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网信办通报105款违法违规收集使用个人信息APP名单

2021年5月21日，国家互联网信息办公室（“网信办”）向社会通报了105款APP违法违规收集使用个人信息的情况。网信办依据《网络安全法》、《APP违法违规收集使用个人信息行为认定方法》和《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，组织对部分APP的个人信息收集使用情况进行了检测。经检测，有19款短视频类APP、34款浏览器类APP、51款求职招聘类APP和1款实用工具类APP存在违规现象，违规原因主要为未经用户同意收集使用个人信息和违反必要原则收集与其提供的服务无关的个人信息。网信办要求相关APP运营者于本通知发布之日起15个工作日内完成整改。（[查看更多](#)）

CAC Notifies the List of 105 Apps Collecting and Using Personal Information in Violation of Laws and Regulations

On May 21, 2021, the Cyberspace Administration of China (“CAC”) notified that 105 apps collected and used personal information in violation of laws and regulations. According to the *Cybersecurity Law*, the *Measures for the Determination of the Collection and Use of Personal Information by Apps in Violation of Laws and Regulations* and the *Provisions on the Scope of Necessary Personal Information Required for Common Types of Mobile Internet Applications* and other laws and related regulations, CAC organized test on the collection and use of personal information in some Apps. It was found that there were 19 short video Apps, 34 browser Apps, 51 job hunting Apps and 1 utility App violating the regulations. The main reasons for the violations are collecting and using personal information without users’ prior consent and collecting the personal information irrelevant to the provided service in violation of the principle of necessity. CAC required relevant Apps operators to complete rectification within 15 working days from the date of this notice. ([More](#))

浙江省通信管理局通报第四批侵害用户权益APP名单

2021年5月21日，浙江省通信管理局向社会通报了第四批侵害用户权益的APP名单。近期，该局根据《网络安全法》、《电信条例》和《电信和互联网用户个人信息保护规定》等法律法规，组织第三方检测机构对95款APP开展了检测。检测发现有59款APP存在违规收集个人信息、超范围收集个人信息、强制、频繁、过度索取权限、强制用户使用定向推送功能等问题。该局要求相关APP应在5月28日前完成整改，并将对逾期不整改的APP开展处置工作。（[查看更多](#)）

Zhejiang Communications Administration Notifies the List of the Fourth Batch of Apps Infringing Users’ Rights and Interests

On May 21, 2021, Zhejiang Communications Administration notified the list of the fourth batch of Apps infringing users’ rights and interests. Recently, according to the *Cybersecurity Law*, the *Telecommunications Regulation* and the *Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws and regulations, the authority organized third-party testing agencies to conduct test on 95 Apps. It was found that 59 Apps had irregularities such as collecting personal information illegally, collecting personal information beyond their scopes, forcing, frequently and

excessively requesting for permissions and forcing users to use the targeted push function. The authority required that the relevant Apps should complete the rectification before May 28, otherwise the authority will punish the Apps. ([More](#))

《广东省社会信用条例》将生效，商家不得采集个人生物识别信息

2021年5月18日，据新闻报道，《广东省社会信用条例》（“《条例》”）将于2021年6月1日起正式施行。《条例》明确禁止商家采集自然人的宗教信仰、血型、病史和生物识别信息。针对市场信用信息各环节管理，《条例》规定市场信用信息采集主体可以依法记录自身、会员、入驻经营者等方面的市场信用信息，但采集时应当履行告知义务，并明确了限制和禁止采集的范围。如违反市场信用信息采集要求，主管机关将对单位和相关责任人处以罚款，并没收违法所得。（[查看更多](#)）

The Regulation on Social Credit of Guangdong Province to Come into Effect, Companies Prohibited from Collecting Personal Biometric Information

On May 18, 2021, according to news reports, the *Regulation on Social Credit of Guangdong Province* (“**Regulation**”) will come into effect on June 1, 2021. The Regulation explicitly prohibits businesses from collecting natural persons’ religious beliefs, blood types, medical history and biometric information. Regarding the management of various aspects of market credit information, the Regulation stipulates that the market credit information collectors may record the market credit information of themselves, the members, and settled operators in accordance with law, provided that they perform the obligation of notification when collecting information. The Regulation also specifies the information scope that is restricted and prohibited from collection. Once violate the requirements, the entity and relevant people in charge will receive penalties including fines and confiscation from the competent authority. ([More](#))

