

加強對外聯繫

Strengthening External Connections





積極參與國際間的私隱社群活動

有鑑於科技的急速發展及其對個人資料私隱的潛在影響，世界各地的資料保障機構一直致力在多方面加強個人資料私隱的保障。私隱公署相信，透過參與國際間的私隱社群活動，並充分善用所獲得的專業知識，將有助其掌握保障個人資料私隱方面的最新國際趨勢。在報告年度內，私隱公署繼續積極參與多個國際和區域私隱平台。

Proactively Participating in International Privacy Community

In view of accelerated technological advancements and their inherent impacts on personal data privacy, data protection authorities around the globe have been ramping up efforts on various fronts in a bid to enhance the protection of personal data privacy. We believe that participating in and leveraging the expertise of the international privacy community is the key to keeping the PCPD abreast of the global trends in personal data privacy protection. During the reporting year, the PCPD remained active in various international and regional privacy platforms.



環球私隱議會

環球私隱議會是集合全球超過130個資料保障機構且具領導地位的國際平台，成員會就私隱議題和國際最新發展進行討論和交流。

在報告年度內，私隱公署作為環球私隱議會的成員，就2019冠狀病毒病疫情期間的資料保障、視像會議工具的私隱保障、和國際執法合作等議題在國際私隱界作出貢獻。

Global Privacy Assembly

The Global Privacy Assembly (GPA) is the leading international forum for over 130 data protection authorities from around the globe to discuss and exchange views on privacy issues and the latest international developments.

During the reporting year, the PCPD made contributions as a member of the GPA to the international privacy community in several areas, including, among others, data protection in the COVID-19 pandemic, safeguarding privacy in the field of VTC tools, and international enforcement cooperation.



第43屆環球私隱議會

私隱公署於2021年10月18至21日出席了以視像形式舉行的第43屆環球私隱議會。會議的主題是「私隱與資料保障：以人為本」。會議的討論題目包括與人工智能、人臉識別、智慧城市、疫苗護照以及跨地域執法等相關的私隱議題。

有見於涉及違反不同司法管轄區的私隱法例的個人資料外洩事故有所增加，私隱專員聯同其他資料保障機構於議會上分享國際性執法合作的經驗。私隱專員亦呼籲成員加強國際協作，以應對機構共同面對的議題。

43rd Global Privacy Assembly

The PCPD participated in the 43rd GPA Conference held virtually from 18 to 21 October 2021. With its theme “Privacy and Data Protection: A Human-centric Approach”, the topics of discussions of the Conference included privacy issues relating to AI, facial recognition, smart cities, vaccine passports and cross-regional enforcement.

In the light of the increasing number of personal data breach incidents which involved infringements of privacy laws in different jurisdictions, the Privacy Commissioner joined her counterparts in other jurisdictions in a panel discussion to share their international enforcement collaboration experience. The Privacy Commissioner appealed for greater cooperation among data protection authorities on an international level to address issues common to the authorities.

繼續推廣應對2019冠狀病毒病的最佳私隱保障行事常規

私隱公署連續兩年在環球私隱議會成立的「2019冠狀病毒病專責小組」及「2019冠狀病毒病工作小組」下主導了一項問卷調查，向超過30個司法管轄區的資料保障機構就對抗2019冠狀病毒病的措施所帶來的資料保障及私隱議題方面進行調查，以收集相關的經驗及最佳行事常規。

繼2020年發布《應對2019冠狀病毒病的最佳行事常規概要》(《概要》)(第一部分)後，私隱公署於2021年彙編《概要》的第二部分，就問卷調查結果的四個議題重點整理32個司法管轄區所分享的經驗與良好行事常規。四個議題分別為：健康護照、對入境旅客和民眾的健康監測、接觸追蹤應用程式，及對使用電子學習軟件的兒童或學生的個人資料處理。

2021年的調查發現，國際間為對抗疫情普遍有採用健康護照(又稱疫苗護照、疫苗通行證、健康碼等)以及2019冠狀病毒病的接觸者追蹤應用程式等措施。許多司法管轄區均在設計這些措施時加入了對私隱的保障。例如，在設計健康護照時遵守個人資料最少化及有限制的使用等原則；在開發接觸者追蹤應用程式時採用分散的資料儲存模式。其中一個全球普及的良好行事常規是衛生部門在開發健康護照或接觸者追蹤應用程式時進行私隱影響評估，這反映各地的機關高度意識到須應對由使用這些措施所引起的私隱關注。

