



NEWSLETTER

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中国广告协会发布自律规范，网络直播须履行网络安全和信息保护义务

2020年6月24日，中国广告协会发布《网络直播营销行为规范》（“《规范》”）。《规范》适用于商家、主播等参与者在电商平台和社交平台等网络平台上以直播形式向用户销售商品或提供服务的网络直播营销活动。根据《规范》，网络直播营销平台的经营者应该在入驻主体服务、信用管理、交易信息保存、争议处理等方面建立、健全和执行平台规则。据悉，《规范》是国内第一个关于网络视频营销活动的专门自律规范，对引领网络视频营销业态的健康发展将起到积极作用。（[查看更多](#)）

China Advertising Association Issues Norms on Online Live Streaming Marketing

On 24 June 2020, China Advertising Association (“CAA”) released the *Norms on Online Live Streaming Marketing* (“Norms”) which applies to the marketing activities including selling goods and providing services through live streaming on online platforms such as e-commerce, and social platforms by sellers, anchors and other participators. The CAA pointed out that operators of live streaming marketing platforms shall establish, improve and execute platform rules in terms of settled sellers service, credit management, trade information preservation and dispute settlement. The Norms is known to be the first specialized self-discipline norm concerning online live streaming marketing activities and will exert positive influences on leading the healthy development of the online live streaming marketing industry. ([More](#))

国家网信办指导约谈处置10家网络直播平台

2020年6月23日，国家互联网信息办公室（“国家网信办”）发布新闻称，其近期会同相关部门对国内31家主要网络直播平台的内容生态进行全面巡查，着力把网络直播专项整治和规范管理工作引向深入。经查，“虎牙直播”“斗鱼直播”“哔哩哔哩”等10家网络直播平台存在传播低俗庸俗内容等问题，未能有效履行企业主体责任。国家网信办指导属地互联网信息办公室约谈了上述平台企业并采取了相关处置措施。（[查看更多](#)）

China's Cyberspace Regulators Summon 10 Online Live Streaming Platforms

On 23 June 2020, the Cyberspace Administration of China (“CAC”) announced that it had carried out a thorough investigation jointly with relevant departments into the streaming contents of 31 main domestic online live streaming platforms, endeavoring to deepen special remediation and standard management work of live streaming. Upon investigation, the phenomenon of spreading vulgar and fawning contents was found in approximately 10 live streaming platforms, including Huya Live, Douyu Live and Bilibili, all of whom failed to perform their duties as business operators. The CAC has instructed its local branches to summon the above-mentioned platforms and take relevant measures. ([More](#))

全国人大常委会2020年度立法工作计划：将审议个人信息保护法、数据安全法

2020年6月20日，中国人大网公布了调整后的全国人大常委会2020年度立法工作计划。计划提出，2020年全国人大常委会初次审议法律案29件，其中包括个人信息保护法、数据安全法。据

了解，数据安全法草案的主要内容包括：（1）确立数据分级分类管理以及风险评估、监测预警和应急处置等数据安全各项基本制度；（2）明确开展数据活动的组织、个人的数据安全保护义务，落实数据安全保护责任；（3）坚持安全与发展并重，规定支持促进数据安全与发展的措施；（4）建立保障政务数据安全和推动政务数据开放的制度措施。（[查看更多](#)）

China's Top Legislature to Deliberate the Draft Personal Information Protection Law and Data Security Law

On 20 June 2020, the Standing Committee of the 13th National People's Congress ("NPC"), China's top legislature, unveiled the revised annual legislation work plan. The plan points out that in 2020 the NPC Standing Committee will deliberate 29 laws, including the draft personal information protection law and the draft data security law. It is learned that the draft data security law mainly includes: (i) establishing fundamental systems for data security management, including data classification management risk assessment and supervision, and emergency response; (ii) clarifying data security protection obligations of organizations and individuals conducting data-related activities; (iii) attaching equal importance to data security and development, stipulating measures supporting the security and development of data; and (iv) establishing measures that protect government data security and promote government data openness. ([More](#))

罚款30万！江南农商银行领银行业首张网络安全罚单

近日，中国银行保险监督管理委员会江苏监管局（“江苏银保监局”）公布了其于2020年6月16日对江苏江南农村商业银行股份有限公司（“江南农商银行”）的行政处罚信息公开表。江苏银保监局认定，江南农商银行网络安全工作严重不足，根据《中华人民共和国银行业监督管理法》第四十六条第五项决定对其罚款人民币30万元。据悉，这是我国银行业首张网络安全罚单。（[查看更多](#)）

