



# NEWSLETTER

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## 国内要闻 Domestic News

### 公安部发布《贯彻落实网络安全等级保护制度和关键信息基础设施安全保护制度的指导意见》

2020年9月22日，公安部发布《贯彻落实网络安全等级保护制度和关键信息基础设施安全保护制度的指导意见》（“《指导意见》”）。根据《指导意见》，第三级以上网络运营者应委托符合国家有关规定的等级测评机构，每年开展一次网络安全等级测评，并及时将等级测评报告提交受理备案的公安机关和行业主管部门。新建第三级以上网络应在通过等级测评后投入运行。网络运营者在开展测评服务过程中要与测评机构签署安全保密协议，并对测评过程进行监督管理。（[查看更多](#)）

### MPS to Implement Cybersecurity Classified Protection System and Crucial Information Infrastructure Security Protection System

On September 22, 2020, the Ministry of Public Security (“MPS”) released the *Guiding Opinions on Implementing the Cybersecurity Classified Protection System and Crucial Information Infrastructure Security Protection System* (“Guiding Opinions”). According to the Guiding Opinions, an operator of a cyberspace at Grade III or above shall entrust a cybersecurity grade assessment agency established according to the relevant laws and regulations to conduct cybersecurity grade assessment on it on a yearly basis, and promptly filed the assessment report to the relevant competent authorities for record. Besides, for a newly established cyberspace at Grade III or above, a cybersecurity grade assessment shall be conducted before its operation. An operator shall enter into non-disclosure agreement and supervise the assessment process when entrusting cybersecurity grade assessment agencies. ([More](#))

### 信安标委发布三项关于个人信息保护的网络安全标准实践指南

2020年9月20日，全国信息安全技术标准化委员会（“信安标委”）发布三项网络安全标准实践指南。《网络安全标准实践指南—移动互联网应用程序（App）中的第三方软件开发工具包（SDK）安全指引（征求意见稿）》旨在帮助App提供者和第三方SDK提供者减少在第三方SDK使用中的安全和隐私问题，意见征求截止日期为2020年10月4日。《网络安全标准实践指南—移动互联网应用程序个人信息保护常见问题及处置指南》和《网络安全标准实践指南—移动互联网应用程序系统权限申请使用指南》针对目前存在的App超范围收集、强制索权、频繁索权等问题，为App开发者、移动互联网应用分发平台运营者和移动智能终端厂商提供参考。（[查看更多](#)）

### TC260 Releases Three Practice Guidelines for Cybersecurity Standards Concerning Personal Information Protection

On September 20, 2020, the National Information Security Technical Standardization Committee (“TC260”) released three practice guidelines for cybersecurity standards. The *Practice Guidelines for Cybersecurity Standards - Security Guidance for Third-party Software Development Kits (SDKs) in Mobile Internet Apps (Exposure Draft)* is designed to help App providers and third-party SDK providers decrease the number of security and privacy issues in the use of third-party SDKs. The deadline for sub-

mitting comments is October 4, 2020. The *Practice Guidelines for Cybersecurity Standards - Guidelines for Common Issues of Personal Information Protection and Relevant Disposal in Mobile Internet Apps* and the *Practice Guidelines for Cybersecurity Standards - Guidelines for Applying and Using of System Authorization in Mobile Internet Apps* aim to prevent and deal with the widely-existing issues in personal information protection such as excessive collection of unnecessary personal information, compulsory authorization or excessive requesting of authorization, and are references for App developers, mobile internet application distribution platform operators and mobile intelligent terminal manufacturers. ([More](#))

### 中国人民银行发布《金融消费者权益保护实施办法》

近日，中国人民银行发布《金融消费者权益保护实施办法》（“《实施办法》”），《实施办法》第三章涉及消费者金融信息保护。根据《实施办法》，银行、支付机构处理消费者金融信息，应当遵循合法、正当、必要原则，经金融消费者或者其监护人明示同意，但是法律、行政法规另有规定的除外。银行、支付机构不得收集与业务无关的消费者金融信息，不得采取不正当方式收集消费者金融信息，不得变相强制收集消费者金融信息。《实施办法》还规定，银行、支付机构应当按照法律法规的规定和双方约定的用途使用消费者金融信息，不得超出范围使用。（[查看更多](#)）

### PBC Releases Implementation Measures for Protection of Financial Consumer Rights and Interests Involving Protection of Consumer Financial Information

