



No.247

2021.06

## 立方网络安全与数据合规周报

### Weekly Cybersecurity and Data Protection Review

No.59

#### 国内要闻 Domestic News

《数据安全法》获表决通过

China Passes Data Security Law

工信部通报第五批侵害用户权益的APP名单

MIIT Notifies the Fifth List of App Infringing Users' Rights and Interests

网信办通报129款违规收集使用个人信息的APP名单

CAC Notifies the List of 129 Apps Illegally Collecting and Using Personal Information

网信办开展摄像头偷窥等黑产集中治理活动

CAC Launches Special Regulation Activity Against the Underground Industry of Camera Peeping

网信办启动“清朗·‘饭圈’乱象整治”专项行动

CAC Launches Special Activity on Regulating the Illegal Behaviors of “Fans Culture”

利用“爬虫软件”获取数据，被判侵犯公民个人信息

Criminals Convicted of Infringing Citizens' Personal Information by Using Crawler Software to Obtain Data

#### 海外动态 Overseas News

日本个人信息保护委员会发布2020年度报告

Japan PPC Issues Annual Report for 2020

因未实现数据本地化，俄罗斯对Facebook和Twitter各罚款400万卢布

Russia Fines Facebook and Twitter a Separate RUB 4 Million for Failing to Localize Data

拜登撤销TikTok与微信禁令，要求加强数据安全防护

Biden Revokes TikTok and Wechat Ban Order and Orders to Strengthen Data Security Protection

## 国内要闻 Domestic News

### 《数据安全法》获表决通过

2021年6月10日，经三次审议，第十三届全国人大常委会通过了《数据安全法》，该法将于2021年9月1日起施行。《数据安全法》作为数据领域的基础性法律，确立了数据分类分级管理、数据安全审查、数据安全风险评估、监测预警和应急处置等基本制度；明确了相关主体应依法依规开展数据活动，建立健全数据安全管理制度，加强风险监测和及时处置数据安全事件等义务和责任；并对支持促进数据安全与发展的措施、推进政务数据开放利用等作出相应规定。（[查看更多](#)）

### China Passes Data Security Law

On June 10, 2021, after three rounds of review, the 13<sup>th</sup> Standing Committee of National People's Congress passed the Data Security Law, which will come into effect on September 1, 2021. As a fundamental law in the data field, the Data Security Law establishes basic systems such as data classification and categorization management, data security review, data safety risk evaluation and monitoring and early warning and emergency disposal; clarifies that the relevant subjects should carry out data activities in accordance with laws and regulations, establish and perfect the management systems of data security, and strengthen their duties and obligations such as monitoring risks and dealing with data security incidents in time; and sets the rules on the measures to promote data security and data development and to promote the transparency and utilization of government data. ([More](#))

### 工信部通报第五批侵害用户权益的APP名单

2021年6月8日，工业和信息化部（“工信部”）通报了本年度第五批侵害用户权益的APP名单。此前，依据《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》等法律法规和相关工作文件，工信部组织了第三方检测机构对实用工具、学习教育、生活出行、求职招聘、运动健身共五类手机应用软件进行检查，并加大了对APP弹窗信息关不掉或者未显著提供关闭功能标识，利用各种方式欺骗误导用户跳转至其他页面等突出问题的整治力度。经检查，工信部及各级通信管理局发现仍有291款APP未就存在问题完成整改，工信部要求所涉APP应于6月16日前完成整改落实工作。（[查看更多](#)）

### MIIT Notifies the Fifth List of App Infringing Users' Rights and Interests

On June 8, 2021, the Ministry of Industry and Information Technology (“MIIT”) notified the fifth list of Apps infringing users' rights and interests. Previously, according to the *Cybersecurity Law*, the *Telecommunication Regulation* and the *Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws, regulations and related working documents, MIIT organized third-party testing agencies to inspect five types of smartphone applications software including practical tools, learning and education, living and travel, job hunting, and sports and fitness. MIIT also tightened up its supervision and enforcement on some prominent issues such as APP pop-ups that cannot be turned off or failing to provide function identifier of closing, and utilizing various methods to mislead users to jump to other pages. After the inspections, MIIT and all levels of local communication admin-

istrations found that there were still 291 Apps not completing the rectification of existing problems. Therefore, MIIT required that the listed Apps should complete rectification before June 16. ([More](#))

