

Legislative Council Panel on Constitutional Affairs

**Report on the Work
of the office of the Privacy Commissioner for Personal Data in 2019**

The Privacy Commissioner for Personal Data (the Privacy Commissioner) will brief Members at the meeting of the Legislative Council Panel on Constitutional Affairs on 20 April 2020 on the activities of his office (the PCPD) in 2019. This paper serves to update Members of the PCPD's work in 2019.

(I) Overview

2. In 2019 we in PCPD continued to ensure fair enforcement of the Personal Data (Privacy) Ordinance (PDPO); to act independently and impartially to practise operational efficiency, sparing no effort in engaging the stakeholders and maximizing publicity and education, without losing track of the global privacy landscape and development.

3. A number of large-scale data breach incidents took place in Hong Kong and overseas, coupled with the emerging impact on Hong Kong resulting from the implementation of the EU General Data Protection Regulation in mid-2018. Challenges to our work became more pressing during the second half of 2019, when we encountered the start of an unprecedented scale of weaponisation of personal data.

4. Taking into account this era of a data-driven economy, updated business models, digitalization and globalization of data, as well as initiatives involving personal data privacy and other innovative practices in relation to information and communications technology (ICT) developments, regulators around the world have been reviewing their legislative frameworks and Hong Kong is no exception, with a view to better protecting and respecting personal data privacy right.

5. It is trite that development in ICT, ubiquitous collection and use of personal data invariably outpace the formulation of regulatory framework. It is evident that meeting regulatory requirements alone would not be effective enough to adequately protect personal data privacy or live up to individuals' expectations of personal data privacy protection. We therefore believe that data protection laws should embody data stewardship and governance in order to achieve privacy accountability.

6. Members of the Panel on Constitutional Affairs discussed the direction of possible amendments at its meeting held on 20 January 2020. The proposed direction encompasses issues relating to the scope (e.g. definition of personal data and direct regulation on data processors), the process (e.g. vesting criminal investigation powers and prosecution powers with the Privacy Commissioner, including enhanced powers to deal with offences like doxxing), the deterrent effect (e.g. instituting a mandatory data breach notification system, empowering the Privacy Commissioner to administer administrative fines and increasing the maximum level of criminal fines) as well as the rights of individuals (e.g. requiring organizational data users for providing retention policy and maximum retention period for personal data).

7. Against this background, in 2020 we look forward to firming up the details with stakeholders on how the PDPO should be amended as the top priority of our work.

(II) Enforcement of the PDPO

A. Complaints

8. In 2019, the PCPD received 9,182 complaints, of which:
- i. 4,370 cases relating to doxxing arising from divergent opinions in social incidents,
 - ii. 2,480 cases were about a police officer handling a reporter's Hong Kong Identity Card in front of the camera, and

- iii. excluding the cases of two main categories mentioned above, 2,332 complaints were received, representing a 23% increase when compared with the 1,890 complaints ¹ in 2018.

9. The reason for such an increase in the number of complaints received by the PCPD in 2019 was primarily the occurrence of several major data breach incidents encompassing a wide range of areas, including telecom services, travel and transport and social media, which were part of the daily lives of citizens. The increased awareness of the general public for personal data privacy was another obvious reason.

10. Of those 2,332 complaint cases referred to in para 8 (iii) above:
- i. 54% was made against the private sector (1,250 cases), 22% against the public sector/Government departments (522 cases) and 22% against individuals (511 cases). For the remaining 2%, the complainants did not identify the parties being complained against,
 - ii. in terms of the allegations arising from the complaints (and one complaint might give rise to more than one allegation), there were a total of 3,688 allegations of contravention - 41% relating to the use of personal data without the consent of data subjects (1,520 allegations), 20% relating to the purpose and manner of data collection (732 allegations), 12% relating to the data security (435 allegations) and 4% relating to data access/correction requests (158 allegations).

11. In 2019, the PCPD completed the processing of a total of 6,396 complaint cases, of which 4,208 cases related to doxxing. Excluding the bundle of complaint doxxing-related cases, the PCPD completed 2,188 complaint cases, which represented a year-on-year increase of 25%. Among those 2,188 completed cases, 1,036 cases were further processed by attempts to resolve disputes between the data subjects and the parties being complained against by way of conciliation as a dispute resolution alternative. Parties being complained against would be advised to take remedial actions in the course of conciliation so

¹ Including 139 cases on Cathay Pacific Airways data breach incident.

as to prevent the recurrence of similar irregularities in future. 568 cases of this nature were closed as a result.²

12. Among the private sector organisations being complained against, the financial industry recorded the highest number of complaints (377 cases), which were mainly about the use (including disclosure and transfer) and security of personal data such as disclosure and/or leakage of customers' personal data by banks; followed by the property management sector (126 cases), which were mainly about the use of personal data (including disclosure and transfer) such as posting notices with personal data by owners' corporations. The transportation sector trailed behind (85 cases), involving mainly the use of personal data (including disclosure and transfer of personal data by airlines).

