



# NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

## No.231

2021.04

### 立方网络安全与数据合规周报

## Weekly Cybersecurity and Data Protection Review

### No.52

#### 国内要闻 Domestic News

通信行业5项国家标准和22项行业标准报批公示

MIIT Releases 5 National Standards and 22 Industry Standards in the Communications Industry for Public Comment

工信部推动实施互联网应用适老化及无障碍改造专项行动方案

MIIT Initiates a Special Action for Providing Elder-Friendly Internet Applications

信安标委发布5项推荐性标准征求意见通知

TC260 Releases 5 Recommended Standards for Public Comments

杭州魔蝎公司非法爬取数据侵犯公民个人信息罪一审刑事判决书公布

The First Instance Criminal Judgment of Hangzhou 91Moxie Company Published

#### 海外动态 Overseas News

澳大利亚联邦法院裁定谷歌误导消费者关于收集使用位置数据的事实

Federal Court of Australia Finds Google Misled Consumers about the Collection and Use of Location Data

欧洲网络与信息安全局发布在线工具方便《医院网络安全采购指南》使用

ENISA Releases an Online Tool to Facilitate the Use of the Procurement Guidelines for Cybersecurity in Hospitals

## 国内要闻 Domestic News

### 通信行业5项国家标准和22项行业标准报批公示

2021年4月16日，工业和信息化部（“工信部”）对外公布了相关标准化技术组织制定、修订的《智能制造环境下的IPv6地址管理要求》等5项国家标准和《TD-LTE数字蜂窝移动通信网家庭基站设备测试方法》等22项行业标准。其中多项标准对设备在标识安全、冗余备份恢复与异常检测、漏洞与缺陷管理、用户身份标识与鉴别安全、访问控制安全、通信安全、数据安全等方面提出了安全功能要求或安全监测方法。公示截止日期为5月16日。（[查看更多](#)）

### MIIT Releases 5 National Standards and 22 Industry Standards in the Communications Industry for Public Comment

On April 16, 2021, the Ministry of Industry and Information Technology (“MIIT”) announced that it had released 5 national standards, including the *Management Requirements of IPv6 Address in Intelligent Manufacturing Environments*, and 22 industry standards, including the *TD-LTE Digital Cellular Mobile Communication Network — Test Method of Home eNodeB Base Station Equipment*, for public comments. The above standards were formulated and revised by relevant standardization organizations. Among them, many set security functional requirements or safety monitoring methods for equipment in terms of identification security, redundant backup recovery and abnormal detection, vulnerability and defect management, user identification and authentication security, access control security, communication security and data security, etc. The deadline for public comments is May 16. ([More](#))

### 工信部推动实施互联网应用适老化及无障碍改造专项行动方案

2021年4月12日，工信部下发通知，要求各地方通信管理局、中国三大通信公司、中国信息通信研究院、中国互联网协会和相关单位及企业按照《互联网网站适老化通用设计规范》、《移动互联网应用（APP）适老化通用设计规范》等标准对相关互联网网站和APP开展互联网应用适老化及无障碍改造专项行动。相关互联网网站、APP在完成适老化及无障碍改造后，可分别向中国互联网协会、中国信息通信研究院申请评测。通过评测的网站与APP将获得单次有效期两年的信息无障碍标识。同时，工信部及各地通信局将按照评测结果和标识授予情况，对改造表现突出的企业予以企业信用评价加分。（[查看更多](#)）

### MIIT Initiates a Special Action for Providing Elder-Friendly Internet Applications

On April 12, 2021, MIIT issued a notice requiring all local communications administrations, China Mobile Communications Group Co., Ltd., China United Network Communications Group Co., Ltd., China Telecom Group Co., Ltd., China Academy of Information and Communications Technology (“CAICT”), China Internet Association, and related units and enterprises to comply with the standards such as the *General Design Specifications for Elder-friendly Internet Websites* and the *General Design Specifications for Elder-friendly Mobile Internet Applications (APPs)* to carry out special actions for conducting elder-friendly adjustment on relevant Internet websites and apps. After completing the transformation, relevant Internet websites and apps can apply for evaluation to the China Internet Association or CAICT respectively. The websites and apps that pass the evaluation will get an Information Accessibility Mark valid for two years. At the same time, in accordance with the evaluation results and the

status of the Mark granted, MIIT and local communications administrations will give bonus points of enterprise credit to those with outstanding performance. ([More](#))

### 信安标委发布5项推荐性标准征求意见通知

2021年4月12日，全国信息安全标准化技术委员会（“信安标委”）就下述5项推荐性国家标准公开征求意见：《信息安全技术 IPSec VPN安全接入基本要求与实施指南》、《信息安全技术 边缘计算安全技术要求》、《信息安全技术 个人信息去标识化效果分级评估规范》、《信息安全技术 信息系统密码应用测评要求》和《信息安全技术 政务网络安全监测平台技术规范》。征求意见截止日期为6月11日。（[查看更多](#)）

### TC260 Releases 5 Recommended Standards for Public Comments

On April 12, 2021, the National Information Security Standardization Technical Committee (“TC260”) announced that it had released the following 5 recommended national standards for public comments, namely: *Information Security Technology — Baseline and Implementation Guide of IPSec VPN Securing Access*, *Information Security technology — Techniques Requirements for Edge Computing Security*, *Information security technology — Gradation and evaluation for the effect of personal information de-identification*, *Information security technology —Testing and evaluation requirements for information system cryptography application*, and *Information security technology —Technical specifications for Government network security monitoring platform*. The deadline for public comments is June 11. ([More](#))

