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## 立方要闻周报

### Weekly News By Lifang & Partners NO.23

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中央网络安全和信息化委员会印发《“十四五”国家信息化规划》

CCAC Issues the 14<sup>th</sup> Five-Year Plan for National Informatization

央行、市场监管总局联合发布《市场主体受益所有人信息管理暂行办法（草案公开征求意见稿）》

CBC and SAMR Jointly Release the Interim Measures for the Information Management of Beneficial Owners of Market Entities (Draft for Public Comment)

信安标委发布《信息安全技术 信息系统密码应用设计技术要求》（征求意见稿）

NISSC Releases Information Security Technology: Technical Guide of Cryptography Application Design for Information Systems (Exposure Draft)

中关村信息安全测评联盟发布《全国网络安全等级测评与检测评估机构目录》

InfoSecurity Evaluation and Assessment Alliance Releases the National Directory of Cybersecurity Grading Assessment and Testing and Evaluation Organizations

工信部办公厅公布2021年工业互联网平台创新领航应用案例名单



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MIIT Publishes the List of Innovative Pilot Applications of Industrial Internet Platforms

信安标委发布《网络安全标准实践指南——网络数据分类分级指引》

NISSTC Releases *the Guide to Cybersecurity Standards Practice - Guidelines for Network Data Classification and Grading*

SLIMPAY因数据泄露被CINL罚款18万欧元

Data Breach: SLIMPAY Fined € 180,000 by CNIL

欧洲数据保护委员会发布《第01/2021号关于个人数据泄露通知的示例指南》

EDPB Publishes *Guidelines 01/2021 on Examples regarding Personal Data Breach Notification*

摩根士丹利将支付6000万美元以解决数据安全集体诉讼

Morgan Stanley Agrees to Pay \$60 Million to Settle a Data Security Class Action Lawsuit

国家互联网信息办公室等四部门发布《互联网信息服务算法推荐管理规定》

CAC and Other Three Ministries Jointly Issue *Internet Information Service Algorithm Recommendation Management Regulations*

国家互联网信息办公室等十三部门修订发布《网络安全审查办法》

CAC and Other Twelve Ministries Jointly Amend and Issue *Cybersecurity Review Measures*

国家互联网办公室就《互联网应用程序信息服务管理规定（征求意见稿）》公开征求意见

CAC Solicits Public Comments on Mobile Internet Application Information Service Management Regulation (Exposure Draft)

公安部公布打击侵犯公民个人信息犯罪十大典型案例

MSS Releases Ten Typical Cases of Cracking Down on Crimes Against Citizens' Personal Information

《河南省数字经济促进条例》公布

Henan Province Issues Regulations of Henan Province on the Promotion of Digital Economy

贵州印发贵州省“十四五”数字经济发展规划

Guizhou Province Issues Guizhou Digital Economy Development Plan of the 14<sup>th</sup> Five-Year Plan

抖音诉六界：爬取直播数据，抖音维权获法院支持，获赔100万元



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TikTok Wins a Lawsuit against Shanghai Liujie Information Technology Co. Limited for Unfair Competition and is Compensated for RMB 1 Million

沃尔玛违反网络安全法被深圳市公安局行政处罚

Shenzhen Municipal Public Security Bureau Gives Wal-Mart China an Administrative Penalty for Violating *Network Security Law*

德勤携手中兴通讯联合发布《数据跨境合规治理实践》白皮书

Deloitte China and ZTE Release Practice of Governance for Compliance of Data Cross-Border White Paper

法国对谷歌处以创纪录的1.7亿美元罚款，因谷歌cookies的拒绝机制过于困难

CNIL fined Google a Record \$170 Million for Making it too Difficult to Opt out of Cookies

FREE MOBILE因未能尊重个人权利并确保用户数据安全被CNIL罚款 300,000 欧元

CNIL Fined FREE MOBILE € 300,000 for Failing to Respect the Rights of Individuals and to Ensure the Security of its Users' Data

EDPB发布个人数据泄露通知指南

EDPB Published Its Guidance on Examples of Data Breach Notifications

## 立方竞争法周报 Weekly Competition Law News

### 北京多部门联合召开营造公平竞争市场环境专场新闻发布会 强调深入推进反垄断执法

2021年12月22日，北京市市场监督管理局（“北京市市监局”）、北京市财政局及北京市发展和改革委员会联合召开营造公平竞争市场环境专场新闻发布会。北京市市监局相关工作负责人表示，下一步北京市市监局将深入推进反垄断执法，全面落实公平竞争审查制度，对各类市场主体一视同仁、平等对待，依法保护企业的合法权益，防止排除、限制市场竞争的政策措施出台。（[查看更多](#)）

### Multiple Departments in Beijing Jointly Holds Press Conference, Emphasizing the In-depth Enforcement of *Anti-Monopoly Law*

On December 22, 2021, Beijing Administration for Market Regulation (“Beijing AMR”) and other departments jointly held the “creating a fair and competitive market environment” press conference, during which the official from Beijing AMR stated that it will further promote the enforcement of antimonopoly, comprehensively implement the fair competition review system, treat all types of market players equally, protect the legitimate rights and interests of enterprises in accordance with the law, and prevent the introduction of policies and measures that exclude or restrict market competition. ([More](#))

### 市场监管总局附加限制性条件批准SK海力士株式会社收购英特尔公司部分业务

2021年12月22日，国家市场监督管理总局（“市场监管总局”）发布对SK海力士株式会社收购英特尔公司部分业务交易的反垄断审查决定的公告，认定此项交易在相关市场具有或可能具有排除、限制竞争效果。市场监管总局决定附加限制性条件批准此项交易，要求集中后实体就涉及的相关产品履行不得提高平均价格、不得扩大产量、不得捆绑销售等。限制性条件自生效日起5年后方可申请解除。（[查看更多](#)）

### SAMR Conditionally Approves SK Hynix’s Acquisition of Intel’s Part Business

On December 22, 2021, State Administration for Market Regulation (“SAMR”) issued the announcement in which it said that it had conditionally approved SK Hynix Inc (“SK Hynix”)’s acquisition of Intel Corporation (“Intel”)’s part business. Upon investigation, SAMR found that this transaction in the relevant market has or may have the effect of eliminating or restricting competition. As a result, SAMR conditionally approved the transaction and required the entity not to raise the average price, expand the production or implement tying practice of relevant products, etc. These restricted measures can be removed upon the application after five years from the effective date. ([More](#))

### 国家反垄断局公开内部机构与职能设置

2021年12月21日，相关媒体报道了国家反垄断局的内部职能分配：反垄断局下设反垄断执法一司、反垄断执法二司和竞争政策协调司三个司局。前二者分别负责反垄断执法工作和经营者集

