

Electronics and Telecommunications Training Board Seminar
Vocational Training Council
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Smartphone Privacy from a Regulator's Perspective


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保障、尊重個人資料
Protect, Respect Personal Data

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Nowadays, leaving a digital footprint is inevitable



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Number of Active SIM Cards and Smartphones in Use

- 7 millions population
- 14.9 millions active SIM cards in use
- 5 millions smartphones in use

Month	Public Mobile Customers				
	Post-paid SIM	Pre-paid SIM	Total ¹	Activated Pre-paid SIM ²	2.5G + 3G + 4G Customers ^{3,4}
11/2015	7,965,302	8,619,576	16,584,878	6,241,233	14,187,136
10/2015	7,956,171	8,585,959	16,542,130	6,258,780	14,115,459
9/2015	7,940,477	8,689,966	16,630,443	6,180,365	14,223,157
8/2015	7,927,852	8,792,736	16,720,588	6,157,613	14,270,075 ⁸
7/2015	7,893,835	8,801,842	16,695,677	6,198,946	14,183,881 ⁸
6/2015	7,875,469	8,824,485	16,699,954	6,200,411	14,027,892 ⁸
5/2015	7,863,759	8,729,561	16,593,320	6,209,401	12,875,708 ⁸
4/2015	7,856,429	9,009,456	16,865,885	6,365,807	13,069,462 ⁸
3/2015	7,854,627	9,104,828 ⁸	16,959,455 ⁸	6,459,188 ⁸	13,166,436 ⁸
2/2015	7,841,065	9,413,754 ⁸	17,254,819 ⁸	6,648,817 ⁸	13,449,428 ⁸
1/2015	7,856,955	9,601,768 ⁸	17,458,723 ⁸	6,883,017 ⁸	13,598,092 ⁸
12/2014	7,851,393	9,520,606	17,371,999	6,996,924	12,765,744 ⁸



Low Privacy Awareness by the Public

- the public was not sensitised to the privacy issues in the use of smartphones and apps



Media Statements

Date: 21 November 2012

A Survey Revealed Low Privacy Awareness among Smartphone Users Privacy Commissioner Advises Smartphone Users to Get Smarter about Privacy

1. The Privacy Commissioner for Personal Data (“the Commissioner”) Mr. Allan Chiang released today (21 November 2012) the findings of a survey¹ on the privacy awareness among smartphone users in Hong Kong.

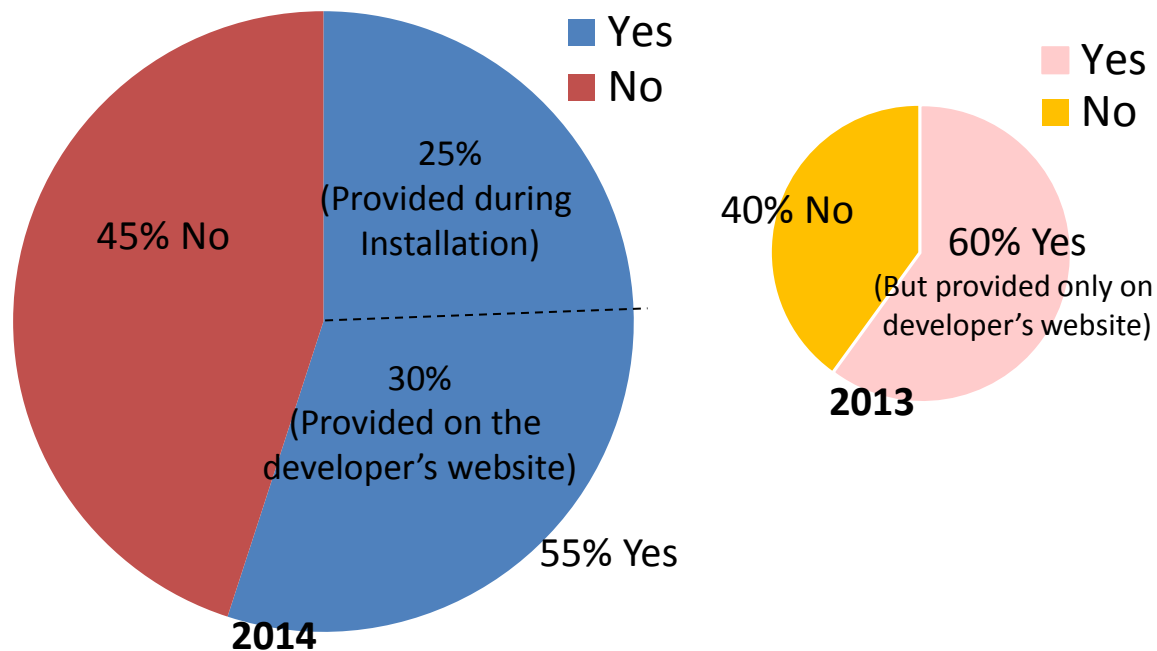
- Over 90% of users have installed apps but only 27% of them read and consider the apps privacy policy before installing the apps;
- 57% of apps users do not know what personal data on their phones are accessed by the apps installed;
- 51% of social apps users do not know that their contacts and social relationship data would be uploaded to a central server;
- Only 53% of users take steps to protect their phones and personal data by means such as screen lock and anti-virus software.



