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## Weekly News By Lifang & Partners NO.23

### Weekly Competition Law News By Lifang & Partners

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EDPB Published Its Guidance on Examples of Data Breach Notifications

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## Weekly Competition Law News

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### Multiple Departments in Beijing Jointly Holds Press Conference, Emphasizing the In-depth Enforcement of *Anti-Monopoly Law*

On December 22, 2021, Beijing Administration for Market Regulation (“**Beijing AMR**”) and other departments jointly held the “creating a fair and competitive market environment” press conference, during which the official from Beijing AMR stated that it will further promote the enforcement of antimonopoly, comprehensively implement the fair competition review system, treat all types of market players equally, protect the legitimate rights and interests of enterprises in accordance with the law, and prevent the introduction of policies and measures that exclude or restrict market competition. ([More](#))

### SAMR Conditionally Approves SK Hynix’s Acquisition of Intel’s Part Business

On December 22, 2021, State Administration for Market Regulation (“**SAMR**”) issued the announcement in which it said that it had conditionally approved SK Hynix Inc (“**SK Hynix**”)’s acquisition of Intel Corporation (“**Intel**”)’s part business. Upon investigation, SAMR found that this transaction in the relevant market has or may have the effect of eliminating or restricting competition. As a result, SAMR conditionally approved the transaction and required the entity not to raise the average price, expand the production or implement tying practice of relevant products, etc. These restricted measures can be removed upon the application after five years from the effective date. ([More](#))

### National Anti-Monopoly Bureau Publicizes Its Internal Departments

On December 21, 2021, the internal departments of National Anti-Monopoly Bureau were disclosed by relevant media. According to the information, this new bureau is now consisting of three divisions: Anti-Monopoly Enforcement Division 1, 2 and Competition Policy Division. Anti-Monopoly Enforcement Division 1 and 2 are responsible for the antimonopoly enforcement and the review of concentration of undertakings, and Competition Policy Division is mainly responsible for studying competition policy, conducting international cooperation and reviewing the case handled by the bureau. ([More](#))

### SAMR Issues the *Implementation Outline for the Construction and Supervision of the Rule of Law Market (2021-2025)*

On December 20, 2021, SAMR issued the *Implementation Outline for the Construction and Supervision of the Rule of Law Market (2021-2025)* in which it was stated that SAMR will (1) strengthen antimonopoly legislation and promote the formation of an efficient, standardized and fair domestic unified market; (2) actively promote the *Anti-Monopoly Law* revision; (3) strengthen and improve antimonopoly enforcement and resolutely punish monopolistic practices that harm the business environment; and (4) strengthen administrative enforcement guidance on technical and professional antimonopoly cases. ([More](#))

### Facebook Appeals CMA’s Ruling That It Must Sell Giphy

On December 24, 2021, it was reported that Facebook-owner Meta is appealing Competition and Markets Authority (“**CMA**”) ruling that it must sell animated images platform Giphy before the Competi-

tion Appeal Tribunal. Facebook said that the evidence did not support the finding that the deal is a threat to its rivals or could impact competition in display advertising. ([More](#))

### **Shandong AMR Corrects Jinan Ecological Environment Bureau's Abuse of Administrative Behavior**

On January 5, 2022, the Shandong Administration for Market Regulation (Shandong AMR) reports that it has corrected the Jinan Ecology and Environment Bureau's abuse of administrative behavior. Upon the investigation, it was found that this Bureau of, in conjunction with the Jinan Public Security Bureau, has issued relevant notice, restricting the temporary management for the transfers of motor vehicles from other provinces. Shandong AMR determined that such a behavior constituted an abuse of administrative rights to exclude and restrict competition and asked the relevant department for revision. ([More](#))

### **SAMR Fines 13 Gun-jumping Cases with a Total fine of CNY 10.5 Million**

On January 5, 2022, the State Administration for Market Regulation (“SAMR”) collectively issued the penalty decisions of 13 gun-jumping cases, with a total fine of CNY 10.5 million. These cases involve several well-known Chinese Internet platform companies, each of which was fined CNY 500,000 respectively. These gun-jumping cases covered different illegal behaviors, such as acquiring equity without notification and establishing joint ventures without notification. ([More](#))

### ***SAMR Changes the Email Address for the Notification of Concentration***

On December 31, 2021, Antitrust Enforcement Second Division of Antitrust Bureau of SAMR issued a notification that the email address of the notification of concentration would be changed to jyzjz@samr.gov.cn from January 1, 2022. The new email address would be used for receiving notification documents, negotiation before notifying, and objections raised by third parties during the publication of summary cases. The email notifying the concentration should indicate whether the case is a summary case, connected industry, and relevant product market. ([More](#))

