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Domestic News

Shanghai Communications Administration Reports Typical Cases of Apps Infringing User Rights and Interests

On February 25, 2021, the Shanghai Communications Administration reported a batch of typical cases of apps infringing user rights and interests. There are 8 typical cases in this batch and the involved behaviors infringing user rights and interests mainly include: (1) frequently asking for permissions from users; (2) failure to implement the rectification requirements; (3) providing users' personal information to third-party SDK without consent; (4) failure to disclose rules for personal information collection and use; (5) violating the principle of necessity and collects personal information that is irrelevant to the services provided; (6) failure to remind the users to read the privacy policy and confirms by default that the users have read and agreed to the privacy policy and collects information in the form of default check; (7) failure to respond to the users' account cancellation applications in a timely manner; and (8) failure to prompt users to read the privacy policy through pop-up windows and other obvious ways. ([More](#))

TC260 Invites Comments on 3 Draft National Information Security Technology Standards

On February 24, 2021, the Secretariat of the National Information Security Standardization Technical Committee (also known as "TC260") issued three exposure drafts of national information security technology standards, including the *Information Security Technology: Data Security Guidelines for Online Audio and Video Services*, *Information Security Technology: Data Security Guidelines for Online Shopping Services* and *Information Security Technology: Data Security Guidelines for Internet Payment Services*. The deadline for submitting comments is April 24. ([More](#))

MIIT Holds Industrial Data Categorization and Classification Meeting Online

On February 23, 2021, the Information Technology Development Department ("ITDD") of the Ministry of Industry and Information Technology ("MIIT") organized an online meeting on industrial data categorization and classification. Jianwei Wang, Deputy Director General of ITDD, attended the meeting and delivered a speech. Nearly 20 representatives from relevant local industry authorities, industry associations and other bodies attended the meeting. The meeting summarized the results of the application pilot work in 2020 in testing industrial data categorization and classification methods and guiding enterprises to improve data management capabilities and discussed the important and difficult points of the next step. Participants said that they will continue to track the new opportunities and challenges brought by the digital transformation and upgrading of the industry to the categorization and classification work, establish and improve the working mechanism, and increase the efforts of implementation training, pilot promotion and standard guidance of industrial data categorization and classification. ([More](#))

Guangdong Communications Administration Reports 215 Apps for Infringing User Rights and Interests

On February 23, 2021, the Guangdong Communications Administration issued a circular stating that it found 215 apps violating user rights and interests and carrying security risks in January 2021. The Guangdong Communications Administration has noticed the app operators in accordance with the *Cybersecurity Law*, *Provisions on Protecting the Personal Information of Telecommunications and Inter-*

net Users and other laws and regulations, and has ordered the operators to rectify within a time limit and notified app stores to supervise the rectification. Furthermore, the circular also published 7 apps that have been notified but have not been or completely been rectified. Typical behaviors of the apps' infringement of user rights and interests include: (1) failure to list the purpose, method, and scope of personal information collected and used by the third-party SDK integrated by the app in the privacy policy or other publicity texts; (2) asking for terminal permissions in advance before the users have read and agreed to the privacy policy; (3) asking for permission to open the address book and location before the users use related functions or services; and (4) failure to provide effective account cancellation functions and lacks cancellation guide in the privacy policy and related interface. ([More](#))

Overseas News

Facebook Privacy Settlement Approved: Nearly 1.6 Million Illinois Users Will Get At Least \$345

On February 26, 2021, the *Chicago Tribune* reported that a California federal judge has issued a final approval in a \$650 million Facebook class action privacy settlement, with an order to get at least \$345 to each of nearly 1.6 million Illinois class members. In April 2015, a Chicago attorney, Jay Edelson, filed a lawsuit against Facebook alleging that the social media giant's use of facial tagging features without consent was not allowed under Illinois privacy law. The case was later moved to California federal court and attained class-action status. ([More](#))

EDPS: Data Protection is Non-negotiable in International Trade Agreements

On February 22, 2021, the European Data Protection Supervisor ("EDPS") published his opinion on two proposed agreements between the EU and the UK: the Trade and Cooperation Agreement ("TCA") and an agreement on the security procedures for exchanging and protecting classified information. The EDPS welcomes these two agreements. Nevertheless, the EDPS regrets that the TCA fails to faithfully take over the EU's horizontal provisions for cross-border data flows and for personal data protection. Wojciech Wiewiórowski, EDPS, said: "The wording agreed with the UK on data protection and privacy must remain an exception. We strongly recommend that the European Commission reiterates its commitment to the horizontal provisions as the only basis for a future trade agreement with other non-EU countries and that personal data protection and privacy rights will not be up for negotiation." ([More](#))

Spanish Data Protection Authority Imposes Fine of 6m EUR on CAIXABANK, S.A.

On February 19, 2021, the Spanish Data Protection Authority ("AEPD") announced that it imposed a total fine of 6,000,000 EUR on CAIXABANK, S.A. ("CAIXABANK") for unlawfully processing clients' personal data and not providing sufficient information regarding the processing of personal data. The AEPD concluded that CAIXABANK has constituted a breach of Article 6, 13 and 14 of the GDPR. In deciding on the amount of the fine, the AEPD took into account the nature, gravity, duration and the negligent character of the infringements, and the fact that the company is a large enterprise and its turnover. This is the highest administrative fine ever imposed by the Spanish regulators. ([More](#))

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