Sweep Exercise Revealed Low Awareness by Developers

Number of apps provide privacy policy statement

- nearly half of Hong Kong apps surveyed in 2013 and 2014 did not provide privacy policy



Transparency of HK Apps Inadequate

- 72% did not explain whether, what and why data is accessed (compared to 59% worldwide)
- 85% suspected to over-collect personal data (compared to 31% worldwide)



Media Statements

Date: 15 December 2014

Privacy Commissioner Finds Transparency of Privacy Policies Wanting in Local Mobile Applications

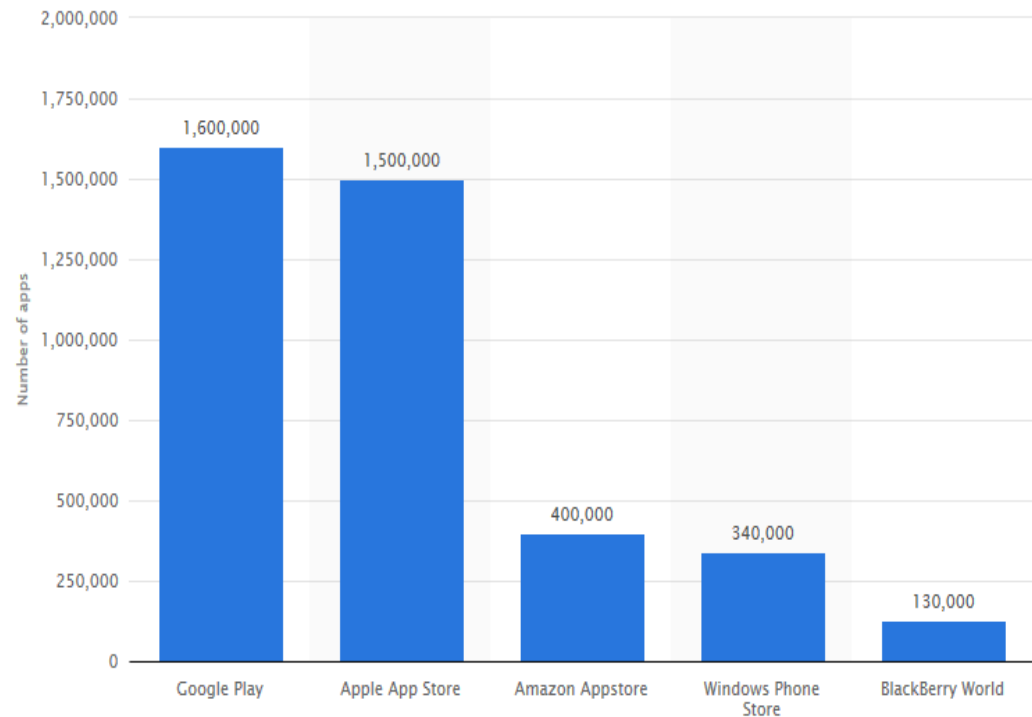
(15 December 2014) The Office of the Privacy Commissioner for Personal Data ("PCPD") conducted a survey¹ of 60 popular mobile applications ("apps") developed by Hong Kong entities and found that their transparency in terms of privacy policy was clearly inadequate and there was no noticeable improvement compared with the results of a similar survey conducted in 2013.

	2014 Survey (Hong Kong)(total = 60 apps)	2014 Sweep (Global)(total = 1,211)
Unclear or missing information as regards whether data would be accessed, and if yes, what data and why	43 (72%)	715 (59%)
Permission of data access being sought went beyond user's expectation based on app's functionality ⁵	51 (85%)(total = 60 apps)	281 (31%)(total = 908)



Number of Apps Available in Marketplaces

- number of apps in marketplaces are escalating
- impact can be large even when a small proportion of them have privacy issues



Enforcement Actions Taken on Apps

- enforcement actions were taken in 2014 on two apps due to excessive collection of personal data and security flaw

Media Statements

Date: 15 December 2014



Excessive Collection of Personal Data through Mobile Application by Worldwide Package Travel Service Operating with No Privacy Policy

(15 December 2014) The Office of the Privacy Commissioner for Personal Data ("PCPD")

published an investigation report today concerning the excessive collection of personal data by Worldwide Package Travel Service ("Worldwide") through a mobile application ("app") they enrolled their customers to use. In response to enquiries about the app, Worldwide Package Travel Service developed a privacy policy for the app.