Use of ICT

13. In 2019, the PCPD received 452³ ICT-related complaints, representing a decrease of 10% as compared with 501 cases in 2018. Common issues (there being more than one issue involved in a complaint) in this category included the disclosure or leakage of personal data on the internet (160 cases), the use of social networking websites (180 cases), the use of mobile apps (128 cases) and cyberbullying (69 cases).

Direct Marketing (DM)

14. In 2019, the PCPD received 163 DM-related complaints and the equivalent number was 181 cases in 2018. The complaints were mainly about the use of personal data for DM without obtaining the data subject's consent, or data users failing to observe the data subject's opt-out request. Five cases that

² For examples, the PCPD advised the parties being complained against to revise personal data-related policies and practices to prevent similar breaches in future; provide proper guidance to staff for compliance with relevant policies and practices; supply/correct personal data to comply with the complainants' data access/correction requests; reduce the fee for complying with the data access requests; delete personal data that was collected or disclosed to third parties unnecessarily; comply with opt-out requests for not receiving direct marketing messages; and follow up on privacy-related concern of the complainants.

³ Excluding 4,370 complaint cases relating to doxxing mentioned in para 8 (i) above.

had been referred to the Police for criminal investigation resulted in convictions in 2019 (please see Annex A for details).

B. Compliance

Data Breach Notifications, Compliance Checks and Compliance Investigations

15. In 2019, absent a mandatory notification requirement, 139 data breach incidents were reported to the PCPD, representing an increase of 8% as compared with 129 incidents in 2018. The data breach incidents reported to the PCPD from private organisations and non-private organisations were 54% and 46% respectively. The data breach incidents involved hacking, system misconfiguration, contravention by employees, the loss of documents or portable devices, inadvertent disclosure of personal data by email or post, etc.

16. The PCPD conducted 311 compliance checks and five compliance investigations in 2019, as compared with 289 compliance checks in 2018, representing an increase of 8%. The compliance checks conducted against private organisations and non-private organisations were 77% and 23% respectively. In 2019, the PCPD initiated five compliance investigations, representing an increase of 25% when compared with four in 2018.

17. The figures stated above do not however reflect the complexity and severity of the nature of the data breach incidents, or the large number of individuals affected, not to mention the substantive, technical and legal issues advanced in defence by the professional team. As always, we worked with the organisations and engaged them to take remedial actions to contain the damage to the affected individuals. We also put forward steps to re-establish consumers' trust with a view to reducing deflection.

Compliance Investigations completed in 2019

Intrusion into a Customer Database of Hong Kong Broadband Network Limited:

18. The Privacy Commissioner completed an investigation on the incident of Hong Kong Broadband Network Limited (HKBN)'s inactive database having been intruded. The investigation found that HKBN, after system migration, failed to take all practicable steps to delete personal data stored in the inactive database in question, and retained for an excessive period of time, personal data of former customers, contravening section 26 of the PDPO and Data Protection Principle (DPP) 2(2) of Schedule 1 to the PDPO. Moreover, HKBN failed to exercise control over the IT and security facilities for the personal data of customers and take all practicable steps to ensure that personal data held in the database was protected against unauthorised access, thus contravening DPP 4(1) of Schedule 1 to the PDPO. The Privacy Commissioner published an investigation report on 21 February 2019 and served an Enforcement Notice on HKBN to remedy and prevent any recurrence of the contravention.

Cathay Data Breach Incident:

19. The Privacy Commissioner also completed a compliance investigation on the data breach incident of unauthorised access to personal data of approximately 9.4 million passengers of Cathay Pacific. The investigation found that Cathay Pacific did not take all reasonably practicable steps to protect the affected passengers' personal data against unauthorised access in terms of vulnerability management, adoption of effective technical security measures and data governance, contravening DPP 4(1) of Schedule 1 to the PDPO. Cathay Pacific did not take all reasonably practicable steps to ensure that the Hong Kong Identity Card numbers of the affected passengers were not kept longer than was necessary for the fulfilment of the defunct verification purpose for which the data was used, contravening DPP 2(2) of Schedule 1 to the PDPO. The Privacy Commissioner published an investigation report on 6 June 2019 and served an Enforcement Notice on Cathay Pacific to remedy and prevent any recurrence of the contravention.

