# Strengthening External 時區聯繫 Connections

### 回應跨國界的議題

政策及研究部因應最新的本地及國際發展,對個人資料保障的政策及議題進行研究及提供意見。

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構和私隱專家保持聯繫和工作關係,洞悉國際間私隱保障的發展和趨勢。

### **Responding to Borderless Issues**

Policy and Research Division conducts research and provides advice on policy issues relating to personal data protection in light of latest local and international developments.

Privacy protection has become a borderless issue and thus calls for an international response. We liaise and work with overseas data protection authorities and privacy experts to keep abreast of international developments and trends in privacy protection.



### 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2017年2月23日派員出席在越南芽莊舉行的第35屆亞太經合組織資料私隱分組會議。

「跨境私隱規則機制」是一個自願性及以問責為基礎的機制,旨在促進亞太經合組織經濟區內尊重私隱的資料傳輸,該機制在2011年獲亞太經合組織領袖核准。現時該機制有四個參與者,分別是美國、西哥、日本及加拿大。「跨境私隱規則機制」聯合監督小組表示正審閱南韓提出加入該機制的申請。會議亦得悉菲律賓、新加坡及中華台北正考慮加入「跨境私隱規則機制」。

會議亦討論推出修訂的「亞太經合組織保障私隱機制」(2016)的推廣計劃。「亞太經合組織保障私隱機制」包含九個指導原則及實踐指引,以協助亞太經合組織經濟區就個人資料私隱保障發展一致的地區性做法。該機制亦為在亞太經合組織經濟區內推廣問責性及負責任的個人資料轉移建立區域的做法,奠下基礎。

會議亦同意繼續就資料外洩事故通報及私隱 管理系統分享資料,並探討與「經濟合作及 發展組織」合作制定私隱衡量標準。

# ASIA-PACIFIC ECONOMIC COOPERATION (APEC) ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 35th meeting of the APEC Electronic Commerce Steering Group Data Privacy Subgroup, which was held in Nha Trang, Vietnam on 23 February 2017.

Endorsed by APEC Leaders in 2011, the Cross-Border Privacy Rules (CBPR) System is a voluntary accountability-based system to facilitate privacy-respecting data flows among APEC economies. There are currently four participating economies, namely, USA, Mexico, Japan and Canada. The Joint Oversight Panel of the CBPR System reported that it was reviewing the application made by the Republic of Korea to participate in the CBPR System. The meeting also noted that the Philippines, Singapore, and Chinese Taipei were at different stages of consideration to participate in the CBPR System.

The meeting also discussed the promotion plan for the launch of the revised APEC Privacy Framework (2016). The APEC Privacy Framework comprises a set of nine guiding principles and guidance on implementation to assist APEC economies in developing consistent domestic approaches to personal information privacy protection. It also forms the basis for the development of a regional approach to promote accountable and responsible transfers of personal information among APEC economies.

The meeting further agreed to continue information sharing on breach notification and privacy management programmes, as well as explore developing privacy metrics in collaboration with the Organisation for Economic Co-operation and Development (OECD).

### 亞太區私隱機構論壇

亞太區私隱機構是亞太區內私隱執法機構的主要平台組織,成立於1992年,目前有20名成員。公署是其管治委員會的成員。管治委員會與秘書處一同支援亞太區私隱機構的運作。亞太區私隱機構內亦設有科技工作小組及通訊工作小組。公署擔任技術工作組的主席,帶領小組就成員遇到的與科技相關的疑難進行研究,以及提供建議。

亞太區私隱機構論壇每年舉辦兩次,讓成員就如何有效執行其監管工作交換意見就如何有效執行其監管工作交換會議內開會議。閉門會議只供亞太區私隱機會議中發表地區報告,成員在閉門是在閉門人。以其一個人資料相關的議題。

私隱專員於2016年出席了第45及46屆亞太 區私隱機構論壇。

第45屆亞太區私隱機構論壇 (2016年7月21至22日,新加坡)

公開會議期間討論的議題包括:國際間資料轉移的機制(例如歐盟與美國的「私隱盾」、亞太經合組織的「跨境私隱規則機制」);資料可携性;私隱規管的未來發展;及如何制定適用於大數據及數碼化社會的私隱原則。

### **ASIA PACIFIC PRIVACY AUTHORITIES (APPA)**

APPA is the principal forum for privacy and data protection authorities in the Asia Pacific region. Formed in 1992, it currently has 20 members. The PCPD is a member of its Governance Committee, which works closely with the Secretariat to support the operation of APPA. There are also two working groups in APPA, namely the Technology Working Group and the Communications Working Group. The PCPD is the chair of the Technology Working Group, which collaborates on and explores common technology-related issues experienced by members.

