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French Watchdog Fines Carrefour EUR 3m for GDPR Violations

国内要闻 Domestic News

工信部组织召开全国APP个人信息保护监管会

2020年11月27日，工业和信息化部（“工信部”）在京组织召开全国APP个人信息保护监管会。工信部信息通信管理局介绍了APP个人信息保护相关工作情况，并对相关企业存在的推诿、故意拖延整改、落实整改不到位等问题进行了通报。苏宁、蚂蚁、爱奇艺、360、小米、新浪、快手、哔哩哔哩、滴滴、阿里、百度等11家互联网企业代表主要负责人向社会做出公开郑重承诺，将严格落实APP侵犯用户权益各项整治工作，保障用户合法权益。（[查看更多](#)）

MIIT Holds National Regulatory Conference on App Personal Information Protection

On November 27, 2020, China's Ministry of Industry and Information Technology (“MIIT”) held the National Regulatory Conference on App Personal Information Protection in Beijing. The MIIT updated the status of the work related to app personal information protection and reprimanded some companies for prevarication, deliberate delay in rectification, and inadequate implementation of rectification. The representatives of 11 internet companies, including Suning, Ant Financial, iQiyi, 360, Xiaomi, Sina, Kwai, bilibili, Didi, Alibaba and Baidu, made a solemn and public promise to the society that they would strictly implement the rectification work of apps infringing users' rights and interests and protect users' legitimate rights and interests. ([More](#))

133家企业签署《电信和互联网行业网络数据安全自律公约》

2020年11月26日，工信部发布新闻称，工信部网络安全管理局指导中国互联网协会制定发布了《电信和互联网行业网络数据安全自律公约》（“《自律公约》”）。《自律公约》主要倡导了企业在网络数据安全责任上的五类要求：一是明确管理责任部门，制定管理制度规范；二是加强网络数据资产梳理和分类分级管理；三是深化网络数据安全合规性评估；四是依法规范数据对外合作安全管理；五是建立完善用户举报与受理机制。近期，中国互联网协会已累计组织中国电信、中国移动、中国联通、阿里、腾讯、百度、京东、360、爱奇艺等133家基础电信企业和重点互联网企业签署了《自律公约》。（[查看更多](#)）

133 Companies Sign Network Data Security Self-Discipline Convention

On November 26, 2020, MIIT announced that it has instructed the Internet Society of China (“ISC”) to formulate and release the *Network Data Security Self-Discipline Convention for Telecom and Internet Industry* (“Convention”). The Convention mainly includes five requirements for companies' responsibility on network data security: (i) clarify the management department and formulate management system specifications, (ii) strengthen the classification and hierarchical management of network data assets, (iii) deepen the supervision and evaluation of network data security compliance, (iv) regulate the security management of external data cooperation lawfully, and (v) establish and improve the report and acceptance mechanism for users. Recently, the ISC has organized a total of 133 basic telecommunication companies and major internet companies, such as China Telecom, China Mobile, China Unicom, Alibaba, Tencent, Baidu, JD, 360 and iQiyi, to sign the Convention. ([More](#))

电信终端产业协会发布《APP收集使用个人信息最小必要评估规范》《APP用户权益保护测评规范》系列团体标准

2020年11月26日，电信终端产业协会发布了《APP收集使用个人信息最小必要评估规范》8项团体标准和《APP用户权益保护测评规范》10项团体标准。具体清单如下：

