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国内要闻 Domestic News

工信部发布深入推进移动物联网全面发展的通知

2020年5月7日，中国工业和信息化部（“工信部”）办公厅发布了《工业和信息化部办公厅关于深入推进移动物联网全面发展的通知》（“通知”），助力5G、物联网等新型基础设施建设和应用，加速传统产业数字化转型。《通知》突出了5个重点任务：（1）加快移动物联网网络建设；（2）加强移动物联网标准和技术研究；（3）提升移动物联网应用广度和深度；（4）构建高质量产业发展体系；（5）建立健全移动物联网安全保障体系。《通知》进一步指出，要加强移动物联网安全防护和数据保护，包括建立网络安全管理机制、加强网络设施安全检测、开展重点产品安全评测及加强用户信息、个人隐私和重要数据保护等。（[查看更多](#)）

MIIT Releases Notification for Promoting the Development of Mobile Internet of Things

On 7 May 2020, the Office of China's Ministry of Industry and Information Technology (“MIIT”) released the *MIIT's Notification on Deeply Promoting the Integrated Development of Mobile Internet of Things* (“**Notification**”), facilitating the construction and application of 5G, internet of things and other new infrastructures, and accelerating the digital transformation of traditional industries. The Notification highlighted 5 prominent missions: (i) accelerating the network construction of mobile internet of things; (ii) strengthening the standards and technical research of mobile internet of things; (iii) broadening the dimensions of the application of internet of things; (iv) constructing high quality industry development system; (v) constructing the security system of mobile internet of things. The Notification further pointed out that it was important to strengthen the protection of internet of things and relevant data, including the construction of cybersecurity management system, the improvement of network facilities security inspection, the security assessment of prominent production and the protection of users' information, privacy and important data. ([More](#))

市场监管总局发布《个人健康信息码》系列国家标准

2020年4月29日，国家市场监督管理总局（“市场监管总局”）（标准委）采用了国家标准快速程序，制定并发布了《个人健康信息码》系列国家标准。《个人健康信息码》系列国家标准包括《个人健康信息码 参考模型》（GB/T 38961-2020）、《个人健康信息码 数据格式》（GB/T 38962-2020）和《个人健康信息码 应用接口》（GB/T 38963-2020）3项内容。该系列国家标准实施后，可实现个人健康信息码的码制统一、展现方式统一、数据内容统一，统筹兼顾个人信息保护和信息共享利用，适用于指导健康码相关信息系统的设计、开发和系统集成。（[查看更多](#)）

SAMR Releases Personal Health Information Code National Standards

On 29 April 2020, China's State Administration for Market Regulation (“SAMR”) (Standardization Administration) stipulated and released *Personal Health Information Code* national standards through national standard express procedure. *Personal Health Information Code* national standards contained *Personal Health Information Code-Reference Model (GB/T 38961-2020)*, *Personal Health Information*

Code-Data Format (GB/T 38962-2020) and Personal Health Information Code-Application Interface (GB/T 38963-2020). After the implementation of this series of national standard, the unification of code system, demonstration and data content of personal health information code can be achieved. The Personal Health Information Code national standards balanced the personal information protection and the data sharing and utilization, which would provide a guideline for the design, development and system integration of relevant information system of health code. ([More](#))

市场监管总局、国标委公布26项网络安全国家标准

2020年4月28日，市场监管总局和国家标准化管理委员会（“国标委”）联合发布了《中华人民共和国国家标准公告》（2020年第8号），据此发布了包括《信息安全技术 网络安全等级保护定级指南》等26项涉及信息网络安全的标准。26项标准中，6项为更新标准，20项为新标准，均将于2020年11月1日起正式实施。（[查看更多](#)）