中审查，竞争政策协调司则在研提反垄断政策、开展国际交流的同时，对案件办理情况进行复核把关。（[查看更多](#)）

## **National Anti-Monopoly Bureau Publicizes Its Internal Departments**

On December 21, 2021, the internal departments of National Anti-Monopoly Bureau were disclosed by relevant media. According to the information, this new bureau is now consisting of three divisions: Anti-Monopoly Enforcement Division 1, 2 and Competition Policy Division. Anti-Monopoly Enforcement Division 1 and 2 are responsible for the antimonopoly enforcement and the review of concentration of undertakings, and Competition Policy Division is mainly responsible for studying competition policy, conducting international cooperation and reviewing the case handled by the bureau. ([More](#))

## **市场监管总局印发《法治市场监管建设实施纲要（2021-2025年）》**

2021年12月20日，市场监管总局发布《法治市场监管建设实施纲要（2021-2025年）》，其中特别强调（1）将加强反垄断方面立法，推动形成高效规范、公平竞争的国内统一市场；（2）将积极推进反垄断法的制修订；（3）将加强和改进反垄断执法，坚决惩治损害营商环境的垄断行为；（4）将加强对反垄断等技术性、专业性较强案件的行政执法指导。（[查看更多](#)）

## **SAMR Issues the *Implementation Outline for the Construction and Supervision of the Rule of Law Market (2021-2025)***

On December 20, 2021, SAMR issued the *Implementation Outline for the Construction and Supervision of the Rule of Law Market (2021-2025)* in which it was stated that SAMR will (1) strengthen antimonopoly legislation and promote the formation of an efficient, standardized and fair domestic unified market; (2) actively promote the *Anti-Monopoly Law* revision; (3) strengthen and improve antimonopoly enforcement and resolutely punish monopolistic practices that harm the business environment; and (4) strengthen administrative enforcement guidance on technical and professional antimonopoly cases. ([More](#))

## **Facebook针对CMA强制要求其出售Giphy的决定进行上诉**

2021年12月24日，根据路透社的报道，Facebook的母公司Meta针对英国竞争与市场管理局（CMA）有关其必须出售动画图像平台Giphy的决定，已经向英国竞争上诉法庭（Competition Appeal Tribunal）提出上诉。Facebook表示，CMA提出的证据不能证明收购Giphy行为将对竞争对手构成威胁或者可能影响网络广告行业的竞争。（[查看更多](#)）

## **Facebook Appeals CMA's Ruling That It Must Sell Giphy**

On December 24, 2021, it was reported that Facebook-owner Meta is appealing Competition and Markets Authority (“CMA”) ruling that it must sell animated images platform Giphy before the Competition Appeal Tribunal. Facebook said that the evidence did not support the finding that the deal is a threat to its rivals or could impact competition in display advertising. ([More](#))

## 山东省市场监督管理局纠正济南市生态环境局滥用行政权力排除、限制竞争行为

2022年1月5日，山东省市场监督管理局（“**山东省市监局**”）发布新闻称其纠正了济南市生态环境局滥用行政权力排除、限制竞争的行为。调查发现，济南市生态环境局联合济南市公安局相关通告，要求实施外埠转入机动车临时性管理措施。山东省市监局认定这一行为构成了滥用行政权力排除、限制竞争并要求相关部门予以纠正。（[查看更多](#)）

### Shandong AMR Corrects Jinan Ecological Environment Bureau's Abuse of Administrative Behavior

On January 5, 2022, the Shandong Administration for Market Regulation (Shandong AMR) reports that it has corrected the Jinan Ecology and Environment Bureau's abuse of administrative behavior. Upon the investigation, it was found that this Bureau of, in conjunction with the Jinan Public Security Bureau, has issued relevant notice, restricting the temporary management for the transfers of motor vehicles from other provinces. Shandong AMR determined that such a behavior constituted an abuse of administrative rights to exclude and restrict competition and asked the relevant department for revision. ([More](#))

## 市场监管总局集中发布13起未依法申报案处罚决定，合计处罚1050万元

2022年1月5日，国家市场监督管理总局（“**市场监管总局**”）集中发布了13起未依法申报案的处罚决定，合计处罚金额为1050万元。本次公布的案件涉及多家国内知名互联网平台企业，相关企业均被顶格处罚50万元，违法情形涉及股权收购、设立合营企业未依法申报。（[查看更多](#)）

### SAMR Fines 13 Gun-jumping Cases with a Total fine of CNY 10.5 Million

On January 5, 2022, the State Administration for Market Regulation (“SAMR”) collectively issued the penalty decisions of 13 gun-jumping cases, with a total fine of CNY 10.5 million. These cases involve several well-known Chinese Internet platform companies, each of which was fined CNY 500,000 respectively. These gun-jumping cases covered different illegal behaviors, such as acquiring equity without notification and establishing joint ventures without notification. ([More](#))

## 市场监管总局关于变更经营者集中申报政务邮箱的公告

12月31日，市场监管总局反垄断局反垄断执法二司发布公告，经营者集中申报政务邮箱由 fldj@samr.gov.cn 变更为 jyzjz@samr.gov.cn，自2022年1月1日起启用。变更后 jyzjz@samr.gov.cn 用于接收经营者集中申报文件资料、受理申报前商谈、接收第三方对经营者集中简易案件公示期内提出的异议。另外，申报经营者集中的邮件，需在邮件正文写明案件是否为简易案件、涉及的行业及相关商品市场。（[查看更多](#)）

### SAMR Changes the Email Address for the Notification of Concentration

On December 31, 2021, Antitrust Enforcement Second Division of Antitrust Bureau of SAMR issued a notification that the email address of the notification of concentration would be changed to [jyzjz@samr.gov.cn](mailto:jyzjz@samr.gov.cn) from January 1, 2022. The new email address would be used for receiving notification documents, negotiation before notifying, and objections raised by third parties during the publication of summary cases. The email notifying the concentration should indicate whether the case is a summary case, connected industry, and relevant product market. ([More](#))

## 市场监管总局和新加坡竞争与消费者委员会签署反垄断合作谅解备忘录

12月29日，市场监管总局与新加坡竞争与消费者委员会签署《关于竞争法领域的合作谅解备忘录》，双方将在案件通报、信息交换、执法协调以及技术研究等方面加强务实合作。中新签署反垄断合作谅解备忘录，将推动双方进一步深化反垄断合作，共同维护公平竞争的市场秩序，更好服务中新经贸关系深化发展。（[查看更多](#)）

