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### Weekly Cybersecurity and Data Protection Review

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## 国内要闻 Domestic News

### 网信办就《网络安全审查办法（修订草案征求意见稿）》公开征求意见

2021年7月10日，国家互联网信息办公室（“网信办”）发布通知，就关于《网络安全审查办法（修订草案征求意见稿）》（“《修订草案征求意见稿》”）向社会公开征求意见，截止日期为7月25日。依据《国家安全法》《网络安全法》《数据安全法》等法律法规，《修订草案征求意见稿》将数据处理者也纳入“运营者”范畴，且规定其开展数据处理活动涉及国家安全的，应当同关键信息基础设施运营者一样接受网络安全审查。同时，其规定了掌握超过100万用户个人信息的运营者赴国外上市，必须向网络安全审查办公室申报网络安全审查。《网络安全审查办法》的修订有利于强化网络安全监管，为互联网经济平稳发展保驾护航。（[查看更多](#)）

### CAC Seeks Public Advice on the Measures for Cybersecurity Censorship (Exposure Draft for Revision)

On July 10, 2021, the Cyberspace Administration of China (“CAC”) issued an announcement, seeking public advice on the *Measures for Cybersecurity Censorship (Exposure Draft for Revision)* (“**Exposure Draft for Revision**”), and the deadline is July 25. According to the *State Security Law*, the *Cybersecurity Law* and the *Data Security Law*, the *Exposure Draft for Revision* brings data processors into the scope of “Operators” which already includes critical information infrastructure operators and stipulates that data processing activities of data processors involving national security should be subject to cyber security review. In addition, the *Exposure Draft for Revision* also stipulates that Operators holding personal information of more than 1 million users must apply for the network security review to the network security review office before listing abroad. The revision of the *Measures for Cybersecurity Censorship* is conducive to strengthening supervision of cyber security and escorting the steady development of the Internet economy. ([More](#))

### 广东省印发《广东省数据要素市场化配置改革行动方案》

2021年7月11日，广东省人民政府发布关于印发《广东省数据要素市场化配置改革行动方案》（“《行动方案》”）的通知。作为全国首份数据要素市场化配置改革文件，《行动方案》提出了“构建两级数据要素市场”的目标，首创性地规定了首席数据官、公共数据资产凭证、统计核算试点、“数据海关”、数据经纪人等制度，就促进数据交易流通、强化数据安全保护等方面提出了24条改革任务和71项工作内容，对落地落实广东特色数据要素市场化配置改革具有重要意义，对全国数据要素市场培育工作具有示范引领作用。（[查看更多](#)）

### Guangdong Province Issues the Reform Action Plan for the Market-oriented Allocation of Data Elements in Guangdong Province

On July 11, 2021, the Guangdong Provincial government issued a notice on the issuance of the *Reform Action Plan for the Market-oriented Allocation of Data Elements in Guangdong Province* (the “*Action Plan*”). As the country’s first data-element market-oriented allocation reform document, the *Action Plan* puts forward the goal of “building a two-level data-element market”, and firstly stipulates the chief data

officer, public data asset vouchers, statistical accounting pilot projects, “data customs”, data brokers and other systems. The *Action Plan* has proposed 24 reform tasks and 71 work items in terms of promoting the circulation of data transactions and strengthening data security protection, which are of great significance to the implementation of the market-oriented allocation reform of data elements with Guangdong’s characteristics and plays a leading role of the cultivation of the national data-element market. ([More](#))

### “滴滴企业版”等25款App因违规收集使用个人信息被下架

2021年7月9日，网信办发布通报称，“滴滴企业版”等25款由北京小桔科技有限公司主办的App存在严重违法违规收集使用个人信息问题。依据《中华人民共和国网络安全法》相关规定，网信办通知应用商店下架上述25款App，并要求相关运营者严格依法整改，切实保障用户个人信息安全。同时，各网站、平台被要求不得为上述25款已在应用商店下架的App提供访问和下载服务。 ([查看更多](#))

### “Didi Business” and other 24 Apps Pulled Off for Illegally Collecting and Using Personal Information

On July 9, 2021, CAC issued a notice, stating that “Didi Business” and other 24 Apps collect personal information in violation of laws and regulations seriously. According to the *Cybersecurity Law of People’s Republic of China* and relevant regulations, CAC notified app stores to pull off these Apps, and required the company to rectify relevant problems sincerely to ensure the security of the personal information of users. At the same time, sites and platforms are required not to provide access or download services to the above 25 Apps that have been pulled off on the app stores. ([More](#))

### 网信办对“运满满”“货车帮”“BOSS直聘”启动网络安全审查

2021年7月5日，网络安全审查办公室发布公告称，为防范国家数据安全风险，维护国家安全，保障公共利益，依据《中华人民共和国国家安全法》《中华人民共和国网络安全法》，网络安全审查办公室按照《网络安全审查办法》，对“运满满”“货车帮”“BOSS直聘”实施网络安全审查。为配合网络安全审查工作，防范风险扩大，审查期间上述App停止新用户注册。 ([查看更多](#))

