

開拓國際視野 締造合作機遇
Building Global Vision and Partnership



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亞太區經濟合作組織電子商貿督導小組資料私隱分組

公署是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」)的成員。參與該項安排的還有其他亞太經合組織成員經濟區的主要私隱執法機構。截至2012年3月底，該項安排的成員數目為20。該項安排促進成員間的資訊分享及跨境私隱執法合作，包括透過轉介事宜及進行同時或聯合調查或執法行動。

年內，公署繼續積極參與亞太經合組織電子商貿督導小組資料私隱分組(下稱「分組」)的工作。公署協助分組完成制定亞太經合組織跨境私隱規則機制的規則和程序，及設立聯合監督小組，以落實該機制。公署曾提供意見的文件包括：

- 亞太經合組織跨境私隱規則機制 – 政策、規則及指引
- 跨境私隱規則核准程序
- 制定跨境私隱規則認證機構及亞太經合組織認可責任代理名錄的工作計劃
- 電子商貿行動藍圖
- 參與亞太經合組織跨境私隱規則機制的意向通知模板
- 亞太經合組織認可的責任代理申請
- 資料處理者問卷
- 跨境私隱規則詞彙表

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD is a member of the APEC Cross-Border Privacy Enforcement Arrangement (“CPEA”), which comprises the major Privacy Enforcement Authorities from APEC member economies. CPEA membership stood at 20 as at the end of March 2012. The CPEA facilitates information sharing among members and promotes cross-border co-operation in privacy law enforcement, including case referrals, and parallel or joint investigation and enforcement action.

During the year, the PCPD continued to participate actively in the work of the Data Privacy Subgroup (“Subgroup”) of the APEC Electronic Commerce Steering Group. It helped the Subgroup finalise the rules and procedures of the APEC Cross Border Privacy Rules System (“CBPR System”) and the establishment of a Joint Oversight Panel to implement the system. The documents that the PCPD commented on include the following:-

- APEC CBPR System – Policies, Rules and Guidelines
- CBPR Endorsement Process
- Workplan for the Development of a Directory of CBPR-Certified Organisations and APEC-Recognized Accountability Agents
- Blueprint for Action on E-Commerce
- Template Notice of Intent to Participate in the APEC Cross-Border Privacy-Rules System
- Accountability Agent APEC-Recognition Application
- Data Processor Intake Questionnaire
- CBPR Glossary

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分組在年內就完成跨境私隱規則機制的文件作出了重大貢獻。在檀香山舉行的2011年會議中，亞太經合組織各部長核准跨境私隱規則機制及相關文件，而亞太經合組織各領袖在2011年的宣言中承諾落實跨境私隱規則機制。核准跨境私隱規則機制有利建立客戶與企業的信心、促進經濟及貿易增長、協助亞太經合組織成員經濟區就保障個人資料建立創新的法律制度、加強國際機構及政府在監管方面的準備，以及降低成本和交易負擔。

The Subgroup made a significant achievement during the year in finalizing the documentation of the CBPR System. The APEC Ministers endorsed the CBPR System and the related documents at their 2011 Meeting in Honolulu and the APEC Leaders committed to implement the CBPR System in their 2011 Declaration. The endorsement of the CBPR System will provide benefits for consumer and business trust, boost economic growth and trade, help APEC Member Economies develop innovative legal regimes on the protection of personal information, increase regulatory predictability for global organisations and governments, and reduce cost and transaction burdens.



國際資料保障及私隱專員研討會

私隱專員於2011年11月2至4日參加在墨西哥城舉行的第三十三屆「國際資料保障及私隱專員研討會」。在互聯網和流動電話等科技的普及下，資料透過環球網絡不斷增加及流動。研討會為此而探討建立保障個人資料所需的關係及工具的方向，跨越文化、國界，或來自資料創新使用的挑戰。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

The Commissioner participated in the 33rd International Conference of Data Protection and Privacy Commissioners, which was held in Mexico City from 2-4 November 2011. Noting that data proliferates and moves through global online networks facilitated by technologies such as the internet and mobile telephony, the Conference explored the path towards building the relationships and tools necessary to protect the data of individuals, regardless of culture, national borders, or the challenges that come from innovative data uses.