## SAMR and CCCS sign the Memorandum on Cooperation in Competition Law

On December 29, 2021, SAMR and the Competition and the Competition and Consumer Commission of Singapore (CCCS) signed the *Memorandum on Cooperation and understanding in Competition Law*, which will strengthen the partnership in case notification, information exchange, law enforcement coordination and technical research. The memorandum on antitrust between China and Singapore will promote both sides to deepen cooperation, maintain a fair and competitive market environment, and better serve the further development of China-Singapore trade relations. ([More](#))

## 湖南双峰县卫健局行政垄断行为被纠正，挽回企业直接经济损失1.2亿元

2021年12月21日，湖南省市场监督管理局（“**湖南省市监局**”）成功处置一起企业集体反垄断投诉问题，为有关企业挽回直接经济损失1.2亿元。经相关企业联名举报调查后发现，双峰县卫健局与国药控股长沙有限公司签订的《药品、耗材、设备购销战略合作协议》中含有排除、限制竞争的内容，构成滥用行政权力排除、限制竞争行为。2021年11月10日，双峰县卫健局专门函告国药控股长沙有限公司解除合作协议。（[查看更多](#)）

## The Administrative Abuse by Shuangfeng County Health Bureau Corrected, Recovering CNY 120 Million Losses in Direct

On December 21, 2021, Hunan Administration for Market Regulation (“**Hunan AMR**”) successfully resolved a collective antitrust complaint, which recovered an economic loss of CNY 120 million for the concerned enterprises. During the investigation, Hunan AMR found that the Strategic Cooperation Agreement on the Purchase and Sale of Drugs, Consumables and Equipment signed between the Health Bureau of Shuangfeng County and Sinopharm Changsha Co., Ltd., contained contents excluding and restricting competition, which consisted of the abuse of administrative rights. On November 10, 2021, the Health Bureau of Shuangfeng County therefore terminated the contract with Sinopharm Changsha. ([More](#))

## 北京实现市区两级政府公平竞争审查全覆盖

近日，北京市市场监督管理局等部门联合召开营造公平竞争市场环境专场新闻发布会。会议透露，北京市已实现市区两级政府公平竞争审查制度全覆盖，集中完成存量文件清理。2021年前10个月，北京市审查增量文件3665件，经审查作出修改文件38件、废止8件，公平竞争审查工作步入“快车道”。（[查看更多](#)）

## The Government of Beijing Achieves Full Coverage of Fair Competition Review at Both County and City Levels

Recently, Beijing Administration for Market Regulation (“Beijing AMR”), together with other departments, jointly hold a press conference on creating a fair competitive market environment. The meeting introduced that Beijing has achieved full coverage of the fair competition review system at both county and city levels, completing the cleanup of the stocked documents. 3,665 newly added documents were reviewed in the first 10 months of 2021, and 38 of them were revised and 8 of them were repealed after the review. The review of fair competition is stepping into the ‘fast track’. ([More](#))

## 德国联邦卡特尔局首次适用《德国竞争法》针对大型数字公司的竞争规定：认定Alphabet及谷歌需接受额外管控

2022年1月5日，德国联邦卡特尔局宣布其已根据2021年1月生效的《德国竞争法》第19a条，认定Alphabet及其子公司Google属于《德国竞争法》第19a(1)规定的“对跨市场竞争具有极其重要的意义”的市场主体，因此需要接受扩展滥用行为管控（extended abuse control）。2021年1月生效的《德国竞争法》中新引入的这一条款（《德国竞争法》（GWB）第19a条）使得联邦卡特尔局能够更早、更有效地进行干预，尤其是针对大型数字企业的行为。该决定的有效期为五年，从其成为最终决定之日起，即到2027年1月4日。Google已经宣布不对该决定提出上诉。（[查看更多](#)）

## Alphabet/Google Subject to the New Abuse Control Applicable to Large Digital Companies – Bundeskartellamt Determines ‘Paramount Significance Across Markets’

On January 5, 2022, the Bundeskartellamt delivered its decision that Alphabet Inc., Mountain View, USA, and therefore also its subsidiary Google, was subject to extended abuse control by the competition authority because they are “paramount significance across markets”. A newly introduced provision under the German Competition Act (Section 19a of the *German Competition Act* (GWB)), which entered into force in January 2021, enables the Bundeskartellamt to intervene earlier and more effectively, against the practices of large digital companies. The validity of the Bundeskartellamt’s decision is limited to five years in accordance with statutory provisions. Google has announced not to appeal the decision and not to deny its status as norm addressee within the meaning of Section 19a(1) GWB. ([More](#))

## 网络安全与数据合规 Cybersecurity and Data Protection

### 北京市通信管理局约谈用友、二六三、易车、搜狐，督促落实网络安全主体责任

2021年12月23日，北京市通信管理局在工信部指导下，依法约谈了用友网络、二六三网络通信、易车信息和搜狐等4家企业。上述企业因在工信部网络安全远程检测中被发现网络安全威胁问题较多，三个月来连续被工信部通报。北京市通信管理局要求上述企业严格落实《网络安全法》《公共互联网网络安全威胁监测与处置办法》等法律法规要求，对相关问题立即予以整改，并提交书面整改报告。拒不整改或整改不到位的，将依法依规进行行政处罚。建立健全网络安全防护工作机制，建立企业资产及网络安全问题相关台账，统筹企业内部资源，切实做好网络安全威胁监测与处置，及时发现并消除各类安全隐患。对照通报问题举一反三、全面开展自查，对在系统漏洞、主机受控等方面存在的明显的管理漏洞，要以点带面发现问题解决问题，确保短期内见到效果，并按要求上报整改情况。（[查看更多](#)）

### BCA Initiates Regulatory Talks with Four Enterprises: Yonyou Network Technology, 263 Network Communications, Bitauto Holdings and Sohu

On 23 December 2021, under the guidance of the MIIT, the Beijing Communications Administration (BCA) initiated regulatory talks with four enterprises, including Yonyou Network Technology Co. Ltd, 263 Network Communications Co. Ltd, Bitauto Holdings Limited and Sohu Inc., in accordance with the law. The aforementioned enterprises have been continuously notified by the MIIT for three months due to the high number of network security threats found in the MIIT's network security remote inspection. The BCA requested the above-mentioned enterprises to strictly implement the requirements of laws and regulations such as the *Cybersecurity Law* and the *Promulgating the Measures for Monitoring and Handling Threats to the Cyber Security of Public Internet*, rectify the relevant problems immediately, and submit written rectification reports. Those who refuse to rectify or fail to rectify will be subject to administrative penalties in accordance with the law. Establish a sound network security protection mechanism, establish a ledger related to enterprise assets and network security issues, co-ordinate internal resources of the enterprise, effectively monitor and dispose of network security threats, and promptly identify and eliminate all kinds of security hazards. In the light of the issues notified, conduct a comprehensive self-examination, and identify and solve problems in terms of system vulnerabilities, host control and other obvious management loopholes, to ensure that the results are seen in the short term, and report the rectification situation as required. ([More](#))

