



# NEWSLETTER

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## Weekly Cybersecurity and Data Protection Review

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### TC260 Seeks Advice on the Exposure Draft of Information Security Technology – General Technical Requirements for the Network Security Situation Awareness

On June 3, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued an announcement, seeking public advice on the recommended national standard *Information Security Technology – General Technical Requirements for the Network Security Situation Awareness* (Exposure Draft) (“**Draft**”), and the deadline is August 2. The *Draft* formulates an overall technical framework for network security situational awareness, specifies general technical requirements for core components in the technical framework, and is suitable for guiding the planning, designing, developing, constructing, and operating activities of network security situational capabilities. It is also available for third-party agencies to provide framework references when evaluating network security situational awareness capabilities. ([More](#))

### Data Regulations of Shenzhen Special Economic Zone for Public Comments

On June 2, 2021, after two reviews, the Standing Committee of the Shenzhen Municipal People’s Congress publicly sought advice on the *Data Regulations of Shenzhen Special Economic Zone* (“**Regulations**”) to prepare for the third review at the end of this month. The *Regulations* established five basic principles for processing personal data: legality and fairness, minimum necessity, openness and transparency, accuracy and completeness, and ensuring safety. The *Regulations* clarified the scope of data transactions and provided supporting mechanisms for data transactions to promote the efficient circulation of data resources. It also established the principle of fair competition for data, stipulating that market entities shall not engage in behaviors that infringe the legitimate rights and interests of other market entities or consumers, and shall not use data analysis to impose preferential treatments on counterparties with the same trading conditions without justified reasons. In addition, the *Regulations* also stipulated the public interest litigation system in the data field. ([More](#))

### Hangzhou Internet Court Releases Ten Typical Cases Involving E-commerce Platforms

On June 1, 2021, Hangzhou Internet Court held a press conference to introduce the characteristics and trends of e-commerce cases and released ten typical cases. In the unfair competition dispute of Taobao (China) Software Co., Ltd. v. Anhui Meijing Information Technology Co., Ltd., the Court clarified the responsibility of network operators for the safety protection of user behavior traces, and granted data product developers the rights and interests of “competitive property”, upon which the developers can seek for protection under the *Anti-Unfair Competition Law*. The unfair competition dispute of Shenzhen Tencent Computer System Co., Ltd. v. Zhejiang Soudao Network Technology Co., Ltd. was the first case involving the determination of WeChat data rights. The Court’s judgement clarified the rights boundary between different data rights, established the principle of classification protection, and proposed the standards and methods for judging the legitimacy of data capture and using behaviors. The civil public interest litigation of the People’s Procuratorate of Xiacheng District of Hangzhou City v. Sun regarding information protection is the first personal information protection civil public interest litigation applicable to the *Civil Code in our country*. ([More](#))

## Beijing Internet Court Holds a Press Conference on the Trial of Social Media Platform Cases

On June 1, 2021, Beijing Internet Court (“**Court**”) held a press conference on the “Trial of Internet Social Media Platform Cases”, introducing the data, characteristics, related measures and typical cases of related cases. In response to the problems of the development of social media platforms discovered in the investigation, the Court has strengthened the guidance of diversion before litigation, strengthened the protection of new objects and new-form intellectual property rights, and regulated the infringement of personality rights on social media platforms in accordance with laws and regulations. In order to standardize platform management, the Court first clarified the rights and obligations of the contract subjects in relation with social media platforms; secondly, required the platforms to fulfill their prudential supervision obligations commensurate with their operating interests; thirdly, guided the platforms to strictly implement the real-name registration system for users. ([More](#))

## Zhejiang Launches 2021 Special Regulation Activity for APP’s Illegal Collection and Use of Personal Information

On June 1, 2021, the Cyberspace Administration of Zhejiang Province issued a statement, stating that it will work with three other departments, including the Department of Public Security of Zhejiang Province, Zhejiang Provincial Administration for Market Regulation and Zhejiang Communication Bureau, from June to December 2021, to jointly carry out the 2021 special regulation activity for APP’s illegal collection and use of personal information. The four departments will set up a special regulation working group, formulate inspection standards, carry out technical inspections, safety assessments, on-site inspections, etc., and establish and perfect a sound unified notification mechanism of APP. Besides, the departments will also require the APP operators to conduct regular self-inspection and rectification, and at the same time give full play to the functional role of various association to establish and improve the industry self-discipline mechanism for APP operators. ([More](#))

## Overseas News

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### Germany State Commissioners Release Statement on Coordinated Examination of Cross-border Data Transfers

On June 2, 2021, the Baden-Württemberg data protection authority announced that it would be participating in the coordinated review of cross-border data transfers. Previously, the data protection authority of Rhineland-Palatinate, Lower Saxony, Hamburg, Brandenburg, Bavaria and Berlin all announced, on 1 June 2021, that they would be participating in the examination of international cross-border data transfers to third countries. In particular, the Berlin Commissioner highlighted that the participating authorities would provide a questionnaire to companies that would address, among other things, web tracking, emails, website hosting, and internal data-sharing practices. Furthermore, the Berlin Commissioner noted that the Court of Justice of the European Union has expressly obliged supervisory authorities to prevent inadmissible data transfers and to respond with regulatory action where necessary. ([More](#))

### EDPB Presents *Annual Report 2020*

On June 2, 2021, the European Data Protection Board (“**EDPB**”) presented its *Annual Report 2020* (“**Report**”). The EDPB is an independent European body, established by the *General Data Protection*



*Regulation* (“**GDPR**”), which aims to ensure the consistent application of data protection rules across the European Economic Area. During 2020, EDPB defined its strategy for 2021-2023, which covers four main pillars with strategic objectives. In 2020, EDPB adopted 10 *Guidelines* on topics such as the concepts of controller and processor; and targeting of social media users, as well as three *Guidelines* in their final, post-consultation versions. In addition to providing guidance, ensuring consistency in enforcement and cooperation between national authorities was a key task of the EDPB. In 2020, the EDPB issued 32 Opinions under Art.64 *GDPR*, most of which concerned draft accreditation requirements for a code of conduct monitoring body or a certification body, as well as Controller Binding Corporate Rules for various companies. ([More](#))

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