Continuous Promotion of Best Privacy Practices in Response to COVID-19

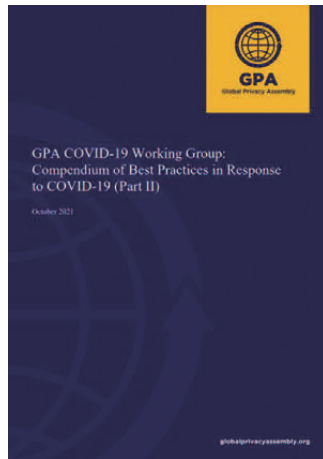
For the second year in a row, the PCPD took the lead, under the GPA COVID-19 Taskforce and the COVID-19 Working Group, to conduct surveys on the relevant experiences and recommended best practices of data protection authorities of more than 30 jurisdictions regarding data protection and privacy issues arising from measures to combat the COVID-19 pandemic.

Following the publication of the Compendium of Best Practices in Response to COVID-19 (the Compendium) (Part I) in 2020, the PCPD compiled Part II of the Compendium in 2021, focusing on the survey results as regards the experiences and best privacy practices reported by 32 jurisdictions in four areas: health passports, health monitoring of incoming travellers and returning nationals, contact tracing apps and handling of children's or students' data in e-learning technologies.

The 2021 survey found that health passports (also known as vaccine passports, vaccine passes, health codes, etc.) and contact tracing apps had been commonly used internationally to fight the pandemic. Many jurisdictions incorporated the protection of privacy in the designs of the measures. These included, for example, adherence to the data minimisation and limitation of use principles in the design of health passports; and the adoption of a decentralised approach to data storage in the development of contact tracing apps. One of the best practices adopted globally was conducting of privacy impact assessments in the development of health passports or contact tracing apps, which illustrated a high awareness among authorities to address privacy concerns arising from their use.

《概要》的兩部分為資料保障機構、政府、公共衛生部門及其他相關的持份者提供寶貴參考資料，提醒他們繼續保障私隱。私隱公署於2021年10月舉行的環球私隱議會上介紹了《概要》的第二部分，並獲得國際資料保障界別的一致好評。

Both parts of the Compendium served as valuable reference documents for data protection authorities, governments, health authorities and other relevant stakeholders, reminding them to continue to uphold privacy protection. The Compendium (Part II) was presented by the PCPD at the GPA Conference in October 2021 and was well received by the international data protection community.



亞太區私隱機構

亞太區私隱機構於1992年成立，是亞太區內私隱和資料保障機構加強合作及討論最佳行事常規的主要平台，並促進機構間就私隱規例、新技術，以及有關處理私隱查詢和投訴分享資訊。

Asia Pacific Privacy Authorities

Founded in 1992, the Asia Pacific Privacy Authorities (APPA) is the principal forum for privacy and data protection authorities in the Asia Pacific region to strengthen cooperation, discuss best practices and share information on privacy regulations, new technologies and the handling of privacy enquiries and complaints.



第55屆亞太區私隱機構論壇

私隱專員及私隱公署的代表於2021年6月16至18日出席了以視像形式舉行的第55屆亞太區私隱機構論壇。論壇的重點討論事項如下：

55th APPA Forum

The Privacy Commissioner and representatives of the PCPD attended the 55th APPA Forum held virtually from 16 to 18 June 2021. Major themes discussed at the forum included the following:

- 個人資料保障法例的發展；
 - 2019冠狀病毒病疫情新常態下的私隱議題；
 - 新興科技的應用以及不同行業的參與；
 - 兒童及青少年私隱；及
 - 資料保障國際標準的制訂。
- Legislative developments in the protection of personal data;
 - Privacy issues in the new normal post COVID-19;
 - Use of emerging technologies and engagement with industries;
 - Children's and adolescents' privacy; and
 - Formulating global standards in data protection.