Recently, the People's Bank of China (“PBC”) released the *Implementation Measures for the Protection of Financial Consumer Rights and Interests* (“Implementation Measures”), the Chapter three of which concerns the protection of consumer financial information. According to the Implementation Measures, when collecting and processing consumer financial information, banks and payment institutions shall follow the principles of legitimacy, fairness and necessity, and obtain the explicit consent of financial consumers or their guardians, unless the laws and regulations rule otherwise. Banks and payment institutions shall not collect consumer financial information unless necessary to the business. Information cannot be collected in an improper or compulsory manner. The Implementation Measures also stipulate that banks and payment institutions shall use consumer financial information in accordance with the laws and regulations as well as the purposes agreed by both parties, and shall not use such information for unauthorized purpose. ([More](#))

### App专项治理工作组发布《关于81款App存在个人信息搜集使用问题的通告》

近日，App专项治理工作组发布《关于81款App存在个人信息搜集使用问题的通告》（“《通告》”），涉及WiFi万能密码、乐视体育、新浪体育等81款Apps。工作组建议相关App运营者对《通告》中列举的问题进行整改，表示将在30日后工作组将对整改情况进行核验，并向相关部门提交复核结果，对不能有效整改的建议依法予以处置。（[查看更多](#)）

## Task Force Against Apps Releases Report on Problems Identified in Collection and Use of Personal Information by 81 Apps

Recently, the task force against Apps released the *Report on Problems Identified in Collection and Use of Personal Information by 81 Apps* (“**Notice**”), including WiFiWmm, LeSports, Sina Sports and 78 other Apps. The task force recommended the operators of the listed Apps to conduct internal compliance evaluation, which are subject to re-evaluation 30 days later. Apps failing the re-evaluation will be reported to the competent authorities and might face penalties as recommended by the task force. ([More](#))

## 海外动态 Overseas News

### 芬兰数据保护执法机关处罚未经数据主体事先同意的电子直销行为

2020年9月25日，欧洲数据保护委员会发布新闻称，芬兰数据保护执法机关对Acc Consulting Varsinais-Suomi（一家独立咨询公司）处以行政罚款，原因是该公司未经数据主体事先同意即发送电子直销信息，也未尽到保护数据主体权利的义务。芬兰数据执法机构调查发现，该公司未依法回应或执行有关数据主体的权利请求，也无法证明其个人数据处理活动的合法性。（[查看更多](#)）

### Finnish DPO Fine a Company for Sending Electronic Direct Marketing Messages Without Prior Consent

On September 25, 2020, the European Data Protection Board reported that the Finnish Data Protection Ombudsman (“**Finnish DPO**”) has imposed an administrative fine on Acc Consulting Varsinais-Suomi (Independent Consulting Oy) (“**Acc Consulting**”) for sending electronic direct marketing messages without prior consent and neglecting the rights of the data subject. Finnish DPO found that Acc Consulting did not respond to or implement the requests concerning the rights of data subjects, and it was not able to prove that it had processed personal data legally. ([More](#))

### 因未经用户同意进行语音呼叫和发送信息，一西班牙公司被罚60,000欧元

2020年9月22日，西班牙数据保护执法机关根据《通用数据保护条例》（GDPR）对GLP Instalaciones 86, SL (“**GLP**”)处以60,000欧元的罚款，原因是GLP处理个人数据缺乏足够法律依据。西班牙数据保护执法机关调查发现，为就安装空调系统获得帮助，一数据主体与Naturgy Energy Group S.A. (“**Naturgy**”)取得联系。随后有两家公司联系该数据主体，GLP为其中之一。据悉，GLP在与该数据取得联系时自称为Naturgy员工，而Naturgy则表示两家公司均非其授权的安装人员或雇员。基于这一事实，西班牙数据保护执法机关认为GLP处理数据主体个人数据（包括名，姓，电话号码，银行信息和电子邮件）的行为缺乏足够法律依据。（[查看更多](#)）

### Spanish DPA Fines a Company for Infringing GDPR

On September 22, 2020, the Spanish Data Protection Authority (“**Spanish DPA**”) issued a penalty decision in which it fined GLP Instalaciones 86, SL (“**GLP**”) EUR 60,000 for insufficient legal basis for data processing in accordance with GDPR. Spanish DPA found that, in order to obtain assistance for the

installation of an air conditioning system, the data subject had contacted Naturgy Energy Group S.A. (“Naturgy”). Subsequently, the data subject was contacted by two different companies, one of which was GLP, who pretended to be Naturgy employees. However, according to Naturgy, GLP is neither authorized installers nor employees, resulting in GLP’s processing of personal data of the data subject, including the name, surname, telephone number, bank details and e-mail, without a valid legal basis.

[\(More\)](#)

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