



國際聯繫

International Connections



公署於2012年6月在本港主持亞太區私隱機構論壇。

The PCPD hosted the Asia Pacific Privacy Authorities Forum in June 2012.

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署於2013年2月派員出席在印尼雅加達舉行的第27屆亞太經合組織資料私隱分組會議。會議聚焦於「跨境私隱規則機制」的實施，美國和墨西哥兩個成員國確認參與該機制。

會議進一步討論了一項聯合計劃，即與歐盟合作擬備名為「歐盟企業約束規則與亞太經合組織跨境私隱規則機制的架構參考指南」的文件。該參考文件列出「跨境私隱規則機制」與「企業約束規則」的共通元素，以及兩個機制各自獨有的要求，旨在協助機構了解及依從該兩個機制的要求。

兩個新的私隱執法機構在年內加入了亞太經合組織跨境私隱執法安排（CPEA），令成員總數增至22個。公署自2010年起參加該項安排。

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 27th meeting of the APEC Data Privacy Subgroup, which took place in February 2013 in Jakarta, Indonesia. The meeting focused on the implementation of the Cross-Border Privacy Rules (CBPR) System. Two member countries, the United States and Mexico, were confirmed as participants in the CBPR System.

The meeting further discussed a joint project with the European Union on the preparation of a document entitled “Referential for the Structure of EU Binding Corporate Rules (BCRs) and APEC CBPR System”. The Referential document contains elements common to the CBPR System and BCRs, as well as additional blocks of requirements unique to each. Its purpose is to help organisations understand and comply with the requirements of both systems.

Two new privacy enforcement authorities were added to the APEC Cross-Border Privacy Enforcement Arrangement (CPEA) during the year, making a total of 22 participants. The PCPD has participated in the CPEA since 2010.

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管理等事宜結成夥伴合作及交換意見。

ASIA PACIFIC PRIVACY AUTHORITIES (APPA)

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 regulations, new technologies, and the management of privacy enquiries and complaints.

亞太區私隱機構成員 APPA Members*

國家 Country / 地區 Region	私隱機構 Privacy Authorities
澳洲 Australia	澳洲資訊專員公署 Office of the Australian Information Commissioner, Australia
	澳洲新南威爾斯省資訊及私隱公署 Information and Privacy Commission, New South Wales
	澳洲北領地省資訊專員公署 Office of the Northern Territory Information Commissioner
	澳洲昆士蘭省資訊專員公署 Office of the Information Commissioner, Queensland
	澳洲維多利亞省私隱專員公署 Office of the Victorian Privacy Commissioner
加拿大 Canada	加拿大私隱專員公署 Office of the Privacy Commissioner, Canada
	加拿大卑斯省資訊及私隱專員公署 Office of the Information and Privacy Commissioner, British Columbia
香港 Hong Kong	香港個人資料私隱專員公署 Office of the Privacy Commissioner for Personal Data, Hong Kong
韓國 Korea	韓國網絡安全局 Korea Internet & Security Agency
	韓國個人資料保護公署 Korea Personal Information Protection Commission
澳門 Macau	澳門個人資料保護辦公室 Office for Personal Data Protection, Macau
墨西哥 Mexico	墨西哥資訊公開及信息保護局 Federal Institute for Access to Information and Data Protection, Mexico
新西蘭 New Zealand	新西蘭私隱專員公署 Office of the Privacy Commissioner, New Zealand
美國 United States	美國聯邦貿易委員會 Federal Trade Commission, United States

* 截至2013年3月31日
as of 31 March 2013

www.appaforum.org



第37屆亞太區私隱機構論壇。

The 37th APPA Forum in Hong Kong.

第37屆亞太區私隱機構論壇在港召開

公署於2012年6月14至15日在香港主持第37屆亞太區私隱機構論壇。來自10個國家/地區的代表就保障個人資料私隱的跨境政策、教育及執法事宜交流經驗，課題觸及Google的新私隱政策、直接促銷的規管、公共登記冊的資料查閱和資料保障之間的張力，以及智能電話應用程式的私隱風險等。此外，論壇亦討論了亞太經合組織保障私隱機制及跨境私隱執法安排的最新情況、全球私隱執法機關網絡，以及規管私隱保障及個人資料跨境流通的經濟合作及發展組織指引的檢討情況。

公署亦帶領本港關注私隱的人士，在公開環節中就以下的私隱議題與成員交換意見及分享經驗：

- 香港的電子健康記錄；
- 香港對社交網站的私隱關注；
- 有關位置資訊及流動服務裝置的私隱議題；及
- 雲端運算與資料保障。

Hosting the 37th APPA Forum in Hong Kong

The PCPD hosted the 37th Asia Pacific Privacy Authorities (APPA) Forum in Hong Kong on 14-15 June 2012. Delegates from 10 countries/regions exchanged views and shared their experience in cross-border policy, education, and enforcement issues. The forum covered topics like Google's new privacy policy, regulation of direct marketing, tension between access and privacy protection in regard to personal data in public registers, and privacy risks related to smart phone applications. Also discussed were updates on the APEC Privacy Framework and Cross-Border Privacy Enforcement Arrangements (CPEA), the Global Privacy Enforcement Network, and the current review of the OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.

The PCPD also led the Hong Kong privacy community in sharing and exchanging views and experience with APPA members in the open session on the following privacy issues:

- eHealth records in Hong Kong;
- Privacy concerns of social networking sites in Hong Kong;
- Privacy issues concerning geo-location information and mobile service devices; and
- Cloud computing and data protection.

