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央行拟修订《中国人民银行法》，加强金融业关键信息基础设施保护

2020年10月23日，中国人民银行（“央行”）公布了《中国人民银行法（修订草案征求意见稿）》，其中规定，央行负责金融标准化和金融科技工作，指导金融业网络安全和信息化工作，指导监督金融业关键信息基础设施安全保护工作，制定金融数据安全监管基本规则；负责制定金融业关键信息基础设施安全规划，组织认定金融业关键信息基础设施，推动制定行业标准规范，建立网络安全监测预警通报制度和应急工作体系，组织风险评估和应急演练。征求意见截止日期为2020年11月23日。（[查看更多](#)）

PBC released the Draft Amended Law on the People's Bank of China for Public Comments

On October 23, 2020, the People's Bank of China (“PBC”) released the *Amended Law of the People's Republic of China on the People's Bank of China (Exposure Draft)* for public comments. According to the Exposure Draft, PBC is responsible for taking charge of the financial standardization and fintech-related work, guiding the work relating to cybersecurity and informatization in the financial industry, directing and supervising the security protection of the critical information infrastructure in the financial industry, and formulating basic rules for financial data security supervision. Besides, PBC is also responsible for projecting security plans for and identifying critical information infrastructure in the financial industry, facilitating the formulation of industry standards, establishing the cybersecurity monitoring and early warning notification and emergency work system, organizing risk assessment and emergency response drills. The deadline for submitting comments is November 23, 2020. ([More](#))

《个人信息保护法（草案）》全文公布，公开征求意见

2020年10月21日，《个人信息保护法（草案）》公布并向社会公开征求意见。草案共79条，分属8章，包括总则、个人信息处理规则、个人信息跨境提供的规则、个人在个人信息处理活动中的权利、个人信息处理者的义务、履行个人信息保护职责的部门、法律责任和附则。草案规定，对于违反个人信息保护相关规定情节严重的行为，可处5000万以下或者上一年度营业额5%以下的罚款。征求意见截至11月19日。（[查看更多](#)）

The Draft Personal Information Protection Law Released for Public Comments

On October 21, 2020, the *Personal Information Protection Law (Draft)* was released for public comments. The Draft is consisted of 79 articles, which are divided in to eight chapters, i.e. the General Provisions, Rules for Processing Personal Information, Rules for Processing Sensitive Personal Information, Rights of Individuals in Activities of Processing Personal Information, Obligations of Personal Information Processors, Departments Performing Duties of personal information protection, Legal Liability, and Supplementary Provisions. According to the Draft, where the processing of seriously violated the Law, the departments performing duties of personal information protection shall order the processor to make rectification, confiscate its illegal gains and impose a fine of not more than RMB 50m or not more than 5% of its turnover of the previous year on the processor. The deadline for submitting comments is November 19, 2020. ([More](#))

侵害消费者个人信息，央行重罚多家银行4000余万元

2020年10月21日，央行发布新闻称，近日，央行相关分支机构依法对部分金融机构侵害消费者金融信息安全行为立案调查，并依据《消费者权益保护法》、《反洗钱法》等有关规定，分别对中国农业银行、中国银行、中国建设银行旗下共计六家支行及相关责任人予以警告并处以罚款，合计超4000万元。（[查看更多](#)）

PBC Heavily Fined Several Banks more than RMB 40m for Violating Consumer's Personal Information Rights

On October 21, 2020, it was reported that, recently, several branches of PBC has investigated into some financial institutions for infringing upon the customers' financial information security, and according to *Consumer Protection Law* and the *Anti-money Laundering Law*, gave warnings and imposed fines (over RMB 40m in total) on the relevant six branches of Agricultural Bank of China, Bank of China and China Construction Bank as well as the corresponding persons direct in charge. ([More](#))

国家网信办发布三季度全国网信行政执法工作情况

2020年10月19日，国家互联网信息办公室（“国家网信办”）发布新闻称，三季度，全国网信系统依法查处网上各类违法违规行为，累计约谈网站1211家，警告网站954家，暂停更新网站489家，会同电信主管部门取消违法网站许可或备案、关闭违法网站8868家，移送司法机关相关案件线索1569件。有关网站平台依据用户服务协议关闭各类违法违规账号群组6.3万个。（[查看更多](#)）

