



建立國際聯繫

Establishing International Connections



回應跨國界的議題

Response to Borderless Issues

保障私隱跨越國界，需要國際社會共同作出回應。公署與海外的資料保障機關和私隱專家保持聯系，洞悉國際間私隱保障的發展和趨勢，及建立跨國界的執法網絡。

Privacy protection has become a borderless issue, requiring an international response. We liaise with overseas data protection authorities and privacy experts to keep abreast of international developments and trends in privacy protection, and establish cross-border enforcement networks.

國際資料保障及私隱專員研討會

在 2013 年 9 月 23 至 26 日，私隱專員與來自 68 個司法管轄區的代表參加了在波蘭華沙舉行的第 35 屆「國際資料保障及私隱專員研討會」。一如以往，這會議是世界各地私隱專員每年的盛事。

今次華沙會議通過了一項宣言和七項決議案，履行了大會的宗旨，推動和提升國際間的個人資料保障和私隱權。

華沙宣言指出，智能手機應用程式無處不在，而應用程式的使用愈頻繁，隨之而來的私隱和個人資料保障挑戰也就愈多，各地的私隱專員都承諾會就此作出積極回應。

各地的私隱專員認為應用程式開發商及相關持份者均有責任，為用戶提供較佳的私隱保障。簡言之，用戶應爭取掌控自己的個人資料。程式開發商應重視私隱，以建立用戶的信任和提升競爭優勢。操作系統供應商則有責任，確保應用程式平台上的私隱保障。

會議的七項決議關於 (1) 設立個人資料檔案，(2) 會議的策略性方向，(3) 執法統籌，(4) 把資料保障及私隱保障納入國際法，(5) 個人資料措施的公開性，(6) 數碼教育，及 (7) 網絡追蹤。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

The Commissioner attended the 35th International Conference of Data Protection and Privacy Commissioners, held on 23-26 September 2013 in Warsaw, Poland, where a total of 68 jurisdictions were represented. As usual, the conference was the mega-event of the year for Privacy Commissioners from around the world.

In line with the conference's objective to promote and enhance personal data protection and privacy rights internationally, it concluded with a declaration and seven resolutions on various subjects.

The Warsaw Declaration noted the ubiquitous nature of mobile applications (apps), recognised the privacy and data protection challenges posed by the increased use of these apps, and expressed a clear commitment on the part of the privacy commissioners to address them.

Among other things, the Privacy Commissioners defined the roles and responsibilities of various actors -- users, app developers, and providers of operating systems -- in ensuring a better privacy experience in the use of apps. In short, users should remain in charge of their own data; app developers should embrace privacy to build user trust and gain a competitive advantage, and providers of operating systems should bear responsibility for building privacy protection into the platforms on which apps are used.

The seven resolutions of the conference related to (1) profiling, (2) the strategic direction of the conference, (3) enforcement coordination, (4) anchoring data protection and the protection of privacy in international law, (5) openness of personal data practices, (6) digital education, and (7) webtracking.



私隱專員（左）與公署資訊科技顧問張宗頤出席在波蘭華沙舉行的第 35 屆「國際資料保障及私隱專員研討會」。The Commissioner (left) and Henry Chang, Information Technology Advisor of the PCPD attended the 35th International Conference of Data Protection and Privacy Commissioners, held in Warsaw, Poland.

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署分別派員於 2013 年 6 月及 2014 年 2 月出席在印尼棉蘭舉行的第 28 屆，及在中國寧波舉行的第 29 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繼續參與該機制，而日本正式表明有興趣參與。TRUSTe 成為跨境私隱規則機制下首個認可的責任代理。

亞太經合組織資料私隱分組與歐盟的代表一同合作，最終敲定「提交歐盟國家資料保障機構的企業約束規則要求及提交亞太經合組織跨境私隱規則認可責任代理的跨境私隱規則要求的指南」文件。該參考文件列出「跨境私隱規則機制」與「約束企業規則」的共通元素，以及兩個機制各自獨有的要求，從而方便遵從有關機制及規則的機構，各自制訂和實施保障個人資料的政策。

該指南於 2014 年 2 月 27 至 28 日的會議上由亞太經合組織高級官員核准，並於 2014 年 2 月 27 日獲歐盟第 29 條工作小組採納。

在年內，有兩個新的私隱執法機構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 24 個。公署自 2010 年起已參加該項安排。在年內，公署接獲由同是 CPEA 參與者的加拿大私隱專員公署轉介的一個投訴，並已順利解決。

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 28th and 29th meetings of the APEC Data Privacy Subgroup, which took place, respectively, in June 2013, in Medan, Indonesia, and in February 2014, in Ningbo, China. The meetings focused on the implementation of the Cross-Border Privacy Rules (“CBPR”) System. The United States and Mexico continued to participate in the CBPR System, while Japan expressed its official interest in participating. TRUSTe became the first accountability agent recognised under the CBPR System.

