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專題報道 Cover Story

從私隱角度探討大數據 Big Data from a Privacy Perspective

從私隱角度探討大數據 Big Data from a Privacy Perspective



隨著數碼化及其他科技不斷的進步，機構可以輕易有效地收集、儲存、連結及分析大量數據，帶來了「大數據」現象。無庸置疑，大數據可以帶來龐大的效益，因為機構可以利用這些數據進行高效率的分析。但是從私隱及個人資料保障的角度來看，卻有潛在的負面影響。究竟科技發展是否較個人私隱權利重要？還是提供了創新機會，保障個人私隱？

Digitisation and other advances in technology have led to the phenomenon of "big data". Vast quantities of data can now be gathered, stored, linked and analysed with phenomenal ease and efficiency. No doubt, big data has enormous benefits, as organisations use it to unleash powerful analytic capabilities. But there can be profound ramifications for privacy and personal data protection. So do technological advances outweigh personal privacy rights, or do they present innovative opportunities to safeguard personal privacy?

為探討大數據應用而引申的不同私隱議題，香港個人資料私隱專員公署於2015年6月10日舉辦「從私隱角度探討大數據國際會議」，吸引了250名本地及海外的保障資料私隱人員、資訊科技專業人士、法律專家及商界領袖出席。

個人資料私隱專員蔣任宏在全場滿座的

會議上致歡迎辭時，首先便向與會者提出警告，如大數據管理不善，可導致「數據獨裁」——當事人無權控制大量有關他自己的資料，並隨之喪失日常生活的自主能力。

他亦警告，大數據分析會有潛在的負面影響。「大數據分析較注重相互關係，

以發掘人與事物互動的模式及識別趨勢，卻較少關注真正的因果關係。因此，可能會錯誤標籤個別人士、損害了弱勢階層的利益，以致社會資源被錯誤分配、引起不公平及歧視問題。」

會議的主禮嘉賓，行政長官創新及科技顧問和香港特別行政區行政會議非官守議員楊偉雄表示，香港正面對巨大的挑戰，需要在資訊分享所帶來的創新和個人資料私隱兩者之間取得平衡。「香港人善用新科技。然而，廣泛應用的智能電話和無遠弗屆的互聯網，從一般角度或違法的觀點來看，的確已引起重大的私隱關注。」

楊先生續說：「與日俱增的挑戰中，我們是否依賴法律來保障我們的私隱？還是靠我們發展互相尊重及信任的文化、行為守則和自律？還是兩者皆需要？我肯定在座所有人士都珍惜個人自由。同樣地，在網絡世界，幾乎所有東西都可以被分享，我們也應該及必須尊重個人私隱。」 P

To address various privacy issues associated with the use of big data, the Office of the Privacy Commissioner for Personal Data, Hong Kong (“PCPD”) organised the “International Conference on Big Data from a Privacy Perspective” on 10 June 2015. The conference attracted 250 local and overseas data privacy officers, ICT professionals, legal experts and business leaders.


At his welcome address to a full house, **Mr Allan Chiang, the Privacy Commissioner for Personal Data**, first set the scene by warning that if big data is not managed well, the outcome could be “dictatorship of data”, where individuals lose power over a great deal of their lives when there is a massive amount of information about them that they do not have control over.

He also sounded a note of caution – that big data may have profound privacy ramifications. “Big data is more concerned with correlations in discovering patterns and identifying trends than in establishing exact causalities. It can therefore wrongfully label individuals, stigmatise protected classes, and perpetuate prejudice and discrimination in society.”

The officiating guest of the Conference, **the Honourable Nicholas W. Yang, Advisor to the Chief Executive on Innovation and Technology and Non-official Member of the Executive Council of the Hong Kong SAR Government**, said the city is now facing a grand challenge in balancing the innovation created by information sharing and the personal privacy data included in the information. “Hong Kong citizens are very technology savvy. The incredibly popular smartphones and ubiquitous Internet connectivity have created important privacy concerns, from both a normal perspective and a criminal standpoint.”

Mr Yang continued, “Do we depend on

our laws to keep up with the growing challenges to protect our privacy? Or do we depend on ourselves to develop a culture of mutual respect and trust, a code of conduct and self-discipline?

Or do we need all of this? I am sure all of us here treasure personal liberty. Likewise, in the Internet world, where almost everything is shared, we should and must respect personal privacy.” 



個人資料私隱專員蔣任宏在論壇上發言。

Mr Allan Chiang, Privacy Commissioner for Personal Data, joined the panel discussion.



行政長官創新及科技顧問楊偉雄蒞臨主禮。

The Honourable Nicholas W. Yang, Advisor to the Chief Executive on Innovation and Technology, officiated at the opening of the conference.

經驗之談 Experience Sharing



Ms Edith Ramirez
美國聯邦貿易委員會主席
Chairwoman of the US Federal
Trade Commission ("FTC")

我會繼續促請美國國會訂立全面的私隱及資料保安法例，我認為企業亦至少應採取下述三個步驟（以在大數據世紀保障消費者的私隱）：

首先，所有參與大數據生命周期的企業必須致力向消費者提供透明度及選擇。這包括收集、編纂、匯集及分析數據的公司，以及使用大數據的公司。其次，企業必須採取合理步驟，保障消費者的個人資料；實施有效的資料保安，亦十分重要。最後，企業必須負責任地使用大數據，不要對弱勢人士造成歧視或不利影響。

I will continue to urge our Congress to enact comprehensive privacy and data security legislation. I also believe businesses should take at least the following three steps (to protect consumer privacy in the era of big data):

First, all entities that have a role in the big data life cycle must step up their efforts to provide consumers with transparency and choice. This includes the entities that collect, compile, consolidate, and analyse data, and the entities that use big data. Second, companies need to take reasonable steps to safeguard consumers' personal information. The importance of implementing reasonable data security cannot be overstated. Finally, businesses must use big data responsibly, in ways that do not discriminate against or adversely affect vulnerable populations.



Mr Timothy Pilgrim
澳洲資訊專員公署私隱專員
Privacy Commissioner of
the Office of the Australian
Information Commissioner

機構在使用新科技時需要承諾保障私隱。這同樣適用於大數據，因為我們不斷聽到，大數據是大生意。我們亦需要聽到，保障私隱是大數據業務計劃的一部分。

鼓勵機構在目前的私隱框架內，考慮加強問責，這是重要及有用的。

在澳洲，我們正把重點轉向私隱問責及管治。為了支援機構，我們已推出私隱管理藍圖，因為穩健有效的私隱管理藍圖有助發展新科技及活動，例如大數據，可以循保障私隱方向發展。

健全的私隱管治亦可減低資料外洩的風險。即使發生事故，亦可妥善處理。這在大數據世紀，尤其重要。

Organisations need to commit to getting privacy right when using new technology. And this makes sense for big data because, as we keep hearing, big data is big business. What we also need to hear is that getting privacy right is part of the big data business plan."

Encouraging organisations to consider the existing privacy framework with a greater accountability lens is valuable.

In Australia, we are now turning our attention to privacy accountability and governance. To support organisations, we have launched a Privacy Management Framework, because having a strong and effective privacy governance framework in place will help guide the development of new technologies and activities, like big data, in a privacy friendly way.

Robust privacy governance also minimises the risk of data breaches occurring, or enables them to be managed appropriately if they do occur. This is particularly important in the era of big data.



Mr Peter Cullen

美國資訊問責基金創新政策
行政策略師

Executive Strategist for Policy
Innovation, The Information
Accountability Foundation, US

問責 2.0 是甚麼？我認為由過去所說的「私隱影響評估」過渡至「資訊影響評估」可能是思考這問題的另一方法。我們絕對需要重新思索個人的參與。個人在適當時作出有意義的同意及控制，非常重要。我們要思索新的減輕風險方法。最後，企業必須顯示能力，付諸實行。

What may accountability 2.0 look like? I think moving from what we used to call “privacy impact assessment” to “information impact assessment” may be another way to think about it. We absolutely need to rethink individual participation. It is super important that individuals do have meaningful consent and meaningful control where appropriate. We have to think about new approaches to risk mitigation. And finally, we businesses have to demonstrate capability, to be able to do this.