APPA members meet twice a year at the APPA Forum to exchange ideas and practical experience in carrying out their regulatory functions. The APPA Forum comprises the closed session and the open session. The closed session is restricted to APPA members and invited observers. Members present their jurisdiction reports at the closed session, which usually cover significant compliance issues, legislative reforms, education campaigns, and technological developments. The open session of the APPA Forum is open to academia, civil societies, non-government organisations and commercial organisations. A wide variety of topics relating to personal data protection are covered in presentations and panel discussions at the open session.

The Commissioner attended the 45th and 46th APPA Forum in 2016.

The 45th APPA Forum (21-22 July 2016, Singapore)

At the closed session, the Commissioner, representing the Technology Working Group, presented the Group's study on establishing common baseline security measures, which might be used by APPA members to advise data users on reasonable protection measures for electronically stored information. The Commissioner also presented a separate study on current legislation and regulation on de-identification as an appropriate means of protecting personal information. Other discussions at the closed session included how jurisdictions could balance data sharing and data protection; updates on the EU General Data Protection Regulation; and the growing challenges of obtaining meaningful consent on data processing from individuals in the age of Big Data.

At the open session, topics discussed included the mechanisms for international transfer of personal data (like the EU-US Privacy Shield, APEC CBPR System), data portability, future of privacy regulation, and calibrating privacy principles to a Big Data and digital society.

### 第46屆亞太區私隱機構論壇 (2016年11月30日至12月2日,墨西哥)

公開會議一開始是聯合國在私隱權方面的特別報告員Joseph Cannataci教授的演説,當中他指出私權為普世的基本人權。公開會議亦舉行了數場座談會,所探討的議題包括:國際間在執行保障個人資料的法律方面的合作;及由監管機構協助解決資料使用者和資料當事人之間的糾紛。私隱專員在一個有關自我監管的座談會擔任主持,他並就如何向機構及行業組織推廣自我監管分享了自己的見解,及公署在此方面的經驗。

在閉門會議中,成員討論了多個重點議題,包括:國家安全、監察活動及向執法機構披露資料;法律改革;數碼化帶來的衝擊;利益相關者在私隱保障方面的投入、認知及符規;創新的教育及外展活動策略。私隱理支付,就處理支付卡資料及保障網頁安全兩方面,向亞太區私隱機構成員匯報了小組所物色到的一些可能的基本保安措施。

# The 46th APPA Forum (30 November - 2 December 2016, Mexico)

The open session featured a keynote speech by Professor Joseph Cannataci, UN Special Rapporteur on the right to privacy, i.e. privacy is a universal and fundamental human right. There were also panel discussions on international cooperation in enforcement of data protection laws, and resolution of disputes between data users and data subjects by regulators. In the panel on self-regulation, the Commissioner acted as the moderator and shared his insights and the PCPD's experience in promoting self-regulation of organisations and businesses.

Discussions in the closed session focused on various topics: national security, surveillance by and disclosures to law enforcement; legal reforms; digital disruption; stakeholder engagement and privacy awareness and compliance; and innovative education and outreach strategies. As the Chair of the Technology Working Group, the Commissioner reported on the results of the Group in identifying the possible baseline security measures for handling of payment card data and safeguarding the security of websites.

