

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

在2010-11年度，公署參與了亞太區經濟合作組織（下稱「亞太經合組織」）跨境私隱執法安排（下稱「該項安排」）。參與該項安排的還有其他亞太經合組織成員經濟區的私隱執法機構。初始的成員包括澳洲、加拿大、香港、新西蘭及美國的資料保障機構。

該項安排是亞太經合組織各成員經濟區主動作出的措施，以促進本土及國際間推廣和執行資料私隱的保障。該項安排透過建立資料分享機制及區域性合作促進執行私隱法例，從而提昇顧客與公司對涉及跨境資料流通的電子商貿的信任和信心。

香港是亞太區的貿易樞紐，很多機構在經營業務時會跨境傳送資料。該項安排有助公署調查涉及跨境移轉資料的個人資料私隱違規情況。香港在參與該項安排後，可以聯絡其他參與的私隱執法機構提供協助，或就涉及經濟區之間的資料私隱調查及執法事宜作出轉介，以及進行同時聯合行動。此舉可提高香港一直以來在增加跨境貿易增長方面的成果。

如果在香港收集個人資料的海外公司違反《個人資料（私隱）條例》，或者市民發現其原本由本地公司持有的個人資料被移轉予海外人士，並遭不當使用，公署現在可以在調查過程中向相關的私隱執法機構尋求協助。在較廣的層面來說，如果一間業務遍及亞太經合組織成員經濟區的國際公司被發現侵犯個人資料私隱，相關的私隱執法機構可以合作調查事件。

年內，亞太區經濟合作組織電子商貿督導小組資料私隱分組致力於完成及核准餘下的資料私隱路向項目文件的工作。公署繼續積極參與分組的工作，包括參與制定項目文件《供責任代

APEC Electronic-Commerce Steering Group Data Privacy Subgroup

In 2010-11, the PCPD has joined the Asia Pacific Economic Cooperation (APEC) Cross-border Privacy Enforcement Arrangement (CPEA) with Privacy Enforcement Authorities (PE Authorities) from APEC member economies. To begin with, the PE Authorities comprise data protection organisations from Australia, Canada, Hong Kong, New Zealand and the United States.

The CPEA is an initiative of the APEC economies to facilitate both domestic and international efforts to promote and enforce information privacy protections. It aims to contribute to consumer trust and business confidence in electronic commerce involving cross-border data flows by establishing a framework for information sharing and regional cooperation in the enforcement of privacy laws.

Hong Kong is a trading hub in Asia Pacific where many organisations move information across borders as part of their business activities. The CPEA will help in PCPD's investigation of violation of personal data privacy that involves cross-border data transfer. Having joined CPEA, Hong Kong may now contact other participating PE Authorities for assistance or to make referrals and conduct parallel/joint exercises regarding information privacy investigations and enforcement matters that involve each other's economies. This will enhance Hong Kong's sustained efforts to increase cross-border trade and growth.

If an overseas company that collects personal data in Hong Kong infringes the Personal Data (Privacy) Ordinance, or if a resident found his personal data held by a Hong Kong company being transferred to an overseas recipient and then subsequently being misused, the PCPD may now seek assistance from the relevant PE Authorities in the course of the investigation. On a wider front, if an international company whose business spreads across APEC member economies is found to have carried out practices that violates personal data privacy, concerted efforts can be taken by the relevant participating PE Authorities to investigate the matter.

During the year, the APEC Electronic-Commerce Steering Group (ECSG) Data-Privacy Subgroup worked on the finalisation and endorsement of the remaining APEC Data-Privacy Pathfinder project documents. The PCPD continued to participate actively in the

理使用的跨境私隱規則循規評估指引》，該文件於2011年3月由分組核准。

國際資料保障及私隱專員研討會

私隱專員在2010年10月27至29日出席在以色列耶路撒冷舉行的第三十二屆「國際資料保障及私隱專員研討會」。他繼續擔任督導小組及資格審查委員會的成員。

Subgroup, contributing to the development of the project document entitled “CBPR (Cross-Border Privacy-Rules) Compliance-Assessment Guidelines for use by Accountability Agents”, which was endorsed by the Subgroup in March 2011.

