

Educating and Publicizing Domestic Privacy Protection The Hong Kong Experience

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Introduction

When the Office of the Privacy Commissioner for Personal Data (“the PCO”) commenced operations nearly nine years ago it was a little known and even less well-understood organization. With the passage of time we have become an organization that enjoys widespread recognition both locally and regionally. A key factor contributing to the profile we have in Hong Kong has been a pre-occupation with identifying information needs in the community and satisfying those needs with effective communications programmes. Over the years these programmes have progressively built towards a shared understanding of what is a rather vague concept - privacy - more precisely in Hong Kong, personal data privacy.

Today, we are still in the business of creating awareness although the emphasis has shifted somewhat. Our present focus is geared towards two things: enhancing the depth of understanding within our community and creating a widely accepted social value for privacy. Neither task is easy.

In terms of creating a culture in which privacy is valued the task is much longer term and involves essentially two inter-related activities: getting buy-in to the idea that privacy is a value that all members of society should respect and changing community behaviours. We seek therefore to enhance levels of awareness and encourage the community to take the business of protecting their privacy seriously.

In this paper I would like to share with you some reflections upon the way in which we have developed an understanding of privacy in the community and are, at the moment, involved in trying to create a culture that respects personal data privacy.

The Hong Kong Approach

Essentially the communications programmes developed by the PCO need to meet the information needs of two audiences: data subjects and data users. However, it would be wrong to convey the impression that both groups have homogeneous needs. While something of a uniform approach to both audiences may have been engaged in the early stage of our operations our approach to data users and data subjects has evolved over the years. The changes we have observed have necessitated segmentation, a refinement of needs and the tailoring of messages to more effectively address those needs. Our primary task has been to secure a general understanding within each target audience of respective privacy issues, rights and obligations.

I would like now to move on to a review of how our communications strategies have evolved over the years. To do this I will divide the nine years we have been in operation into two separate but related phases: the introductory and consolidation phases. I have done this because I feel that there has been a shift in emphasis in

our communications that reflects changes within the community in terms of depth of public understanding of personal data privacy.

The Introductory Phase

The introductory phase was one that could best be referred to as exploratory in nature as there was no accumulated experience to draw upon. The timeframe under discussion here is between 1996 and 2001.

We needed to be sensitive to the way in which we promoted privacy to the general public in order to avoid intimidating or alienating them. We also wanted to avoid seeing our promotion activities as a one-way street by seeking to capture the imagination of the public and getting them involved in the work of the PCO. One such illustration of arousing community interest was to run a public competition for the design of a logo for the PCO.

In relation to privacy education our strategy was to focus on imparting a limited understanding among the general public of their personal data privacy rights and to get them involved in thinking about privacy and the need to protect it. We used media campaigns on television (the theme of one was “Get to know your privacy rights”), on the radio (APIs – announcements of public interest) in the press (supplements and infomercials) as well as transport advertising (on subway trains and in stations) as primary means of creating impact and awareness. In addition, our efforts to take the message to the masses were supported by attendance at public exhibitions and road-shows characterized by a rather more entertaining approach towards educating the community using local celebrities and artistes. These activities were supplemented by information on the PCO’s website which was fully operational at the end of our first year.

Between 1998 and 2000 we began to supplement what had hitherto been something

of a “shotgun strategy” with a more refined “rifle” approach. By this I mean that we began to develop communications programmes linked to policy initiatives.

Two such initiatives involved the development of codes of practice: one relating to the Hong Kong Identity Card (“the HKID”) and other Personal Identifiers and the other dealing with Consumer Credit Data. Neither of these codes of practice make for easy reading so we commenced the education process by informing the general public of the privacy protections built into the proper use of the HKID and Consumer Credit Data by data users, rather than conveying the detailed substance of the codes. We set ourselves the basic task of creating an awareness in the community that the PCO had developed these codes of practice and informed the public how they could obtain a better understanding of them e.g. by making a call to our hotline.

In the case of data users, we were, and still are, intent on getting them to invest resources in privacy training and privacy compliant policies and procedures. However, not everyone shares our enthusiasm for such things. At the PCO we have tried to head that potential problem off by seeking to develop partnerships with economic sectors, chambers of commerce, trade and professional associations in a bid to persuade data users in all sectors that there is merit in being privacy compliant.

There have been two recurrent themes to our pitch. Firstly, that good privacy practices benefit data users in building trust and confidence between them and their customers, notably in the medium of E-business, and in building mutual trust and respect between them and their employees. Secondly, we have taken the view that good privacy policies and practices are indicative of good corporate governance and that can only be beneficial to all stakeholders.



Our early communications programmes targeting data users have been linked to two factors.

- Firstly, we have sought to convince data users in both the public and private sectors of the merits of being privacy compliant by the application of the carrot rather than the stick. Although we can resort to the latter we prefer to use reasoned and persuasive arguments to educate data users and encourage their compliance with the provisions of the Personal Data (Privacy) Ordinance that we administer.
- Secondly, to facilitate this process we published a series of fact sheets, guidance notes, booklets, a CD-ROM privacy compliance kit etc. These were designed not so much as a definitive blueprint of the measures that should be taken but more to provide an indication of the privacy issues and the consideration that should be given to them.