### 中央网络安全和信息化委员会印发《“十四五”国家信息化规划》

2021年12月27日，中央网络安全和信息化委员会印发《“十四五”国家信息化规划》（以下简称《规划》），并就《规划》相关问题答记者问。《规划》以建设数字中国为总目标，部署了建立高效利用的数据要素资源体系、建立健全规范有序的数字化发展治理体系等10项重大任务，确定了全民数字素养与技能提升、企业数字能力提升等10项优先行动，强调健全政策体系、强化队伍建设等6个方面保障实施。《规划》是“十四五”国家规划体系的重要组成部分，是指导各地区、各部门信息化工作的行动指南。（[查看更多](#)）

## CCAC Issues the 14<sup>th</sup> Five-Year Plan for National Informatization

On 27 December 2021, the Office of the Central Cyberspace Affairs Commission (CCAC) issued the 14<sup>th</sup> Five-Year Plan for National Informatization (the Plan), and answered reporters' questions in connection with the Plan. With the overall goal of building a digital China, the Plan lists ten major tasks such as establishing an efficient data element resource system and establishing a sound and standardized digital development governance system, identifies ten priority actions such as digital literacy and skills enhancement for all citizens and digital capacity enhancement for enterprises and emphasizes six aspects such as sound policy system and strengthening team building to ensure implementation. The Plan is an important part of the national planning system for the 14th Five-Year Plan and an action guide for informatization work in all regions and departments. ([More](#))

## 央行、市场监管总局联合发布《市场主体受益所有人信息管理暂行办法（草案公开征求意见稿）》

2021年12月27日，中国人民银行（“央行”）、国家市场监督管理总局（“市场监管总局”）联合发布通知，就《市场主体受益所有人信息管理暂行办法（草案公开征求意见稿）》（以下简称“《办法》”）向社会公开征求意见，意见反馈截止时间为2022年1月26日。《办法》中明确需备案的市场主体范围以及承诺免报条件、受益所有人定义和识别标准、受益所有人信息采集内容和方式以及受益所有人信息管理框架。《办法》或将减轻金融机构在受益所有人识别方面的压力和降低识别难度。 ([查看更多](#))

## CBC and SAMR Jointly Release the *Interim Measures for the Information Management of Beneficial Owners of Market Entities (Draft for Public Comment)*

On 27 December 2021, the People's Bank of China (CBC) and the State Administration for Market Regulation (SAMR) jointly issued a notice on the *Interim Measures for the Information Management of Beneficial Owners of Market Entities (Draft for Public Comment)* (Measures) to solicit public comments, with the deadline for feedback being January 26, 2022. The Measures clarify the scope of market entities that are required to file and the conditions for exemption from reporting, the definition and identification criteria of beneficial owners, the content, the collecting method the management framework of beneficial owner information. The Measures may reduce the pressure and difficulty for financial institutions in identifying beneficial owners. ([More](#))

## 信安标委发布《信息安全技术 信息系统密码应用设计技术要求》（征求意见稿）

2021年12月27日，全国信息安全标准化技术委员会（以下简称“信安标委”）发布《信息安全技术 信息系统密码应用设计技术要求》（征求意见稿）（以下简称《征求意见稿》），意见征求截止至2022年2月25日。《征求意见稿》为开展信息系统密码应用方案设计提供指导参考，明确密码应用方案进行时需要进行风险评估和论证的情形、指出信息系统密码应用技术设计完成后需要进行安全与合规性分析等内容。此外，《征求意见稿》提出信息系统密码应用方案设计主要包括以下内容：（1）密码应用方案模板设计；（2）通用设计指南；（3）信息系统应用层

设计；（4）密码服务支撑设计；（5）计算平台密码应用设计；（5）密钥管理安全设计。（[查看更多](#)）

### **NISSC Releases Information Security Technology: Technical Guide of Cryptography Application Design for Information Systems (Exposure Draft)**

On 27 December 2021, the National Information Security Standardization Technical Committee (NISSC) released the *Information Security Technology: Technical Guide of Cryptography Application Design for Information Systems (Exposure Draft)* (the "Draft"), which is open for comments until 25 February 2022. The Draft provides guidance for the design of cryptography applications for information system, specifies the circumstances under which risk assessment and demonstration are required for the design of cryptography application, and points out the need for security and compliance analysis upon the complete of the design of cryptography applications for information system. In addition, the Draft proposes that the design of cryptography application schemes for information systems mainly includes the following elements: (i) template design of cryptography password application scheme, (ii) generic design guidelines, (iii) the design of the application layer of the information system, (iv) the design of cryptography service support, (v) design of cryptography applications for computing platforms, (vi) key management security design. ([More](#))

### **中关村信息安全测评联盟发布《全国网络安全等级测评与检测评估机构目录》**

2021年12月29日，中关村信息安全测评联盟发布《全国网络安全等级测评与检测评估机构目录》。此前，国家网络安全等级保护工作协调小组办公室发文决定，撤销网络安全等级测评机构推荐证书，不再发布《全国网络安全等级测评机构推荐目录》，相关工作纳入国家认证体系。同时为保障网络安全等级测评和检测评估工作的顺利开展，经公安部第三研究所（国家认证认可委员会批准的认证机构）认证发放的《网络安全等级测评与检测评估机构服务认证证书》自颁发之日起即可使用，同步使用新的认证标志。（[查看更多](#)）

### **InfoSecurity Evaluation and Assessment Alliance Releases the National Directory of Cybersecurity Grading Assessment and Testing and Evaluation Organizations**

On 29 December 2021, the InfoSecurity Evaluation and Assessment Alliance released the *National Directory of Cybersecurity Grading Assessment and Testing and Evaluation Organizations*. Previously, the National Cybersecurity Grading Protection Coordination Working Group Office issued a notice to revoke the recommended certificate of cybersecurity grading measurement and assessment organizations, and no longer to issue the *Recommended Catalogue of National Cybersecurity Grading Measurement and Assessment Organizations*, and the relevant work was incorporated into the national certification system. Meanwhile, in order to ensure the smooth development of cybersecurity grading assessment and testing and evaluation work, the Third Research Institute of the Ministry of Public Security (the certification body approved by the National Certification and Accreditation Commission) certified the issuance of the "Cybersecurity Grading Assessment and Testing and Evaluation Agency Service Certification Certificate" can be used from the date of issuance, and the new certification mark is used simultaneously. ([More](#))