### **SAMR and CCCS sign the Memorandum on Cooperation in Competition Law**

On December 29, 2021, SAMR and the Competition and the Competition and Consumer Commission of Singapore (CCCS) signed the *Memorandum on Cooperation and understanding in Competition Law*, which will strengthen the partnership in case notification, information exchange, law enforcement coordination and technical research. The memorandum on antitrust between China and Singapore will promote both sides to deepen cooperation, maintain a fair and competitive market environment, and better serve the further development of China-Singapore trade relations. ([More](#))

### **The Administrative Abuse by Shuangfeng County Health Bureau Corrected, Recovering CNY 120 Million Losses in Direct**

On December 21, 2021, Hunan Administration for Market Regulation (“Hunan AMR”) successfully resolved a collective antitrust complaint, which recovered an economic loss of CNY 120 million for the concerned enterprises. During the investigation, Hunan AMR found that the Strategic Cooperation

Agreement on the Purchase and Sale of Drugs, Consumables *and Equipment* signed between the Health Bureau of Shuangfeng County and Sinopharm Changsha Co., Ltd., contained contents excluding and restricting competition, which consisted of the abuse of administrative rights. On November 10, 2021, the Health Bureau of Shuangfeng County therefore terminated the contract with Sinopharm Changsha. ([More](#))

## **The Government of Beijing Achieves Full Coverage of Fair Competition Review at Both County and City Levels**

Recently, Beijing Administration for Market Regulation (“**Beijing AMR**”), together with other departments, jointly hold a press conference on creating a fair competitive market environment. The meeting introduced that Beijing has achieved full coverage of the fair competition review system at both county and city levels, completing the cleanup of the stocked documents. 3,665 newly added documents were reviewed in the first 10 months of 2021, and 38 of them were revised and 8 of them were repealed after the review. The review of fair competition is stepping into the ‘fast track’. ([More](#))

## **Alphabet/Google Subject to the New Abuse Control Applicable to Large Digital Companies – Bundeskartellamt Determines ‘Paramount Significance Across Markets’**

On January 5, 2022, the Bundeskartellamt delivered its decision that Alphabet Inc., Mountain View, USA, and therefore also its subsidiary Google, was subject to extended abuse control by the competition authority because they are “paramount significance across markets”. A newly introduced provision under the German Competition Act (Section 19a of the *German Competition Act* (GWB)), which entered into force in January 2021, enables the Bundeskartellamt to intervene earlier and more effectively, against the practices of large digital companies. The validity of the Bundeskartellamt’s decision is limited to five years in accordance with statutory provisions. Google has announced not to appeal the decision and not to deny its status as norm addressee within the meaning of Section 19a(1) GWB. ([More](#))

## **Cybersecurity and Data Protection**

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### **BCA Initiates Regulatory Talks with Four Enterprises: Yonyou Network Technology, 263 Network Communications, Bitauto Holdings and Sohu**

On 23 December 2021, under the guidance of the MIIT, the Beijing Communications Administration (BCA) initiated regulatory talks with four enterprises, including Yonyou Network Technology Co. Ltd, 263 Network Communications Co. Ltd, Bitauto Holdings Limited and Sohu Inc., in accordance with the law. The aforementioned enterprises have been continuously notified by the MIIT for three months due to the high number of network security threats found in the MIIT's network security remote inspection. The BCA requested the above-mentioned enterprises to strictly implement the requirements of laws and regulations such as the *Cybersecurity Law* and the *Promulgating the Measures for Monitoring and Handling Threats to the Cyber Security of Public Internet*, rectify the relevant problems immediately, and submit written rectification reports. Those who refuse to rectify or fail to rectify will be subject to administrative penalties in accordance with the law. Establish a sound network security protection mechanism, establish a ledger related to enterprise assets and network security issues, co-ordinate internal resources of the enterprise, effectively monitor and dispose of network security threats, and promptly identify and eliminate all kinds of security hazards. In the light of the issues notified, conduct a comprehensive self-examination, and identify and solve problems in terms of system vulnerabilities, host con-

trol and other obvious management loopholes, to ensure that the results are seen in the short term, and report the rectification situation as required. ([More](#))

