



DATA ETHICS

數據道德

數據經濟下數據道德的範式轉變

數據經濟的雙面刃

數據是新興數據經濟的貨幣和石油—透過使用社交媒體、搜索引擎及物聯網設備等並與之互動，數據高速、大規模地產生及被收集。數據經演算法進行處理及分析後可識別出行為模式、提供洞悉及預測，從而創造價值。數據的價值不斷提升，其使用並不局限於個人概況彙編或發送個人化廣告，亦可被用於改進決策、促進資源有效分配或創建新業務等。隨著大數據分析、人工智能和機器學習的發展，各種新型服務如雨後春筍般湧現，例如自然語言處理、翻譯、圖像識別和虛擬助理。

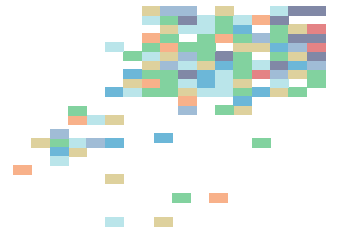
毫無疑問，大數據分析、人工智能和機器學習漸被機構應用於各個業務層面以提升運作效益。這些現代化數據驅動的科技徹底改變了我們收集、處理和使用數據的方式。與此同時，個人資料的保障屢受不同衝擊，例如不知情的同意、數據被秘密地收集、超乎預期的數據使用、敏感的個人資料被揭露，以及在未經授權下從匿名的資料重新識別個人身份等。部分數據的使用甚至可能引起道德問題，例如演算法的偏見、歧視，以及個人的弱點被利用。

A PARADIGM SHIFT TO DATA ETHICS IN THE DATA ECONOMY

The double-edged data economy

Data is the currency and oil of the new data economy - it is generated and collected on a massive scale and at high speed by our use of and interaction with social media, search engines, connected devices, etc. Data is processed and analysed by algorithms to formulate patterns, predictions and insights to create value. The value of data is increasing, with its use no longer restricted to profiling individuals and serving personalised advertisements but also for improving decision making, facilitating resource allocation, creating new businesses, and many more. With the advancement of big data analytics, artificial intelligence and machine learning (BDAIML), a wide range of new services such as natural language processing, translation, image recognition and virtual assistants have been created.

Undoubtedly, BDAIML are becoming increasingly powerful within organisations to improve different facets of their businesses. These modern data driven technologies revolutionise the way we collect, process and use data. At the same time, they also bring challenges to data protection, such as uninformed consent, covert collection of data, unexpected use of data, exposure of sensitive personal data and unauthorised re-identification, etc. Some usage of the data may even give rise to moral issues such as algorithmic bias, discrimination, and exploitation of personal weaknesses.



數據道德與處理資料的正統性研究計劃

道德可被視為群體的文化規範、共同價值或指導信念。現時對「數據道德」並未有廣泛認同的定義，數據道德的價值或指導原則亦未有廣泛共識。

一般而言，「數據道德」一詞泛指有道德地處理數據，即在數據處理過程中對相關持份者的自由、權利和利益等作出全面的考慮。

資料保障與技術創新似乎存在衝突。在此背景下，數據道德可望成為於兩者間取得平衡的解決方案。公眾要求確立數據道德的呼聲越來越高—企業和監管機構對此方面的指導原則和標準的渴求越趨殷切。

在此背景下，個人資料私隱專員公署（公署）在2017年就數據道德展開研究。2018年2月，公署委託美國一家顧問機構，開展有關數據道德的「處理資料的正統性研究計劃」。該計劃的目標是確定數據道德的核心價值，並開發一項工具—即數據道德影響評估框架—以協助香港各界實踐數據道德。超過20間來自各行業（例如銀行、保險、電訊、醫療保健服務和交通運輸）的機構應邀參與該研究計劃，就數據道德的核心價值及評估框架的草案向顧問機構提供意見，務求確保研究計劃的成果能切實可行，並適用於香港。

Data ethics and the legitimacy of data processing project

Ethics may refer to cultural norms, communal values and/or guiding beliefs of a community. There is no universal definition of “data ethics”, or the value(s) or guiding principle(s) of data ethics.