## 工信部办公厅公布2021年工业互联网平台创新领航应用案例名单

2021年12月30日，工业和信息化部（简称“工信部”）公布了2021年工业互联网平台创新领航应用案例名单。围绕工业企业数字化转型面临的关键问题，聚焦平台化设计、数字化管理、智能化制造、个性化定制、网络化协同、服务化延伸六大应用模式。其中，网络化协同针对产业链结构复杂、信息不对称、协作效率低等问题，通过工业互联网平台汇聚设计、制造、运维、供应链等各环节主体，推动关键数据共享和制造资源优化配置，打造覆盖产品全生命周期的云化服务与协同服务，以数据价值网络推动产业链延伸与价值链升级。（[查看更多](#)）

## MIIT Publishes the List of Innovative Pilot Applications of Industrial Internet Platforms

On 30 December 2021, the Ministry of Industry and Information Technology ("MIIT") published the list of innovative pilot application cases of industrial internet platforms in 2021. The list focuses on the key issues facing the digital transformation of industrial enterprises and focuses on six application modes: platform-based design, digital management, intelligent manufacturing, personalized customization, networked collaboration and service extension. Among them, networked collaboration addresses the problems of complex industrial chain structure, information asymmetry and low collaboration efficiency. Through the industrial internet platform, it brings together the subjects of design, manufacturing, operation and maintenance, supply chain and other links, promotes the sharing of key data and the optimal allocation of manufacturing resources, creates cloud-based services and collaborative services covering the whole life cycle of products, and promotes the extension of industrial chain and value chain upgrade with data value network. ([More](#))

## 信安标委发布《网络安全标准实践指南——网络数据分类分级指引》

2021年12月31日，信安标委发布《网络安全标准实践指南——网络数据分类分级指引》（以下简称“《指引》”）。《指引》首次从全局出发，容纳了各行业数据分类分级的需求，提出了纲领性的数据分类分级原则和方法。从国家、行业、组织等视角给出了多个维度的数据分类参考框架，将数据分级的基本级别确定为核心数据、重要数据和一般数据，并在对一般数据进行了4个级别的分类，并明确了数据分类流程。（[查看更多](#)）

## NISSTC Releases the *Guide to Cybersecurity Standards Practice - Guidelines for Network Data Classification and Grading*

On 31 December 2021, the NISSTC released the *Guide to Cybersecurity Standards Practice - Guidelines for Network Data Classification and Grading* (the “Guidelines”). For the first time, the Guidelines accommodates the needs of data classification and grading in various industries from a global perspective, and puts forward programmatic data classification and grading principles and methods. The Guidelines provide a multi-dimensional reference framework for data classification from the perspectives of countries, industries and organizations. The basic levels of data classification are identified as core data, important data and general data, and four levels of classification are provided for general data, and the data classification process is clarified. ([More](#))

## SLIMPAY因数据泄露被CNIL罚款18万欧元

2021年12月28日，CNIL的管制委员会以没有为个人数据提供有效保护和未能告知用户数据泄露事件为由，向SLIMPAY开出了18万欧元的罚单。SLIMPAY是一家支付机构，2015年期间，SLIMPAY为进行内部研究项目处理了其数据库中的个人数据。当研究项目于2016年7月结束时，前述数据仍存储在一个没有安全技术保障的服务器上，任何人均可通过互联网自由访问。直到2020年2月，这一影响约1200万人的数据泄露事件才被发现。CNIL于2020年对SLIMPAY公司展开调查，认为该公司没有遵守GDPR的若干要求。

由于前述泄密事件所涉及的数据主体位于多个欧盟国家，CNIL遂与四个国家（德国、西班牙、意大利和荷兰）的监管机构进行了合作。调查结束后，管制委员会对其处以18万欧元的罚款，并决定将该处罚结果公布。（[查看更多](#)）

### Data Breach: SLIMPAY Fined €180,000 by CNIL

On December 28, 2021, the CNIL's restricted committee issued SLIMPAY a fine of €180,000 for insufficiently protecting users' personal data and failing to inform them of a data breach. SLIMPAY is an authorized payment institution. During 2015, it conducted an internal research project, during which it processed personal data contained in its databases. When the research project ended in July 2016, the data remained stored on a server, without any security procedures and freely accessible from the Internet. SLIMPAY wasn't aware of the data breach, which affected approximately 12 million people, until February 2020.

The CNIL carried out an investigation on the company SLIMPAY in 2020 and effectively considered that the company had failed to comply with several GDPR requirements. Since the data subjects concerned by the breach were located in several European Union countries, the CNIL cooperated with the supervisory authorities of four countries (Germany, Spain, Italy and the Netherlands). At the end of this process, the restricted committee imposed a fine of €180,000 and decided to make its decision public. ([More](#))

## 欧洲数据保护委员会发布《第01/2021号关于个人数据泄露通知的示例指南》

2022年1月3日，欧洲数据保护委员会发布《第01/2021号关于个人数据泄露通知的示例指南》（“《指南》”）。该指南由欧洲数据保护委员会12月的全体会议讨论通过，针对处理数据泄露和风险评估提出具体建议、明确最佳做法。《指南》重点涉及的数据泄露事件包括勒索软件攻击、人为失误、设备丢失或被盗等。（[查看更多](#)）

### EDPB Publishes Guidelines 01/2021 on Examples regarding Personal Data Breach Notification

On 3 January 2022, the European Data Protection Board (EDPB) published its *Guidelines 01/2021 on Examples regarding Personal Data Breach Notification* (the "Guidelines"). The Guidelines, which were discussed and adopted by the EDPB at its plenary session in December, provides specific recommendations and identifies best practices for dealing with data breaches and risk assessments. The Guidelines focus on data breaches such as blackmail attacks, human error, loss or theft of devices. ([More](#))

## 摩根士丹利将支付6000万美元以解决数据安全集体诉讼

2022年1月3日，据路透社报道，摩根士丹利(Morgan Stanley)同意支付6000万美元以解决数据安全集体诉讼，其客户诉称摩根士丹利因未能提供有效的信息保护技术，导致客户个人数据被泄露。代表约1,500万名客户意愿的初步和解方案已向曼哈顿联邦法院提交，若和解达成，涉案客户将获得至少两年期的保险，每个人均可以申请补偿高达10,000美元的自付损失。（[查看更多](#)）

## Morgan Stanley Agrees to Pay \$60 Million to Settle a Data Security Class Action Lawsuit

On January 3, 2022, Reuters reported that Morgan Stanley agreed to pay \$60 million to settle a data security class action lawsuit in which its customers sued Morgan Stanley for failing to provide effective information protection techniques that led to the breach of their personal data. A preliminary settlement representing the wishes of approximately 15 million customers has been filed in Manhattan federal court, and if the settlement is reached, the customers involved in the case will receive at least two years of insurance coverage, and each can apply for reimbursement of up to \$10,000 in out-of-pocket losses. ([More](#))