China's Banking Regulator Issues Its First Fine for Cybersecurity Violations

Recently, the Jiangsu Bureau of the China Banking and Insurance Regulatory Commission fined Jiangsu Jiangnan Rural Commercial Bank Co., Ltd. CNY 300,000 for serious inadequacy of cybersecurity work in accordance with Article 46(5) of the *Law of the People's Republic of China on Banking Regulation and Supervision*. It is learned that this is the first cybersecurity fine against a bank in China. ([More](#))

海外动态 Overseas News

谷歌宣布将在18个月后自动删除用户位置记录等个人信息

2020年6月25日，据路透社报道，面对官方对数据收集实践的强化审查，谷歌近日宣布已经更新隐私控制设置。在更新后的设置下，新用户的部分位置记录将在18个月后自动删除，YouTube上的浏览记录将在36个月后消除，并且，新用户可以自主选择更短或者更长的时段自动删除这些记录。此外，更新后的设置使得所有用户能够在不被追踪的情况下，更加轻松地使用搜索、地

图和YouTube等应用程序。但是，谷歌可能依然能够通过其他方式访问和储存用户位置信息。

[\(查看更多\)](#)

New Google Defaults to Wipe Users' Location, Web History After 18 Months

On 25 June 2020, it was reported by *Reuters* that, facing heightened scrutiny on its data collection practices, Google said on Wednesday it has updated its privacy control settings. Under Google's updated settings, for new users, some location history will be automatically deleted after 18 months and YouTube's viewing history will disappear after 36 months, and users have the option of choosing shorter or longer timeframes. Besides, the updated settings make it easier for everyone to access its search, Maps and YouTube apps without being tracked. However, Google may still be able to access and store location details in other ways. [\(More\)](#)

欧盟委员会发布GDPR评估报告：契合数字时代，保护公民权利

2020年6月24日，欧盟委员会针对已实施两年多的《通用数据保护条例》（General Data Protection Regulation, “GDPR”）发布了一份评估报告。报告显示，GDPR以向公民提供一系列强有力且可执行的权利以及创造新型欧盟管理和执行体系的独特方式，基本实现了制定目标，并且被证明能够在新冠疫情等不可预见的情况下，为数字化解决方案灵活地提供依据。报告总结，尽管出现了一些必须被持续监控的一定程度上的分裂倾向，不同成员国之间的协调正在不断增强。报告也发现企业正在形成一种合规文化，并且在逐渐将使用有力的数据保护作为其竞争优势。 [\(查看更多\)](#)

Commission Report: EU Data Protection Rules Empower Citizens and are Fit for the Digital Age

On 24 June 2020, the European Commission published an evaluation report on the *General Data Protection Regulation* (“GDPR”) after its entry into application for just over two years. The report shows the GDPR has met most of its objectives, in particular by offering citizens a strong set of enforceable rights and by creating a new European system of governance and enforcement, and is proved to be flexible to support digital solutions in unforeseen circumstances such as the Covid-19 crisis. The report concludes that harmonisation across the Member States is increasing, although there is a certain level of fragmentation that must be continually monitored. The report also finds that businesses are developing a compliance culture and increasingly use strong data protection as a competitive advantage. [\(More\)](#)

德国最高法院裁定限制Facebook相关用户数据收集行为

2020年6月23日，据路透社报道，德国联邦最高法院日前发布了一份临时命令，裁定Facebook未经用户同意收集用户信息的行为属于滥用市场支配地位，支持了德国反垄断监管机构限制Facebook相关用户数据收集行为的决定。该临时命令同时中止了下级法院的裁决。据悉，德国反垄断监管机构强烈反对Facebook收集第三方应用程序（包括其自有的WhatsApp和Instagram）用户的数据，以及通过Facebook的“点赞”或“分享”按钮在线跟踪没有Facebook账户的其他公民。 [\(查看更多\)](#)

Top German Court Rules Facebook Must Curb Data Collection from Users

On 23 June 2020, it was reported by *Reuters* that a top German Court had ruled that Facebook must comply with an order by Germany's antitrust watchdog to curb data collection from users. The Court's interim order, which suspended a decision by a lower court, backed the Federal Cartel Office's original view that Facebook had abused its market dominance to gather information about users without their consent. The country's antitrust watchdog had objected in particular to how Facebook pools data on people from third-party apps - including its own WhatsApp and Instagram - and online tracking of people who do not have accounts via Facebook "like" or "share" buttons. ([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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 www.lifanglaw.com
 Email: info@lifanglaw.com

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