Professor Fred Cate

美國印第安納大學摩利爾
法學院傑出教授

Distinguished Professor and C.
Ben Dutton Professor of Law,
Senior Fellow of the Center
for Applied Cybersecurity
Research, and Director of the
Center for Law, Ethics and
Applied Research in Health
Information, Indiana University
Maurer School of Law, US

我們在保障私隱資料上可以採取下述步驟，做得更好：

首先，我們不應太集中於個人同意方面，應聚焦於資料管理責任及資料使用者在理應可預知的傷害下所承擔的責任。第二，我們需要採用更具系統化及完善的風險管理。第三，應更注重大數據會如何被使用，而不是資料的收集或保留，或收集資料的原本目的。第四，透過具透明度及包容性的過程，我們（包括規管者、業界及個人）應發展一個可識別傷害的體系。第五，我們應更著重透明度及糾正方法。最後，在有意義及有效的情况下，通知當事人和讓當事人得以選擇。

There are a number of steps that we can take to enhance our ability to do better (on privacy data protection):

First of all, we should focus less on individual consent and more on placing responsibility for data stewardship and liability for reasonably foreseeable harm on data users. Second, we need to employ a more systemic and well-developed use of risk management. Third, we need to place greater focus on the uses of big data as opposed to the mere collection or retention of data or the purpose for which data were originally collected. Fourth, we need to develop a broad framework of cognisable harms, identified through a transparent, inclusive process, including regulators, industries and individuals. Fifth, we should pay more attention to transparency and redress. And finally, we should reserve notice and choice for where it is meaningful and effective.



Mrs Bojana Bellamy
英國 Hunton & William 資訊政
策領導中心主席
President, Centre for
Information Policy Leadership,
Hunton & Williams, UK

我認為在這數碼年代，企業的责任是提高問責性。問責還包括其他元素，例如透明度，這是機構的责任；但亦要有個人的問責及控制。合乎道德的決策亦是未來數碼世代企業责任的主要一環。

Regarding corporate digital responsibility, this is how I see enhancing accountability. Apart from those elements of accountability that we all understand so far, there are some other elements, such as transparency, we have to focus on. There has to be the organisational responsibility to be transparent, but it must also allow accountability and control by individuals. Ethical decision making is also part of the next generation of corporate digital responsibility.



Mr Peter Fleischer
法國 Google 環球私隱顧問
Global Privacy Counsel,
Google, France

現時，私隱風險有兩個具爭議性的議題：

第一，保安。數據愈龐大，大數據愈多，保安威脅亦愈多。如你不能保護這些數據，便不應收集，甚至儲存。

第二，政府監視。數據愈龐大和集中，愈多政府為其各自的目的，嘗試進行群眾監視。

為解決這些問題，Google 正專注處理三項事宜。第一是令過程更具透明度。我們發表透明度報告，這可能是業界破天荒的做法，現已成為業界廣泛採用的最佳行事方式。第二是我們把更多的服務加密。因此，如政府想要資料，必須堂堂正正向我們提出。第三是我們正與業界合作，進行有關監察法律的改革。

At present, there are two big controversial topics on privacy risks:

First, security. The bigger data gets, the more big data that is out there, the greater the security threats become. If you can't protect your data, you should not be collecting or even storing it.

Second, government surveillance. The bigger and more centralised data becomes, the more governments, for their own purposes, are tempted to engage in mass surveillance.

There are three things that Google has been focusing on to address these issues. The first is to bring more transparency to the process. We publish a transparency report, which was probably the first in the industry, and now has become a best practice guide widely used across the industry. The second is that we are encrypting more and more of our services. So if governments want data, they have to come to the front door and ask for it. And the third thing is that we are working with others in the industry on surveillance law reform.



Ms Kimberly Gray
美國 IMS Health 環球
首席私隱主任
Chief Privacy Officer, Global,
IMS Health, US

透明度是絕對重要的，但有時只有透明度及問責性並不足夠。我們需要第三個元素——道德元素，以及自問以下的問題：

- 建議使用及共享數據的目的是甚麼？
- 會否導致可預見傷害的風險？
- 誰是持份者及誰會得益？
- 可否在對個人造成較少風險情況下，達致類似結果？
- (公眾、立法者、規管者等的)看法是甚麼？

Transparency is absolutely important. But sometimes it is not enough just to be transparent and accountable. We need a third factor – the ethical factor. And ask yourself the following questions:

- What are the proposed purposes of our data use and of sharing it?
- Does it have the risk of causing foreseeable harm?
- Who are the stakeholders and who benefits?
- Can comparable outcomes be achieved with fewer risks to individuals?
- What is the perception (by the public, by legislators, by regulators, etc.)?



Ms Christina Peters
美國 IBM 公司首席私隱主任
Chief Privacy Officer
IBM Corporation, US

制訂分析計劃時，可依從這套非常簡單的指引：

- 把保障私隱的設計納入分析計劃。
- 認識數據。了解數據從何而來；就數據的儲存及使用，是否有法律及其他限制。
- 考慮去識別化 / 匿名化。這方法讓機構在應用大數據之餘，亦減少對私隱的顧慮。這已應用於多個範疇，包括醫護。
- 了解你如何使用資料，及可能對他人的影響。知道你追求的目標，及其對個人的預期和非預期結果。
- 區別對廣大民眾的影響、及針對個人的影響——後者尤其需要你的深思熟慮。
- 具透明度。告知他人你在做甚麼、為何這樣做，及解釋有甚麼好處。
- 保障你的系統。適當地保障資料及系統，並在有需要時調整保安程度。
- 加入問責及監督。制訂適當的管治架構和措施。

Let me share with you this set of very simple guidelines when developing analytics programmes.

- Design privacy into the programme.
- Know data. Understand where it comes from, and whether there are legal and other restrictions that may apply to its storage and use.
- Consider de-identification / anonymisation. This technique allows organisations to work with big data sets while mitigating privacy concerns, and has been used in many fields, including healthcare.
- Understand how you use your data and how it may affect people. Understand the goal being pursued and its intended and unintended results for individuals
- Differentiate between diffuse effects on broad populations and individually targeted effects. The latter, in particular, requires thoughtful focus.
- Be transparent. Tell individuals what you are doing, why you are doing it and what the benefits are.
- Secure and safeguard your systems. Appropriately secure your data and systems, and adjust that security over time as needed.
- Build in accountability and oversight. Establish appropriate governance structures and practices.



私隱專員與會議講者合照留念。
The Commissioner took a group photo with all the speakers.

「從私隱角度探討大數據國際會議」的詳情：
請於會議網站 www.pcpd.org.hk/privacyconference2015
下載講稿及有關資料。

請瀏覽專員網誌：「大數據對私隱的影響」
www.pcpd.org.hk/tc_chi/news_events/commissioners_message/blog_28042015.html

More about the “International Conference on Big Data from a Privacy Perspective”:
Visit the Conference website at: www.pcpd.org.hk/privacyconference2015 to download the speeches and presentation materials.

Please also read the Commissioner’s Blog:
The Privacy Ramifications of Big Data
www.pcpd.org.hk/english/news_events/commissioners_message/blog_28042015.html

讚賞 COMPLIMENTS

「……感謝你及你同事們精彩的表現，會議把所有人凝聚起來。每項工作的表現都是頂尖的，我十分讚賞。」

“... thank you for the wonderful job that you and your colleagues did in putting the conference together. Everything was top-notch and very much appreciated.”

Ms Kimberly Gray (會議講者 Speaker of the conference)
美國 IMS Health 環球首席私隱主任
Chief Privacy Officer, Global, IMS Health, US

「我十分高興有機會跟區內的私隱規管者、行家作公開交流和多作溝通。我確信亞太區內的資料保障發展值得全球的關注……祝賀你們成功舉辦了這些達世界級水準的會議。」

“I greatly appreciated the chance to participate in both public and private dialogue with regulators and my peers in the region. I strongly believe that data protection developments in Asia Pacific merit more global attention... I congratulate you all on the success of these world-class events.”

Ms Christina Peters (會議講者 Speaker of the conference)
美國 IBM 公司首席私隱主任
Chief Privacy Officer, IBM Corporation, US

「私隱專員可考慮每年都舉辦這類型國際會議，讓不同國家分享他們的經驗和看法。」

“Privacy Commissioner should consider to arrange this kind of conference on annually basis for sharing experiences and ideas among different countries.”

會議出席者
Conference participant

「滿分，非常出色的國際會議！」

“Full marks, excellent conference!”

會議出席者
Conference participant

中小企網上自學課程 Online Training Module for SMEs



中小企保障個人資料私隱自學課程
Self-training Module on Protection of Personal Data for SMEs
www.pcpd.org.hk/sme_kit



公署為中小企舉辦講座介紹這網上自學課程，讓他們了解條例的規定

The PCPD gave an introductory briefing on the online training module, which enhances SMEs' understanding of how to comply with the Ordinance.

