



# NEWSLETTER

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## Weekly Cybersecurity and Data Protection Review

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By Lifang & Partners

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## Domestic News

### TC260 Issues 2021 Cybersecurity National Standards Application Guidelines

On March 12, 2021, the Secretariat of the National Information Security Standardization Technical Committee (also known as “TC260”) issued the *2021 Cybersecurity National Standards Application Guidelines*. According to the Guidelines, in 2021, the TC260 will focus on urgent and prominent issues in national cybersecurity work, and carrying out a number of projects on national cybersecurity standards setting, such as standards relating to the security requirements of network products and services, the categorization and classification of Internet platform data, the requirements of Internet platform and product service privacy agreement, the guideline for compliance review and management of app’s personal information processing, the guideline for personal information processing of mobile intelligent terminals, requirements of network operator’s data filing, etc. ([More](#))

### MIIT Notifies the List of App Infringing Users’ Rights and Interests and Requires the Apps to be Removed

On March 12, 2021, the Ministry of Industry and Information Technology (“MIIT”) released a circular stating that, according to *Cybersecurity Law*, *Telecommunication Regulation* and *Provisions on Protecting the Personal Information of Telecommunications and Internet Users* and other laws and regulations, recently, the MIIT assigned third-party testing agencies to inspect the relevant mobile phone application softwares and urged companies with problems to rectify them. As of the day of the circular, there are still 136 apps that have not fulfilled the rectification requirement. According to the circular, the common problems includes illegally collecting and using personal information, compulsory, frequent, and excessive requesting of permissions, and deceiving and misleading users to download, etc. The MIIT requires the relevant apps to complete the rectification before March 17. Otherwise, the MIIT will impose punishments in accordance with relevant regulations. ([More](#))

### Shanghai to Establish Artificial Intelligence and Intelligent Transportation Standardization Technology Committees

On March 11, 2021, the Shanghai Municipal Administration for Market Regulation released a circular, stating that Shanghai will establish the Shanghai Municipal Intelligent Transportation Standardization Technology Committee, which will be supervised by the Shanghai Municipal Transportation Commission and will be responsible for the formulation and revision of local standards in the field of intelligent transportation. Meanwhile, the city will also establish the Shanghai Municipal Artificial Intelligence Standardization Technology Committee, which will be supervised by the Shanghai Municipal Commission of Economy and Informatization and will be responsible for the formulation and revision of local standards in the field of artificial intelligence. ([More](#))

### TRIMPS Issues Global Cybersecurity Policy and Legal Developments Research and Judgment

On March 10, 2021, the Third Research Institution of Ministry of Public Security (“TRIMPS”) Cyber Security Law Research Center issued the *Global Cybersecurity Policy and Legal Developments Research and Judgment Report*. The Report pointed out that the current cybersecurity legislation is characterized by a combination of the general and special protection of personal data, and the reinforcement of

the platform content security and the platform responsibility. In the future, “data security” will become a new legislative growth point after personal information protection, and the problem of giant platform responsibility will become more prominent. ([More](#))

## **The Supreme People’s Court Work Report Emphasizes Data Protection and Information Security**

On March 8, 2021, president of the Supreme People’s Court (“SPC”), Zhou Qiang, reported on SPC’s work to the National People’s Congress. The work report mentioned that the SPC would “promote the healthy development of digital economy. Clarify the rules for the development of digital economy and technology innovation through fair and legal judgments, and guide the healthy and orderly development of new technologies, new formats and new models on the track of rule of law. Reasonably determine platform responsibilities and behavior boundaries, and promote the legal and standardized development of platform economy and sharing economy. Jointly carry out special rectification of the webcast industry to purify the network ecology. Hear the case of advanced video-on-demand payment on video websites, standardizing business model innovation, and protecting the legal rights and interests of users. Strengthen the protection of the legal rights and interests of practitioners in new businesses such as food delivery riders, delivery men, and ride-hailing drivers. Hear the cases of mobile phone software infringing users’ personal information, face recognition disputes, etc., strengthen personal information protection and maintain data security.”([More](#))

## **Overseas News**

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### **ACCC Seeks Comments on Default Settings and Pres-Installation of Search Services**

On March 11, 2021, the Australian Competition & Consumer Commission (“ACCC”) reported that it is seeking comments from consumers and industry participants about choice screens, which give users a choice of internet search services on mobiles and tablets, rather than a pre-selected search service. Then, the comments will inform an upcoming report on the impact of default settings and pre-installation of search services and web browsers on consumer choice and competition. The report, to be finalized later this year, will also outline the current roll out of choice screens for search services on Android devices in Europe and examine what measures other than choice screens could encourage competition and improve consumer choice for search services and web browsers in Australia. ([More](#))

### **CDEI Releases COVID-19 Repository & Public Attitudes Report**

On March 10, the European Data Protection Board (“EDPB”) adopted a statement on the draft ePrivacy Regulation during its 46th plenary session. The EDPB recalls that national authorities responsible for enforcement of the GDPR should be entrusted with the oversight of the privacy provisions of the future ePrivacy Regulation to ensure a harmonised interpretation and enforcement of the ePrivacy Regulation across the EU and to guarantee a level playing field in the Digital Single Market. EDPB Chair, Andrea Jelinek said: “the ePrivacy Regulation must not - under no circumstances - lower the level of protection offered by the current ePrivacy Directive, and should complement the GDPR by providing additional strong guarantees for confidentiality and protection of all types of electronic communication.”([More](#))



## **France Digitale Group Filed a Complaint Against Apple for Unauthorized Personalised Advertisements**

On March 9, 2021, a France digitale group representing 2,000 French startups filed a complaint against Apple, accusing Apple of failing to seek permission from users for personalised advertising. In a petition filed with the French data privacy watchdog CNIL, the France digitale group says such advertising is activated automatically during an update of Apple iPhones and Mac computers. Personalized advertising is found in Apple applications such as the App Store and Apple News. Apple acknowledges that it uses personal and technical information including geo-localization and search records but insists it does not pass personal user data on to third parties but collates them in “segments” of several thousand people. ([More](#))

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