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工信部通报下架的90款侵害用户权益APP名单

2021年5月13日，工业和信息化部（“工信部”）发布公告称，依据《网络安全法》、《电信和互联网用户个人信息保护规定》、《移动智能终端应用软件预置和分发管理暂行规定》等法律和文件规定，工信部对39款未按照工信部要求完成整改的APP，46款各地区通信管理局发现未完成整改的APP，以及5款包括天涯社区、大麦在内的被发现在APP不同版本中反复出现同类问题的APP进行下架。相关应用商店应在通报发布后，应立即组织对名单中应用软件进行下架处理。

[\(查看更多\)](#)

MIIT Notifies the List of 90 Apps Infringing Users' Rights and Interests

On May 13, 2021, the Ministry of Industry and Information Technology (“MIIT”) issued an announcement stating that in accordance with the *Cybersecurity Law*, *Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and the *Interim Provisions on the Administration of the Pre-Installation and Distribution of Application Software for Smart Phone Terminals* and other laws and regulations, MIIT identified 39 apps that have not completed rectification in accordance with the requirements of MIIT, 46 apps which were found not completed rectification by the regional communications administrations, and 5 apps which were found to repeat the similar problems in different versions of the app such as Tianya and Damai and ordered the apps to be removed. The relevant application stores shall immediately organize the removal of the listed apps after the notification is released. [\(More\)](#)

网信办向社会征求《汽车数据安全若干规定》意见

2021年5月12日，根据《中华人民共和国网络安全法》等法律法规，国家互联网信息办公室（“网信办”）会同有关部门起草了《汽车数据安全若干规定（征求意见稿）》，并向公众征求意见，截止时间为2021年6月11日。该意见稿主要规定了运营者在中国境内从设计、生产到运维、管理汽车的过程中收集、分析、存储、传输、查询、利用、删除以及向境外提供个人信息或重要数据时所需遵循的规范。运营者包括汽车设计、制造、服务企业或机构。 [\(查看更多\)](#)

CAC Seeks Advice on the Provisions on the Management of Automobile Data Security

On May 12, 2021, in accordance with the *Cybersecurity Law* and other laws and regulations, the Cyber-space Administration of China (“CAC”) drafted the *Provisions on the Management of Automobile Data Security (Exposure Draft)* together with other relative departments and sought for public advice. The deadline for advice is on June 11, 2021. The *Draft* mainly stipulates the rules that operators need to follow when collecting, analyzing, storing, transmitting, querying, using, deleting, and providing abroad personal information or important data in the process of designing, manufacturing, operating and maintaining, and managing automobiles in China. Operators include automobile design, manufacturing, and service companies or institutions. [\(More\)](#)

信安标委就《基因识别数据安全要求》征求公众意见

2021年5月11日，全国信息安全标准化技术委员会（“信安标委”）发布通告，正式就一项推荐性国家标准《信息安全技术 基因识别数据安全要求》征求公众意见，截止日期为7月10日。该标准描述了基因识别数据及关联信息的六个相关活动环节及不同应用场景。在提出基本安全要求的基础上，该标准针对每一个应用场景提出安全保护要求，并针对基因识别数据及关联信息提出管理要求。（[查看更多](#)）

TC260 Seeks Advice on Security Requirements of Genetic Recognition Data

On May 11, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued a notice to formally seek for public advice on a recommended national standard: *Information Security Technology —Security Requirements of Genetic Recognition Data*. The deadline is on July 10th. The standard describes six related activities and different application scenarios of genetic identification data and associated information. On the basis of the basic safety requirements, the standard puts forward safety protection requirements for each of the application scenarios, and puts forward management requirements for genetic identification data and associated information. ([More](#))

网信办向社会通报84款APP违规收集个人信息情况

2021年5月10日，网信办发布公告称，依据《中华人民共和国网络安全法》、《App违法违规收集使用个人信息行为认定方法》及《常见类型移动互联网应用程序必要个人信息范围规定》等法律和有关规定，网信办近期组织对安全管理、网络借贷等常见的公众大量使用的部分APP的个人信息收集使用情况进行了检测。检测发现，安全管理类的36款APP和网络借贷类的48款APP存在违规收集使用个人信息的情况，违规原因多为违反必要原则、收集与所提供无关的个人信息以及未经用户同意收集使用个人信息等。（[查看更多](#)）

CAC Notified the Public about the 84 Apps Illegally Collecting Personal Information

On May 10, 2021, CAC issued an announcement stating that based on the *Cybersecurity Law*, the *Measures for the Determination of the Collection and Use of Personal Information by Apps in Violation of Laws and Regulations*, the *Provisions on the Scope of Necessary Personal Information Required for Common Types of Mobile Internet Applications* and other laws and regulations, CAC recently organized inspections on the situation of collection and use of personal information of some apps that are commonly used by the public, such as security management apps and online lending apps. CAC found that 36 security management apps and 48 online lending apps had collected and used personal information in violation of regulations.