私隱專員蔣任宏先生(左)出席在墨西哥城舉行的第三十三屆「國際資料保障及私隱專員研討會」，並在全體會議上發表題為「One Data Protection Community. Many Cultures, Threats and Risks」的演講。

Privacy Commissioner Mr. Allan Chiang (left) participated in the Plenary Session: "One Data Protection Community. Many Cultures, Threats and Risks" at the 33rd International Conference of Data Protection and Privacy Commissioners In Mexico City.

研討會的議決其中包括：

Among other things, the Conference made the following resolutions:-

- (a) 鼓勵各地資料保障機構、私隱執法機構和政府確保其國內的資料保障及私隱法律適當地制定及具彈性，在遇到重大自然災害時可以保障個人的切身利益；及
- (a) to encourage data-protection authorities, privacy-enforcement authorities and governments to ensure that their domestic data-protection and privacy laws are framed suitably and flexibly to best serve the vital interests of individuals in the event of a major natural disaster; and
- (b) 成立工作小組，以研究國際間跨境私隱執法的合作，及建立框架和程序，分享資訊和促進更大的合作。
- (b) to create a working group to study international cooperation in cross-border privacy enforcement, and develop a framework and processes to share information and to facilitate greater co-ordination.

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墨西哥資訊公開及信息保護局專員透過墨西哥城宣言，促請研討會與經揀選的持份者合作，共同面對全球化時代中保障個人私隱的挑戰：

1. 就下述事宜進行溝通：
 - a. 彼此分享知識，並與私隱驗證機構及私隱專業組織分享知識；
 - b. 商討機關、公共機構、企業及其他組織可以如何設定優先次序，最佳地分配現有資源，以達致商定的共同目標；及
 - c. 探討如何更有效地提供具透明度的機制，協助個人了解其個人資料的權利及保障其利益；
2. 鼓勵與新的資料保障機構分享資訊：機構如何使用資料、推動採取優良的保障私隱做法的有效工具；以及在這些鼓勵性做法失效時，資料保障法律可以如何有效地執行；
3. 確保這溝通不會損害資料保障及私隱機構的獨立性或有效性。

The Commissioners of the Mexican Federal Institute for Access to Information and Data Protection, through the Mexico City Declaration, urged the Conference to confront the challenges of protecting individuals' privacy in this global era by working cooperatively with selected stakeholders to:

1. Engage in dialogue to:
 - a. share knowledge among themselves and with privacy-validation bodies and organisations of privacy professionals;
 - b. discuss how the authorities, public bodies, corporations and other organisations might set priorities about how they may best allocate available resources to reach agreed-upon common goals; and
 - c. explore how to provide more effective transparency and other mechanisms that will help individuals understand their rights and protect their interests as they relate to personal data;
2. Encourage the sharing of information with new Data-Protection Authorities about how organisations use data, what effective tools are available to encourage excellent privacy practices, and how data-protection laws could be most effectively enforced when such encouragement fails;
3. Ensure that such a dialogue does not compromise the independence or effectiveness of data-protection and privacy authorities.

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結成夥伴及交換意見。目前的成員包括澳洲（包括新南威爾斯、昆士蘭、維多利亞省及北領地）、加拿大（包括卑斯省）、新西蘭、韓國網絡安全局、韓國個人資料保護公署、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。

第三十五屆亞太區私隱機構論壇由韓國網絡安全局主辦，於2011年6月2至3日在南韓濟州舉行。與會者討論了不斷增加的對國際有影響的私隱事件，包括涉及個人資料外洩的重大事故。討論集中於近期的事件，包括由Google Buzz及Google街景引發的私隱議題、對社交網絡、位置追蹤，及黑客入侵資料庫（例如Sony的PlayStation Network）的關注。鑑於這些事件，與會者商討了日後進行聯合執法活動的可能性，並探討設立機制的可能，以提高成員在調查類似事件方面的合作。

