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工信部发布《2020第一批行业标准制修订计划》

2020年6月12日，工业和信息化部（“工信部”）发布一份通知称，根据工业和通信业行业标准制修订工作的总体安排，其已编制完成《2020年第一批行业标准制修订计划》（“《计划》”）。根据《计划》，2020年第一批项目计划共415项，其中信息通信和网络安全标准94项，涉及5G、物联网、区块链、大数据等多个方面。阿里巴巴、小米、中兴、OPPO、vivo、高通、爱立信等均为多个信息通信和网络安全标准的起草单位。（[查看更多](#)）

MIIT Publishes the Plan of Formulation and Amendment on First Batch of Industry Standards in 2020

On 12 June 2020, China's Ministry of Industry and Information Technology (“MIIT”) released a notice saying that it had drafted the *Plan of Enactment and Amendment for the First Batch of Industry Standards in 2020* (“Plan”) in accordance with the overall arrangement for the formulation and amendment of standards in industry and telecommunication. Based on the Plan, 415 projects are involved in the first batch in 2020, in which there are 94 information communication and cybersecurity standards relating to 5G, internet of things, blockchain, big data and many other aspects. Alibaba, Xiaomi, ZTE, OPPO, vivo, Qualcomm, Ericsson, etc. are the drafters of several information communication and cybersecurity standards. ([More](#))

浙江省发布《公共数据开放与安全管理暂行办法》

2020年6月17日，浙江省人民政府发布《公共数据开放与安全管理暂行办法》（“《暂行办法》”），规范浙江省内公共数据开放、利用和安全管理等活动。根据《暂行办法》，公共数据是指公共管理和服务机构在依法履行职责过程中获得的各类数据资源，根据其开放属性可分为禁止开放类、受限开放类、无条件开放类。涉及商业秘密、个人隐私的公共数据属于禁止开放类公共数据，但在此类数据已依法脱敏、脱密且符合开放条件或不开放将会对公共利益造成重大影响的情况下，可对其无条件开放或受限开放。（[查看更多](#)）

Zhejiang Province Releases the Interim Measures for Public Data Opening and Security Management

On 17 June 2020, the People's Government of Zhejiang Province released the *Interim Measures for Public Data Opening and Security Management* (“Interim Measures”) to regulate the activities of opening, utilizing, and security management of public data in Zhejiang Province. According to the Interim Measures, public data refers to all kinds of data resources obtained by public administration and service authorities while performing their duties in accordance with the law. Public data can be classified into the non-open category, unconditionally-open category and conditionally open category. Public data involving business secrets and personal privacy shall be listed as non-open public data, but they can be unconditionally or conditionally open towards the public given that they have been desensitized and declassified in accordance with laws and the conditions of opening, or, the public data may be open unconditionally or conditionally in case where the data would cause significant impact on public interest. ([More](#))

《在线学习中的个人数据和隐私保护手册》发布

2020年6月18日，北京师范大学智慧学习研究院发布了《在线学习中的个人数据和隐私保护手册》（“《手册》”）。《手册》从创造安全的在线学习环境视角出发，收集整理了多个国际组织、国家和国际互联网企业在个人数据和隐私方面的概念、法律法规、保护框架和政策，提出了在线学习中与个人数据和隐私安全有关的5个阶段以及30个相关安全问题和具体操作建议。据悉，《手册》由北京师范大学智慧学习研究院发起，与联合国教科文组织教育信息技术研究所、联合国教科文组织农村教育研究与培训中心共同完成。（[查看更多](#)）

SLIBNU Publishes Personal Data and Privacy Protection in Online Learning: Guidance for Students, Teachers and Parents

On 18 June 2020, the Smart Learning Institute of Beijing Normal University (“SLIBNU”) published the *Personal Data and Privacy Protection in Online Learning: Guidance for Students, Teachers and Parents* (“Guidance”). Basing on the perspective of creating a safe online learning environment, the Guidance contains conceptions, legislations, regulations, principles, framework and policy documents relating to personal data protection formulated and issued by many countries, organizations and international internet enterprises. The Guidance also specified 5 stages relating to personal data and privacy security in online learning, and 30 questions and specific operating advice relating to security. It was reported that the Guidance was drafted by SLIBNU jointly with UNESCO Institute for Information Technologies in Education (UNESCO IITE) and UNESCO International Research and Training Center for Rural Education (UNESCO INRULED). ([More](#))