Working jointly with representatives from the European Union (“EU”), the Subgroup finalised a document entitled “Referential on Requirements for Binding Corporate Rules Submitted to National Data Protection Authorities in the EU and Cross Border Privacy Rules Submitted to APEC CBPR Recognized Accountability Agents”. The referential contains elements common to the CBPR System and Binding Corporate Rules, as well as additional blocks of requirements unique to each. It thereby facilitates the design and adoption of personal data protection policies by organisations compliant with each of the systems.

The referential was endorsed by APEC Senior Officials at their meeting on 27-28 February 2014. The Article 29 Working Party of the EU also adopted an opinion on it on 27 February 2014.

Two new privacy enforcement authorities were added to the APEC Cross-Border Privacy Enforcement Arrangement (“CPEA”) during the year, making a total of 24 participants. The PCPD has participated in the CPEA since 2010. During the year, the PCPD received a complaint referred by the Office of the Privacy Commissioner of Canada, a CPEA participant, and resolved amicably the privacy concerns raised by the complainant.



公署首席律師郭美玲出席在中國寧波舉行的第 29 屆亞太區經濟合作組織分組會議。

Brenda Kwok, Chief Legal Counsel of the PCPD, attended the 29th APEC subgroup meeting in Ningbo, China.

亞太區私隱機構

亞太區私隱機構是亞太區內私隱機構主要的平台組織，夥拍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交流合作。

私隱專員於 2013 年 7 月 15 至 16 日出席在新西蘭奧克蘭舉行的第 39 屆亞太區私隱機構論壇。他帶領了兩個討論環節：其中討論私隱及科技的環節談到亞太區私隱機構的資料庫的最新情況及合作事宜，並且探討了 Google 私隱政策的轉變，以及流動應用程式的私隱政策事宜。另一個討論環節，則是討論公共登記冊方面的保障資料事宜。會議亦討論了一系列的私隱議題，包括全球及地區的最新發展、兒童私隱、私隱影響評估、數據中介行業、大數據、道德問題及歐洲與亞太經合組織互通私隱規則的可能性。

亞太經合組織私隱執法工作坊於 2013 年 7 月 17 至 18 日舉行，為亞太區私隱機構會議的周邊活動。在工作坊中私隱專員亦分享其經驗，講述如何利用宣傳來加強執法行動的阻嚇作用。

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

The Commissioner attended the 39th Asia Pacific Privacy Authorities Forum on 15-16 July 2013 in Auckland, New Zealand. He led two discussion sessions, one on the Privacy and Technology with an update on APPA’s Information Repository and Collaboration and a discussion on Google’s Privacy Policy Change and the transparency of mobile apps’ privacy policies; and the other on the protection of data in public registers. The meeting also discussed a wide range of privacy topics including updates on global and regional developments, children’s privacy, privacy impact assessment, the data brokerage industry, Big Data, ethical issues, and the potential for interoperability between Europe and APEC’s privacy rules.

As a side-event to the APPA meeting, the APEC Privacy Enforcement Workshop was held on 17-18 July 2013. The Commissioner delivered a presentation to explain his experience of using publicity to maximise the deterrent effect of enforcement.



在新西蘭奧克蘭舉行的亞太經合組織私隱執法工作坊。
The APEC Privacy Enforcement Workshop in Auckland, New Zealand.



在澳洲悉尼舉行的第 40 屆亞太區私隱機構論壇。
The 40th Asia Pacific Privacy Authorities Forum in Sydney, Australia.

私隱專員亦於 2013 年 11 月 26 至 27 日期間，出席在澳洲悉尼舉行的第 40 屆亞太區私隱機構論壇。

各地代表於兩日會期內討論的私隱議題涵蓋範圍廣泛，包括跨境轉移個人資料、跨境執法、規管工具、教育及推廣活動。會議亦討論了一些特別議題，例如國家監察、航拍器、「私隱工程」及「貫徹私隱的設計」。私隱專員作為科技工作小組的召集人，匯報了小組過去六個月的工作，並且報告了公署抽查香港智能手機應用程式的私隱政策透明度的調查結果。此外，蘋果公司及 Facebook 的代表亦有在會議上簡介他們處理個人資料的措施。

The Commissioner also took part in the 40th Asia Pacific Privacy Authorities Forum in Sydney, Australia from 26 to 27 November 2013.