為協助資源有限的中小企了解《個人資料（私隱）條例》（「條例」）的規定及應用，公署製作了一套網上自學課程。這工具以不同的業務功能向中小企解釋條例的規定，並提供在日常工作中為依從條例規定的一些實用提示（如人力資源、直接促銷、資訊科技及保安及外判/轉移個人資料予第三者等）。中小企亦可透過互動問答測試對條例的認知。完成課程後，中小企可自行制定其私隱計劃，並會得到一份分析其機構如何處理個人資料和提供建議的報告。

此外，公署自2015年4月起為中小企舉辦講座，介紹這套切合中小企需要的網上自學課程。公署將與工業貿易署、香港生產力促進局的中小企一站通、香港貿易發展局中小企服務中心等機構合作舉辦這類講座。

To help small- and medium-sized enterprises ("SMEs"), which are often faced with resource constraints, learn how to interpret and apply the Personal Data (Privacy) Ordinance ("Ordinance") in a cost-effective manner, the PCPD has developed an online self-training module. The tool provides SMEs with a general help in understanding the requirements of

the Ordinance by different business functions and includes practical tips on privacy compliance in their day-to-day operations (e.g. human resources, direct marketing, information technology security and outsourcing/transferring personal data to third parties). The kit also enables SMEs to test their knowledge of the Ordinance through an interactive quiz. Upon completion of the course, SMEs should have enough information to build their own privacy plan. They would receive a report on how they are

currently handling personal data, with suggestions and recommendations.

The PCPD has also organised seminars since April 2015 to give an introductory briefing on the online training module, tailored to meet the needs of SMEs. The PCPD will collaborate with the Trade and Industry Department, SME One of the Hong Kong Productivity Council, the SME Centre of the Hong Kong Trade Development Council, and others to organise the seminars.



自學課程概覽
Overview of the self-training module

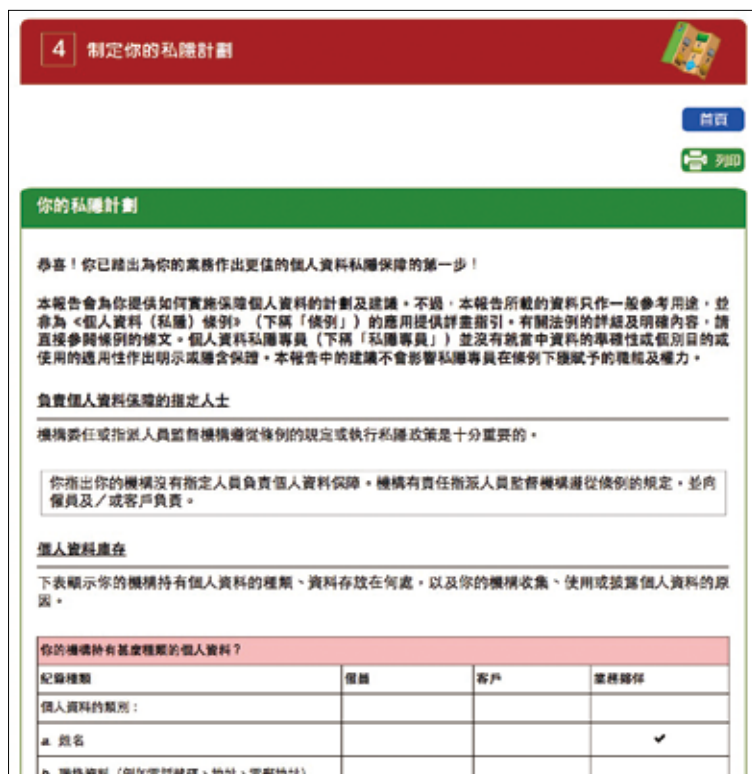
這些實用提示是按照公署的經驗及機構過去的有關查詢綜合而成，亦是公署期望資料使用者應合理考慮和關注的範圍。部分個案可能發生於大型的機構，惟中小企亦可作為借鑑。

The practical tips do not provide an exhaustive guide to applying the Ordinance, but they were made after consolidating the PCPD's experience and enquiries from organisations, and are indicative of what the PCPD would expect a reasonable data user to be concerned about. Some cases mentioned may relate to large organisations but the lessons learnt from these cases also apply to SMEs.



中小企可以參與私隱小測驗，以測試他們對符合條例規定的認識。

SMEs can try the privacy quiz to test their knowledge of how to comply with the Ordinance.



這工具讓中小企了解他們如何符合條例的規定，以協助他們制定保障收集和儲存個人資料的程序。當參加者回應全部問題後，會得到一份報告，了解公司現時處理個人資料的情況，以及考慮有關建議。

The tool walks SMEs through the information they need to comply with the Ordinance and assists them in developing procedures to protect the personal data they collect and hold. Once the participant has responded to all the questions, a report is provided on how the company is currently handling personal data, with suggestions and recommendations.

第 43 屆亞太區私隱機構論壇 43rd Asia Pacific Privacy Authorities Forum



公署於 2015 年 6 月 11 至 12 日在香港主持第 43 屆亞太區私隱機構論壇。來自澳洲、加拿大、韓國、澳門、墨西哥、新西蘭、新加坡、美國及日本的「亞太區私隱機構」成員就一系列議題作出交流及分享，包括法律改革、執法、強制的資料外洩通報、私隱法律規管，以及兒童和青年人私隱。

此外，論壇探討熱門的課題，例如大數據對私隱規管者的影響、網上行為追蹤廣告及相關的調查、公共領域資料的規管，以及採用「問責為先」的策略，管理科技創新衍生的私隱事宜。

論壇亦討論了國際私隱機構的最新發展，包括亞太區經濟合作組織的私隱小組、國際資料保障及私隱專員研討會、環球私隱執法機關網絡，及伊比利亞美洲資料保障網絡。

會議第二部分是公開會議，出席人士包括政府官員、本地及國際的私隱專家及從業員。會議匯報了有關中華人民共和國及中華台北的私隱法律的最新發展，亦討論了涉及管理健康資料、研究資料、公開資料、大數據及智能城市等不同的私隱議題。

亞太區私隱機構是由亞太區內的私隱機構組成的主要組織，彼此就私隱規例、新科技、以及如何處理私隱查詢和投訴交換意見。P

The PCPD hosted the 43rd Asia Pacific Privacy Authorities (“APPA”) Forum in Hong Kong on 11 and 12 June 2015. APPA members from Australia, Canada, Korea, Macao, Mexico, New Zealand, Singapore, the United States and Japan exchanged views and shared their experience on a variety of issues, including legal reforms, law enforcement, mandatory data breach notification, privacy training, and child and youth privacy programmes.

In addition, the forum covered some hot topics, such as the privacy implications of big data for regulators, policy positions on online behavioural advertising and related investigations, the regulation of public domain data, and accountability as the basis for privacy compliance in technology innovations.

The delegates also discussed recent global privacy developments and updates in the APEC Data Privacy Sub-group, International Conference of Data Protection and Privacy Commissioners, Global Privacy Enforcement Network, and Ibero-American Network of Data Protection.

The second part of the meeting was an open session, attended by a government official, as well as local

and international privacy experts and practitioners. The delegates were updated on the privacy laws in People’s Republic of China and Chinese Taipei, and shared information on and discussed various privacy issues, such as managing health and research data, open data, big data, and smart cities.

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. P

認識更多 Learn More

公報 — 香港主持第 43 屆亞太區私隱機構論壇

www.pcpd.org.hk/tc_chi/news_events/media_statements/press_20150612.html

Communique – 43rd APPA forum, Hong Kong

www.pcpd.org.hk/english/news_events/media_statements/press_20150612.html

「亞太區私隱機構」的網頁

APPA’s official website

www.appaforum.org/



私隱專員（下圖）主持會議，並與其他「亞太區私隱機構」成員交換心得。

The Commissioner (photo below) chaired the meeting and exchanged views and experience with Asia Pacific counterparts.