ASIA PACIFIC PRIVACY AUTHORITIES

The Asia Pacific Privacy Authorities (APPA) is the principal forum for privacy authorities in the Asia Pacific Region to form partnerships 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 the Northern Territory), Canada (including the Province of British Columbia), the Korea Internet and Security Agency, Personal Information Protection Commission Korea, the PCPD Hong Kong, the Federal Institute for Access to Information and Data Protection, Mexico, New Zealand's Privacy Commissioner, and the 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 35th APPA Forum was hosted by the Korea Internet & Security Agency in Jeju, South Korea on 2–3 June 2011. Participants discussed the increasing prevalence of privacy-related incidents, including significant breaches involving personal information, with international implications. Discussion focused on recent examples, including privacy issues arising from Google Buzz and Google Streetview, concerns about social networking sites, location-based tracking, and the hacking of databases such as Sony's PlayStation Network. In the light of these incidents, the participants discussed the potential for future joint enforcement activities and explored possibilities for mechanisms to further enhance coordination between members investigating similar matters.



第35屆亞太區私隱機構論壇在2011年6月2及3日於韓國濟州舉行。
The 35th Asia Pacific Privacy Authorities forum was hosted in Jeju, South Korea on 2–3 June 2011.

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論壇亦討論經濟合作及發展組織的發展情況，尤其是環球私隱執法網絡的設立。與會者亦討論了亞太區經濟合作組織跨境私隱執法安排，不少亞太區私隱機構亦有參與該項安排。論壇確認這些工作對支援跨境執法十分重要。

第三十六屆亞太區私隱機構論壇由澳洲維多利亞省私隱專員公署主辦，於2011年12月1至2日在澳洲墨爾本舉行。各成員討論社交媒體網站的使用迅速增長及歡迎Facebook與美國聯邦貿易委員會達成和解。

各成員討論了「私隱關注運動2011」有關「社交網絡與私隱」網上意見調查的結果、重大的資料外洩事件（例如Sony PlayStation個案），及日後聯合舉辦執法活動的可能性。他們亦就雲端運算、生物辨識技術、私隱與言論自由、信貸報告與公民社會分享意見。

The Forum also discussed developments emanating from the Organisation for Economic Co-operation and Development (OECD), particularly the establishment of the Global Privacy Enforcement Network (GPEN). Discussion was held on Asia Pacific Economic Cooperation (APEC) and the Cross-border Privacy Enforcement Arrangement (CPEA), to which a number of APPA members are signatories. The Forum recognised these initiatives as important mechanisms to support cross-border enforcement.

The 36th APPA Forum was hosted by the Office of the Victorian Privacy Commissioner in Melbourne, Australia on 1–2 December 2011. Members discussed the exponential growth in the use of social media sites and welcomed the settlement reached by Facebook and the United States Federal Trade Commission (FTC).

The members also discussed the results of the 2011 Privacy Awareness Week survey on social networking, major data breaches, such as the Sony PlayStation case, and the potential for future joint enforcement activities. They shared views on cloud computing, biometrics, privacy and freedom of expression, credit reporting and civil society.



私隱專員蔣任宏先生（左一）在2011年12月出席在澳洲墨爾本舉行的第三十六屆亞太區私隱機構論壇。
Privacy Commissioner Mr. Allan Chiang (first from left) attended the 36th APPA Forum in Melbourne, Australia in December 2011.