We have made good progress in terms of persuading government departments and larger employers of the value of a privacy-compliant organization although we are conscious of the costs incurred and the fact that, in a laissez faire economy such as ours, the tradition dictates that government should err on the side of being hands-off in its approach. Nonetheless, many government departments have committed to training related to personal data privacy and to delegating related responsibilities to a nominated individual. The same is true among larger employers in the private sector. Those who handle large quantities of personal data such as the financial services sector invariably have a Data Protection Officer/Manager.

The Data Protection Officers Club

In our operating year 1999 - 2000 we established the Data Protection Officers Club

(“the Club”). The key objectives of the Club are to provide members with a forum in which they can share experiences regarding the proper handling of personal data and to serve as a means of reaching out to data users, e.g. to introduce them to new policy initiatives taken by the PCO.

The Club meets regularly at 4-month intervals. Privacy workshops exclusive to members are also organized and certificates awarded to participants upon completion of the course. The joining fee for each member is set at HK\$300 per year which entitles the individual to all benefits plus mailing of all relevant PCO publications including the PCO’s Newsletter.

In my view, the Club has been well received among data users and is certainly strongly supported by their representatives. Membership registrations are currently in excess of 200 and turnout for a single meeting may be as high as 250 participants.

To a certain extent the Club has largely become the preserve of data protection officers employed by larger organizations. Nonetheless, we are not unsympathetic to the needs of small and medium sized enterprises (“SME”). Unfortunately, with this scale of operation there are frequently too few employees to permit the allocation of responsibility for the handling of personal data. That said, the need is as great, if not greater, than that of the large firm. This is because personal data is unlikely to be regarded as an issue that is central to SME’s business and because there is a lower understanding of the provisions of privacy law. The challenge before us is to diversify the appeal of the Club and recruit members drawn from SME.

The Consolidation Phase

I believe it is fair to say that after five years of solid work by the PCO in promoting the notion of personal data privacy, the level of awareness



in the community has increased measurably. Even though privacy may not be something that enjoys top-of-mind recall among Hong Kong citizens, personal data privacy is no longer an unfamiliar concept. While significant inroads have been made, we recognize the importance of continuing to promote a culture within the community where an individual's privacy is the social responsibility of each and every citizen. In seeking to achieve this goal the PCO believes that public education and promotion directed towards the younger generation plays a vital role in shaping the future values of society.

If we are to build a society where every member recognizes and has mutual respect for the privacy rights of others, we have to begin by instilling these values in the next generation. In support of this strategy the PCO has organized a series of promotional and educational activities geared towards exposing young people to the concept of personal data privacy rights and enhancing their interest in the subject. These activities vary in scope and scale, and I will focus upon three of them for illustrative purposes.



- **Privacy Website Design Competition.** This was a competition for secondary school students in Hong Kong that was jointly organized by the PCO and the Education Department in 2001. At that time, we witnessed a growing fascination among young people with the Internet. Because of the relative ease of obtaining and exchanging information, many Internet users were unaware of the potential dangers of providing personal data online in order to gain access to websites or when communicating with others through chat rooms etc. I think we felt that young people were a particularly vulnerable group and perhaps rather too complacent about online privacy. Under the theme of "Protecting your Privacy on the Internet", the competition was designed to raise students' awareness of personal data privacy in an online environment and inform them of the

precautions that should be taken to safeguard their rights.

- **TV Advertisement Competition.** This was a one-of-a-kind event that was jointly organized by the PCO and the Hong Kong Federation of Youth Groups. The objective of the competition was to raise the level of awareness of personal data privacy protection among young people in Hong Kong. Participants, between the ages of 12 and 34, were required to produce a one-minute TV commercial that embodied their understanding of those privacy protection issues that occurred in everyday life. Winning commercials were selected upon the basis of their creativity, visual effect, originality and ability to convey the message of privacy protection to viewers.

- **"Telling me Your Secret" Show.** This privacy show, launched in early 2004, was an infotainment programme designed by the PCO exclusively for primary school students. A youth programme celebrity was invited to host the interactive show that consisted of music, magic, puppets, drama and role-play. The aim was to assist school children in grasping the concept of privacy and introducing them to ways of protecting their personal data in everyday life. This initiative received widespread support from school principals and in excess of 15,000 children attended the series of shows.

Insofar as data users are concerned our main goal is to sustain our efforts in educating and facilitating privacy compliance. Our approach has been to consistently market the benefits of becoming a privacy compliant organization so that personal data privacy continues to be regarded as an organizational imperative rather than an organizational imposition.

As an audience, data users are a much more varied group than data subjects. Privacy related issues are often markedly different between

industries, sectors and professions. In view of this the approach that we have adopted is to address privacy issues by providing succinct guidance tailored to the needs of a specific sector, industry or profession. A more customized approach towards the formulation of these guidance tools has generally evoked a positive response from data users.

