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2021年1月22日，工业和信息化部（“工信部”）信息通信管理局（“信管局”）通报了2021年第一批共157款侵害用户权益、尚未完成整改的APP。所涉问题包括欺骗诱导用户下载APP，违规收集、使用个人信息，强制、频繁、过度索取权限等。通报要求，该等APP应在1月29日前完成整改落实工作。此外，通报指出多家应用商店平台管理主体责任落实不到位，工信部已督促相关平台严格落实《移动智能终端应用软件预置和分发管理暂行规定》，落实企业主体责任。后续，工信部将依法对问题突出、有令不行、整改不彻底的相关企业进行处置。（[查看更多](#)）

MIIT Reports 157 Apps for Infringing Users' Rights and Interests

On January 22, 2021, China's Ministry of Industry and Information Technology ("MIIT") published a total of 157 apps in the first batch of 2021 that infringed users' rights and interests and have not yet completed rectification. The issues involved include deceiving and misleading users to download apps, illegally collecting and using personal information, and compulsively, frequently, and excessively asking for permissions. MIIT required that these apps should complete the rectification work before January 29. In addition, MIIT also pointed out that a number of app store platforms have failed to fulfill their management responsibilities. MIIT has urged relevant platforms to strictly implement the *Interim Provisions on the Management of Mobile Smart Terminal Application Software Preset and Distribution* and fulfill their responsibilities. Later, MIIT will deal with relevant enterprises with prominent problems, failing to follow orders or incomplete rectification in accordance with the law. ([More](#))

央行发布非银行支付机构新规草案，明确多项用户信息保护要求

2021年1月20日，中国人民银行（“央行”）发布了《非银行支付机构条例（征求意见稿）》。征求意见稿对非银行支付机构在用户信息收集、使用、处理、本地化等方面的要求进行了明确。其中提到，非银行支付机构不得收集与其提供的服务无关的用户信息，不得违反有关规定和双方的约定收集、使用用户信息，并应当按照有关规定和双方的约定，处理其保存的用户信息。意见反馈截止时间为2月19日。（[查看更多](#)）

Chinese Regulators Propose New Rules for Non-Bank Payment Industry

On January 20, 2021, the People's Bank of China issued the *Regulations on Non-Bank Payment Institutions (Exposure Draft)*. The exposure draft clarifies the requirements of non-bank payment institutions in the collection, use, processing, and localization of user information. Non-bank payment institutions shall not collect user information irrelevant to the services they provide, and shall not collect and use user information in violation of relevant regulations and agreements between the parties, and shall process their stored user information in accordance with relevant regulations and agreements between the parties. The deadline for submitting comments is February 19. ([More](#))

工信部通报下架12款侵害用户权益APP

2021年1月19日，工信部信管局发布通报称，2020年12月21日，工信部向社会通报了63家存在侵害用户权益行为APP企业的名单。截至1月19日，经第三方检测机构核查复检，尚有12款APP未按照工信部要求完成整改。依据《网络安全法》等法律和规范性文件要求，工信部组织对上述12款APP进行下架。相关应用商店应在该通报发布后，立即组织对名单中应用软件进行下架处理。（[查看更多](#)）

MIIT: 12 Apps Pulled off for Infringing Users' Rights and Interests

On January 19, 2021, MIIT issued a circular stating that on December 21, 2020, MIIT announced a list of 63 app operators that infringed users' rights and interests. As of January 19, after verification and re-examination by a third-party testing agency, there were still 12 apps that had not been rectified as required by MIIT. In accordance with the *Cybersecurity Law* and other laws and regulations, MIIT decided to organize the removal of these apps. Relevant app stores were requested to organize the removal of the listed apps immediately after the release of this circular. ([More](#))

因非法抓取抖音APP短视频，刷宝APP被判赔500万元

2021年1月16日，北京市海淀区人民法院发布新闻称，该院已于日前审结北京微播视界科技有限公司（“微播公司”）诉北京创锐文化传媒有限公司（“创锐公司”）不正当竞争一案。该案中，法院认为创锐公司采用技术手段或人工方式获取来源于抖音APP（微播公司开发运营）中的视频文件、评论内容并通过刷宝APP（创锐公司开发运营）向公众提供，构成不正当竞争，一审判决创锐公司消除影响并赔偿微播公司经济损失500万元。（[查看更多](#)）

