



# NEWSLETTER

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## Weekly Cybersecurity and Data Protection Review

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By Lifang & Partners

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## Domestic News

### CAC Notifies the Public about 33 Apps Violating Regulations to Collect Personal Information

On May 1, 2021, Cyberspace Administration of China (“CAC”) issued a statement, stating that according to *Cybersecurity Law*, the *Measures for the Determination of the Collection and Use of Personal Information by Apps in Violation of Laws and Regulations* and other laws and related regulations, CAC tested the personal information collection and usage situation of 33 popular apps, including 15 input method apps, 17 map navigation apps, and 1 instant messaging app. Among them, violating the principle of necessity to collect personal information became the main reason for violations. ([More](#))

### TC260 Seeks Advice on 3 Recommended National Standards

On April 28, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued an announcement, seeking for public advice on the recommended national standard: *Information Security Technology — Connected Vehicle — Security Requirements of Data*. The deadline for which is May 15. On the same day, TC260 also sought advice on another two recommended national standards: *Information Security Technology — Security Requirements of Gait Recognition Data* and *Information Security Technology — Security Requirements of Voiceprint Recognition Data*. The deadline for the two is June 27. ([More](#))

### Skyworth TV and Gozen Data were Found to Secretly Collect Users’ Data

On April 27, 2021, Skyworth TV issued a statement, stating that in response to the problem claimed by its customer that he found a hidden application “Gozen Data Service” running in the background of Skyworth TV secretly collecting family privacy data, Skyworth TV had completely banned “Gozen Data Service” from running on all Skyworth TV immediately after learning that and had launched an investigation. It is reported that the “Gozen Data Service” is an application operated by Gozen Data Company, which is an industry-leading third-party big data company dedicated to the intelligent marketing of home data, and its apps are running in more than 140 million smart TV terminals. Gozen Data Company responded on the same day that the application can be disabled easily by customers, and the data collected by the company is used for business related to ratings research. ([More](#))

### The Standing Committee of the National People’s Congress Deliberates the Second Draft of the *Data Security Law*

On April 26, 2021, the Standing Committee of the National People’s Congress deliberated the second draft of the *Data Security Law*. Compared with the first draft, the second draft provides more detailed definitions of the terms such as “data security”; perfects the data classification and categorization system and the protection system for important data, and establishes and improved the whole process security management system; and adds the security management regulations on cross-border data flows and the penalties for unauthorized provision of data. On the same day, the Standing Committee of the National People’s Congress also reviewed the second draft of the *Personal Information Protection Law*. ([More](#))

## Overseas News

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### **Tesla Develops Platform to Allow Car Owners in China Data Access**

On April 22, 2021, it is reported that Tesla is developing a platform for car owners in China which will allow them to access data generated by their vehicles. Tesla aims to launch the data platform this year. However, Tesla did not reveal the specific data query services that the platform will provide and related query methods and fees. In April 2021, Tesla launched the Event Data Recorder Resources on its American official website which allows car owners to inquire the vehicle driving data. The software of the query kit is free, whereas the hardware kit sells for up to USD 1,200. ([More](#))

### **FTC Finalizes Settlement with Photo App Developer Related to Misuse of Facial Recognition Technology**

On May 7, 2021, the Federal Trade Commission (“FTC”) finalized a settlement with the developer of a photo app that allegedly deceived consumers about its use of facial recognition technology and its retention of the photos and videos of users who deactivated their accounts. In a complaint first announced in January 2021, the FTC alleged that Everalbum, Inc. misled users of its Ever mobile app that it would not apply facial recognition technology to users’ content unless they affirmatively chose to activate the feature. The company, however, automatically activated its face recognition feature—which could not be turned off—for all mobile app users except those who lived in three U.S. states and the European Union. As part of the settlement with the FTC, Everalbum, Inc. must obtain consumers’ express consent before using facial recognition technology on their photos and videos. ([More](#))

### **Google to Require Providers to Add Information about Data Use to Apps in Its App Store**

On May 7, 2021, according to Netherlands Authority for Consumers and Markets (“ACM”), Google will require app providers to indicate what personal data each app uses in its app store Google Play this summer. Starting in 2022, consumers will be able to see this information when searching for apps in the Google Play app store. The consumers will be able to take the information about data use into consideration when choosing apps. Google will also require app providers to add information to their apps’ product pages in the Google Play store, explaining what data each app collects. ([More](#))

### **Microsoft Commits to Store and Process EU Data in EU**

On May 6, 2021, Microsoft published an announcement on its official website, announcing a new pledge for EU that Microsoft will go beyond its existing data storage commitments and enable every commercial or public sector customer in EU to process and store their data in EU. This commitment will apply across all of Microsoft’s core cloud services – Azure, Microsoft 365, and Dynamics 365. Microsoft will begin to work immediately on this added step, and will complete by the end of next year the implementation of all engineering work needed to execute on it. In addition to processing the commercial and public sector customers’ personal data in Europe, Microsoft is also creating a Privacy Engineering Center of Excellence in Dublin to guide its European customers in choosing the right solutions for building robust data protection into their cloud workloads. ([More](#))

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