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上海市通信管理局通报一批App侵害用户权益典型案例

2021年2月25日，上海市通信管理局通报了一批App侵害用户权益的典型案例。本批案例一共8个，涉及的侵害用户权益的行为主要包括：（1）频繁向用户索取权限；（2）未落实整改要求；（3）未经同意向第三方SDK提供用户个人信息；（4）未公开个人信息收集使用规则；（5）违反必要原则，收集与其提供的服务无关的个人信息；（6）未提醒用户阅读隐私政策，以默认勾选等形式默认用户阅读并同意隐私政策并收集信息；（7）未及时响应用户的账号注销申请；（8）未通过弹窗等明显方式提示用户阅读隐私政策。（[查看更多](#)）

Shanghai Communications Administration Reports Typical Cases of Apps Infringing User Rights and Interests

On February 25, 2021, the Shanghai Communications Administration reported a batch of typical cases of apps infringing user rights and interests. There are 8 typical cases in this batch and the involved behaviors infringing user rights and interests mainly include: (1) frequently asking for permissions from users; (2) failure to implement the rectification requirements; (3) providing users' personal information to third-party SDK without consent; (4) failure to disclose rules for personal information collection and use; (5) violating the principle of necessity and collects personal information that is irrelevant to the services provided; (6) failure to remind the users to read the privacy policy and confirms by default that the users have read and agreed to the privacy policy and collects information in the form of default check; (7) failure to respond to the users' account cancellation applications in a timely manner; and (8) failure to prompt users to read the privacy policy through pop-up windows and other obvious ways. ([More](#))

信安标委发布网络音视频服务、网上购物服务、网络支付服务数据安全指南三项国家标准征求意见稿

2021年2月24日，全国信息安全标准化技术委员会（“信安标委”）秘书处发布了三项信息安全技术国家标准的征求意见稿，包括《信息安全技术 网络音视频服务数据安全指南》《信息安全技术 网上购物服务数据安全指南》和《信息安全技术 网络支付服务数据安全指南》。征求意见的截止日期为4月24日。（[查看更多](#)）

TC260 Invites Comments on 3 Draft National Information Security Technology Standards

On February 24, 2021, the Secretariat of the National Information Security Standardization Technical Committee (also known as “TC260”) issued three exposure drafts of national information security technology standards, including the *Information Security Technology: Data Security Guidelines for Online Audio and Video Services*, *Information Security Technology: Data Security Guidelines for Online Shopping Services* and *Information Security Technology: Data Security Guidelines for Internet Payment Services*. The deadline for submitting comments is April 24. ([More](#))

工信部信息技术发展司召开工业数据分类分级线上工作研讨会

2021年2月23日，工业和信息化部（“工信部”）信息技术发展司组织召开了工业数据分类分级线上研讨会，副司长王建伟参会并讲话，相关地方行业主管部门、行业协会及部属单位负责人近40人参加会议。会议总结了2020年应用试点工作在检验工业数据分类分级方法、引导企业提升数据管理能力方面取得的成效，并对下一步工作的重难点进行了探讨。与会代表表示将持续跟踪产业数字化转型升级给分类分级工作带来的新机遇和新挑战，建立健全工作机制，加大工业数据分类分级宣贯培训、试点推广、标准指导等工作力度。（[查看更多](#)）

MIIT Holds Industrial Data Categorization and Classification Meeting Online

On February 23, 2021, the Information Technology Development Department (“ITDD”) of the Ministry of Industry and Information Technology (“MIIT”) organized an online meeting on industrial data categorization and classification. Jianwei Wang, Deputy Director General of ITDD, attended the meeting and delivered a speech. Nearly 20 representatives from relevant local industry authorities, industry associations and other bodies attended the meeting. The meeting summarized the results of the application pilot work in 2020 in testing industrial data categorization and classification methods and guiding enterprises to improve data management capabilities and discussed the important and difficult points of the next step. Participants said that they will continue to track the new opportunities and challenges brought by the digital transformation and upgrading of the industry to the categorization and classification work, establish and improve the working mechanism, and increase the efforts of implementation training, pilot promotion and standard guidance of industrial data categorization and classification. ([More](#))

广东省通信管理局责令215款App限期整改侵害用户权益和安全隐患问题

2021年2月23日，广东省通信管理局发布通报称，2021年1月，该局共监测发现215款App存在侵害用户权益和安全隐患问题并依据《网络安全法》和《电信和互联网用户个人信息保护规定》等法律法规对App运营者发出通知，责令限期整改并通知各应用商店督促整改。此外，本次还通报了此前已通报但仍未整改或整改不彻底的7款App。此次被通报的App侵害用户权益的典型表现包括：（1）未在隐私政策等公示文本中逐列明App所集成第三方SDK收集使用个人信息的目的、方式和范围；（2）未经用户阅读并同意隐私政策，提前申请获取终端权限；（3）App在用户未使用相关功能或服务时，提前申请开启通讯录、定位等权限；（4）未提供有效的注销账号功能，且在隐私政策和相关界面上没有注销指引。（[查看更多](#)）

Guangdong Communications Administration Reports 215 Apps for Infringing User Rights and Interests

