Article 1** These Measures 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 and other laws and administrative regulations in order to promote the healthy development and standardized application of generative artificial intelligence.

**Article 2** These Measures shall apply to the research, development, and use of generative artificial intelligence products to provide services to the public within the territory of the People's Republic of China.

The generative artificial intelligence referred to in these Measures refers to technology that generates text, images, sounds, videos, codes and other content based on algorithms, models and rules.

**Article 3** The state supports independent innovation, promotion and application, and international cooperation in basic technologies such as artificial intelligence algorithms and frameworks, and encourages the priority use of secure and reliable software, tools, computing and data resources.

**Article 4** The provision of generative AI products or services shall comply with the requirements of laws and regulations, respect social morality, public order and good customs, and meet the following requirements:

(1) Content generated using generative AI should reflect the core socialist values and must not contain content that subverts the state power, overthrows the socialist system, incites secession, undermines national unity, promotes terrorism, extremism, promotes ethnic hatred, ethnic discrimination, violence, obscene and pornographic information, false information, or content that may disrupt economic and social order.

(2) In the process of algorithm design, training data selection, model generation and optimization, and service provision, measures shall be taken to prevent discrimination based on race, ethnicity, belief, country, region, gender, age, occupation, etc.

(3) Respect intellectual property rights and business ethics, and do not use advantages such as algorithms, data, and platforms to engage in unfair competition.

(4) Content generated using generative AI should be true and accurate, and measures should be taken to prevent the generation of false information.

(V) Respect the legitimate interests of others, prevent harm to others' physical and mental health, damage to their portrait rights, reputation rights and personal privacy, and infringement of intellectual property rights. It is prohibited to illegally obtain, disclose, and use personal information, privacy, and business secrets.

**Article 5** Organizations and individuals (hereinafter referred to as "providers") that use generative artificial intelligence products to provide chat and text, image, and sound generation services, including supporting others to generate text, images, sounds, etc. by providing programmable interfaces, etc., shall assume the responsibilities of producers of content generated by the product; if personal information is involved, they shall assume the statutory responsibilities of personal information processors and fulfill their obligations to protect personal information.

**Article 6** Before using generative artificial intelligence products to provide services to the public, a security assessment shall be reported to the national cyberspace administration department in accordance with the "Regulations on Security Assessment of Internet Information Services with Public Opinion Attributes or Social Mobilization Capabilities", and the algorithm registration and change and cancellation registration procedures shall be performed in accordance with the "Regulations on the Management of Internet Information Service Algorithm Recommendations".

**Article 7** The provider shall be responsible for the legality of the sources of pre-training data and optimized training data for generative artificial intelligence products.

The pre-training and optimized training data used for generative AI products should meet the following requirements:

- (1) Comply with the requirements of the Cybersecurity Law of the People's Republic of China and other laws and regulations;
- (2) not contain content that infringes intellectual property rights;
- (3) Where the data contains personal information, the consent of the subject of personal information shall be obtained or other circumstances prescribed by laws and administrative regulations shall be met;
- (4) Be able to ensure the authenticity, accuracy, objectivity and diversity of the data;
- (V) Other regulatory requirements of the national cybersecurity and informatization authorities regarding generative AI services.

**Article 8** When manual labeling is used in the development of generative artificial intelligence products, the provider shall formulate clear, specific, and operational labeling rules that meet the requirements of these Measures, provide necessary training for labeling personnel, and conduct sampling verification of the correctness of the labeled content.

**Article 9** The provision of generative artificial intelligence services shall comply with the provisions of the "Cybersecurity Law of the People's Republic of China" and require users to provide real identity information.

**Article 10** Providers shall clearly define and publicize the applicable population, occasions, and purposes of their services, and take appropriate measures to prevent users from becoming overly dependent on or addicted to generated content.

**Article 11** Providers shall bear the obligation to protect the user's input information and usage records during the provision of services. They shall not illegally retain input information that can infer the user's identity, shall not create a profile based on the user's input information and usage, and shall not provide the user's input information to others. If otherwise provided by laws and regulations, such provisions shall prevail.

**Article 12** Providers shall not generate discriminatory content based on the user's race, nationality, gender, etc.

**Article 13** The provider shall establish a mechanism for receiving and processing user complaints, and promptly handle individual requests for correction, deletion, or blocking of their personal information; when it is discovered or becomes aware that the generated texts, pictures, sounds, videos, etc. infringe upon the portrait rights, reputation rights, personal privacy, or business secrets of others, or fail to comply with the requirements of these Measures, measures shall be taken to stop the generation to prevent the continued harm.

**Article 14** The provider shall provide safe, stable and continuous services during the life cycle to ensure normal use by users.

**Article 15:** For generated content that does not comply with the requirements of these Measures and is discovered during operation or reported by users, in addition to taking measures such as content filtering, it should be prevented from being generated again within 3 months through model optimization training and other means.

**Article 16** Providers shall mark the generated images, videos and other content in accordance with the "Regulations on the Management of Deep Synthesis of Internet Information Services".

**Article 17** Providers shall, in accordance with the requirements of the national cyberspace administration and relevant competent authorities, provide necessary information that may influence user trust and choice, including descriptions of the source, scale, type, quality, etc. of pre-training and optimized training data, manual labeling rules, the scale and type of manually labeled data, basic algorithms and technical systems, etc.

**Article 18** Providers shall guide users to scientifically understand and rationally use the content generated by generative artificial intelligence, not use the generated content to damage the image, reputation or other legitimate rights and interests of others, and not engage in commercial hype or improper marketing.

When users find that the generated content does not comply with the requirements of these Measures, they have the right to report it to the Internet Information Office or the relevant competent authorities.

**Article 19:** When a provider finds that a user violates laws and regulations, or acts contrary to business ethics and social morality in the process of using generative artificial intelligence products, including engaging in online hype, malicious posting and commenting, creating spam, writing malware, and implementing improper commercial marketing, the provider shall suspend or terminate the service.

**Article 20** If a provider violates the provisions of these Measures, the cybersecurity and informatization departments and relevant competent departments shall impose penalties in accordance with the provisions of 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" and other laws and administrative regulations.

If there are no provisions in laws and administrative regulations, the cybersecurity and informatization departments and relevant competent departments shall give warnings, issue notices of criticism, and order rectification within a time limit; if rectification is refused or the circumstances are serious, the use of generative artificial intelligence to provide services shall be ordered to be suspended or terminated, and a fine of not less than RMB 10,000 but not more than RMB 100,000 shall be imposed. If it constitutes an act of violation of public security management, public security management punishment shall be imposed in accordance with the law; if it constitutes a crime, criminal liability shall be investigated in accordance with the law.

**Article 21** This Measures shall come into force on the day of January 2023.