



# NEWSLETTER

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## 国内要闻 Domestic News

### 国家发改委、商务部：鼓励外资投向信息技术的研发设计、服务等领域

2020年7月31日，国家发展和改革委员会（“国家发改委”）、商务部联合发布《鼓励外商投资产业目录（2020年版）（征求意见稿）》（“《征求意见稿》”），向社会公开征求意见。与《鼓励外商投资产业目录（2019年版）》相比，《征求意见稿》新增或扩展了信息技术的研发设计、服务等条目，包括“物联网终端的开发、制造”、“在线教育、在线医疗、在线办公系统开发与应用服务”、“DNA 编码化合物库技术研发”、“第五代移动通信技术研发与应用”、“区块链技术研发与应用”等。征求意见截止日期为2020年8月30日。（[查看更多](#)）

### China to Attract Foreign Investment in Information Technology

On July 31, 2020, China's National Development and Reform Commission and the Ministry of Commerce jointly released the *Catalogue on Encouraged Industries for Foreign Investment (2020 Edition) (Exposure Draft)* (“**Draft 2020 Encouraged Catalogue**”) for soliciting public comments. Compared with the *Catalogue on Encouraged Industries for Foreign Investment (2019 Edition)*, the Draft 2020 Encouraged Catalogue adds or expands information technology R&D, design, service and other items, including “Internet of Things terminal development and manufacturing”, “online education, online health care, online office system R&D services”, “R&D of DNA coding compound library technology”, “R&D and application of 5G mobile communication technology” and “R&D and application of blockchain technology”. The deadline for submitting comments is August 30, 2020. ([More](#))

### 广东探索将互联网个人信息保护纳入公益诉讼范围

2020年7月29日，广东省人民代表大会常务委员会公布《关于加强检察公益诉讼工作的决定》（“《决定》”）。《决定》指出，检察机关应当立足法律监督职责，综合运用诉前检察建议、提起诉讼、督促起诉、支持起诉等方式，在互联网个人信息保护等新领域探索拓展民事公益诉讼和行政公益诉讼案件范围，建立完善预防性公益诉讼制度。（[查看更多](#)）

### Guangdong Explores Ways to Strengthen the Protection of Personal Information by Procuratorial Public Interest Litigation

On July 29, 2020, the Standing Committee of Guangdong Provincial People's Congress issued the *Decision on Strengthening the Work of Procuratorial Public Interest Litigations* (“**Decision**”). The Decision underlines that bearing the responsibility of legal supervision, the procuratorial organs shall comprehensively utilize the methods of prelitigation suggestions, litigation, urging and supporting the file of litigation to explore and expand the scope of civil and administrative public interest litigations in new fields, such as the protection of personal information on the Internet, and to establish and promote preventive public interest litigation system. ([More](#))

## 市场监管总局发布《关于加强网络直播营销活动的指导意见（征求意见稿）》

2020年7月29日，国家市场监督管理总局（“市场监管总局”）发布《关于加强网络直播营销活动监管的指导意见（征求意见稿）》（“《指导意见草案》”）并向社会公众公开征求意见。在《指导意见草案》中，市场监管总局要求厘清网络平台经营者（包括其参与宣传推广行为时）、商品经营者和网络主播的法律责任，同时要求严格规范商品或服务营销、广告审查发布和广告代言等网络直播营销行为。征求意见截止日期为2020年8月28日。（[查看更多](#)）

### **SAMR Invites Comments on Draft Guiding Opinions on Strengthening Supervision of Online Live Streaming Marketing Activities**

On July 29, 2020, China's State Administration for Market Regulation (“SAMR”) issued the *Guiding Opinions on Strengthening Supervision of Online Live Streaming Marketing Activities (Exposure Draft)* (“**Draft Guiding Opinions**”) for soliciting public comments. In the Draft Guiding Opinions, the SAMR requires to clarify the legal responsibilities of online platform operators (including their participation in publicity and promotion activities), commodity operators and anchors, and strictly regulate the online live streaming marketing activities, including the marketing of goods or services, the review and release of advertisements and the endorsement of advertisements. The deadline for submitting comments is August 28, 2020. ([More](#))

## 信安标委就5项网络信息安全国家标准和实践指南征求意见

近日，全国信息安全标准化技术委员会（“信安标委”）发布5项网络信息安全国家标准和实践指南的征求意见稿，包括《信息安全技术 SM9密码算法使用规范（征求意见稿）》、《信息安全技术 可信执行环境系统架构（征求意见稿）》、《信息安全技术 电子凭据服务安全要求与测评方法（征求意见稿）》、《信息安全技术 信息技术产品供应链安全要求（征求意见稿）》和《网络安全标准实践指南—移动互联网应用程序（App）系统权限申请使用指引（征求意见稿）》。（[查看更多](#)）

