

## **KATE YIN**

Partner

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### **PRACTICE AREAS**

MS. YIN'S PRACTICE AREA IS GOVERNMENT ENFORCEMENT AND REGULATORY COMPLIANCE.

Ms. Yin is a recognized leader in complex government enforcement, internal investigation and regulatory compliance, especially challenging cross-border matters. Ms. Yin has been ranked as band 1 lawyer for “Corporate Investigation/Anticorruption” by Chambers Asia and “Regulatory/Compliance” and “Data Protection” by Legal 500, and “Regulatory and Compliance Lawyer of the Year” by China Law & Practice.

Ms. Yin has represented clients in a wide arrange of areas, such as anti-bribery, anti-unfair competition, data protection, accounting fraud, securities law, anti-money laundering, conflict of interest, trade secret and sanction and export control. With deep insights into government enforcements and market practices, Ms. Yin is highly sought after in most challenging government enforcements and corporate investigations, particularly those involving multi-jurisdictions. Ms. Yin has successfully defended clients in government enforcements and helped clients avoid hefty penalties and headline stories.

Ms. Yin participated in various high profile cases such as GSK Chinese commercial bribery prosecution and Siemens FCPA monitorship. Highly regarded as a leader in the compliance field, Ms. Yin has been engaged by the CLA under the Ministry of Justice as the expert on compliance to author the Annual Blue Book on Compliance in China for the last six years. Ms. Yin is also an expert of TC260 responsible for drafting implementation measures for the Cyber Security Law.

Anticorruption and multilateral bank sanctions are among Ms. Yin’s areas of expertise. Ms. Yin has extensive experience in providing comprehensive legal services relating to anti-bribery and multilateral bank sanctions for multinational and Chinese companies, including establishing tailor-made compliance programs, conducting complex internal investigations, evaluating compliance risks in cutting-edge business models, and responding to government enforcements and crisis management.

Data compliance is another practice area of Ms. Yin's expertise. Ms. Yin helps clients establishing global data protection program, conducting data compliance due diligence, advising client on challenging cross-border data transfer involving state secrets, important data and personal information reviews in connection with government enforcements and litigation as well as daily operation.

Ms. Yin also has extensive experience in export control and sanctions. Ms. Yin has represented a number of state-owned and private companies listed on the Entity List by the BIS, establishing sanctions and export control compliance program, assist clients in a wide range of industries on export control and sanction risks under PRC laws.

## **REPRESENTATIVE MATTERS AND CASES**

### **Government Enforcement and Crisis Management**

- Represent a leading U.S. technology company in responding to criminal and administrative enforcement in China and the U.S., help the company conduct an in-depth internal investigation and take remedial measures, and the DOJ eventually declined prosecution
- Represent an executive of a Chinese company listed in the U.S. in a joint enforcement case involving complex securities fraud and anti-money laundering allegations by the DOJ and the SEC, the executive was ultimately not convicted for any prison term
- Represent GSK in responding to anticorruption enforcement by the Chinese government, and conduct in-depth internal investigations
- Represent the Chairman of a Chinese company listed in the U.S. in an investigation by the DOJ, and the Chairman ultimately received no penalty
- Represent a Chinese company listed in the U.S. in an investigation by the SEC and the DOJ, assist the company in conducting an in-depth internal investigation, and the client has reached a settlement with the U.S. government with minimal penalties
- Represent a Chinese company listed in Hong Kong in response to a joint investigation by the U.S. government and the Hong Kong Securities and Futures Commission, and help the company establish comprehensive compliance program. The company was not penalized by the U.S. nor Hong Kong governments
- Represent a well-known pharmaceutical company in response to the U.S. government's investigation under the FCPA, and help the company conduct an in-depth internal investigation

