



# NEWSLETTER

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## 国内要闻 Domestic News

### 公安部公布第一季度查处违法收集公民个人信息专项行动成果

2020年5月16日，公安部发布了2020年第一季度查处违法违规收集公民个人信息专项行动成果。公安部共查处个人信息APP服务单位386个，主要违法行为包括：未以显著位置、显著字体申明收集用户信息数据内容；收集信息时未明示并征得用户同意；未向用户明示收集、使用个人信息的目的、方式、范围；存在超范围收集用户信息等。（[查看更多](#)）

### MPS Releases the Result of the Special Action against Illegal Collection of Personal Information in Q1 2020

On 16 May 2020, the Ministry of Public Security (“MPS”) released the result of its special action against illegal collection of personal information in the first quarter of 2020. According to the result, MPS has closed investigation against 366 App service suppliers. The illegal conducts mainly include the lack of indication of the information to be collected in an arresting position or font, the failure to obtain the express consent of the users before collection, the failure to notify users of the purpose, methods and scope of collection and use of personal information, and overrange collection of information. ([More](#))

### 中国人民银行与市场监管总局签署《数据共享合作备忘录》

近日，中国人民银行与国家市场监督管理总局（“市场监管总局”）签署《数据共享合作备忘录》（“《备忘录》”）。《备忘录》的签署有助于加强跨地区、跨部门数据要素有序流转与融合应用，建立现代中央银行制度、推动金融数字化转型、优化营商环境夯实数据基础，推动金融与民生领域总对总系统互联与信息互通，加强数据有效整合和深度利用。（[查看更多](#)）

### PBC and SAMR Sign Cooperation Memorandum of Data Sharing

Recently, the People’s Bank of China (“PBC”) and China’s State Administration for Market Regulation (“SAMR”) have signed the Cooperation Memorandum of Data Sharing (“Memorandum”). This Memorandum will promote the ordered flow and the fusion application of trans-regional and trans-departmental data factors, the establishment of modern central bank system, the digital transformation of finance, the improvement of business environment, the interconnection of top-level system of finance and people’s livelihood areas, and the strengthening of data integrating and exploitation. ([More](#))

### 中共中央、国务院就培育发展数据要素市场、优化经济治理基础数据库等发布重要意见

近日，国务院发布《关于新时代加快完善社会主义市场经济体制的意见》（“《意见》”）。《意见》提出要加快培育发展数据要素市场，建立数据资源清单管理机制，完善数据权属界定、开放共享、交易流通等标准和措施。推进数字政府建设，加强数据有序共享，依法保护个人信息。《意见》同时提出要优化经济治理基础数据库，强化经济监测预测预警能力，充分利

用大数据、人工智能等新技术，建立重大风险识别和预警机制，加强社会预期管理。（[查看更多](#)）

## CCP and State Council Release Opinion on Fostering and Developing a Data Factor Market and Optimizing Data Pool for Economic Governance

Recently, China's State Council issued the *Opinions on Accelerating the Improvement of the Socialist Market Economy System in the New Era* (“Opinions”). The Opinions pointed out that China will (i) accelerate the cultivation development of data factor market, establish management mechanism of data source list and optimize standards and measures for the data ownership definition, data sharing and data transaction circulation; (ii) promote the establishment of digital government, strengthen data sharing and personal information protection; (iii) optimize basic data pool for economic governance, strengthen the capabilities of economy monitoring, forecasting and early warning, make good use of big data and artificial intelligence and other new technologies, establish big risks detection and warning mechanism, and strengthen the management of social expectation. ([More](#))

## 海外动态 Overseas News

### FTC与智能锁生厂商Tapplock就个人数据收集达成和解协议

2020年5月20日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）宣布其已与智能锁生产商Tapplock达成和解协议。此前，FTC指控Tapplock虚假宣称其智能锁是“坚不可破”的且采取了合理的措施保护消费者的个人信息。FTC认为Tapplock生产的智能锁并不安全且Tapplock并未采取合理的预防措施或者遵循行业内的最佳实践以保护其收集到的个人数据。根据和解协议，Tapplock被要求执行一套综合性的安全保障系统，并且该安全保障系统需通过由FTC批准授权的评估方进行的两年一次的独立评估测试。该公司还被要求禁止虚假陈诉其隐私保护措施及安全保障措施。（[查看更多](#)）

### FTC Gives Final Approval to Settlement with Smart Lock Maker

On 20 May 2020, it was announced by the Federal Trade Commission (“FTC”) that it had given final approval to a settlement with Tapplock related to allegations it falsely claimed that its Internet-connected smart locks were designed to be “unbreakable” and that it took reasonable steps to secure the data it collected from users. The FTC alleged that the company's locks were not secure and Tapplock failed to take reasonable precautions or follow industry best practices to protect the consumer data it collected through its app. Under the settlement, Tapplock is required to implement a comprehensive security program and obtain independent biennial assessments of the program by an assessor that the FTC has authority to approve. The company also is prohibited from misrepresenting its privacy and security practices. ([More](#))

