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工信部发布《关于推动5G加快发展的通知》

2020年3月24日，工业和信息化部（“工信部”）发布《工业和信息化部关于推动5G加快发展的通知》（“《通知》”）。《通知》主要涉及5个方面：加快5G网络建设部署、丰富5G技术应用场景、持续加大5G技术研发力度、着力构建5G安全保障体系，并加强组织实施。其中，要求应强化5G网络数据安全保护，健全完善数据安全管理制度与标准规范。合理划分网络运营商、行业服务提供商等各方数据安全和用户个人信息保护责任，推动数据安全合规性评估认证，构建完善技术保障体系，切实提升5G数据安全保护水平。并且，要求培育5G网络安全产业生态，加强5G网络安全核心技术攻关和成果转化，强化安全服务供给。（[查看更多](#)）

MIIT Publishes the Notice on Promoting the Development of 5G

On March 24, 2020, the Ministry of Industry and Information Technology (“MIIT”) published the *Notice of MIIT on Promoting the Development of 5G* (“Notice”). The Notice covers the promotion of the deployment of 5G network construction, the enrichment of 5G technology application scenario, the promotion of 5G research, the construction and the implementation of 5G security system. The Notice requires relevant entities to strengthen 5G network data protection and to improve the data security management rules and standard specifications. The Notice also requires the reasonable division of responsibilities of data security and user’s personal information protection among network operators, industry service suppliers and other parties, and requires that the assessment and certification of data security compliance be promoted, the technical support system be built, and the security and protection level of 5G data be effectively improved. In addition, relevant entities are required to foster the 5G network security ecology, strengthen research and development of core 5G technologies and the transformation of technological achievements, and enhance the ability of cybersecurity services. ([More](#))

工信部网络安全管理局就新浪微博App数据泄露问题开展问询约谈

2020年3月24日，工信部发布新闻称，针对媒体报道的新浪微博因用户查询接口被恶意调用导致App数据泄露问题，网络安全管理局对新浪微博相关负责人进行了问询约谈，要求其按照《网络安全法》、《电信和互联网用户个人信息保护规定》等法律法规要求，对照《App违法违规收集使用个人信息行为认定方法》，进一步采取有效措施，消除数据安全隐患：一是要尽快完善隐私政策，规范用户个人信息收集使用行为；二是要加强用户信息分类分级保护，强化用户查询接口风险控制等安全保护策略；三是要加强企业内部数据安全，定期及新业务上线前要开展数据安全合规性自评估，及时防范数据安全风险；四是要在发生重大数据安全事件时，及时告知用户并向主管部门报告。（[查看更多](#)）

MIIT Cybersecurity Administration Inquires into Data Leakage by Sina Weibo App

On March 24, 2020, the MIIT announced that in response to media reports that malicious invocation of the user query interface led to APP data leakage by Sina Weibo, the Cybersecurity Administration of the MIIT inquired Sina’s relevant person-in-charge. Sina was required to take further effective measures

and eliminate data security risks in accordance with the *Cybersecurity Law, Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and the *Method for Identifying the Illegal Collection and Use of Personal Information by Apps*. These measures included: (1) improving privacy policies as soon as possible to regulate the collection and use of users' personal information; (2) strengthening security protection strategies, such as the protection of users' information via data classification and the risk control of user query interface; (3) strengthening internal data security management, carrying out self-assessment of data security compliance regularly or before launching new business to prevent data security risks timely; (4) informing users and report to the competent authorities timely in the event of data security incident. ([More](#))

广东省通信管理局查处一批违规App

近期，广东省通信管理局开展了App隐私合规及网络数据安全专项检查工作，对抽检存在问题的21款App运营者发出责令整改通知书并同步通知应用商店下架处置，对问题突出的5款App运营者做出警告并罚款的行政处罚。此次查处的App问题，主要涉及以下两类：一是违反用户个人信息保护规定，主要体现在“无隐私政策或隐私政策中没有收集使用个人信息规则”、“违反必要原则，索取或自动开启可收集用户敏感信息且与当前服务无关的权限”等。另一类是存在可能导致信息泄露的App安全隐患，主要体现在“源文件风险”、“安全策略风险”等。（[查看更多](#)）

Guangdong Communications Administration Investigates Illegal Apps

Recently, the Guangdong Communications Administration (“GDCA”) carried out the special action of rectification on App privacy compliance and cybersecurity. The GDCA issued rectification notices to the operators of 21 illegal Apps, simultaneously informing the App stores to take them off the shelves, and imposed warnings and fines to the operators of 5 Apps with severe problems. These illegal conducts mainly involved the following two aspects: (1) the violation of personal information protection provisions, including the lack of privacy policy in Apps or the lack of rules regarding the collection and use of personal information in existing privacy policy, and the violation of the principle of necessity, requesting or automatically turning on the rights that could collect users' personal sensitive information which was irrelevant to the current service, etc.; (2) the existence of potential security risks of App data leakage, including the risks of source files and security policies, etc. ([More](#))

海外动态 Overseas News

欧洲数据保护委员会发布《新冠肺炎疫情下处理个人数据的声明》

2020年3月19日，欧洲数据保护委员会（European Data Protection Board, “EDPB”）正式发布了《新冠肺炎疫情下处理个人数据的声明》（*Statement on the Processing of Personal Data in the Context of the COVID-19 Outbreak*）（“《声明》”）。《声明》指出，《通用数据保护条例》（*General Data Protection Regulation*, “GDPR”）适用于新冠肺炎疫情下的个人数据处理，允许公共卫生主管部门和雇主根据各成员国国内法的要求开展相关活动。EDPB在《声明》中指出，执法机构应以匿名化的方式处理位置数据，生成关于某一地点移动设备集中度的报告。当数据无法进行匿名化处理的情况下，《电子隐私法令》（*ePrivacy Directive*）第15条赋予了欧盟成员

