

Symposium on “Data Protection Law Development in the Information Age”

Opening Remarks

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Under Secretary Chan, President Professor Kuo, Professor Howells, Distinguished Speakers, Ladies & Gentlemen,

It is indeed my great privilege to welcome you all to the Symposium on “Data Protection Law Development in the Information Age”, jointly organised by my office and the School of Law, City University of Hong Kong.

Special tribute must go to our distinguished speakers and guests who travelled all the way from the Mainland, Macau, Korea, Singapore, Malaysia and Germany.

This year marks the 20th anniversary of the establishment of my office - the PCPD. Over the last 20 years, we have witnessed enormous societal changes brought about by information, communication and technological developments.

For example, the arrival of personal computers has decentralised computing power from organisations to individuals; the smartphones have revolutionised how the world’s events being unfolded to the public; the Internet now connects not only individuals together but also machines, devices and sensors otherwise known as “Internet of Things”; information now flows freely and almost instantly at very little cost; our digital footprints are now being tracked by both the private and the public sectors and are almost impossible to be deleted.

I believe all of you will agree that free flow of data is instrumental not only to the scientific research and social interactions, but also to the economic development generally in every economy.

Whilst the rapidly changing information landscape creates more business opportunities, it also increases risk throughout the data lifecycle. Somehow the data can be exposed to the risk of being unlawfully or unfairly collected, retained, processed and used. More so where the risk relates to our own personal data over which we should remain in control.

As in other jurisdictions, we in Hong Kong have put in place a law that aims to protect this fundamental right of personal data privacy.

Like other regulators in the world, my office’s mission is to seek to strike the right balance between the free flow of data and the protection of data privacy.

As data privacy is becoming more interdisciplinary and cross-functional, coupled with the fact that free flow of data is, by design, border or boundary free, new challenges would only be expected.

A key challenge arising from the rapidly evolving global privacy landscape is how to adapt the law and practices to address the collection, use and transfer of data where it does not merely involve the exchange of goods and services, but also data flow relating to commerce,

finance, games, cyber bullying, public order and even crimes as we enter the age of artificial intelligence.

- Should the law be founded simply on a set of basic principles or a prescriptive list of permitted and prohibited activities?
- To what extent could individuals and organisations be steered to comply with the statutory requirements?
- Are there any quick fixes in the international or interregional arena addressing the growing threats to cyber security?
- In what ways could regulators ensure that actions taken are technologically neutral, functionally based, consistent with international standards and norms, and in the best interests of all stakeholders?
- Should data be localised?
- Should it be unlocked?
- Is de-identification or anonymisation of personal data an alternative to data destruction amongst the risk of re-identification, misuse and leakage especially in the era of big data and Internet of Things?
- Is naming and shaming a cost-effective way to enforce protection?
- When and how should individuals learn to be vigilant about leaving their digital footprints?
- How could organisations win the trust and reputation by way of transparency and respecting individuals' personal data?
- In line with the ICT and economic development as well as judicial decisions across the globe, many jurisdictions are reviewing their existing legislation and regulatory mechanisms, some have new ones on the drawing board, do we in Hong Kong need change? If so what should they be?

I have just outlined some of the issues recently raised or re-visited in relation to data protection.

20 years ago when we in Hong Kong had the law and regulatory mechanism in force, we did not have any other counterparts in this region.

Today, we have quite a few, and some of them are represented here in this Symposium.

It is our great privilege today to have with us a pool of experts in this special area of data protection law, from whom we have the benefit of picking their wisdom and experience, including:

- Members of our two advisory committees, Professor John Bacon-Shone of the University of Hong Kong; Professor Y B Yeung of Hong Kong Baptist University; and Mr Mark Parsons of a leading law firm Hogan Lovells;
- Dr Fong Man-chong, Coordinator of the Office for Personal Data Protection, Macau;
- Dr Professor Peter Rott of Universitat Kassel of Germany;
- Ms Jillian Chia of the law firm Skrine of Malaysia;
- Professor Nohyoung Park of the Korea University;
- Mr Zechariah Chan of the law firm Lee & Lee of Singapore;
- Professor Xia Zhenglin of the South China University of Technology;

- Professor Fan Jinxue of Shanghai Jiaotong University;
- Professor Zhu Xinli of Zhejiang University;
- Professor Zhao Bingzhi of Beijing Normal University; and
- Professor Yao Hui of Renmin University of China.

This Symposium is intended to be the focal point highlighting the 20th anniversary of the set-up of my office and I would not be able to have secured your gracing this event without the invaluable contribution from the School of Law, City University of Hong Kong.

In particular, I would like to thank Professor Way Kuo, the President and University Distinguished Professor of the City University of Hong Kong; Professor Geraint Howells, the Dean of the School of Law; Dr Chen Lei, the Associate Dean and Professor Guobin Zhu.

Special thanks must also go to the Constitutional and Mainland Affairs of the Government of Hong Kong Special Administrative Region for their continuing support, and especially to Mr Ronald Chan, the Under Secretary for Constitutional and Mainland Affairs Bureau who has kindly agreed to be our officiating guest of honour today.

Ladies and Gentlemen, I am sure you will find the presentations to be made by the honourable guests and experts in the rest of the day most insightful and inspirational, and the discussions most fruitful. For those who have come from overseas, I wish them a very enjoyable stay in Hong Kong.

Thank you very much.

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