### CAC Launches a Cyber Security Review into “Yun Manman” ”Huoche Bang” and “Boss Zhipin”

On July 5, 2021, the Cyber Security Review Office of CAC issued a Circular, stating that in order to prevent national data security risks, maintain national security, and protect the public interest, in accordance with the *National Security Law of the People’s Republic of China* and the *Cybersecurity Law of the People’s Republic of China*, the authority has initiated the cyber security review into “Yun Manman” “Huoche Bang” and “Boss Zhipin” under *Cybersecurity Review Measures*. In order to cooperate with the cyber security review work and prevent risk expansion, the three Apps are requested to stop new user registration during the review period. ([More](#))

## 工信部公开征求对《工业互联网综合标准化体系建设指南（2021版）》（征求意见稿）的意见

2021年7月2日，工业和信息化部（“工信部”）就《工业互联网综合标准化体系建设指南（2021版）》（征求意见稿）（“征求意见稿”）面向社会公开征求意见。征求意见稿由工信部、国家标准化管理委员会共同组织编制，主要由技术与产业发展现状、总体要求、标准体系结构图和框架图、建设内容、组织实施等五部分组成，旨在发挥标准化对技术创新、工业互联网发展的支撑和服务作用。（[查看更多](#)）

### MIIT Seeks Public Advice on the Guidelines for the Construction of the Comprehensive Standardization System of Industrial Internet 2021 (Exposure Draft)

On July 2, 2021, the Ministry of Industry and Information Technology (“MIIT”) seeks public advice on the *Guidelines for the Construction of the Comprehensive Standardization System of Industrial Internet 2021 (Exposure Draft)* (“**Exposure Draft**”). The *Exposure Draft* drawn up by MIIT and the National Standardization Management Committee collectively mainly consists of five parts: current situation of technology and industry development, general requirements, standard architecture drawings and frame drawings, construction content, and organization and implement. The guideline aims at giving full play to the role of standardization in supporting and serving technological innovation and the development of the industrial Internet. ([More](#))

## 工信部推进APP开屏弹窗信息骚扰用户问题整治

2021年7月8日，工信部发布公告称，将进一步大力推进APP开屏弹窗信息骚扰用户问题整治。工信部一直以来都高度重视个人信息保护工作，特别是对于近期用户反映强烈投诉较多的弹窗信息骚扰用户问题进行了集中整治，督促企业解决好开屏信息页面中存在利用文字、图片、视屏等方式欺骗误导用户跳转等问题。截至目前，百度、阿里、腾讯等68家头部互联网企业已按要求完成整改。（[查看更多](#)）

### MIIT Promotes the Problem Rectification of Open-screen Pop-up Messages Harassing Users

On June 25, 2021, MIIT issued a Circular, stating that it will further vigorously promote the rectification of pop-up messages that harass users in APP opening. MIIT has always attached great importance to the protection of personal information. In particular, it conducted centralized renovation on the harassment problem caused by pop-up messages that have been strongly complained recently, and urged relevant companies to solve the problem of deceiving and misleading users to visit by text, pictures, and videos in the open-screen message page. Up to now, sixty-eight leading Internet companies such as Baidu, Ali, and Tencent have completed rectification as required. ([More](#))

## 工信部扎实部署推进“断卡”行动

2021年7月6日，工信部发布通告称，在近期的电信网络诈骗整治行动中，联合公安部发布了《关于依法清理整治涉诈电话卡、物联网卡以及关联互联网账号的通告》，指导电信企业建立高风险电话卡“二次实人认证”制度，对公安机关通报的涉案电话卡、高风险电话卡以及关联互联网账号进行了系统清理。下一步，工信部将进一步加大工作力度，全力推进“断卡”、互联网反诈等涉及群众利益的重点事项，坚决维护好广大人民群众合法权益与财产安全。（[查看更多](#)）

## MIIT Advances on the “Card-Beating” Action Resolutely

On July 6, 2021, MIIT issued a notice stating that, in the recent telecommunications network fraud regulation action, MIIT and the Ministry of Public Security jointly issued *the Notice on Legally Clean-up and Rectification of SIM Cards, IOT Cards and the Associated Internet Accounts Involved in Fraud*; guided telecommunications companies to establish a “Secondary Real-Person Certification” system on high-risk SIM cards; and systematically cleaned up the suspected SIM cards, high-risk SIM cards, and associated Internet accounts which are disclosed by the public security organs. In the next step, MIIT will further intensify its work and make every effort to promote key issues, including "card beating" action, Internet anti-fraud campaign, etc., so as to resolutely safeguard the legitimate interests and property safety of the people. ([More](#))

## 海外动态 Overseas News

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### EDPB通过《作为促进数据转移工具的行为准则指南》

