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今日头条移植微博内容，一审被判赔偿2000万

2021年5月28日，据报道，北京市海淀区人民法院对北京微梦创科网络技术有限公司（“微博”）诉北京字节跳动科技有限公司（“今日头条”）不正当竞争纠纷一案做出一审判决。微博指控今日头条自2016年10月起利用技术手段抓取或以人工复制方式大规模获取源自新浪微博的内容，并向今日头条用户进行传播，导致公众误认为今日头条为相关内容的首发平台，降低了新浪微博的竞争优势。一审认定，今日头条是移植行为的主体，在双方具有明显且直接的竞争关系的情况下，今日头条的行为构成不正当竞争，应立即停止相关行为，消除影响，并赔偿微博经济损失2000万元。（[查看更多](#)）

Toutiao Fined 20 Million for Copying Contents from Weibo in the First Instance

On May 28, 2021, according to new report, Beijing Haidian People's Court has made the first instance judgment on the case of Beijing Weimengchuangke Network Technology Co., Ltd. (“Weibo”) suing Beijing ByteDance Technology Co., Ltd. (“Toutiao”) for unfair competition. Weibo alleged that Toutiao had used technical means to capture or manually copy contents from Weibo on a large scale since October 2016, and disseminated them to its users, misleading the public to take Toutiao as the publishing platform for relevant contents, which impaired Weibo's competitive advantage. The first instance judgment held that Toutiao was the subject of copying. And given that there was an obvious and direct competition between the parties, Toutiao's behavior constituted unfair competition. The Court held that Toutiao should immediately cease such behavior, eliminate the impacts and compensate Weibo CNY 20 million for Weibo's economic loss. ([More](#))

上海召开数据立法研讨会

2021年5月27日，上海市召开数据立法研讨会。会议讨论了上海数据立法的定位与特点，提出上海市数据条例将重点聚焦于数据治理、促进数据流通利用和保障数据权益安全问题，不涉及应用和产业领域。在公共数据治理和流通方面，上海市拟授权数据主管部门统一运营公共数据，并建立相关专家委员会；在数据交易方面，浦东新区需发挥示范作用，逐步完善数据交易体系，会议拟明确公共数据、产品可以进行交易；在数据安全方面，拟建立数据分类分级保护制度，并确定上海市重要数据目录。（[查看更多](#)）

Shanghai Holds a Data Legislation Seminar

On May 27, 2021, Shanghai held a data legislation seminar. The meeting discussed the positioning and characteristics of Shanghai's data legislation, and proposed that Shanghai's data regulations will focus on issues such as data governance, promotion of data circulation and utilization, and protection of data security and data rights, and will not involve data applications or industrial fields. In terms of the governance and circulation of public data, Shanghai intends to authorize data authorities to uniformly operate public data and establish relevant expert committee. In terms of data transactions, Pudong New Area needs to play an exemplary role and gradually improve the data transaction system. The meeting plans to clarify that public data and data products are tradable. In terms of data security, Shanghai plans to

establish a data classification and categorization protection system and determine catalogs of critical data in Shanghai. ([More](#))

四部门联合印发《全国一体化大数据中心协同创新体系算力枢纽实施方案》，确保网络数据安全

2021年5月26日，国家发展改革委员会、国家互联网信息办公室、工业和信息化部与国家能源局联合印发《全国一体化大数据中心协同创新体系算力枢纽实施方案》。根据方案安排，将在京津冀、长三角、粤港澳大湾区、成渝，以及贵州、内蒙古、甘肃、宁夏等地布局建设全国一体化算力网络国家枢纽节点，发展数据中心集群，引导数据中心集约化、规模化、绿色化发展。
([查看更多](#))

Four Departments Jointly Issue the Implementation Plan of Computing Hub in the Collaborative Innovation System of National Integration of Big Data Center to Ensure Network Data Security

On May 26, 2021, the National Development and Reform Commission, the Cyberspace Administration of China, the Ministry of Industry and Information Technology and the National Energy Administration jointly issued the *Implementation Plan of Computing Hub in the Collaborative Innovation System of National Integration of Big Data Center* (“**Plan**”). According to the *Plan*, the government will deploy and establish the national hub nodes of the national integrated computing power network in places such as Beijing-Tianjin-Hebei Region, Yangtze River Delta, Guangdong-Hong Kong-Macao Greater Bay Area, Chengdu-Chongqing, Guizhou, Inner Mongolia, Gansu and Ningxia, develop data center clusters, and guide intensive, large-scale and green development of data centers. ([More](#))

《深圳经济特区数据条例（草案修改一稿）》提请“二审”

近期，《深圳经济特区数据条例（草案修改一稿）》提请市人大常委会会议“二审”。《条例（草案修改一稿）》进一步加强了对用户隐私的保护，明确规定，自然人有权随时拒绝用户画像和个性化推荐，不得对未成年人进行用户画像以及基于用户画像对未成年人进行个性化推荐。其中，关于数据权属问题，《条例（草案修改一稿）》明确规定，自然人对其个人数据享有人格权益，自然人、法人和非法人组织对其合法处理数据形成的数据产品和服务享有财产权益，可以依法自主使用、处分，或提供给他人以获得收益。 ([查看更多](#))