Registration and Electoral Office's Loss of Register of Electors Incident:

20. Another investigation related to the data breach incident of the loss of a marked final register of electors (Marked FR) used in the 2016 Legislative Council General Election by the REO. The investigation found that the REO failed to maintain proper and adequate records of inventory and retrieval systems for the multiple transfers of Marked FR and when handling the physical personal data, there were human errors due to long working hours of staff-in-charge, lack of resources and relevant experience or adequate training, etc. The Privacy Commissioner considered that the REO did not take all reasonably practicable steps to ensure that the personal data of the registered electors contained in the Marked FR was protected against its loss, and it could not locate the Marked FR after repeated searches over a period of 30 months, contravening DPP 4(1) of Schedule 1 to the PDPO. The Privacy Commissioner published an investigation report on 29 August 2019 and served an Enforcement Notice on the REO to remedy and prevent any recurrence of the contravention.

TransUnion Data Breach Incident:

21. Last investigation completed in 2019 was about a data breach incident reported by a local newspaper being able to pass through the online authentication procedures of TransUnion Limited (TransUnion) and to obtain the credit reports of a number of public figures. The Privacy Commissioner considered that the stringency of authentication procedures should be commensurate with the risks to the organisation as well as the harm to the individual. Given the volume and sensitivity of the personal data that TransUnion handled, TransUnion should have adopted stringent checks to verify the individual's identity before releasing the credit reports applied for. The investigation found that TransUnion failed to take all practicable steps in respect of its online authentication procedures to ensure that the personal data held was protected against unauthorised or accidental access or use, contravening DPP 4(1) of Schedule 1 to the PDPO. The Privacy Commissioner published an investigation report on 9 December 2019 and served an Enforcement Notice on TransUnion to remedy and prevent any recurrence of the contravention.

22. The investigation reports can be found on the official website of the PCPD.

C. Doxxing and Cyberbullying

23. From 2011 to 2018, complaint cases relating to cyberbullying in social media platforms received by the PCPD were few (a total of 173 cases in those eight years). However, since June 2019, doxxing has taken place on an unprecedented scale. The number of such complaint cases in the first month since 14 June 2019 had already exceeded the total number of complaint cases on cyberbullying in the preceding eight years. The situation was very serious as almost 5,000 doxxing cases had been recorded as of 31 December 2019.

24. The PCPD received the first doxxing and cyberbullying case on 14 June 2019. As of 31 December 2019, the PCPD received and discovered 4,758 related cases, of which 4,370 cases were lodged complaints and cases discovered, and 388 cases were general enquiries. In these doxxing cases, 16 online social platforms and discussion forums, and 2,925 web links were involved.

25. The victims of these doxxing cases came from all sorts of backgrounds and all walks of life, among whom police officers and their family members formed the single largest sector. Of the 4,370 complaints lodged and cases discovered by our online patrol, 1,580 cases (about 36% of the total cases) involved police officers and their family members. There were also 180 cases of doxxing on Government officials and public servants (accounting for about 4% of the total cases). In addition to public servants, there were members of the public (accounting for about 30% of the total cases) who were doxxed after having expressed their support for the Government or the Police.

26. On the other hand, some citizens were doxxed after making online comments different from the Government or the Police (accounting for about 10% of the total cases). Some others were doxxed apparently because of their participation in protests. Furthermore, there were websites that invited citizens to provide the identity of protestors in order to bring them to justice (accounting for about 20% of the total cases).

PCPD's Follow-up Actions

27. A special team was set up to cater for operational needs to proactively search for links with unlawful postings.

28. As at the end of 2019, the PCPD referred 1,402 cases suspected of contravening criminal doxxing under section 64 of the PDPO⁴ to the Police for criminal investigation and for consideration for prosecution.

29. As at the end of 2019, a total of eight people were reported to have been arrested by the Police on suspicion of contravening section 64 of PDPO and one was prosecuted⁵. In this prosecution case, a man was charged with “conspiracy to disclose personal data obtained without consent from data users” (under section 64 of the PDPO) and “access to computer with criminal or dishonest intent”.

30. In 2019, the PCPD wrote to the related 16 platforms 141 times, urging them to remove a total of 2,505 web links, of which 1,712 web links (68%) were removed, in which cases, 1,194 involved police officers (70%). The PCPD also wrote to remind relevant platforms or website operators that the High Court had granted an injunction order (HCA 1957/2019) to, inter alia, prohibit persons from unlawfully and wilfully disclosing personal data of police officers and/or their family members, intended or likely to intimidate or harass police officers and/or their family members. The order also restrained persons from assisting, causing, counselling, procuring, instigating, inciting, aiding, abetting or authorising others to commit any of the aforesaid acts.

31. Another injunction order (HCA 2007/2019) prohibiting persons from willfully disseminating or assisting in disseminating any material or information on any internet-based platform or medium for the purpose of promoting,

⁴ Section 64 of the PDPO provides for offences for disclosing personal data obtained without consent from data users.

