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“中国人脸识别第一案”，一审法院判决杭州野生动物世界删除原告面部特征信息

2020年11月20日，被称为“中国人脸识别第一案”的原告郭兵与被告杭州野生动物世界有限公司服务合同纠纷一案一审宣判。杭州市富阳区人民法院判决被告赔偿原告合同利益损失及交通费共计1038元，删除原告办理指纹年卡时提交的包括照片在内的面部特征信息。法院经审理认为，双方在办理年卡时，约定采用的是以指纹识别方式入园，被告采集原告及其妻子的照片信息，超出了法律意义上的必要原则要求，故不具有正当性。（[查看更多](#)）

Chinese Court Favors Plaintiff in First Facial Recognition Lawsuit

On November 20, 2020, Hangzhou Fuyang District People's Court (“Fuyang Court”) ruled in favor of the plaintiff, Mr. Guo Bing, in China's first facial recognition lawsuit. Fuyang Court ordered the defendant, Hangzhou Safari Park, to compensate the plaintiff for the loss of contractual interests and transportation expenses totaling CNY 1,038 and delete the facial feature information, including photos submitted by the plaintiff when applying for the annual pass. Fuyang Court held that the parties agreed that the way to enter the park is fingerprint identification, and the defendant collected the photos of the plaintiff and his wife, which exceeded the legally necessary requirements, so it was not legitimate. ([More](#))

信安标委启动《个人信息安全规范》应用推广试点工作

2020年11月18日，全国信息安全标准化技术委员会（“信安标委”）秘书处召开了国家标准《信息安全技术 个人信息安全规范》（“《个人信息安全规范》”）试点工作启动会。试点工作专家组认为，《个人信息安全规范》已经具有良好的推广基础，此次新修订的标准试点应更加关注关键问题，充分结合有关部门正在开展的检测评估认证等方面工作。专家组建议试点企业关注个人信息保护的立法动向，使用好标准这个工具，做好合规建设，协调好安全和发展的平衡关系。（[查看更多](#)）

TC260 Launches Pilot Work on Application and Promotion of Personal Information Security Specification

On November 18, 2020, the Secretariat of the National Information Security Standardisation Technical Committee of China (“TC260”) held a kickoff meeting for the pilot work of the national standard *Information Security Technology - Personal Information Security Specification* (“PISS”). The expert group for the pilot work believed that the PISS had a good basis for promotion, the new revised standard pilot should pay more attention to key issues, fully integrate the testing, evaluation, and certification work being carried out by relevant departments. The expert group recommended that pilot companies pay attention to the legislative trends of personal information protection, make good use of standards, do well in compliance building, and coordinate the balance between security and development. ([More](#))

App治理工作组：新浪微博、航旅纵横等35款App存在个人信息收集使用问题

2020年11月13日，App违法违规收集使用个人信息治理工作组（“App治理工作组”）发布通告称，近期，App治理工作组评估发现，35款App存在个人信息收集使用问题，建议相关App运营者及时对存在的问题进行整改，并自即日起30日内向App治理工作组反馈整改情况。30日后App治理工作组将对整改情况进行核验，并向相关部门提交复核结果，对不能有效整改的建议依法予以处置。本次通报的App包括新浪微博、航旅纵横、优信二手车等。（[查看更多](#)）

35 Apps Criticized for Improperly Collecting and Using Personal Information

On November 13, 2020, the Personal Information Protection Task Force on Apps (“Task Force”) issued a circular stating that recently, the Task Force found that 35 apps had problems with the collection and use of personal information, and suggested relevant app operators promptly rectify existing problems and report the rectification to the Task Force within 30 days. After that period, the Task Force will verify the rectification and submit the review results to competent authorities, and propose to deal with apps that have not been effectively rectified. The apps listed in the circular include Weibo, Umetrip, Uxin, etc. ([More](#))

工信部组织下架60款未按要求完成整改侵害用户权益APP

2020年11月9日，工业和信息化部（“工信部”）发布通报称，10月26日，工信部向社会通报了131家存在侵害用户权益行为APP企业的名单，经第三方检测机构核查复检，尚有60款APP未按照工信部要求完成整改。依据《网络安全法》和《移动智能终端应用软件预置和分发管理暂行规定》等法律和规范性文件要求，工信部组织对上述APP进行下架。相关应用商店应在本通报发布后，立即组织对名单中应用软件进行下架处理。（[查看更多](#)）