Data Regulations of Shenzhen Special Economic Zone (First Draft Revision) Submitted for Second Review

Recently, the *Data Regulations of Shenzhen Special Economic Zone (First Draft Revision)* (“**Regulations**”) was submitted to the meeting of Standing Committee of Municipal People’s Congress for second review. The *Regulations* further strengthens the protection of user privacy, clearly stipulating that a natural person has the right to reject user portrait and personalized recommendations at any time, and that user portrait or personalized recommendation based on user portrait may not be performed on minors. Regarding data ownership, the *Regulations* clearly stipulates that a natural person has personali-

ty rights and interests over his/her personal data, and that natural persons, legal persons and unincorporated organizations have property rights and interests over the data products and services formed by their legally processing of data, and can independently use or dispose their data in accordance with the law, or provide the data to others for benefits. ([More](#))

海外动态 Overseas News

WhatsApp就互联网新规起诉印度政府

2021年5月26日，据新闻报道，Facebook旗下信息平台WhatsApp已向印度德里高等法院起诉印度政府，挑战其关于要求该公司提供加密信息访问权限的新规定。印度政府于二月出台了加强管理社交媒体、数字媒体和流媒体运营商的规定。这些规定要求公司（该规定称之为“中介”）要拥有处理用户投诉、任命合规工作人员和提交月度合规报告的机制。WhatsApp在其声明中称这些要求将会“破坏端到端加密，并从根本上损害人们的隐私权”，因此拒绝遵守新规。（[查看更多](#)）

WhatsApp Sues India Government Over New Internet Rules

On May 26, 2021, according to news report, Facebook Inc.'s messaging platform WhatsApp has filed a lawsuit in the Delhi High Court challenging Indian government's new rules that would require the company to provide access to encrypted messages. India government introduced tightened rules governing social media, digital media and streaming operators in February. The regulations require the companies, called intermediaries in the rules, to have mechanisms to address user complaints, appoint compliance officers and submit monthly compliance reports. In its statement, WhatsApp said that these requirements would “break end-to-end encryption and fundamentally undermines people's right to privacy” and therefore refused to comply with the new rules. ([More](#))

FTC发布《2020隐私与数据安全更新》

2021年5月25日，美国联邦贸易委员会（“FTC”）发布了《2020隐私与数据安全更新》。2020年，FTC与Facebook就消费者隐私承诺问题达成和解，并起诉Zoom以解决虚假和具有欺骗性的加密索赔问题。在数据安全方面，FTC同Tapplock、SkyMed International 以及 Ascension Data & Analytics 三家公司达成了和解，和解协议均包括加强对企业的问责机制。在儿童保护方面，FTC针对HyperBeard和Miniclip的案件表明其一直致力于落实儿童在线隐私保护规则。此外，2020年，FTC向9家社交媒体和流视频服务公司发出命令，要求他们提供关于其如何搜索和使用个人及人口统计信息的数据。FTC还向国会递交了三份关于其隐私和数据安全工作的报告。（[查看更多](#)）

FTC Releases 2020 Privacy and Data Security Update

On May 25, 2021, the Federal Trade Commission (“FTC”) released the *2020 Privacy and Data Security Update*. In 2020, FTC reached settlement with Facebook over consumers privacy promises, and filed against Zoom to address false and deceptive encryption claims. In terms of data security, FTC reached settlements with Tap-

plock, SkyMed International, and Ascension Data & Analytics, all including enhanced orders that impose greater accountability on businesses. Concerning child protection, the cases against HyperBeard and Miniclip demonstrate FTC's continued commitment to enforcing the Children's Online Privacy Protection Rule. In addition, in 2020, FTC issued orders to 9 social media and video streaming services companies, requiring them to provide data on how they collect and use personal and demographic information. FTC also submitted 3 reports to Congress related to its privacy and data security efforts. ([More](#))

印度航空发生数据泄露，450万客户个人信息遭泄露

2021年5月23日，据媒体报道，印度航空披露大规模数据泄露事件，约450万乘客的个人数据遭泄露。印度航空在声明中表示此次泄露波及2011年8月至2021年2月下旬登记注册乘客的个人数据，详细信息包括姓名、出生日期、联系方式、护照信息、飞行常客数据以及信用卡数据。印度航空表示其已采取措施确保数据安全，包括保护被侵入的服务器、通知信用卡发卡机构并保持联络，以及重置印度航空飞行常客计划中的密码。 ([查看更多](#))

Air India Data Breach: Hackers Access Personal Details Of 4.5 Million Customers

On May 23, 2021, according to news report, Air Media admitted to a massive data breach that compromised the personal data of about 4.5 million passengers. According to Air India's statement, the breach affected customers who registered between August 2011 and late February 2021. Compromised data includes customers' name, data of birth, contact information, passport information, frequent flyer data and credit card data. The Air India said it has taken steps to ensure data safety, including securing the compromised servers, notifying and liaising with the credit card issuers and resetting passwords of Air India FFP program. ([More](#))



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