标准编号	标准名称	实施日期
T/TAF 077.1-2020	APP收集使用个人信息最小必要评估规范 总则	2020-11-26
T/TAF 077.2-2020	APP收集使用个人信息最小必要评估规范 位置信息	2020-11-26
T/TAF 077.3-2020	APP收集使用个人信息最小必要评估规范 图片信息	2020-11-26
T/TAF 077.4-2020	APP收集使用个人信息最小必要评估规范 终端通讯录	2020-11-26
T/TAF 077.5-2020	APP收集使用个人信息最小必要评估规范 设备信息	2020-11-26
T/TAF 077.6-2020	APP收集使用个人信息最小必要评估规范 软件列表	2020-11-26
T/TAF 077.7-2020	APP收集使用个人信息最小必要评估规范 人脸信息	2020-11-26
T/TAF 077.8-2020	APP收集使用个人信息最小必要评估规范 录像信息	2020-11-26
T/TAF 078.1-2020	APP用户权益保护测评规范 超范围收集个人信息	2020-11-26
<u>T/TAF 078.2-2020</u>	APP用户权益保护测评规范 定向推送	2020-11-26
T/TAF 078.3-2020	APP用户权益保护测评规范 个人信息获取行为	2020-11-26
T/TAF 078.4-2020	APP用户权益保护测评规范 权限索取行为	2020-11-26
T/TAF 078.5-2020	APP用户权益保护测评规范 违规使用个人信息	2020-11-26
T/TAF 078.6-2020	APP用户权益保护测评规范 违规收集个人信息	2020-11-26
T/TAF 078.7-2020	APP用户权益保护测评规范 下载分发行为	2020-11-26
T/TAF 078.8-2020	APP用户权益保护测评规范 移动应用分发平台管理	2020-11-26
T/TAF 078.9-2020	APP用户权益保护测评规范 移动应用分发平台信息展示	2020-11-26
T/TAF 078.10-2020	APP用户权益保护测评规范 自启动和关联启动行为	2020-11-26

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TAF Issues Series of Standards for App Collection and Use of Personal Information and App User Rights Protection

On November 26, 2020, the Telecommunications Terminal Industry Forum Association (“TAF”) issued 8 standards within the *Application Software User Personal Information Collection and Usage Minimization and Necessity Evaluation Specification* and 10 standards within the *Application Software User Rights Protection Evaluation Specification*. The standards are listed as follows:

No. of Standards	Name of Standards	Implementation Date
T/TAF 077.1-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - General principle	2020-11-26
T/TAF 077.2-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Location	2020-11-26
T/TAF 077.3-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Image file	2020-11-26
T/TAF 077.4-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - User contact information on terminal	2020-11-26
T/TAF 077.5-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Device information	2020-11-26
T/TAF 077.6-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Application software list	2020-11-26
T/TAF 077.7-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Face information	2020-11-26
T/TAF 077.8-2020	Application software user personal information collection and usage minimization and necessity evaluation specification - Video information	2020-11-26
T/TAF 078.1-2020	Application software user rights protection evaluation specification - Over collection of personal information	2020-11-26
T/TAF 078.2-2020	Application software user rights protection evaluation specification - Directional push	2020-11-26
T/TAF 078.3-2020	Application software user rights protection evaluation specification - Personal information acquisition behavior	2020-11-26
T/TAF 078.4-2020	Application software user rights protection evaluation specification - Authority management behavior	2020-11-26
T/TAF 078.5-2020	Application software user rights protection evaluation specification - Illegal use of personal information	2020-11-26
T/TAF 078.6-2020	Application software user rights protection evaluation specification - Illegal collection of personal information	2020-11-26
T/TAF 078.7-2020	Application software user rights protection evaluation specification - Download distribution behavior	2020-11-26
T/TAF 078.8-2020	Application software user rights protection evaluation specification - Distribution platform management	2020-11-26
T/TAF 078.9-2020	Application software user rights protection evaluation specification - Information display of distribution platform	2020-11-26
T/TAF 078.10-2020	Application software user rights protection evaluation specification - Self-starting and associated startup behavior	2020-11-26

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《信息安全技术 网络产品和服务安全通用要求》等11项网络安全国家标准获批发布

2020年11月25日，全国信息安全标准化技术委员会（“信安标委”）发布新闻称，根据2020年11月19日国家市场监督管理总局、国家标准化管理委员会发布的中华人民共和国国家标准公告（2020年第26号），信安标委归口的GB/T 39276-2020《信息安全技术 网络产品和服务安全通用要求》等11项国家标准正式发布。具体清单如下：

