



NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

No. 151

2020.06

立方网络安全与数据合规周报

Weekly Cybersecurity and Data Protection Review

国内要闻 Domestic News

近两万名学生信息遭泄露，郑州西亚斯学院副校长等被行政处罚

Zhengzhou Police Fines Sias University for Personal Information Leakage

国家网信办指导北京市网信办依法约谈处罚新浪微博

Weibo Summoned and Penalized by the Beijing Cyberspace Administration

最高院就涉网络及电子商务平台知识产权纠纷两个司法文件草案公开征求意见

Chinese Supreme People's Court Issues Draft Guiding Opinions Relating to Trial of IP Disputes Involving Internet and E-commerce Platform

商务部公布《网络零售平台合规管理指南（征求意见稿）》

MOFCOM Solicits Public Opinions on the Draft Guidance for Compliance Management of Online Retailing Platform

海外动态 Overseas News

欧洲数据保护委员会决定成立工作组协调针对抖音国际版的潜在行动

EDPB to Establish a Taskforce on TikTok's Processing and Practices Across the EU

日本修改《个人信息保护法》

Japan Enacts Amendments to the Act on the Protection of Personal Information

一出租车公司因违反数据保护法规被芬兰数据保护监管机构处罚7.2万欧元

Finnish Data Regulator Fines a Taxi Company EUR 72,000 for Deficiencies in Personal Data Processing

国内要闻 Domestic News

近两万名学生信息遭泄露，郑州西亚斯学院副校长等被行政处罚

2020年6月11日，据澎湃新闻报道，针对媒体报道的郑州西亚斯学院（“西亚斯学院”）近两万名学生信息遭泄露一事，郑州警方已依据《网络安全法》对西亚斯学院及负有领导责任的一名副校长和直接责任人进行了行政处罚。6月10日，西亚斯学院通过官网发布致歉声明称，其教务科研处整理计划返校学生名单，本意是用以核查学生返校来源地及个人健康状况等信息，但由于工作人员缺乏保密意识，造成了部分学生的个人信息泄露。（[查看更多](#)）

Zhengzhou Police Fines Sias University for Personal Information Leakage

On 11 June 2020, *The Paper* reported that Zhengzhou Police had imposed administrative fines on Zhengzhou Sias University (“Sias University”), a vice-president and the person directly responsible for the leakage of nearly 20,000 students’ personal information in accordance with China’s *Cybersecurity Law*. On June 10, Sias University apologized on its official website for the leakage of personal information including students’ addresses, health condition, etc., due to the lack of awareness of confidentiality. ([More](#))

国家网信办指导北京市网信办依法约谈处罚新浪微博

2020年6月10日，国家互联网信息办公室（“国家网信办”）发布新闻称，其已指导北京市互联网信息办公室（“北京网信办”）约谈新浪微博负责人，针对微博在蒋某舆论事件中干扰网上传播秩序，以及传播违法违规信息等行为，责令其立即整改，暂停更新热搜榜和热门话题榜一周（自6月10日15时至6月17日15时），严肃处理相关责任人。同时，国家网信办还要求北京网信办对微博依法从严予以罚款等行政处罚。（[查看更多](#)）

Weibo Summoned and Penalized by the Beijing Cyberspace Administration

On 10 June 2020, the Cyberspace Administration of China (“CAC”) announced that it had instructed the Beijing Cyberspace Administration to summon the person in charge of Weibo and require Weibo to cease updating lists of the most popular search terms and topics being discussed on the platform from June 10 to June 17. The CAC said that Weibo had interfered the order of information spread on the internet and distributed illegal information. The CAC also asked its Beijing branch to fine Weibo. ([More](#))

最高院就涉网络及电子商务平台知识产权纠纷两个司法文件草案公开征求意见

2020年6月10日，最高人民法院（“最高院”）公布了《关于涉网络知识产权侵权纠纷有关法律适用问题的批复（征求意见稿）》和《关于审理涉电子商务平台知识产权纠纷案件的指导意见（征求意见稿）》。其中，前者提出知识产权权利人认为其权利受到侵害并提出保全申请，要求网络服务提供者、电子商务平台经营者采取迅速下架措施的，人民法院应当依法审查并及时作出裁定；后者则对人民法院审理电子商务平台知识产权纠纷案件时涉及的具体法律适用问题进行了阐释。意见反馈截止日期为2020年7月27日。（[查看更多](#)）

Chinese Supreme People's Court Issues Draft Guiding Opinions Relating to Trial of IP Disputes Involving Internet and E-commerce Platform