### 2016亞洲私隱橋樑研討會聯合聲明

公署、韓國網絡安全局和Barun資訊及通訊 科技研究中心,與來自中國內地、南韓和日 本的私隱專家和學者,於2016年11月2日 就共同加強在亞洲地區私隱保障的研究、教 育和政策合作簽訂了「2016亞洲私隱橋樑研 討會聯合聲明」。

簽署儀式於南韓首爾舉辦的2016 Barun資訊 及通訊科技研究會議暨亞洲私隱橋樑研討會 舉行。亞洲私隱橋樑研討會的成立,是希望 藉此協調各亞洲經濟體系中不同的個人資料 私隱保障制度。有關的聯合聲明涵蓋以下合 作範圍:

- 建立更深厚緊密的國際研究關係:推動個人資料保障方面的研究綱領、政策發展和執行方面的合作;
- 合作推出私隱研究項目:參與聯合研究 計劃,以找出解決方案,協調不同的個 人資料保障制度;
- 加強政策合作:舉辦年度亞洲私隱橋 樑研討會,討論區域性和國際性的法 例、政策以及具爭議性的個人資料保 障議題,並推動與其他地區論壇的合 作和溝通。

### **ASIA PRIVACY BRIDGE FORUM JOINT DECLARATION 2016**

On 2 November 2016, the PCPD signed the Asia Privacy Bridge Forum Joint Declaration 2016 with the Korea Internet & Security Agency (KISA), Barun ICT Research Center and privacy experts and academia from the mainland of China, South Korea and Japan, to strengthen privacy research, privacy education, and policy co-operation in Asia.

The signing ceremony took place at Barun ICT Research Conference 2016 & Asia Privacy Bridge Forum in Seoul, South Korea. The Asia Privacy Bridge Forum was set up to identify practical steps for bridging the gaps among Asian economies about their approaches to data privacy protection. The joint declaration covered the co-operation initiatives on the following areas:

- Deepening international research relations: promote collaboration and co-operation in research agenda, policy development and enforcement regarding personal data protection;
- Collaborating on privacy research programmes: participate in joint research programmes to find solutions to help bridge the gaps among different personal data protection systems;
- Strengthening policy cooperation: organise the Asia Privacy Bridge Forum annually to deliberate regional and international laws, policies and other controversial issues on personal data protection, and promote co-operation and communication with other regional fora.

### 全球私隱執法機關網絡

「全球私隱執法機關網絡」於2010年成立, 宗旨是促進私隱執法機關之間的跨境合 作。於2016年年底,「全球私隱執法機關 網絡」的成員包括來自47個國家和地區的 64個私隱執法機關。

「全球私隱執法機關網絡」主要透過下述方 式加強合作:

- 1. 就相關議題、趨勢及經驗交換資訊;
- 鼓勵培訓和分享執法的知識、專門技術及良好行事方式;
- 3. 促進與負責私隱執法的機構的溝通;及
- 4. 創設、維持及支援對雙邊或多邊合作有 用的程序或機制。

公署於2014年加入「全球私隱執法機關網絡」為會員。於2016年,公署成為「全球私隱執法機關網絡」的五個執行委員會成員之一(其他成員有加拿大、以色列、英國及美國),協力領導「網絡」的工作。

「全球私隱執法機關網絡」每年其中一個主要 工作項目是私隱抽查行動,當中「網絡」的 成員會聯合查察特定界別的機構在私隱方面 的實務,評估其對個人資料私隱的尊重程度 及個人資料保障法例的符規情況。往年抽查 行動的重點包括流動應用程式及網站在私隱 政策方面的公開及透明度。

於2016年,公署聯同24個私隱執法機關查察「物聯網」裝置。抽查結果及相關建議詳列於本年報「監督符規 擁抱挑戰」部份。

於本年度,公署亦參與了「全球私隱執法機關網絡」的定期電話會議,與各會員就有關個人資料私隱的時事議題交換意見。

### **GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN)**

GPEN was established in 2010 to foster cross-border cooperation among privacy enforcement authorities. At the end of 2016, its membership comprised 64 privacy enforcement authorities from 47 countries and regions around the world.

GPEN primarily seeks to promote cooperation by:

- 1. Exchanging information about relevant issues, trends, and experiences;
- 2. Encouraging training opportunities and sharing of enforcement know-how, expertise, and good practice;
- 3. Promoting dialogue with organisations that play a role in privacy enforcement; and
- 4. Creating, maintaining, and supporting processes or mechanisms useful to bilateral or multilateral cooperation.