- Assist state-owned and private Chinese companies listed on the Entity List by the BIS to respond to the crisis and establish sanctions and export control compliance program
- Represent a Chinese company in responding to an investigation of the Crime of Environmental Pollution by the PSB and the Procuratorate, and assist the client in achieving good results with minimum penalties
- Represent a venture fund partner in a criminal investigation of the Crime of Illegally Conducting Business and the Crime of Money Laundering by the PSB, and assist the client in obtaining leniency sentence
- Represent a leading U.S. company in a criminal investigation of the Crime of Illegally Obtaining Personal Information by the Chinese PSB, and the client was eventually not penalized
- Represent a pharmaceutical company in an investigation of the Crime of Falsely Issuing Invoice by the PSB, and the PSB decided not to prosecute the company
- Represent a world-leading pharmaceutical company in a series of investigations initiated by an Administration Bureau for Market Regulation in China for violations of China's anti-bribery laws, an internal investigation under the FCPA, terminate the company's cooperation with a high-risk third party, and handle other post-investigation dispute resolution issues. Assess compliance risks of the company's business models, and revamp compliance policies and procedures
- Represent a world-leading catering company in an anti-commercial bribery enforcement by an Administration Bureau for Market Regulation in China. The legal issues involved in the case were complex, and the case was eventually escalated to the State Administration for Market Regulation for discussion. The authority eventually did not impose penalties on the company
- Represent a world-leading clean energy company in responding to an investigation initiated by the Chinese Commission for Discipline Inspection, and help the company conduct an in-depth internal investigation
- Represent a leading automobile company in its investigation by an Administration Bureau for Market Regulation on various issues relating to license and labeling, and advise the client on improving its compliance program, and the authority ultimately imposed no penalties on the company
- Represent a leading international company in response to enforcement relating to food safety and false advertisement by an Administration Bureau for Market Regulation, and help the company conduct an in-depth internal investigation. While the case is ongoing, it is likely resolved in favor of the client

- Represent a number of well-known pharmaceutical companies in response to commercial bribery and false advertisement enforcements by the Administration Bureau for Market Regulation, and assist the company in conducting an in-depth internal investigation, which resulted in no penalties ultimately imposed on the clients
- Represent a well-known European company in response to tax authority's enforcement, and help the company conduct an in-depth internal investigation, which led to global self-reporting after systemic problems were discovered
- Represent an SOE, together with a Pakistani law firm, in response to a Pakistani government's criminal investigation of commercial bribery and money laundering charges, which resulted in no penalties for the company
- Represent a U.S. company, together with an Indian law firm, in a criminal enforcement case by the Indian CBI regarding bribery of Indian government officials by the company's Chinese subsidiary, and conduct internal investigations re compliance with the FCPA and China's anti-bribery laws
- Represent a number of listed companies in crisis management, manage public reports, relationship with various stakeholders, inquiries of CSRC, compliant of shareholders, and achieve good results with company's stock price restored in due course
- Represent several companies in responding to data breaches, file data breach report, communicate with various regulators, notify individuals and respond to their complaints, manage public disclosures, assist companies in filing criminal reports, and conduct internal review
- Represent several Chinese companies in responding to overseas government enforcements, provide crisis management and response strategies, conduct internal investigations, and conduct state secrets and personal information reviews
- Assist SINOTEC in the process of removing itself from the African Development Bank's sanctions list and establishing an effective compliance system

#### Internal Investigation

- Represent the Audit Committee of a Chinese company listed in the U.S., to conduct independent internal investigation in responding to Muddy Waters short selling report, and obtained conclusive results within a few weeks, based on which the client received multi-billion USD payment for an asset sale
- Represent a well-known U.S. listed Chinese company in an internal investigation and assist client in complex disputes with major shareholders

- Represent the audit committee of a well-known company listed in both the U.S. and Hong Kong in an internal investigation, and assist the client in handling disputes with implicated employees and establishing an effective compliance program
- Represent a Fortune 50 company in an internal investigation of potential violations of anti-bribery laws and accounting fraud
- Represent the Audit Committee of a biopharmaceutical company listed on the NASDAQ and HKSE in an internal investigation of fraud
- Represent the audit committee of an entertainment company listed in the U.S. in an internal investigation
- Represent a world-leading elevator company in an internal investigation, and provide legal advice on criminal charge and other complex legal issues
- Represent a multinational company in the scientific instrument manufacturing industry in an internal investigation regarding alleged retaliation against a whistle-blower
- Assist a Chinese Internet lifestyle services platform in investigating alleged fraud and provide legal advice on disciplinary and remedial measures
- Represent a leading manufacturing company in an internal investigation of conflict of interest and successfully persuade the PSB to initiate criminal proceedings against the executive
- Represent an energy company in its internal investigation in China, and assist the company to improve its compliance program
- Represent a pharmaceutical company jointly established by a leading multinational company and a major SOE in an internal investigation involving potential violations of the FCPA and China's anti-bribery laws, retaliation against employees and fraud
- Represent a major SOE in conducting an investigation and filing criminal charge to the PSB for trade secret infringement
- Represent a well-known company listed in the U.S. in an internal investigation, and assist the company to conduct a systematic anti-corruption, data, and sanctions export control compliance review and build up a compliance system
- Represent a well-known A-share listed company in a complex internal investigation and build a compliance system from scratch
- Represent a well-known real estate company in an internal investigation and recovered a large amount of losses