On 10 June 2020, the Chinese Supreme People's Court ("SPC") issued the *Reply on the Application of Laws in Disputes Concerning Infringement of Intellectual Property Rights on the Internet (Exposure Draft)* and the *Guiding Opinions on Trial of Intellectual Property Rights Dispute Cases Involving E-commerce Platform (Exposure Draft)*. The former points out that where an intellectual property right holder believes that his rights have been infringed and submits an application for preservation, requiring the network service provider or e-commerce platform operator to promptly remove relevant infringing products, the People's Court shall review and make a ruling in time. The latter explains the specific law application issues involved in the trial of intellectual property disputes on e-commerce platforms by the People's Court. The deadline for submitting comments is 27 July 2020. ([More](#))

商务部公布《网络零售平台合规管理指南（征求意见稿）》

近日，商务部《网络零售平台合规管理指南（征求意见稿）》。草案规定了网络零售平台经营者对申请或被邀请入驻平台的经营者的合规关注等级、合规评估、合规管理方案、合规监视、评价与结果处置、合规沟通和培训、记录和报告。意见反馈截止日期为2020年6月26日。（[查看更多](#)）

MOFCOM Solicits Public Opinions on the Draft Guidance for Compliance Management of Online Retailing Platform

Recently, China's Ministry of Commerce ("MOFCOM") issued the *Guidance for Compliance Management of Online Retailing Platform (Exposure Draft)* which stipulates the compliance attention level, compliance assessment, compliance management plan, compliance monitoring, evaluation and result disposal, compliance communication and training, record and report of sellers by online retail platform operators. The deadline for submitting comments is 26 June 2020. ([More](#))

海外动态 Overseas News

欧洲数据保护委员会决定成立工作组协调针对抖音国际版的潜在行动

2020年6月10日，欧洲数据保护委员会（European Data Protection Board, "EDPB"）发布新闻称，在其第31次会议期间，EDPB决定成立一个工作组以协调针对抖音国际版（TikTok）的潜在行动并决定对抖音国际版在整个欧盟地区的运营流程及业务进行更加深入的了解。在答复欧洲议会Körner议员有关抖音国际版的询问时，EDPB表示，其已发布了各种指南和建议，任何实施受欧盟《通用数据保护条例》规制的数据处理行为的数据控制者均需予以考虑。（[查看更多](#)）

EDPB to Establish a Taskforce on TikTok's Processing and Practices Across the EU

On 10 June 2020, the European Data Protection Board ("EDPB") announced that during its 31st plenary session, it decided to establish a taskforce to coordinate potential actions and to acquire a more comprehensive overview of TikTok's processing and practices across the European Union ("EU"). In response to MEP Körner's request regarding TikTok, the EDPB indicates that it has already issued guidelines and

recommendations that should be taken into account by all data controllers whose processing is subject to the General Data Protection Regulation. ([More](#))

日本修改《个人信息保护法》

近日，据日本时事通信社报道，日本国会已通过《个人信息保护法》修正案，旨在防止未经个人同意使用个人信息。新法规定，企业在向第三方提供cookie和其他浏览数据时，必须获得个人的同意，以防这些信息可能导致对个人身份的识别。新法还加大了对不遵守日本个人信息保护委员会命令的处罚力度，对企业的罚款上限从30万日元提高到1亿日元。 ([查看更多](#))

Japan Enacts Amendments to the Act on the Protection of Personal Information

Recently, the *Jiji Press* reported that Japan's parliament enacted a bill to revise the *Act on the Protection of Personal Information*. Through the revision, the Japanese government aims to prevent personal information from being used without individuals' consent. The revised law obliges companies to obtain consent from individuals on the provision of their cookie and other browsing data to third parties in case the information would lead to personal identification. The Japanese government also strengthened penalties for failing to follow orders issued by the Personal Information Protection Commission, with the upper limit on fines for corporations increasing to JPY 100 million from JPY 300,000. ([More](#))

一出租车公司因违反数据保护法规被芬兰数据保护监管机构处罚7.2万欧元

近日，芬兰数据保护监管机构对一家出租车公司违反数据保护法规的行为开出了7.2万欧元的罚单。根据调查，这家出租车公司在未评估个人数据处理的风险及影响的情况下通过监控系统记录出租车内的音频及录像。此外，该公司提供给客户的信息以及涉及个人数据处理的文件同样存在缺陷。 ([查看更多](#))

Finnish Data Regulator Fines a Taxi Company EUR 72,000 for Deficiencies in Personal Data Processing

Recently, the Office of the Data Protection Ombudsman, the Finnish data regulator, imposed an administrative fine of EUR 72,000 on Taksi Helsinki Oy, a taxi company, for violations of data protection legislation. It was found that the company had not assessed the risks and effects of personal data processing before adopting a camera surveillance system that records audio and video in its taxis. Besides, the information provided to customers by the company and the documentation of personal data processing were also of deficiencies. ([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。



This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261