CAC Releases Third Quarter Law Enforcement Overview

On October 19, 2020, the Cyberspace Administration of China (“CAC”) reported that, in the third quarter of 2020, the Chinese national and local cyberspace administrations have investigated into various online behaviors violating the relevant cybersecurity laws and regulations. During the investigation, CAC has in total made inquiries on 1211 websites, given warnings to 954 websites, and paused the update of 489 websites. CAC also worked with other competent authorities to revoke the license or filing of and shut down 8868 websites, as well as informed the judicial authorities of potential 1569 cases. Also, in the third quarter, about 63000 user accounts and user groups were shut down for violating relevant user service agreements of specific websites. ([More](#))

新《未成年人保护法》明年6月施行，增加网络保护内容

2020年10月17日，中华人民共和国第十三届全国人民代表大会常务委员会第二十二次会议修订通过《中华人民共和国未成年人保护法》，共9章132条。修订后的《未成年人保护法》新增“第五章 网络保护”和“第六章 政府保护”。根据新法，处理涉及未成年人事项，应保护未成年人隐私权和个人信息；处理不满十四周岁未成年人个人信息的，应当征得未成年人的父母或者其他监护人同意，但法律、行政法规另有规定的除外。（[查看更多](#)）

Newly Amended Law on Minors Protection to Take Effect on Next June

On October 17, 2020, the amended *Law on the Protection of Minors* was adopted with a vote at the 22nd Session of the Standing Committee of the 13th National People's Congress, which is consisted 132 articles divided into nine chapters. Compared to the previous version, two news chapters, “Chapter V International Protection” and “Chapter VI Governmental Protection”, are added. According to the amendment, when dealing with matters involving minors, the privacy rights and personal information of the minors shall be protected; when processing the personal information of minors under the age of 14, the consents of the minors’ parents or other guardians shall be obtained, except as otherwise provided by laws or administrative regulations. ([More](#))

海外动态 Overseas News

EDPB通过《设计与默认设定数据保护指引》

2020年10月21日，欧盟数据保护委员会（EDPB）宣布通过《设计与默认设定数据保护指引》，此项指引主要为《通用数据保护条例》（GDPR）第25条规定的设计与默认设定数据保护责任制定。根据第25条，数据控制者的核心义务是有效遵守数据保护原则，并通过设计和默认设定有效保护数据主体的权利和自由。这意味着数据控制者应当执行适当的技术和组织措施，并通过必要的保障机制，确保实现数据保护原则和保护数据主体的权利和自由。另外，数据控制者应能够说明其所执行的措施是有效的。（[查看更多](#)）

EDPB Adopts the Guidelines on Data Protection by Design & Default

On October 21, 2020, the European Data Protection Board (“EDPB”) announced that it has adopted a final version of *the Guidelines on Data Protection by Design & Default*. The guidelines focus on the obligation of Data Protection by Design and by Default as set forth in Art. 25 GDPR. The core obligation enshrined in Art.25 is the effective implementation of the data protection principles and data subjects’ rights and freedoms by design and by default. This means that controllers have to implement appropriate technical and organisational measures and the necessary safeguards, designed to ascertain data protection principles in practice and to protect the rights and freedoms of data subjects. In addition, controllers should be able to demonstrate that the implemented measures are effective. ([More](#))

英国航空因数据泄露被罚两千万英镑

2020年10月16日，英国数据专员办公室（UK ICO）发布新闻，对英国航空40万用户个人信息和个人金融信息泄露一事开出2000万英镑的罚单，认为英国航空在处理大量个人信息时，没有采取适当的安全措施，违反数据保护法。UK ICO调查发现，英国航空在于2018年6月遭受网络攻击后长达两个月的时间内对数据泄露事件毫不知情。由于事件发生时英国尚未“脱欧”，UK ICO作为GDPR规定的主要数据监管机构，代表所有欧盟数据当局展开调查。目前，该处罚决定已经通过GDPR监管机构合作机制获得其他欧盟数据保护机构批准。（[查看更多](#)）

UK’s ICO Fines British Airways GBP 20m for Data Breach

On October 16, 2020, the UK’s Information Commissioner’s Office (“ICO”) announced that it has fined British Airways (“BA”) GBP 20m for failing to protect the personal and financial details of more

than 400,000 of its customers. An ICO investigation found the airline was processing a significant amount of personal data without adequate security measures in place. This failure broke data protection law and, subsequently, BA was the subject of a cyber-attack during 2018, which it did not detect for more than two months. Because the BA breach happened in June 2018, before the UK left the EU, the ICO investigated on behalf of all EU authorities as lead supervisory authority under the GDPR. The penalty and action have been approved by the other EU DPAs through the GDPR's cooperation process.

[\(More\)](#)



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