參加者

Participants

- 香港個人資料私隱專員公署 (主持)
- 澳洲資訊專員公署
- 加拿大卑斯省資訊及私隱專員
- 加拿大私隱專員公署
- 韓國個人資料保護公署
- 韓國網絡安全局
- 澳門個人資料保護辦公室
- National Institute for Transparency, Access to Information and Personal Data Protection, Mexico
- 新西蘭私隱專員公署
- 新加坡私隱專員公署
- 澳洲維多利亞省私隱專員公署
- 美國聯邦通訊委員會
- 美國聯邦貿易委員會

下述機構代表以觀察員身份出席論壇：

- 日本特定個人情報保護委員會事務局
- 日本消費者廳
- Office of the Privacy Commissioner for Personal Data, Hong Kong (Host)
- Office of the Australian Information Commissioner, Australia
- Office of the Information and Privacy Commissioner for British Columbia, Canada
- Office of the Privacy Commissioner of Canada
- Personal Information Protection Commission, Korea
- Korea Internet and Security Agency
- The Office for Personal Data Protection, Macao
- National Institute for Transparency, Access to Information and Personal Data Protection, Mexico
- Office of the Privacy Commissioner, New Zealand
- Personal Data Protection Commission, Singapore
- Office of the Commissioner for Privacy and Data Protection, Victoria
- Federal Communications Commission, United States
- Federal Trade Commission, United States

Officials from the following organisations attended the meeting as observers:

- Specific Personal Information Protection Commission, Japan
- Consumer Affairs Agency, Japan

講者

Presenters

- Mrs Bojana Bellamy, President, Centre for Information Policy Leadership at Hunton & Williams, UK
- Professor Liu Ching-yi, Professor, Graduate Institute of National Development, National Taiwan University, Taiwan
- Professor John Bacon-Shone, Chairman of Human Research Ethics Committee, The University of Hong Kong
- Ms Kimberly Gray, Chief Privacy Officer, Global, IMS Health, US
- Ms Lily Chan, Director of Privacy, Data Protection & Trusted IT, Legal & Corporate Affairs, Microsoft Greater China Region
- Dr Marcelo Thompson, Deputy Director of Law and Technology Centre, Faculty of Law, The University of Hong Kong
- Mr Peter Cullen, Executive Strategist for Policy Innovation, The Information Accountability Foundation, US
- Mr Peter Fleischer, Global Privacy Counsel, Google, France
- Mr Sunny Cheung, CEO, Octopus Holdings Ltd.
- Professor Zhao Yun, Director of Center for Chinese Law, Faculty of Law, The University of Hong Kong



一眾講者包括本地及國際的企業行政人員及學者跟「亞太區私隱機構」成員在公開會議分享不同的私隱議題。

A panel of distinguished speakers, including local and international executives and academics, shared information and views on various interesting privacy topics with APPA members at the open session.

規管個人資料跨境流動 Regulating Cross-Border Flows of Personal Data

2014年12月公署發出了《保障個人資料：跨境資料轉移指引》（「指引」），協助機構為第33條的實施作好準備，加強跨境資料轉移的私隱保障，也讓機構更清楚他們在第33條下須承擔的法律責任。

該指引詳細解釋條例第33(2)(a)至(2)(f)條豁免跨境資料轉移限制的所有情況。關於機構要符合克盡職責的規定，該指引提供了一份建議範本條文，協助機構制定與海外資料接收者的跨境資料轉移協議。機構可按其商業需要作出修改或增添。

私隱專員鼓勵機構在條例第33條生效前，自願採取指引中的建議，以履行其企業管治的責任。公署自2015年4月舉辦兩場簡介會。業界如對指引的實用性有任何意見，及在依從指引時遇到任何問題，歡迎向公署提出。 [P](#)

指引：www.pcpd.org.hk/tc_chi/resources_centre/publications/files/GN_crossborder_c.pdf

In December 2014, the PCPD published a guidance note, entitled *Guidance on Personal Data Protection in Cross-border Data Transfer* (the “Guidance”) to help organisations prepare for the eventual implementation of section 33 of the Ordinance and enhance privacy protection for cross-border data transfers. The Guidance helps organisations understand their compliance obligations under section 33.

The Guidance contains detailed explanations of all the specified conditions in sections 33(2)(a) to (2)(f) of the Ordinance for waiving cross-border data-transfer restrictions. As regards the steps organisations need to take to satisfy the Due Diligence Requirement, the Guidance provides a set of recommended model data-transfer clauses to assist organisations in developing cross-border data-transfer agreements with their overseas data recipients. Organisations can adapt or add to the clauses according to their specific commercial needs.

Organisations are encouraged to voluntarily adopt the practices recommended in the Guidance as part of their corporate governance responsibility before section 33 of the Ordinance comes into operation. Two briefing sessions on the Guidance have been conducted since April 2015. The PCPD welcomes feedback from industry as regards the utility value of the Guidance and the problems, if any, that they face in following the Guidance. [P](#)

The Guidance: www.pcpd.org.hk/english/resources_centre/publications/files/GN_crossborder_e.pdf



私隱專員回應申訴專員公署發表的調查報告

The Commissioner Responded to Investigation Reports by The Ombudsman

申訴專員公署於 2015 年 3 月 24 日發表的兩份主動調查報告，當中涉及個人資料私隱的事宜，公署認為有需要釐清如下。

(一) 教育局拒絕提供教師註冊資料的問題

申訴專員公署敦促教育局檢討現行處理公眾人士 / 機構所提出的索取個別教師註冊資料的要求之做法，以放寬向關乎其切身利益的人士披露資料。公署贊成這建議。教育局應沿用《個人資料（私隱）條例》，因應索取資料要求的實際情況，決定是否披露註冊教師的資料，以及一旦披露，應披露哪些個人資料。私隱條例並非鐵板一塊，全然不准許披露有關資料，而是需視乎實際情況而定。

另外，申訴專員公署敦促教育局就公開註冊教師名單進行廣泛公眾諮詢或民意評估，以確定市民大眾的訴求。公署對此並無異議。公眾諮詢可更有認受性地確立清晰及合適的框架，決定是否披露註冊教師的資料，以及一旦披露，應披露哪些個人資料；修訂相關法例可對落實有關框架提供一個不容置疑的法律基礎。

(二) 學生資助辦事處的「免入息審查貸款計劃」之追討欠款程序

公署得悉申訴專員公署在一系列建議中，重提學生資助辦事處（「學資處」）應盡快推行向信貸資料機構（現時本港唯一一間這類機構是「環聯」）提供較嚴重拖欠還款個案人士的負面信貸資料（「有關建議」）。

公署反對有關建議，因為這會為日後帶來巨大私隱風險。公署這一立場亦獲得公眾認同，公署於 2012 年 2 月 29 日曾發表一項公眾意見調查，調查結果顯示公眾反對向信貸資料機構提供拖欠還款學生的負面信貸資料。

公署支持申訴專員公署建議加強力度對付拖欠還款。然而，基於私隱風險，公署反對有關建議。公署曾把私隱風險告知申訴專員公署，但他們在報告書中似乎並無充分考慮公署的私隱關注。

私隱專員完全支持政府需要加倍努力，解決學生貸款拖欠問題。但把 600 宗個案的負面信貸資料給予環聯茲事體大，將會令整個社會負起嚴重的私隱代價。另外，由於信貸資料機構的信貸評估缺乏透明度，其阻嚇作用亦成為疑問。調查清楚顯示大部份學生與公眾在知悉私隱的風險後均反對該建議。

在這背景下，私隱專員重申先前提交給政府的建議，即當局應另尋求其他較少侵犯私隱的方法，例如 (1) 用法律途徑更有效地追收學生拖欠貸款；(2) 外判律師樓代追欠款，以及 (3) 對拖欠貸款者施加罰則。P

The Office of the Ombudsman announced the results of two direct investigation reports on 24 March 2015. The PCPD considers that some points have to be clarified in relation to issues of personal data privacy.

(1) Education Bureau's Non-disclosure of Teachers' Registration Status

The Ombudsman urged the Education Bureau ("EDB") to review its current practice relating to handling requests for information on the registration status of individual teachers. The PCPD supports this suggestion. The EDB should consider the circumstances of the request and determine whether the request is justified under the requirements of the Personal Data (Privacy) Ordinance ("Ordinance"), and if it is, precisely which personal data can be disclosed to the requester. The Ordinance is not a straightjacket which prohibits disclosure of the personal data in all circumstances.

The PCPD has no objection to the Ombudsman's suggestion that the EDB conduct an extensive public consultation exercise or opinion poll to confirm the public's interest in disclosure. A public consultation would provide a mandate for a framework of factors to consider whether or not

to disclose a teachers' personal data upon request, and if disclosure is warranted, exactly which personal data should be disclosed to the requester. Legislative provisions would provide an indisputable legal footing for the framework.

(2) Recovery of Debts under Non-means-tested Loan Scheme


The PCPD noted that among other suggestions, the Ombudsman resurrected a proposal (the "Proposal") which the Working Family and Student Financial Assistance Agency once considered for deterring defaults on loan payments, namely, forwarding the borrower's default data to the consumer credit reference agency. (The only agency of this kind operating in Hong Kong is TransUnion).

