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China to Further Support the Development of New Business Forms and Models

On July 15, 2020, the National Development and Reform Commission, Ministry of Industry and Information Technology (“MIIT”) together with 11 other government departments issued the *Opinions on Supporting the Healthy Development of New Business Forms and Models and Activating Consumer Markets for Expanding Employment* (“**Opinions**”), to mainly support 15 types of new business form and model, including online education, online health services, digital governance, industrial platform development, digital transformation of traditional enterprises. The Opinions underlines that it’s necessary to further implement the digital economy strategy, to treat the support of online-to-offline new business models as the important breakthrough of the economic transition and the promotion of reform and innovation, to rely on the motivation function of digital innovation to the real economy, and to promote “Internet Plus”, big data and platform economy.(More)

Shenzhen Seeks Comments on the Draft Data Regulations

On July 15, 2020, the Justice Bureau of Shenzhen Municipality released the *Data Regulations in Shenzhen Special Economic Zone (Exposure Draft)* (“**Draft Regulations**”) for soliciting public comments. The Draft Regulations consists of 103 articles under the following seven chapters: (i) general provisions; (ii) personal data protection; (iii) management and application of public data; (iv) data elements market cultivation; (v) data security management; (vi) legal liability; and (vii) supplementary provisions. This legislation aims to regulate data activities, promote sharing, openness, comprehensive in-depth development and utilization of data resources, and serve the construction of Guangdong-Hong Kong-Macao Greater Bay Area and the construction of the pilot demonstration area of the socialism with Chinese characteristics. The Draft Regulations specifies that natural persons, legal persons and non-incorporated organisations shall have the data rights in accordance with the law, which cannot be infringed by any organisations or individuals. The data rights entitle parties to autonomously decide, control and process specific data, and gain and receive compensation from damages of the interests of specific data. The Draft Regulations also stipulates the data management framework of the Shenzhen Special Economic Zone. The deadline for submitting comments is August 14, 2020. ([More](#))

MIIT Seeks Comments on Dozens of Draft National Standards and Industrial Standards for the Communications Industry

On July 13, 2020, the Department of Science and Technology of MIIT released 82 draft standards for the communications industry for soliciting public comments, which includes the *Intelligent Manufacturing - Identification and Resolution System Requirements* and 21 other national standards, and *The Technical Requirements for Content Distribution(Delivery) Network - Convergence Node* and 59 other communications industry standards. Among these standards, 22 national standards mainly are involved in intelligent manufacturing identification resolution system, public telecommunication network, multimedia interaction and Internet of Things gateway, etc.; 60 industrial standards mainly are involved in relevant test methods for public telecommunication network, mobile communication system and big data, and relevant requirements of data security in telecom network and Internet. The deadline for submitting comments is August 13, 2020. ([More](#))

China May Strengthen Criminal Punishment to Protect Human Genetic Resource Information

On July 13, 2020, the Standing Committee of the National People's Congress, China's top legislator, released the *Draft Amendment XI to the Criminal Law* for soliciting public comments. The draft amendment adds a new provision which is attached after the Article 334 in the current *Criminal Law* as Article 334 (A) for the protection of human genetic resource information: "Whoever commits any of the following acts in violation of relevant provisions, endangering public health or public interests, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, criminal detention or public surveillance and shall also, or shall only be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 3 but not more than 7 years and shall be fined: (1) unlawfully collecting national human genetic resources; (2) unlawfully transporting, mailing or carrying national human genetic resource materials out of the territory of China; (3) providing national human genetic resource information or opening the access to any organizations, individuals or the institutions established or actually controlled by them outside the territory of China without the security scrutiny." The deadline for submitting comments is August 16, 2020. ([More](#))

Overseas News

The Court of Justice Invalidates the EU-US Privacy Shield

On July 16, 2020, The Court of Justice ("Court") published a judgment concerning the EU-US Privacy Shield. The Court invalidates the European Commission's *Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield* ("**Privacy Shield Decision**"). The Court noted that the Privacy Shield Decision enshrines the position that the requirements of US national security, public interest and law enforcement have primacy, thus condoning interference with the fundamental rights of persons whose data are transferred to that third country. The Court also found that the relevant limitations on the protection of personal data arising from the domestic law of the US on the access and use by US public authorities of such data transferred from the EU to that third country are not circumscribed in a way that satisfies requirements that are essentially equivalent to those required under EU law, by the principle of proportionality, in so far as the surveillance programmes based on those provisions are not limited to what is strictly necessary. Notably, the Court considered that the Privacy Shield Decision on standard contractual clauses for the transfer of personal data to processors established in third countries is valid. It is reported by BBC that the EU-US Privacy Shield underpins transatlantic digital trade for more than 5,300 companies, and about 65% of them are small-medium enterprises or start-ups. ([More](#))

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