## 国家互联网信息办公室等四部门发布《互联网信息服务算法推荐管理规定》

2021年12月31日，国家互联网信息办公室、工业和信息化部、公安部、国家市场监督管理总局联合发布《互联网信息服务算法推荐管理规定》（以下简称《规定》），自2022年3月1日起施行。国家互联网信息办公室有关负责人表示，出台《规定》，旨在规范互联网信息服务算法推荐活动，维护国家和社会公共利益，保护公民、法人和其他组织的合法权益，促进互联网信息服务健康发展。《规定》明确了如下内容：（1）算法推荐技术的含义；（2）算法推荐服务提供者的信息服务规范；（3）算法推荐服务提供者的用户权益保护要求。（[查看更多](#)）

## CAC and Other Three Ministries Jointly Issue Internet Information Service Algorithm Recommendation Management Regulations

On 31 December 2021, the Cybersecurity Administration of China, the Ministry of Industry and Information Technology of PRC, the Ministry of Public Security of PRC, and State Administration for Market Regulation jointly issued *Internet Information Service Algorithm Recommendation Management Regulations* (the Regulations), which to be effective as of 1 March 2022. The person in charge of CAC said that the issue of the Regulations aims to regulate Internet information service algorithm recommendation activities, safeguard national security and social public interests, protect the legitimate rights and interests of citizens, legal persons, and other organizations, and promote the healthy development of Internet information services. The Regulations specify the following contents: (1) the definition of algorithm recommendation technology; (2) the information service regulation of algorithm recommendation service provider; (3) the clarification of the user rights and interests protection requirements of algorithm recommendation service providers. ([More](#))

## 国家互联网信息办公室等十三部门修订发布《网络安全审查办法》

2021年12月28日，国家互联网信息办公室、国家发展和改革委员会、工业和信息化部、公安部、国家安全部、财政部、商务部、中国人民银行、国家市场监督管理总局、国家广播电视总局、中国证券监督管理委员会、国家保密局、国家密码管理局等十三部门联合修订发布《网络安全审查办法》（以下简称《办法》），自2022年2月15日起施行。《办法》将网络平台运营者开展数据处理活动影响或者可能影响国家安全等情形纳入网络安全审查，并明确掌握超过100万用户个人信息的网络平台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。根据审查实际需要，增加证监会作为网络安全审查工作机制成员单位，同时完善了国家安全风险评估因素等内容。（[查看更多](#)）

### **CAC and Other Twelve Ministries Jointly Amend and Issue *Cybersecurity Review Measures***

On 28 December 2021, the Cybersecurity Administration of China, National Development and Reform Commission, the Ministry of Industry and Information Technology of PRC, the Ministry of Public Security of PRC, Ministry of State Security, Ministry of Finance of PRC, Ministry of Commerce of PRC, The People's Bank of China, the Ministry of Industry and Information Technology of PRC, National Radio and Television Administration, China Securities Regulatory Commission (CSRC), National Administration of State Secrets Protection, the Office of Security Commercial Code Administration jointly made amendments and issued the *Cybersecurity Review Measures* (the Measures), which will be effective as of 15 February, 2022. The Measures includes the situation that the data processing activities carried out by network platform operators affect or may affect national security into the network security review and makes it clear that network platform operators with personal information of more than 1 million users shall apply to the Network Security Review Office for network security review when they are to be listed abroad. According to the actual needs of the review, CSRC is added as a member unit of the network security review mechanism, and the national security risk assessment factors are improved as well. ([More](#))

### **国家互联网办公室就《互联网应用程序信息服务管理规定（征求意见稿）》公开征求意见**

2022年1月5日，国家互联网信息办公室对2016年8月1日正式施行的《移动互联网应用程序信息服务管理规定》进行了修订，并向社会公开征求意见，《规定》的修订参照了《中华人民共和国网络安全法》、《中华人民共和国数据安全法》、《中华人民共和国个人信息保护法》、《互联网信息服务管理办法》、《网络信息内容生态治理规定》等近年新修的法律法规，旨在为了进一步规范移动互联网应用程序信息服务管理，促进行业健康有序发展，保障公民、法人和其他组织的合法权益，营造清朗网络空间。（[查看更多](#)）

### **CAC Solicits Public Comments on *Mobile Internet Application Information Service Management Regulation (Exposure Draft)***

On 5 January 2022, the Cybersecurity Administration of China (CAC) amended and issued a notice on the *Mobile Internet Application Information Service Management Regulation (Exposure Draft)* (the Regulation) to solicit public comments. The amendment of the Regulation refers to several new laws and regulations in recent years including *Network Security Law of PRC*, *Data Security Law of PRC*,

*Personal Information Protection Law of PRC, Measures for the Administration of Internet Information Services, and Provisions on the Ecological Governance of Network Information Content.* The Regulation aims to further standardize the information service management of mobile Internet applications, promote the healthy and orderly development of the industry, protect the legitimate rights and interests of citizens, legal persons, and other organizations, and create a clear cyberspace. ([More](#))

## 公安部公布打击侵犯公民个人信息犯罪十大典型案例

2022年1月10日，公安部公布了2021年侵犯公民个人信息犯罪十大典型案例，2021年，公安部网安局按照部党委部署，深入推进“净网2021”专项行动，针对人民群众急难愁盼的个人信息保护问题，全力组织开展侦查打击工作，十大典型案例如下：（1）江苏公安机关破获何某非法获取公民个人信息案；（2）湖北公安机关破获徐某等人利用外挂程序非法获取公民个人信息案；（3）安徽公安机关破获吴某等人非法获取老年人个人信息推销虚假保健品案；（4）江苏公安机关破获关某等人非法获取公民个人信息案；（5）福建公安机关破获谢某等人利用木马窃取网民购物信息案；（6）辽宁公安机关破获石某等人非法获取公民人脸信息注册游戏账号并向未成年人出售案；（7）广东公安机关破获某公司非法获取公民个人信息实施诈骗案；（8）江苏公安机关破获某公司非法获取公民个人信息案；（9）浙江公安机关破获李某等人非法获取公民快递信息案；（10）江苏公安机关破获张某等人非法获取公民个人信息案。 ([查看更多](#))