广东省开展首席数据官制度试点工作

2021年5月14日，广东省发布了《关于印发广东省首席数据官制度试点工作方案的通知》，推动在广东省实施首席数据官制度。首席数据官制度的试点工作方案旨在明确首席数据官的职责范围，健全评价机制，创新数据共享开放和开发利用模式，提高政府的数据治理和运营能力。此次试点将在六个省级部门和十个地级市率先开展。试点工作的主要任务，是要明确首席数据官的工作机制，设立本级政府和本部门的首席数据官；明确首席数据官的职责范围；并由省政务服务数据管理局组织有关部门对首席数据官的履职情况进行评价。（[查看更多](#)）

Guangdong Carries Out Pilot Work of the Chief Data Officer System

On May 14, 2021, Guangdong Province issued the *Notice on Printing and Distributing the Pilot Work Plan of the Guangdong Chief Data Officer System*, aiming to promote the implementation of the Chief Data Officer System (“**System**”) in Guangdong Province. The pilot work plan of the System aims to clarify the scope of the chief data officer’s duties, improve the evaluation mechanism, innovate the data sharing, developing and utilizing models and improve government’s data governance and operation

abilities. The pilot project will be first carried out in six provincial-level departments and ten prefecture-level cities. The main tasks of the pilot work are to clarify the working mechanism of chief data officer, appoint the chief data officer of the governments and departments and clarify the responsibility scope of chief data officer. Besides, the administration for provincial government service data will organize relevant departments to carry out evaluation on the performance of the chief data officer. ([More](#))

因多项违法行为，哈尔滨农村商业银行被罚495万

2021年5月14日，中国人民银行哈尔滨支行在其官网公布了对哈尔滨农村商业银行的行政处罚决定。根据公示表，哈尔滨农村商业银行存在未按规定履行客户身份识别义务、未按规定保存客户身份资料和交易记录、未按规定报送大额交易报告和可疑交易报告、与身份不明的客户进行交易或者为客户开立匿名帐户、假名账户、虚报、瞒报金融统计资料和未经同意查询个人信息共六项违法行为，共计被罚495万元。 ([查看更多](#))

Harbin Rural Commercial Bank Fined CNY 4.95 Million for Multiple Illegal Conducts

On May 14, 2021, the Harbin Sub-branch of People's Bank of China announced the administrative penalty decision against Harbin Rural Commercial Bank on its official website. According to the notice sheet, Harbin Rural Commercial Bank had conducted six illegal conducts, including failing to fulfill its obligations of identifying customers, failing to keep customer identification materials and transactions records, failing to submit large-value transaction reports and suspicious transaction reports, conducting transactions with unidentified customers and opening anonymous accounts or pseudonymous accounts for customers, falsely reporting or concealing financial statistics, and inquiring about personal information without consent. The bank was fined totally CNY 4.95 million. ([More](#))

海外动态 Overseas News

EDPB通过比利时与法国监管机构关于首个跨国行为准则的意见

2021年5月20日，欧盟数据保护委员会（“EDPB”）发布通告，称EDPB在其全体会议上通过了两项由比利时和法国监管机构向委员会提交的关于《跨国行为准则》的首份决定草案的意见。特别是，比利时监管机构的决定草案针对的是面向云服务供应商的《欧盟云行为准则》，而法国监管机构的决定草案主要针对的是面向云基础设施服务供应商的《欧盟CISPE行为准则》。这些《准则》旨在为受欧盟各项《行为准则》约束的数据处理者们提供实践指导，并明确特定要求。这些《准则》不得适用于对个人数据的跨国传输。EDPB认为，这两个行为准则草案均符合欧盟《通用数据保护条例》（“GDPR”）的规定，并满足GDPR第40条和第41条的要求。 ([查看更多](#))

EDPB Adopts Opinions on the First Transnational Codes of Conduct by Belgian and French Supervisory Authorities

