

Data Processing Policy of The Energy Foundation

As The Energy Foundation (hereinafter referred to as “Energy Foundation”, “we” or “us”) fully understands the importance of data security to our partners, grantees, and service providers as well as experts, consultants, and other individuals (hereinafter referred to as “you”) participating in our projects and activities, we hereby formulate the Data Processing Policy of The Energy Foundation (hereinafter referred to as “the Policy”) to explain the Data Protection Rules to be observed and the data protection obligations to be fulfilled by both parties when data processing is required during our operation or cooperation with you.

When processing the data you provide, we will protect our and your legitimate interests concerning data in accordance with applicable laws and regulations of the People’s Republic of China. Please note that we do not need or intend to process data that has significant impact on national security, public interests, or social stability, or data that is irrelevant to our projects.

1 Scope of Application

- 1.1 The Policy applies in the following circumstances (including but not limited to):
 - 1.1.1 When grantees provide us with work products and data in relation to the projects before and after receiving our grant(s) or during the implementation of the project(s);
 - 1.1.2 When the partners, service providers, experts, and consultants provide us with work products and data in relation to projects during the negotiations for the signing of the agreements, or during the implementation of the projects as agreed in contracts;
 - 1.1.3 When other individuals and organizations provide us with data in relation to our projects or activities that they intend to register for and actually participate in;
- 1.2 The data is provided on a voluntary basis. And you confirm that we have explicitly informed you and expressed through appropriate means that we will process the data provided by you in accordance with the Policy and that you have agreed to abide by the Policy.

2 Definitions

- 2.1 **Data** refers to all information recorded electronically or by other means.
- 2.2 **Important Data** refers to the data that may endanger national security or public interest once being tampered with, damaged, leaked, or illegally accessed or utilized. Its scope is subject to the determination of specific regions and departments.

2.3 **Core Data** refers to the data that concerns national security, the lifeline of the national economy, important people’s livelihood, or major public interest. Its scope is subject to the determination of specific regions and departments.

2.4 **State Secret** refers to the matters that may undermine national security and interest in the field of politics, economy, national defense, or diplomacy once being leaked.

2.5 **Processing** refers to the collection, storage, use, processing, transmission, provision or disclosure of the data.

2.6 **Data Protection Rules** refer to any and all laws, regulations, standards, policies, or any administrative approval, license, order, requirement, restriction, or any decision in similar form concerning data governance released by the legislative, law enforcement and judicial organs of the People’s Republic of China from time to time, and revised or updated version thereof, including but not limited to the Data Security Law, the Cybersecurity Law, and the Civil Code.

3 General Provisions on Data Protection

3.1 Legitimacy of the Collection and Provision of Data

3.1.1 We and you shall guarantee that the respective data processing activities conform to the Data Protection Rules and ensure the legitimacy of the collection and provision of data.

3.1.2 We do not need or intend to process certain data that you are prohibited from providing to external parties or us in accordance with the Data Protection Rules, and we advise you to make an appropriate judgment based on the Data Protection Rules and relevant policies and avoid the provision of such data to us.

3.1.3 If you are required to obtain necessary license or approval before providing certain data to external parties or us in accordance with the Data Protection Rules, we advise you to do so as required before providing us with such data; otherwise we advise you to avoid the provision.

3.1.4 You acknowledge and understand that Energy Foundation, as an overseas non-governmental organization, needs to transfer and use the information within the organization. Consequently, the data provided by you for us may be transferred outside the People’s Republic of China. We advise you to make an appropriate judgment and obtain necessary license or approval or pass the security assessment in accordance with the Data Protection Rules before providing us with the data.

3.2 Data Quality

3.2.1 For the smooth implementation of the projects, activities, or the cooperation, you shall ensure that the data provided to us is

accurate, complete and not misleading.

3.2.2 If you find that the data provided by you may be incomplete, inaccurate or untrue, you shall notify us in writing in a timely manner for our correction.

3.2.3 When providing data to us, you shall choose the means of transmission in accordance with the Data Protection Rules to ensure as much as possible the security and quality of the data provided to us.

3.3 Non-infringement of Third-Party Rights

3.3.1 To facilitate the cooperation between you and us, you should ensure that the data provided by you will not infringe any legitimate rights and interests of a third party, including but not limited to the copyright, patent right, trademark right, and relevant rights and interests concerning personal information and privacy.

3.3.2 Unless otherwise agreed in the contract, if you own the copyright, patent right or other intellectual property rights of the data provided by you, you understand and agree to authorize us, for the purpose of our cooperation, to use such data for charitable purposes and allow us to authorize a third party to use such data for the realization of the above purpose.

3.3.3 If the data provided by you to us involves the copyright, patent right, or other intellectual property rights of any third party or the relevant rights and interests of any third party concerning personal information or privacy, you should secure us and our authorized third party a legitimate and full authorization to use such data for charitable purpose.