On February 23, 2021, the Guangdong Communications Administration issued a circular stating that it found 215 apps violating user rights and interests and carrying security risks in January 2021. The Guangdong Communications Administration has noticed the app operators in accordance with the *Cybersecurity Law, Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws and regulations, and has ordered the operators to rectify within a time limit and notified app stores to supervise the rectification. Furthermore, the circular also published 7 apps that have been notified but have not been or completely been rectified. Typical behaviors of the apps' infringement of user rights and interests include: (1) failure to list the purpose, method, and scope of per-

sonal information collected and used by the third-party SDK integrated by the app in the privacy policy or other publicity texts; (2) asking for terminal permissions in advance before the users have read and agreed to the privacy policy; (3) asking for permission to open the address book and location before the users use related functions or services; and (4) failure to provide effective account cancellation functions and lacks cancellation guide in the privacy policy and related interface. ([More](#))

海外动态 Overseas News

脸书6.5亿美元隐私和解协议获批准，美国一州160万用户每人将至少获得345美元赔偿

2021年2月26日，据《芝加哥论坛报》报道，美国加利福尼亚州的一位联邦法官最终批准了一份金额高达6.5亿美元的脸书（Facebook）隐私集体诉讼和解协议，该法庭令使得近160万伊利诺伊州的集体诉讼成员每人都能获得至少345美元的赔偿。2015年4月，芝加哥律师杰伊·埃德森（Jay Edelson）针对脸书提起诉讼，称这个社交媒体巨头未经同意使用面部标记特征的行为违反了伊利诺伊州隐私法。该案随后被移送至加利福尼亚州联邦法院，并获得了集体诉讼资格。
([查看更多](#))

Facebook Privacy Settlement Approved: Nearly 1.6 Million Illinois Users Will Get At Least \$345

On February 26, 2021, the *Chicago Tribune* reported that a California federal judge has issued a final approval in a \$650 million Facebook class action privacy settlement, with an order to get at least \$345 to each of nearly 1.6 million Illinois class members. In April 2015, a Chicago attorney, Jay Edelson, filed a lawsuit against Facebook alleging that the social media giant's use of facial tagging features without consent was not allowed under Illinois privacy law. The case was later moved to California federal court and attained class-action status. ([More](#))

欧洲数据保护监管局就欧盟与英国拟议协议表态，数据和隐私保护规定不容谈判

2021年2月22日，欧洲数据保护监管局（European Data Protection Supervisor, “EDPS”）就欧盟和英国间拟议的两项协议——《贸易合作协定》（Trade and Cooperation Agreement, “TCA”）及另一项关于交换和保护机密信息的安全程序的协议——发表了意见。EDPS对两项协议表示欢迎，但对TCA未能忠实地延续欧盟关于数据跨境流动和个人数据保护的横向规定而感到遗憾。欧洲数据保护监察专员Wojciech Wiewiórowski表示：“与英国达成的关于数据保护和隐私问题的措辞规定只能是一个例外。我们强烈建议欧盟委员会重申其对横向规定的承诺，将该规定作为未来和其他非欧盟国家签订贸易协定的唯一基础，且不得就个人数据保护和隐私权进行谈判。” ([查看更多](#))

EDPS: Data Protection is Non-negotiable in International Trade Agreements

On February 22, 2021, the European Data Protection Supervisor (“EDPS”) published his opinion on two proposed agreements between the EU and the UK: the Trade and Cooperation Agreement (“TCA”) and an agreement on the security procedures for exchanging and protecting classified information. The

EDPS welcomes these two agreements. Nevertheless, the EDPS regrets that the TCA fails to faithfully take over the EU's horizontal provisions for cross-border data flows and for personal data protection. Wojciech Wiewiórowski, EDPS, said: "The wording agreed with the UK on data protection and privacy must remain an exception. We strongly recommend that the European Commission reiterates its commitment to the horizontal provisions as the only basis for a future trade agreement with other non-EU countries and that personal data protection and privacy rights will not be up for negotiation." ([More](#))

因违法处理客户信息，凯克萨银行被西班牙数据保护机构开出600万欧元创纪录罚单

2021年2月19日，西班牙数据保护机构（“AEPD”）发布新闻称，因凯克萨银行（CAIXABANK, S.A.）非法处理客户的个人数据，且未提供关于处理个人数据的足够信息，对凯克萨银行处以共计约600万欧元的罚款。AEPD认为，凯克萨银行违反了欧盟《通用数据保护条例》（GDPR）第6条、第13条和第14条的规定。在决定罚款金额时，AEPD考虑了违法行为的性质、严重程度、持续时间和过失程度，以及该公司是一家大型企业且拥有高营业额的事实。该项处罚创造了西班牙监管机构罚款的新纪录。（[查看更多](#)）

Spanish Data Protection Authority Imposes Fine of 6m EUR on CAIXABANK, S.A.

On February 19, 2021, the Spanish Data Protection Authority (“AEPD”) announced that it imposed a total fine of 6,000,000 EUR on CAIXABANK, S.A. (“CAIXABANK”) for unlawfully processing clients’ personal data and not providing sufficient information regarding the processing of personal data. The AEPD concluded that CAIXABANK has constituted a breach of Article 6, 13 and 14 of the GDPR. In deciding on the amount of the fine, the AEPD took into account the nature, gravity, duration and the negligent character of the infringements, and the fact that the company is a large enterprise and its turnover. This is the highest administrative fine ever imposed by the Spanish regulators. ([More](#))

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