- Represent a well-known financial company in an internal investigation of anti-retaliation and risk management, and assist the client in systematically sorting out compliance risks and improving the compliance policies and procedures
- Represent a well-known company in an internal investigation involving possible violations of the FCPA and China's anti-bribery laws, channel stuffing, cross selling, financial fraud, labor disputes and other possible violations of laws, regulations and company compliance policies

#### Compliance Program and Advisory

- Participate in Siemens FCPA monitorship to help the client establish sophisticated compliance program with golden standard
- Represent SOEs, domestic and foreign companies in a wide range of industries to establish effective and efficient compliance programs, including among others anticorruption, data, sanctions and export controls, government dawn raid plans, and third-party management systems
- Assist SOEs and private Chinese companies in a wide range of industries (e.g., construction and real estate, ports, shipping, semi-conductor, finance and technology), in reviewing oversea compliance risks, and establishing compliance programs
- Advise multinational companies in a wide spectrum of industries on cross-border data transfer, state secrets and data privacy issues
- Assist a well-known Chinese company to establish and improve its global data compliance program, and working with local counsel, provide legal advice on various data issues relating to global product launches, and assist it in responding to various crisis (e.g., data breaches, government investigations and inquiries), conduct data compliance due diligence in various investments, and respond to data compliance review by its business partners such as Facebook
- Assist many well-known Chinese and multinational companies (e.g., AI and big data, automotive and transportation, entertainment, healthcare, e-commerce, consumer goods, manufacturing and infrastructure) to conduct data mapping, gap analysis, establish data compliance program, evaluate cross-border data transfer, important data identification, data localization and other complex legal issues
- Advise a major state-owned airline company on data compliance
- Represent a Chinese company listed in the U.S. in conducting data compliance due diligence on its proposed investment in a logistics giant, and assist the client in post-investment remediation to establish compliance program according to Chinese data protection regulations and GDPR

- Assist a Chinese company in conducting data compliance due diligence in connection with its Hong Kong initial public offering
- Assess the compliance risks of the business model for a well-known local pharmaceutical and medical device company, and improve its compliance policy and procedures to mitigate enforcement risk
- Provide comprehensive compliance services to well-known multinational and Chinese companies, including establishing compliance program, conduct compliance due diligence and compliance review
- Assist various leading PE funds in conducting compliance due diligence in connection with their investments in China, and assist the portfolio companies in establishing effective and efficient compliance programs

## **OTHER INFORMATION**

### **Education**

- The University of Michigan Law School, J.D., *magna cum laude*, 2005, Order of the Coif; Editor, Michigan Law Review
- Northwestern University, M.S., 2002
- Beijing University, B.S., 2000

### **Work Language**

- English
- Mandarin

### **Presentations/Speeches**

- Speaker, “Building Global Compliance Program”, Trade Compliance Forum (March 2021)
- Speaker, “Export Control Compliance for Foreign Invested Enterprises”, BJAC Forum (北仲有约) (March 2021)
- Speaker, “Conducting Effective Internal Investigations and Response to Government Enforcement”, ACI (March 2021)
- Speaker, “Expectations for the New Biden Administration: Important Compliance Strategies for Businesses Operating in the U.S. and China”, Guidepost Online Conference (January 2021)
- Speaker, “The Role of Compliance in Corporate Governance”, China Public Security University Compliance Summit (December 2020)
- Speaker, “Pitfalls in Internal Investigations”, ACI (December 2020)
- Speaker, “Trade Secrets and Crisis Management”, Blue Ocean Compliance Series (October 2020)



- Speaker, “Personal Information Protection in the Era of Big Data”, 2020 National Cybersecurity Week, “Data Security Sub-Forum” (September 2020)
- Speaker, “Discovering and Preventing Hidden Compliance Risks in China; Geopolitical and Reputational Risks”, 36th International FCPA Summit, ACI Washington (December 2019)
- Speaker, “The Five Most Common Mistakes in Cross-Border Enforcement Investigations”, 8th Annual Asia Pacific Anti-Corruption Summit, ACI Singapore (October 2019)
- Speaker, “Regulatory Update”, Chambers Asia Pacific Summit (October 2019)
- Speaker, “How to Establish an International Standard Compliance System and Respond to Overseas Government Enforcement”, Peking University (August 2019)
- Speaker, “How Chinese Companies Respond to Overseas Government Enforcement”, China Law Summit (June 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Peking University Smart Law Forum (June 2019)
- Speaker, “How to Respond to Chinese and Foreign Government Enforcement”, IBS Compliance Summit (May 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Peking University Advanced Criminal Workshop (May 2019)
- Speaker, “How to Systematically Deal with Overseas Government Enforcement Risks Faced by Overseas Business Operations”, Optimizing Business Environment and Corporate Compliance Seminar (April 2019)
- Speaker, “How to Respond to Overseas Government Enforcement and Establish a Compliance System”, Shenzhen Compliance Forum (March 2019)
- Speaker, “Anti-Corruption Enforcement Environment and Investigative Trends in the Asia Pacific Region”, 7th Anti-Corruption Compliance Asia Pacific Summit 2018 (December 2018)
- Speaker, “What’s So Unique about China’s Privacy and Data Protection Program?”, IAPP (November 2018)
- Speaker, “How to Establish Compliance System in Compliance with GDPR and PRC Cyber Security Law”, Compliance Training Organized by Beijing State-owned Assets Supervision and Administration Commission (June 2018)
- Speaker, “China and EU’s Cyber and Data Security: Compliance Assessment and Crisis Resolution”, Global Business Law Leaders Forum (June 2018)



