

# 53<sup>rd</sup> Asia Pacific Privacy Authorities Forum Agenda #9 - Biometrics and Data Protection

## Good practice in using biometric technology

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# Street cameras in Mong Kok former pedestrianised zone

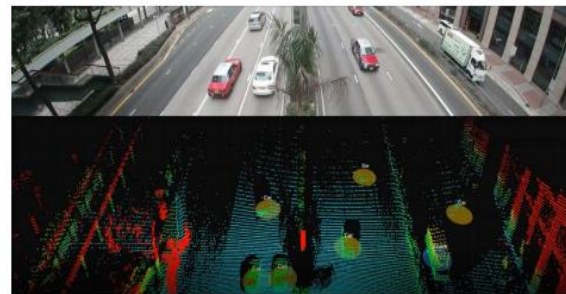
- Originally for combating throwing of abrasive liquids from height
- Planning upgrade to 4K cameras, raising concern about surveillance



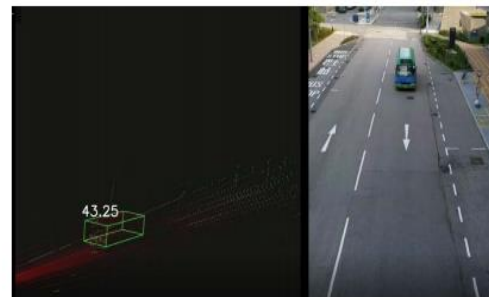
# Smart lamppost in Hong Kong



Original design of panorama camera replaced by thermal detectors and Lidar (Light Imaging Detection and Ranging) in response to public concern about surveillance



*Classification of vehicle types by LiDAR (lower) with actual environment (upper)*

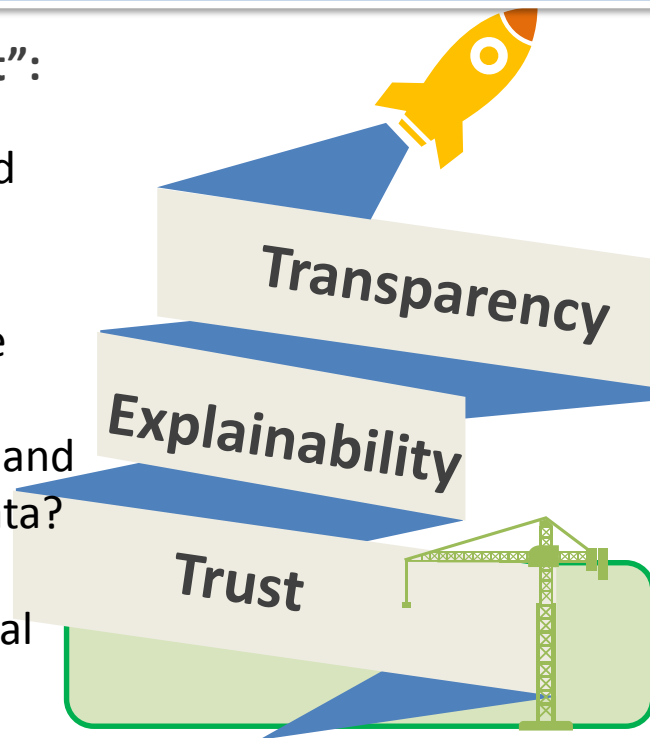


*Detection of vehicular speed by LiDAR (left) and actual environment (right)*

# Transparency, explainability and trust

## Transparency is about “What”:

- What are the objective and *modus operandi* of the technology?
- What personal data will be collected?
- What are the possible use and transfer of the personal data?
- What safeguards will be adopted to protect personal data privacy?



## Explainability is about “why”:

- Why is it necessary to use this technology in order to achieve the stated purpose?
- Why is it necessary to collect these kinds of personal data, and in this level of precision in order to achieve the stated purpose?

# PCPD's "Guidance on Collection and Use of Biometric Data"



## Guidance Note

### Guidance on Collection and Use of Biometric Data

#### INTRODUCTION

This guidance note is intended to assist data users<sup>1</sup> who wish to collect biometric data, to comply with the Personal Data (Privacy) Ordinance (the "Ordinance"). This should be read **BEFORE** data users decide on whether or not biometric data is to be collected, and if collected, be regularly referred to.

Biometric data includes the physiological data<sup>2</sup> with which individuals are born with and behavioural data<sup>3</sup> which is characteristics developed by an individual after birth. Biometric data is therefore data directly related to an individual. While it may not be reasonably practicable for a lay person to ascertain the identity of an individual by merely looking at the individual's fingerprint images or their numeric representations<sup>4</sup>, when the biometric data is linked with personal data in another database, a particular individual (also called "data subject" under the Ordinance) can be identified. For the purpose of this guidance note and for the reasons above, biometric data is therefore considered to be personal data under the Ordinance<sup>5</sup>. As such, all those who collect and/or use biometric data are data users under the Ordinance.

This guidance note addresses the following topics:

1. Need for caution to handle sensitive biometric data
2. Justifications for collecting and using biometric data
3. Risk minimisation techniques in biometric data collection
4. The need for a privacy impact assessment
5. Free and informed choice to allow collection of one's biometric data
6. Privacy requirements for dealing with the biometric data collected



<sup>1</sup> Defined under the Personal Data (Privacy) Ordinance as a person who, either alone or jointly with others, controls the collection, holding, processing or use of personal data.  
<sup>2</sup> For example, DNA samples, fingerprints, palm veins, hand geometry, iris, retina pattern, etc.  
<sup>3</sup> For example, handwriting patterns, typing rhythm, gait and voice patterns. The link between an individual and their characteristics may be severed or substantially weakened.  
<sup>4</sup> Numeric representations may refer to information describing types and locations of a ridge, depression, margin, and so on relative to each other.  
<sup>5</sup> Under the Ordinance, personal data means any data, or information directly or indirectly relating to an individual, which is reasonably practicable for the identity of the individual to be directly or indirectly ascertained or processed if the data is reasonably practicable.

Guidance on Collection and Use of Biometric Data

- No "sensitive personal data" under PDPO
- DPP 4: Data users shall **take all practicable steps to safeguard** personal data, having particular regard to the **kind of data** and the **harm** that could result



The higher sensitivity of data, the higher data protection standard.

# Good practices in collection and use of biometric data

- ✓ Collect only for a lawful purpose
- ✓ Collect necessary, proportionate and not excessive amount
- ✓ Keep the biometric templates, rather than the original samples
- ✓ Avoid storing biometric templates in a central database
- ✓ Take all practicable steps to ensure data accuracy
- ✓ Establish strong controls (access, use and transfer)
- ✓ Regularly and frequently purge biometric data
- ✓ Obtain express and voluntary consent for new purpose



# Conduct Privacy Impact Assessment

Need for a **Privacy Impact Assessment**



**Justifications  
for Collecting  
and Using  
Biometric Data**



# The PIA should consider

Purpose for the collection of biometric data

Efficacy of using biometric data

Less privacy-intrusive alternatives

Minimisation of biometric data

Vulnerability of the data subjects, children

Free and informed choices by data subjects

8



# Contact Us



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