本次发布的26项标准具体为：

序号	标准编号	标准名称	代替标准号	实施日期
1	GB/T 20281-2020	信息安全技术 防火墙安全技术要求和测试评价方法	GB/T20010-2005, GB/T20281-2015, GB/T31505-2015, GB/T 32917-2016	2020-11-01
2	GB/T 22240-2020	信息安全技术 网络安全等级保护定级指南	GB/T 22240-2008	2020-11-01
3	GB/T 25066-2020	信息安全技术 信息安全产品类别与代码	GB/T 25066-2010	2020-11-01
4	GB/T 25067-2020	信息技术 安全技术 信息安全管理体系审核和认证机构要求	GB/T 25067-2016	2020-11-01
5	GB/T 28454-2020	信息技术 安全技术 入侵检测和防御系统（IDPS）的选	GB/T 28454-2012	2020-11-01
6	GB/T 30284-2020	信息安全技术 移动通信智能终端操作 系统安全技术要求	GB/T 30284-2013	2020-11-01
7	GB/T 34953.4-2020	信息技术 安全技术 匿名实体鉴别 第4部分：基于弱秘密		2020-11-01
8	GB/T 38625-2020	信息安全技术 密码模块安全检测要求		2020-11-01
9	GB/T 38626-2020	信息安全技术 智能联网设备口令保护指南		2020-11-01
10	GB/T 38628-	信息安全技术 汽车电子系统网络安全指南		2020-11-01
11	GB/T 38629-	信息安全技术 签名验签服务器技术规范		2020-11-01
12	GB/T 38631-	信息技术 安全技术 GB/T 22080具体 行业应用要求		2020-11-01
13	GB/T 38632-	信息安全技术 智能音视频采集设备应用安全要求		2020-11-01
14	GB/T 38635.1-	信息安全技术 SM9标识密码算法 第1部分：总则		2020-11-01

15	GB/T 38635.2-	信息安全技术 SM9标识密码算法 第2部分：算法		2020-11-01
16	GB/T 38636-	信息安全技术 传输层密码协议（TLCP）		2020-11-01
17	GB/T 38638-	信息安全技术 可信计算 可信计算体系结构		2020-11-01
18	GB/T 38644-2020	信息安全技术 可信计算 可信连接测试方法		2020-11-01
19	GB/T 38645-	信息安全技术 网络安全事件应急演练指南		2020-11-01
20	GB/T 38646-	信息安全技术 移动签名服务技术要求		2020-11-01
21	GB/T 38647.1-	信息技术 安全技术 匿名数字签名 第1部分：总则		2020-11-01
22	GB/T 38647.2-2020	信息技术 安全技术 匿名数字签名 第2部分：采用群组公钥的机制		2020-11-01
23	GB/T 38648-	信息安全技术 蓝牙安全指南		2020-11-01
24	GB/Z 38649-	信息安全技术 智慧城市建设信息安全保障指南		2020-11-01
25	GB/T 38671-	信息安全技术 远程人脸识别系统技术要求		2020-11-01
26	GB/T 38674-	信息安全技术 应用软件安全编程指南		2020-11-01

SAMR and SAC Jointly Release 26 Standards on Cybersecurity

On April 6, 2020, SAMR and the Standardization Administration of China (“SAC”) jointly released the *National Standard Announcement (2020 No. 8)* (“**Announcement**”), by which, 26 standards in connection with cybersecurity were released. Among the 26 standards, 6 are revised standards and 20 are new ones. All standards will come into force on November 1, 2020. ([More](#))

The 26 standards are listed as follows:

No.	No. of Standards	Name of Standards	Replacement	Effective Date
1	GB/T 20281-2020	Information security technology—Security technical requirements and testing assessment approaches for firewall	GB/T 20010-2005, GB/T 20281-2015, GB/T 31505-2015, GB/T 32917-2016	2020-11-01
2	GB/T 22240-2020	Information security technology—Classification guide for classified protection of cybersecurity	GB/T 22240-2008	2020-11-01
3	GB/T 25066-2020	Information security technology—Type and code of information security products	GB/T 25066-2010	2020-11-01
4	GB/T 25067-2020	Information technology—Security techniques—Requirements for bodies providing audit and certification of information security management systems	GB/T 25067-2016	2020-11-01
5	GB/T 28454-2020	Information technology—Security techniques—Selection, deployment and operation of intrusion detection and prevention systems(IDPS)	GB/T 28454-2012	2020-11-01
6	GB/T 30284-2020	Information security techniques—Security technical requirements for operating system on smart mobile terminal	GB/T 30284-2013	2020-11-01
7	GB/T 34953.4-2020	Information technology—Security techniques—Anonymous entity authentication—Part 4: Mechanisms based on weak secrets		2020-11-01
8	GB/T 38625-2020	Information security technology—Security test requirements for cryptographic modules		2020-11-01
9	GB/T 38626-2020	Information security technology—Guide to password protection for intelligent connected device		2020-11-01