2021年7月8日，在全体会议上，欧盟数据保护委员会（“EDPB”）通过了《作为促进数据转移工具的行为准则指南》。该指南对欧盟GDPR第40（3）条和第46（2）（e）条的应用进行了说明。指南中规定，一旦合规行为准则被各国监管机构批准，并经欧盟委员会认可在欧洲经济区（EEA）内具有一般有效性后，数据控制者和数据处理者可依据该合规行为准则而不必受GDPR的约束来为欧盟以外的数据传输提供适当的保护措施。此外，EDPB通过了最终版本的《虚拟语音助手指南》以及《控制者和处理者概念指南》。EDPB还解散了其TikTok工作组。（[查看更多](#)）

### EDPB Adopts Guidelines on Codes of Conduct as a Tool for Transfers

On July 8, 2021, during its plenary session, the European Data Protection Board (“EDPB”) adopted guidelines on codes of conduct to be used as a tool for facilitating data transfers. The guidelines offer clarification for the application of Articles 40(3) and 46(2)(e) of the EU General Data Protection Regulation. These provisions stipulate that once approved by a competent supervisory authority and after having been granted general validity within the EEA by the Commission, the guidelines on codes of conduct may also be adhered to and used by controllers and processors not subject to the GDPR to provide appropriate safeguards to transfers of data outside of the EU. Additionally, the EDPB adopted a final version of its guidelines on virtual voice assistants and on the concept of controllers and processors. The board also disband its TikTok task force. ([More](#))

## 新的欧盟法律允许审查在线消息以检测儿童虐待

2021年7月6日，欧盟议会通过了电子隐私权克减方案的最终版本。这是一项临时措施，允许电子通信服务提供商扫描和报告包含描述儿童性虐待材料的私人在线消息，还允许公司应用经批准的技术来检测以实施性侵为目的儿童诱骗行为。但同时，为了保护隐私，相关材料只能用对隐私干扰最小的技术处理，且该技术只能检测模式而无法理解实质内容。欧盟委员会此前宣布称其将在2021年提出一项更永久的解决方案，以打击线上儿童性虐待。（[查看更多](#)）

## New EU law Allows Screening of Online Messages to Detect Child Abuses

On July 6, 2021, the European Parliament adopted the final version of the ePrivacy derogation, a temporary measure enabling providers of electronic communication services to scan and report private online messages containing material depicting child sex abuse. The provisions also allow companies to apply approved technologies to detect grooming techniques. In the meantime, however, relevant material will have to be processed using technologies that are the least intrusive to privacy and will not be able to understand the substance of the content but only to detect patterns, so as to protect privacy. The Commission announced that it will propose a more permanent solution to combat child sexual abuse online in the course of 2021. ([More](#))

## 英国政府推出新的数字监管计划

2021年7月6日，英国政府公布了其“数字监管计划”，该计划旨在设置一种促进创新的数字技术监管方法以促进经济繁荣和获得民众信赖。在此计划下，政府应遵循三项指导原则——促进竞争和创新、维护英国网络安全、促进社会民主和繁荣——进行适当的监管。同时，在有必要监管之处，政府必须：（1）积极推动创新；（2）取得前瞻性和能够一以贯之的成果；（3）应对国际机遇和挑战。该计划还包括使用人工智能来“实现金融咨询过程的部分自动化”。（[查看更多](#)）

## UK Publishes a New Plan for Digital Regulation

On July 6, 2021, the U.K. government published its "Plan for Digital Regulation", which aims at setting out a pro-innovation approach to regulating digital technologies - one that drives prosperity and builds trust in their use. Under the Plan, the government should be committed to proportionate regulation in compliance with three principles including “promoting competition and innovation, keeping the UK safe and secure online and promoting a flourishing, democratic society”. At the same time, where necessary to intervene, the government must: (i) actively promote innovation; (ii) achieve forward-looking and coherent outcomes; and (iii) address international opportunities and challenges". The plan also covers the use of artificial intelligence to "automate parts of the financial advice process." ([More](#))

## 新西兰同意建立消费者数据权

2021年7月6日，新西兰政府同意建立一个消费者数据权框架。消费者数据权是一个要求银行和电子零售商等数据持有者在获得用户同意后，安全地与第三方（如金融科技公司）共享数据的

机制。在此机制下，任何数据都只能在用户知情且同意的情况下才能进行共享，且需严格用于商定目的。政府计划在2021年早些时候就消费者数据权利框架做出第二轮详细的政策决定，并将寻求在2022年将其引入立法。（[查看更多](#)）

### **New Zealand Agrees to Establish a Consumer Data Right**

On July 6, 2021, the New Zealand government has agreed to establish a consumer data right (“CDR”) framework for New Zealand. CDR is a mechanism that requires data holders, such as banks and electricity retailers, to safely and securely share data with third parties (like fintech companies) following consent from the customer. Any data shared through the consumer data right will only take place with a person’s informed consent, and would be strictly used for the reasons agreed upon. The Government aims to make a second round of detailed policy decisions on the consumer data right framework later in 2021, and will look to introduce legislation in 2022. ([More](#))



立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。



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