



# NEWSLETTER

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## Weekly Cybersecurity and Data Protection Review

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By Lifang & Partners

### Domestic News

China Passes Data Security Law

MIIT Notifies the Fifth List of App Infringing Users' Rights and Interests

CAC Notifies the List of 129 Apps Illegally Collecting and Using Personal Information

CAC Launches Special Regulation Activity Against the Underground Industry of Camera Peeping

CAC Launches Special Activity on Regulating the Illegal Behaviors of "Fans Culture"

Criminals Convicted of Infringing Citizens' Personal Information by Using Crawler Software to Obtain Data

### Overseas News

Japan PPC Issues Annual Report for 2020

Russia Fines Facebook and Twitter a Separate RUB 4 Million for Failing to Localize Data

Biden Revokes TikTok and Wechat Ban Order and Orders to Strengthen Data Security Protection

## Domestic News

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### China Passes Data Security Law

On June 10, 2021, after three rounds of review, the 13<sup>th</sup> Standing Committee of National People's Congress passed the Data Security Law, which will come into effect on September 1, 2021. As a fundamental law in the data field, the Data Security Law establishes basic systems such as data classification and categorization management, data security review, data safety risk evaluation and monitoring and early warning and emergency disposal; clarifies that the relevant subjects should carry out data activities in accordance with laws and regulations, establish and perfect the management systems of data security, and strengthen their duties and obligations such as monitoring risks and dealing with data security incidents in time; and sets the rules on the measures to promote data security and data development and to promote the transparency and utilization of government data. ([More](#))

### MIIT Notifies the Fifth List of App Infringing Users' Rights and Interests

On June 8, 2021, the Ministry of Industry and Information Technology (“MIIT”) notified the fifth list of Apps infringing users' rights and interests. Previously, according to the *Cybersecurity Law*, the *Telecommunication Regulation* and the *Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws, regulations and related working documents, MIIT organized third-party testing agencies to inspect five types of smartphone applications software including practical tools, learning and education, living and travel, job hunting, and sports and fitness. MIIT also tightened up its supervision and enforcement on some prominent issues such as APP pop-ups that cannot be turned off or failing to provide function identifier of closing, and utilizing various methods to mislead users to jump to other pages. After the inspections, MIIT and all levels of local communication administrations found that there were still 291 Apps not completing the rectification of existing problems. Therefore, MIIT required that the listed Apps should complete complete rectification before June 16. ([More](#))

### CAC Notifies the List of 129 Apps Illegally Collecting and Using Personal Information

On June 11, 2021, the Cyberspace Administration of China (“CAC”) issued a statement, stating that according to the *Cybersecurity Law* and 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, previously, it had organized inspections on the personal information collection and the use of various types of Apps, including sports and fitness, news, live-streaming, app store, women's health, online shopping, learning and education and match-making. CAC found that there were 129 Apps with problems such as violating the principle of necessity, collecting and using personal information without users' consent, failing to reveal the purpose and scope of the collection and use of personal information, failing to provide functions to delete personal information and provide mechanisms for complaints and tip-offs. CAC required the relevant App operators to complete rectification within 15 working days from the date of this notice and send the rectification report by email. ([More](#))

## CAC Launches Special Regulation Activity Against the Underground Industry of Camera Peeping

On June 11, 2021, CAC released a circular, stating that in order to effectively protect citizens' privacy security, CAC, MIIT, the Ministry of Public Security (“MPS”) and the State Administration for Market Regulation (“SAMR”) jointly carry out a special regulation campaign against the underground industry relevant to camera peeping from May to August. The campaign requires that the online platforms to strictly fulfill their responsibilities as the subjects releasing and reviewing information and comprehensively clean up the illegal and harmful information involving camera peeping released on the platform; the camera manufacturers should improve product security in accordance with the relevant regulations and standards regarding data security and information security and strictly fulfill the subject responsibilities of cybersecurity; the e-commerce platforms should strictly fulfill their subject responsibilities, conduct comprehensive inspections and remove fake and inferior cameras. In addition, MPS should crack down relevant illegal and criminal activities in accordance with law. CAC, MIIT, MPS, SAMR and other departments should jointly strengthen regulation and law enforcement. ([More](#))

## CAC Launches Special Activity on Regulating the Illegal Behaviors of “Fans Culture”

On June 11, 2021, CAC released a circular, stating that in order to address the prominent issues of “fans culture”, CAC will carry out a two-month nationwide special regulation campaign and typically focus on five types of behaviors, including slander, human-powered search and infringing privacy. During the campaign, the regulators will close and disband a number of accounts and groups that have a bad influence on fundraising, rumor attacking and infringements of privacy, and strictly deal with illegal accounts and the website platforms that indulge such illegal behaviors. ([More](#))

## Criminals Convicted of Infringing Citizens' Personal Information by Using Crawler Software to Obtain Data

Recently, On June 11, 2021, Shangqiu Suiyang People's Court of Henan Province made the first-instance criminal judgment on Mr. LU and Mr. LI infringing citizens' personal information. From 2019 to July 2020, LU used his own crawler software to crawl more than 1.18 billion Taobao customer information through a web interface, and provided part of the information to LI for his company's operating activities. LI's company gained illegal profit for over CNY 3.9 million. The court held that both of them constituted the crime of infringing personal information of citizens, and sentenced LI to imprisonment of 42 months and a fine of CNY 350,000, and LU to imprisonment of 39 months and a fine of CNY 100,000. ([More](#))

## Overseas News

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### Japan PPC Issues Annual Report for 2020

On June 11, 2021, Japan's Personal Information Protection Commission (“PPC”) released its annual report for 2020. The report addresses the three-year annual review of the *Act on the Protection of Personal Information*, the COVID-19 pandemic, enforcement actions, and international cooperation, among other things. Specifically, PPC noted that it had conducted inspections into personal information con-

trollers regarding the employment of foreign subcontractors and had issued an order requiring the immediate cessation of the illegal posting of personal data online. In addition, the PPC stated that it has conducted 15,416 times personal information consultations via its dial registration number. ([More](#))

### **Russia Fines Facebook and Twitter a Separate RUB 4 Million for Failing to Localize Data**

On June 11, 2021, Russia Federal Service for the Supervision of Communications, Information Technology and Mass Communications issued a statement, stating that it had conducted an audit verification into Facebook and found that Facebook had failed to localize its personal databases of Russian users. Russian regulators therefore fined Facebook RUB 4 million. Besides, Twitter was also fined RUB 4 million by the Russian authority for failing to localize personal databases. ([More](#))

### **Biden Revokes TikTok and Wechat Ban Order and Orders to Strengthen Data Security Protection**

On June 9, 2021, President Biden signed an executive order on protecting American's sensitive data from foreign adversaries. In the order, Biden revoked the executive order that banned TikTok and Wechat, and ordered that the relevant agencies shall provide a report to the Assistant to the President and National Security Advisor with recommendations to protect against harm from the unrestricted sale of, transfer of, or access to United States persons' sensitive data, including personally identifiable information, personal health information, and genetic information, and harm from access to large data repositories by persons owned or controlled by, or subject to the jurisdiction or direction of, a foreign adversary. ([More](#))


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