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工信部通报60款存在侵害用户权益行为的APP

2020年12月3日，工业和信息化部（“工信部”）信息通信管理局发布了《关于侵害用户权益行为的APP通报（2020年第六批）》（“《通报》”）。《通报》提到，依据《网络安全法》《电信条例》《电信和互联网用户个人信息保护规定》等法律法规，按照《关于开展纵深推进APP侵害用户权益专项整治行动的通知》工作部署，工信部近期组织第三方检测机构对手机应用软件进行检查，督促存在问题的企业进行整改。截至12月3日，尚有60款APP未完成整改。工信部要求，该等APP应在12月10日前完成整改落实工作。（[查看更多](#)）

MIIT Reports 60 Apps for Infringing Users' Rights and Interests

On December 3, 2020, China's Ministry of Industry and Information Technology (“MIIT”) released the *Report on Apps Infringing Users' Rights and Interests (2020 Issue 6)*. According to the Report, the MIIT recently organized third-party testing organizations to inspect on mobile phone apps and urged the non-compliant companies to make rectifications in accordance with the *Cybersecurity Law, Telecommunications Regulations and Regulations on the Protection of Personal Information of Telecommunications and Internet Users* and relevant laws and regulations, and the work deployment stipulated in the *Notice of the Special Rectification Action on Apps Infringement of Users' Rights and Interests*. As of December 3, there are still 60 apps that have not completed rectification, and MIIT requires them to complete the rectification by December 12. ([More](#))

上海市通信管理局通报22款存在个人信息保护违规问题App

2020年12月2日，上海市通信管理局通报了首批存在较典型问题的App清单，包含22款App。本次被通报的App主要存在以下三方面问题：一是未明示收集使用个人信息的目的、方式和范围，二是未经用户同意收集使用个人信息，三是未按法律规定提供删除或更正个人信息功能。据通报，上海市通信管理局近期部署开展App数据安全和个人信息保护评估检测专项行动，累计检测了7000余款App应用的隐私合规问题，组织专业技术机构对其中100余款下载量较大的主流App应用开展深度鉴定评测，并对首批50余家发现个人信息保护违规问题的App运营单位进行专题约谈通报，责令有关单位限期落实整改。（[查看更多](#)）

Shanghai Reports 22 Apps with Personal Information Protection Violations

On December 2, 2020, Shanghai Communications Administration (“Shanghai CA”) reported 22 apps in breach of personal information protection. These apps have three main problems: (1) collection and use of personal information without specified purposes, methods and scope, (2) collection and use of personal information without users' consent, (3) failure to provide functions for deleting or correcting personal information as required by law. According to the report, Shanghai CA recently deployed the special action for app data security and personal information protection, tested the privacy compliance issues of over 7000 apps, organized professional technical institutions to conduct in-depth investigation and evaluation of over 100 mainstream apps. Also, Shanghai CA notified over 50 apps which violated personal information protection and ordered them to implement rectification within a time limit. ([More](#))

国家网信办发布《常见类型移动互联网应用程序（App）必要个人信息范围（征求意见稿）》

2020年12月1日，国家互联网信息办公室（“国家网信办”）发布了《常见类型移动互联网应用程序（App）必要个人信息范围（征求意见稿）》。该文件规定了地图导航、网络约车、即时通信等38类常见类型App的基本功能服务及必要个人信息范围。其中，必要个人信息是指保障App基本功能正常运行所必须的个人信息，缺少该信息App无法提供基本功能服务。该文件规定，只要用户同意收集必要个人信息，App不得拒绝用户安装使用。国家网信办指出，起草文件的目的在于落实《网络安全法》关于个人信息收集合法、正当、必要的原则，规范App个人信息收集行为，保障公民个人信息安全。意见反馈截止时间为12月16日。（[查看更多](#)）

CAC Invites Comments on Draft Necessary Personal Information for Common Types of Apps