科技工作小組

工作小組在2012年一項顯著的工作成果是關於2012年3月1日生效的Google新私隱政策。該政策引起國際間的私隱關注。

公署作為科技工作小組的召集人，主動與Google展開對話，最後獲對方就新政策作出澄清及改善，例如提供更多渠道讓用戶獲取有關私隱保障方面的資訊；鑑於有客戶不欲其帳戶資料被不同服務整合，Google尊重客戶的意願而容許用戶在使用Gmail及Google+等服務時同時使用多個帳號登錄。

公署亦公佈了給Google用戶保障個人資料的建議。

第38屆亞太區私隱機構論壇美國會議

私隱專員於2012年12月3日和4日出席了在美國舉行的第38屆亞太區私隱機構論壇。

與會者經過討論後，就一系列的跨境政策、教育及執法事宜達成協議，涉及資料外洩通報、全球的私隱保障發展及執法情況、私隱意識的推廣、跨境的互通性私隱規則，以及有關私隱的科技發展。

Technology Working Group

A notable achievement in 2012 related to Google's new privacy policy, which took effect on 1 March 2012 and has generated privacy concerns worldwide.

As the convener of the Technology Working Group of the APPA, the PCPD initiated a dialogue and an exchange of correspondence with Google and as a result, was able to secure their clarifications and improvements to the new policy. For example, more ways to access privacy-related information were made available. Also, as a response to customers' wish to opt out of data combination across multiple services, Google allows multiple accounts to be used simultaneously in some of its services such as Gmail and Google+.

The PCPD also promulgated specific advice to Google users on how to protect their personal data.

The 38th APPA Forum in the US

The Commissioner attended the 38th APPA Forum which was held in the United States on 3 and 4 December 2012.

Participants discussed and agreed on actions for a wide range of cross-border policy, education and enforcement issues covering data breach notifications, global privacy developments and enforcement, privacy awareness promotion, cross-border interoperable privacy rules and privacy-related technological developments.



2012年12月在美國召開的亞太區私隱機構論壇。

The APPA held its bi-annual forum in December of 2012 in the US.

國際資料保障及私隱專員研討會

私隱專員與來自40個國家/地區逾90名講者於2012年10月23至24日參加在烏拉圭舉行的第34屆「國際資料保障及私隱專員研討會」。他在大會上就「私隱監管的模式」作演講。

會議同期舉行「民眾的聲音」活動，他參加了其中的專題小組討論，探討從公民社會角度看消費者私隱權的行使。

研討會通過的決議案和宣言包括：

- (1) **雲端運算** — 應用雲端運算不應令私隱及資料保障的標準下降。資料控制者應在採用雲端運算前評估對私隱的影響及風險。雲端服務提供者必須確保其提供的雲端運算解決方案具適當的透明度、保安、問責性及可信性，尤其是有關資料外洩違規事故及合約條款方面的資訊。
- (2) **私隱的未來** — 各成員同意加強合作和互相協調，以回應跨境的資料保障及私隱風險。他們可以透過參與多邊合作及執法網絡，盡量分享資訊及經驗，以確保私隱機構得以用緊絀的資源發揮最大效益，並藉此機會與世界各法律系統與私隱機制聯繫，以達致更大的協同作用。
- (3) **收集個人資料彙編背景檔案** — 公營或私營機構如要針對個人進行背景資料檔案建立的工作，應盡可能告知公眾，以建立信心。他們應提供充足的資訊交代具體的做法、如何拼合檔案，以及檔案的使用目的，維持高透明度。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

The Commissioner joined more than 90 speakers from 40 countries/regions in participating in the 34th International Conference of Data Protection and Privacy Commissioners on 23 and 24 October 2012 in Uruguay. He spoke in the Plenary Session on “Privacy Regulation Model”.

He also participated in the panel discussion titled “Civil Society Perspectives on International Approaches to Consumer Privacy Rights Enforcement” in the concurrent event: The Public Voice 2012 Conference.

Among other things, the Conference made the following resolutions and declaration:

- (1) **On cloud computing.** Cloud computing should not lead to a lowering of privacy and data protection standards. Data controllers should carry out the necessary privacy impact and risk assessments prior to embarking on cloud computing. Cloud service providers must ensure that they provide appropriate transparency, security, accountability and trust in cloud computing solutions, in particular, regarding information on data breaches and contractual clauses.
- (2) **On the future of privacy.** Members agreed to intensify cooperation with each other in order to respond to cross-border data protection and privacy risks in a coordinated manner. They can do this by joining multilateral cooperation and enforcement networks, sharing information and expertise as much as possible to ensure that the privacy authorities’ scarce resources can be used for the maximum possible benefit, and using this window of opportunity to achieve greater interoperability between the various legal systems and privacy regimes around the world.
- (3) **On profiling.** To create trust, public and private entities should inform society to the maximum extent possible about their profiling operations. They should be more transparent about profiling, about the way the profiles are assembled and the purposes for which the profiles are used.

設立個人背景資料檔案的運作，應分為三個階段。首先，確立是否有需要針對某個人設立背景資料檔案。其次，相關的人士/機構應決定建立之檔案應用哪些假設及哪些資料作為基礎。最後，應決定檔案的實際應用方式。不同階段的操作都應該依從相關的決定及規管。

在這方面對公、私營機構的監管工作，需要強而有力和獨立的私隱執法機構。

Profiling operations need to be distinguished in three phases. First of all, the need for the use of profiling should be determined. Secondly, the public or private entity in question should decide which assumptions and which data should form the basis for the profile. Finally, it should be decided how the profile can be applied in practice. It would be advisable for the various phases to be subject to separate decisions and to regulatory oversight.

This requires strong and independent privacy enforcement authorities with supervisory powers over both the public and the private sectors.

第34屆國際資料保障及私隱專員研討會的主題是「私隱與科技的平衡」。

The featured issue at the 34th International Conference of Data Protection and Privacy Commissioners was 'Privacy and technology in balance'.