4 Special Provisions on the Processing of State Secret, Important Data, and Core Data

4.1 We do not need or intend to process State Secret, Important Data, or Core Data, and we will avoid the collection or use of any data that may be considered as State Secret, Important Data, or Core Data.

4.2 In order to make sure that our cooperation will not undermine national security or public interest, nor affect the legitimacy and security of our cooperation, you represent and warrant that the data provided by you to us does not contain any State Secret, Important Data, or Core Data.

4.3 We advise you to keep a close eye on the catalogue or list of State Secret, Important Data, or Core Data released by the regulators from time to time. If you notice that the data provided by you to us may be considered as State Secret, Important Data, or Core Data, you should notify us at the earliest possible time so that we can take subsequent measures through collaboration.

4.4 As mentioned above, Energy Foundation as an overseas non-governmental organization may need to transfer and store the data provided by you outside the People's Republic of China for program management or organization operation. We advise you to

make an appropriate judgment about whether the provision of the data requires additional approval or license from regulatory authorities in accordance with the Data Protection Rules. If applicable, we advise you to delete such data or obtain the approval or license from regulatory authorities before the provision of such data.

5 How do We Protect the Data

We attach great importance to cybersecurity and data security. As a result, we have taken appropriate management and technical measures regarding the collection and processing of the data in accordance with applicable national laws and regulations to protect the data from unauthorized access, disclosure, use, revision, damage, or loss. We will process the data provided by you and use the intellectual property rights related to such data under your authorization, consent, or permission as provided in the agreements entered into between you and us or only for the purpose of our cooperation. In addition, we will continue to administer our data processing activities including the collection, use, sharing, and entrusted processing in accordance with the Data Protection Rules, enhance the compliance and security of data processing activities, safeguard national security and public interest, and protect the rights and interests concerning data of individuals or third parties.

6 Revisions to the Policy

6.1 We may revise the Policy based on the changes of the Data Protection Rules and the needs of our business operation. You may check the latest updates at your convenience here <https://www.efchina.org/Download/Data-Processing-Policy-of-The-Energy-Foundation.pdf>.

6.2 If you do not agree with the effective changes, you shall contact us immediately to discuss.

7 Contact Us

You may contact us in the following ways:

Tel.: +86-10-5821-7100

Email: china@efchina.org

能源基金会数据处理政策

(翻译件)

能源基金会(The Energy Foundation, 以下简称“我们”)充分理解数据安全对我们的合作伙伴、受资助单位、服务方以及参与我们项目及活动的专家、顾问及其他个人(以下简称“您”)的重要性。为了向您说明我们在运营过程中以及与您开展合作过程中,当遇到数据处理的情形时,我们与您各自应当遵守的数据保护规定和履行的数据保护义务,我们特制定《能源基金会数据处理政策》(以下简称“本政策”),供双方遵守。

一旦涉及处理您提供给我们数据,我们将按国家法律法规要求,保护我们以及您在数据方面的合法权益。需要特别说明的是,我们在工作中无需处理也无意处理对国家安全、公共利益、社会稳定等有重要影响的各类数据以及与我们项目工作无关的数据资料。

1. 适用范围

1.1 本政策适用的情形包括但不限于:

1.1.1 受资单位在接受我们的资助前后及项目开展过程中,向我们提供与项目有关的工作成果及数据资料的;

1.1.2 合作伙伴、服务方、专家和顾问,在双方为签订协议进行洽谈的过程中、或根据双方达成的协议约定,在开展项目过程中向我们提供与项目有关的工作成果及数据资料的;

1.1.3 其他参加我们的项目、活动的个人及机构,在报名及参加我们的项目、活动过程中向我们提供与项目、活动有关的数据的;

1.2 您确认我们已经通过适当的方式向您告知和明示我们将按照本政策的规定处理您向我们提供的数据,同意遵守本政策的各项规定,并在自愿的基础上向我们提供数据。

2. 定义

2.1 数据是指任何以电子或者其他方式对信息的记录。

2.2 重要数据是指一旦遭到篡改、破坏、泄露或者非法获取、非法利用,可能危害国家安全、公共利益的数据。具体的范围以各地区、各部门的认定为准。

2.3 核心数据是指关系国家安全、国民经济命脉、重要民生和重大公共利益等的的数据。具体的范围以各地区、各部门的认定为准。

2.4 国家秘密是指泄露后可能损害国家在政治、经济、国防、外交等领域的安全和利益的涉及国家安全和利益的事项。

2.5 处理是指收集、存储、使用、加工、传输、提供、公开数据。

2.6 数据保护规定是指中华人民共和国立法、执法、司法机关不时发布的适用于数据监管的全部法律、法规、标准、政策或任何行政审批、许可、指令、要求、限制或任何类似形式的