⁵ As at 29 February 2020, a total of 11 persons were reported to have been arrested by the Police for alleged violation of section 64 of the PDPO and a person was prosecuted for alleged violation of such provision.

encouraging or inciting the use or threat of violence, intended or likely to cause bodily injury to any person or damage to any property unlawfully within Hong Kong was also granted. The PCPD also reminded relevant platforms or websites operators that they were obligated, whether by law or social responsibility expected of them, not to carry messages on illegal and unethical behaviour against public interest and should avoid platforms or websites from being abused as a tool or vehicle for infringing the privacy of personal data.

32. After the injunction orders had come into effect, the PCPD received and discovered cases involving suspected violations of the interim injunction orders, and consequently referred 40 relevant cases to the Department of Justice for follow-up.

33. The PCPD also requested the platforms to post warnings that netizens who engaged in doxxing and cyberbullying might commit a criminal offence under section 64 of PDPO.

34. Since one of the platforms involved in serious doxxing acts was operating overseas, the Privacy Commissioner wrote to the relevant local data protection authorities to seek assistance. Response was received, albeit not pursuable information.

35. The Privacy Commissioner also summoned before him the operator of an overseas platform by exercising the power under sections 43 and 44(1) of the PDPO to provide the registration information and IP addresses of the netizens who had uploaded the relevant doxxing postings. The platform operator failed to comply with the Privacy Commissioner's summons to provide the relevant information before him and therefore committed an offence under the PDPO.

36. The PCPD also approached the Hong Kong Computer Emergency Response Team Coordination Centre, which contacted their counterparts for follow-up actions.

Relevant Publicity

37. Meanwhile, the PCPD carried out promotion and public education through different channels in order to tackle the problem of doxxing at its roots, including but not limited to issuing related media statements⁶, giving responses to media enquiries⁷ which were uploaded onto the PCPD's website, explaining to the media or the general public⁸, holding seminars and talks on cyberbullying and doxxing, sending letters to the principals of all primary and secondary schools in Hong Kong to provide them with PCPD's promotion and educational materials, posting relevant guidance and educational information on the legislation on social media platforms such as Facebook and YouTube, relevant reports on the internet, electronic and traditional media⁹, etc.

(III) Enquiries

38. In 2019, the PCPD received a total of 21,574 enquiries, of which 2,399 cases (11%) were about one single incident of a police officer handling a reporter's Hong Kong Identity Card in front of the camera. There were 19,175 other enquiries, which represented an increase of 14% as compared with 16,875 enquiries in 2018. The primary reason for such a significant increase was the widespread privacy concerns arising from recent social incidents. For instance, there were concerns about the installation of closed-circuit television (CCTV) in the lounge of a ward in hospital. Some enquired about the disclosure of CCTV footage by a post-secondary college. Most of 19,175 enquiries related to the collection and use of personal data (e.g. Hong Kong Identity Card numbers or copies) (32%), employment (9%), and use of CCTV (6%). Internet-related enquiries increased by more than 60%, to 1,513 cases in 2019 from 923 cases in 2018. The increase was also due to social incidents during the year.

⁶ 27 media statements were issued (with the first one being issued on 14 June 2019).

⁷ 61 responses were given

⁸ 70 times

⁹ More than 900 times

(IV) Promotion, Public Education and Media

39. With the rapid development of ICT and the application of Big Data and artificial intelligence, there has been a focus shift of personal data privacy concerns. In earlier years, people were concerned about the physical collection of personal data in a narrow scope, for example photocopying of Hong Kong Identity cards by data users. Nowadays, organisations' ubiquitous collection and use of vast amount of personal data of customers have caused widespread public concerns about whether personal data is handled fairly, responsibly and transparently. The PCPD has therefore stepped up its education and promotion efforts to incentivise and assist organisations and enterprises to put in place at policy level a top-down strategy to put into practice "data ethics", which is also adopted in various other places. The PCPD organised symposiums, professional workshops, and published reader-friendly information leaflets to explain and advocate the three Data Stewardship Values of data ethics, namely "Respectful", "Beneficial" and "Fair", and how to implement them in their daily operations.

40. A large amount of personal data is collected and used by the property management sector on a day-to-day basis. In 2019, the PCPD joined hands with the Property Management Services Authority and the Hong Kong Association of Property Management Companies to organise a series of promotion and education activities in order to raise the awareness of personal data protection among property management practitioners, members of owners' corporations and the general public.

41. There is an ever-increasing trend of the financial sector making use of Fintech to enhance customers' experience and to open up new business opportunities. In 2019, the PCPD published and revised a number of publications, including guidelines for financial institutions to ensure responsible and respectful handling of customers' personal data in their new business initiatives and daily operations.

