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13部门印发《关于支持新业态新模式健康发展 激活消费市场带动扩大就业的意见》

2020年7月15日，国家发展和改革委员会、工业和信息化部（“工信部”）等13部门联合发布《关于支持新业态新模式健康发展 激活消费市场带动扩大就业的意见》（“《意见》”），重点支持包括在线教育、互联网医疗、数字化治理、产业平台化发展、传统企业数字化转型等15种新业态新模式。《意见》提出，要深入实施数字经济战略，把支持线上线下融合的新业态新模式作为经济转型和促进改革创新的重要突破口，更有效地发挥数字化创新对实体经济提质增效的带动作用，推动“互联网+”和大数据、平台经济等迈向新阶段。（[查看更多](#)）

China to Further Support the Development of New Business Forms and Models

On July 15, 2020, the National Development and Reform Commission, Ministry of Industry and Information Technology (“MIIT”) together with 11 other government departments issued the *Opinions on Supporting the Healthy Development of New Business Forms and Models and Activating Consumer Markets for Expanding Employment* (“Opinions”), to mainly support 15 types of new business form and model, including online education, online health services, digital governance, industrial platform development, digital transformation of traditional enterprises. The Opinions underlines that it’s necessary to further implement the digital economy strategy, to treat the support of online-to-offline new business models as the important breakthrough of the economic transition and the promotion of reform and innovation, to rely on the motivation function of digital innovation to the real economy, and to promote “Internet Plus”, big data and platform economy.(More)

深圳市司法局公布《深圳经济特区数据条例（征求意见稿）》

2020年7月15日，深圳市司法局公布了《深圳经济特区数据条例（征求意见稿）》并向社会公众征求意见。条例草案共103条，包括总则、个人数据保护、公共数据管理和应用、数据要素市场培育、数据安全、法律责任、附则7章。该条例旨在规范数据活动，促进数据资源共享开放和全面深度开发利用，并服务于建设粤港澳大湾区和中国特色社会主义先行示范区。条例草案规定自然人、法人和非法人组织依法享有数据权，任何组织或者个人不得侵犯。数据权是权利人依法对特定数据的自主决定、控制、处理、收益、利益损害受偿的权利。条例草案还规定了深圳经济特区数据管理架构等内容。征求意见截止日期为2020年8月14日。（[查看更多](#)）

Shenzhen Seeks Comments on the Draft Data Regulations

On July 15, 2020, the Justice Bureau of Shenzhen Municipality released the *Data Regulations in Shenzhen Special Economic Zone (Exposure Draft)* (“Draft Regulations”) for soliciting public comments. The Draft Regulations consists of 103 articles under the following seven chapters: (i) general provisions; (ii) personal data protection; (iii) management and application of public data; (iv) data elements market cultivation; (v) data security management; (vi) legal liability; and (vii) supplementary provisions. This legislation aims to regulate data activities, promote sharing, openness, comprehensive in-depth development and utilization of data resources, and serve the construction of Guangdong-Hong

Kong-Macao Greater Bay Area and the construction of the pilot demonstration area of the socialism with Chinese characteristics. The Draft Regulations specifies that natural persons, legal persons and non-incorporated organisations shall have the data rights in accordance with the law, which cannot be infringed by any organisations or individuals. The data rights entitle parties to autonomously decide, control and process specific data, and gain and receive compensation from damages of the interests of specific data. The Draft Regulations also stipulates the data management framework of the Shenzhen Special Economic Zone. The deadline for submitting comments is August 14, 2020. ([More](#))

工信部科技司公示数十项通信行业国家标准与行业标准报批稿

2020年7月13日，工信部科技司公布了《智能制造 标识解析体系要求》等22项通信行业国家标准和《内容分发网络技术要求 汇聚节点》等60项通信行业行业标准的报批稿，并向社会公众征求意见。其中，22项国家标准主要涉及智能制造标识解析体系、公用电信网、多屏互动和物联网网关等；60项行业标准主要涉及公用电信网、移动通信系统和大数据的相关测试方法，以及电信网和互联网数据安全相关要求等。征求意见截止日期为2020年8月13日。 ([查看更多](#))

MIIT Seeks Comments on Dozens of Draft National Standards and Industrial Standards for the Communications Industry

