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香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong



Office of the Privacy Commissioner, Australia



APEC ECSG Data Privacy Subgroup



Asia Pacific Privacy Authorities



Office of the Privacy Commissioner, New Zealand



International Conference of Privacy and Data Protection Authorities

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BY AIR MAIL
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海外聯繫 Overseas Liaison

亞太區經濟合作組織電子商貿督導小組 資料私隱分組

2009年，亞太區在私隱執法的跨境合作上寫下新的一頁。2009年11月，亞太區經濟合作組織各部長在新加坡核准亞太區經濟合作組織跨境私隱執法的合作安排(下稱「合作安排」)。這是資料私隱分組各成員經過無數討論所得出的重要成果，期間私隱專員亦積極參與有關工作。

合作安排的目標是：

- 促進亞太區經濟合作組織內私隱執法機構的資訊分享；
- 設立機制，促進私隱執法機構在執行私隱法例上的有效跨境合作，包括轉介各項事宜及同時或聯合進行調查或執法行動；
- 促進私隱執法機構在執行《跨境私隱規則》的合作；及
- 鼓勵與亞太區經濟合作組織以外的私隱執法機構在資訊分享及私隱調查與執法方面的合作。

合作安排為私隱執法機構在跨境私隱執法方面建立實際的多邊合作機制。

資料私隱分組的另一項貢獻是於2010年2月在日本廣島舉行的會議上核准兩個路向項目，分別是機構自我評估準則及私營機構責任代理認可準則。分組會在2010年繼續其他路向項目的工作。

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The year 2009 marks a new page in cross-border cooperation on privacy enforcement in the Asia Pacific Region. In November 2009, the APEC Ministers endorsed the APEC Cooperation Arrangement for Cross-Border Privacy Enforcement (“Cooperation Arrangement”) in Singapore. This is an important deliverable of the Data Privacy Subgroup resulting from endless discussions by members including the Commissioner being an active participant throughout the development of this document.

The goals of the Cooperation Arrangement are to:

- facilitate information sharing among privacy enforcement authorities in APEC economies;
- establish mechanisms to promote effective cross-border cooperation among privacy enforcement authorities on the enforcement of privacy law, including referrals of matters and parallel or joint investigations or enforcement actions;
- facilitate cooperation amongst privacy enforcement authorities in enforcement of Cross-Border Privacy Rules; and
- encourage information sharing and cooperation on privacy investigation and enforcement with privacy enforcement authorities outside APEC.

The Cooperation Arrangement creates a practical multilateral cooperation mechanism for privacy enforcement authorities in cross-border privacy enforcement.

Another achievement of the Subgroup was the endorsement of two Pathfinder Projects at the meeting held at Hiroshima, Japan in February 2010. The two projects are Self-Assessment Criteria for Organizations and Private Sector Accountability Agent Recognition Criteria. The Subgroup will continue to work on the other Pathfinder Projects in 2010.

第三十一屆國際資料保障及私隱專員研討會

The 31st International Conference of Data Protection and Privacy Commissioners



私隱專員吳斌先生出席第三十一屆「國際資料保障及私隱專員研討會」。期間，私隱專員主持了其中一個題為「Companies, privacy and international data flows」的小組討論。

Mr. Roderick Woo, the Commissioner attended the 31st International Conference of Data Protection and Privacy Commissioners. Mr. Woo also chaired a panel discussion titled "Companies, privacy and international data flows".

私隱專員在2009年11月4日至11月6日出席了第三十一屆「國際資料保障及私隱專員研討會」(下稱「該研討會」)，與來自世界各地的資料保障及私隱專員商議各國共同關注的保障資料議題。

該研討會在西班牙馬德里舉行，主題是「私隱：今日就是明天」(Privacy: Today is Tomorrow)，探討科技發展對個人資料私隱所帶來的影響、私隱與企業管治、保障兒童私隱等議題。此外，專員在11月4日主持了研討會其中一個小組討論(題目：“Companies, privacy and international data flows”)。

The Commissioner attended the 31st International Conference of Data Protection and Privacy Commissioners (“the Conference”) from 4 to 6 November 2009 to discuss data protection issues with privacy authorities from around the world.

The Conference was held in Madrid, Spain under the theme “Privacy: Today is Tomorrow”. Issues such as the impact of technological development on personal data privacy, privacy and corporate governance and the protection of children’s privacy were discussed. Also on the agenda was a panel discussion titled “Companies, Privacy and International Data Flows” that was chaired by the Commissioner.