42. As connections and business exchanges between Hong Kong and the mainland are increasingly close and frequent, organisations, enterprises and individuals have an interest in knowing the regulatory framework for personal information in the mainland, particularly where new regulations and

administrative measures have been put in place over the last two years. Against this background, one of the priorities of the PCPD in 2019 was to strengthen this aspect of education. A Booklet consolidating and introducing the current relevant regulations and cases in the mainland was published to enhance the understanding of the mainland regulatory framework by enterprises, particularly those looking for business ventures in the emerging market.

43. Apart from striving to promote data ethics and compliance among enterprises, the PCPD also spared no efforts in conducting education for members the public, i.e. the data subjects, in order to raise their awareness of the importance of protection of personal data which is owned by themselves. The PCPD identified children, youth and the elderly as specific target groups and tailor-made education and promotion initiatives to suit their particular needs.

44. With the widespread use of ICT and social media, personal data privacy-related issues arise at an unprecedentedly fast pace. Considering also the doxxing activities in the midst of the social unrests since June 2019, the PCPD is statutorily-bound to swiftly and continuously explain to the public the relevant legislative requirements of the PDPO. The number of the PCPD's press releases, media responses and media interviews in 2019 reached a recent high.

45. Highlights and relevant statistics of the promotion, public education and media work of the PCPD are detailed in Annex B.

(V) The Administrative Appeals Board Cases

46. A total of 19 appeal cases were received last year, all of which were against the Privacy Commissioner's decision of terminating or not carrying out an investigation. During 2019, the Administrative Appeals Board dismissed 12 cases and handed down decisions of 14 appeal cases concerning personal data privacy. Two cases were remitted to the PCPD for further handling.

(VI) Cross-border/boundary Transfer of Personal Data

47. Section 33 of the PDPO which regulates cross-border transfer of personal data has yet to be brought into force. The PCPD issued the "Guidance on

Personal Data Protection in Cross-border Data Transfer” in December 2014 to strengthen privacy protection for cross-border personal data transfer. Further to the Government’s main findings arising from a Business Impact Assessment consultancy conducted in 2016-18, the PCPD engaged a consultant in November 2018 to provide specialist views on the implementation of section 33, which recommended the PCPD, amongst others, to revise the recommended model clauses in the “Guidance on Personal Data Protection in Cross-border Data Transfer”, in order to enhance practicability and user-friendliness of the relevant Guidance and facilitate organisational data users, including the SMEs, to directly adopt the relevant clauses in data transfer agreements according to their business needs.

48. The PCPD is engaging the consultant to review the “Guidance on Personal Data Protection in Cross-border Data Transfer”, including to update the recommended model clauses scheduled to the relevant Guidance for industries’ reference (including data transfers between “data user and data user” as well as “data user and data processor”), as well as to revise the aforesaid Guidance, including updating the recommended good practices for cross-border data transfer agreement for better protection of personal data.

(VII) Privacy Management Programme (PMP)

49. In 2014, the Government, together with 25 companies from the insurance sector, nine companies from the telecommunications sector and five organisations from other sectors, pledged to implement PMP. The Hong Kong Association of Banks also indicated that the banking industry would support the PCPD’s initiative.

50. The PCPD and an engaged consultant completed drawing up PMP Manuals in the second half of 2018 for three pilot government bureaux and departments i.e. the Constitutional and Mainland Affairs Bureau, the Hongkong Post and the Environmental Protection Department. Besides, the PCPD and the consultant came up with the “General Reference Guide – PMP Manual” in 2019, which was intended to be a template for all Government bureaux and departments to implement PMP. To assist private organisations to implement

PMP, the PCPD published the “General Reference Guide – PMP Manual (for Private Sector)” for their reference in 2019.

(VIII) Review of the PDPO

51. Although the PDPO is principle-based and technology-neutral, the PCPD reviews the effectiveness of implementation of the PDPO from time to time to keep up with the global privacy developments and to strike a balance between the ICT development and personal data privacy protection. In June 2019, the PCPD submitted to the Government a report containing the recommendation to amend the PDPO. Subsequently, views were also exchanged with the Government on how the PDPO should be amended further in the wake of doxxing which occurred in the second half of 2019. The PCPD’s recommended direction for amendments to the PDPO is generally in line with that put forward by the Administration to the Panel on Constitutional Affairs of the Legislative Council on 20 January 2020¹⁰, which can be summarised as follows-

- i. establishing a mandatory data breach notification mechanism;
- ii. strengthening the regulation on data retention;
- iii. reviewing penalties of non-compliance with the PDPO and the Privacy Commissioner’s sanctioning powers including imposing administrative fines on persons contravening the PDPO;
- iv. regulating data processors directly;
- v. amending the definition of “personal data” to cover information relating to an “identifiable” individual; and
- vi. introducing legislative amendments to specifically address the issue of doxxing, including conferring on the Privacy Commissioner statutory powers to request the removal of doxxing contents on social media platforms or websites, as well as the powers to carry out criminal investigation and prosecution under the PDPO.