International Conference of Data Protection and Privacy Commissioners

The Commissioner attended the 32nd International Conference of Data Protection and Privacy Commissioners (“the Conference”) in Jerusalem, Israel from 27 to 29 October 2010. He continued to serve as a member of the Steering Group and the Credentials Committee.



私隱專員蔣任宏(第三行左二)在以色列耶路撒冷出席第三十二屆「國際資料保障及私隱專員研討會」。
Privacy Commissioner Mr. Allan Chiang (2nd from left, third row) attended the 32nd International Conference of Data Protection and Privacy Commissioners in Jerusalem, Israel.

研討會以「私隱：世代」為主題，私隱專員與來自世界各地的資料保障及私隱專員探討新世代的科技及使用者如何擾亂目前的資料保障架構，以致有需要建立新一代的管治模式，其中包括立法架構、新的規管策略和執法取向。

“Privacy: Generations” was the main theme of the Conference, at which the Commissioner gathered with privacy authorities from around the world to explore how a new generation of technology and users have disrupted the current framework of data protection and necessitated a new generation of governance, which includes a legislative framework, innovative regulatory strategies and new approaches to enforcement.

研討會議決確認「保護私隱由設計階段開始」是基本私隱保障的主要元素，並鼓勵採納「保護私隱由設計階段開始」的基本原則，以保護私隱作為一間機構的預設營運模式。研討會亦議決改善會議的架構，以實現其宗旨和目標。

The Conference resolved to recognize Privacy by Design as an essential component of fundamental privacy protection, and encourage the adoption of Privacy by Design’s Foundational Principles as guidance to establishing privacy as an organisation’s default mode of operation. It also resolved to improve the Conference’s organizational set up to meet its mission and objectives.

研討會進一步推動制定聯合建議，以訂立保障私隱及個人資料的國際標準。

The Conference made further progress in developing and promoting a Joint Proposal for setting international standards on privacy and personal data protection.

亞太區私隱機構

亞太區私隱機構是亞太區內私隱機構的主要組織，讓區內的私隱機構就私隱規例、新科技及私隱查詢和投訴的管理互相聯絡及交換意見。目前的成員包括澳洲（包括新南威爾斯、維多利亞省及北領地）、加拿大（包括卑斯省）、新西蘭、韓國訊息安全局、香港、墨西哥資訊公開及信息保護局，及美國聯邦貿易委員會的私隱專員。

在一年舉辦的兩次會議中，成員會報告其管轄區的私隱發展，並討論不同的熱門私隱議題。

第三十三屆亞太區私隱機構論壇由澳洲北領地資訊專員公署主辦，於2010年6月3至4日在澳洲達爾文舉行。與會者就普適計算、雲端運算及使用生物辨識資料作進出用途對日後的私隱影響分享意見。成員亦討論了環球私隱執法網絡、亞太經合組織保障私隱機制、經濟合作及發展組織的資訊保安及私隱工作小組、國際資料保障及私隱專員研討會，以及制定全球私隱標準的進展。

各成員在會上同意成立科技工作小組，由香港擔任組長。該小組會作為亞太區私隱機構論壇的焦點，及可能設立一個資料庫，匯集意見、經驗、個案簡述及指引。

Asia Pacific Privacy Authorities

The Asia Pacific Privacy Authorities (APPA) is the principal forum for privacy authorities in the Asia Pacific Region to liaise and exchange ideas about privacy regulation, new technologies, and the management of privacy enquiries and complaints. Members include the Privacy Commissioners of Australia (including the Commissioners of the States of New South Wales, Queensland, Victoria and Northern Territory), Canada (including the Province of British Columbia), New Zealand, Korean Information Security Authority, Hong Kong, Federal Institute for Access to Information and Data Protection, Mexico and Federal Trade Commission, United States.