### **CCAC Issues the 14<sup>th</sup> Five-Year Plan for National Informatization**

On 27 December 2021, the Office of the Central Cyberspace Affairs Commission (CCAC) issued the *14<sup>th</sup> Five-Year Plan for National Informatization* (the Plan), and answered reporters' questions in connection with the Plan. With the overall goal of building a digital China, the Plan lists ten major tasks such as establishing an efficient data element resource system and establishing a sound and standardized digital development governance system, identifies ten priority actions such as digital literacy and skills enhancement for all citizens and digital capacity enhancement for enterprises and emphasizes six aspects such as sound policy system and strengthening team building to ensure implementation. The Plan is an important part of the national planning system for the 14th Five-Year Plan and an action guide for informatization work in all regions and departments. ([More](#))

### **CBC and SAMR Jointly Release the *Interim Measures for the Information Management of Beneficial Owners of Market Entities (Draft for Public Comment)***

On 27 December 2021, the People's Bank of China (CBC) and the State Administration for Market Regulation (SAMR) jointly issued a notice on the *Interim Measures for the Information Management of Beneficial Owners of Market Entities (Draft for Public Comment)* (Measures) to solicit public comments, with the deadline for feedback being January 26, 2022. The Measures clarify the scope of market entities that are required to file and the conditions for exemption from reporting, the definition and identification criteria of beneficial owners, the content, the collecting method the management framework of beneficial owner information. The Measures may reduce the pressure and difficulty for financial institutions in identifying beneficial owners. ([More](#))

### **NISSC Releases *Information Security Technology: Technical Guide of Cryptography Application Design for Information Systems (Exposure Draft)***

On 27 December 2021, the National Information Security Standardization Technical Committee (NISSC) released the *Information Security Technology: Technical Guide of Cryptography Application Design for Information Systems (Exposure Draft)* (the "Draft"), which is open for comments until 25 February 2022. The Draft provides guidance for the design of cryptography applications for information system, specifies the circumstances under which risk assessment and demonstration are required for the design of cryptography application, and points out the need for security and compliance analysis upon the complete of the design of cryptography applications for information system. In addition, the Draft proposes that the design of cryptography application schemes for information systems mainly includes the following elements: (i) template design of cryptography password application scheme, (ii) generic design guidelines, (iii) the design of the application layer of the information system, (iv) the design of cryptography service support, (v) design of cryptography applications for computing platforms, (vi) key management security design. ([More](#))

### **InfoSecurity Evaluation and Assessment Alliance Releases the *National Directory of Cybersecurity Grading Assessment and Testing and Evaluation Organizations***

On 29 December 2021, the InfoSecurity Evaluation and Assessment Alliance released the *National Directory of Cybersecurity Grading Assessment and Testing and Evaluation Organizations*. Previously, the National Cybersecurity Grading Protection Coordination Working Group Office issued a notice to revoke the recommended certificate of cybersecurity grading measurement and assessment organizations, and no longer to issue the *Recommended Catalogue of National Cybersecurity Grading Measurement and Assessment Organizations*, and the relevant work was incorporated into the national certification system. Meanwhile, in order to ensure the smooth development of cybersecurity grading assessment and testing and evaluation work, the Third Research Institute of the Ministry of Public Security (the certification body approved by the National Certification and Accreditation Commission) certified the issuance of the "Cybersecurity Grading Assessment and Testing and Evaluation Agency Service Certification Certificate" can be used from the date of issuance, and the new certification mark is used simultaneously. ([More](#))

### **MIIT Publishes the List of Innovative Pilot Applications of Industrial Internet Platforms**

On 30 December 2021, the Ministry of Industry and Information Technology ("MIIT") published the list of innovative pilot application cases of industrial internet platforms in 2021. The list focuses on the key issues facing the digital transformation of industrial enterprises and focuses on six application modes: platform-based design, digital management, intelligent manufacturing, personalized customization, networked collaboration and service extension. Among them, networked collaboration addresses the problems of complex industrial chain structure, information asymmetry and low collaboration efficiency. Through the industrial internet platform, it brings together the subjects of design, manufacturing, operation and maintenance, supply chain and other links, promotes the sharing of key data and the optimal allocation of manufacturing resources, creates cloud-based services and collaborative services covering the whole life cycle of products, and promotes the extension of industrial chain and value chain upgrade with data value network. ([More](#))

### **NISSTC Releases the *Guide to Cybersecurity Standards Practice - Guidelines for Network Data Classification and Grading***