¹⁰ <https://www.legco.gov.hk/yr19-20/english/panels/ca/papers/ca20200120cb2-512-3-e.pdf>;
<https://www.legco.gov.hk/yr19-20/english/panels/ca/papers/ca20200120cb2-512-4-e.pdf>

(IX) International and Mainland Connections

52. As in previous years, the Privacy Commissioner was invited and took part in different regional and international forums in 2019, sharing experiences and exchanging insights in data protection; explaining the unique attributes of Hong Kong as a regional data centre and the recent data protection development in the mainland. During the second half of 2019, the Privacy Commissioner also took the opportunity to explain to attending members from the privacy protection authorities around the world the large number of doxxing associated with the social incidents, and the follow-up actions taken by the PCPD. The Privacy Commissioner also advocated joining forces with other jurisdictions to develop bilateral or multilateral assistance mechanisms in the investigation of criminal offences of personal data privacy. That would help investigation into the use of personal data in association with violence and hate speech online, which was, as a matter of principle adopted in one of the resolutions of the International Conference on Data Protection and Privacy Commissioners (ICDPPC) in Albania in October 2019.

53. The Privacy Commissioner was also elected to serve as the co-chair of the Permanent Working Group on “Ethics and Data Protection in Artificial Intelligence” of the Global Privacy Assembly (the ICDPPC as it was formerly known). The Privacy Commissioner will discuss with various industries in Hong Kong, the Asia Pacific region and the mainland with a view to finding out how they would find the adoption of ethical standards in Artificial Intelligence applications in the context of pragmatism, realism, and collaboration.

54. In May 2019, the PCPD co-hosted the 3rd GPEN Enforcement Practitioners’ Workshop in Macao. The Workshop, with a theme of “Collaborate to Take on the New Norm of Data Breaches in the Digital Age”, attracted 60 delegates from 14 jurisdictions (including those from Australia, Canada, Germany, Israel, Japan, Morocco, New Zealand, the Philippines, Singapore, the United Kingdom, the United States, etc.), as well as experts in consumer protection, judiciary and police force.

55. In May 2019, the Privacy Commissioner and his counterpart of Singapore’s Personal Data Protection Commission furthered their work

relationship by signing a Memorandum of Understanding in Tokyo to strengthen collaboration in personal data protection in the two jurisdictions. Both parties also released a jointly-developed “*Guide to Data Protection by Design (DPbD) for ICT Systems*”, encouraging organisations to incorporate data protection considerations when developing ICT systems from the onset.

56. In 2019, the Privacy Commissioner also delivered talks in various cities and provinces in the mainland of China, including the Data Security and Personal Privacy Protection Summit 2019 organised by the Law and Development Academy of the Peking University; the Luohan Academy Conference on Privacy Protection and Data Governance in Hangzhou, China; the International Symposium on Data Governance and Emerging Technologies in Hangzhou, promoting Hong Kong as an ideal data hub and e-dispute resolution centre in the Greater Bay Area and under the Belt and Road initiatives.

(X) Comments on and Responses to Consultation

57. In 2019, the PCPD provided comments on 34 proposed legislation and administrative measures. It also responded to seven public consultation exercises, the subject of which had an impact on personal data privacy. Details are set out in the Annex C.

(XI) Strategic Focus 2020

58. In early 2020, doxing generally subsided although there were medical and healthcare professionals having been doxxed arising from situations related to COVID-19. The fight against COVID-19 has brought about implications on personal data privacy in different areas, including utilizing technology for contact tracing and for monitoring quarantine. It has brought implications on employers requesting additional health information and conducting precautionary measures on their employees, apart from bringing implications on personal data security arising from work-from-home arrangements and conducting video meetings and lessons, etc. In 2020, the PCPD is well prepared to:

- i. Continue to collaborate with the Government to work on the proposed amendments to the PDPO to address the challenges to privacy protection brought about by ICT developments, and the abuse and weaponisation of personal data;
- ii. Explore with overseas data protection authorities to develop a bilateral or multilateral assistance mechanism in the investigation of criminal offences of personal data privacy relating to violence and hate speech online; strengthen the work relationships with the mainland and overseas data protection authorities to handle cross-jurisdiction data protection issues, and explain the newly implemented rules and regulations on data protection of other jurisdictions having an impact on the local stakeholders; and
- iii. Continue to enforce the law fairly and impartially, promote the attributes of Hong Kong as a regional data centre and ensure the right balance between free flow of information and personal data privacy protection.