The PCPD objected to the Proposal because of its grave privacy ramifications. This position was supported by the findings of a public opinion survey conducted in February 2012.

To recapitulate, while the PCPD supports the Ombudsman's suggestions to tighten procedures to recover debts under the Loan Scheme, it is against the Proposal because of privacy concerns. The PCPD noted that although the privacy concerns were made known to the Ombudsman, they were not fully addressed in the investigation report.

The Commissioner fully supports the Government's stepping up efforts to tackle the student loan default problem. However, the proposal to share with TransUnion the negative data of defaulters in some 600 cases has serious privacy implications for the whole community, and its deterrent effect is unknown due to the lack of transparency of the operations of TransUnion as regards credit ratings. There are also clear indications that students and the general public,

with full knowledge of the privacy implications, are largely against the proposal.

Against this background, the Commissioner repeats his previous recommendation to the Government that it should look for other less privacy-intrusive measures for collecting student loans in default, such as (a) enhancing the efficiency and effectiveness of the legal process for recovering loans in default, (b) contracting out debt collection to law firms, and (c) imposing penalties against defaulters. 

認識更多 Learn More

新聞稿：

www.pcpd.org.hk/tc_chi/news_events/media_statements/press_20150324.html

Media Statement:

www.pcpd.org.hk/english/news_events/media_statements/press_20150324.html

專員網誌：

向信貸資料機構提供學生拖欠還款資料的弊端

www.pcpd.org.hk/tc_chi/news_events/commissioners_message/blog_23042015.html

The Commissioner's Blog:

Perils of Reporting Student Loan Default Data to Credit Reference Agency as a Deterrent to Default

www.pcpd.org.hk/english/news_events/commissioners_message/blog_23042015.html

公署促請多加關注兒童及青少年私隱 PCPD Urges More Vigilance on Children and Youth Privacy

公署響應「全球私隱執法機關網絡」的聯合行動，於5月11日至15日期間檢視網站及流動應用程式（「程式」）涉及青少年私隱的情況。今時今日，專為青少年而設的網站及程式如雨後春筍，青少年的私隱未必可受到適當的保護，這議題已經成為不少私隱執法機關的重點工作，所以也成為今年度這聯合行動的主題。

是次抽查不單在於揭示那些網站及程式如何收集青少年的個人資料，還會評估這些平台會否 / 可否：

- 要求家長參與；
- 引導使用者轉往其他網站；
- 容易地刪除個人資料；及
- 為該年齡組別「度身訂造」適當的私隱資訊，例如是否使用簡單語言、大型字體、聲音及動畫。

抽查報告將於秋季發表。詳情可參閱公署新聞稿：www.pcpd.org.hk/tc_chi/news_events/media_statements/press_20150511.html

此外，為探討兒童私隱在香港的情況及面對的問題，公署委託香港浸會大學社會科學研究中心於2014年10月進行研究。報告結果顯示，父母及教師較少協助兒童處理私隱問題，亦較少關注兒童的

網上私隱，原因大概是缺乏認知和支援。

報告摘要：www.pcpd.org.hk/tc_chi/resources_centre/publications/surveys/files/child_survey_c.pdf

是項研究旨在掌握兒童私隱問題背後的意見和原因。報告亦提出一些建議，有助關注兒童私隱的持份者跟進。研究中心進行了六次焦點小組訪談，藉以了解家長、中學生及中、小學教師對兒童私隱的意見；再與四個關注兒童權利的非政府組織之代表進行了深度訪談。報告作出了一些建議，有助相關持份者跟進，包括在學校課程內，例如資訊教育課程、通識課程及專題研習活動內，加入有關私隱議題及私隱保障的方法；並鼓勵父母和教師 / 學校加強溝通，共同處理兒童的私隱問題。

而為提高中學生的私隱保障知識，公署已連續第五年舉辦「保障私隱學生大使計劃」。在2015年，有111間夥伴學校參與，在校園內舉行推廣活動。公署特設了一個青少年專題網站（www.pcpd.org.hk/youthprivacy），提供一站式的網上平台，讓青少年了解如何保障個人資料私隱，亦有助教師準備相關教材。網站內亦為父母提供實用的「秘笈」，可以用作培養孩子保障個人資料

和尊重別人私隱的觀念（www.pcpd.org.hk/youthprivacy/parent_guide.html）。 

The PCPD joined the Global Privacy Enforcement Network (“GPEN”) to conduct a “Privacy Sweep” (“Sweep”) from 11 to 15 May 2015, examining websites and mobile apps for issues related to youth privacy. The theme was chosen because many privacy enforcement authorities have identified youngsters as a key area of focus, given the proliferation of websites and mobile apps targeting this vulnerable group.

The Sweep exercise not only revealed how websites and mobile apps collect the personal data of youngsters, but also assessed whether these platforms:


- seek parental involvement;
- allow users to be redirected to another site;
- make it easy to delete personal data; and
- tailor privacy communications to the appropriate age group through approaches such as simple language, large print, audio or animation.

The results of the Sweep will be compiled and made public in autumn this year. For more details about the Sweep exercise, please refer to our media statement at: www.pcpd.org.hk/english/news_events/media_statements/press_20150511.html

In order to identify major privacy concerns and problems faced by children in Hong Kong, the PCPD commissioned the Centre for the Advancement of Social Sciences Research of Hong Kong Baptist University to carry out an exploratory study in October 2014. The results show that parents and teachers seem to have little involvement in managing children's privacy issues and little awareness of children's problems online, a situation that is probably attributable to lack of knowledge and support. The Executive Summary of the study report is available at: www.pcpd.org.hk/english/resources_centre/publications/surveys/files/child_survey_e.pdf/

The aim of the exploratory research was to gain a better understanding of the underlying opinions and motivations in relation to child privacy issues. It provides insights into the problems and helps to develop ideas for stakeholders to follow up on. Six focus-group interviews were conducted to understand the views of parents, secondary school students, and primary and secondary school teachers on child-privacy issues. In-depth interviews were also conducted with representatives from four non-governmental organisations whose main focus is on children. The focus-group interviews with these stakeholders generated some insights which are useful for follow-up work. Some suggestions include adding sections or topics related to privacy issues and privacy-protection measures to the school curriculum in subjects such as information technology and liberal studies, and in project learning activities; and strengthening communication between parents and

teachers/schools to address children's privacy issues.

The PCPD has run the Student Ambassador for Privacy Protection Programme in secondary schools for five consecutive years. In 2015, 111 partner schools have organised promotional activities on their campuses. A thematic website called "YOUth Privacy" (www.pcpd.org.hk/youthprivacy) has been developed as a one-stop portal for youngsters to learn about personal data privacy and for teachers to prepare related materials. Practical tips are available for parents to instil in their children the concept of personal data protection and respect for each other's privacy (www.pcpd.org.hk/youthprivacy/en/parent_guide.html). 



保障個人資料原則 保障私隱學生大使 個人資料私隱通識網 熱門話題 資源中心 活動概覽 私隱政策聲明 會 ENG

香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

家長秘笈 影片廊 出版刊物 互動天地 原則教材 有用連結

Parent's Guide 家長秘笈

家長秘笈 (網上私隱篇)

隨著資訊科技的發展，網上活動已成為兒童和青少年日常生活中不可缺少的環節，但他們是否有能力辨別網上私隱的風險？個人資料被利用，有可能導致身份被盜用、網上欺凌或騷擾事件的發生，甚至令孩子的朋友或家人私隱受侵擾。

身為父母的你，可以從旁輔導，培養孩子保護個人資料和尊重私隱的觀念。

以下十招，供大家參考：

青少年專題網站內的「家長秘笈」

"Parent's Guide" on YOUth Privacy thematic website

關注私隱運動 2015 - 「私隱 關我事！」 Privacy Awareness Week 2015 – “Privacy Matters”



私隱專員帶領逾 200 位學生及嘉賓，為「關注私隱運動 2015」揭開序幕。
The Commissioner led over 200 students and guests in the launch of PAW 2015.