On 31 December 2021, the NISSTC released the *Guide to Cybersecurity Standards Practice - Guidelines for Network Data Classification and Grading* (the "Guidelines"). For the first time, the Guidelines accommodates the needs of data classification and grading in various industries from a global perspective, and puts forward programmatic data classification and grading principles and methods. The Guidelines provide a multi-dimensional reference framework for data classification from the perspectives of countries, industries and organizations. The basic levels of data classification are identified as core data, important data and general data, and four levels of classification are provided for general data, and the data classification process is clarified. ([More](#))

### **Data Breach: SLIMPAY Fined €180,000 by CNIL**

On December 28, 2021, the CNIL's restricted committee issued SLIMPAY a fine of €180,000 for insufficiently protecting users' personal data and failing to inform them of a data breach. SLIMPAY is an authorized payment institution. During 2015, it conducted an internal research project, during which it processed personal data contained in its databases. When the research project ended in July 2016, the data remained stored on a server, without any security procedures and freely accessible from the Inter-

net. SLIMPAY wasn't aware of the data breach, which affected approximately 12 million people, until February 2020.

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The CNIL carried out an investigation on the company SLIMPAY in 2020 and effectively considered that the company had failed to comply with several GDPR requirements. Since the data subjects concerned by the breach were located in several European Union countries, the CNIL cooperated with the supervisory authorities of four countries (Germany, Spain, Italy and the Netherlands). At the end of this process, the restricted committee imposed a fine of €180,000 and decided to make its decision public. ([More](#))

### ***EDPB Publishes Guidelines 01/2021 on Examples regarding Personal Data Breach Notification***

On 3 January 2022, the European Data Protection Board (EDPB) published its *Guidelines 01/2021 on Examples regarding Personal Data Breach Notification* (the "Guidelines"). The Guidelines, which were discussed and adopted by the EDPB at its plenary session in December, provides specific recommendations and identifies best practices for dealing with data breaches and risk assessments. The Guidelines focus on data breaches such as blackmail attacks, human error, loss or theft of devices. ([More](#))

### ***Morgan Stanley Agrees to Pay \$60 Million to Settle a Data Security Class Action Lawsuit***

On January 3, 2022, Reuters reported that Morgan Stanley agreed to pay \$60 million to settle a data security class action lawsuit in which its customers sued Morgan Stanley for failing to provide effective information protection techniques that led to the breach of their personal data. A preliminary settlement representing the wishes of approximately 15 million customers has been filed in Manhattan federal court, and if the settlement is reached, the customers involved in the case will receive at least two years of insurance coverage, and each can apply for reimbursement of up to \$10,000 in out-of-pocket losses. ([More](#))

### ***CAC and Other Three Ministries Jointly Issue Internet Information Service Algorithm Recommendation Management Regulations***

On 31 December 2021, the Cybersecurity Administration of China, the Ministry of Industry and Information Technology of PRC, the Ministry of Public Security of PRC, and State Administration for Market Regulation jointly issued *Internet Information Service Algorithm Recommendation Management Regulations* (the Regulations), which to be effective as of 1 March 2022. The person in charge of CAC said that the issue of the Regulations aims to regulate Internet information service algorithm recommendation activities, safeguard national security and social public interests, protect the legitimate rights and interests of citizens, legal persons, and other organizations, and promote the healthy development of Internet information services. The Regulations specify the following contents: (1) the definition of algorithm recommendation technology; (2) the information service regulation of algorithm recommendation service provider; (3) the clarification of the user rights and interests protection requirements of algorithm recommendation service providers. ([More](#))

### ***CAC and Other Twelve Ministries Jointly Amend and Issue Cybersecurity Review Measures***



On 28 December 2021, the Cybersecurity Administration of China, National Development and Reform Commission, the Ministry of Industry and Information Technology of PRC, the Ministry of Public Security of PRC, Ministry of State Security, Ministry of Finance of PRC, Ministry of Commerce of PRC, The People's Bank of China, the Ministry of Industry and Information Technology of PRC, National Radio and Television Administration, China Securities Regulatory Commission (CSRC), National Administration of State Secrets Protection, the Office of Security Commercial Code Administration jointly made amendments and issued the *Cybersecurity Review Measures* (the Measures), which will be effective as of 15 February, 2022. The Measures includes the situation that the data processing activities carried out by network platform operators affect or may affect national security into the network security review and makes it clear that network platform operators with personal information of more than 1 million users shall apply to the Network Security Review Office for network security review when they are to be listed abroad. According to the actual needs of the review, CSRC is added as a member unit of the network security review mechanism, and the national security risk assessment factors are improved as well. ([More](#))