决定及其不断修订、更新的版本,包括但不限于《数据安全法》、《网络安全法》、《民法典》。

3. 数据保护总则

3.1 数据收集和提供的合法性

3.1.1 我们和您应分别确保各自的数据处理活动符合数据保护规定,确保数据收集和提供的合法性。

3.1.2 对于数据保护规定限制您对外提供或者向我们提供的部分数据,我们无需处理也无意处理,我们建议您根据数据保护规定及相关政策作出合理的判断,避免向我们提供此类数据。

3.1.3 数据保护规定如要求您在获得必要的许可或批准后才对外提供或者向我们提供部分数据,我们建议您在向我们提供这些数据前根据数据保护规定依法获得这些许可或者批准;未获得许可或者批准的,我们建议您避免向我们提供此类数据。

3.1.4 您知晓并理解,由于能源基金会是一家境外非政府组织,我们需要在组织内部传输和使用信息。因此,您向我们提供数据时可能涉及数据跨境传输的情形。我们建议您在向我们提供数据前根据数据保护规定作出合理的判断,获得必要的许可、批准或通过安全评估。

3.2 数据质量

3.2.1 为了项目、合作及活动的顺利开展,您应当确保向我们提供准确、完整和没有误导性的数据。

3.2.2 如果您在向我们提供数据后发现任何数据可能存在不完整、不准确或者不真实的,您应当及时书面告知我们,以便予以更正。

3.2.3 在您向我们提供数据时,应选择符合数据保护规定的传输方式,尽可能确保数据的安全和质量。

3.3 不侵犯第三方主体权利

3.3.1 为了开展双方的合作,您应确保您提供的数据不会侵犯第三方的任何合法权利和权益,包括但不限于著作权、专利权、商标权以及与个人信息、隐私等有关的权利和权益。

3.3.2 除在合同中另有约定,如果您对您向我们提供的数据信息享有著作权、专利权等知识产权,仅为了实现双方合作的目的,您理解并同意授权我们为慈善公益目的使用您提供的数据信息,并允许我们授权第三方为实现上述目的使用您提供的数据信息。

3.3.3 如果您向我们提供的数据信息包含任何第三方的著作权、专利权等知识产权或涉及第三方个人信息、隐私等有关的权利和权益,您应当自该等第三方处获得合法、充分的授权,

以确保我们及我们授权的第三方可以为慈善公益目的的使用。

4. 国家秘密、重要数据及核心数据处理的特别规则

- 4.1 我们无需处理也无意处理国家秘密、重要数据或者核心数据，我们将避免收集或使用任何可能属于国家秘密、重要数据或者核心数据的数据信息。
- 4.2 为了确保我们的合作不会侵害国家安全、公共利益，确保合作的合法性、安全性，您声明并保证您向我们提供的数据未包含国家秘密、重要数据或核心数据。
- 4.3 我们建议您及时关注监管机构不时公布的国家秘密、重要数据或者核心数据的目录、清单，如果您注意到您已经提供给我们数据可能属于国家秘密、重要数据或者核心数据的数据信息，应当第一时间告知我们以便双方协作采取后续的处置措施。
- 4.4 如前所述，能源基金会作为一家境外非政府组织，为了项目管理和机构运营的需要，我们可能会将您提供的数据传输至并存储在中华人民共和国境外。建议您根据数据保护规定判断您向我们提供数据是否需要获得监管部门的其他批准或许可。如适用，我们建议您在向我们提供数据前删除这部分数据或者自行获得监管部门的批准或许可。

5. 我们如何保护数据

我们非常重视网络安全及数据安全，已经根据国家法律法规的要求，采取与我们收集和处理的相适应的管理措施和技术措施，以防止数据遭到未经授权访问、公开披露、使用、修改、损坏或丢失。我们将遵守我们与您达成的协议或者仅为实现我们与您合作的目的，在您授权、同意或者许可的范围内处理您提供给我们数据并使用与该数据有关的知识产权。我们将继续根据数据保护规定的要求，规范我们收集、使用、共享、委托处理等各个环节的数据处理活动，提升数据处理活动的合规性、安全性，维护国家安全、公共利益，保护个人、第三方的数据权益。

6. 本政策的修订

- 6.1 我们会根据数据保护规定的变化以及我们业务运营的需要对本政策作出修订，您可以随时在<https://www.efchina.org/Download/Data-Processing-Policy-of-The-Energy-Foundation.pdf> 查看最新的政策内容。
- 6.2 如果您不同意已生效的变更事项，您应当及时与我们联系并与我们进行友好协商。

7. 联系我们 Contact Us

您可以通过以下方式与我们取得联系：

电话：+86-10-5821-7100

邮箱：china@efchina.org