「關注私隱運動」是亞太區私隱機構成員合作的年度國際推廣項目，旨在提升公眾對保障個人資料私隱的意識。今年香港「關注私隱運動」於5月3至9日舉行，主題是「私隱 關我事！」，共獲得 111 間夥伴中學及超過 500 名保障資料主任聯會會員的支持。

今年，公署特別邀請多位立法會議員、專業及知名人士支持這個活動，並透過社交媒體宣傳「私隱 關我事！」的訊息。他們包括：莫乃光議員、麥美娟議員、葉建源議員、著名魔術師甄澤權先

生、插畫家郭詠嘉小姐，及新聞從業員柳俊江先生。郭詠嘉小姐更為公署創作手繪插畫，宣傳保障個人資料的訊息。

連串推廣及教育活動於為期一週的「關注私隱運動」舉行，包括：保障私隱學生大使在校園的推廣活動、問答比賽、街頭魔術表演、展覽和論壇，以接觸不同層面的人士包括學生、企業和市民大眾。

在開展儀式上，「保障私隱學生大使計劃 2015 暨中學生『私隱檔案』新聞攝製比賽」共 14 隊伍獲頒獎項。來自 69

間中學、共 724 名中一至中六學生組隊參加了這個比賽，探討日常生活所遇到的私隱議題，以電視新聞特寫形式報道其研習成果。結果，初中組的冠軍由寧波第二中學奪得；高中組則由順德聯誼總會鄭裕彤中學掄元。

此外，「保障私隱學生大使計劃 2015」首次舉行全港校際網上個人資料私隱保障問答大賽。活動由公署及香港青年協會賽馬會 Media 21 媒體空間合辦，並於 5 月 9 日舉行了決賽。經過一輪激戰後，最終由樂善堂梁銶琚書院、趙聿修



郭詠嘉小姐及柳俊江先生（右二）與眾嘉賓同出席「關注私隱運動 2015」開展儀式。
Ms Wingki Kwok and Mr Ryan Lau (second from right) attended the PAW 2015 Inauguration Ceremony.



私隱專員參與魔術師甄澤權先生的表演。
The Commissioner joined the performance by magician Louis Yan.



私隱專員宣傳保障個人資料的訊息。
The Commissioner promoted data-protection messages



來自不同界別的人士，包括立法會議員莫乃光先生、麥美娟女士及葉建源先生，一同響應「私隱 關我事！」
People from different walks of life, including legislative councillors Hon Charles Mok, Hon Alice Mak Mei-kuen and Hon Ip Kin-yuen, echoed the theme “Privacy Matters”.

中學生「私隱檔案」新聞攝製比賽初中組的冠軍 - 寧波第二中學 (左圖)。高中組的冠軍 - 順德聯誼總會鄭裕彤中學 (右圖)。

Champion of the junior section of TV News Feature on a Personal Data Protection Competition- Ning Po No. 2 College (photo left). Champion of the senior section - STFA Cheng Yu Tung Secondary School (photo right).



郭詠嘉小姐創作的四幅手繪插畫。
Four hand-drawn illustrations by Ms Wingki Kwok.

紀念中學及喇沙書院分別奪得冠、亞、季軍。 P

Privacy Awareness Week (“PAW”) is an annual international event jointly held by members of the Asia Pacific Privacy Authorities to raise awareness of the importance of protecting personal data privacy. This year in Hong Kong, it took place from 3 to 9 May 2015 with the theme “Privacy Matters”. It was supported by 111 partner secondary schools and over 500 members of the Data Protection Officers' Club.



公署在 Facebook 開設了「網上私隱要自保」專頁。
The PCPD launched the Facebook Page “Be SMART Online”.

The PCPD specially invited a number of legislative councillors, professionals and celebrities to support the event and promote the message “Privacy Matters” through social media. They included: the Hon Charles Mok, the Hon Alice Mak Mei-kuen, the Hon Ip Kin-yuen, celebrity magician Mr Louis Yan, illustrator Ms Wingki Kwok and journalist Mr Ryan Lau. Ms Wingki Kwok also created intricately hand-drawn illustrations for the PCPD to promote data-protection messages.

A wide range of promotional and

educational activities, including campus promotions by student ambassadors, quiz contests, street magic shows, exhibitions and forums, were held during the week to reach out to the wider community including students, businesses and the general public.

As part of the PAW 2015 inauguration ceremony, 14 awards were presented to the winning teams of a TV News Feature on a Personal Data Protection Competition under the Student Ambassador for Privacy Protection

Programme 2015 (the “Programme”), in which 724 Form one to six students from 69 secondary schools took part. The participants looked into the privacy issues they came across in everyday life and presented their findings in the form of a TV news feature. Ning Po No. 2 College won the champion of the junior section; and STFA Cheng Yu Tung Secondary School was crowned champion of the senior section.

The Programme also featured an inter-school quiz on online privacy

protection which was rolled out by the PCPD for the first time. Co-organised with the Hong Kong Federation of Youth Groups Jockey Club Media 21, the final of the quiz took place on 9 May 2015. Lok Sin Tong Leung Kau Kui College, Chiu Lut Sau Memorial Secondary School and La Salle College won the champion, first runner-up and second runner-up respectively after a fierce contest. P

「保障私隱學生大使計劃2015暨中學生『私隱檔案』新聞攝製比賽」入圍隊伍透過其得獎作品及不同形式活動，於校園宣傳私隱保障。

The finalists of the Student Ambassador for Privacy Protection Programme 2015 - TV News Feature on a Personal Data Protection Competition promoted privacy protection through their work and various activities on their campuses.



樂善堂梁銓琚書院力歷多支勁旅，由副私隱專員黃錦卿女士頒發「2015年全港校際網上個人資料保障問答大賽」的冠軍獎座。

Ms Fanny Wong, the Deputy Commissioner, presented the award to the Champion team Lok Sin Tong Leung Kau Kui College at the 2015 Inter-school Quiz on Online Privacy Protection.

評判團成員（包括香港互聯網協會、香港青年協會、政府資訊科技總監辦公室等代表）也積極投入問答比賽。

Members of judging panel (representatives from the Internet Society Hong Kong, Hong Kong Federation of Youth Groups, OGCIO, etc) thoroughly enjoyed the quiz.



Microsoft 香港有限公司區域科技長陳育明先生（右）與公署資訊科技顧問張宗頤博士向保障資料主任聯會會員及資訊科技從業員，講解貫徹私隱的設計與資料保障。
Mr Alan Chan (right), National Technology Officer of Microsoft Hong Kong, and Dr Henry Chang, IT Advisor of the PCPD talked about Privacy by Design and Data Protection to members of the Data Protection Officers' Club ("DPOC") and IT practitioners.



著名魔術師甄澤權先生現身銅鑼灣，為參觀流動展覽的市民表演街頭魔術。
Magician Mr Louis Yan gave a special street performance for visitors to the PCPD's roadshow in Causeway Bay.



出版特刊表揚保障資料主任聯會會員致力保障個人資料私隱。
A special supplement was published to recognise the effort made by DPOC members in the protection of personal data privacy.

流動展覽車巡迴港九新界各地，接觸超過 36,000 名市民。
The exhibition truck toured different districts during the week, reaching more than 36,000 members of the public.

保障資料主任聯會活動 Data Protection Officers' Club Activities



立即行動!
Act Now!

更新及申請 2015/16 的會籍，可享優惠參加公署的培訓課程及獲得第一手資訊，請瀏覽網站：www.pcpd.org.hk/dpoc。

Members and data users who would like to renew or enrol for 2015/16 membership, please visit the website: www.pcpd.org.hk/dpoc. Discount and privileges are offered for members to attend training programmes and receive first-hand information from the PCPD.

網站獲 2015 年「無障礙網頁嘉許計劃」銀獎 PCPD's Website Received Silver Award in "Web Accessibility Recognition Scheme" 2015

公署網站榮獲由政府資訊科技總監辦公室及平等機會委員會合辦的「2015 無障礙網頁嘉許計劃」銀獎（網站組別）。

The PCPD's website won the Silver Award (Website Stream) in the "Web Accessibility Recognition Scheme 2015", jointly organised by the Office of the Government Chief Information Officer and the Equal Opportunities Commission.

銀獎證書
Silver Award



大學保障私隱活動 University Privacy Campaign

於 2014 年 10 月至 12 月舉辦，公署走訪了 10 所大專院校推廣私隱和資料保障。公署在各院校設立服務台，現場解答學生的疑問及提供建議。公署亦為大專院校的教職員舉行了連串講座，講解在《個人資料（私隱）條例》下，他們作為資料使用者在行政、教學、資訊管理及研究工作方面應負的責任。

From October to December 2014, the PCPD visited 10 local universities to promote privacy and data protection. Help desks were set up to answer students' queries and provide advice. The PCPD also organised a series of talks to explain to university staff the obligations of data users under the Personal Data (Privacy) Ordinance in the areas of administration, teaching, IT management and research.