MIIT: 60 Apps Pulled off for Infringing Users’ Rights and Interests

On November 9, 2020, China’s Ministry of Industry and Information Technology (“MIIT”) issued a circular stating that on October 26, the MIIT announced a list of 131 app operators that infringed users’ rights and interests. After verification and re-examination by third-party testing agencies, there were still 60 apps that had not been rectified as required by the MIIT. In accordance with the *Cybersecurity Law, Interim Provisions for the Administration of Pre-installation and Distribution of Mobile Smart Terminal Application Software*, and other laws and regulations, the MIIT decided to organize the removal of these apps. The relevant app stores were requested to organize the removal of the listed apps immediately after the release of this circular. ([More](#))

信安标委发布《<信息安全技术 网络预约汽车服务数据安全指南>征求意见稿》

2020年11月9日，信安标委秘书处发布了国家标准《<信息安全技术 网络预约汽车服务数据安全指南>征求意见稿》（《指南》）。征求意见稿提到，“本文件给出了网络预约汽车服务运营者开展服务时数据收集、存储、使用、共享、公开披露、删除的数据类型、范围、方式和条件，以及数据安全要求。”“本文件适用于网络预约汽车服务运营者加强数据安全保护，也适

用于国家主管部门、第三方评估机构等对网络预约汽车服务数据活动进行监督、管理和评估。”意见需于2021年1月8日前反馈。（[查看更多](#)）

TC260 Invites Comments on Draft Guide for Data Security of Online Car-booking Services

On November 9, 2020, TC260 released the *Information Security Technology - Guide for Data Security of Online Car-Booking Services (Exposure Draft)* (“**Draft Guide**”) to solicit public opinions. The Draft Guide points out that this document sets out the types, scope, methods and conditions of data collection, storage, use, sharing, public disclosure and deletion as well as the data security management requirements when online car-booking service operators carry out services; this document is applicable to online car-booking service operators to strengthen data security protection, and it is also applicable to the supervision, management and evaluation of online car-booking service data activities by competent authorities and third-party evaluation institutions. The deadline for comments is January 8, 2021. ([More](#))

海外动态 Overseas News

欧洲数据保护委员会首次就监管机构间争议作出约束性决定

2020年11月9日，欧洲数据保护委员会根据《通用数据保护条例》第65条以三分之二的绝对多数通过了首份争议解决决定。该约束性决定（binding decision）旨在解决作为主导监管机构（lead supervisory authority, “LSA”）的爱尔兰监管机构与一些相关监管机构（concerned supervisory authorities, “CSAs”）在针对推特国际公司的决定草案上的争议。该决定草案由LSA作出，随后，CSAs表达了一些相关且合理的反对意见（relevant and reasoned objections）。（[查看更多](#)）

EDPB Adopts First Dispute Resolution Decision under Art. 65 GDPR

On November 9, 2020, the European Data Protection Board (“EDPB”) adopted by a 2/3 majority of its members its first dispute resolution decision on the basis of Art. 65 GDPR. The binding decision seeks to address the dispute arisen following a draft decision issued by the Irish SA as lead supervisory authority regarding Twitter International Company and the subsequent relevant and reasoned objections expressed by a number of concerned supervisory authorities. ([More](#))

Zoom与美国联邦贸易委员会达成和解

2020年11月9日，美国联邦贸易委员会宣布与Zoom达成和解协议。和解协议要求Zoom实施一个健全的信息安全计划，以解决针对该视频会议提供商实施一系列欺骗和不公平行为、损害用户安全的指控。Zoom同意按照要求建立和实施一项全面的安全计划，禁止隐私和安全方面的虚假陈述及采取其他详细和具体的救济措施保护用户群体。据悉，新冠肺炎疫情期间，Zoom的用户数已从2019年12月的1000万猛增到2020年4月的3亿。（[查看更多](#)）

FTC Requires Zoom to Enhance its Security Practices as Part of Settlement

On November 9, 2020, the Federal Trade Commission (“FTC”) announced a settlement with Zoom Video Communications, Inc. that will require the company to implement a robust information security program to settle allegations that the video conferencing provider engaged in a series of deceptive and unfair practices that undermined the security of its users. Zoom had agreed to a requirement to establish and implement a comprehensive security program, a prohibition on privacy and security misrepresentations, and other detailed and specific relief to protect its user base, which has skyrocketed from 10 million in December 2019 to 300 million in April 2020 during the COVID-19 pandemic. ([More](#))

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