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### Weekly Cybersecurity and Data Protection Review

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## 国内要闻 Domestic News

### 网信办向社会通报33款APP违规收集个人信息情况

2021年5月1日，国家互联网信息办公室（“网信办”）发布公告称，根据《网络安全法》、《App违法违规收集使用个人信息行为认定方法》等法律和有关规定，网信办对33款公众大量使用的App的个人信息收集使用情况进行检测，包括15款输入法类App、17款地图导航类App和1款即时通信类App。其中，违反必要原则收集个人信息成为违规的主要原因。（[查看更多](#)）

### CAC Notifies the Public about 33 Apps Violating Regulations to Collect Personal Information

On May 1, 2021, Cyberspace Administration of China (“CAC”) issued a statement, stating that according to *Cybersecurity Law*, the *Measures for the Determination of the Collection and Use of Personal Information by Apps in Violation of Laws and Regulations* and other laws and related regulations, CAC tested the personal information collection and usage situation of 33 popular apps, including 15 input method apps, 17 map navigation apps, and 1 instant messaging app. Among them, violating the principle of necessity to collect personal information became the main reason for violations. ([More](#))

### 信安标委就三项推荐性国家标准征求意见

2021年4月28日，全国信息安全标准化技术委员会（“信安标委”）发布公告，就推荐性国家标准《信息安全技术 网联汽车 采集数据的安全要求》征求意见稿向社会征求意见，截止日期为5月15日。同日，信安标委还就另外两项推荐性国家标准《信息安全技术 步态识别数据安全要求》和《信息安全技术 声纹识别数据安全要求》的征求意见稿向社会征求意见，截止日期均为6月27日。（[查看更多](#)）

### TC260 Seeks Advice on 3 Recommended National Standards

On April 28, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued an announcement, seeking for public advice on the recommended national standard: *Information Security Technology — Connected Vehicle — Security Requirements of Data*. The deadline for which is May 15. On the same day, TC260 also sought advice on another two recommended national standards: *Information Security Technology — Security Requirements of Gait Recognition Data* and *Information Security Technology — Security Requirements of Voiceprint Recognition Data*. The deadline for the two is June 27. ([More](#))

### 创维电视与勾正数据被曝私自采集用户数据

2021年4月27日，创维电视发表声明称，针对日前网友所称创维电视在后台暗藏应用“勾正数据服务”以收集家庭隐私数据的问题，其已第一时间全面禁用创维电视上的“勾正数据服务”应用，并展开相关调查。据悉，“勾正数据服务”应用为勾正数据公司旗下产品，该公司为致力

于家庭数据智能营销的业内领先的第三方大数据公司，累计覆盖智能电视终端超过1.4亿台。勾正数据公司于当日回应称该应用可由客户自行禁用，公司所采集之数据用于与收视研究相关的业务。 ([查看更多](#))

## Skyworth TV and Gozen Data were Found to Secretly Collect Users' Data

On April 27, 2021, Skyworth TV issued a statement, stating that in response to the problem claimed by its customer that he found a hidden application “Gozen Data Service” running in the background of Skyworth TV secretly collecting family privacy data, Skyworth TV had completely banned “Gozen Data Service” from running on all Skyworth TV immediately after learning that and had launched an investigation. It is reported that the “Gozen Data Service” is an application operated by Gozen Data Company, which is an industry-leading third-party big data company dedicated to the intelligent marketing of home data, and its apps are running in more than 140 million smart TV terminals. Gozen Data Company responded on the same day that the application can be disabled easily by customers, and the data collected by the company is used for business related to ratings research. ([More](#))

## 全国人大常委会审议《数据安全法（草案）》二审稿

2021年4月26日，全国人民代表大会常务委员会（“全国人大常委会”）对《数据安全法（草案）》二审稿进行审议。相较于初审稿，二审稿中完善了对“数据安全”等用语的含义；完善了数据分级分类和重要数据保护制度，建立健全全流程安全管理制度；充实了数据出境安全管理规定，增加了对未经批准擅自提供数据的处罚规定。同日，全国人大常委会还对《个人信息保护法（草案）》二审稿进行了审议。 ([查看更多](#))

## The Standing Committee of the National People's Congress Deliberates the Second Draft of the Data Security Law

On April 26, 2021, the Standing Committee of the National People's Congress deliberated the second draft of the *Data Security Law*. Compared with the first draft, the second draft provides more detailed definitions of the terms such as “data security”; perfects the data classification and categorization system and the protection system for important data, and establishes and improved the whole process security management system; and adds the security management regulations on cross-border data flows and the penalties for unauthorized provision of data. On the same day, the Standing Committee of the National People's Congress also reviewed the second draft of the *Personal Information Protection Law*. ([More](#))

## 海外动态 Overseas News

### 特斯拉将于年内上线车主数据平台

2021年5月7日，据报道，特斯拉正在开发供所有中国车主获取其车辆产生的数据的平台，这一平台预计将于年内上线，但特斯拉方面并未透露该平台将具体提供哪些数据的查询服务以及相