## MSS Releases Ten Typical Cases of Cracking Down on Crimes Against Citizens' Personal Information

On 10 January 2022, Ministry of State Security (MSS) released ten typical cases of cracking down on crimes against citizens' personal information. In 2021, MSS further promoted “Cyber Cleaning 2021” special action according to the arrangement of MSS Committee of the Communist Party of China. MSS endeavored to organize and carry out investigation and crackdown in view of the urgent and anxious personal information protection problems. Ten typical cases includes: (1) Jiangsu public security organ cracked He's illegally obtaining citizens' personal information; (2) Hubei public security organ cracked Xu and others' illegally obtaining citizens' personal information by using plug-in programs; (3) Anhui public security organ cracked Wu and others' illegally obtaining personal information of the elderly and selling false health products; (4) Jiangsu public security organ cracked Guan and others' illegally obtaining citizens' personal information; (5) Fujian public security organ cracked Xie and others' stealing Internet users' shopping information by using a Trojan horse; (6) Liaoning public security organ cracked Shi and others' illegally obtaining citizens' facial information, registering game accounts and selling them to juveniles; (7) Guangdong public security organ cracked a fraud case in which a company illegally obtained citizens' personal information; (8) Jiangsu public security organ cracked a case of a company illegally obtaining citizens' personal information; (9) Zhejiang public security organ cracked Li and others illegally obtaining citizen express information; (10) Jiangsu public security organ cracked Zhang and others illegally obtaining citizens' personal information. ([More](#))

## 《河南省数字经济促进条例》公布

2022年1月4日，《河南省数字经济促进条例》公布，将自2022年3月1日起施行。条例指出，县级以上人民政府应当将数字经济发展纳入国民经济和社会发展规划，加大对数字经济发展的投

入，促进数字经济高质量发展，同时应当加强对数字经济促进工作的领导，建立统筹协调机制，解决数字经济发展中的重大问题。条例全文分为总则、数字基础设施建设、数据资源开发利用、数字产业化发展、产业数字化转型、数字化治理和服务、数字经济促进措施、数字经济安全保障、法律责任、附则十个章节，旨在促进数字经济发展，全面建设数字经济强省，推动经济社会高质量发展。（[查看更多](#)）

## Henan Province Issues Regulations of Henan Province on the Promotion of Digital Economy

On 4 January 2022, Henan Province issued *Regulations of Henan Province on the Promotion of Digital Economy* (the Regulations), which will be effective as of 1 March 2022. The Regulations point out that governments shall incorporate the development of the digital economy into their national economic and social development plans, increase investment in the development of the digital economy and promote the high-quality development of the digital economy. Meanwhile, governments shall strengthen their leadership over the promotion of the digital economy, establish an overall coordination mechanism and solve major problems in the development of the digital economy. The full text of the Regulations is divided into ten chapters: general provisions, digital infrastructure construction, development and utilization of data resources, development of digital industrialization, industrial digital transformation, digital governance and services, digital economy promotion measures, digital economy security, legal liabilities, and supplementary provisions. It aims to promote the development of digital economy, build a strong digital economy province in an all-round way, and promote high-quality economic and social development. ([More](#))

## 贵州印发贵州省“十四五”数字经济发展规划

2021年12月30日，贵州省大数据发展领导小组办公室印发贵州省“十四五”数字经济发展规划，本规划的规划期为 2021-2025 年，展望至 2035 年。规划指出：贵州省数字化产业存在一定的发展基础及发展机遇，同时也指出了发展机遇与挑战是并存的，对于贵州省数字化产业发展的总体思路、主要任务和保障措施进行了深入的阐释，旨在贯彻落实党中央、国务院和省委、省政府关于大力发展数字经济决策部署，以及《贵州省国民经济和社会发展第十四个五年规划和 2035 年远景目标纲要》，构建现代化经济体系，推动全省经济高质量发展。（[查看更多](#)）

## Guizhou Province Issues Guizhou Digital Economy Development Plan of the 14<sup>th</sup> Five-Year Plan

On 30 December 2021, Guizhou Big Data Development Leading Group Office issued *Guizhou Digital Economy Development Plan of the 14<sup>th</sup> Five-Year Plan* (the Plan). The planning period of the Plan is from 2021 to 2025 and looks forward to 2035. The plan points out that there is a certain development foundation and development opportunities for the digital industry in Guizhou Province. At the same time, it also points out that the development opportunities and challenges coexist. It makes an in-depth interpretation of the overall ideas, main tasks, and guarantee measures for the development of the digital industry in Guizhou Province. The Plan aims to implement the decision-making and deployment of the CPC Central Committee, the State Council, the provincial CPC Committee and the provincial government on vigorously developing the digital economy, as well as implement *the 14th Five-Year Plan for*

*National Economic and Social Development of Guizhou Province and the Outline of Long-Term Objectives for 2035*, build a modern economic system and promote the high-quality economic development of the whole province. ([More](#))

### 抖音诉六界：爬取直播数据，抖音维权获法院支持，获赔100万元

2021年12月21日，北京微播视界科技有限公司诉上海六界信息技术有限公司等不正当竞争纠纷一案一审宣判，该案中，原被告均为互联网产品经营者，其中，被告利用技术手段获取原告旗下软件“抖音”中的直播间数据，且无法举证证明其获取数据的方式合理，该案的争议焦点围绕着六界公司的行为是否对微播公司构成不正当竞争展开。法院认为，被告获取原告数据的行为侵犯了包括打赏用户和主播在内的抖音用户的个人信息权利，进而影响用户对微播公司数据安全保护的期待和信任，最终造成微播公司用户流失，六界公司的行为具有不正当性，侵害了微播公司、“抖音”主播及打赏用户的合法权益，扰乱了市场竞争秩序，违反《反不正当竞争法》第十二条第四项规定，构成不正当竞争。（[查看更多](#)）

### TikTok Wins a Lawsuit against Shanghai Liujie Information Technology Co. Limited for Unfair Competition and is Compensated for RMB 1 Million

On 21 December 2021, Yuhang District Court of Hangzhou sentenced its judgement for unfair competition case brought by Beijing Weibo Technology Co. Limited (plaintiff) against Shanghai Liujie Information Technology Co. Limited (defendant). In this case, the plaintiff and the defendant are both Internet product operators, whereas the defendant obtained data from live broadcasting platform of the plaintiff in technical means and failed to provide evidence to justify the method of obtaining data. The issue in this case was whether the defendant constitute an unfair competition against the plaintiff. The court held that the defendant obtained the data from the plaintiff, which constituted infringement to the legitimate rights of the plaintiff, its live room anchors, and its users rewarding the anchors, disrupted the order of market competition, and constituted unfair competition according to provisions of item 4, Article 12 of *Law against Unfair Competition*. ([More](#))