Media Statements

Date: 15 December 2014



Personal Data Leaked through Inadvertent Use of Mobile Application "TravelBud" by HKA Holidays

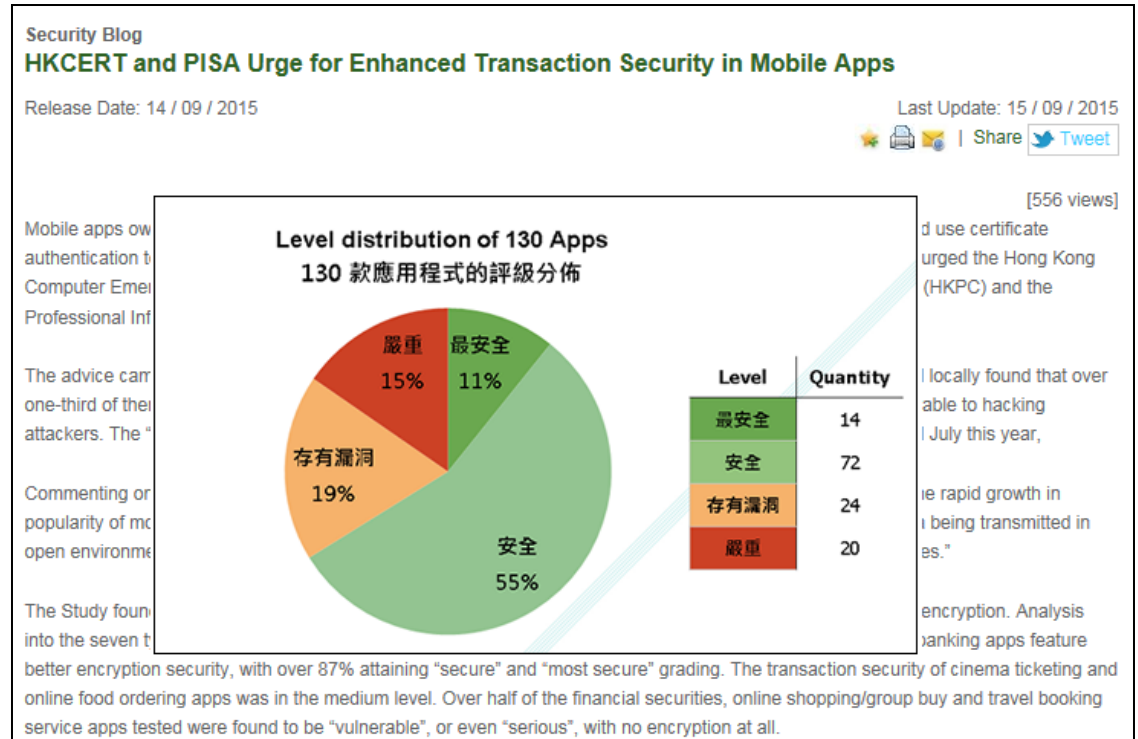
(15 December 2014) The Office of the Privacy Commissioner for Personal Data ("PCPD") published an investigation report today concerning the leakage of personal data of the customers of an airline services company, HKA Holidays Limited ("HKA Holidays") through "TravelBud", a mobile application ("app") running on iOS platform. This stems from the failure of the app maintenance contractor, BBDTEK Company ("BBDTek"), in responding to the new privacy protection feature of iOS7 which blocked the reading by apps of MAC address¹ as a device identifier. HKA Holidays as the data user has contravened Data Protection Principle ("DPP") 4(1) in Schedule 1 to the Personal Data (Privacy) Ordinance (the "Ordinance").

