



No.253

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《深圳经济特区数据条例》正式公布

2021年6月29日,《深圳经济特区数据条例》(“《条例》”)获深圳市七届人大常委会第二次会议通过,并于7月6日由深圳市人大常委会正式公布。《条例》将于2022年1月1日起施行,内容明确了数据领域相关名词的含义,就个人数据、公共数据、数据要素市场和数据安全四个方面进行了法律规制,明确了处理个人数据“最小必要”原则,禁止数据处理者强制索权等行为,强化了对未成年人数据的保护,在促进数据作为生产要素开放流动和开发利用的同时,保证了公民及法人与非法人组织的数据安全。([查看更多](#))

Shenzhen Special Economic Zone Data Regulations Officially Announced

On July 6, 2021, the *Shenzhen Special Economic Zone Data Regulations* (“*Regulations*”) was adopted at the second meeting of the Standing Committee of the Seventh Shenzhen People's Congress and officially promulgated by the Standing Committee of the Shenzhen People's Congress on July 6. The *Regulations* will come into force on January 1, 2022, which clarifies the meaning of terms related to the data field, regulates the four aspects of personal data, public data, data factor market and data security, clarifies the principle of "minimum necessary" for processing personal data, prohibits the compulsory claim of rights by data processors, and strengthens the protection of minors' data. Meanwhile, the *Regulations* ensures the data security of citizens, corporate bodies and unincorporated organizations as well as promotes the open flow and exploitation of data as a factor of production. ([More](#))

“滴滴”因违规收集使用个人信息被下架

2021年7月4日,国家互联网信息办公室(“网信办”)发布通报称“滴滴出行”APP存在严重违法违规收集使用个人信息问题,依据《中华人民共和国网络安全法》相关规定,通知应用商店下架“滴滴出行”APP,并要求滴滴出行科技有限公司认真整改相关问题,切实保障广大用户个人信息安全。([查看更多](#))

“Didi Travel” APP Pulled Off for Illegally Collecting and Using Personal Information

On July 4, 2021, the Cyberspace Administration of China (“CAC”) issued a notice, stating that “Didi Travel” APP collects personal information in violation of laws and regulations seriously. According to the *Cybersecurity Law of People's Republic of China*, CAC notified the App Store to pull off the “Didi Travel” APP, and required the company to rectify relevant problems sincerely to ensure the security of the personal information of users. ([More](#))

网信办对“滴滴出行”启动网络安全审查

2021年7月2日,网络安全审查办公室发布公告称,为防范国家数据安全风险,维护国家安全,保障公共利益,依据《中华人民共和国国家安全法》《中华人民共和国网络安全法》,网络安全审查办公室按照《网络安全审查办法》,对“滴滴出行”实施网络安全审查。为配合网络安全审查工作,防范风险扩大,审查期间“滴滴出行”停止新用户注册。([查看更多](#))

CAC Launches a Cyber Security Review into Didi

On July 2, 2021, the Cyber Security Review Office of CAC issued a circular, stating that in order to prevent national data security risks, maintain national security, and protect the public interest, in accordance with the *National Security Law of the People's Republic of China* and the *Cybersecurity Law of the People's Republic of China*, the authority has implemented a cyber security review into Didi under *Cybersecurity Review Measures*. In order to cooperate with the cyber security review work and prevent risk expansion, “Didi Travel” is requested to stop new user registration during the review period. ([More](#))

网信办发布《数字中国发展报告（2020年）》

2021年7月2日，网信办发布《数字中国发展报告（2020年）》，总结了“十三五”时期数字中国建设的主要成就和2020年取得的新进展和新成效，评估了2020年各地区信息化发展情况，提出了“十四五”时期推动数字中国建设的努力方向和工作重点。 ([查看更多](#))

CAC Releases Digital China Development Report 2020

On July 2, 2021, the CAC released the *Digital China Development Report 2020*, which summarizes the main achievements of the digital construction of China during the *13th Five-Year Plan* period and the new progress and new achievements in 2020, evaluates the development of informatization in various regions in 2020, and proposes the direction of efforts and priorities for promoting digital construction of China during the *14th Five-Year Plan* period. ([More](#))

广东省市监局答复人大代表关于加强互联网新经济模式监管的建议

2021年6月25日，广东省市监局发布《广东省市场监督管理局关于广东省十三届人大四次会议第1040号代表建议答复的函》（“《答复函》”），就人大代表提出的关于加强互联网新经济模式监管的建议进行答复。《答复函》指出夯实数字经济发展基础，提升大数据企业数据管理能力，通过推动数字经济立法和制定并发布大数据标准体系的方式，加强数据管理，优化数字经济发展环境。 ([查看更多](#))

Reply Letter of Guangdong AMR Concerns about the Proposal of Strengthening the Regulation of the New Internet Economy Model