在有關法例發展的討論環節上，私隱專員向亞太區私隱機構成員闡述倡議中的「起底」罪行之箇中元素，以及在為打擊「起底」行為而對《私隱條例》建議作出修訂下，私隱專員新增的刑事調查、檢控及執法權。

In the discussion session on legislative developments, the Privacy Commissioner explained to APPA members the elements of the proposed doxxing offence, and her new criminal investigation, prosecution and enforcement powers under the proposed amendments to the PDPO to combat doxxing behaviour.



第56屆亞太區私隱機構論壇

其後，私隱公署於2021年12月1至3日出席了以視像形式舉行的第56屆亞太區私隱機構論壇。論壇的重點討論事項如下：

56th APPA Forum

Later in the year, the PCPD attended the 56th APPA Forum held virtually from 1 to 3 December 2021. Major themes discussed at the forum included:

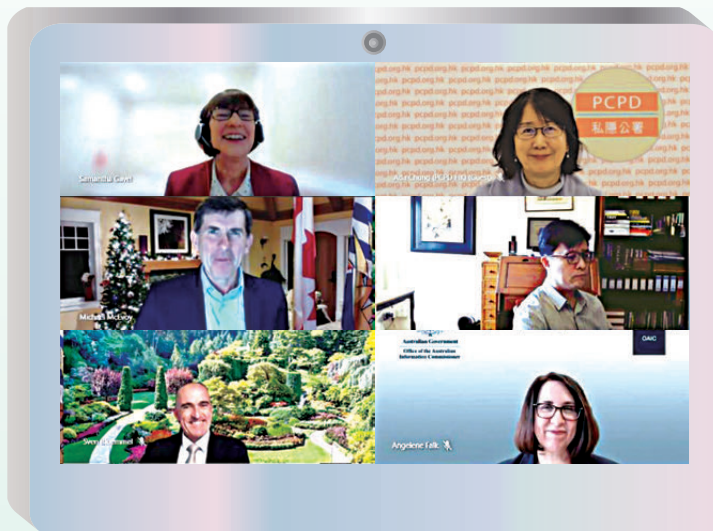
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| <ul style="list-style-type: none"> 📦 人工智能的開發及使用； 📦 私隱保障法例的發展； 📦 與2019冠狀病毒病大流行和虛擬醫療相關的私隱議題； 📦 跨境資料流通；及 📦 指引及執法事宜。 | <ul style="list-style-type: none"> 📦 Development and use of AI; 📦 Legislative developments in the protection of privacy; 📦 Privacy issues arising from the COVID-19 pandemic and virtual health care; 📦 Cross-border data flows; and 📦 Guidance and enforcement. |
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在主題環節上，私隱專員介紹了私隱公署於2021年8月發布的《開發及使用人工智能道德標準指引》，並倡議其包涵的原則及良好行事方式。

In the topical session, the Privacy Commissioner delivered a presentation to advocate the principles and good practices recommended in the “Guidance on the Ethical Development and Use of Artificial Intelligence” issued by the PCPD in August 2021.

在有關法例發展的討論環節上，私隱專員向亞太區私隱機構成員講解已生效的《修訂條例》的主要內容，當中包括兩級制的「起底」罪行、私隱專員獲賦予的刑事調查和檢控權力，以及發出停止披露通知以移除「起底」訊息的權力。

In the discussion session on legislative developments, the Privacy Commissioner explained the scope of the Amendment Ordinance to APPA members, including the two-tier structure of doxxing offences and the new powers of the Privacy Commissioner to conduct criminal investigation, institute prosecution for doxxing cases and issue cessation notices to request the removal of doxxing messages.



促進與不同司法管轄區的合作

全球私隱執法機關網絡

全球私隱執法機關網絡於2010年正式成立，以促進私隱執法機構的跨境合作。私隱公署於報告年度繼續獲委任為全球私隱執法機關網絡的委員會成員，並協助籌劃全球私隱執法機關網絡的整體活動。

私隱公署於2021年聯同19個來自歐洲、美洲、大洋洲、亞洲及中東的資料保障機構，參與全球私隱執法機關網絡的抽查行動，主題為「私隱考量及有關2019冠狀病毒病大流行的方案及措施」。該抽查行動旨在了解機構在推行與2019冠狀病毒病大流行相關的方案及措施時所納入的私隱考量、及各司法管轄區的資料保障機構當中的參與程度。抽查報告於2021年9月發布，並概括了參與的資料保障機構的回應。