### 网信办通报129款违规收集使用个人信息的APP名单

2021年6月11日，国家互联网信息办公室（“网信办”）发布公告，称其依据《网络安全法》和《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，于近期组织对运动健身、新闻资讯、网络直播、应用商店、女性健康、网上购物、学习和教育和婚恋相亲类的部分App的个人信息收集使用情况进行了检测。检测发现，共有129款APP存在违反必要原则、未经用户同意收集使用个人信息、未明示收集使用个人信息的目的和范围、未提供个人信息删除更正功能和投诉举报渠道等问题。网信办要求相关APP运营者于通报发布之日起15个工作日内就相关问题完成整改，并以电子邮件形式发送整改报告。（[查看更多](#)）

### CAC Notifies the List of 129 Apps Illegally Collecting and Using Personal Information

On June 11, 2021, the Cyberspace Administration of China (“CAC”) issued a statement, stating that according to the *Cybersecurity Law* and 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, previously, it had organized inspections on the personal information collection and the use of various types of Apps, including sports and fitness, news, live-streaming, app store, women’s health, online shopping, learning and education and match-making. CAC found that there were 129 Apps with problems such as violating the principle of necessity, collecting and using personal information without users’ consent, failing to reveal the purpose and scope of the collection and use of personal information, failing to provide functions to delete personal information and provide mechanisms for complaints and tip-offs. CAC required the relevant App operators to complete rectification within 15 working days from the date of this notice and send the rectification report by email. ([More](#))

### 网信办开展摄像头偷窥等黑产集中治理活动

2021年6月11日，网信办发布公告称，为切实保护公民个人隐私安全，网信办、工业和信息化部、公安部 and 市场监管总局将自2021年5月至8月，在全国范围内组织开展摄像头偷窥黑产集中治理活动。活动要求互联网平台严格履行信息发布审核的主体责任，全面清理平台上发布的涉及摄像头偷窥黑产的违法有害信息；摄像头生产企业要按照数据安全、信息安全有关规定和标准提升产品安全能力，严格履行网络安全主体责任；电商平台要严格履行主体责任，全面开展排查，对平台上的假冒伪劣摄像头做清理、下架处理。此外，公安机关要依法打击相关违法犯罪活动，网信、工信、公安、市场监管等部门应共同加强监管和执法。（[查看更多](#)）

## CAC Launches Special Regulation Activity Against the Underground Industry of Camera Peeping

On June 11, 2021, CAC released a circular, stating that in order to effectively protect citizens' privacy security, CAC, MIIT, the Ministry of Public Security ("MPS") and the State Administration for Market Regulation ("SAMR") jointly carry out a special regulation campaign against the underground industry relevant to camera peeping from May to August. The campaign requires that the online platforms to strictly fulfill their responsibilities as the subjects releasing and reviewing information and comprehensively clean up the illegal and harmful information involving camera peeping released on the platform; the camera manufacturers should improve product security in accordance with the relevant regulations and standards regarding data security and information security and strictly fulfill the subject responsibilities of cybersecurity; the e-commerce platforms should strictly fulfill their subject responsibilities, conduct comprehensive inspections and remove fake and inferior cameras. In addition, MPS should crack down relevant illegal and criminal activities in accordance with law. CAC, MIIT, MPS, SAMR and other departments should jointly strengthen regulation and law enforcement. ([More](#))

### 网信办启动“清朗·‘饭圈’乱象整治”专项行动

2021年6月11日，网信办发布公告称，决定针对网上“饭圈”突出问题，将从即日起在全国范围内开展为期2个月的专项整治行动，重点打击五类行为，其中包括粉丝造谣攻击、人肉搜索、侵犯隐私的行为。在行动期间，执法机关将关闭解散一批诱导集资、造谣攻击、侵犯隐私等影响恶劣的账号、群组，从严处置违法违规账号，从重处置纵容乱象的网站平台。 ([查看更多](#))

## CAC Launches Special Activity on Regulating the Illegal Behaviors of “Fans Culture”

On June 11, 2021, CAC released a circular, stating that in order to address the prominent issues of “fans culture”, CAC will carry out a two-month nationwide special regulation campaign and typically focus on five types of behaviors, including slander, human-powered search and infringing privacy. During the campaign, the regulators will close and disband a number of accounts and groups that have a bad influence on fundraising, rumor attacking and infringements of privacy, and strictly deal with illegal accounts and the website platforms that indulge such illegal behaviors. ([More](#))