Delegates discussed a wide range of common privacy issues over the two days, including cross-border transfer of personal information, cross-border enforcement, regulatory tools, education and awareness campaigns. The meeting also covered special topics such as state surveillance, drones, 'privacy engineering' and 'privacy by design'. As convener of the Technology Working Group, the Commissioner reported on the work of the group for the past six months and drew the attention of the meeting to the results of the survey in Hong Kong on the transparency of privacy practices of smartphone apps. The meeting was also briefed by representatives from Apple Inc. and Facebook on their personal information handling practices.

亞太區私隱機構成員（按英文名稱順序排列）

APPA members (listed in alphabetical order)

國家 / 地區 Country/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
哥倫比亞 Colombia	哥倫比亞工商部 Superintendence of Industry and Commerce of Colombia
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 Macao	澳門個人資料保護辦公室 Office for Personal Data Protection, Macao
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
秘魯 Peru	秘魯個人資料保障委員會 National Authority for Data Protection, Peru
新加坡 Singapore	新加坡私隱專員公署 Personal Data Protection Commission, Singapore
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

兩岸四地個人資料保護論壇

私隱專員於 2013 年 6 月 21 日在澳門出席由澳門個人資料保護辦公室及澳門刑事法研究會主辦的兩岸四地個人資料保護論壇。內地、台灣、澳門及香港的規管和執法機構代表及學者獲邀演講。私隱專員以「香港個人資料保護制度現狀與展望」為題，重點講述私隱條例的最新修訂。

CROSS-STRAIT QUAD-REGIONAL FORUM ON PERSONAL DATA PROTECTION

The Commissioner attended the Cross-strait Quad-regional Forum on Personal Data Protection hosted by the Office for Personal Data Protection, Macao and the Associação de Estudo de Direito Criminal de Macau on 21 June 2013 in Macao. Representatives from the regulatory and enforcement bodies as well as the academia from the Mainland, Taiwan, Macao and Hong Kong were invited to speak. The Commissioner delivered a presentation entitled “Current State and Future Development of the Personal Data Protection System in Hong Kong” with an emphasis on the latest amendments to the Ordinance.



在澳門舉行的兩岸四地個人資料保護論壇。
Cross-Straits Quad-Regional Forum on Personal Data Protection, Macao.

第三屆亞洲私隱學術會議

由香港大學主辦的第三屆亞洲私隱學術會議於2013年7月8至9日舉行，出席者包括澳洲、孟加拉、比利時、中國、香港特別行政區、印尼、日本、澳門特別行政區、新西蘭、新加坡、瑞士、台北、泰國、美國及英國的法律人士及大學學者，以及英國組織Privacy International。私隱專員在會上發表專題演說，題目為「查閱公共領域資料與保障個人資料之間的平衡」，嘗試釋除公眾以為從公共領域收集的個人資料是可以無限制地使用的誤解。

THE THIRD ASIAN PRIVACY SCHOLARS NETWORK CONFERENCE

The Third Asian Privacy Scholars Network Conference was hosted by the University of Hong Kong in Hong Kong on 8-9 July 2013. It was attended by legal professionals and university scholars from Australia, Bangladesh, Belgium, China, Hong Kong S.A.R., Indonesia, Japan, Macao S.A.R., New Zealand, Singapore, Switzerland, Taipei, Thailand, the United States and United Kingdom, as well as Privacy International (United Kingdom). The Commissioner delivered a keynote speech entitled "Balance between Access to Public Sector Information and the Protection of Personal Data", in an attempt to dispel the myth that personal data collected from the public domain is open to unrestricted use.



第三屆亞洲私隱學術會議。
The Third Asian Privacy Scholars Network Conference.