公眾教育巡迴展覽 Public Education Roadshow

由 2014 年 12 月 28 日至 2015 年 1 月 10 日，公署舉辦公眾教育展覽，以流動展覽車巡迴各區，令公眾更認識條例所保障的個人資料私隱權利。

From 28 December 2014 to 10 January 2015, the PCPD staged a public education roadshow, with an exhibition truck visiting different districts of the city to enhance public awareness of data privacy rights under the Ordinance.

行業保障私隱活動：應用程式重私隱 創新科技贏信任 Industry-specific Campaign – Developing Mobile Apps: Privacy Matters



公署於 2015 年 1 月開展了主題為「應用程式重私隱 創新科技贏信任」的保障私隱活動，獲得資訊科技界 10 個專業團體及商會協辦，並得到 10 個業內的專業及學術機構支持。有關活動的詳情，請瀏覽 www.pcpd.org.hk/mobileapps。

In January 2015, the PCPD launched a privacy-awareness campaign with the theme “Developing Mobile Apps: Privacy Matters”, which received overwhelming support from the Information and Communication Industry. The campaign was co-organised by 10 leading trade associations and supported by 10 professional/academic institutions in the field of information and communications technology. For details of the Campaign, please visit www.pcpd.org.hk/mobileapps.



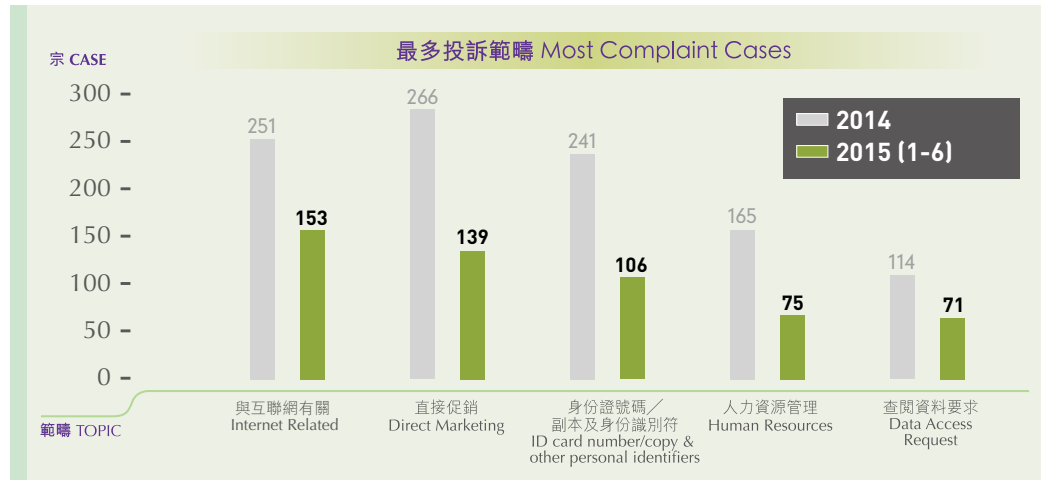
新任副個人資料私隱專員 Appointment of Deputy Privacy Commissioner for Personal Data

副個人資料私隱專員黃錦卿女士於 2015 年 1 月 28 日履新。

Ms Fanny Wong was appointed Deputy Privacy Commissioner for Personal Data on 28 January 2015.

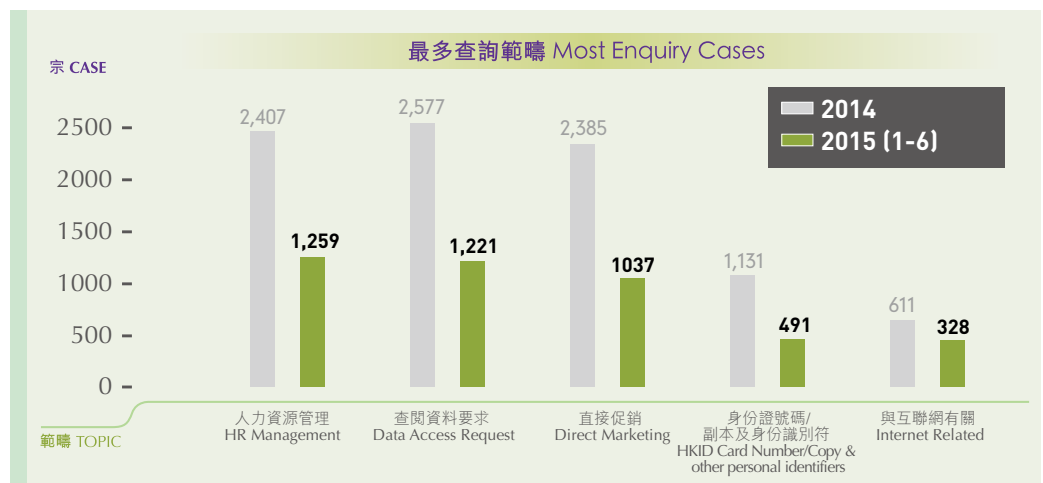
接獲投訴個案
(2015年1月至6月)

Number of complaint cases received
(January - June 2015):
共 **838** 宗 cases



接獲查詢數目
(2015年1月至6月)

Number of enquiry cases
(January - June 2015):
共 **8,238** 宗 cases



物聯網 Internet of Things

「物聯網」指設有感應器的網絡裝置，通常包括一些連接互聯網的家居或個人物品。連接到互聯網後，可以讓我們遙控及分享其中的資料。常見的例子是健身腕帶或透過智能電話控制的空調系統。這些裝置無可避免地會儲存一些我們的個人資料，令人擔心私隱受到侵害。

這些裝置所涉及的科技，其實並不算嶄新，例如計算心跳率的儀器。創新之處在於用新的方法去處理和呈遞資料，把科技實際應用到日常生活。由於裝置所收集的資料很多時會傳送給第三者，例如製造商或流動應用程式的服務供應商，因而可能出現私隱保障問題。用戶的個人資料若落入他人手中，便會引發資料保安、資料是否適當使用、及如何控制資料分享等問題。

舉例來說，某裝置可從一輛汽車收集資料，再把資料傳送到流動應用程式，供用戶檢視。這裝置聲稱可節省燃油及減少維修次數、找出最快捷的路線、超速會提出警告，以及一旦遇上意外時會發出求救協助。然而，它同時亦會收集汽車的位置資料、用戶的駕駛習慣、汽車電腦的錯誤碼，以及其他個人資料，包括身份及聯絡資料。部分資料被傳送到雲端儲存，有可能在用戶不知情下，被汽車製造商、保險公司及政府讀取。

這些科技取得的汽車資料，亦有機會被黑客入侵，或出現資料外洩。因此，一名歐盟規管者便曾警告，物聯網必須能應付新裝置帶來的私隱及保安挑戰。有關風險包括資料遺失、惡意軟件入侵、未獲准許查閱資料、非法監視、及穿戴式裝置對用家引起的打擾問題。

從事物聯網業務的人士亦應採取「貫徹私隱的設計」方式（例如資料不要預設分享、足夠的保安措施，及為顧客提供拒絕服務的選舉）、把資料收集減至最低，並增加透明度，從而贏取消費者的信任。 [P](#)

The “Internet of Things” (“IoT”) refers to a network of devices with sensors, usually involving ordinary household or personal items, which are connected to the Internet. The connectivity often

allows them to be controlled remotely and their data to be shared. Simple examples would be a fitness band worn on the wrist or an air-conditioning system controlled via a smartphone. Inevitably such devices will store some personal information about us, and this raises privacy concerns.

The technology in many of these devices, such as the ability to read one’s heart rate, is not new. The innovation is in how it is applied in our daily lives by processing and presenting the data in new ways. What changes the privacy landscape is that the collected data is often transmitted outside the device to a third party, such as the manufacturer or service provider through a mobile app. This means personal data may be in the hands of someone other than the device owner, raising questions about data security, the proper use of the data, and what controls exist over how the data is shared.

For example, a device may collect information from a car’s onboard system and transmit the data to a mobile app for the user to review. The device may claim to save on fuel and repairs, find the most efficient route, warn about speed limits, and get help in case of an accident. At the same time, however, the device collects information on car location, the user’s driving habits, error codes from the car’s computer, and other personal data, including identity and contact information. Some of that data is transmitted to cloud storage and may be shared with the car manufacturer, insurance companies or the government without the user’s knowledge.

Vehicle data generated by these technologies may also be subject to hacking or other data breaches. For these reasons, an EU regulator warned that the IoT must meet the privacy and

security challenges associated with the new devices. The risks include data loss, malware infection, unauthorised access, unlawful surveillance and the intrusive use of wearable devices.

