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信安标委发布《信息安全技术 网络安全态势感知通用技术要求》征求意见稿公开征求意见

2021年6月3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 网络安全态势感知通用技术要求》（征求意见稿）（“《征求意见稿》”）向社会广泛征求意见，截止日期为8月2日。《征求意见稿》制定了网络安全态势感知总体技术框架，规定了技术框架中核心组件的通用技术要求，适用于指导网络安全态势能力的规划、设计、开发、建设和运营等活动，也可供第三方机构在对网络安全态势感知能力进行评估时提供框架性参考。（[查看更多](#)）

TC260 Seeks Advice on the Exposure Draft of Information Security Technology – General Technical Requirements for the Network Security Situation Awareness

On June 3, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued an announcement, seeking public advice on the recommended national standard *Information Security Technology – General Technical Requirements for the Network Security Situation Awareness* (Exposure Draft) (“*Draft*”), and the deadline is August 2. The *Draft* formulates an overall technical framework for network security situational awareness, specifies general technical requirements for core components in the technical framework, and is suitable for guiding the planning, designing, developing, constructing, and operating activities of network security situational capabilities. It is also available for third-party agencies to provide framework references when evaluating network security situational awareness capabilities. ([More](#))

《深圳经济特区数据条例》公开征求意见

2021年6月2日，经过两次审议后，深圳市人大常委会就《深圳经济特区数据条例》（“《条例》”）公开征求意见，为本月底“三审”做准备。《条例》确定了处理个人数据的五项基本原则：合法正当、最小必要、公开透明、准确完整和确保安全。明确了数据交易范围，并提供数据交易配套支持，促进数据资源高效流通。确立了数据公平竞争原则，规定市场主体不得实施侵害其他市场主体或者消费者合法权益的行为，不得通过数据分析，无正当理由对交易条件相同的交易相对人实施差别待遇。此外，《条例》还规定了数据领域公益诉讼制度。（[查看更多](#)）

Data Regulations of Shenzhen Special Economic Zone for Public Comments

On June 2, 2021, after two reviews, the Standing Committee of the Shenzhen Municipal People’s Congress publicly sought advice on the *Data Regulations of Shenzhen Special Economic Zone* (“*Regulations*”) to prepare for the third review at the end of this month. The *Regulations* established five basic principles for processing personal data: legality and fairness, minimum necessity, openness and transparency, accuracy and completeness, and ensuring safety. The *Regulations* clarified the scope of data transactions and provided supporting mechanisms for data transactions to promote the efficient

circulation of data resources. It also established the principle of fair competition for data, stipulating that market entities shall not engage in behaviors that infringe the legitimate rights and interests of other market entities or consumers, and shall not use data analysis to impose preferential treatments on counterparties with the same trading conditions without justified reasons. In addition, the *Regulations* also stipulated the public interest litigation system in the data field. ([More](#))

杭州互联网法院发布涉电子商务平台十大典型案例

2021年6月1日，杭州互联网法院召开新闻发布会，介绍电子商务案件的特征与趋势，并发布十大典型案例。在淘宝（中国）软件有限公司诉安徽美景信息科技有限公司不正当竞争纠纷案中，法院明确网络运营者对于用户行为痕迹信息的安全保护责任，并赋予数据产品开发者享有“竞争性财产权益”，可以此为基础获得《反不正当竞争法》保护。深圳市腾讯计算机系统有限公司等诉浙江搜道网络技术有限公司等不正当竞争纠纷案是首例涉及微信数据权益认定的案件，法院判决厘清了不同数据权益间的权利边界，确立分类保护原则，提出了判断数据抓取及使用行为正当性与否的标准和方法。杭州市下城区人民检察院诉孙某个人信息保护民事公益诉讼案则是全国首例适用民法典的个人信息保护民事公益诉讼案。 ([查看更多](#))

Hangzhou Internet Court Releases Ten Typical Cases Involving E-commerce Platforms

On June 1, 2021, Hangzhou Internet Court held a press conference to introduce the characteristics and trends of e-commerce cases and released ten typical cases. In the unfair competition dispute of Taobao (China) Software Co., Ltd. v. Anhui Meijing Information Technology Co., Ltd., the Court clarified the responsibility of network operators for the safety protection of user behavior traces, and granted data product developers the rights and interests of “competitive property”, upon which the developers can seek for protection under the *Anti-Unfair Competition Law*. The unfair competition dispute of Shenzhen Tencent Computer System Co., Ltd. v. Zhejiang Soudao Network Technology Co., Ltd. was the first case involving the determination of WeChat data rights. The Court’s judgement clarified the rights boundary between different data rights, established the principle of classification protection, and proposed the standards and methods for judging the legitimacy of data capture and using behaviors. The civil public interest litigation of the People’s Procuratorate of Xiacheng District of Hangzhou City v. Sun regarding information protection is the first personal information protection civil public interest litigation applicable to the *Civil Code in our country*. ([More](#))

北京互联网法院召开社交媒体平台案件审判情况发布会

2021年6月1日，北京互联网法院召开“互联网社交媒体平台案件审判情况”新闻发布会，介绍了相关案件的数据、特征、相关举措和典型案例。针对调研中发现的社交媒体平台发展中存在的问题，北京互联网法院加强案件诉前分流引导，强化新客体和新业态知识产权保护并依法规制社交媒体平台人格权侵权行为。为规范平台管理，北京互联网法院一是明确社交媒体平台涉及各合同主体的权利义务，二是要求平台应当尽到与其经营利益相匹配的审慎监管义务，三是引导平台严格贯彻执行用户实名注册制。 ([查看更多](#))