「全球私隱執法機關」網絡私隱 抽查行動

全球性抽查行動的結果

公署聯同其他 18 個私隱執法機關進行網絡私隱抽查行動，檢視網站和智能手機應用程式在收集及使用用戶個人資料的做法，是否符合基本私隱保障原則，具足夠的透明度。

這項全球性的抽查行動由「全球私隱執法機關網絡」（該網絡由各地的私隱執法機關組成，宗旨是透過國際合作維護個人資料的私隱權。）發起，於 2013 年 5 月在各自的管轄地區抽查網站或智能手機應用程式的私隱政策聲明，並模擬用戶在瀏覽網站或下載智能手機應用程式的形式，依據一套協定的準則，包括是否備有私隱政策聲明；如有，是否容易查閱和閱讀；聲明是否與網站或程式的宗旨一致等。各地合共抽查了 2,186 個網站及智能手機應用程式的私隱政策聲明。

關注重點

抽查結果發現的不足之處：

- 網站和智能手機應用程式未有提供私隱政策聲明的佔 23%。
- 部分網站的私隱政策聲明過分概括，沒有交代如何收集、使用及披露用戶個人資料方面的做法。
- 33% 私隱政策都是難以閱讀，大部分只抄襲相關的法律用語。

GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN) INTERNET PRIVACY SWEEP EXERCISE

Global results of the Sweep

The PCPD, together with 18 other privacy enforcement authorities, took part in an international Internet Privacy Sweep exercise ("Sweep") to assess privacy issues related to the fundamental principle of privacy practice transparency in websites and smartphone applications ("apps").

The Sweep was coordinated by the Global Privacy Enforcement Network ("GPEN"), a network of privacy enforcement authorities from around the globe working together to protect the privacy rights of individuals. The Sweep took place in May 2013 and replicated the consumer experience by checking 2,186 selected websites and apps against a set of criteria, including availability, accessibility, readability and relevancy of their privacy policy statements ("PPS").

Common concerns

The global Sweep identified significant shortcomings:

- 23% of the websites and mobile apps surveyed displayed no privacy policy.
- Some websites provided brief over-generalised statements about privacy, while offering no details on how the organisations were collecting, using or disclosing customer information.
- 33% of the privacy policies raised concerns with respect to relevance and readability, and many of them simply quoted verbatim from the applicable legislation.

抽查結果顯示，智能手機應用程式的私隱政策相比傳統網站更是強差人意：

- 92% 的智能手機應用程式的私隱政策在介紹資訊方式上出現一項或以上問題。
- 54% 的個案完全未有提供私隱政策。
- 部分智能手機應用程式只是提供超連結，引領用戶瀏覽其適用於網站的私隱政策聲明，該些聲明並沒有交代手機應用程式收集及使用用戶個人資料的安排。

私隱專員指出：「上網及使用智能手機應用程式的私隱保障已成為國際關注議題，涉及的問題不限於本地，而是需要與國際社會一起尋求改善的方法。這次抽查行動令網上私隱保障成為熱門話題，亦再敦促了各機構應確保收集和使用個人資料的做法公開和具透明度。用戶是應該可以在知情的情況下，對自己的資料行使控制權，尤其是在個人資料的應用可以超越用戶期望的網上虛擬世界。」

The privacy policies of apps lagged behind those on websites:

- 92% of app privacy policies reviewed in the Sweep raised one or more concerns with respect to how they present information about their privacy practices.
- 54% displayed no privacy policy at all.
- Some organisations simply provided links to privacy policies for their websites, which did not specifically address the collection and use of information for their apps.

The Commissioner commented on the results, “Privacy has become an international issue in the Internet and mobile world, and requires an international response. The challenges are global, so the solutions need to be global as well. The Sweep brought the issue of online privacy transparency to the forefront. It shone a spotlight on the importance for organisations to be open and transparent about how they collect, use and disclose personal data, so that individual users can make meaningful decisions in exercising control over their personal data. Transparency is especially important in the online environment, where personal data is sometimes used in ways in which individuals may not expect.”

接待海外 / 內地訪客

RECEPTION OF OVERSEAS/MAINLAND DELEGATIONS

在 2013 至 14 年度，公署曾接待以下代表團：

In 2013-14, the PCPD received the following delegations:-



2014 年 2 月 10 日 — 與資訊政策領導中心的企業代表團會晤。

10 February 2014 – Privacy dialogue with the Centre for Information Policy Leadership.



在 2014 年 2 月公署與白景崇教授聯合主持了一場有關私隱保障的交流會，讓本地的私隱保障專家，與一個國際私隱及資訊保安智庫「資訊政策領導中心」訪港代表團會面。交流觸及廣泛的私隱議題，包括大數據分析、最新科技發展、個人資料匿名化、私隱風險管理和物聯網。

A privacy dialogue co-chaired by the Commissioner and Professor John BACON-SHONE took place in Hong Kong in February 2014 between the Hong Kong privacy community and an overseas delegation of privacy professionals led by the Centre for Information Policy Leadership: a global privacy and information security think tank. Views were exchanged on a variety of privacy issues such as Big Data and analytics, the latest technological developments, the de-identification of personal data, privacy risk management, and the Internet of Things.