Since 2000, our strategy has been to target specific sub-sets of data users and data subjects based on the segmentation of their needs. As a result of our analysis we have adopted an issue-oriented approach aimed at enhancing depth of understanding among our target audiences. Communications programmes and messages no longer focus exclusively upon increasing general awareness. Instead, we have differentiated our messages and tailored them to the needs of selected segments of data users and data subjects.

Measuring Effectiveness and Impact

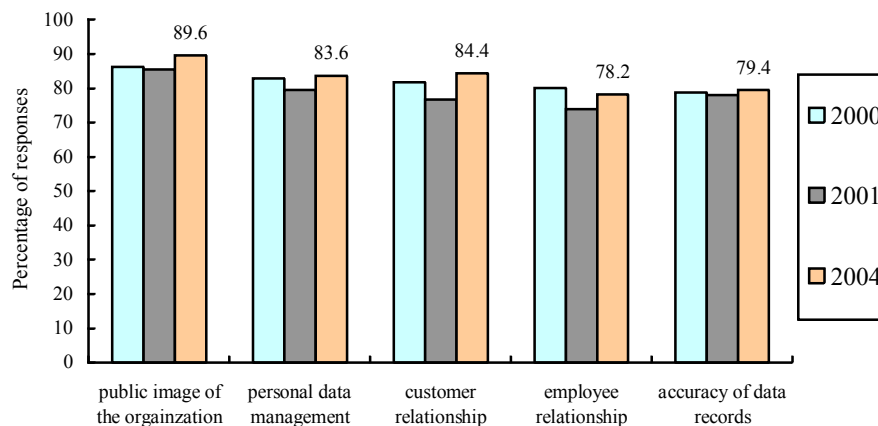
Having formulated our communications objectives, developed strategies geared to the needs of data subjects and data users and implemented numerous communications programmes it was important for us to try and measure the impact of these upon our target audiences. To gain a better understanding the PCO commissioned independent consultants to

conduct series of opinion surveys. The purposes of these surveys are twofold:

- The data subjects survey has been designed to investigate public attitudes towards, and experiences of, personal data privacy and its invasion, awareness of protections provided by the Personal Data (Privacy) Ordinance and the channels by which people learned about the PCO.
- The data users survey investigates organizations' attitudes, and measures taken, to implement policies and practices pertaining to personal data privacy and sources of assistance resorted to [including the PCO] in complying with the provisions of the Ordinance.

Over the past years, our opinion surveys have shown, on the one hand, increased awareness in the community of privacy rights and, on the other, more and more business organizations recognizing the long term benefits that are to be derived from compliance with the Ordinance.

Findings of the 2004 Data User opinion survey indicate that over 80% respondents either agreed, or strongly agreed, that compliance with the law brought, and continues to bring, long term benefits to their business in terms of public image, data management, and customer relations.



Summary

I think that the PCO's development of effective communications programmes over the years has been characterized by a number of recurrent themes.

- *Raising the Profile of the PCO.*

The idea of the PCO creating public awareness has not been something that has been uniform over the nine years of its existence. That is, creating awareness today is not a carbon copy of creating awareness at the time we first began operations. Similarly, the way we have approached the matter of awareness among data users has been different from data subjects primarily because the former are more heterogeneous and the latter more homogeneous in their composition. Nonetheless, these differences aside, a central objective has been to give personal data privacy a level of public visibility that creates awareness and stimulates interest and public debate in the subject.

- *Creating a Social Value for Privacy.*

The value people attach to privacy is spread along a continuum ranging from more or less importance to the individual. As a result we have come to realize that if we do not create social value for privacy then it will not be regarded as an important area of social policy within society. We regard ourselves as being in 'competition' with other social policy issues for the public's attention e.g. environmental protection, which had a considerable head start on personal data privacy. Only by creating social value through our communications programmes can we expect to make our mark and be recognized as something of a force to be reckoned with.

- *Building a Privacy-aware Culture.*

This is something of a longer-term objective. What we want to achieve is a culture in which there is universal respect for privacy as a human right, just as freedom of speech and other rights are respected in Hong Kong. We are concerned with changing behaviours here and that will probably take a generation to achieve. In fact we have already mounted a concerted effort to appeal to children, youngsters and teenagers and intend to redouble our efforts directed towards young people in the future.

- *Developing a Proactive Mentality towards the Protection of Personal Data Privacy.*

Our experience of privacy is that it is something that people have a tendency to take for granted and not until they lose it or feel that it has been violated do they approach the PCO, by default as it were. Our communications programmes have therefore consistently sought to make members of the community proactive around their personal data privacy as distinct from reactive. The way in which we have worked towards this end is by making the public aware of the threats to their privacy and by informing them of the defensive measures they should take in order to protect it.

The above four elements constitute the bedrock of our communications efforts. Essentially they address goals that appeared, and continue to appear, central to our need to deliver clear and consistent messages to the community in our bid to build awareness, recall, understanding and interest in what we do at the PCO.