2. The two cases were referred to the Personal Data (Privacy) Ordinance.



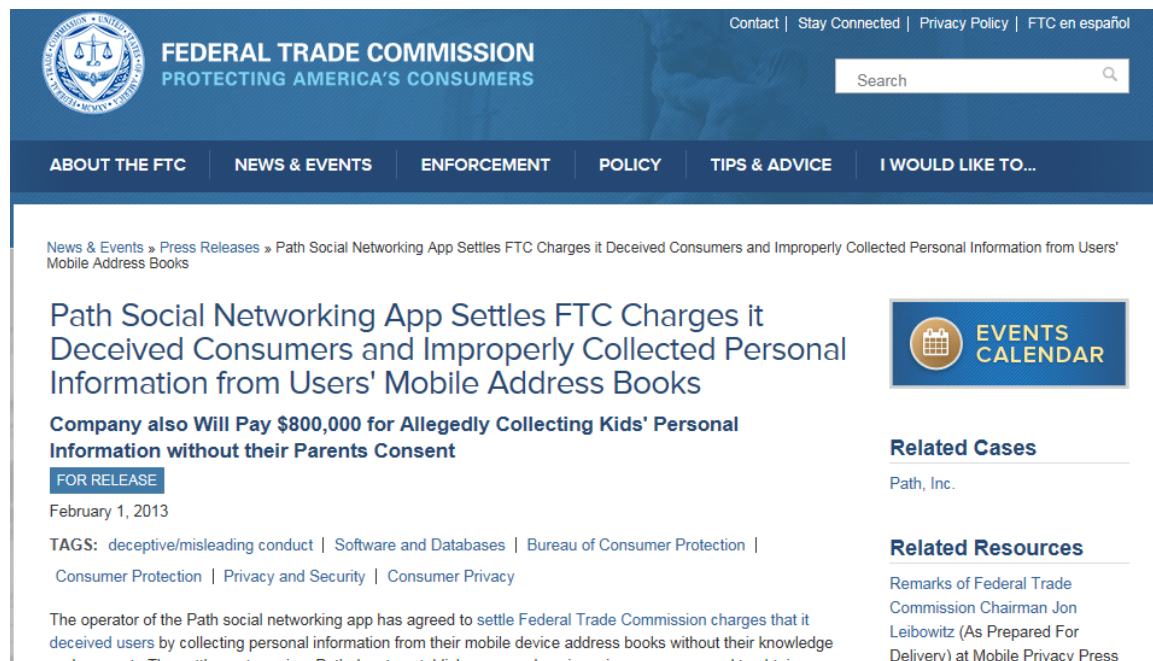
HK Apps were Found to Have Inadequate Encryption

- one-third of apps were found to have encryption flaw – either not done or easily crackable



FTC Fined 'Path' for Deception

- the app PATH was fined by FTC for failing to inform customers about data collection



The screenshot shows the Federal Trade Commission (FTC) website. At the top, there is a navigation bar with links for 'Contact', 'Stay Connected', 'Privacy Policy', and 'FTC en español'. Below this is a search bar. The main navigation menu includes 'ABOUT THE FTC', 'NEWS & EVENTS', 'ENFORCEMENT', 'POLICY', 'TIPS & ADVICE', and 'I WOULD LIKE TO...'. The main content area features a breadcrumb trail: 'News & Events » Press Releases » Path Social Networking App Settles FTC Charges it Deceived Consumers and Improperly Collected Personal Information from Users' Mobile Address Books'. The headline reads: 'Path Social Networking App Settles FTC Charges it Deceived Consumers and Improperly Collected Personal Information from Users' Mobile Address Books'. Below the headline, it states: 'Company also Will Pay \$800,000 for Allegedly Collecting Kids' Personal Information without their Parents Consent'. There is a 'FOR RELEASE' tag and the date 'February 1, 2013'. The 'TAGS' section includes 'deceptive/misleading conduct', 'Software and Databases', 'Bureau of Consumer Protection', 'Consumer Protection', 'Privacy and Security', and 'Consumer Privacy'. The main text begins: 'The operator of the Path social networking app has agreed to settle Federal Trade Commission charges that it deceived users by collecting personal information from their mobile device address books without their knowledge and consent. The settlement requires Path, Inc. to establish a comprehensive privacy program and to obtain...'. On the right side, there is an 'EVENTS CALENDAR' button and sections for 'Related Cases' (listing 'Path, Inc.') and 'Related Resources' (listing 'Remarks of Federal Trade Commission Chairman Jon Leibowitz (As Prepared For Delivery) at Mobile Privacy Press').



Best Practice Guide for Mobile App Development

- a joint effect with the industry to publish practice guide on privacy-friendly app development

何時閱覽 WHEN TO READ

你應在開始計劃開發程式時便閱覽本指引。對企業來說，在開始階段便融入保障私隱的概念，相比日後為符規才作出這方面的調整，前者的花費會較少，而其對程式功能的影響也較為輕微。
You should read it before you start planning your app development project. Building in privacy protection at the outset will be less costly for the business and will have less impact on your app functions compared with adjustment for compliance at a late stage of the project.

