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安徽省人大常委会通过《安徽省大数据发展条例》

2021年3月26日，安徽省人大常委会表决通过了《安徽省大数据发展条例》，在数据安全方面，为了强化数据安全保护，《条例》明确实行数据安全责任制，由网信部门、公安部门、电信管理部门以及其他有关部门一起负责大数据安全保护工作，县级以上人民政府有关部门则要加强大数据环境下的防攻击、防泄露、防窃取的监测、预警、控制和应急处理能力，共同保障数据安全。《条例》还要求各部门履行数据安全职责，加强社会数据安全教育。（[查看更多](#)）

The Standing Committee of the Anhui Provincial People's Congress Passes the Regulations on Big Data Development in Anhui Province

On March 26, 2021, the Standing Committee of the Anhui Provincial People's Congress voted and passed the *Regulations on Big Data Development in Anhui Province*. In order to strengthen data security protection, the *Regulations* clearly implements a data security responsibility system. Cybersecurity department, public security department and telecommunications management department along with other related departments are responsible for the security protection work of big data, whereas the relevant departments of the people's government at or above the county level for strengthening their monitoring, early warning, controlling and emergency response capabilities of anti-attack, anti-breach and anti-theft in the context of big data. The *Regulations* also requires all departments to perform data security management responsibilities and strengthen social data security education. ([More](#))

最高法发布为北京“两区”建设提供司法服务和保障的意见

2021年3月26日，最高人民法院（“最高法”）发布《关于人民法院为北京市国家服务业扩大开放综合示范区、中国（北京）自由贸易试验区建设提供司法服务和保障的意见》。根据《意见》，人民法院应服务数字经济新业态新模式发展，妥善审理线上教育、在线医疗、远程办公、云上会展等新业态领域的案件，密切关注大数据与交通运输、文化旅游、餐饮服务、现代制造业等领域融合发展引发的新类型案件，促进产业升级，保护消费者合法权益，推动数字经济与实体经济深度融合。加强对5G、大数字平台、车联网等新型数字化基础设施建设、传统基础设施数字化赋能改造和数字经济示范应用场景建设的司法保护，推动北京打造具有国际竞争力的数字产业集群，建设全球数字经济标杆城市。（[查看更多](#)）

The Supreme People's Court Issues Opinions on Providing Judicial Services and Guarantees for the Construction of the "Two Zones" in Beijing

On March 26, 2021, the Supreme People's Court issued the *Opinions on the People's Court Providing Judicial Services and Guarantees for the Construction of Beijing's Integrated National Demonstration Zone for Opening-up the Service Sector and the China (Beijing) Pilot Free Trade Zone*. According to the *Opinions*, the people's courts should serve the development of new business models of the digital economy, properly handle cases in the new business fields such as online education, online medical care, telecommuting and online exhibitions, pay close attention to the new types of cases arising from the co-development of big data and other fields such as transportation, cultural tourism, catering services and modern manufacturing, promote the industrial upgrading, protect the legal rights and interests

of consumers and promote the data economy and entity economy to integrate deeply. The people's courts should also strengthen the judicial protection of new digital infrastructure constructions such as 5G, big-data platforms and Internet of Vehicles, of digital empowerment and transformation of traditional infrastructures, and of construction of digital economy demonstration application scenarios, facilitating to build an internationally competitive digital industry cluster in Beijing, and turning Beijing to become a benchmark city of global digital economy. ([More](#))

中国消费者协会就餐厅强制“扫码点餐”发表观点

2021年3月25日，中国消费者协会（“中消协”）就餐厅强制消费者“扫码点餐”发表观点。中消协认为，餐厅强制“扫码点餐”收集了消费者的手机号码、生日、位置等与餐饮消费无关的信息，违反了收集使用个人信息的合法、正当、必要原则，涉嫌过度收集消费者个人信息。同时，这一行为没有考虑到老人和未成年人这些特殊群体操作智能手机的能力，客观上给其消费造成了障碍。这些特殊人群的风险防范意识较弱，也更容易成为个人信息泄露、支付安全问题的受害者。新技术应用不应成为攫取消费者个人信息的借口，更不应成为阻碍大众消费的壁垒。（[查看更多](#)）

CCA Comments on Restaurants' Mandatory "Scan Code Ordering"