Beijing Court Favors TikTok in Short Video Capture Case and Awards CNY 5m in Damages

On January 16, 2021, the Haidian District People's Court of Beijing stated that the court had concluded a case of unfair competition dispute between Beijing Weiboshijie Technology Co., Ltd. (“Weiboshijie”) and Beijing Chuangrui Culture Media Co., Ltd. (“Chuangrui”). In this case, the Court held that Chuangrui used technical or manual methods to obtain video files and comments from Douyin (the Chinese version of Tik Tok), developed and operated by Weiboshijie, and provided them to the public through an app named Shuabao, developed and operated by Chuangrui, and the above behaviors constituted unfair competition. In the first instance, the Court ordered Chuangrui to eliminate the impact and pay Weiboshijie CNY 5 million in damages. ([More](#))

海外动态 Overseas News

东盟通过数据管理框架和数据跨境流动示范合同条款

2021年1月22日，新加坡个人数据保护委员会（Personal Data Protection Commission, “PDPC”）发布新闻称，第一届东南亚国家联盟（Association of Southeast Asian Nations, “东盟”）数字部长会议已于当天批准了东盟数据管理框架（Data Management Framework,

“DMF”)和数据跨境流动示范合同条款 (Model Contractual Clauses for Cross Border Data Flows, “MCCs”)。PDPC称, DMF和MCCs是东盟企业用于数据相关业务运营活动的核心资源和工具。其中, DMF为企业 (特别是中小企业) 提供了一个逐步建立数据管理体系的指南, 包括数据治理结构和保护措施。MCCs有助于减少谈判、合规成本及时间 (特别是对于中小企业), 同时确保数据跨境传输时的个人数据保护。 ([查看更多](#))

ASEAN Adopts Data Management Framework and Model Contract Clauses for Cross Border Data Flows

On January 22, 2021, Singapore’s Personal Data Protection Commission (“PDPC”) issued a press release stating that the first Association of Southeast Asian Nations (“ASEAN”) Digital Ministers’ Meeting had approved on the same day the ASEAN Data Management Framework (“DMF”) and Model Contractual Clauses for Cross Border Data Flows (“MCCs”). According to PDPC, DMF and MCCs are key resources and tools for ASEAN businesses to utilise in their data-related business operations. Among them, DMF provides a step-by-step guide for businesses, SMEs, to put in place a data management system, which includes data governance structures and safeguards. MCCs can help reduce negotiation and compliance costs and time especially for SMEs while ensuring personal data protection when data is transferred across borders. ([More](#))

欧洲数据保护委员会就《数据泄露通知示例指南》公开征求意见

2021年1月18日, 欧洲数据保护委员会 (European Data Protection Board, “EDPB”) 宣布已通过《数据泄露通知示例指南》 (Guidelines 01/2021 on Examples regarding Data Breach Notification), 并向公众征求意见。该指南通过引入更多面向实践的指导和建议对第29条工作组数据泄露通知指南作了补充, 旨在帮助数据控制者决定如何处理数据泄露, 以及风险评估需要考虑的因素。指南中罗列了欧盟成员国数据监管机构认为最常见的数据泄露通知案例, 包括勒索软件攻击、数据渗漏攻击、设备或文件丢失等, 并提供了相应的建议, 强调了不同情况下应当重点考虑的风险因素, 并告知数据控制者何时应当及时通知相关监管机构和数据主体。征求意见的截止时间为3月2日。 ([查看更多](#))

EDPB Invites Comments on Guidelines on Examples Regarding Data Breach Notification

On January 18, 2021, the European Data Protection Board (“EDPB”) announced that it had adopted the *Guidelines 01/2021 on Examples Regarding Data Breach Notification* and asked for public comments. These guidelines complement the WP 29 guidance on data breach notification by introducing more practice orientated guidance and recommendations and aim to help data controllers to decide how to handle data breaches and what factors to be considered during risk assessment. The guidelines contain an inventory of data breach notification cases deemed most common by the national supervisory authorities, such as ransomware attacks; data exfiltration attacks; and lost or stolen devices and paper documents. The guidelines advice on how risks should be identified and assessed, highlight the factors that should be given particular consideration, as well as inform in which cases the controller should notify the supervisory authorities and/or notify the data subjects. The deadline for submitting comments is March 2. ([More](#))

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