該研討會是唯一的國際論壇，讓資料保障及私隱專員每年會面及討論共同關注的保障資料議題。參與者包括來自世界各地數以百位私隱專員、學者、私隱專才、倡議者、政府官員及資訊科技專家。

該研討會設有兩個常務委員會：(i)資格審查委員會(由三位地區代表的成員組成)，及(ii)督導小組(由十二位地區代表成員組成)。專員代表香港為兩者成員。

香港自2007年獲委任為資格審查委員會的三個成員之一，負責處理會籍申請及向研討會作出建議。在2009年的會議上，香港再度獲委任上述審查委員會的成員之一(其餘兩者為西班牙及愛爾蘭)，任期兩年。這足以證明香港作為亞太區的其一私隱保障區，在保障個人資料私隱範疇成績卓越，獲其他國際資料保障及私隱專員的支持與認同。

第三十一屆亞太區私隱機構論壇

公署在2009年6月11和12日主辦第三十一屆「亞太區私隱機構論壇」。出席成員包括澳洲(包括維多利亞省)、加拿大、新西蘭及南韓的私隱專員及代表。澳門及葡萄牙的私隱機構亦有派員出席。

「亞太區私隱機構」的主要工作目標，是促進亞太區私隱機構的知識及資源分享、加強保障私隱及資料方面的合作、推廣私隱機構之間的最佳行事方式、以及繼續努力達成各成員國在私隱法例所訂定的重要目標。每年會舉行兩次會議。

The Conference is the only international forum for data protection and privacy commissioners to meet annually and discuss data protection issues of mutual concern. Delegates include hundreds of privacy commissioners, academics, privacy professionals, advocates, government officials and IT specialists from around the world.

The Conference has two standing committees: (i) the Credential Committee (three members) and (ii) the Steering Committee (12 members). The Commissioner represents Hong Kong as a member of both committees.

Since 2007, Hong Kong has been a member of the Credential Committee, which is responsible for dealing with membership applications and giving recommendations to the Conference. In 2009, Hong Kong was re-elected as a member of the Credential Committee (the other two members are Spain and Ireland) for a term of two years. This represents a solid vote of confidence by international data protection and privacy commissioners in Hong Kong's credentials as a leading jurisdiction for the protection of personal data privacy in the Asia-Pacific region.

The 31st Asia Pacific Privacy Authorities Forum

The PCPD hosted the 31st Asia Pacific Privacy Authorities (APPA) Forum in Hong Kong from 11 to 12 June 2009. Privacy commissioners and representatives of the privacy and data protection agencies of Australia (including Victoria), Canada, New Zealand and South Korea attended the event, while representatives of the National Commission for Data Protection in Portugal and the Office for Personal Data Protection in Macao were also present at the Forum as observers.

The main objective of APPA, which convenes twice a year, is to facilitate the sharing of knowledge and resources among privacy authorities in the Asia-Pacific region. It aims to foster cooperation in privacy and data protection, promote best practice among privacy authorities and improve their performance in enforcing their respective privacy laws.



「亞太區私隱機構」各成員出席由公署舉辦的第三十一屆「亞太區私隱機構」論壇。坐於前排各人為私隱專員：(左起) Marie Shroff 女士(新西蘭)、Karen Curtis 女士(澳洲)、吳斌先生(香港)、Jennifer Stoddart 女士(加拿大)、及 Helen Versey 女士(澳洲維多利亞省)。
 APPA members attended the 31st APPA Forum hosted by the PCPD. Those seated are privacy commissioners. They are, from left to right, Ms. Marie Shroff (New Zealand); Ms. Karen Curtis, (Australia); Mr. Roderick Woo (Hong Kong); Ms. Jennifer Stoddart (Canada) and Ms. Helen Versey (Victoria, Australia).

在首日(6月11日)的閉門會議中，各與會機構報告其工作成果及發展，包括處理投訴方法及監察僱員工作活動。新西蘭匯報一項與公營機構使用可攜式儲存裝置的意見調查，各成員對如何處理由新科技帶來的問題進行討論。公署帶出與私營機構的持份者建立緊密關係，以推廣私隱循規審計的重要性，各成員決議分享策略，以提高區內的私隱保障及循規程度。

在第二天(6月12日)的上午，邀請了律政司和政制及內地事務局的代表出席。各成員討論了管轄報告、「資料違規通知」的最新發展、香港的私隱法例改革、亞太經合組織保障私隱機制的最新情況，以及透過經濟合作及發展組織進行的相關活動。

The first day (11 June) of the Forum was a closed session whereby members reported on their achievements and developments, including complaint-handling practices and employee monitoring in the workplace. A highlight of the day's discussions related to the strategies for dealing with challenges posed by new technology, with the Commissioner of New Zealand reporting on a survey about the use of portable storage devices in the public sector. Members resolved to share strategies for enhancing privacy protection and compliance across the region, and also discussed the importance of building strong relationships with private sector stakeholders in promoting privacy compliance audits.