The PCPD joined GPEN as a member in 2014. In 2016, the PCPD joined the five-member Executive Committee of GPEN (the other members are Canada, Israel, the UK and the US) and contributed to leadership for the network.

One of the major annual projects of GPEN is the Privacy Sweep, in which its members join forces to examine the privacy practices of organisations in selected sectors and evaluate their level of respect to personal data privacy and level of compliance with data protection laws. The focuses of the Privacy Sweeps in previous years include the openness and transparency of mobile applications and websites in respect of their privacy policies.

In 2016, the PCPD joined 24 privacy enforcement authorities to examine the Internet of Things (IoT) devices. Findings and recommendations arising from this Privacy Sweep can be found in the section of "Monitoring Compliance, Embracing Challenges" in this report.

During the year, the PCPD also attended regular telephone conferences with other GPEN members to exchanges views on topical issues relating to personal data privacy.



### 國際資料保障及私隱專員研討會

國際資料保障及私隱專員研討會於1979年首次召開,是全球各地私隱專員的重要論壇。研討會的會員包括來自逾70個國家的逾110個私隱執法及資料保障機構。研討會每年於其中一個會員的法域區召開一次。

# 第38屆國際資料保障及私隱專員研討會(2016年10月17-20日,摩洛哥馬拉喀什)

私隱專員於2016年10月出席了在摩洛哥馬拉喀什舉行的第38屆國際資料保障及私隱專員研討會。研討會為期四天,首兩天為閉門會議,最後兩天為公開會議。

約200名研討會的會員及觀察員代表出席了 閉門會議。其間,獲邀出席的學者及專 報人學及資料加密等議題,討論主要 於有關科技對私隱和個人資料保障的影 會員並於閉門會議期間通過了數項決議 中包括決議採納一個私隱教育框架方案 及決議促進國際間的私隱執法合作。 爾門會議期間被正式確認為第39屆研 時主辦城市。作為來屆研討會的執行委員會, 公署亦即時被委任至研討會的執行委員會, 任期兩年。

出席公開會議的代表來自研討會的會員及觀察員、公民組織、非政府機構、智庫組織及商業機構。公開會議期間舉行了多場演説及座談會以討論多個不同議題中的個人資料私隱問題,例如資訊型經濟、政府的監察活動,並探討了如何有效地教育公眾保障個人資料私隱等。

多個公民組織、非政府機構及商業機構等藉 研討會期間各自舉辦周邊會議,討論與個人 資料私隱相關的熱門話題,例如美國與歐盟 為便利跨大西洋的資訊流通而訂立的「私隱 盾」計劃,以及建立遺傳基因資料庫的私隱 問題。

## INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS (ICDPPC)

The ICDPPC, which was first convened in 1979, is the premier forum for Privacy Commissioners from around the world. Its membership comprises over 110 privacy enforcement and data protection authorities from over 70 countries. The ICDPPC is convened once a year in a member's jurisdiction.

# The 38th ICDPPC (17-20 October 2016, Marrakesh, Morocco)

The Commissioner attended the 38th ICDPPC in Marrakesh, Morocco in October 2016. The Conference lasted for four days, with the first two days conducted in a closed session and the last two days in an open session.

The closed session was attended by around 200 delegates from the accredited members and observers of the ICDPPC. Invited academics, experts, and specialists held in-depth discussions with conference members on topics of artificial intelligence, robotics, and encryption, with a focus on their implications on privacy and personal data protection. Several resolutions were passed by the members during the closed session, which included the resolutions to adopt a privacy education framework and to promote international cooperation for privacy enforcement. Hong Kong was confirmed to be the host of the 39th ICDPPC. As the host of the next ICDPPC, the PCPD was also admitted to the Executive Committee of the ICDPPC with immediate effect, for a term of two years.

The open session was attended by representatives from the accredited members and observers of the ICDPPC, civil societies, non-governmental organisations, think tanks, and commercial organisations. A number of presentations and panel discussions were conducted during the open session to discuss privacy implications of data-driven economies and government surveillance, and to explore the effective means of public education in personal data protection.