国为保护国家和公共安全的紧急立法权。如果采取此类措施，成员国有义务采取适当的保障措施，如赋予个人司法救济权，并且必须要满足比例原则。EDPB明确强调雇主仅能基于国内法下的义务要求获取员工的健康数据。雇主应为员工提供疫情数据并采取相关保护措施。若遇到必须要披露感染新冠肺炎员工姓名的情况，应事先告知并维护员工的尊严和其信息的完整性。

([查看更多](#))

EDPB Issues the *Statement on the Processing of Personal Data in the Context of the COVID-19 Outbreak*

On March 19, 2020, the European Data Protection Board (“EDPB”) issued the *Statement on the Processing of Personal Data in the Context of the COVID-19 Outbreak* (“*Statement*”). The *Statement* indicated that the *General Data Protection Regulation* (“*GDPR*”) is a broad piece of legislation and provides for rules that also apply to the processing of personal data in a context such as the one relating to COVID-19. The *GDPR* allows competent public health authorities and employers to process personal data in the context of an epidemic, in accordance with national law and within the conditions set therein. The *Statement* also regulated that public authorities should first seek to process location data in an anonymous way, which could enable generating reports on the concentration of mobile devices at a certain location. When it is not possible to only process anonymous data, the *ePrivacy Directive* enables Member States to introduce legislative measures to safeguard public security (Art. 15). If measures allowing for the processing of non-anonymised location data are introduced, a Member State is obliged to put in place adequate safeguards, such as providing individuals of electronic communication services the right to a judicial remedy. As to employment, the employer should only require health information to the extent that national law allows it. Employers should inform staff about COVID-19 cases and take protective measures. In cases where it is necessary to reveal the name of the employee(s) who contracted the virus and the national law allows it, the concerned employees shall be informed in advance and their dignity and integrity shall be protected. ([More](#))

FTC与后台服务提供商T&M就有关隐私保护的指控达成和解协议

2020年3月23日，美国联邦贸易委员会（Federal Trade Commission，“FTC”）发布新闻称，其已与T&M Protection Resources公司（“T&M”）就一项关于隐私保护方面的指控达成和解协议，该指控主要是针对T&M关于其参与并遵守《欧盟-美国隐私保护框架》（*EU-U.S. Privacy Shield Framework*）（“《隐私保护》”）的不实陈述的行为。《隐私保护》能够使公司合法的将消费者数据从欧盟转移至美国。FTC指出，T&M在认证到期后，仍声称其是《隐私保护》项目的参与者，此外，该公司未能每年核实其有关隐私保护措施的声明是否准确，也未能确认将继续对参与该框架时收集的个人信息采取隐私保护措施。根据该和解协议，T&M不得对其参与《隐私保护》、政府赞助的任何其他隐私或数据安全计划、或任何自律或标准制定组织的情况做虚假陈述。此外，T&M需要继续对其参与《隐私保护》时收集的个人信息采取隐私保护措施，或者返还或删除这些信息。（[查看更多](#)）

FTC Gives Final Approval to Settlement with Background Services Provider over Allegations Related to *Privacy Shield*

On March 23, 2020, the Federal Trade Commission (“FTC”) announced that it had given final approval to a settlement with T&M Protection Resources, LLC (“T&M”) over allegations it misrepresented its

participation in and compliance with the *EU-U.S. Privacy Shield Framework*, which enables companies to transfer consumer data legally from European Union countries to the United States. The FTC alleged that T&M continued to claim participation in the *EU-U.S. Privacy Shield* after its certification lapsed. In addition, the company failed to verify annually that statements about its *Privacy Shield* practices were accurate and failed to affirm that it would continue to apply *Privacy Shield* protections to personal information collected while participating in the program. As part of the settlement, T&M was prohibited from misrepresenting its participation in the *EU-U.S. Privacy Shield* framework, any other privacy or data security program sponsored by the government, or any self-regulatory or standard-setting organization. In addition, T&M was required either to continue to apply the *Privacy Shield* protections to personal information it collected while participating in the program or to return or delete the information. ([More](#))

OAIC与ICO就个人数据保护问题签订合作备忘录

2020年3月20日，澳大利亚信息专员办公室（Office of the Australian Information Commissioner, “OAIC”）发布新闻称，其与英国信息专员办公室（Information Commissioner’s Office, “ICO”）达成谅解备忘录（Memorandum of Understanding, “MoU”），双方寻求在推动个人信息保护政策的发展和执法领域的合作。MoU指出双方把维护信息权利作为共同使命，将通过以下方式共同保护个人数据：（1）分享经验、专业知识和工作方式；（2）在具体项目和调查中进行合作，包括联合研究以及共享信息和情报，以支持彼此的工作。此外，MoU提到，儿童隐私监管是一个潜在的合作领域。ICO最近发布了保护儿童互联网隐私的《行为守则》（*Code of Practice*）。（[查看更多](#)）

OAIC and ICO Sign Memorandum of Understanding on Personal Information Protection

On March 20, 2020, the Office of the Australian Information Commissioner (“OAIC”) and its counterpart in the United Kingdom, the Information Commissioner’s Office (“ICO”), have signed a Memorandum of Understanding (“MoU”) to assist each other in policy development and the enforcement of laws protecting personal information.

The MoU reflects the common mission of the OAIC and ICO to uphold information rights. Both organizations will work together to protect personal data through: sharing experience, expertise and ways of working, cooperating on specific projects and investigations, including joint research and changing information and intelligence to support each other’s work. The MoU identifies the regulation of children’s privacy being a potential area for co-operation. The ICO recently published its *Code of Practice* to protect children’s privacy online. ([More](#))

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。



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