On March 25, 2021, the China Consumers Association ("CCA") expressed its opinions on restaurants compelling consumers to scan code to order food. The CCA believes that the restaurants' mandatory "scan code ordering", which collects consumers' mobile phone numbers, birthday, geographical locations and other information unrelated to catering consumption violates the "Lawfulness, Fairness and Necessity Principle" of collecting and using personal information, and is suspected for over-collecting consumers' personal information. Meanwhile, this behavior fails to consider the capabilities of the vulnerable (such as the elderly and minors) to use smart phones, and objectively creates obstacles for their consumption. Moreover, the vulnerable are less aware of risk prevention and therefore more likely to become victims of personal information breach and payment security issues. The application of new technology should not become an excuse to over-collect consumers' personal information, nor should it become a barrier to public consumption. ([More](#))

深圳就《智能网联汽车管理条例》征求意见

2021年3月23日，深圳市人大常委会就《智能网联汽车管理条例》向社会征求意见。《条例》第五章对网络安全和数据保护进行了专章规定。其中，在数据开放方面，《条例》第三十三条规定，智能网联汽车运营企业申请并经公安机关交通管理部门同意，可以获取与其智能网联汽车产品相关的道路违法、交通事故等脱敏数据信息。在数据保护方面，《条例》第三十四条规定，智能网联汽车相关企业应当依照规定，采取措施防止用户个人信息的泄露、丢失、损毁，并制定数据安全及隐私保护方案。在发生或者可能发生国家安全数据及用户个人信息泄露、损毁、丢失的情况时，相关企业应当立即采取补救措施，及时告知用户并向市互联网信息部门报告。同时，《条例》还禁止非法收集、处理、利用个人隐私、信息，禁止非法采集涉及国家安全的数据。（[查看更多](#)）

Shenzhen Seeks Advice on the Regulations on the Management of Intelligent and Connected Vehicle

On March 23, 2021, the Standing Committee of the Shenzhen Municipal People's Congress seeks advice from the society on the *Regulations on the Management of Intelligent and Connected Vehicle*. Chapter 5 of the *Regulations* stipulates rules on cybersecurity and data protection. Among them, regarding data opening, Article 33 of the *Regulations* stipulates that after applying to and being approved by the traffic and transportation management department of the public security authority, the intelligent and connected vehicle operating companies can obtain desensitized data information related to their intelligent and connected vehicle products such as road violations and traffic accidents. In terms of data protection, Article 34 of the *Regulations* stipulates that companies related to intelligent and connected vehicle should take precautions, to prevent personal information breach, loss, and damage, and formulate plans for data security and privacy protection. When the information breach, loss, and damage of national security data and users' personal information happen or may happen, relevant companies should take remedial measures immediately, promptly notify the users and report to the municipal cybersecurity department. Meanwhile, the *Regulations* also prohibits illegal collecting, processing, and using of personal privacy and information, and prohibits illegal collection of data regarding national security. ([More](#))

网信办：加紧制定《数据安全法》与《个人信息保护法》

2021年3月19日，国家互联网信息办公室（“网信办”）副主任杨小伟出席国务院新闻办公室举办的新闻发布会，在会上回答了记者关于提升数据安全和隐私保护能力的提问。他表示，为持续加强在当前大数据快速发展环境下的数据安全和个人隐私保护，网信办将加紧出台《数据安全法》和《个人信息保护法》，在法律层面为数据安全和个人隐私保护提供保障；不断加强国家关键信息基础设施的防护能力，强化数据安全的预警和溯源工作；加紧制定相关法规标准，建立数据资源的确权、开放、流通以及交易的相关制度，完善数据产权保护制度；加强数据安全和个人信息保护的执法力度和数据安全宣传。（[查看更多](#)）

CAC: Step up to Formulate the Data Security Law and Personal Information Protection Law

On March 19, 2021, Yang Xiaowei, deputy director of the Cyberspace Administration of China (“CAC”), attended a press conference held by the State Council Information Office and answered reporters' questions on improving data security and privacy protection capabilities. He said that in order to continue strengthening data security and personal privacy protection under the background of rapid development of big data, CAC will step up to formulate the *Data Security Law* and the *Personal Information Protection Law*, which will provide judicial guarantees for data security and personal privacy protection. CAC will also continuously strengthen the protection capabilities of national critical information infrastructure; strengthen the early warning and tracing of data security issue; speed up the formulation of relevant regulations and standards; establish relevant systems for the confirmation, opening, circulation, and transaction of data resources; improve the protection system of data property rights; strengthen law enforcement of data security and personal information; and strengthen the data security education. ([More](#))