Office of the Privacy Commissioner for Personal Data, Hong Kong
April 2020

Annex A

**Details of Five cases referred to the Police for criminal investigation
resulting in convictions in 2019**

April 2019	An insurance agent used a data subject's personal data in DM without that data subject's consent. And when using the data subject's personal data in DM for the first time, the data user failed to inform the data subject of her right to request not to so use the data.	Fined HK\$8,000 in total (HK\$4,000 in respect of each charge)
May 2019	A bank failed to comply with the requirement from a data subject to cease to use his personal data in DM.	Fined HK\$10,000
May 2019	An auction company used a data subject's personal data in DM without that data subject's consent. And when using the data subject's personal data in DM for the first time, the data user failed to inform the data subject of her right to request not to so use the data.	Fined HK\$20,000 in total (HK\$10,000 in respect of each charge)
June 2019	A beauty product company used a data subject's personal data in DM without that data subject's consent.	Fined HK\$8,000
September 2019	A telecommunications company failed 23 times to comply with the requirement from the data subject to cease to use her personal data in DM.	The prosecution offered no evidence in 9 charges and for the remaining 14 charges, the company was fined HK\$84,000 in total (HK\$6,000 in respect of each charge)

Highlights and Figures of Promotion, Public Education and Media Work

1. Promotion of “Data Ethics”
 - Privacy Awareness Week
 - Symposium on “Data Ethics in Action”
 - Professional Workshop on Data Ethics
 - Leaflet on “Data Ethics for Small and Medium Enterprises”

2. Property Management Sector Privacy Protection Initiatives
 - Radio drama series “Privacy Clubhouse”
 - Professional Workshops and Seminars on Data Protection in Property Management Practices
 - Slogan Composition Competition

3. Publicity and Education Materials Published and Revised for Enterprises
 - “Guide to Data Protection by Design for ICT Systems”
 - Leaflet on “Fintech” and Infographic on “Tips for Using Fintech”
 - Leaflet on “Data Ethics for Small and Medium Enterprises
 - Infographic on “Data Protection by Design for Software, Systems & Websites”

- “Guidance on Data Breach Handling and the Giving of Breach Notifications” (Revised)
 - “Privacy Management Programme: A Best Practice Guide” (Revised)
4. Promotion of Understanding of Regulations for Personal Information in the mainland
- Booklet entitled “Introduction to the Regulations in the Mainland of China Concerning Personal Information and Cybersecurity Involved in Civil and Commercial Affairs”
 - China Cybersecurity Law Conference - New Legal and Regulatory Updates, Practical Implications and Challenges
5. Public Education
- 421 professional workshops, talks, seminars and meetings with stakeholders, with 34,268 participants from over 600 organisations, amounting to 69,932 total training man-hours
 - 127 in-house seminars, amounting to 18,428 total training man-hours
 - 220 presentations, seminars and talks by the Privacy Commissioner and his meetings, amounting to 37,210 total training man-hours
 - 18 promotion and education programmes, with 265,591 participants
 - 129 partner schools in the “Student Ambassador for Privacy Programme”, with over 70,000 participants
 - 18 educational talks to 1,005 senior citizens, in collaboration with elderly-serving non-government organisations
 - The Privacy Special Ambassador’s short video broadcast on eElderly (www.e123.hk)
 - Privacy protection messages the PCPD Facebook webpage

6. Media Publicity

- 55 press releases issued, record high number since the PCPD's inception in 1996
- 247 media responses, highest number since 2012
- 107 media interviews, highest number since 2009

PCPD's comments on and responses to consultations/bills in 2019

The PCPD provided comments the following proposed legislation and government administrative measures:-

- (1) Civil Engineering and Development Department : Privacy Impact Assessment Report for Toll Collection System for Tseung Kwan O – Lam Tin Tunnel (Toll Services Provider Operations – Account Management and Customer Services)
- (2) Civil Engineering and Development Department : Review Report (Draft) on User Requirements for Real-Time Traffic Management System in Tung Chung New Town Extension (East) – Design and Construction
- (3) Civil Engineering and Development Department : Privacy Impact Assessment Report – System Design – Installation of Traffic Detectors on Selected Strategic Routes
- (4) Commerce & Economic Development Bureau : Request for comment on Digital Terrestrial Television Assistance Programme
- (5) Constitutional and Mainland Affairs Bureau – Electoral Legislation (Miscellaneous Amendments) Bill 2019
- (6) Correctional Services Department : Two Privacy Impact Assessment Reports – (1) Installation of Video Analytic Monitoring System for Behaviour of Persons in Custody in Pik Uk Prison; and (2) Installation of Electric Locks Security System with Facial Recognition Features at Pik Uk Correctional Institution
- (7) Correctional Services Department : Two Privacy Impact Assessments Reports – Installation of (1) Health Signs Monitoring System; and (2) Passage Surveillance System in Lo Wu Correctional Institution