On May 20, 2021, the European Data Protection Board (“EDPB”) issued a press release, stating that during its plenary session, EDPB adopted two opinions on the first draft decisions on *Transnational Codes of Conduct* (“Codes”) presented to the Board by the Belgian and French supervisory authorities (“SAs”). In particular, the Belgian SA’s draft decision concerns the *EU Cloud Code of Conduct*, addressed to cloud service providers. The French SA’s draft decision concerns the *CISPE Code of Conduct*, addressed to cloud infrastructure service providers. These *Codes* aim to provide practical guidance and define specific requirements for processors in the EU subject to these *Codes*. They are not to be used in the context of international transfers of personal data. The EDPB is of the opinion that both draft codes comply with the GDPR and fulfil the requirements set forth in Art. 40 and 41 GDPR. ([More](#))

爱尔兰高等法院允许爱尔兰数据保护专员继续调查Facebook数据传输行为

2021年5月14日，爱尔兰高等法院驳回了Facebook爱尔兰公司（“Facebook”）对爱尔兰数据保护专员（“DPC”）对Facebook进行的调查的挑战。2020年7月16日，欧盟法院（“CJEU”）在“Schrems II”案中做出了具有里程碑意义的判决：宣告了欧盟-美国隐私盾数据传输机制无效，并判决标准合同条款本身可能不足以为个人数据在被传输至不适格的司法辖区时提供足够的保护。在此判决做出后，DPC决定开始“自行”调查，以了解Facebook在欧盟/欧洲经济区传输与个人有关的个人数据的行为是否合法，以及是否应由DPC行使权力对此进行纠正。针对DPC的行为，Facebook发起了司法审查程序申请终止调查。爱尔兰高等法院裁定，只要DPC的行为合乎正当程序和GDPR的要求，DPC有权在其调查中遵循其选定的程序。此外，爱尔兰高等法院还认为，DPC并没有要在调查前先行等待EDPB的建议或指导的法定义务。（[查看更多](#)）

Irish High Court Permits DPC Inquiry into Facebook Transfers to Proceed

On May 14, 2021, the Irish High Court dismissed Facebook Ireland’s (“Facebook”) challenge to the Irish Data Protection Commissioner’s (“DPC”) investigation into Facebook. On July 16, 2020, the Court of Justice of the European Union (“CJEU”) delivered its landmark judgment in the “Schrems II” case, in which CJEU invalidated the EU-U.S. Privacy Shield transfer mechanism and determined that Standard Contractual Clauses alone may not provide sufficient protection for personal data when it is transferred to non-adequate jurisdictions. Following the judgment, DPC decided to commence an “own volition” inquiry to consider whether the actions of Facebook in making transfers of personal data relating to individuals in the European Union/European Economic Area are lawful, and whether any corrective power should be exercised by DPC in that regard. Facebook instigated judicial review proceedings to quash the inquiry. The Irish High Court determined that DPC was entitled to follow its chosen procedure during its inquiry, provided that it complied with fair procedures and the requirements of the GDPR. Further, the Irish High Court also found no statutory duty requiring DPC to await the EDPB’s recommendations or guidance before undertaking an inquiry. ([More](#))

日本个人信息保护委员会就《个人信息保护法案》修订指南草案征询公众意见

2021年5月19日，日本个人信息保护委员会发布了有关《个人信息保护法案》（“APPI”）的修订指南草案并征询公众意见。修订后的指南草案部分修改了APPI指南中的通用规则、对国外第三方的规定、当向第三方提供信息时进行确认和记录的义务以及对被匿名处理的信息的规定。公众意见征询截止日期为2021年6月18日。（[查看更多](#)）

Japan PPC Seeks for Public Comments on Revised Draft Guidelines on APPI

On May 19, 2021, the Japan Personal Information Protection Commission (“PPC”) released the revised draft guidelines on the *Act on the Protection of Personal Information* (“APPI”) and sought for public comments. The revised draft guidelines are namely draft to partially revise the general rules, the provision to third parties in foreign countries, the obligation to confirm and record when provided to a third party and the anonymously processed information in the APPI guidelines. The deadline for public comments is on June 18, 2021. ([More](#))



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