Generally speaking, the term “data ethics” is used when people refer to “ethical” data processing where the full range of freedoms, rights and interests of all stakeholders are taken into account.

Against the background of seemingly conflicting interests of data protection and technological innovation, data ethics emerge as a solution for striking a balance between the two. There are growing public expectations for data ethics - businesses and regulators are increasingly asking for guiding principles and standards in this regard.

With this in mind, the office of the Privacy Commissioner for Personal Data Hong Kong (the PCPD) started researching into the topic of data ethics in 2017. In February 2018, the PCPD commissioned a US consulting firm to conduct a data ethics project known as the “Legitimacy of Data Processing Project”. The objectives of the project are to identify the core values of data ethics and develop a tool - an ethical data impact assessment framework - to assist organisations in Hong Kong to put data ethics into practice. More than 20 organisations from various sectors (e.g. banking, insurance, telecommunications, healthcare services, transportation) were invited to participate in the project by providing comments and feedback to the consultancy on the draft ethical values and assessment framework, so as to ensure that the recommendations and deliverables of the project are practicable and relevant in the context of Hong Kong.



該研究計劃於2018年4月正式展開，探討的主要問題有：

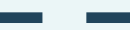
- 什麼是「有道德」或「公平」的數據處理？
- 數據道德影響評估應包含甚麼元素，以及數據道德管理的標準是甚麼？
- 數據道德或公平的資料處理與相關法律要求之間的直接或間接聯繫是甚麼？數據道德管理的哪些方面超越了法律要求？
- 如何推動企業採用數據道德管理和數據道德影響評估？

研究計劃的報告（包括道德價值和數據道德影響評估框架）預計將於2018年第四季度發表。公署希望透過該計劃推動香港各界接受數據道德作為機構管治的一部份，推行數據道德的範式轉變，特別是在使用大數據分析、人工智能和機器學習處理個人資料時，秉持數據道德價值，及採用數據道德影響評估框架進行風險評估。

The project commenced in April 2018. Key questions to be answered by the project include:

- What does it mean by “ethical” or “fair” processing of data?
- What would an ethical data impact assessment consist of and what are the standards for ethical data stewardship?
- What is the direct or indirect linkage between ethical or fair processing of data and the relevant legal requirements? What aspects of ethical data stewardship go beyond the law?
- What are the motivators for businesses to adopt ethical data stewardship and utilise ethical data impact assessments?

A report which, among other things, consists of a set of ethical values and an ethical data impact assessment framework is expected to be published in the fourth quarter of 2018. The PCPD hopes that the project deliverables will help organisations in Hong Kong to embrace data ethics as part of corporate governance - making a paradigm shift to data ethics, and adopting the ethical values and ethical data impact assessment framework in relation to personal data processing, particularly when BDAIML are used for processing personal data.





私隱管理系統與數據道德

私隱管理系統的精神是將個人資料保障視為企業管治責任，並在機構內貫徹地執行，而數據道德則更進一步，在 21 世紀的數據經濟中更具道德及公平地使用個人資料。

因此，公署著重透過私隱管理系統在企業間推廣問責性，並教育公眾關注私隱。公署認為相對於施加懲罰，推廣及教育會帶來更好的果效。

在報告年度，公署曾

- 舉辦私隱管理系統專業研習班；
- 協助選定的政府部門/ 決策局建立其私隱管理系統；及
- 參照私隱管理系統框架，視察及評估機構處理個人資料的程序。

PRIVACY MANAGEMENT PROGRAMME (PMP) AND DATA ETHICS

While the spirit of PMP is to embrace personal data protection as part of corporate governance responsibility and apply it throughout the organisation, Data Ethics is one step further for more ethical and fair use of personal data in the data economy of the 21st century.

In this connection, the PCPD focused on promoting accountability through PMP among businesses and educating the public to raise their privacy awareness. The PCPD believes that promotion and education efforts would be more effective than sanctions in protection of personal data.

During the reporting year, PCPD

- conducted PMP professional workshops;
- assisted selected government bureau/departments in developing their PMP manuals; and
- conducted inspection by using PMP framework to assess personal data handling process of organisations.