序号	标准编号	标准名称	代替标准号	实施日期
1.	GB/T 39276-2020	信息安全技术 网络产品和服务安全通用要求		2021-06-01
2.	GB/T 39335-2020	信息安全技术 个人信息安全影响评估指南		2021-06-01
3.	GB/T 39412-2020	信息安全技术 代码安全审计规范		2021-06-01
4.	GB/T 39477-2020	信息安全技术 政务信息共享 数据安全技术要求		2021-06-01
5.	GB/T 20261-2020	信息安全技术 系统安全工程 能力成熟度模型	GB/T 20261-2006	2021-06-01
6.	GB/T 25061-2020	信息安全技术 XML数字签名语法与处理规范	GB/T 25061-2010	2021-06-01
7.	GB/T 25068.1-2020	信息技术 安全技术 网络安全 第1部分：综述和概念	GB/T 25068.1-2012	2021-06-01
8.	GB/T 25068.2-2020	信息技术 安全技术 网络安全 第2部分：网络安全设计和实现指南	GB/T 25068.2-2012	2021-06-01
9.	GB/T 28458-2020	信息安全技术 网络安全漏洞标识与描述规范	GB/T 28458-2012	2021-06-01
10.	GB/T 30276-2020	信息安全技术 网络安全漏洞管理规范	GB/T 30276-2013	2021-06-01
11.	GB/T 30279-2020	信息安全技术 网络安全漏洞分类分级指南	GB/T 30279-2013, GB/T 33561-2017	2021-06-01

[\(查看更多\)](#)

SAMR and SAC Jointly Release 11 Standards on Cybersecurity

On November 25, 2020, the National Information Security Standardization Technical Committee (“TC260”) announced that according to the National Standards Announcement ([2020] No. 26) issued by the State Administration for Market Regulation (“SAMR”) and the Standardization Administration of China (“SAC”) on November 19, 2020, 11 national standards developed by TC260, including the *Information Security Technology—General Security Requirements of Network Products and Services* (GB/T 39276-2020), were officially released. The 11 standards are listed as follows:

No.	No. of Standards	Name of Standards	Replacement	Implementation Date
1.	GB/T 39276-2020	Information security technology—General security requirements of network products and services		2021-06-01
2.	GB/T 39335-2020	Information security technology—Guidance for personal information security impact assessment		2021-06-01
3.	GB/T 39412-2020	Information security technology—Code security audit specification		2021-06-01
4.	GB/T 39477-2020	Information security technology—Government information sharing—Data security technology requirements		2021-06-01
5.	GB/T 20261-2020	Information security technology—System security engineering—capability maturity model	GB/T 20261-2006	2021-06-01
6.	GB/T 25061-2020	Information security technology—XML digital signature syntax and processing specification	GB/T 25061-2010	2021-06-01
7.	GB/T 25068.1-2020	Information technology—security techniques—Network security—Part 1: Overview and concepts	GB/T 25068.1-2012	2021-06-01
8.	GB/T 25068.2-2020	Information technology—security techniques—Network security—Part 2: Guidelines for the design and implementation of network security	GB/T 25068.2-2012	2021-06-01
9.	GB/T 28458-2020	Information security technology—Cybersecurity vulnerability identification and description specification	GB/T 28458-2012	2021-06-01
10.	GB/T 30276-2020	Information security technology—Vulnerability management criterion specification	GB/T 30276-2013	2021-06-01
11.	GB/T 30279-2020	Information security technology—Guidelines for the category and classification of cybersecurity vulnerability	GB/T 30279-2013, GB/T 33561-2017	2021-06-01

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广东省通信管理局通报88款存在数据安全、个人信息保护问题APP

2020年11月23日，广东省通信管理局通报了存在问题的88款APP。被查处的APP存在两方面问题，一是APP及其后台服务器存在“明文存储密码”“反编译”“SQL注入”等数据安全隐患问题；二是违反用户个人信息保护规定，包括“未公开明示收集规则”“默认勾选同意隐私协议”“未列明所集成SDK及其采集信息”“为注销账号、删除个人信息设置障碍”“未经用户同意共享给第三方”等侵犯用户对其个人信息处理享有的知情权、决定权，以及违反最小必要原则超前、超需、超频索取权限或采集信息，甚至不给必需权限不让用等强迫行为。（[查看更多](#)）