The reasons for the violations were mostly violating the principle of necessity, collecting personal information unrelated to the services provided and collecting personal information without users' consent, etc. ([More](#))

海外动态 Overseas News

德国数据保护机构颁发禁止Facebook处理Whatsapp用户数据禁令

2021年5月11日，汉堡数据保护和信息自由专员（“HmbBfDI”）根据欧盟《通用数据保护条例》的紧急程序发布了一项命令，禁止Facebook爱尔兰公司出于自身目的处理来自WhatsApp的个人数据。据悉，WhatsApp的新隐私政策条款和条件正式更新了WhatsApp的数据处理权力，扩展了未来数据处理内容的范围，并允许使用数据以连接Facebook公司的产品，而此前存在的关于WhatsApp消息不会在Facebook上共享给其他人查看的公告已被删除。经调查，HmbBfDI认定，Facebook出于自身目的处理数据缺乏法律依据。特别注意的是，Facebook在处理WhatsApp用户数据时不能主张其拥有优势的合法权益，因为数据主体的权利和自由比Facebook的利益更重要。（[查看更多](#)）

German Data Protection Authority Prohibits Facebook from Processing Whatsapp's User Data

On May 11, 2021, the Hamburg Commissioner for Data Protection and Freedom of Information (“HmbBfDI”) issued an order under the urgency procedural of GDPR prohibiting Facebook Ireland Ltd. from processing personal data from WhatsApp for its own purposes. It is said that the new terms and conditions of WhatsApp’s privacy policy formally renew the data processing powers and expand their content for the future and allow for the use of data to connect with products from Facebook companies. And the previously existing notice that WhatsApp messages are not shared on Facebook for others to see has been removed. After investigation, HmbBfDI concluded that there was no legal basis for processing by Facebook for its own purposes. In particular, Facebook cannot claim a prevailing legitimate interest in processing the data of WhatsApp users because their interests are overridden by the rights and freedoms of the data subjects. ([More](#))

挪威数据保护机构就挪威残奥会和体育联合会泄露个人数据罚款120万挪威克朗

2021年5月11日，挪威数据保护机构（“Datatilsynet”）宣布对挪威奥林匹克残奥会和体育联合会（“NIF”）处以120万挪威克朗的罚款，原因是NIF在测试云解决方案时发生错误，致使320万人的个人信息在网上被披露长达87天。特别是，Datatilsynet指出公开的个人信息内容包括个人姓名、出生日期、住址、电话号码和邮箱地址。此外，Datatilsynet还强调在受影响的320万人中，有486,447名年龄在3至17岁之间的儿童。但是，Datatilsynet指出，其尚未收到信息表明有未经授权的个人利用了这些被泄露的信息。（[查看更多](#)）

Norway Fines NIF NOK 1.2 Million for Disclosing Personal Data

On May 11, 2021, the Norwegian data protection authority (“Datatilsynet”) announced that it had fined the Norwegian Olympic and Paralympic Committee and Confederation of Sports (“NIF”) NOK 1.2 million for disclosing the personal information of 3.2 million individuals online for 87 days following an error which occurred when testing a cloud solution. In particular, the Datatilsynet outlined that the exposed personal information included names, dates of birth, addresses, telephone numbers, and email ad-

dresses. Furthermore, the Datatilsynet also highlighted that, of the 3.2 million individuals affected, 486,447 were children aged between 3-17 years old. However, the Datatilsynet noted that it does not have information to suggest that unauthorized individuals have exploited the information. ([More](#))

欧盟证券和市场管理局发布《关于外包给云服务提供商的指南》

2021年5月10日，欧盟证券和市场管理局（“ESMA”）发布了《关于外包给云服务提供商的指南》（“《指南》”）。该指南旨在帮助公司和主管部门识别、解决和监控由云外包安排引起的风险和挑战。为此，《指南》概述了对云外包协议中关键合同要素、信息安全、访问和审计权、转包以及监督的要求。在信息安全方面，《指南》指出公司应在云外包书面协议的内部政策和程序中设定信息安全要求，并持续监控对这些要求的合规履行情况（包括保护机密的、个人的或其他敏感的数据）。最后，该《指南》将自2021年7月31日起适用于所有在当日或之后生效、更新或修订的云外包安排，相关公司应审查和修改现有的云外包安排以确保公司在2022年12月31日前履行完毕对该《指南》的合规义务。（[查看更多](#)）

ESMA Publishes Guide on Outsourcing to Cloud Service Providers

On May 10, 2021, the European Securities and Markets Authority (“ESMA”) published the *Guidelines on Outsourcing to Cloud Service Providers* (“*Guidelines*”). In particular, the *Guidelines* aims to help firms and competent authorities identify, address, and monitor the risks and challenges arising from cloud outsourcing arrangements. To this end, the *Guidelines* outlines requirements for key contractual elements, information security, access and audit rights, sub-outsourcing, and supervision of cloud outsourcing agreements. In relation to information security, the *Guidelines* states that firms should set information security requirements in their internal policies and procedures, within cloud outsourcing written agreements, and monitor compliance with such requirements on an ongoing basis, including the protection of confidential, personal, or otherwise sensitive data. Finally, the *Guidelines* highlights that it will apply from 31 July 2021 to all cloud outsourcing arrangements entered into, renewed, or amended on or after this date, noting that firms should review and amend existing cloud outsourcing arrangements to ensure that they take into account the *Guidelines* by 31 December 2022. ([More](#))



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