- Speaker, “Annual Blue Book on Compliance in China”, China Corporate Counsel Annual Summit (May 2018)
- Speaker, “Ground Breaking Legislation for a New Era of Anticorruption Enforcement”, IBS Anticorruption Summit (March 2018)
- Speaker, “Establishing Effective Compliance Program”, China Compliance Summit (December 2017)
- Speaker, “Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, China Corporate Counsel Annual Summit (April 2017)
- Speaker, “Anti-corruption in China: Status and Impact of Legislative and Regulatory Changes, and Enforcement”, ACI – 33PrdP International Conference on FCPA (December 2016)
- Speaker, “Resolving Multi-Jurisdiction Enforcement Dilemmas: Anonymous Benchmarking on How to Manage Very Risky, Sensitive and Controversial Issues”, IBS (October 2016)
- Speaker, “How to Conduct an Effective Internal Investigation”, Anticorruption Alliance (October 2016)
- Speaker, “Building Effective Compliance Program in China”, Wolters Kluwer Annual Legal Summit (October 2016)
- Speaker, “General Counsel Briefing: China Dispute Resolution (China Litigation, China Investigations and China Arbitration)”, The 18th Annual In-house Congress Hong Kong (October 2016)
- Speaker, “Compliance and Social Responsibilities of Chinese Companies”, Law School of Shanghai Jiao Tong University (July 2016)
- Speaker, “The Annual Blue Book on Chinese Commercial Bribery”, Fa Lao Hui (June 2016)
- Speaker, “Preparing for and Responding to Investigative Raids in China”, ACI – 9th Advanced China Forum on Anti-corruption (June 2016)
- Speaker, “Managing Electronic Evidence for Cost-Effective Investigations in China”, Duxes – 8th Anti-corruption Compliance in China Summit (May 2016)
- Speaker, “Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, China Corporate Counsel Annual Summit (May 2016)
- Speaker, “How to Cope with Investigations by Regional Authorities”, Duxes – Third Anti-corruption Compliance Asia Pacific Summit (December 2015)
- Moderator, “Insight into China’s Anti-corruption Enforcement and Investigation Trends”, Duxes – Third Anti-corruption Compliance Asia Pacific Summit (December 2015)
- Speaker, “Trends Regarding Anti-corruption Enforcement & Espionage in China and the United States”, ABA Inaugural Global White Collar Crime Institute (November 2015)

- Presenter, “Be Prepared for Increasing Government Enforcement in China”, Swedish Chambers (November 2015)
- Speaker, “Where Companies Go Wrong with Internal Investigations in China: Focus on the Top 10 Pitfalls”, ACI – 8th Advanced China Forum on Anti-corruption (June 2015)
- Speaker, “How to Prepare for the Rise of Compliance Officer and Legal Counsel’s Liability and Personal Responsibility”, ACI – 8th Advanced China Forum on Anticorruption (June 2015)
- Speaker, “Regulatory Compliance – How to Stay out of Trouble”, FBCS (June 2015)
- Speaker, “The Post – GSK Era: the Changing Landscape of Anticorruption Enforcement?”, Duxes – 7th Anti-Corruption Compliance in China Summit (May 2015)
- Speaker, “Collecting Valid Evidence in China”, LED (May 2015)
- Speaker, “Do Anticorruption Investigations and Anti-bribery Legislation Influence or Affect International Arbitration?”, ICCA Hong Kong Summit (May 2015)
- Speaker, “Complying with PRC Laws While Doing Anticorruption Investigations in China”, LexisNexis (April 2015)
- Speaker, “The First Blue Book on Chinese Commercial Bribery – Review of Commercial Bribery in China”, Webinar Co-Hosted by China Institute of Corporate Legal Affairs & LexisNexis (February 2015)
- Speaker, “Breakfast Lecture by Fangda Partners: Current Legislation in China and Where It Is Heading”, Finnish Business Council Beijing (January 2015)
- Speaker, “Report on Chinese Commercial Bribery – The First Blue Book on Chinese Commercial Bribery”, Chinese Corporate Counsel Annual Summit (January 2015)
- Speaker, “How to Conduct Anti-Corruption Investigation in China”, EPIQ Seminar (November 2014)
- Speaker, “What Is Keeping Senior Executives Awake - Commercial Bribery, Cartel Investigations and Criminal Liabilities”, Hong Kong Corporate Counsel Association Seminar (August 2014)
- Speaker, “Anti-Corruption Risks and Best Practices”, Ropes & Gray Medical Device Roundtable (May 2013)
- Speaker, The Second Asia Pacific Pharmaceutical Compliance Congress – Best Practice Forum (September 2012)
- Speaker, “US Litigation Practices in China”, American Bar Association Webinar (May 2012)

