

The aim of the project is to create a model for regulating the transfer of personal data between the European Union and the People's Republic of China (hereinafter: China). This model is intended to consist of legal mechanisms that will implement EU law and Chinese law. At the same time, the model is intended to disregard those legal mechanisms that had already been considered insufficient to regulate the transfer of personal data between the European Union and China, and to take into account solutions that have not yet been considered.

China is the European Union's second largest trading partner. China's presence on the European market is primarily associated with products and services included in the new technology category. A characteristic feature of these is the processing of huge amounts of data, including personal data. This means that if the company's headquarters, as well as the technical infrastructure responsible for the proper functioning of the product or service, are located outside of Europe – as is the case for some Chinese companies – the transfer of personal data to a third country cannot be avoided.

Although the transfer of personal data between the European Union and China is a fact, the level of protection of personal data that Chinese law provides is unclear. The reason for this is the reforms carried out by the Chinese authorities since 2014. The introduced changes have significantly modified the current regulation of personal data protection. This makes a comprehensive analysis of the current protection of personal data in China necessary, especially in the context of the regulation of the transfer of personal data between the European Union and China. The provisions of European Union law on the protection of personal data contain clear rules regarding the lawful transfer of personal data to a third country. The basic, comprehensive legal mechanism for legalising the transfer of personal data to a third country is the decision of the European Commission stating the adequacy of the level of personal data protection in a third country. The experience arising from the regulation of the transfer of personal data between the EU and the US – which is the only such complex case that has had a significant impact on the current views of the doctrine of personal data protection – suggests that, where there are such intensive data flows, which undoubtedly includes the case of China, and where, for various reasons, the level of personal data protection cannot be recognised as adequate, a surrogate should be sought – a comprehensive solution. One of the proposed solutions is to use the achievements of the Council of Europe and the Organisation for Economic Cooperation and Development regarding the protection of personal data. However, this concept needs to be supplemented, firstly, by clarifying whether the use of the aforementioned *acquis* to legalise the transfer of personal data to a third country is in accordance with the law on the protection of personal data of the European Union, secondly, by indicating how the *acquis* of the Council of Europe or the Organisation for Economic Cooperation and Development can become a tool to legalise the transfer of data to third countries.

The research consists of three parts. The first is to reconstruct the test of assessing the legal system of a third country. Based on the provisions of European Union law, the achievements of the doctrine and case law, I will reconstruct the criteria that make up the reconstructed test. The second part of the research is an analysis of Chinese data protection law. Using the reconstructed test, I will analyse the provisions of Chinese law that regulate the protection of personal data. Primarily, these will be legal acts resulting from the reforms being carried out. I will start the third part of the research by discussing the current legalisation of the transfer of personal data between the European Union and China. I will refer to the concept of using the achievements of the Council of Europe or the Organisation for Economic Cooperation and Development in the field of personal data protection to legalise the transfer of personal data to a third country. The culmination of the research will be to propose a model regulation of the transfer of personal data between the European Union and China.

My research will complement the current considerations of the doctrine on the current shape of the legal protection of personal data in China, and may, at the same time, contribute to solving the problem of legalising personal data flows between the EU and China through legal mechanisms that comply with the provisions of both legal systems. Publishing the research results in international publications will contribute to the development of personal data protection law.