10	GB/T 38628-2020	Information security technology—Cybersecurity guide for automotive electronics systems		2020-11-01
11	GB/T 38629-2020	Information security technology—Technical specifications for signature verification server		2020-11-01
12	GB/T 38631-2020	Information technology—Security techniques—Sector-specific application of GB/T 22080—Requirements		2020-11-01
13	GB/T 38632-2020	Information security technology—Security requirements for application of intelligent audio-video recording device		2020-11-01
14	GB/T 38635.1-2020	Information security technology—Identity-based cryptographic algorithms SM9—Part 1: General		2020-11-01
15	GB/T 38635.2-2020	Information security technology—Identity-based cryptographic algorithms SM9—Part 2: Algorithms		2020-11-01
16	GB/T 38636-2020	Information security technology—Transport layer cryptography protocol (TLCP)		2020-11-01
17	GB/T 38638-2020	Information security technology—Trusted computing—Architecture of trusted computing		2020-11-01
18	GB/T 38644-2020	Information security technology—Trusted computing—Testing method of trusted connect		2020-11-01
19	GB/T 38645-2020	Information security technology—Guide for cybersecurity incident emergency exercises		2020-11-01
20	GB/T 38646-2020	Information security technology—Technical requirements of mobile signature service		2020-11-01
21	GB/T 38647.1-2020	Information technology—Security techniques—Anonymous digital signatures—Part 1: General		2020-11-01
22	GB/T 38647.2-2020	Information technology—Security techniques—Anonymous digital signatures—Part 2: Mechanisms using a group public key		2020-11-01
23	GB/T 38648-2020	Information security technology—Guideline to Bluetooth security		2020-11-01
24	GB/Z 38649-2020	Information security technology—Guide of information security assurance framework for smart cities		2020-11-01
25	GB/T 38671-2020	Information security technology—Technical requirements for remote face recognition system		2020-11-01
26	GB/T 38674-2020	Information security technology—Guideline on secure coding of application software		2020-11-01

工信部、公安部、国标委联合印发《国家车联网产业标准体系建设指南(车辆智能管理)》

2020年4月24日，工信部、公安部、国标委联合组织印发了《国家车联网产业标准体系建设指南(车辆智能管理)》（“《建设指南》”）。《建设指南》针对车联网环境下的车辆智能管理工作需求，指导智能网联汽车登记管理、身份认证与安全、道路运行管理及车路协同管控与服务等领域标准化工作，推动公安交通管理领域车联网技术应用与发展，提升智能网联汽车与智慧交通水平。《建设指南》按照不同行业属性划分为智能网联汽车、信息通信、电子产品与服务、车辆智能管理等若干部分。（[查看更多](#)）

MIIT, MPS and SAC Jointly Release the Construction Guidelines for National Internet of Vehicles Industry Standards System (Vehicle Intelligent Management)

On 24 April 2020, MIIT, the Ministry of Public Security (“MPS”) and SAC jointly released the *Construction Guidelines for National Internet of Vehicles Industry Standards System (Vehicle Intelligent Management)* (“**Construction Guidelines**”). In response to the requirement of vehicle intelligent management of internet of vehicle, the Construction Guidelines will guide the standardization in the areas of the registration, authentication, roads management, the coordinated control, management and service of

roads-vehicles, etc., improve the application and development of internet of vehicle in the area of public security transportation management and promote the intelligent internet of vehicle and intelligent transportation. The Construction Guidelines include several chapters such as intelligent internet of vehicle, information communication, electronic product and service, vehicle intelligent management, etc. divided in terms of the nature of different industries. ([More](#))