### 沃尔玛违反网络安全法被深圳市公安局行政处罚

2021年12月29日，深圳市公安局福田分局等依据相关规定决定给予沃尔玛（中国）投资有限公司警告的行政处罚，并责令改正。根据“企查查”显示，公安机关于11月25日在工作中发现该单位的网络系统存在可利用的网络安全漏洞共十九项，未及时处置系统漏洞，违反了《中华人民共和国网络安全法》。（[查看更多](#)）

### Shenzhen Municipal Public Security Bureau Gives Wal-Mart China an Administrative Penalty for Violating Network Security Law

On 29 December 2021, Futian branch of Shenzhen Municipal Public Security Bureau decided to give Wal-Mart (China) Investment Co., Ltd. an administrative penalty of warning according to relevant regulations and ordered it to make corrections. According to the Qichacha, the public security organ found 19 exploitable network security vulnerabilities in Wal-Mart's network system at examination on No-

vember 25, and Wal-Mart failed to deal with the system vulnerabilities in time, which constituted violation of *Network Security Law*. ([More](#))

## 德勤携手中兴通讯联合发布《数据跨境合规治理实践》白皮书

2021年12月2日，德勤携手中兴通讯联合发布《数据跨境合规治理实践》白皮书，旨在清晰界定数据跨境相关概念，在错综复杂的数据跨境合规体系中精准提炼出中国企业面对的数据跨境合规要求，进而探讨风险可控、成本可控、可落地、可执行的合规思路，并切实赋能国内企业数据跨境合规的治理工作。 ([查看更多](#))

## Deloitte China and ZTE Release *Practice of Governance for Compliance of Data Cross-Border White Paper*

On 2 December 2021, Deloitte and ZTE jointly released *Practice of Governance for Compliance of Data Cross-Border White Paper*, which aimed to make a clear definition for data cross-border, accurately extract the data cross-border compliance requirements faced by Chinese enterprises from the complex data cross-border compliance system, then explore the compliance ideas of controllable risk, controllable cost, landing and executable, and effectively enable the governance of data cross-border compliance of domestic enterprises. ([More](#))

## 法国对谷歌处以创纪录的1.7亿美元罚款，因谷歌cookies的拒绝机制过于困难

2022年1月6日，法国当局对谷歌处以1.5亿欧元（约1.7亿美元）的罚单，原因是用户在使用谷歌搜索引擎时，通过点击一个按钮就可以很轻易地选择cookie跟踪，但选择退出cookie跟踪的流程则比较复杂，在另一份声明中，CNIL还透露，Facebook控股的公司Meta也因为相同的原因被处以6000万欧元（约合6800万美元）的罚款。两家公司都有三个月的时间来改变平台上cookies跟踪的运行方式，否则都将面临每天100,000欧元（约合113,000美元）的罚款。 ([查看更多](#))

## CNIL fined Google a Record \$170 Million for Making it too Difficult to Opt out of Cookies

On 6 January 2022, French authorities have slapped Google with a record €150 million (around \$170 million) fine after failing to make it easy enough for users to reject cookies when using its search engine. In a second statement, CNIL revealed it had also fined Facebook's holding company Meta €60 million (or around \$68 million) for the same offense. Both companies now have three months to alter the way cookies operate on their platforms, or risk fines of €100,000 (or \$113,000) a day. ([More](#))

## FREE MOBILE因未能尊重个人权利并确保用户数据安全被CNIL罚款 300,000 欧元

2022年1月4日，CNIL的管制委员会对FREE MOBILE开出了300,000欧元的罚单，根据CNIL的调查，FREE MOBILE侵犯了数据主体的访问权和反对权，并且没有尽到确保数据安全的义务（在用

户订阅优惠时通过电子邮件分享用户的密码），罚款数额的确定考虑了公司的规模和财务情况，CNIL认为有必要重申行使数据主体权利、确保用户数据安全的重要性。

CNIL指出了FREE MOBILE的四项违反GDPR的行为：（1）没有在一定期限内回应投诉人的诉求，此举侵犯了GDPR第12和第15条赋予个人的数据访问权；（2）没有考虑投诉人提出的不再向他们发送商业广告信息的诉求，这侵犯了GDPR第12条和第21条赋予数据主体的反对权；（3）继续向已取消订阅电话服务的投诉人寄送账单，侵犯了GDPR第25条规定的数据保护义务；（4）通过电子邮件以明文形式传输用户使用免费手机订阅服务时的非临时密码，也没有通知用户更改，侵犯GDPR第32条规定的确保个人数据安全的义务。（[查看更多](#)）

### **CNIL Fined FREE MOBILE €300,000 for Failing to Respect the Rights of Individuals and to Ensure the Security of its Users' Data**

On 4 January 2022, the restricted committee of CNIL imposed a fine of €300,000 on FREE MOBILE. According to investigation, FREE MOBILE constituted breaches of the rights of data subjects (right of access and right to object), the obligation to protect data by design and the obligation to ensure data security (transmission of passwords in clear text by e-mail). This fine considers the size and the financial situation of the company. CNIL found it necessary to reiterate the importance of responding to requests for exercising the data subject's rights and ensuring the security of users' data.

The CNIL retained four breaches of the GDPR against the company FREE MOBILE: (1) a failure to respect the right of access of individuals regarding their personal data (Art. 12 and 15 of the GDPR), since the company did not respond to the requests made by the complainants within the time limits; (2) a failure to respect the right to object of the persons concerned (Art. 12 and 21 of the GDPR), since the company did not consider the requests of the complainants that no more commercial prospecting messages be sent to them; (3) a breach of the obligation to protect data by design (Art. 25 of the GDPR), as the company continued to send invoices to complainants for telephone lines whose subscription had been cancelled; (4) a breach of the obligation to ensure the security of personal data (Art. 32 of the GDPR), since the company transmitted by email, in clear text, the passwords of users when they subscribed to an offer with FREE MOBILE, without these passwords being temporary and the company requiring them to be changed. ([More](#))

### **EDPB发布个人数据泄露通知指南**

欧洲数据保护委员会（EDPB）近期发布了关于数据泄露通知示例的指南。该指南是在EDPB 12月全体会议上讨论后通过的，涉及关于处理数据泄露和风险评估的具体的建议和最佳实践。指南中重点关注的具体事件包括勒索软件攻击、人为错误、设备丢失或被盗等。（[查看更多](#)）

### **EDPB Published Its Guidance on Examples of Data Breach Notifications**

The European Data Protection Board (EDPB) published its guidance on examples of data breach notifications. The guidelines, adopted following discussion at the EDPB's December plenary, concern more specific recommendations and best practices around handling data breaches and risk assessment. Specific incidents that the guide focuses on include ransomware attacks, human error, and lost or stolen devices. ([More](#))

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