### **TC260 Invites Comments on Five Draft National Standards and Practice Guidelines for Network Information Security**

Recently, the National Information Security Standardization Technical Committee, also known as the TC260, released the following five draft national standards and practice guidelines for network information security: (i) *Information Security Technology - SM9 Cryptographic Algorithm Application Specification (Exposure Draft)*; (ii) *Information Security Technology for Trusted Execution Environment System Architecture (Exposure Draft)*; (iii) *Information Security Technology - Security Requirements and Evaluation Method of Electronic Invoice Services (Exposure Draft)*; (iv) *Information Security Technology - Security Requirements for Supply Chain of Information Technology Products (Exposure Draft)*; and (v) *Practice Guidelines for Cybersecurity Standards – Guidance for Applying and Using of System Authorization in Mobile Internet APPs (Exposure Draft)*. ([More](#))

## 公安部指挥破获首起以数字货币为交易媒介的特大跨国网络传销案

近日，公安机关侦破首起以比特币等数字货币为交易媒介的“Plus Token平台”网络传销案，涉案数字货币总值逾400亿元。该案由公安部统一指挥部署，多地公安机关立案侦办。经调查，自2018年5月，犯罪嫌疑人通过架设搭建“Plus Token平台”并开发相关应用程序，以区块链技术为噱头、以比特币等数字货币为交易媒介，打着提供数字货币增值服务的幌子，承诺高额返利，吸引广大群众参与。（[查看更多](#)）

## Ministry of Public Security Crack Down the First Transnational Online Pyramid Scheme Using Digital Currencies

Recently, China's public security organs cracked down "Plus Token", the first online pyramid scheme using bitcoins and other digital currencies, and the gross value of the digital currencies involved was over CNY 40bn. Under the unified command and deployment of the Ministry of Public Security, this case has been investigated by public security organs in many places. Upon the investigation, the suspects set up the "Plus Token" platform and developed related APPs since May 2018. Taking blockchain technology as a gimmick and using bitcoin and other digital currencies as the medium of exchange, the suspects pretended to provide value-added services of digital currency and promised high returns to attract the participation of the masses. ([More](#))

## 海外动态 Overseas News

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### 英国信息专员办公室发布数据保护和人工智能指南

2020年7月30日，英国信息专员办公室发布了一份关于数据保护和人工智能问题的指南。该指南服务对象为关注合规事宜的人士和技术专家。该指南阐明了如何从数据保护的角度评估人工智能可能对公民权利和自由构成的风险，以及可以采取的能够减轻这些风险的适当措施。虽然数据保护和“人工智能伦理”有重叠之处，但该指南并未提供使用人工智能的一般伦理或设计原则。（[查看更多](#)）

### UK's ICO Publishes Guidance on Data Protection and AI

On July 30, 2020, the UK's Information Commissioner's Office ("ICO") published a guidance on the issues of data protection and AI. The guidance aims at two broad audiences: those with a compliance focus and technology specialists, and clarifies how to assess the risks to rights and freedoms that AI can pose from a data protection perspective and the appropriate measures can be implemented to mitigate them. While data protection and 'AI ethics' overlap, the guidance does not provide generic ethical or design principles for the use of AI. ([More](#))

### 因被要求提供过多敏感信息，Facebook起诉欧盟委员会

2020年7月27日，据BBC报道，Facebook已向欧盟法院起诉，认为欧盟委员会要求其提供的文件过于广泛。Facebook声称，为了收集执法工作中所需的相关信息，欧盟委员会要求Facebook提供涉及2500个特定关键词的所有内部文件，这些内部文件中包含与案件无关但却高度敏感的数据，例

如员工的医疗信息、个人财务文件和员工家庭成员的私人信息。欧盟委员会表示其不仅要在法庭上进行辩护，还要继续对Facebook潜在的反竞争行为进行调查。 ([查看更多](#))

### **Facebook Takes the EU to Court over Privacy Concerns**

On July 27, 2020, the *BBC News* reported that Facebook had filed an appeal to the EU courts, arguing against the breadth of the document requests from the European Commission. Facebook claimed that, to gather information, the European Commission demanded internal documents from it that include 2,500 specific key phrases which included unrelated but highly sensitive data, such as employees' medical information, personal financial documents, and private information about family members of employees. The European Commission said it would defend the case in court, and its investigation into Facebook's potential anticompetitive conduct was ongoing. ([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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