公署在亞太區私隱機構科技工作小組的角色

亞太區私隱機構科技工作小組自2010年6月成立以來，公署一直擔任召集人。在年報期內，公署就採用雲端運算涉及的個人資料私隱議題，統籌科技工作小組所有成員間的討論，並就Google於2012年3月1日更改其私隱政策一事，統籌各成員的力量，要求Google作出澄清。科技工作小組為亞太區私隱機構所有成員在科技方面所發表的文章建立資料庫，成為各成員之間的分享及參考平台。

Google私隱政策個案

2012年1月24日，Google宣布計劃把所有產品的私隱政策統合為一。這改變有助Google將使用多項Google產品的用戶因不同原因在不同情況下提供的資料合而為一。雖然有些人歡迎這項簡化私隱政策的措施，但很多Google用戶及私隱機構並不清楚在統合後，個別Google服務的保障資料特定條文（例如關於刪除資料承諾）會否消失。此外，如用戶為不同原因而使用多項Google產品，用戶能否把其網上多重身份分開，這點並不清楚。Google用戶是否有拒絕這項安排的選擇，亦不清楚。最後，Android用戶是大受影響的一群，因為他們要登入Google才可以使使用Android。

公署作為亞太區私隱機構科技工作小組的召集人，連同小組的其他成員向Google尋求澄清，並催促Google改善其新的私隱措施。公署亦向香港的Google用戶提供保護其個人資料的建議。

The role of the PCPD in APPA TWG

The PCPD has been leading as the convenor of the Technology Working Group (the TWG) of the Asia Pacific Privacy Authorities (APPA) since June 2010. During the reporting period, the PCPD coordinated discussion among all TWG members to identify personal data privacy issues in the deployment of cloud computing, and coordinated efforts in seeking clarification from Google on its privacy policy change on 1 March 2012. The TWG also maintains a library of papers published by all APPA members on technologies, in order to form a sharing and reference platform among its members.

Google Privacy Policy case

On 24 January 2012 Google announced its plan to unify the privacy policies of all its products into one. While the move to simplify privacy policy was welcomed by some, many other Google users and privacy authorities were unsure if specific provisions for data protection (such as those related to data erasure commitments) on individual Google services would be lost in the consolidation. Furthermore, it was not clear whether users were able to segregate their online identities if they used multiple Google products for different purposes. It was not clear if Google users would have the choice to opt out of this arrangement. Finally, Android users are greatly affected as they have to log on Google in order to meaningfully use Android.

As the convenor of the Technology Working Group (TWG) of the Asia Pacific Privacy Authorities, PCPD, together with other members of TWG, sought clarifications with Google and pressed for improvements in its new privacy practices. PCPD also provided advice to Hong Kong users of Google services as regards how to enhance their personal data protection.

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接待海外／國內訪客

在年報期內，公署曾接待下述代表團：

2011年4月13日－公署人員與廣州市對外貿易經濟合作局代表團分享公署的工作經驗。

RECEPTION OF OVERSEAS/MAINLAND DELEGATIONS

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

13 April 2011 – PCPD staff met with a delegation from Bureau of Foreign Trade and Economic Cooperation of Guangzhou Municipality (廣州市對外貿易經濟合作局) and gave them an account of the PCPD's work in different areas of privacy protection.

2011年5月16日－私隱專員與新加坡新聞通訊及藝術部代表團就新加坡計劃訂立資料私隱法例交換意見。

16 May 2011 – The Commissioner exchanged views with a delegation from Singapore's Ministry of Information, Communications and the

Arts, Singapore, who were on an exploratory tour in connection with Singapore's plan to introduce data-privacy legislation.



2012年1月13日－公署人員與廣東省發展和改革委員會分享公署在個人信貸資料的規管經驗。

13 January 2012 – PCPD staff discussed the PCPD's regulatory experience in respect of consumer credit data with visitors from

Development and Reform Commission of Guangdong Province (廣東省發展和改革委員會).



2012年2月10日－公署人員與國家工業和訊息化部分享公署在個人信貸資料的規管經驗。

10 February 2012 – PCPD staff discussed the PCPD's regulatory experience in respect of consumer credit data with visitors from

Ministry of Industry and Information Technology of the People's Republic of China (國家工業和訊息化部).