A number of civil societies, non-governmental organisations, and commercial organisations also held their own meetings on the fringe of the ICDPPC to discuss topical issues relating to personal data protection, such as the Privacy Shield scheme between the US and the European Union for the facilitation of trans-Atlantic data flow, and the privacy implications of DNA databases.

私隱專員在研討會期間應邀發表了數場演 説。他在公開會議上分享了公署的私隱教育 工作經驗,以及發表了對如何促進國際間私 隱執法合作的見解。私隱專員並分別在閉門 會議和公開會議上為將於2017年9月在香港 舉辦的第39屆研討會進行宣傳。 The Commissioner was invited to give speeches on several occasions during the ICDPPC. He shared the experience of privacy education of the PCPD at the open session and offered his views on how international privary enforcement cooperation could be facilitated. The Commissioner also took opportunities at both the closed and open sessions to promote the 39th ICDPPC to be held in Hong Kong in September 2017.

### 與海外資料保障機構及私隱專家的交流

# EXCHANGES WITH OVERSEAS DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

私隱專員及其團隊與海外資料保障機構、業 界人員及學者曾作以下交流: The Commissioner and his team were engaged in the following exchanges with overseas data protection authorities, practitioners and the academia:

04 & 05.04.2016	私隱專員在美國華盛頓出席國際私隱專業人員協會舉辦的2016 全球私隱高峰會期間會見了未來私隱論壇、歐華律師事務所、Hunton & Williams LLP、資訊政策領導中心、布魯金斯學會及 Allen & Overy 的代表。 Privacy Commissioner met the representatives of Future of Privacy Forum, DLA Piper, Hunton & Williams LLP, Centre for Information Policy Leadership, Brookings Institution and Allen & Overy during the Global Privacy Summit 2016 held in Washington, DC organised by the International Association of Privacy Professionals (IAPP).
04.06.2016	私隱專員在國際私隱專業人員協會於美國華盛頓主辦的2016全球私隱高峰會發表「香港個人資料保障規管架構 — 諮詢式規管」的演講。 Privacy Commissioner delivered a presentation on "Hong Kong Personal Data Protection Regulatory Framework - An Approach to Consultative Regulation" at the Global Privacy Summit 2016 hosted by the IAPP in Washington, DC.
07.04.2016	私隱專員在美國喬治城大學麥克唐納商學院發表「香港個人資料保障規管架構 — 諮詢式規管」的演講。 Privacy Commissioner delivered a presentation on "Hong Kong Personal Data Protection Regulatory Framework - An Approach to Consultative Regulation" at McDonough School of Business of Georgetown University in Washington DC.
11.05.2016	副私隱專員在韓國網絡安全局、大韓民國放送通信委員會及韓國行政自治部舉辦的亞洲私隱論壇與參與者交流。 Deputy Privacy Commissioner exchanged views with participants at "Asia Privacy Bridge Forum" organised by the Korea Internet and Security Agency, Korea Communications Commission and Ministry of the Interior in Korea.
20.05.2016	政策及研究部總監參與高麗大學和慶應義塾大學在韓舉辦的「雲端運算的法規及政策」小組討論。 Head of Policy and Research Division joined a panel discussion on "National Law and Policy on Cloud Computing" organised by the Korea University and Keio University in Korea.
19.07.2016	私隱專員參與國際私隱專業人員協會在新加坡舉辦的2016亞洲私隱論壇的「邁向問責」及「規管者的看法」小組討論。 Privacy Commissioner joined the "Getting to Accountability" and "The Regulators' View" panel discussions at IAPP Asia Privacy Forum 2016 in Singapore.

