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中华人民共和国民法典：专章保护隐私权和个人信息

2020年5月28日，《中华人民共和国民法典》（“《民法典》”）在中华人民共和国第十三届全国人民代表大会第三次会议表决通过。《民法典》共7编、1260条，各编依次为总则、物权、合同、人格权、婚姻家庭、继承、侵权责任和附则。其中，《民法典》在第四编第六章，对“隐私权和个人信息”进行专章保护：（1）规定了隐私的定义，列明禁止侵害他人隐私权的具体行为；（2）界定了个人信息的定义，明确了处理个人信息应遵循的原则和条件；（3）构建了自然人与信息处理者之间的基本权利义务框架；（4）规定了国家机关及其工作人员负有保护自然人的隐私和个人信息的义务。同时，《民法典》还对数据保护、网络安全等作出了规定。《民法典》将于2021年1月1日起施行。（[查看更多](#)）

China's Civil Code: Landmark Law to Protect Privacy Rights and Personal Information

On 28 May 2020, the *Civil Code of People's Republic of China* (“*Civil Code*”) was passed at the third session of the 13th National People's Congress. The *Civil Code* is consisted of 7 parts including the general provisions and 6 parts on property, contracts, personality rights, marriage and family, inheritance, and tort liability, and contains 1260 articles. The Chapter 6 of the Part 4 is specifically on the protection of privacy rights and personal information: (i) it defines the “privacy rights” and specifies relevant strictly prohibited infringing acts; (ii) it defines the “personal information” and stipulates principles and conditions that shall be followed when processing personal information; (iii) it constructs the basic rights and obligations framework between natural person and information processor; (iv) it establishes state organs and their functionaries bear obligations to protect the privacy and personal information of natural persons. In addition, the *Civil Code* also includes provisions on data protection and cybersecurity. The *Civil Code* will take effect on 1 Jan 2021. ([More](#))

最高法公报：2020年将加强数据权利和个人信息安全保护

2020年5月25日，最高人民法院（“最高法”）发布《2020年工作报告》（“《工作报告》”）。《工作报告》提到，2019年，最高法在加大数据安全和个人隐私保护力度，严惩侵犯公民个人信息犯罪等方面取得重要工作成果，包括依法审理手机应用擅自读取用户通讯录信息、网络信用平台滥用个人征信数据等案件，审理案件过程中准确适用“通知删除”规则，对散发诽谤他人言论的网络平台，根据受害人请求责令删除相关信息等。《工作报告》同时提出，2020年，最高法将继续加强数据权利和个人信息安全保护，服务数字经济健康发展。（[查看更多](#)）

SPC: Strengthening Data Rights and Personal Information Security Protection

On 25 May 2020, the Supreme People's Court (“SPC”) released the *Work Report of 2020* (“*Work Report*”). The *Work Report* underlined that the SPC had achieved great progress in strengthening the protection of data security and personal information protection, and in punishing the personal information infringing crimes, etc. For example, the SPC had heard several cases regarding the unauthorized access

of the address book by Apps and the abuse of personal credit information by online credit platforms. In the cases the SPC has tried, it precisely followed the principle of “takedown notice” and required online platforms where defamation was spread to delete relevant information as required by victims. *Work Report* also proposed that the SPC will continually strengthen the protection of data rights and personal information security, serving the healthy development of digital economy. ([More](#))

信安标委发布两部信息安全技术国家标准

2020年5月25日，全国信息安全标准化技术委员会（“信安标委”）发布了《信息安全技术 智能家居安全通用技术要求和测试评价方法》（“《智能家居安全评价方法》”）和《信息安全技术 工业控制系统信息安全防护建设实施规范》（“《工控系统实施规范》”）两项国家标准的征求意见稿，面向社会广泛征求意见。其中，《智能家居安全评价方法》主要适用于智能家居产品的安全设计、测试和管理，包括了智能家居终端、网关、控制端、通信网络及平台的安全要求等；《工控系统实施规范》主要适用于工业企业非涉及国家秘密的工业控制系统设计、建设、运维等相关方进行工业控制系统信息安全防护建设。征求意见截止日期为2020年07月25日。（[查看更多](#)）

