



# NEWSLETTER

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## Weekly Cybersecurity and Data Protection Review

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By Lifang & Partners

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## Domestic News

### Hangzhou Court Issued the Final Judgement of “The First Case over Facial Recognition”

On April 9, 2021, the Hangzhou Municipal Intermediate People’s Court of Zhejiang Province (“**Hangzhou Court**”) issued the second-instance judgment publicly on the service contract dispute between GUO Bing and Hangzhou Wildlife World Co., Ltd. (“**Wildlife World**”), which upheld the first instance judgment, and meanwhile required Wildlife World to delete the fingerprint identification information provided by GUO Bing when he applied for the annual ticket. According to the relevant report, the case originated from the fact that tourist GUO Bing was dissatisfied with Wildlife World’s mandatory change of the annual ticket holders’ entry method from fingerprint recognition to facial recognition, and then sued Wildlife World for infringement of privacy and breach of service contract. In November 2020, the Hangzhou Fuyang People’s Court issued a first instance judgment, requiring Wildlife World to delete the facial feature information (including photos) submitted by GUO Bing when he applied for the annual tickets. After the judgment of the first instance, both parties appealed. ([More](#))

### MIIT Seeks Advice on 3 Industry Standard and Standard Plan Projects

On April 7, 2021, the Ministry of Industry and Information Technology (“**MIIT**”) publicly sought advice on three documents on industry standards and standard plan project, including: the formulation and revision plan on 209 industry standards such as *Regulations on App User Rights Protection Evaluation*, *Regulations on Evaluation of Minimum Necessary Rule of App’s Collection and Use of Personal Information*; the formulation plan on foreign language version of 5 industry standards such as *Electronic Fence Technology Requirements in Smart Cities*; and the formulation and revision plan on 20 recommended national standards such as *Industrial Internet Platform Evaluation Measures of Service Provider*. The deadline for submitting advice is May 8, 2021. ([More](#))

### MIIT Seeks Advice on the Guidelines for the Management of Intelligent Connected Vehicle Manufacturers and Product Access (Trial)

On April 7, 2021, MIIT sought advice on the *Guidelines for the Management of Intelligent Connected Vehicle Manufacturers and Product Access (Trial)* (Exposure Draft). The *Guidelines* aims to strengthen the management of road motor vehicle manufacturers and product market access, and to promote the healthy and orderly development of the intelligent connected vehicle industry. According to Article 3 of the *Guidelines*, “Intelligent connected vehicle manufacturers should collect, use and protect personal information in accordance with the law, implement categorized and classified data management, develop catalogs of critical data, and must not disclose sensitive information. The personal information and critical data produced and collected during the operation process within the territory of the People’s Republic of China should be stored in China in accordance with relevant regulations. If it is necessary to provide the information and data overseas due to business needs, the manufacturers should report to the competent industry authority.” The deadline for advice is May 8, 2021. ([More](#))

## MIIT Required 60 Apps to be Removed for Infringing Users' Rights and Interests

On April 6, 2021, MIIT notified the society of 60 apps infringing users' rights. Among them, 53 apps failed to pass the verification of third-party agencies commissioned by MIIT, and had not yet completed the rectification; the other 7 apps were held problematic by the Zhejiang Provincial Communications Administration during its inspection of mobile phone application softwares and had not yet completed the rectification. In accordance with the *Cybersecurity Law*, the *Interim Provisions on the Administration of the Pre-Installation and Distribution of Application Software for Smart Mobile Terminals*, and other laws and regulations, MIIT required those 60 apps to be removed from the relevant app stores. ([More](#))

## 10 Internet Platform Companies Promise Not to Use Big Data to Discriminate Customers

On April 6, 2021, the Guangzhou Municipal Administration for Market Regulation (“Guangzhou AMR”) issued a notice, stating that it had held a special survey on platform “using big data to discriminate customers” and an administrative guidance meeting on regulating fair competition market order. At the meeting, representatives of 10 Internet platform companies including Vipshop, JD.com, Meituan, Ele.me, Missfresh, Freshhema, Ctrip, Qunar, Ruqi Travel, Didi Chuxing, introduced their use and management of users' data, and made recommendations on data using regulation. Representatives of the 10 companies also signed the *Commitment Letter of Platform Companies Maintaining a Fair Competitive Market Order*, and solemnly promised not to illegally collect or use consumer personal information, and not to use the data advantages to “discriminate customers”. ([More](#))

## Overseas News

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### SOMI Submits Complaints to Irish DPC Against Tiktok for GDPR Violations

On April 7, 2021, SOMI, an interests group based in the Netherlands submitted a formal complaint to the Irish Data Protection Commission against TikTok Ltd and TikTok Information Technologies UK Ltd. The complaint alleges that TikTok has severely violated principles of the General Data Protection Regulation (“GDPR”) in relation to the processing of children's data, because TikTok failed to take appropriate measure to verify the age of its users, provide a clear and transparent information about its processing activities, comply with data-sharing and cross-border data transfer requirements, take adequate technical and organization measures to protect personal data and so on. Before this, SOMI has already appealed to Dutch and European regulators in January to take tougher action against TikTok. ([More](#))

### Spanish Data Protection Authority Releases 2020 Annual Report

On April 6, 2021, the Spanish data protection authority (“AEPD”) released its 2020 annual report. The annual report highlights that in 2020, the AEPD generally focused on ensuring health care measures, control of the pandemic, and the fundamental right to data protection. The annual report also notes that in 2020, a total of 10,324 claims were filed with the AEPD and that the complaints raised most frequently by citizens refer to internet services, video surveillance, receiving unsolicited advertising, and debt claims. In addition, the annual report reveals that the most frequent areas in sanctioning procedures are video surveillance, internet services, public administration, and telecommunications. ([More](#))

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