On July 13, 2020, the Department of Science and Technology of MIIT released 82 draft standards for the communications industry for soliciting public comments, which includes the *Intelligent Manufacturing - Identification and Resolution System Requirements* and 21 other national standards, and *The Technical Requirements for Content Distribution(Delivery) Network - Convergence Node* and 59 other communications industry standards. Among these standards, 22 national standards mainly are involved in intelligent manufacturing identification resolution system, public telecommunication network, multimedia interaction and Internet of Things gateway, etc.; 60 industrial standards mainly are involved in relevant test methods for public telecommunication network, mobile communication system and big data, and relevant requirements of data security in telecom network and Internet. The deadline for submitting comments is August 13, 2020. ([More](#))

《刑法修正案（十一）（草案）》公开征求意见，新增人类遗传资源信息保护条款

2020年7月13日，全国人大常委会公布了《刑法修正案（十一）（草案）》并向社会公众征求意见。《刑法修正案（十一）（草案）》新增人类遗传资源信息保护条款，提出在刑法第三百三十四条后增加一条作为第三百三十四条之一：“违反国家有关规定，有下列情形之一，危害公众健康或者社会公共利益，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金：（一）非法采集国家人类遗传资源；（二）非法运送、邮寄、携带国家人类遗传资源材料出境的；（三）未经安全审查，将国家人类遗传资源信息向境外组织、个人及其设立或实际控制的机构提供或者开放使用的。”征求意见截止日期为2020年8月16日。 ([查看更多](#))

China May Strengthen Criminal Punishment to Protect Human Genetic Resource Information

On July 13, 2020, the Standing Committee of the National People's Congress, China's top legislator, released the *Draft Amendment XI to the Criminal Law* for soliciting public comments. The draft amendment adds a new provision which is attached after the Article 334 in the current *Criminal Law* as Article 334 (A) for the protection of human genetic resource information: "Whoever commits any of the following acts in violation of relevant provisions, endangering public health or public interests, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, criminal detention or public surveillance and shall also, or shall only be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 3 but not more than 7 years and shall be fined: (1) unlawfully collecting national human genetic resources; (2) unlawfully transporting, mailing or carrying national human genetic resource materials out of the territory of China; (3) providing national human genetic resource information or opening the access to any organizations, individuals or the institutions established or actually controlled by them outside the territory of China without the security scrutiny." The deadline for submitting comments is August 16, 2020. ([More](#))

海外动态 Overseas News

欧洲法院判决“欧盟-美国隐私盾”协议无效

2020年7月16日，欧洲法院在其官网上发布了关于废止“欧盟-美国隐私盾”数据跨境传输协议的判决全文，其判决欧盟委员会通过的《关于“欧盟-美国隐私盾”协议数据保护适当性的第2016/1250号决定》（“《隐私盾决定》”）无效。欧洲法院认为，《隐私盾决定》维护了美国在其国家安全、公共利益和执法的要求中“优先”的立场，纵容了对数据被转移到第三国的人的基本权利的干涉。欧洲法院还发现，美国国内法对于美国机构获取及使用欧盟传输至第三国的个人数据的保护上的限制无法根据比例原则满足欧盟法的相关要求，以至于美国国内法相关条款制定的监控项目也并不限于严格必要的事项。值得注意的是，欧洲法院认为《隐私盾决定》中的“将个人数据传输至建立在第三国的处理器”的标准合同条款是有效的。据BBC报道，“欧盟-美国隐私盾”协议加强了5300多家公司跨大西洋的数字贸易，其中大约65%是中小企业或初创企业。

([查看更多](#))

The Court of Justice Invalidates the EU-US Privacy Shield

On July 16, 2020, The Court of Justice (“**Court**”) published a judgment concerning the EU-US Privacy Shield. The Court invalidates the European Commission's *Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield* (“**Privacy Shield Decision**”). The Court noted that the Privacy Shield Decision enshrines the position that the requirements of US national security, public interest and law enforcement have primacy, thus condoning interference with the fundamental rights of persons whose data are transferred to that third country. The Court also found that the relevant limitations on the protection of personal data arising from the domestic law of the US on the access and use by US public authorities of such data transferred from the EU to that third country are not circumscribed in a way that satisfies requirements that are essentially equivalent to those required under EU law, by the principle of proportionality, in so far as the surveillance programmes based on those provisions are not limited to what is strictly necessary. Notably, the Court considered that the Privacy Shield

Decision on standard contractual clauses for the transfer of personal data to processors established in third countries is valid. It is reported by BBC that the EU-US Privacy Shield underpins transatlantic digital trade for more than 5,300 companies, and about 65% of them are small-medium enterprises or start-ups. [\(More\)](#)

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