On June 25, 2021, the Administration for Market Regulation of Guangdong Province (“Guangdong AMR”) issued the *Letter from Guangdong AMR on the Reply to the Proposal of the Representative No. 1040 of the Fourth Session of the Thirteenth Guangdong Provincial People's Congress* (“the *Reply Letter*”), responding to the proposal of strengthening the regulation of the new Internet economy model. The *Reply Letter* points out that it is necessary to consolidate the foundation for the development of digital economy, improving the data management ability of big data enterprises, strengthening data management and optimizing the development environment of digital economy by promoting the digital economy legislation and the formulation and release of big data standard system. ([More](#))

海外动态 Overseas News

Facebook、WhatsApp和Twitter因拒绝将俄罗斯用户数据本土化而面临罚款

2021年7月2日，据报道，俄罗斯通信监管机构（Roskomnadzor）已经召集美国互联网服务商Facebook、WhatsApp和Twitter的代表拟制行政协议，因其违反俄罗斯在个人数据领域的立法，特别是涉及俄罗斯用户数据库的本土化问题。根据俄罗斯法律，个人数据库运营者有义务确保使用位于俄罗斯境内的数据库记录、系统化、积累、存储、更正（更新、更改）、提取俄罗斯联邦公民的个人数据。此前，监管机构已要求一些外国公司提供文件证明俄罗斯用户的个人数据的储存和处理是在俄罗斯境内进行的，但这三家公司均未能及时提供这些信息。2020年，Facebook和Twitter已经因违反数据本土化规定而被罚款400万卢布，如果一再违反这一要求，将有可能面临600万到1800万卢布的罚款。（[查看更多](#)）

Facebook, WhatsApp, Twitter Face Fines for Refusing to Localize Russians' Data

On July 2, 2021, according to reports, Roskomnadzor has summoned representatives of U.S. Internet services Facebook, WhatsApp and Twitter to draw up administrative protocols for violating the requirements of the Russian legislation in the field of personal data, specifically, as concerns localizing databases of Russian users in Russia. According to the Russian legislation, personal databases operators are obliged to ensure the recording, systematization, accumulation, storage, correction (update, change), extraction of personal data of citizens of the Russian Federation using databases located on its territory. Earlier, Roskomnadzor has demanded that a number of foreign companies provide documents confirming that the storage and processing of personal data of Russian users is carried out on the territory of the Russian Federation. Services Facebook, WhatsApp and Twitter failed to provide such data in a timely manner. In 2020, Facebook and Twitter were already fined 4 million rubles in violation of the requirement, and repeated violations of that fines are to range from 6 million to 18 million rubles. ([More](#))

德国数据保护委员会专员要求政府部门关闭其Facebook主页

2021年7月1日，据新闻报道，德国数据保护委员会专员发现Facebook未能更正其行为以遵守德国和欧盟的隐私法律，要求德国政府机构在年底之前关闭其官方Facebook页面。德国政府的官方Facebook页面已经有100多万关注者，但是页面的运行会导致关注者的个人数据被传输到美国。在欧盟法下，个人数据离开欧盟只能传输到具有同等严格数据保护规则的司法辖区，美国不满足这一条件。政府新闻办公室已经尝试和Facebook协商增加额外的数据保护，但是该公司未能提供。（[查看更多](#)）

German Data Protection Commissioner Tells Ministries to Shut Facebook Pages

On July 1, 2021, according to reports, German government organizations have until the end of the year to close their Facebook pages after the data protection commissioner found the social network had failed to change its practices to comply with German and European privacy laws. The German government's official Facebook page has over a million followers, and it is impossible to run a fan page in such a way that followers' personal data was not transmitted to the United States. Under EU law, personal data can only leave the EU for a jurisdiction with equivalently strict data protection rules, something

that is not the case for the United States. The government press office had attempted to get added guarantees from Facebook, but the company had failed to provide them. ([More](#))

欧盟委员会采纳了英国的充分性决定

2021年6月28日，欧盟委员会在官网宣布正式通过基于《通用数据保护条例》《执法指令》的针对英国数据保护的两项充分性决定。个人信息现在可以自由地从欧盟流动到英国，享有与欧盟法律所确保的基本相同的保护水平。根据两项充分性决定，英国的数据保护体系继续以其作为欧盟成员国时所适用的规则为基础，为英国公共部门访问个人数据提供更强有力的保护，并且首次规定了一项“日落条款”，严格限制充分性决定的持续时间。（[查看更多](#)）

EU Commission Adopts Adequacy Decisions for the UK

On June 28, 2021, the European Commission has adopted two adequacy decisions for the United Kingdom - one under the *General Data Protection Regulation* (GDPR) and the other for the *Law Enforcement Directive*. Personal data can now flow freely from the European Union to the United Kingdom where it benefits from an essentially equivalent level of protection to that guaranteed under EU law. Under the two adequacy decisions, the UK's data protection system continues to be based on the same rules that were applicable when the UK was a Member State of the EU; with respect to access to personal data by public authorities, the UK system provides for strong safeguards; and for the first time, the adequacy decisions include a so-called 'sunset clause', which strictly limits their duration. ([More](#))

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