會議參與者

Meeting participants

海外

Overseas

- Ms Bojana BELLAMY, President, Centre for Information Policy Leadership, UK
- Mr Manuel MAISOG, Partner, Hunton & Williams, UK
- Ms Laura Juanes MICAS, Director of International Privacy, Yahoo!, US
- Mr Mikko NIVA, Director of Privacy, Nokia, Finland
- Ms Christina PETERS, Chief Privacy Officer, IBM, US
- Mr Luca PROBST, Attorney, Asia Pacific Legal, UPS, US
- Ms JoAnn STONIER, Chief Information Governance & Privacy Officer, MasterCard, US
- Mr Huey TAN, APAC Privacy and Compliance, Accenture, UK
- Mr Scott TAYLOR, Vice President and Chief Privacy Officer, Hewlett-Packard, US

香港及澳門

Hong Kong and Macao

- 香港個人資料私隱專員蔣任宏先生
Mr Allan CHIANG, Privacy Commissioner for Personal Data, Hong Kong
- 香港大學社會科學研究中心總監及公署科技發展常務委員會成員白景崇教授
Prof John BACON-SHONE, Director, Social Sciences Research Centre, The University of Hong Kong, and Member of the Standing Committee on Technological Developments, the PCPD
- 公署資訊科技顧問張宗頤博士
Dr Henry CHANG, Information Technology Advisor, the PCPD
- 香港大學法律學院教授張善喻教授
Prof Anne S Y CHEUNG, Professor, Faculty of Law, The University of Hong Kong
- 香港大學計算機科學系副教授及公署科技發展常務委員會成員鄒錦沛博士
Dr K P CHOW, Associate Professor, Department of Computer Science, The University of Hong Kong, and Member of the Standing Committee on Technological Developments, the PCPD
- 香港中文大學法律學院助理教授 Prof Stuart HARGREAVES
Prof Stuart HARGREAVES, Assistant Professor, Faculty of Law, The Chinese University of Hong Kong
- 香港特別行政區政制及內地事務局首席助理秘書長梁何綺文女士
Mrs Philomena LEUNG, Principal Assistant Secretary, Constitutional and Mainland Affairs Bureau, Hong Kong SAR Government
- 香港大學法律學院法律及資訊科技研究中心助理教授 Dr Marcelo THOMPSON
Dr Marcelo THOMPSON, Assistant Professor of Law, Deputy Director, Law and Technology Centre, Faculty of Law, The University of Hong Kong
- 孖士打律師行資深顧問黃錦山先生
Mr Kenny WONG, Senior Consultant, Mayer Brown JSM
- 澳門特別行政區個人資料保護辦公室副主任楊崇蔚先生
Mr Ken YANG, Deputy Coordinator of the Office for Personal Data Protection, Macao SAR Government



本地及海外私隱保障專家在 2014 年 2 月 10 日的會議上交流和討論多項與科技新發展相關的私隱議題。

Local and overseas privacy experts exchanged views on a variety of privacy issues relating to the latest technological developments on 10 February 2014.



2013年7月10日—由香港大律師公會率領的一群北京大學法律系學生到訪公署。公署人員向他們介紹公署的工作及私隱條例。

10 July 2013 – A group of law students from Peking University, led by the Hong Kong Bar Association, visited the PCPD. PCPD staff gave them an account of the PCPD's work and a briefing on the Ordinance.

2013年10月2日—亞洲法律資源中心率領一個由中國內地法律系學生、法律專業人員及非政府機構組成的代表團到訪公署。機構傳訊部人員向他們介紹公署的工作及私隱條例。

2 October 2013 – The Asian Legal Resource Centre organised a visit to the PCPD by a delegation of law students, legal professionals and NGO personnel from the Mainland. The Corporate Communications team briefed the delegation on the PCPD's work and the Ordinance.



2013年11月22日—韓國網絡安全局的代表訪港與公署職員討論資訊科技方面的私隱議題。

22 November 2013 – Korea Internet & Security Agency visited Hong Kong to discuss with PCPD staff privacy issues relating to information technologies.



2013年12月4日—私隱專員及公署首席企業服務經理（左一），與新加坡個人資料保護委員會主席（右二）及政策司長（右）分享規管經驗。

4 December 2013 – The Commissioner and the Chief Corporate Services Manager of the PCPD (far left) met the Chairman (second from right) and Policy Director (far right) of Singapore's Personal Data Protection Commission to share their regulatory experience.