88 Apps Criticized for Data Security and Personal Info Protection Issues

On November 23, 2020, the Guangdong Communications Administration reported 88 apps with problems in two aspects. One is that apps and their back-end servers have hidden data security problems such as plaintext storage of passwords, decompilation, and SQL injection. The other is the violation of personal information protection regulations, including failure to disclose and express collection rules,

pre-checked consent boxes for privacy agreement, failure to disclose integrated SDK and information collection, barriers to closing account and deleting personal information, share with third parties without users' consent and other compulsory behaviors which infringe users' right to know and decide on the processing of their personal information, and violate minimum necessary evaluation standards to seek permission or collect information in advance, over demand or frequency, even prohibit to use without necessary permissions. ([More](#))

海外动态 Overseas News

欧盟委员会提出数据治理新规草案

2020年11月25日，欧盟委员会提出了有关数据治理的新规草案，以在值得信赖的欧洲框架中更好地利用不断增长的数据潜力。欧盟委员会表示，该法规将促进整个欧盟及各成员之间的数据共享，从而为社会创造财富，增强公众和公司对其数据的控制和信任，并为主要技术平台的数据处理实践提供另一种欧洲模式。([查看更多](#))

European Commission Proposes New Rules on Data Governance

On November 25, 2020, the European Commission (“EC”) proposed new rules on data governance to better exploit the potential of ever-growing data in a trustworthy European framework. The EC said the Regulation would facilitate data sharing across the EU and between sectors to create wealth for society, increase control and trust of both citizens and companies regarding their data, and offer an alternative European model to data handling practice of major tech platforms. ([More](#))

Facebook因未经同意分享用户信息在韩被处以67亿韩元罚款

2020年11月25日，据韩国联合通讯社（Yonhap）报道，韩国个人信息保护委员会（Personal Information Protection Commission, “PIPC”）已对Facebook违反韩国个人信息保护法的行为处以67亿韩元罚款，原因是Facebook自2012年5月至2018年6月未经用户同意向其它公司提供韩国当地1800万用户中至少330万用户的个人信息。据悉，这是PIPC自今年8月成立以来对Facebook做出的首份处罚决定。此外，PIPC表示将会把2012年5月至2018年6月间负责Facebook韩国运营事务的Facebook Ireland Ltd.所涉刑事问题移送检方。([查看更多](#))

South Korea Watchdog Fines Facebook KRW 6.7bn For Sharing Users' Info without Consent

On November 25, 2020, Yonhap reported that South Korea's Personal Information Protection Commission (“PIPC”) had fined Facebook KRW 6.7 billion for violating the country's personal information law by providing personal information of at least 3.3 million of the country's total 18 million local users from May 2012 to June 2018 to other companies without their consent. It marked the PIPC's first punishment against Facebook since it was launched in August this year. The PIPC said it would refer Facebook Ireland Ltd. -- which was in charge of Facebook operations in South Korea from May 2012 to June 2018 -- to the prosecution for a criminal investigation. ([More](#))

家乐福因违反GDPR被法国监管机构处以300万欧元罚款

2020年11月26日，法国数据保护监督机构——国家信息与自由委员会（Commission nationale de l'informatique et des libertés, “CNIL”）宣布就CARREFOUR FRANCE（零售业务）和CARREFOUR BANQUE（银行业务）违反《通用数据保护条例》（General Data Protection Regulation, “GDPR”）的行为分别处以225万欧元和80万欧元的罚款。CNIL称，其注意到家乐福已做出重大努力，有可能使所有被认定的违规行为纳入合规，因此并没有对家乐福发出禁令。

[\(查看更多\)](#)

French Watchdog Fines Carrefour EUR 3m for GDPR Violations

On November 26, 2020, French data protection watchdog, Commission nationale de l'informatique et des libertés (“CNIL”), announced that it has fined CARREFOUR FRANCE (retail sector) and CARREFOUR BANQUE (banking sector) EUR 2.25 million and 800,000 respectively for breaches of the General Data Protection Regulation (“GDPR”). The CNIL said that it did not issue an injunction when it noted that significant efforts had made it possible to bring all the breaches identified into compliance.

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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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