Industries involving in the IoT should also adopt Privacy by Design (e.g. no sharing of information by default, adequate security and granular opt-out), collect only the minimum data to fulfil the function, and offer full transparency to win consumers’ trust. [P](#)

使用航拍機前應考慮的私隱問題 Privacy Implications of the Use of Drones



航拍機（亦稱為無人駕駛飛行儀器）是由電腦自動控制或由機師遙遠控制飛行的。公署於 2015 年 3 月發出《閉路電視監察及使用航拍機指引》，這指引加入了《2012 年個人資料（私隱）（修訂）條例》的有關新條文，以取代《閉路電視監察措施指引》。更重要的是，首次向航拍機使用者提供指引，呼籲使用者負起保障私隱的責任。

市民一般較明白閉路電視這類監察工具對私隱帶來的影響。然而，裝上攝錄鏡頭的航拍機，可靈活流動、頗長時間停留在空中，從有利的位置搜集資料，及

覆蓋廣泛的地方，這些獨特的功能對私隱保障帶來新的挑戰。

有關使用閉路電視的私隱指引，同樣適用於航拍機的使用。然而，鑑於航拍機的特點，例如流動性、體積細小、及難以確認操作者，公署呼籲使用者應採取創新的措施保障私隱。新指引在這方面提供了具體的說明。 [P](#)

Drones (or unmanned aircraft systems) are controlled either autonomously by computers or by remote pilots. In March 2015, the PCPD published a guidance note entitled ‘Guidance on CCTV Surveillance and Use of Drones’ (the “Guidance”), which replaced “Guidance on CCTV Surveillance Practices”, as it introduces amendments that take account new provisions in the Personal Data (Privacy) (Amendment) Ordinance 2012. More significantly, it incorporates new guidance on

the responsible use of drones.

While the privacy implications of surveillance tools such as CCTV are fairly well understood, the PCPD is of the view that drones fitted with cameras could add a new dimension to these privacy concerns by virtue of their unique attributes. These include their mobility, as well as ability to stay in the air for a considerable period of time, gathering information from different vantage points over a broad area.

The privacy guidelines for the use of CCTV apply equally to the use of drones. However, to address the drones’ special attributes, such as their mobility, small size and the difficulty of identifying the operator, innovative measures to safeguard privacy are called for. Specific illustrations of this approach are provided in the Guidance. [P](#)

1. 飛行路線 Flight path	小心策劃飛行路線，以避開飛近公眾及民居。例如，航拍機應盡可能只在需要監察／攝錄的範圍附近飛升。 Avoid flying close to other people or their property. Launch drones from a location as close as possible to the area they need to cover.
2. 攝錄功能及影像保留 Recording and retention	如有意進行攝錄，可預先定下攝錄準則（包括攝錄內容、地點及時間），以避免因部分資料可能涉及個人資料而被視為過度收集。航拍機可能會意外地偏離原有航道而拍攝到一些無必要的情景，因而應制定刪除及保留有關資料的政策。 Pre-define the recording criteria (what, where and when to record) to avoid the over-collection of information, some of which may be related to individuals. Drones may go off course by accident and record scenes unintentionally. Develop a policy to erase irrelevant recordings, as well as a data-retention policy.
3. 保安 Security	如影像以無線傳輸，應考慮進行加密，以免被無關人士截取。如航拍機有攝錄功能，應考慮設定查閱控制，以防遺失航拍機時，攝錄內容落於他人手中。 If images are transmitted through wireless means, consider using encryption to avoid the adverse consequences of interception by unrelated parties. If the drone has a recording function, consider access control to prevent the recording from falling into the wrong hands in the event the drone is accidentally lost.
4. 告示 Notice	跟受航拍機影響的人士建立信任，讓他們清晰了解航拍機的運作。重要的第一步是向他們清楚交代你的目的及操作詳情，向他們保證你沒有隱瞞，亦不會秘密地監察任何人。然而，這些做法可能並不容易，可能需要有創意的解決方法，例如：使用閃燈以顯示航拍機正在進行攝錄；利用有關社交媒體，預先宣佈航拍機會覆蓋的地區；在航拍機貼上公司標誌及聯絡資料；拍攝隊伍亦穿上有公司標誌的衣服；及在航拍機「起飛區」豎立大幅橫額，提供私隱聲明的資訊及聯絡資料。 Inform those affected by the operation of the drone clearly of your purposes and operation details. This is the best first step to assuring them that you have nothing to hide and are not covertly monitoring anyone. Innovative approaches may be called for, such as flashing lights to indicate that the drone is recording; pre-announcing drone operations in the affected area by social media; putting your corporate logo and contact details on the drone; having crew members wear the same clothes with your corporate identity on them; and putting up big banners with privacy notices and contact details at “launch sites”.

資料來源：公署出版的《閉路電視監察及使用航拍機指引》

www.pcpd.org.hk/tc_chi/resources_centre/publications/files/GN_CCTV_Drones_c.pdf

Source: Guidance on CCTV Surveillance and Use of Drones published by the PCPD:

www.pcpd.org.hk/english/resources_centre/publications/files/GN_CCTV_Drones_e.pdf



指引資料 Guidance Notes:

- 1 保障個人資料：跨境資料轉移指引
Guidance on Personal Data Protection in Cross-border Data Transfer
- 2 閉路電視監察及使用航拍機指引
Guidance on CCTV Surveillance and Use of Drones
- 3 收集及使用生物辨識資料指引
Guidance on Collection and Use of Biometric Data

網站 Website:

- 4 保障資料主任聯會網站
Data Protection Officer's Club website
www.pcpd.org.hk/dpoc

網上自學課程 Online Self-training Module:

- 5 中小企保障個人資料私隱自學課程
Self-training Module on Protection of Personal Data for SMEs
www.pcpd.org.hk/sme_kit

專員網誌 The Commissioner's Blog:

日期 Date	主題 Subject
2014	
12.30	互聯網的「被遺忘權」(二) The "Right to be Forgotten" (II)
2015	
04.23	向信貸資料機構提供學生拖欠還款資料的弊端 Perils of Reporting Student Loan Default Data to Credit Reference Agency as a Deterrent to Default
04.28	大數據對私隱的影響 The Privacy Ramifications of Big Data

瀏覽電子版 View e-version:

www.pcpd.org.hk > 資源中心 > 刊物
www.pcpd.org.hk > Resources Centre > Publications

「保障個人資料：跨境資料轉移指引」簡介會
Briefings on the Guidance on Personal Data Protection in Cross-border Data Transfer

2015.07.24
2015.08.28

開發流動應用程式保障私隱活動
Privacy Campaign for Mobile Apps Development

2015.08.24	《個人資料(私隱)條例》簡介 Introductory Seminar on the Personal Data (Privacy) Ordinance
2015.10.16	直接促銷規管簡介 Introductory Seminar on Direct Marketing Regime

保障個人資料專業研習班
Professional Workshops on Data Protection

2015.07.22	資料保障法律研習班 Legal Workshop on Data Protection
2015.07.23	人力資源管理的資料保障 Data Protection in Human Resource Management
2015.07.24	銀行/金融服務的資料保障 Data Protection in Banking/Financial Services
2015.07.29	直接促銷活動的資料保障 Data Protection in Direct Marketing Activities
2015.07.31	保險業的資料保障 Data Protection in Insurance
2015.08.05	資料保障與查閱資料要求 Data Protection and Data Access Request
2015.08.06	銀行/金融服務的資料保障 Data Protection in Banking/Financial Services
2015.08.13	銀行/金融服務的資料保障 Data Protection in Banking/Financial Services
2015.08.19	人力資源管理的資料保障 Data Protection in Human Resource Management
2015.08.24	資料保障法律研習班 Legal Workshop on Data Protection
2015.08.26	直接促銷活動的資料保障 Data Protection in Direct Marketing Activities
2015.09.02	資料保障與查閱資料要求 Data Protection and Data Access Request
2015.09.08	保險業的資料保障 Data Protection in Insurance
2015.09.09	銀行/金融服務的資料保障 Data Protection in Banking/Financial Services
2015.09.24	人力資源管理的資料保障 Data Protection in Human Resource Management
2015.09.25	零售業保障私隱面面觀 Data Protection in Retail Operation
2015.09.29	資料保障法律研習班 Legal Workshop on Data Protection

《個人資料(私隱)條例》簡介講座
“Introduction to the Personal Data (Privacy) Ordinance” Seminars

2015.08.12	2015.10.14	2015.11.26
2015.09.01	2015.10.29	2015.12.11
2015.09.18	2015.11.12	2015.12.30

詳情 Details : www.pcpd.org.hk

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