TC260 Releases Two Information Security Technology Standards

On 25 May 2020, the National Information Security Standardization Technical Committee (“TC260”) released the exposure drafts of *Information Security Technology--General Technical Requirements of Smart Home Security and Testing and Evaluation Methods* (“**Smart Home Security Testing Methods**”), and *Information Security Technology - Implementation Guides for the Construction of Information Security Protection in Industrial Control Systems* (“**Industrial Control Systems Implementation Guides**”) to solicit public opinions. *Smart Home Security Testing Methods* contains security design, test and management of smart home, including the security requirements of the terminal, gateway, trig, communication network and platform of smart home. *Industrial Control Systems Implementation Guides* will apply to the information protection construction of industrial control system by the designers, constructors and operators of industrial control system that does not involve state confidences. The deadline for submitting opinions is 25 July 2020. ([More](#))

海外动态 Overseas News

爱尔兰数据保护委员会就推特国际涉嫌违反《通用数据保护条例》案提交初步决定

2020年5月22日，爱尔兰数据保护委员会（Data Protection Commission, “DPC”）表示其已就推特国际公司（“推特国际”）涉嫌违反《通用数据保护条例》案敲定了一份初步决定并发送给了欧盟其他国家的监管机构进行审查。此前，DPC依据推特国际发出的涉嫌违反数据保护通知展开了对推特国际是否违反《通用数据保护条例》第33条（1）款及第33条（5）款的调查。近日，DPC还完成了对Facebook位于爱尔兰的子公司关于“为个人数据处理建立合法基础”义务的调查。目前，这项调查正处于决策阶段。（[查看更多](#)）

Irish DPC Submits Draft Decision on Inquiry into Twitter International's Compliance with GDPR

On 22 May 2020, the Irish Data Protection Commission (“DPC”) submitted a draft decision to concerned Supervisory Authorities regarding an own-volition inquiry it has completed into Twitter International Company (“Twitter International”), a data controller based in Ireland. This inquiry was commenced by the DPC following receipt of a data breach notification from Twitter International and focused on whether Twitter International has complied with Articles 33(1) and 33(5) of the GDPR. Recently, the DPC has also completed the investigation phase of a complaint-based inquiry which focuses on Facebook Ireland’s obligations to establish a lawful basis for personal data processing. This inquiry is now in the decision-making phase at the DPC. ([More](#))

芬兰数据保护机构首次依据《通用数据保护条例》对违规企业开出罚单

2020年5月22日，芬兰数据保护机构分别对三家违反数据保护法的芬兰公司开出罚单。据了解，三家涉案公司因未充分履行数据主体权利、未履行一般数据处理原则、未提供充分法律基础进行数据处理分别被处罚10万欧元、1.6万欧元及1.25万欧元。这是自《通用数据保护条例》生效以来，芬兰首次依据该条例进行处罚。根据相关法律规定，涉案公司有权在行政法院提起上诉。 ([查看更多](#))

Finland Deputy Data Protection Ombudsman Fines Three Companies for Infringing Data Protection Laws

On 22 May 2020, Finland Deputy Data Protection Ombudsman issued administrative fines against three Finnish companies for their infringements of data protection laws. The infringements concerned insufficient fulfillment of data subjects rights (EUR 100,000), non-compliance with general data processing principles (EUR 16,000) and insufficient legal basis for data processing (EUR 12,500). Those are the first administrative fines issued in Finland since the GDPR became applicable. According to the relevant laws, the companies may appeal against the decisions to an administrative court. ([More](#))

EasyJet因旅客信息泄露面临180亿英镑集体诉讼

近日，英国著名廉价航空EasyJet受大规模数据泄露事件影响正面临180亿英镑的集体诉讼。2020年5月19日，EasyJet透露，约900万旅客的敏感个人数据因网络攻击而被泄露，其中还包含2200余条信用卡信息。英国国家网络安全中心及英国信息专员办公室已经介入此事件。如EasyJet未履行数据保护义务，英国信息专员办公室有权依据《通用数据保护条例》对EasyJet开出巨额罚单。目前，EasyJet仍在与受到影响的旅客进行积极沟通。 ([查看更多](#))

EasyJet Faces GBP 18b Class Action After Data Breach

Recently, UK budget airline EasyJet is facing a potential GBP 18b class-action lawsuit filed on behalf of customers impacted by a recently-disclosed data breach. On the 19 May 2020, EasyJet announced that sensitive personal data of 9 million customers may have been exposed in a cyberattack, including over 2,200 credit card records. The UK National Cyber Security Centre and the UK's Information Commissioner's Office have been notified, and the latter has the power to impose heavy fines under GDPR if an investigation revealed that the carrier has not fulfilled its obligation in data protection and security. Till now, EasyJet is still contacting impacted customers. ([More](#))

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。



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