关查询方式和费用。2021年4月，特斯拉美国官网已发布了事件数据记录器查询套件，供车主查询车辆行驶数据，该套件软件部分免费，但硬件数据箱售价高达1200美元。（[查看更多](#)）

### **Tesla Develops Platform to Allow Car Owners in China Data Access**

On April 22, 2021, it is reported that Tesla is developing a platform for car owners in China which will allow them to access data generated by their vehicles. Tesla aims to launch the data platform this year. However, Tesla did not reveal the specific data query services that the platform will provide and related query methods and fees. In April 2021, Tesla launched the Event Data Recorder Resources on its American official website which allows car owners to inquire the vehicle driving data. The software of the query kit is free, whereas the hardware kit sells for up to USD 1,200. ([More](#))

### **FTC与照片应用程序开发者就误用人脸识别技术问题达成和解**

2021年5月7日，美国联邦贸易委员会（“FTC”）与一照片应用程序开发者达成和解，该程序涉嫌在其对人脸识别技术使用及在用户注销账号后是否保留用户的照片与视频方面欺骗消费者。在2021年1月的首次诉讼中，FTC指控Everalbum公司误导了其应用程序的用户，告知用户除非他们主动选择启动这一功能，否则该应用程序将不会把人脸识别技术应用于用户发布的内容。但实际上，该公司自动为除了居住在美国三个州和欧盟的用户外的其他所有移动应用程序用户激活了人脸识别功能，且该功能无法被关闭。作为和FTC达成的和解协议的一部分，Everalbum公司承诺仅在获得消费者明示同意后才在用户的照片和视频上使用人脸识别技术。（[查看更多](#)）

### **FTC Finalizes Settlement with Photo App Developer Related to Misuse of Facial Recognition Technology**

On May 7, 2021, the Federal Trade Commission (“FTC”) finalized a settlement with the developer of a photo app that allegedly deceived consumers about its use of facial recognition technology and its retention of the photos and videos of users who deactivated their accounts. In a complaint first announced in January 2021, the FTC alleged that Everalbum, Inc. misled users of its Ever mobile app that it would not apply facial recognition technology to users’ content unless they affirmatively chose to activate the feature. The company, however, automatically activated its face recognition feature—which could not be turned off—for all mobile app users except those who lived in three U.S. states and the European Union. As part of the settlement with the FTC, Everalbum, Inc. must obtain consumers’ express consent before using facial recognition technology on their photos and videos. ([More](#))

### **谷歌要求应用提供者通过应用商店说明数据使用情况**

2021年5月7日，荷兰消费者与市场管理局称，谷歌将在今年夏天要求应用提供者通过应用商店说明各应用所使用的个人数据情况。2022年起，消费者将能在谷歌应用商店内搜索应用时看到这一信息，并在选择是否使用该应用时纳入考虑。谷歌还将要求应用提供者在其谷歌应用商店的应用产品页面中增加说明每个应用程序所收集的数据的信息。（[查看更多](#)）

## Google to Require Providers to Add Information about Data Use to Apps in Its App Store

On May 7, 2021, according to Netherlands Authority for Consumers and Markets (“ACM”), Google will require app providers to indicate what personal data each app uses in its app store Google Play this summer. Starting in 2022, consumers will be able to see this information when searching for apps in the Google Play app store. The consumers will be able to take the information about data use into consideration when choosing apps. Google will also require app providers to add information to their apps’ product pages in the Google Play store, explaining what data each app collects. ([More](#))

## 微软承诺在欧盟境内存储和处理欧盟数据

2021年5月6日，微软在其官网上发布了公告，宣布了对欧盟的新承诺：微软将超越其既有的数据存储承诺，使微软在欧盟的每个商业或公共部门客户能在欧盟存储和处理他们的数据。这一承诺将适用于微软所有的核心云服务——Azure, Microsoft 365和Dynamics 365。微软表示将立即为此新增承诺展开工作，并将在明年年底前完成执行这一承诺所需的所有工程工作。除了处理在欧洲的商业和公共部门客户的个人数据外，微软还在都柏林创建了一个隐私工程中心，指导其欧盟客户为自己的云端工作建立起强大数据保护选择正确的解决方案。（[查看更多](#)）

## Microsoft Commits to Store and Process EU Data in EU

On May 6, 2021, Microsoft published an announcement on its official website, announcing a new pledge for EU that Microsoft will go beyond its existing data storage commitments and enable every commercial or public sector customer in EU to process and store their data in EU. This commitment will apply across all of Microsoft’s core cloud services – Azure, Microsoft 365, and Dynamics 365. Microsoft will begin to work immediately on this added step, and will complete by the end of next year the implementation of all engineering work needed to execute on it. In addition to processing the commercial and public sector customers’ personal data in Europe, Microsoft is also creating a Privacy Engineering Center of Excellence in Dublin to guide its European customers in choosing the right solutions for building robust data protection into their cloud workloads. ([More](#))



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