On December 1, 2020, the Cyberspace Administration of China (“CAC”) released the *Scope of Necessary Personal Information for Common Types of Apps (Exposure Draft)* for public comments. The draft document stipulates the basic functional services and the scope of necessary personal information for 38 common types of apps, including GPS navigation, online car-hailing and instant messaging. The necessary personal information refers to the personal information necessary to ensure the normal operation of the basic functions of the app. The draft document also stipulates that as long as the user agrees to collect necessary personal information, the app shall not refuse the user to install and use. This document aims to implement the *Cybersecurity Law* on the principles of legality, fairness and necessity in personal information collection, regulate the personal information collection behavior on apps, and protect citizens’ personal information security, the CAC said. The deadline for submitting comments is December 16. ([More](#))

天津市立法禁止市场信用信息提供单位采集自然人生物识别信息

2020年12月1日，天津市人民代表大会常务委员会通过了《天津市社会信用条例》（“《条例》”）。其中，《条例》第16条规定，市场信用信息提供单位不得采集自然人的宗教信仰、血型、疾病和病史、生物识别信息以及法律、行政法规规定禁止采集的其他个人信息。第37条规定，任何组织和个人不得非法采集、归集、使用、加工、传输社会信用信息，不得非法买卖、提供或者公开社会信用信息。《条例》将于2021年1月1日起正式施行。（[查看更多](#)）

Tianjin to Prohibit Market Credit Information Providers from Collecting Biometric Information

On December 1, 2020, the Standing Committee of the Tianjin Municipal People’s Congress adopted the *Tianjin Municipality Social Credit Regulations (“Regulations”)*. Article 16 of the Regulations stipulates that market credit information providers shall not collect religious belief, blood type, disease and medical history, biometric information of natural persons and other personal information prohibited by laws and administrative regulations. Article 37 stipulates that no organization or individual may illegally collect, use, process or transmit social credit information, or illegally trade, provide or disclose social credit information. The Regulations will take effect on January 1, 2021. ([More](#))

信安标委发布《网络安全标准实践指南—移动互联网应用程序（App）使用软件开发工具包（SDK）安全指引》

2020年11月27日，全国信息安全标准化技术委员会（“信安标委”）发布了《网络安全标准实践指南—移动互联网应用程序（App）使用软件开发工具包（SDK）安全指引》（“《实践指南》”）。《实践指南》给出了SDK常见安全风险，针对当前App使用SDK过程中存在的SDK自身安全漏洞、SDK恶意行为、SDK违法违规收集App用户的个人信息问题，结合当前移动互联网技术及应用现状，给出了App提供者、SDK提供者针对SDK安全问题的实践指引。（[查看更多](#)）

TC260 Issues Security Guide for App Using SDK

On November 11, 2020, the National Information Security Standardization Technical Committee (“TC260”) issued the *Practical Guide to Network Security Standards - Security Guide for App using Software Development Kit (SDK)* (“Guide”). The Guide indicates the common security risks of the SDK, including the SDK’s own security vulnerabilities, SDK malicious behavior, and SDK’s illegal collection of app users’ personal information in the process of app using SDK. Combined with the current status of mobile internet technology and application, the Guide gives practical guidelines on SDK security issues for app providers and SDK providers. ([More](#))

海外动态 Overseas News

欧盟在新跨大西洋议程提案中强调数据流动和治理问题

2020年12月2日，欧盟委员会发布了一份提案，提议在欧盟和美国之间建立一个前瞻性的新跨大西洋合作议程。该提案强调，欧盟和美国必须公开讨论对数据治理的不同看法，加强合作以促进监管融合，并在高标准和安全保障的互信基础上促进数据自由流动。（[查看更多](#)）

New Proposed EU-US Agenda Underlines Data Flow and Governance

On December 2, 2020, the European Commission published a proposal for a new, forward-looking transatlantic agenda between the EU and the US. The proposal underlines that the EU and the US must openly discuss diverging views on data governance, intensify their cooperation to promote regulatory convergence and facilitate free data flow with trust on the basis of high standards and safeguards. ([More](#))



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