## Publications

- Author, “Impact of Administrative Enforcement Law”, Compliance Forum (February 18, 2021)
- Author, “China’s Blocking Statute”, Compliance Forum (January 11, 2021)
- Author, “Annual Compliance Blue Book of China”, CLA (December, 2020)
- Author, “China’s Data Protection Law and Enforcement Year-end Review”, Compliance Forum (December 30, 2020)
- Author, “Chinese Children’s Privacy Law Now in Effect”, IAPP (October 3, 2019)
- Author, “What You Need to Know About China’s Draft Measures on Cross Border Data Transfer”, IAPP (September 10, 2019)
- Author, “Enforcement by the Chinese and U.S. Governments Triggered by 3.15 Gala”, Compliance Review (March 15, 2019)
- Author, “Chinese Data Protection Regulators’ Enforcement Agenda for 2019”, IAPP (February 26, 2019)
- Author, “SOEs Establishing Compliance Program”, Compliance Review (November 26, 2018)
- Author, “2017-2018 China’s Annual Compliance Blue Book”, the CLA and the CCPIT (September 15, 2018)
- Author, “Corporate Defense for Commercial Bribery Under the Amended AUCL”, Compliance Review (January 14, 2018)
- Author, “2016-2017 China’s Annual Compliance Blue Book”, the CLA and the CCPIT (June 25, 2017)
- Author, “Anti-Corruption Provisions in Third-Party Contracts in China”, The FCPA Reporter (June 7, 2017)
- Author, “Anticorruption Due Diligence in China”, Practical Law China of Thomas Reuter (April 19, 2017)
- Author, “The Sword of Damocles in the Information Age: How to Face the New Challenges under the Chinese Cybersecurity Law”, The Cybersecurity Law Reporter (January 22, 2017)
- Author, “Compliance Risk of Providing Sales Incentives – Michelin and Other Tire Companies Commercial Bribery Cases”, China AIC Reporter (中国工商报) (January 19, 2017)
- Author, “2015-2016 Report on Chinese Commercial Bribery – The Annual Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affair under Chinese Ministry of Justice (May 20,

2016)

- Author, “2014-2015 Report on Chinese Commercial Bribery – The First Blue Book on Chinese Commercial Bribery”, jointly published by China Institute of Corporate Legal Affairs under Chinese Ministry of Justice and LexisNexis (January 10, 2015)
- Quoted, “Law to Set Off Crusade Against Business Bribes”, South China Morning Post (May 26, 2016)
- Quoted, “China May See Another Surge of Anticorruption Enforcement”, Legal Daily (May 24, 2016)
- Quoted, “China FCPA Due Diligence Hits New Levels Amid M&A Spree”, Forbes (March 17, 2015)
- Quoted, “China Has Entered into a New Era of Anti-commercial Bribery Enforcement”, Legal Weekly (January 17, 2015)
- Quoted, “Time for Chinese Company Wake Up – A Special Interview of Yunxia Yin”, Legal Weekly (January 17, 2015)
- Quoted, “Anti-Commercial Bribery Enforcement Led by the FCPA Enforcement”, Legal Weekly (January 17, 2015)
- Quoted, “Challenging Issues in Building Compliance Program by SOEs”, Legal Weekly (January 17, 2015)
- Quoted, “High Risk Industries and Enterprises for Commercial Bribery”, Legal Weekly (January 17, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery – SOEs and Private Companies Should Both be on Guard”, China Healthcare, (January 16, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery – FMCG and Real Estate Industries Facing Higher Commercial Bribery Risk”, People’s Daily, (January 12, 2015)
- Quoted, “The First Blue Book on Chinese Commercial Bribery”, Legal China, (January 11, 2015)