海外动态 Overseas News

澳大利亚发布《消费者数据权利合规与执行政策》

2020年5月5日，澳大利亚竞争和消费者委员会（ACCC）与澳大利亚信息专员办公室（OAIC）联合发布了《消费者数据权利合规与执行政策》（“《政策》”）。《政策》总结归纳了ACCC与OAIC为鼓励遵守和处理违反消费者数据权利监管框架所采取的基本办法。ACCC与OAIC将定期对该《政策》进行审查以便其能持续地反映最佳实践规定并能随着消费者数据权利制度而发展。（[查看更多](#)）

Compliance and Enforcement Policy for the Consumer Data Right Released

On 5 May 2020, Competition and Consumer Commission (“ACCC”) and the Office of the Australian Information Commissioner (“OAIC”) jointly released the Compliance and Enforcement Policy for the Consumer Data Right (“Policy”). The Policy outlines the approach that the ACCC and the OAIC have adopted to encourage compliance with, and address breaches of, the Consumer Data Right regulatory framework. The ACCC and OAIC will regularly review the Policy so that it continues to reflect best practice regulation and evolves with the Consumer Data Right regime. ([More](#))

荷兰数据保护局根据《通用数据保护条例》开出75万欧元罚单

2020年4月30日，荷兰数据保护局因某组织违反《通用数据保护条例》第5条和第9条，开出75万欧元罚单。据调查，该组织要求其员工录入指纹以记录考勤情况。然而，荷兰数据保护局表示，该组织在处理该类特殊种类的个人数据时不能仅仅依靠GDPR中例外情况的适用，并且该组织也没有提供任何证据表明其员工同意该类数据处理。（[查看更多](#)）

Dutch Supervisory Authority for Data Protection Fines 725,000 for Violating GDPR

On 30 April 2020, Dutch Supervisory Authority for Data Protection fined an organization with EUR 725,000 for violating Article 5 and Article 9 of GDPR. It was found that the organization had required its staff to have their fingerprints scanned to record attendance. However, the authority stated that the organization could not rely on exceptions to the processing of this special category of personal data and the company could also not provide any evidence that the employees had given their consent to this data processing. ([More](#))

FTC批准对2012年Facebook隐私指令的修改

近日，美国联邦贸易委员会（FTC）正式批准对2012年Facebook隐私指令的修正，该修正旨在将2019年7月FTC宣布的和解协议中的部分条款纳入其中。2019年7月，Facebook因在用户能否控制他们个人信息隐私的问题上存在欺骗行为，违反了2012 FTC隐私指令，被FTC开出了创纪录的50亿美金的罚单。2019年的和解协议对Facebook的业务运营施加了前所未有的限制并创制多项合规机制。和解协议要求Facebook从董事会层面开始重构其隐私方面的政策。和解协议进一步建立了强有力的新机制以确保Facebook的高管们对他们在隐私方面做出的决定负责，并确保这些决定受制于有意义的监督。根据2019年和解协议，FTC将不会在2012作出的隐私指令中更新消费者保护条款直至联邦法院下达指令。（[查看更多](#)）

FTC Approves to Modify FTC's 2012 Privacy Order

Recently, the Federal Trade Commission (“FTC”) has formally approved amendments to its 2012 privacy order with Facebook to include the provisions that were incorporated in the settlement the Commission announced in July 2019. The FTC in July 2019 announced a record-breaking \$5 billion settlement with Facebook related to allegations that the company violated its 2012 FTC privacy order by deceiving users about their ability to control the privacy of their personal information. The 2019 settlement includes unprecedented new restrictions on Facebook’s business operations and creates multiple channels of compliance. The order requires Facebook to restructure its approach to privacy from the corporate board-level down. The order further establishes strong new mechanisms to ensure that Facebook executives are accountable for the decisions they make about privacy, and that those decisions are subject to meaningful oversight. Pursuant to the 2019 settlement, the FTC could not amend its 2012 administrative order with Facebook with the updated consumer protections until the federal court entered its order. ([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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