中信银行泄露客户账户信息，被罚450万

2021年3月19日，中信银行因泄露客户信息被中国银行保险监督管理委员会（“银保监会”）处罚。此前，一名脱口秀演员曾向银保监会举报中信银行，在未经其本人授权、未经司法机关合法调查程序的情况下，将其名下的银行账户交易明细直接提供给了其前雇主。银保监会经过调查，认定中信银行存在客户信息保护体制机制不健全、客户信息收集环节管理不规范、客户数据访问控制管理不符合业务规定、对客户敏感信息管理不善、系统权限管理存在漏洞等问题，对其处以450万人民币的罚款。（[查看更多](#)）

China Citic Bank Fined CNY 4.5 Million for Leaking Customer Account Information

On March 19, 2021, the China Citic Bank was punished by the China Banking and Insurance Regulatory Commission (“CBIRC”) for leaking customer information. Previously, a talk show actor reported to the CBIRC, claiming that without his authorization and legal investigation procedures by judicial authorities, China Citic Bank directly provided his bank account transaction details to his former employer. After investigation, CBIRC found that China Citic Bank has compliance issues such as implementation of imperfect customer information protection system and mechanism, improper management of customer information collection process, incomprehensive control and management of customer data access, poor protection of customer sensitive information and loopholes in system authority management. China Citic Bank was fined CNY 4.5 million. ([More](#))

海外动态 Overseas News

欧盟和美国加强跨大西洋数据隐私流动协商

2021年3月25日，欧盟司法专员迪迪埃·雷因德斯和美国商务部长吉娜·雷蒙多共同就跨大西洋数据隐私流动谈判发表以下声明：“美国政府和欧盟委员会已决定就强化版欧盟-美国隐私盾框架议题加强谈判，以遵循欧盟法院2020年7月16日在Schrems II案中做出的判决。”欧盟-美国隐私盾是一种将个人数据从欧盟公司转移到美国公司时所需遵守的机制，于2016年起生效适用。2020年7月16日，欧盟法院裁定该隐私盾无效。（[查看更多](#)）

EU and U.S. Intensify Negotiations on Transatlantic Data Privacy Flows

On March 25, 2021, EU Commissioner for Justice, Didier Reynders, and U.S. Secretary of Commerce, Gina Raimondo, made the following statement regarding the negotiations on transatlantic data privacy flows: “The U.S. Government and the European Commission have decided to intensify negotiations on an enhanced EU-U.S. Privacy Shield framework to comply with the July 16, 2020 judgment of the Court of Justice of the European Union in the Schrems II case.” The EU-U.S. Privacy Shield was a mechanism for transfers of personal data from EU companies to companies in the U.S. that adhered to the mechanism. It was in place since 2016. On July 16, 2020, the European Court of Justice invalidated the EU-U.S. Privacy Shield. ([More](#))

印度议会发布关于2020消费者保护规则报告

2021年3月24日，印度议会发布了关于2020年消费者保护规则（电子商务规则）的报告。这个报告介绍了网上交易的消费者在线上购物过程中进行不同操作时所承担的风险和可能面临的不同类型的威胁。例如在订购产品时，消费者面临着其行为模式数据被滥用、遭遇恶意推荐系统算法的风险；在线上支付时，消费者则可能会面临网络钓鱼、小额扣款攻击等风险。议会立法委员会因此建议根据用户个人信息的敏感程度对数据进行分类，每个类别对应适当的保护级别。并进一步建议消费者事务部提供安全可靠的支付网管系统，确保用户交易相关数据不受损害。此外，立法委员会还认为所有主要的电子市场实体都应在印度建立数据中心，确保印度消费者的数据不会因存放在境外服务器中而被他国滥用。（[查看更多](#)）

