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Domestic News

TC260 Releases Practice Guidelines for Cybersecurity Standards- Self-Assessment Guidelines for Mobile Internet Applications Collecting and Using Personal Information

On July 25, 2020, the National Information Security Standardization Technical Committee, also known as the TC260, released the *Practice Guidelines for Cybersecurity Standards- Self-Assessment Guidelines for Mobile Internet Applications Collecting and Using Personal Information* (“**Guidelines**”). The Guidelines summarizes the following six evaluating references for conducting self-assessment by App operators when collecting and using personal information: (i) whether the rules for the collection and use of personal information are transparent; (ii) whether the purpose, methods and scope of the collection and use of personal information are clearly stated; (iii) whether personal information is collected and used after obtaining the consent from users; (iv) whether the necessity principle is followed and only the personal information relating provided services is collected; (v) whether personal information is provided to the third party under the consent from users; and (vi) whether the App provides the function of deleting or correcting personal information, or provides complaint and report channels. The operators of mini program and quick Apps can also refer relevant terms and conditions for conducting self-evaluation. ([More](#))

SPC and NDRC to Strengthen Data Rights and Personal Information Security Protection

On July 22, 2020, the Supreme People’s Court (“**SPC**”) and the National Development and Reform Commission (“**NDRC**”) jointly released the *Opinions on Providing Judicial Services and Security for Accelerating the Improvement of the Socialist Market Economy System in the New Era* (“**Opinions**”) which outlines 31 points, including strengthening data rights and personal information security protection. The Opinions points out that it is necessary to (i) respect the laws of the socialist market economy and the development practices of data-related industries; (ii) protect data collection, use and transactions and the resulting intellectual property in accordance with the law; (iii) improve the data protection legal system, (iv) properly handle various data-related disputes; and (v) promote the in-depth integration of big data with other new technologies, new fields, and new business forms to serve the innovative development of the data element market. The Opinions also underlines that it is necessary to implement the provisions on the protection of personal interests stipulated in the Part IV Personality Rights of the *Civil Code*, improve the judicial protection mechanism for the biological and social data of natural persons and other personal information rights, clarify the boundary between the development of information technology and the protection of personal information, and balance the relationship between personal information and public interests. ([More](#))

China to Crack Down Illegal Collection and Use of Personal Information by Apps

On July 22, 2020, the Cyberspace Administration of China (“**CAC**”), the Ministry of Industry and Information Technology, the Ministry of Public Security and the State Administration for Market Regulation held the kick-off meeting of the Campaign against the Collection and Use of Personal Information by Apps in Violation of Laws and Regulations in 2020. The authorities underlined the following seven main tasks: (i) formulating and releasing the assessment points of personal information security for SDK and mobile operating system; (ii) implementing specific researches and in-depth tests for key issues, such as the improper collection and use of facial features and other biometric information; (iii)

strengthening the discovery, exposure, and punishment of illegal collection and use of personal information; (iv) formulating and releasing the review management guidelines for App stores on the collection and use of personal information by Apps; (v) releasing free technical tools to guide small and medium-sized enterprises to conduct self-assessment of collecting and using personal information; (vi) promoting the personal information security authentication of Apps; and (vii) strengthening personal information security assessment training and promoting the standardization. ([More](#))

Tianjin Releases Interim Measures for the Management of Public Data Resource Opening

On July 22, 2020, the Tianjin Cyberspace Administration released the *Interim Measures of Tianjin Municipality for the Management of Public Data Resource Opening* (“**Interim Measures**”), which aims to standardize and promote the opening of public data resources and promote the development of the digital economy. The Interim Measures consists of 37 articles under the following 7 chapters: (i) general provisions; (ii) opening mechanism; (iii) opening platform; (iv) development and utilization; (v) supervision and guarantee; (vi) legal liability; and (vii) supplementary provisions. According to the Interim Measures, public data resource is divided into the unconditional opening category, conditional opening category and non-open category. For public data resources included in the conditional opening category, the users of resource shall submit an application through the opening platform, and the resource providers shall sign public data resource use agreements with the resource users, specify the purpose, time limitation and the security measures for using the resource. The Interim Measures will be implemented on August 1, 2020, and will be valid for 2 years. ([More](#))

China to Pilot “Digital Villages” for Rural Development

On July 18, 2020, the CAC together with six other government departments released the *Notice on Launching the Pilot Work of “Digital Villages”* (“**Notice**”). According to the Notice, the pilot mainly consists of seven aspects, including the improving the new generation rural area information infrastructure, enhancing the integration and sharing mechanism of facilities, exploring new forms of rural area digital economy, probing the new models of rural area digital governance. The Notice points out that it is necessary to (i) strengthen co-construction and sharing of infrastructure to create an intensive, efficient, green, intelligent, safe and applicable rural area information infrastructure; (ii) promote in-depth integration of informatization and rural area governance, remedy the weakness of rural area governance, and improve the intelligence, refinement, and specialization of rural area governance; and (iii) intensify overall coordination and resource integration, and vigorously promote the share, opening and effective integration of agriculture-related government information resources. ([More](#))

Overseas News

EDPB Releases Guidelines on Interplay of PSD2 and GDPR for Public Consultation

On July 22, 2020, the European Data Protection Board (“**EDPB**”) released the *Guidelines 06/2020 on the Interplay of the Second Payment Services Directive (“PSD2”) and the GDPR - Version for Public Consultation* (“**Draft Guidelines**”), which aims to provide further guidance on data protection aspects in the context of the PSD2, and focuses on the processing of personal data by account information service providers and payment initiation service providers. The Draft Guidelines consists of 6 parts: (i)

introduction; (ii) lawful grounds and further processing under the PSD2; (iii) explicit consent; (iv) the processing of silent party data; (v) the processing of special categories of personal data under the PSD2; and (vi) data minimization, security, transparency, accountability and profiling. The deadline for submitting comments is September 16, 2020. ([More](#))

Spanish DPA Fines 7 Companies for Infringing GDPR

Recently, the Spanish Data Protection Authority (“**Spanish DPA**”) successively issued 9 penalty decisions on 7 companies including El Periódico de Catalunya, S.L.U., and imposed fines of EUR 425,550 in total. The infringements concerned insufficient legal basis for data processing, insufficient cooperation with the supervisory authority, insufficient fulfilment of information obligations, and non-compliance with general data processing principles. Among the 7 companies, the Spanish DPA issued three penalty decisions on Telefónica Móviles España, SAU for its insufficient legal basis for data processing behaviors. ([More](#))

EDPB Welcomes CJEU Ruling on EU-US Privacy Shield

Recently, the EDPB expressed its welcome of the judgment of the Court of Justice of the European Union (“**CJEU**”), which invalidated *Decision 2016/1250 on the Adequacy of the Protection Provided by the EU-US Privacy Shield* (“**Privacy Shield**”). The judgment highlighted the fundamental right to privacy in the context of the transfer of personal data to third countries. The EDPB had taken note of the fact that CJEU considered *Decision 2010/87 on Standard Contractual Clauses for the Transfer of Personal Data to Processors Established in Third Countries* valid. With regard to the Privacy Shield, the EDPB pointed out that the EU and the U.S. should achieve a complete and effective framework guaranteeing that the level of protection granted to personal data in the U.S. was essentially equivalent to that guaranteed within the EU, in line with the judgment. ([More](#))

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