### 杭州魔蝎公司非法爬取数据侵犯公民个人信息罪一审刑事判决书公布

近期，据报道，杭州市西湖区人民法院已就杭州魔蝎数据科技有限公司（以下简称“魔蝎公司”）、周某某、袁某侵犯公民个人信息罪一案作出一审刑事判决。据悉，魔蝎公司在和个人贷款用户签订的《数据采集服务协议》中明确告知贷款用户“不会保存用户账号密码，仅在用户每次单独授权的情况下采集信息”，但实际上，其未经用户许可，仍采用技术手段，将用户各类账号和密码长期保存在自己租用的阿里云服务器上。法定代表人周某某明知公司存在保存用户账户密码的行为，未尽管理职责；袁某则负责编写具有保存用户账户密码功能的网关程序。法院一审判决魔蝎公司犯侵犯公民个人信息罪，处罚金3000万，没收违法所得3000万，周某某和袁某则均被处以三年有期徒刑。（[查看更多](#)）

### The First Instance Criminal Judgment of Hangzhou 91Moxie Company Published

Recently, according to report, Hangzhou Xihu People’s Court has made the first instance criminal judgment on the case of Hangzhou 91Moxie Data Technology Co., Ltd. (“91Moxie”), Zhou XX and Yuan X infringing citizens’ personal information. It is reported that in the *Data Collection Service Agreement* signed with personal borrower users, 91Moxie specifically informed the users that it would “not save users’ accounts and passwords and it will require the users’ separate authorization each time it needs to collect information”. However, in fact, 91Moxie used technical means to store users’ various accounts and passwords for a long time on the Alibaba Cloud server it rented, without the users’ permission. The legal representative Zhou XX knew that the company had been storing the user accounts and passwords,

but did not fulfill his management duties. Yuan X was responsible for writing the gateway program with the function of saving user accounts and passwords. The first instance judgment held that 91Moxie was guilty of infringing citizens' personal information, fined the company CNY 30 million and confiscated its CNY 30 million illegal income. Both Zhou and Yuan were sentenced to three years in prison. ([More](#))

## 海外动态 Overseas News

### 澳大利亚联邦法院裁定谷歌误导消费者关于收集使用位置数据的事实

2021年4月16日，澳大利亚联邦法院认定谷歌有限责任公司和谷歌澳大利亚私人有限公司（合称为“谷歌”）在2017年1月至2018年12月间在安卓移动设备收集的个人位置数据的事实方面误导了消费者。法院发现，当消费者在其安卓设备的初始设置过程中创建新的谷歌账号时，谷歌在数据收集通知方面误导了消费者，并通过未告知用户的设置秘密收集用户数据。法院还发现，当消费者在同一时期内访问自己安卓设备上的“位置记录”设置以关闭该设置时，消费者再一次被误导了，因为谷歌并未告知消费者，只要他们还没有关闭“网络与应用活动”设置，谷歌就会继续收集、储存和使用他们个人可识别的位置信息。（[查看更多](#)）

### Federal Court of Australia Finds Google Misled Consumers about the Collection and Use of Location Data

On April 16, 2021, the Federal Court of Australia has found that Google LLC and Google Australia Pty Ltd (together called “Google”) misled consumers about personal location data collected through Android mobile devices between January 2017 and December 2018. The court found that when consumers created a new Google Account during the initial set-up process of their Android device, Google misrepresented the data collection notice and secretly collected user data through an unnotified setting. The Court also found that when consumers later accessed the ‘Location History’ setting on their Android device during the same time period to turn that setting off, they were also misled because Google did not inform them that by leaving the ‘Web & App Activity’ setting switched on, Google would continue to collect, store and use their personally identifiable location data. ([More](#))

### 欧洲网络与信息安全局发布在线工具方便《医院网络安全采购指南》使用

2021年4月7日，为方便使用2020年发布的《医院网络安全采购指南》，欧盟网络与信息安全局（“ENISA”）发布了一种在线工具，以支持医疗保健部门在采购产品或服务时确定能达到网络安全目标的良好采购方法。这一在线工具是作为对《医院网络安全采购指南》的补充而开发的。其目的是帮助医疗保健组织快速识别与其采购场景最相关的准则（比如已采购的资产或相关威胁），提高良好采购程序的重要性，以确保采取适当的安全措施。（[查看更多](#)）

### ENISA Releases an Online Tool to Facilitate the Use of the Procurement Guidelines for Cybersecurity in Hospitals

On April 7, 2021, to facilitate the use of the *Procurement Guidelines for Cybersecurity in Hospitals* published in 2020, the European Union Agency for Cybersecurity (“ENISA”) released an online tool to

support the healthcare sector in identifying procurement good practices to meet cybersecurity objectives when procuring products or services. The online tool is developed as a complement to the *Procurement Guidelines for Cybersecurity in Hospitals*. Its purposes are to help healthcare organisations to quickly identify the guidelines that are most relevant to their procurement context such as assets procured or related threats, and to promote the importance of a good procurement process to ensure appropriate security measures. ([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。

This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国  
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

 [www.lifanglaw.com](http://www.lifanglaw.com)  
 Email: [info@lifanglaw.com](mailto:info@lifanglaw.com)

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