国内人脸识别第一案开庭，将择期宣判

2020年6月15日，杭州市富阳区人民法院（“富阳法院”）开庭审理了“国内人脸识别第一案”——郭兵诉杭州野生动物世界有限公司（“动物世界”）服务合同纠纷案。庭审过程中，双方就动物世界是否向郭兵告知了其他入园方式、郭兵是否有权利要求动物世界删除自己的指纹信息并赔偿损失等焦点问题进行了辩论。据悉，2019年10月28日，郭兵向富阳法院提起诉讼，主张动物世界在未经其同意的情况下，通过升级年卡系统强制收集其个人生物识别信息（面部特征）的行为，严重违反了《消费者权益保护法》等相关规定，损害了其合法权益。（[查看更多](#)）

Court Hears China’s First Case on Facial Recognition Technology

On 15 June 2020, Hangzhou Fuyang District People’s Court (“Fuyang Court”) heard China’s first facial recognition dispute between Guo Bing (“Guo”) and Hangzhou Safari Park (“Safari Park”) raising from the service contract. During the trial, Guo and Safari Park argued on the questions of whether Safari Park had informed Guo of other ways to enter the park and whether Guo had the right to request Safari Park to delete his fingerprint information and compensate for the damages. It was reported that Guo filed a lawsuit before Fuyang Court on 28 October 2019 and claimed that Safari Park’s coercive collection of personal biometric information (facial features) by upgrading its annual card system without Guo’s consent seriously violated the *Law of the People’s Republic of China on the Protection of Consumer Rights and Interests* and other relevant provisions, and harmed Guo’s legitimate rights and interests. ([More](#))

海外动态 Overseas News

法国最高行政法院判决维持谷歌5000万欧元创纪录GDPR罚单

2020年6月19日，据路透社报道，法国最高行政法院判决维持了2019年对Alphabet旗下的谷歌公司开出的5000万欧元罚款的处罚决定，原因是该公司违反了欧盟的在线隐私规则。5000万欧元的处罚金额也创下了对此类违规行为的处罚新纪录。2019年1月，法国监管机构——国家信息和自由委员会调查发现，谷歌的搜索引擎在告知用户谷歌如何处理个人数据的方式上缺乏透明度和清晰度，并且在发布个性化广告时未能恰当地获得用户的同意，违反了《通用数据保护条例》（General Data Protection Regulation, “GDPR”）。（[查看更多](#)）

Top French Court Upholds EUR 50m Google Privacy Breach Fine

On 19 June 2020, *Reuters* reported that France’s top administrative court upheld a EUR 50 million fine imposed last year on Alphabet’s Google for breaching European Union online privacy rules, setting a new record for fine imposed for such breaches. In January 2019, French regulator, the National Commission on Informatics and Liberty (“CNIL”), found Google’s search engine lacked transparency and clarity in the way it informed users about its handling of personal data and failed to properly obtain their consent for personalised ads, which violated the *General Data Protection Regulation*. ([More](#))

美国参议员公布一项隐私法案草案，拟禁用人脸识别技术

2020年6月18日，美国参议员谢罗德·布朗（Sherrod Brown）在其个人网站上发布了一项隐私法案的草案，即拟议的《2020数据问责和透明度法案》。法案草案拟对收集、使用和共享美国公民的个人数据进行严格限制，并包含强有力的公民权利保护机制，以确保个人信息不会被用于歧视性目的。此外，法案草案还拟禁止使用面部识别技术，拟设计成立一个新的独立机构，致力于保护美国公民的隐私权。（[查看更多](#)）

U.S. Senator Proposes to Ban on the Use of Facial Recognition Technology

On 18 June 2020, U.S. Senator Sherrod Brown released on his website a draft privacy bill, the proposed *Data Accountability and Transparency Act of 2020* (“Bill”). The Bill places strict limits on the collection, use, and sharing of Americans’ personal data, and contains strong civil rights protections to ensure personal information is not used for discriminatory purposes, as well as a ban on the use of facial recognition technology. The Bill also proposes to establish a new independent agency dedicated to protecting Americans’ privacy rights. ([More](#))

美国联邦贸易委员会将在线举办第五届年度隐私大会

近日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）宣布将于2020年7月21日在线举行第五届年度隐私关注大会（PrivacyCon 2020）。FTC在今年的隐私关注大会上将特别关注移动应用程序收集、存储和传输的健康数据隐私。先前，FTC一直旨在寻求针对相关问题的经验性研究，包括消费者数据的潜在风险、产品功能与隐私保护增强之间的权衡等。（[查看更多](#)）

FTC to Hold the Fifth Annual PrivacyCon Online

Recently, the Federal Trade Commission (“FTC”) announced that it will hold its fifth annual PrivacyCon (“PrivacyCon 2020”) on 21 July 2020. For PrivacyCon 2020, FTC will focus in particular on the privacy of health data collected, stored, and transmitted by mobile applications. Previously, FTC had sought empirical research responding to several relevant questions, including the potential existing risks to consumer data, the tradeoffs between product functionality and increased privacy protections, etc. This event will be held 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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