### **CAC Solicits Public Comments on *Mobile Internet Application Information Service Management Regulation (Exposure Draft)***

On 5 January 2022, the Cybersecurity Administration of China (CAC) amended and issued a notice on the *Mobile Internet Application Information Service Management Regulation (Exposure Draft)* (the Regulation) to solicit public comments. The amendment of the Regulation refers to several new laws and regulations in recent years including *Network Security Law of PRC*, *Data Security Law of PRC*, *Personal Information Protection Law of PRC*, *Measures for the Administration of Internet Information Services*, and *Provisions on the Ecological Governance of Network Information Content*. The Regulation aims to further standardize the information service management of mobile Internet applications, promote the healthy and orderly development of the industry, protect the legitimate rights and interests of citizens, legal persons, and other organizations, and create a clear cyberspace. ([More](#))

### **MSS Releases Ten Typical Cases of Cracking Down on Crimes Against Citizens' Personal Information**

On 10 January 2022, Ministry of State Security (MSS) released ten typical cases of cracking down on crimes against citizens' personal information. In 2021, MSS further promoted "Cyber Cleaning 2021" special action according to the arrangement of MSS Committee of the Communist Party of China. MSS endeavored to organize and carry out investigation and crackdown in view of the urgent and anxious personal information protection problems. Ten typical cases includes: (1) Jiangsu public security organ cracked He's illegally obtaining citizens' personal information; (2) Hubei public security organ cracked Xu and others' illegally obtaining citizens' personal information by using plug-in programs; (3) Anhui public security organ cracked Wu and others' illegally obtaining personal information of the elderly and selling false health products; (4) Jiangsu public security organ cracked Guan and others' illegally obtaining citizens' personal information; (5) Fujian public security organ cracked Xie and others' stealing Internet users' shopping information by using a Trojan horse; (6) Liaoning public security organ cracked Shi and others' illegally obtaining citizens' facial information, registering game accounts and selling them to juveniles; (7) Guangdong public security organ cracked a fraud case in which a company illegally obtained citizens' personal information; (8) Jiangsu public security organ cracked a case of a company illegally obtaining citizens' personal information; (9) Zhejiang public security organ cracked Li and others illegally obtaining citizen express information; (10) Jiangsu public security organ cracked Zhang and others illegally obtaining citizens' personal information. ([More](#))

## **Henan Province Issues *Regulations of Henan Province on the Promotion of Digital Economy***

On 4 January 2022, Henan Province issued *Regulations of Henan Province on the Promotion of Digital Economy* (the Regulations), which will be effective as of 1 March 2022. The Regulations point out that governments shall incorporate the development of the digital economy into their national economic and social development plans, increase investment in the development of the digital economy and promote the high-quality development of the digital economy. Meanwhile, governments shall strengthen their leadership over the promotion of the digital economy, establish an overall coordination mechanism and solve major problems in the development of the digital economy. The full text of the Regulations is divided into ten chapters: general provisions, digital infrastructure construction, development and utilization of data resources, development of digital industrialization, industrial digital transformation, digital governance and services, digital economy promotion measures, digital economy security, legal liabilities, and supplementary provisions. It aims to promote the development of digital economy, build a strong digital economy province in an all-round way, and promote high-quality economic and social development. ([More](#))

## **Guizhou Province Issues *Guizhou Digital Economy Development Plan of the 14<sup>th</sup> Five-Year Plan***

On 30 December 2021, Guizhou Big Data Development Leading Group Office issued *Guizhou Digital Economy Development Plan of the 14<sup>th</sup> Five-Year Plan* (the Plan). The planning period of the Plan is from 2021 to 2025 and looks forward to 2035. The plan points out that there is a certain development foundation and development opportunities for the digital industry in Guizhou Province. At the same time, it also points out that the development opportunities and challenges coexist. It makes an in-depth interpretation of the overall ideas, main tasks, and guarantee measures for the development of the digital industry in Guizhou Province. The Plan aims to implement the decision-making and deployment of the CPC Central Committee, the State Council, the provincial CPC Committee and the provincial government on vigorously developing the digital economy, as well as implement *the 14th Five-Year Plan for National Economic and Social Development of Guizhou Province and the Outline of Long-Term Objectives for 2035*, build a modern economic system and promote the high-quality economic development of the whole province. ([More](#))