The second day (12 June) of the Forum included APPA members and guests, including representatives from the Department of Justice and the Constitutional and Mainland Affairs Bureau. Members discussed jurisdictional reports, the latest developments on data breach notification and privacy law reform in Hong Kong, as well as provided updates on the APEC Privacy Framework and related initiatives being undertaken through the OECD.

2009年6月12日 公開論壇 — 電子健康記錄互通

在第二天(6月12日)的下午，公署舉辦了一場公開論壇，從私隱角度探討電子病歷系統，加深公眾對本港電子健康記錄互通系統的認識。論壇吸引超過180名來自公營和私營的醫療機構、政府部門、保障資料主任聯會會員出席。本地演講嘉賓包括前醫學會會長蔡堅醫生、食物及衛生局顧問醫生(電子病歷)張毅翔醫生，及互聯網專業

12 June 2009 – Public Forum – Electronic Health Record Sharing

In the afternoon of 12 June, a public forum on Hong Kong's proposed electronic health record sharing system was held. Over 180 people from public and private medical institutions, government departments and members of the Data Protection Officers' Club attended the forum. Presentations were given by three distinguished local experts, namely Dr. Choi Kin, former President of the Hong Kong Medical Association; Dr. Cheung Ngai Tseung, a Consultant (eHealth) from the Food and Health Bureau; and Dr. Elizabeth Quat, Co-founder and former President



出席「電子健康記錄互通」論壇嘉賓—左起：食物及衛生局顧問醫生(電子病歷)張毅翔醫生、前醫學會會長蔡堅醫生，及互聯網專業協會創辦人及前會長葛珮帆博士。

Three distinguished guests, (from left): Dr. Cheung Ngai Tseung, Consultant (eHealth), Food and Health Bureau; Dr. Choi Kin, former President of the Hong Kong Medical Association and Dr. Elizabeth Quat, Co-founder and former President of the Internet Professional Association attended the "Electronic Health Record Sharing" Forum.

(左起)加拿大私隱專員 Jennifer Stoddart 女士、澳洲私隱專員 Karen Curtis 女士、香港個人資料私隱專員吳斌先生，與新西蘭私隱專員 Marie Shroff 女士在「電子健康記錄」互通的論壇上發言。
From left: Ms. Jennifer Stoddart, Privacy Commissioner, Canada; Ms. Karen Curtis, Privacy Commissioner, Australia; Mr. Roderick Woo, Privacy Commissioner for Personal Data, Hong Kong and Ms. Marie Shroff, Privacy Commissioner, New Zealand spoke at the "Electronic Health Record Sharing" Forum.



協會創辦人及前會長葛珮帆博士。此外，私隱專員吳斌亦與澳洲、加拿大、新西蘭的私隱專員進行討論，分享各地有關醫療系統電子化的經驗。

of the Internet Professional Association. A panel discussion for members to share overseas experiences with electronic medical systems was held by Mr. Roderick Woo and the Commissioners of Australia, Canada, and New Zealand.



澳門「資料外洩—問題與對策」研討會

Conference in Macao on “Data Breaches – Problems and Solutions”

澳門個人資料保護辦公室及澳門法律及司法培訓中心在6月13日舉辦了以「資料外洩—問題與對策」為題的研討會。私隱專員吳斌聯同其他講者，包括亞太區私隱機構、葡萄牙、澳門及中國的代表，一起討論不同司法區的保障私隱發展、資料違規、以及《中華人民共和國刑法》第七修正案的立法過程。

A conference on “Data Breaches – Problems and Solutions” was organized on 13 June by the Office for Personal Data Protection, Macao, and the Legal and Judicial Training Centre, Macao. The Commissioner Mr. Roderick Woo and representatives from APPA, Portugal, Macao, and mainland China discussed developments on privacy protection in different jurisdictions, data breaches, and the seventh amendment of the Penal Code of the People’s Republic of China.

澳門特區行政法務司陳麗敏司長與私隱專員吳斌先生出席在澳門舉行的「資料外洩—問題與對策」研討會。

Ms. Florinda da Rosa Silva, Secretary for Administration and Justice of Macao Special Administrative Region, and Mr. Roderick Woo, the Commissioner attended the Conference on “Data Breaches – Problems and Solutions” in Macao.