Beijing Internet Court Holds a Press Conference on the Trial of Social Media Platform Cases

On June 1, 2021, Beijing Internet Court (“Court”) held a press conference on the “Trial of Internet Social Media Platform Cases”, introducing the data, characteristics, related measures and typical cases of related cases. In response to the problems of the development of social media platforms discovered in the investigation, the Court has strengthened the guidance of diversion before litigation, strengthened the protection of new objects and new-form intellectual property rights, and regulated the infringement of personality rights on social media platforms in accordance with laws and regulations. In order to standardize platform management, the Court first clarified the rights and obligations of the contract subjects in relation with social media platforms; secondly, required the platforms to fulfill their prudential supervision obligations commensurate with their operating interests; thirdly, guided the platforms to strictly implement the real-name registration system for users. ([More](#))

浙江开展2021年度APP违法违规收集使用个人信息专项治理活动

2021年6月1日，浙江省互联网信息办公室发布公告称，将与浙江省公安厅、浙江省市场监督管理局、浙江省通信局共四个部门一起，自2021年6月至12月，联合开展2021年度APP违法违规收集使用个人信息专项治理工作。四部门将成立专项治理工作组，制定检查标准，开展技术检查、安全评估、现场检查等工作，并建立健全APP统一通报机制。此外，还将要求APP运营者经常性自查整改，同时充分发挥各协会的职能作用，建立健全APP运营者行业自律机制。 ([查看更多](#))

Zhejiang Launches 2021 Special Regulation Activity for APP’s Illegal Collection and Use of Personal Information

On June 1, 2021, the Cyberspace Administration of Zhejiang Province issued a statement, stating that it will work with three other departments, including the Department of Public Security of Zhejiang Province, Zhejiang Provincial Administration for Market Regulation and Zhejiang Communication Bureau, from June to December 2021, to jointly carry out the 2021 special regulation activity for APP’s illegal collection and use of personal information. The four departments will set up a special regulation working group, formulate inspection standards, carry out technical inspections, safety assessments, on-site inspections, etc., and establish and perfect a sound unified notification mechanism of APP. Besides, the departments will also require the APP operators to conduct regular self-inspection and rectification, and at the same time give full play to the functional role of various association to establish and improve the industry self-discipline mechanism for APP operators. ([More](#))

海外动态 Overseas News

德国多州发布关于跨境数据传输协调审查声明

2021年6月2日，德国巴登-符腾堡州数据保护机构宣布将参与跨境数据传输的协调审查。此前，莱茵兰-普法尔茨州、下萨克森州、汉堡、勃兰登堡州、巴伐利亚州和柏林的数据保护机构均于2021年6月1日宣布，他们将参与对向第三国进行国际跨境数据传输的审查。柏林专员特别强

调，参与当局将向公司提供一份调查问卷，内容包括网络跟踪、电子邮件、网站托管和内部数据共享实践。此外，柏林专员还指出，欧盟法院已明确责成监管机构应阻止不可接受的数据传输，并在必要时采取监管行动。 ([查看更多](#))

Germany State Commissioners Release Statement on Coordinated Examination of Cross-border Data Transfers

On June 2, 2021, the Baden-Württemberg data protection authority announced that it would be participating in the coordinated review of cross-border data transfers. Previously, the data protection authority of Rhineland-Palatinate, Lower Saxony, Hamburg, Brandenburg, Bavaria and Berlin all announced, on 1 June 2021, that they would be participating in the examination of international cross-border data transfers to third countries. In particular, the Berlin Commissioner highlighted that the participating authorities would provide a questionnaire to companies that would address, among other things, web tracking, emails, website hosting, and internal data-sharing practices. Furthermore, the Berlin Commissioner noted that the Court of Justice of the European Union has expressly obliged supervisory authorities to prevent inadmissible data transfers and to respond with regulatory action where necessary. ([More](#))

EDPB发布《2020年度报告》

2021年6月2日，欧盟数据保护委员会（“EDPB”）发布了《2020年度报告》（“《报告》”）。EDPB是依据《通用数据保护条例》（“GDPR”）设立的独立欧盟机构，旨在确保数据保护规则能在欧盟经济区内得到一致适用。2020年，EDPB确定了2021-2023年的战略，其中涵盖了具有战略目标的四大支柱。2020年，EDPB通过了10个关于如数据控制者和处理者概念等主题的《指南》，并通过了三项针对社交媒体用户的、已征询意见后的最终版本《指南》。除提供指导外，确保各国机构执法的一致性与合作是EDPB的一项关键任务。2020年，EDPB根据GDPR第64条发布了32份意见书，其中大部分涉及行为准则监督机构或认证机构的认证要求草案，以及针对不同公司的，对控制者有约束力的公司规则。 ([查看更多](#))

EDPB Presents Annual Report 2020

On June 2, 2021, the European Data Protection Board (“EDPB”) presented its *Annual Report 2020* (“*Report*”). The EDPB is an independent European body, established by the *General Data Protection Regulation* (“GDPR”), which aims to ensure the consistent application of data protection rules across the European Economic Area. During 2020, EDPB defined its strategy for 2021-2023, which covers four main pillars with strategic objectives. In 2020, EDPB adopted 10 *Guidelines* on topics such as the concepts of controller and processor; and targeting of social media users, as well as three *Guidelines* in their final, post-consultation versions. In addition to providing guidance, ensuring consistency in enforcement and cooperation between national authorities was a key task of the EDPB. In 2020, the EDPB issued 32 Opinions under Art.64 GDPR, most of which concerned draft accreditation requirements for a code of conduct monitoring body or a certification body, as well as Controller Binding Corporate Rules for various companies. ([More](#))



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