At its two bi-annual meetings, reports from members' jurisdictions on privacy developments were received, and a wide range of topical privacy issues were discussed.

The 33rd APPA Forum was hosted by the Office of the Information Commissioner, Northern Territory, in Darwin, Australia on 3-4 June 2010. Attendees shared their views on the future privacy impact of ubiquitous computing, cloud computing and the use of biometric data for entry into venues. Also discussed were Progress towards the Global Privacy Enforcement Network (GPEN), the APEC Privacy Framework, the OECD's Working Party on Information Security and Privacy, the International Conference of Data Protection and Privacy Commissioners, and the establishment of a Global Privacy Standard.

Members agreed at the meeting to establish a Technology Working Group with Hong Kong as the leader. The functions of the Group are to act as a focal point for the APPA Forum and may include the development of a database to consolidate views, experience, case notes and guidance notes.



私隱專員蔣任宏(第一行右五)在2010年12月7日出席於新西蘭奧克蘭舉行的第三十四屆亞太區私隱機構論壇。

Privacy Commissioner Mr. Allan Chiang (5th from right, first row) attends the 34th APPA Forum in Auckland, New Zealand on 7 December 2010.

亞太區和私隱機構不斷成長，獲得的支持亦與日俱增，各成員同意擴闊亞太區私隱機構的成員數目。

第三十四屆亞太區私隱機構論壇於2010年12月7至8日在新西蘭奧克蘭舉行。會議上，成員採納了一份新的目標聲明。該聲明強調跨境執法合作的重要性，並確認加強亞太區私隱機構與亞太經合組織跨境私隱執法安排的關係。成員亦同意擴大亞太區私隱機構的會籍標準，納入獲准加入環球私隱執法網絡的私隱執法機構。此外，科技工作小組同意著手建立資料庫，加強各管轄區成員的資料共用。

成員亦就Web 2.0技術與私隱規管、直接促銷與私隱，包括香港八達通卡出售資料作促銷用途、信貸報告與私隱、國際私隱發展及國際跨境私隱執法分享意見。

詳情請瀏覽亞太區私隱機構的官方網站(http://www.privacy.gov.au/index.php?option=com_content&view=article&id=34&Itemid=833)

海外訪客

在年報期內，公署曾接待下述代表團：

2010年9月30日 — 公署人員向亞洲法律資源中心的人員介紹條例的實施情況。

2010年10月27日 — 公署人員接待國家監察部代表團。

Members also agreed to broaden APPA's membership, reflecting the fact that the Forum is growing in strength and support.

The 34th APPA Forum was held on 7-8 December 2010 in Auckland, New Zealand. At the meeting, members adopted a new Statement of Objectives that highlights the importance of cross-border enforcement cooperation and recognises a strengthened relationship between the APPA and APEC Cross-border Privacy-Enforcement Arrangement. Members agreed to broaden APPA membership criteria to include privacy enforcement authorities that have been approved to participate in GPEN. Besides, the Technology Working Group agreed to commence the compilation of a database of material for members to enhance the sharing of information across jurisdictions.

Members also shared their views on Web 2.0 technologies and privacy regulation, direct marketing and privacy, including the sale of data from Hong Kong's public transit Octopus card for marketing purposes, credit reporting and privacy, international privacy developments, and international cross-border privacy enforcement.

For details, please visit the APPA official web page at: http://www.privacy.gov.au/index.php?option=com_content&view=article&id=34&Itemid=833

Familiarization visits

In the reporting year, the PCPD received the following delegations:

30 September 2010 – PCPD staff gave an introduction on the implementation of the Ordinance to visitors from Asian Legal Resource Centre (亞洲法律資源中心)。

27 October 2010 – PCPD staff met with the delegation from Ministry of Supervision (國家監察部)。