- (8) Department of Health : Installation of Dash Cam inside Government Vehicles and Use of Video Records
- (9) Department of Health : The Smart Fever Screening System Project
- (10) Education Bureau : Data privacy concerns arising from conducting a regular check of registered deaths records against database of Education Bureau
- (11) Electoral Affairs Commission : Draft Guidelines on Election
- (12) Environmental Protection Department : Proposed Sharing and Authorising Access of Surveillance Video Footages Capturing Illegal Land Filling and Dumping of Wastes to other Government Departments
- (13) Environmental Protection Department : Proposed Disclosure of Conviction Data of the Environmental Protection Department
- (14) Food and Environmental Hygiene Department : Proposed Publishing of a Register for Food Importers / Food Distributors who are exempted from registration under the Food Safety Ordinance
- (15) Food and Environmental Hygiene Department : Privacy Impact Assessment – Installation of 360 degrees cameras at Selected Coastal Areas for Monitoring Marine Refuse and Performance of Cleansing Contractor
- (16) Food and Environmental Hygiene Department : Use of Unmanned Aircraft Vehicle for Monitoring Accumulation of Marine Refuse Washed Shore at Selected Coastal Areas and Performance of Cleansing Contractor
- (17) Home Affairs Department : Building Management (Amendment) Bill 2019 – Drafting Instructions

- (18) Home Affairs Department : 建議於屯門區議會會議室內外及屯門政府合署示威區設置閉路電視
- (19) Home Affairs Department : Revised Operational Guidelines for CCTV Systems overseeing former Mong Kok Pedestrian Precinct
- (20) Hong Kong Housing Authority : Application under Subsidised Sales Flats Schemes
- (21) Lands Department : Data privacy concerns arising from Disclosure of tenant's name in public domain
- (22) Leisure and Cultural Services Department : Proposal of Real-name Registration Arrangement involving inspection and registration of data of person ID of patrons using URBTIX ticketing services
- (23) Leisure and Cultural Services Department : Use of Drowning Detection System at Public Swimming Pools
- (24) Office of the Government Chief Information Officer : Multi-functional Smart Lampposts Pilot Scheme
- (25) Office of the Government Chief Information Officer : Web-based Learning Portal (Online Shopping Course) organized by the OGCIO
- (26) Transport Department : Privacy Impact Assessment Report on Installation of Traffic Detectors on Selected Strategic Routes – Design and Construction
- (27) Transport Department : Privacy Impact Assessment Report on Study and High-level Design on In-vehicle Units System for Toll Collection
- (28) Transport Department : Privacy Impact Assessment Report – Study on Enhancement Works for the Video Pedestrian Detection System at

Link Road/ Broadwood Road and Pilot Automatic Traffic Survey System

- (29) Transport Department : Revised Draft Guidelines on Voluntary Installation of Closed Circuit Television Systems inside Taxi Compartment
- (30) Transport Department : Privacy Impact Assessment Report on Technical Study on Real-time Arrival Information for Green Minibus
- (31) Transport Department : Privacy Impact Assessment – Contracts for Procurement cum Management, Operation and Maintenance of New Generation of Parking Meter System
- (32) Transport Department : Privacy Impact Assessment – Enhancements on Transport Department’s All-in-one Mobile Application “HKeMobility”
- (33) Transport Department : Encryption of QR Code on Driving Licence
- (34) Transport Department : Privacy Impact Assessment Report regarding Implementation of Automatic Incident Detection (AID) solution

Furthermore, the PCPD responded to the following public consultations from the perspective of personal data protection:-

- (1) Insurance Authority: Public Consultation on Draft Insurance (Financial and Other Requirements for Licensed Insurance Broker Companies) Rules
- (2) Department of Justice : Consultation Paper No.2 on 2018 Draft Convention on the Recognition and Enforcement of Foreign Judgments
- (3) The Law Reform Commission of Hong Kong : Consultation Paper on Archives Law

- (4) The Law Reform Commission of Hong Kong : Consultation Paper on Access To Information
- (5) Insurance Authority: Consultation Paper on the Draft Code of Conduct for Licensed Insurance Agents
- (6) Insurance Authority: Consultation Paper on the Draft Code of Conduct for Licensed Insurance Brokers
- (7) The Law Reform Commission of Hong Kong: Consultation Paper on Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult