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信安标委发布《2021年网络安全国家标准项目申报指南》

2021年3月12日，全国信息安全标准化技术委员会（“信安标委”）发布《2021年网络安全国家标准申报指南》（“《指南》”）。根据《指南》，2021年信安标委将围绕国家网络安全工作急需和突出的问题，开展制定一批网络安全国家标准项目，重点关注网络产品和服务安全要求、互联网平台数据分类分级、互联网平台及产品服务隐私协议要求、应用商店的App个人信息处理规范性审核与管理指南、移动智能终端App个人信息处理活动指南、网络运营者数据备案实施要求等。（[查看更多](#)）

TC260 Issues 2021 Cybersecurity National Standards Application Guidelines

On March 12, 2021, the Secretariat of the National Information Security Standardization Technical Committee (also known as “TC260”) issued *the 2021 Cybersecurity National Standards Application Guidelines*. According to the Guidelines, in 2021, the TC260 will focus on urgent and prominent issues in national cybersecurity work, and carrying out a number of projects on national cybersecurity standards setting, such as standards relating to the security requirements of network products and services, the categorization and classification of Internet platform data, the requirements of Internet platform and product service privacy agreement, the guideline for compliance review and management of app’s personal information processing, the guideline for personal information processing of mobile intelligent terminals, requirements of network operator’s data filing, etc. ([More](#))

工信部通报侵害用户权益APP名单

2021年3月12日，工业和信息化部（“工信部”）发布通报称，根据《网络安全法》、《电信条例》、《电信和互联网用户个人信息保护规定》等法律法规，工信部近期组织第三方检测机构对手机应用软件进行检查，并督促存在问题的企业整改。截至目前仍有136款APP未完成整改，主要涉及违规收集使用、使用个人信息，强制、频繁、过度索取权限，欺骗误导用户下载等问题。工信部要求相关APP在3月17日前完成整改。对于逾期未完成整改App，工信部将依据相关规定组织开展相关处置工作。（[查看更多](#)）

MIIT Notifies the List of App Infringing Users’ Rights and Interests and Requires the Apps to be Removed

On March 12, 2021, the Ministry of Industry and Information Technology (“MIIT”) released a circular stating that, according to *Cybersecurity Law, Telecommunication Regulation and Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws and regulations, recently, the MIIT assigned third-party testing agencies to inspect the relevant mobile phone application softwares and urged companies with problems to rectify them. As of the day of the circular, there are still 136 apps that have not fulfilled the rectification requirement. According to the circular, the common problems includes illegally collecting and using personal information, compulsory, frequent, and excessive requesting of permissions, and deceiving and misleading users to download, etc. The MIIT requires the relevant apps to complete the rectification before March 17. Otherwise, the MIIT will impose punishments in accordance with relevant regulations. ([More](#))

上海将组建人工智能和智能交通标准化技术委员会

2021年3月11日，上海市市场监督管理局发布通报，将组建上海市智能交通标准化技术委员会，由上海市交通委员会主管，主要负责智能交通领域的地方标准制定修订。同时还将筹建上海市人工智能标准化技术委员会，由上海市经济和信息化委员会主管，主要负责人工智能领域的地方标准制定和修订。（[查看更多](#)）

Shanghai to Establish Artificial Intelligence and Intelligent Transportation Standardization Technology Committees

On March 11, 2021, the Shanghai Municipal Administration for Market Regulation released a circular, stating that Shanghai will establish the Shanghai Municipal Intelligent Transportation Standardization Technology Committee, which will be supervised by the Shanghai Municipal Transportation Commission and will be responsible for the formulation and revision of local standards in the field of intelligent transportation. Meanwhile, the city will also establish the Shanghai Municipal Artificial Intelligence Standardization Technology Committee, which will be supervised by the Shanghai Municipal Commission of Economy and Informatization and will be responsible for the formulation and revision of local standards in the field of artificial intelligence. ([More](#))

公安三所发布《全球网络安全政策法律动态与研判》

2021年3月10日，公安部第三研究所（“公安三所”）网络安全法律研究中心发布了《全球网络安全政策法律动态与研判》（“《报告》”）。《报告》指出，当前的网络安全立法，具有个人数据保护常态化和特殊化相结合、强化平台内容安全和平台责任的特点。未来，“数据安全”将成为个人信息保护后的新的立法增长点，超大型平台责任问题将更加凸显。（[查看更多](#)）

TRIMPS Issues Global Cybersecurity Policy and Legal Developments Research and Judgment

On March 10, 2021, the Third Research Institution of Ministry of Public Security (“TRIMPS”) Cyber Security Law Research Center issued the *Global Cybersecurity Policy and Legal Developments Research and Judgment Report*. The Report pointed out that the current cybersecurity legislation is characterized by a combination of the general and special protection of personal data, and the reinforcement of the platform content security and the platform responsibility. In the future, “data security” will become a new legislative growth point after personal information protection, and the problem of giant platform responsibility will become more prominent. ([More](#))

最高法工作报告强调维护数据和信息安全

2021年3月8日，最高人民法院（“最高法”）院长周强在全国人民代表大会上作工作报告。工作报告中提到“促进数字经济健康发展。通过依法公正裁判为数字经济发展和技术创新明晰规则，引导新技术新业态新模式在法治轨道上健康有序发展。合理确定平台责任和行为边界，促进平台经济、共享经济依法规范发展。联合开展网络直播行业专项整治，净化网络生态。审理

视频网站付费超前点播案，规范商业模式创新，保护用户合法权益。加强对外卖骑手、快递小哥、网约车司机等新业态从业者合法权益的保护。审理手机软件侵害用户个人信息、人脸识别纠纷等案件，加强个人信息保护，维护数据安全。” ([查看更多](#))

The Supreme People's Court Work Report Emphasizes Data Protection and Information Security

On March 8, 2021, president of the Supreme People's Court ("SPC"), Zhou Qiang, reported on SPC's work to the National People's Congress. The work report mentioned that the SPC would "promote the healthy development of digital economy. Clarify the rules for the development of digital economy and technology innovation through fair and legal judgments, and guide the healthy and orderly development of new technologies, new formats and new models on the track of rule of law. Reasonably determine platform responsibilities and behavior boundaries, and promote the legal and standardized development of platform economy and sharing economy. Jointly carry out special rectification of the webcast industry to purify the network ecology. Hear the case of advanced video-on-demand payment on video websites, standardizing business model innovation, and protecting the legal rights and interests of users. Strengthen the protection of the legal rights and interests of practitioners in new businesses such as food delivery riders, delivery men, and ride-hailing drivers. Hear the cases of mobile phone software infringing users' personal information, face recognition disputes, etc., strengthen personal information protection and maintain data security."([More](#))

海外动态 Overseas News

澳大利亚竞争与消费者委员会就默认和预置搜索服务征求意见

2021年3月11日，澳大利亚竞争与消费者委员会（“ACCC”）发布新闻称，其正在就网络浏览器服务选项向消费者和行业参与者征集意见，该选项给予用户在使用手机和平板电脑时可以选择网络搜索服务，而非直接使用预置搜索服务。随后，这些意见将为一个研究默认和预置搜索服务和浏览器对消费者选择和竞争的影响的报告提供参考。这一报告预计今年稍晚将完稿，该报告还将大概描述即将在欧洲实行的在安卓设备上推出搜索服务选项的情况，并研究除此之外其他可能鼓励竞争的措施，以增加消费者在澳大利亚搜索服务和网络浏览器市场上的选择。（[查看更多](#)）

ACCC Seeks Comments on Default Settings and Pres-Installation of Search Services

On March 11, 2021, the Australian Competition & Consumer Commission ("ACCC") reported that it is seeking comments from consumers and industry participants about choice screens, which give users a choice of internet search services on mobiles and tablets, rather than a pre-selected search service. Then, the comments will inform an upcoming report on the impact of default settings and pre-installation of search services and web browsers on consumer choice and competition. The report, to be finalized later this year, will also outline the current roll out of choice screens for search services on Android devices in Europe and examine what measures other than choice screens could encourage competition and improve consumer choice for search services and web browsers in Australia. ([More](#))

欧盟数据保护委员会第46届全体会议通过《电子隐私条例》草案声明

2021年3月10日，欧盟数据保护委员会（“委员会”）第46届全体会议通过了关于《电子隐私条例》草案的声明。委员会认为负责执行《通用数据保护条例》（“EDPB”）的各国家机关同时应被委托负责监督关注未来《电子隐私条例》的隐私条款，以确保最终在欧盟范围内对《电子隐私条例》统一和谐的解释和执行，以及保障在欧盟单一数字市场内的公平竞争环境。委员会主席安德里亚·耶利内克（Andrea Jelinek）表示：“《电子隐私条例》在任何情况下都不能降低现有的《电子隐私指令》所提供的保护水平，且应当通过为各种类型的电子通信的保护和保密性提供其他强有力的保障措施来对GDPR进行补充。”（[查看更多](#)）

CDEI Releases COVID-19 Repository & Public Attitudes Report

On March 10, the European Data Protection Board (“EDPB”) adopted a statement on the draft ePrivacy Regulation during its 46th plenary session. The EDPB recalls that national authorities responsible for enforcement of the GDPR should be entrusted with the oversight of the privacy provisions of the future ePrivacy Regulation to ensure a harmonised interpretation and enforcement of the ePrivacy Regulation across the EU and to guarantee a level playing field in the Digital Single Market. EDPB Chair, Andrea Jelinek said: “the ePrivacy Regulation must not - under no circumstances - lower the level of protection offered by the current ePrivacy Directive, and should complement the GDPR by providing additional strong guarantees for confidentiality and protection of all types of electronic communication.”([More](#))

法国数字组织投诉苹果未经允许投放个性化广告

2021年3月9日，一法国数字组织代表2000家法国初创公司对苹果公司提起投诉，指控苹果公司并未就投放个性化广告寻求用户许可。在向法国数据隐私执法机构法国国家信息与自由委员会（CNIL）提交的投诉中，该组织称每当苹果手机和电脑更新升级时，就会自动激活这种广告。个性化广告在苹果应用程序中均可看到，如苹果应用商店和苹果新闻。苹果承认其使用了包括地理定位和搜索记录在内的个人信息和技术信息，但坚称其并没有将个人用户数据发送给第三方，而只是将数据按照每千人的“片段”分类整理好。（[查看更多](#)）

France Digitale Group Filed a Complaint Against Apple for Unauthorized Personalised Advertisements

On March 9, 2021, a France digitale group representing 2,000 French startups filed a complaint against Apple, accusing Apple of failing to seek permission from users for personalised advertising. In a petition filed with the French data privacy watchdog CNIL, the France digitale group says such advertising is activated automatically during an update of Apple iPhones and Mac computers. Personalized advertising is found in Apple applications such as the App Store and Apple News. Apple acknowledges that it uses personal and technical information including geo-localization and search records but insists it does not pass personal user data on to third parties but collates them in “segments” of several thousand people. ([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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 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261