

Data as an Asset in Distress: How Should China Approach its Disposal in Bankruptcy?

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DATE, TIME & VENUE

Thursday, 23 October 2025

1.15pm to 2.15pm

NUS Law (Bukit Timah Campus), Federal Bartholomew Conference Room (FED-01-02)

ABSTRACT

In China's bankruptcy proceedings, the disposal of enterprise data assets faces multiple challenges. First, the property attributes, ownership boundaries, and criteria for including data assets in bankruptcy estates remain unclear, leaving bankruptcy administrators without a solid legal basis for their disposal. Second, tensions persist between the obligation to protect personal information and the goal of maximizing bankruptcy estate value, as existing laws lack concrete mechanisms to balance these interests. Third, mechanisms for data classification, valuation, and monetization of data assets are underdeveloped, making it difficult to ensure both data security and accurate valuation for asset realization. Moreover, the responsibilities of bankruptcy administrators regarding data security and the authority of creditors' meetings in data-related decisions remain insufficiently institutionalized. Future reforms should focus on clarifying the legal status of data assets, developing classification rules for enterprise data assets, establishing valuation and trading mechanisms, and clarifying the administrator's role in managing bankruptcy estate including data assets and strengthening administrators' data security obligations in the disposal of the data assets. By recognizing the "the three data rights"—the right to control data, the right to process data, and the right to operate data products, bankruptcy law can provide a framework that not only facilitates the effective disposal of data assets but also ensures that its full potential is realized in insolvency scenarios in China.

ABOUT THE SPEAKER



Huimiao Zhao, is an Associate Professor and the Executive Director of the Research Institute of Law and Intellectual Property at Beijing University of Chemical Technology, PhD (HKU).

She is a council member of the Beijing Law Society's Bankruptcy Law Research Association, a researcher at the Bankruptcy Law and Corporate Reorganization Research Center of China University of Political Science and Law, and a judicial business expert for the Beijing Equity Exchange. Her research interests include economic law and data law.

Dr. Zhao has authored a monograph published by Cambridge University Press and multiple papers in internationally renowned journals indexed by SCI and SSCI, including the *American Bankruptcy Law Journal*, *Frontiers in Bioengineering and Biotechnology*, and the *Hong Kong Law Journal*. She has also published some papers in CSSCI-indexed journals and influential newspapers.

Currently, she leads several major research projects, including those funded by the National Social Science Foundation of China, the Ministry of Education, and the Beijing Municipal Social Science Foundation.

REGISTRATION



There is no registration fee for this seminar, but seats are limited. Refreshments will be provided on a first-come-first-served basis.

Visit <https://bit.ly/3KKJB9q> or scan the QR Code to register by Thursday, 16 October 2025, 12pm.

For enquiries, please contact the ASLI Secretariat at asli@nus.edu.sg