### FTC与Miniclip就虚假陈述安全港项目会员资格一事达成和解协议

2020年5月19日，FTC宣布其已与瑞士电子游戏开发商Miniclip, S.A (“Miniclip”) 达成和解协议。此前，FTC指控该游戏开发商在儿童网上个人隐私保护法案（Children's Online Privacy Protection Act, “COPPA”）中的安全港项目会员资格问题上误导了消费者。COPPA要求收集13岁以

下儿童信息的公司需向儿童父母发送信息收集的通知并征得儿童父母的可核实的同意。在2009年至2015年期间，Miniclip曾是安全港项目的会员。但自2015年至2019年年中，[Miniclip](#)在其官网和Facebook游戏隐私政策页面上虚假地宣称其仍是安全港项目的会员。根据提出的和解协议，Miniclip被要求禁止在政府或任何自我监管组织发起的任何隐私及安全保护项目中虚假称述其实际参与认证情况（包括COPPA安全港项目）。Miniclip还被要求遵守相关法律并且保留相关记录。

[\(查看更多\)](#)

## Swiss Digital Game Developer to Settle FTC Allegation for Misrepresentation of Its Status in COPPA Safe Harbor Program

On 19 May 2020, it was announced by FTC that a digital game maker Miniclip, S.A. (“Miniclip”) had settled FTC allegations that it misled consumers about its membership in Children’s Online Privacy Protection Act (“COPPA”) safe harbor program aimed at ensuring companies adhere to requirements of COPPA. The COPPA requires companies that collect personal information about children under 13 to provide parents with notice of their collection practices and obtain verifiable parental consent. Miniclip joined safe harbor program in 2009 and remained a member until 2015, when Miniclip’s participation was terminated. From 2015 through mid-2019, Miniclip falsely claimed on its website and on its Facebook games privacy policy page that it was a member of CARU’s safe harbor program. As part of the proposed settlement Miniclip is prohibited from misrepresenting its participation or certification in any privacy or security program sponsored by a government or any self-regulatory organization, including the COPPA safe harbor program. Miniclip is also subject to compliance and recordkeeping requirements. [\(More\)](#)

## 爱尔兰数据保护协会对Tusla违法披露儿童信息一案进行处罚

2020年5月17日，根据爱尔兰时报报道，儿童和家庭机构Tusla因违反相关规定被爱尔兰数据保护协会（Data Protection Commission, “DPC”）处以7.5万欧元的罚款。此前，根据DPC调查，Tusla在三起案件中违法地将儿童信息披露给了未授权的第三方。在一起案件中，Tusla将一位母亲和一位儿童受害者的联系方式和住址信息披露给了一位被指控的家暴者。在另外两起案件中，被寄养儿童的信息被不适当地披露给了儿童血亲。在其中一起案件中，相关信息被披露给了一位正在受到监禁的父亲。 [\(查看更多\)](#)

## Irish DPC Fines Tusla For Wrongly Disclose Child Information

On 17 May 2020, it was reported by *The Irish Time* that the Data Protection Commission (“DPC”) had fined Tusla EU 75,000 arising out of an investigation into three cases where information about children was wrongly disclosed to unauthorized parties. In one instance, the contact and location data of a mother and child victim was disclosed to an alleged abuser. In two other cases, data about children in foster care was improperly disclosed to blood relatives, including in one instance to an imprisoned father. [\(More\)](#)

## 英国信息专员办公室印发关于理解人工智能决策的指南

近日，英国信息专员办公室（Information Commissioner Office）与英国阿兰图灵机构联合印发了一份关于理解人工智能决策的指南，为组织提供相关实际建议以便更好地理解人工智能制定或辅助制定的程序、服务及决策。该指南同样有助于帮助受到这些决策影响的个人。该指南包含三个部

分：（1）解释人工智能的基础；（2）实务中如何理解人工智能；（3）人工智能决策的解释对于机构来说有何种意义。正如法律框架规定的那样，人工智能收集个人数据同样受到数据保护法律的规制。在一些情况下，训练和测试人工智能模型需要使用到大量的个人数据。随着不断发展，越来越多的个人数据会被收集以供人工智能作出针对个人的决策。尽管这些人工智能所作的决策是预测性的或者推断性的，但其本身也属于个人数据。（[查看更多](#)）

## **UK ICO Issues Guidance Explaining Decisions Made With AI**

Recently, the Information Commissioner Office (“ICO”) and The Alan Turing Institute jointly issued a guideline for explain decisions made with AI to give organizations practical advice to help explain the processes, services and decisions delivered or assisted by AI, to the individuals affected by them. The guidance consists of three parts: (I) the basics of explaining AI; (II) explaining AI in practice; (III) What explaining AI means for your organization. As stipulated in the Legal Framework of the guideline, where AI uses personal data it falls within the scope of data protection legislation. In some cases, vast amounts of personal data are used to train and test AI models. On deployment, more personal data is collected and fed through the model to make decisions about individuals. Those decisions about individuals – even if they are only prediction or inferences – are themselves personal data. ([More](#))

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