除了一年一度的抽查行動外，私隱公署繼續參與全球私隱執法機關網絡的定期會議，與其他會員討論執法議題及分享執法經驗。

加強與其他資料保障機構的執法合作

因應《修訂條例》賦予私隱專員新的權力，特別是向境外服務提供者（如海外社交媒體平台）送達停止披露通知和要求移除「起底」訊息的域外權力，私隱公署致力與其他司法管轄區的資料保障機構就跨境私隱議題方面加強合作。

Fostering Cross-jurisdictional Collaboration

Global Privacy Enforcement Network

The Global Privacy Enforcement Network (GPEN) was established in 2010 with a view to fostering cross-border cooperation among privacy enforcement authorities. The PCPD continued to be a committee member of the GPEN during the reporting year and helped steer the overall activities of GPEN.

The PCPD, together with 19 other data protection authorities from Europe, the Americas, Oceania, Asia and the Middle East, participated in the GPEN's Sweep in 2021. Themed "Privacy Considerations and COVID-19 Related Solutions and Initiatives", the event aimed to find out how privacy considerations had been taken into account by organisations for various COVID-19 solutions and initiatives, and what level of engagement data protection authorities had had with the organisations in their jurisdictions. A report was published in September 2021 which summarised the responses from the participating data protection authorities.

Apart from the annual Sweep exercise, the PCPD continued to participate in GPEN's periodic meetings to discuss enforcement issues and share enforcement experiences with other GPEN members.

Enhancing Enforcement Collaboration with other Data Protection Authorities

In view of the Privacy Commissioner's new powers under the Amendment Ordinance, in particular the extra-territorial power to serve cessation notices on non-Hong Kong service providers (e.g. operators of overseas social media platforms) to request the removal of doxxing messages, the PCPD strove to foster collaboration with data protection authorities of other jurisdictions on privacy issues which involve cross-jurisdictional elements.

就這方面，由2021年10月起，私隱公署在環球私隱議會的國際執法合作小組擔任聯席主席，希望能藉此在國際執法行動和優先事項中發揮更具戰略性的作用，並促進與其他資料保障機構的國際性合作。國際執法合作小組是環球私隱議會的一個恆常小組，作為一個平台以供成員討論受跨境影響的私隱議題、分享調查跨國企業的經驗，並探討聯合執法的契機。小組的其他聯席主席包括加拿大、哥倫比亞及挪威的資料保障機構。

私隱公署聯同來自澳洲、加拿大、直布羅陀、瑞士及英國的五個資料保障機構於2021年10月發表聯合聲明，向視像會議公司表達環球共同的私隱期望，為在同年4月與四間視像會議公司進行的一系列交流活動作出總結性報告。聯合聲明列出視像會議公司為保障用戶的個人資料所採取的良好行事常規，聯署機構亦藉着聯合聲明提醒視像會議公司一些可以改善的地方。

這一系列與視像會議行業的交流活動展示了資料保障機構可如何實踐跨境合作以解決全球性的私隱問題。

To that end, the PCPD took up the co-chairmanship of the International Enforcement Working Group (IEWG) of the GPA in October 2021 with a view to playing a more strategic role in international enforcement initiatives and priorities, and reinforcing international cooperation with other data protection authorities. As a permanent working group of the GPA, the IEWG serves as a platform for members to discuss privacy issues with cross-border implications, share experiences in investigating multinational companies and explore opportunities for joint enforcement. The other co-chairs of the working group comprise the data protection authorities of Canada, Colombia and Norway.

In October 2021, the PCPD, together with five data protection authorities from Australia, Canada, Gibraltar, Switzerland and the United Kingdom, published a joint statement on the global privacy expectations of video teleconferencing (VTC) companies as a conclusion to a series of engagement activities with major VTC companies. The joint statement highlighted the good practices reported by the VTC companies in safeguarding the personal data of their users. The joint signatories also took the opportunity to remind the VTC companies of the possible areas for further improvement.

This series of engagement activities with the VTC industry demonstrated how data protection authorities could collaborate across borders to address privacy issues of global concern.