20.07.2016	私隱專員參與新加坡個人資料保護委員會舉辦的資料保障研討會2016 — 聯繫創新與信任之「問責制:資料主導世代中的信任與創新」小組討論。 Privacy Commissioner joined the "Accountability: Trust and Innovation in Data Driven World" panel discussion at PDP Seminar 2016 - Bridging Innovation and Trust organised by the Personal Data Protection Commission Singapore.
22.07.2016	私隱專員在新加坡為Facebook主講「香港個人資料私隱專員的話」。 Privacy Commissioner gave a "Remarks from the Hong Kong Privacy Commissioner for Personal Data" organised by Facebook in Singapore.
25.08.2016	政策及研究部總監在新加坡舉行的 ASEAN Strategy Forum Executive IT 發表「流動資訊、雲端應用及物聯網帶來的私隱及保安挑戰」演講。 Head of Policy and Research Division gave a presentation on "Privacy and Security Challenges in Mobile, Cloud and IoT" at ASEAN Strategy Forum Executive IT in Singapore.
12.10.2016	高級個人資料主任在柬埔寨舉行的亞太電訊組織舉辦的第七屆亞太電訊組織網絡安全論壇中發表「個人資料(私隱)條例簡介及私隱管理系統」的演講。 Senior Personal Data Officer delivered a presentation on "Introduction of the PD(P)O and PCPD's Privacy Management Programme" at 7th APT Cybersecurity Forum, organised by the Asia-Pacific Telecommunity in Cambodia.
14.11.2016	私隱專員於深圳舉行的第五屆中美知識產權高峰論壇 — 知識產權與經濟轉型上發表「香港特區個人資料隱私權保障概覽」的演講。 Privacy Commissioner delivered a presentation on "An overview of Personal Data Privacy Rights Protection in Hong Kong Special Administrative Region" at the 5th US-China Intellectual Property Conference: Intellectual Property and Economic Transformation in Shenzhen.
03.12.2016	合規部總監及投訴部總監在香港浸會大學及清華大學在北京合辦的網絡治理視角下的社交媒,政策與規制研討會中發表「社交媒體與個人資料私隱的保障」的演講。 Head of Compliance Division and Head of Complaints Division delivered a presentation on "Social Media and Personal Data Privacy Protection" at Workshop on Social Media, Policy and Regulation: A Network Governance Perspective co-organised by Hong Kong Baptist University and Tsinghua University in Beijing.
25.01.2017	私隱專員為「電腦、私隱及資料保護」會議的「人工智能及歐盟的《一般資料保障規例》:有何具體的責任和措施?」小組討論在香港以視像方式致開幕辭(會議於布魯塞爾舉行)。 Privacy Commissioner gave a video presentation in Hong Kong as an opening speech for the panel discussion titled "AI & GDPR: Concretely, what are the obligations & steps to take?" during the Computers, Privacy and Data Protection Conference held in Brussels.







### 接待海外 / 內地訪客

### **RECEPTION OF OVERSEAS / MAINLAND DELEGATIONS**

在2016至17年度,公署曾接待以下代表團:

In 2016-17, the PCPD received the following delegations:



08.06.2016 — 私隱專員及首席律師接待訪港交流的浙江大學代表。

08.06.2016 – Privacy Commissioner and Chief Legal Counsel received delegates from Zhejiang University.



11.07.2016 — 接待汕頭政法大學法律系學生,公署人員向他們介紹公署的工作及私隱條例。

11.07.2016 – PCPD staff gave a briefing on the PCPD's work and the Ordinance to a group of law students from Shantou University.



27.07.2016 — 私隱專員接待訪港交流的內地法律學生及發表「保障、尊重個人資料」的演講。

27.07.2016 – The Privacy Commissioner received a group of law school students from the mainland of China and gave a speech on "Protect, Respect Personal Data"





19.10.2016 — 副私隱專員、首席律師及高級個人資料主任與中國高級法官會面並分享「香港的個人資料私隱保障」。 19.10.2016 – Deputy Privacy Commissioner, Chief Legal Counsel and Senior Personal Data Officer met Chinese Senior Judges and shared "Protection of Personal Data Privacy in Hong Kong".



28.10.2016 ── 私隱專員及公署高級職員與參加由律政司所統籌實習計劃並由來自內地多個司法廳/局官員所組成的代表團交流意見。

28.10.2016 – The Privacy Commissioner and senior staff exchanged views with a delegation of officials from the mainland of China from various Justice Departments / Bureaux who joined an attachment programme arranged by the Department of Justice.