## **TikTok Wins a Lawsuit against Shanghai Liujie Information Technology Co. Limited for Unfair Competition and is Compensated for RMB 1 Million**

On 21 December 2021, Yuhang District Court of Hangzhou sentenced its judgement for unfair competition case brought by Beijing Weibo Technology Co. Limited (plaintiff) against Shanghai Liujie Information Technology Co. Limited (defendant). In this case, the plaintiff and the defendant are both Internet product operators, whereas the defendant obtained data from live broadcasting platform of the plaintiff in technical means and failed to provide evidence to justify the method of obtaining data. The issue in this case was whether the defendant constitute an unfair competition against the plaintiff. The court held that the defendant obtained the data from the plaintiff, which constituted infringement to the legitimate rights of the plaintiff, its live room anchors, and its users rewarding the anchors, disrupted the order of market competition, and constituted unfair competition according to provisions of item 4, Article 12 of *Law against Unfair Competition*. ([More](#))

## **Shenzhen Municipal Public Security Bureau Gives Wal-Mart China an Administrative Penalty for Violating Network Security Law**

On 29 December 2021, Futian branch of Shenzhen Municipal Public Security Bureau decided to give Wal-Mart (China) Investment Co., Ltd. an administrative penalty of warning according to relevant regulations and ordered it to make corrections. According to the Qichacha, the public security organ found 19 exploitable network security vulnerabilities in Wal-Mart's network system at examination on November 25, and Wal-Mart failed to deal with the system vulnerabilities in time, which constituted violation of *Network Security Law*. ([More](#))

## **Deloitte China and ZTE Release *Practice of Governance for Compliance of Data Cross-Border White Paper***

On 2 December 2021, Deloitte and ZTE jointly released *Practice of Governance for Compliance of Data Cross-Border White Paper*, which aimed to make a clear definition for data cross-border, accurately extract the data cross-border compliance requirements faced by Chinese enterprises from the complex data cross-border compliance system, then explore the compliance ideas of controllable risk, controllable cost, landing and executable, and effectively enable the governance of data cross-border compliance of domestic enterprises. ([More](#))

## **CNIL fined Google a Record \$170 Million for Making it too Difficult to Opt out of Cookies**

On 6 January 2022, French authorities have slapped Google with a record €150 million (around \$170 million) fine after failing to make it easy enough for users to reject cookies when using its search engine. In a second statement, CNIL revealed it had also fined Facebook's holding company Meta €60 million (or around \$68 million) for the same offense. Both companies now have three months to alter the way cookies operate on their platforms, or risk fines of €100,000 (or \$113,000) a day. ([More](#))

## **CNIL Fined FREE MOBILE €300,000 for Failing to Respect the Rights of Individuals and to Ensure the Security of its Users' Data**

On 4 January 2022, the restricted committee of CNIL imposed a fine of €300,000 on FREE MOBILE. According to investigation, FREE MOBILE constituted breaches of the rights of data subjects (right of access and right to object), the obligation to protect data by design and the obligation to ensure data security (transmission of passwords in clear text by e-mail). This fine considers the size and the financial situation of the company. CNIL found it necessary to reiterate the importance of responding to requests for exercising the data subject's rights and ensuring the security of users' data.

The CNIL retained four breaches of the GDPR against the company FREE MOBILE: (1) a failure to respect the right of access of individuals regarding their personal data (Art. 12 and 15 of the GDPR), since the company did not respond to the requests made by the complainants within the time limits; (2) a failure to respect the right to object of the persons concerned (Art. 12 and 21 of the GDPR), since the company did not consider the requests of the complainants that no more commercial prospecting messages be sent to them; (3) a breach of the obligation to protect data by design (Art. 25 of the GDPR), as the company continued to send invoices to complainants for telephone lines whose subscription had been cancelled; (4) a breach of the obligation to ensure the security of personal data (Art. 32 of the

GDPR), since the company transmitted by email, in clear text, the passwords of users when they subscribed to an offer with FREE MOBILE, without these passwords being temporary and the company requiring them to be changed. ([More](#))

## **EDPB Published Its Guidance on Examples of Data Breach Notifications**

The European Data Protection Board (EDPB) published its guidance on examples of data breach notifications. The guidelines, adopted following discussion at the EDPB's December plenary, concern more specific recommendations and best practices around handling data breaches and risk assessment. Specific incidents that the guide focuses on include ransomware attacks, human error, and lost or stolen devices. ([More](#))



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