如何使用本指引 HOW TO USE THIS GUIDE

為方便參閱，本指引由幾部分組成，每一部分均可獨立閱覽。有關本指引的使用，可參考右面的流程表的建議：
This guide comprises a number of parts which may be read independently. The flow chart on the right suggests how this guide may be used.

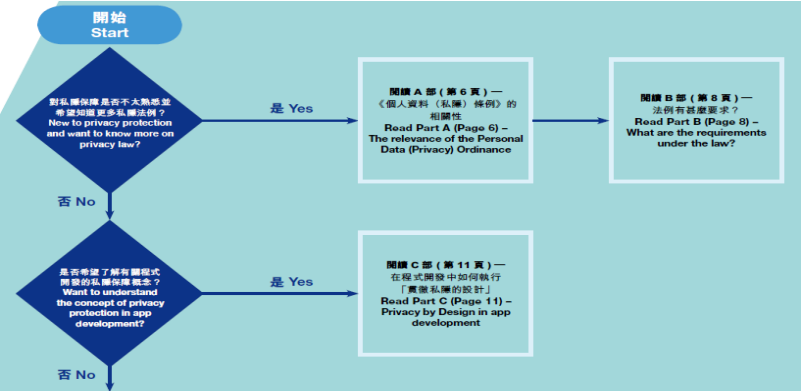


表 2 — 檢查表
TABLE 2 – Checklist

問題 Questions	資料類別 Types of Data										操作 Operations		
	私隱獨特識別號碼 Unique device identifier	位置 Locations	流動電話號碼 Mobile phone number	聯絡人 / 地址簿 Contacts / Address book	行事曆 / 備忘 Calendar / reminder	聲像的剪片 / 影片或錄音 Photos / videos / recordings	SMS/MMS/電郵或 MMS/Email messages	通訊記錄 Call logs	瀏覽器歷史 Browsers history	程式名稱 / 帳戶名稱 App names/ account names	使用聲控或相機 Use microphone/ camera	搜尋 / 登入 Search / log in	廣告或數據 Advertisements / other info
1. 是否絕對需要獲取 / 收集 / 使用資料以作程式的操作? 見 E1 Is the access/collection/use of the data absolutely necessary for the app's operation? See E1													
2. 會否從流動裝置上載 / 傳輸資料 (或衍生資料)? 見 E2 Will the data (or derived data) be uploaded/transmitted from the mobile device? See E2													
3. 會否儲存或保留從流動裝置的資料 (或衍生資料) 在別處? 見 E3 Will the data (or derived data) be stored or kept elsewhere from the mobile device? See E3													
4. 會否將資料 (或衍生資料) 與從別處取得的其它個人資料結合 / 串接? 見 E4 Will the data (or derived data) be combined/completed with other data of the individual obtained elsewhere? See E4													
5. 會否在你的營運內分享 (例如跨程式整合) 或與其他人士 / 機構分享資料 (或衍生資料)? 見 E5 Will the data (or derived data) be shared within your business (e.g. for cross-app integrations or with other parties? See E5													
6. 會否將資料 (或衍生資料) 用作建立個人的資料檔案? 見 E6 Will the data (or derived data) be used for profiling of individual? See E6													
7. 會否將資料 (或衍生資料) 用於直接行銷? 見 E7 Will the data (or derived data) be used for direct marketing? See E7													
8. 是否已根據適用的資料類別的《收集個人資料聲明》及 / 或《私隱政策聲明》? 見 E8 Has a Personal Information Collection Statement and/or Privacy Policy Statement been prepared to cover all data types involved? See E8													
9. 你是否已考慮程式用戶在私隱上的期望? 見 E9 Have you taken into account app users' privacy expectations? See E9													
10. 你的程式有否使用第三方工具 (軟件庫、廣告網絡等) (或你並非該工具提供者)? 見 E10 Do you use third-party tools (software library, ad networks etc) in your app (or are you the provider of these tools)? See E10													

開發流動應用程式最佳行事方式指引
Best Practice Guide for Mobile App Dev

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Penalty for Contravention

- contravention of enforcement notice is a criminal offence punishable by a fine of up to HK\$50,000 and imprisonment for up to two years



Privacy as a Competitive Advantage

- privacy and personal data protection can be an asset and a business edge



спасибо
 danke 謝謝
 ngiyabonga
 teşekkür ederim
 tapadh leat
 dank je
 gracias
 mochchakkeram
 bedankt
 hvala
 maururu
 thank you
 go raibh maith agat
 dziekuje
 sagolun
 sukriya
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 ευχαριστώ
 merci