### 利用“爬虫软件”获取数据，被判侵犯公民个人信息

近期，河南省商丘市睢阳区人民法院就逯某及黎某涉嫌侵犯公民个人信息一案发布一审刑事判决。2019年起至2020年7月，逯某利用自己开发的爬虫软件，通过网页接口爬取逾11.8亿条淘宝客户信息，并将部分信息提供给黎某用于其公司经营活动，黎某公司非法获利超过390万元。法院认定二人均构成侵犯公民个人信息罪，判处黎某有期徒刑三年六个月并三十五万元罚金，判处逯某有期徒刑三年三个月并十万元罚金。 ([查看更多](#))

## Criminals Convicted of Infringing Citizens' Personal Information by Using Crawler Software to Obtain Data

Recently, On June 11, 2021, Shangqiu Suiyang People's Court of Henan Province made the first-instance criminal judgment on Mr. LU and Mr. LI infringing citizens' personal information. From 2019



to July 2020, LU used his own crawler software to crawl more than 1.18 billion Taobao customer information through a web interface, and provided part of the information to LI for his company's operating activities. LI's company gained illegal profit for over CNY 3.9 million. The court held that both of them constituted the crime of infringing personal information of citizens, and sentenced LI to imprisonment of 42 months and a fine of CNY 350,000, and LU to imprisonment of 39 months and a fine of CNY 100,000. ([More](#))

## 海外动态 Overseas News

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### 日本个人信息保护委员会发布2020年度报告

2021年6月11日，日本个人信息保护委员会（“PPC”）发布了2020年度报告。该报告提及了对《个人信息保护法案》的三年年度审查、新冠肺炎疫情、执法行动以及国际合作等内容。具体而言，PPC指出，它已就个人信息控制者对外国分包商的聘用情况进行检查，并发布命令要求立即停止在网上非法公布个人数据。此外，PPC还表示已通过其拨号注册号码进行了15,416次关于个人信息的咨询。 ([查看更多](#))

### Japan PPC Issues Annual Report for 2020

On June 11, 2021, Japan's Personal Information Protection Commission (“PPC”) released its annual report for 2020. The report addresses the three-year annual review of the *Act on the Protection of Personal Information*, the COVID-19 pandemic, enforcement actions, and international cooperation, among other things. Specifically, PPC noted that it had conducted inspections into personal information controllers regarding the employment of foreign subcontractors and had issued an order requiring the immediate cessation of the illegal posting of personal data online. In addition, the PPC stated that it has conducted 15,416 times personal information consultations via its dial registration number. ([More](#))

### 因未实现数据本地化，俄罗斯对Facebook和Twitter各罚款400万卢布

2021年6月11日，俄罗斯联邦通信、信息技术和大众传媒监督局发布公告，称其已对Facebook进行审计核查，发现Facebook未能将自身俄罗斯用户的个人数据库本地化。俄罗斯执法机构因此对Facebook处以400万卢布的罚款。除此以外，Twitter同样也因未能将个人数据库本地化，被俄罗斯执法机构罚款400万卢布。 ([查看更多](#))

### Russia Fines Facebook and Twitter a Separate RUB 4 Million for Failing to Localize Data

On June 11, 2021, Russia Federal Service for the Supervision of Communications, Information Technology and Mass Communications issued a statement, stating that it had conducted an audit verification into Facebook and found that Facebook had failed to localize its personal databases of Russian users. Russian regulators therefore fined Facebook RUB 4 million. Besides, Twitter was also fined RUB 4 million by the Russian authority for failing to localize personal databases. ([More](#))

## 拜登撤销TikTok与微信禁令，要求加强数据安全防护

2021年6月9日，美国总统拜登签署了一项保护美国公民敏感数据不受外国对手侵害的行政命令。在命令中，拜登撤销了此前禁止抖音与微信的行政命令，并要求相关机构向总统助理及国家安全顾问提交一份附有相关建议的报告，以保护包含个人可识别信息、个人健康信息和基因信息在内的美国公民敏感数据免遭不受限制的销售、传输和访问伤害，以及避免遭受由外国对手拥有、控制、管辖或指示的人访问大型数据存储库所造成的伤害。 ([查看更多](#))

## Biden Revokes TikTok and Wechat Ban Order and Orders to Strengthen Data Security Protection

On June 9, 2021, President Biden signed an executive order on protecting American's sensitive data from foreign adversaries. In the order, Biden revoked the executive order that banned TikTok and Wechat, and ordered that the relevant agencies shall provide a report to the Assistant to the President and National Security Advisor with recommendations to protect against harm from the unrestricted sale of, transfer of, or access to United States persons' sensitive data, including personally identifiable information, personal health information, and genetic information, and harm from access to large data repositories by persons owned or controlled by, or subject to the jurisdiction or direction of, a foreign adversary. ([More](#))



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