Parliament of India Issues Report on The Consumer Protection Rules, 2020

On March 24, 2021, Parliament of India issued the report on the Consumer Protection (E-Commerce) Rules, 2020. The report introduced the risks that E-Commerce consumers are exposed to and the various types of threats they could encounter at each level of his/her online shopping process. For example, when ordering products, consumers are taking the risks that their behavior pattern data being misused and they being exposed to malicious recommender system algorithm. When paying online, the consumers might encounter phishing and salami attacks. The Committee, therefore, recommends that user's personal data may be categorized as per their level of sensitivity and appropriate protection level may be assigned for each level. The Committee further recommends that the Ministry of Consumer Affairs should ensure that a secured and robust system of payment gateway is made available to the Consumers so that the transaction related data of the users is not compromised in any way. Further, the Committee felt that all major e-marketplace entities should establish their data centre in India, so that the Consumer data are not hosted in a server located beyond the borders of the Country, which may be misused by an enemy Country. ([More](#))

俄罗斯拟提案扩大个人数据法监管范围，锁定外国互联网实体

2021年3月23日，据Data Guidance报道，在与俄罗斯国家杜马委员会就打击网络犯罪进行讨论后，俄罗斯联邦通信、信息技术与大众传媒监督局提案建议扩大个人数据法范围，特别是限制外国互联网实体的数据跨境传输，以保护俄罗斯公民的权利。此外，该局还强调外国网站也应适用个人数据领域制定的原则，并认为这可以通过该局和外国政府机构签订协议实现。（[查看更多](#)）

Roskomnadzor Proposes Expansion of Personal Data Law to Include Foreign Internet Entities

On March 23, 2021, according to *Data Guidance*, the Russian Federal Service for the Supervision of Communications, Information Technology and Mass Communications (“Roskomnadzor”) proposes to expand the law on personal data, following discussions held with the State Duma Committee on combatting cybercrime. In particular, the Roskomnadzor proposed to target foreign internet entities, as well as limit cross-border data transfers, with the view of protecting the rights of Russian citizens. More specifically, the Roskomnadzor emphasised that principles laid down in the field of personal data should be applied to foreign websites, which may be achieved via agreements between the Roskomnadzor and foreign authorities. ([More](#))

以色列大选前选民数据泄露，650万选民信息曝光

2021年3月22日，根据媒体报道，在以色列新一轮大选前，超过650万以色列公民的个人身份和选举登记信息遭大规模外泄，就已知情况看，问题出在软件厂商Elector Software为以色列利库德党开发的投票应用上。此次公开的文件包含超过650万选民的姓名与指定投票站编号，以及超过600万以色列公民的详细个人信息，如全名、电话号码、身份证号码、家庭住址、性别、年龄与政治倾向等。（[查看更多](#)）

Day Before Election, 6.5 Million Israel's Voters Data Leaked Online

On March 22, 2021, the Israel newspaper Haaretz reported that a day before the Israel election, hackers post lists detailing names, ID numbers and voting location of all Israeli adults online. In the two leaked encrypted databases, one contains the full list of eligible voters, including the names and designated polling stations of 6.5 million Israelis, and the other contains over 6 million full names, ID numbers and sometimes additional details. A message from the hackers said they were motivated by the continuous use of Elector, a so-called campaign-management app, by political parties. ([More](#))

因非法获取员工敏感信息，宜家法国公司面临诉讼

2021年3月22日，根据雅虎金融新闻报道，瑞典零售巨头宜家法国分公司被指控存在雇佣私家侦探和警察以运行系统监视雇员和求职者的行为。检察官发现宜家法国公司收集了数百名在职和潜在雇员的详细信息，包括保密信息和犯罪记录，作为其“监视系统”的一部分。对宜家法国公司的指控包括非法收集个人信息、接收非法收集的个人信息及侵犯职业保密责任。宜家法国公司现有雇员一万人，可能面临高达375万欧元的罚款。出庭受审的15人中，包括公司前门店经理和高管，还有四名被指控传递保密信息的警官。（[查看更多](#)）

Ikea France Being Prosecuted for Spying on Staff

On March 22, 2021, according to *Yahoo! Finance* report, the French branch of Swedish retailing giant Ikea went on trial, accused of running an elaborate system to spy on staff and job applicants using private detectives and police officers. Prosecutors say Ikea France collected details on hundreds of existing and prospective staff, including confidential information about criminal records, as part of a “spying system”. The charges include illegally gathering personal information, receiving illegally gathered personal information, and violating professional confidentiality. Ikea France, which employs 10,000 people, faces a fine of up to 3.75 million euros. The 15 people being tried in the court include former store managers and top executives. The group also includes four police officers accused of handing over confidential information. ([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