

Strengthening International Connections

加強國際聯繫

回應跨國界的議題

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

Response to Borderless issues

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



「全球私隱執法機關網絡」私隱抽查行動

全球性抽查行動的結果

公署於2014年聯同其他25個國際私隱執法機關，就私隱政策的透明度進行抽查行動。「全球私隱執法機關網絡」是由各地的私隱執法機關組成，宗旨是透過國際合作維護個人的私隱權。這是該全球組織第二次進行有關行動。抽查行動於2014年5月12日至18日期間進行，焦點是抽查檢視手機流動應用程式（「程式」）在保障私隱方面的行事方式。

調查結果揭示了部分國際間最流行的程式向用戶要求的權限種類，及開發商有否適當地通知用戶其對私隱有所影響的措施。

抽查行動

參與的私隱執法機關共抽查了1,211款流動應用程式，包括Apple及Android的程式、免費及付費的程式，以及公營機構的程式。這些程式的種類廣泛，包括遊戲、健康 / 健體、新聞、銀行等。抽查重點是查看程式所要求的權限種類，以及這些權限相對這些程式的功能，是否超乎適度；而最重要的是，這些程式如何向用戶解釋需要讀取個人資料的理由，及準備如何使用該些個人資料。

關注重點

2014抽查行動結果重點：

- 75%的程式要求一項或更多的權限。最多程式要求的權限包括：定位位置；裝置的識別碼；讀取其他帳戶資料、鏡頭、通訊錄。鑑於上述要求權限的比率十分之高，而讀取的資料又有潛在敏感度，這顯示程式開發者在保障用戶私隱度方面，應該要有更高的透明度。
- 31%的程式所要求的權限，超越抽查者所理解的該程式的功能所需。
- 59%的程式令抽查者關注安裝程式前的私隱政策聲明。很多程式在下載前對於為何收集資料或如何使用資料，只提供很少資訊；又或者連結至某網頁，但該網頁提供的私隱政策卻並非為有關程式而度身訂造的。

GLOBAL PRIVACY ENFORCEMENT NETWORK PRIVACY SWEEP EXERCISE

Global Results of the Sweep

The PCPD joined forces with 25 other privacy enforcement authorities from around the globe to take part in an international Privacy Sweep exercise ("Sweep") to assess privacy issues in 2014. This was the second Sweep coordinated by the Global Privacy Enforcement Network ("GPEN"), which is a network of privacy enforcement authorities working together to protect the privacy rights of individuals. The 2014 Sweep took place between 12 and 18 May 2014, and its focus was on the privacy practices of mobile applications ("apps").

The results of the 2014 Sweep offer some insight into the types of permissions some of the world's most popular mobile apps seek from consumers and the extent to which organisations inform consumers about their privacy practices.

The Sweep

In total, 1,211 apps were examined globally, including a mix of Apple and Android apps, free and paid apps, and public and private sector apps, covering diversified areas ranging from games and health/fitness to news and banking. The sweepers examined the types of permissions that the apps were seeking, and whether or not the permissions exceeded expectations, bearing in mind the apps' functionality, and most importantly, how the apps explained to consumers the reasons for collecting their personal information and what they planned to do with it.

Common Concerns

The 2014 Sweep highlights were as follows:

- 75% of the apps requested one or more permissions, the most common being Location, Device ID, Access to Other Accounts, Camera and Contacts. The high proportion of apps requesting permissions and the potential sensitivity of the data accessed underlines the importance of transparency in the apps' privacy practices.
- For 31% of the apps, the requested permissions were believed to exceed what testers expected based on their understanding of the apps' functionality.
- 59% of the apps raised concern with respect to pre-installation privacy notices. Many apps provided little information about why the data was being collected or how it would be used, or they only provided links to their websites which had general privacy policies that were not tailored to the particular apps being downloaded.

- 43%的程式的私隱政策聲明未有顧及手機細小螢幕的需要，例如它們採用了細字體，而且篇幅冗長，不易於閱讀理解。
- 43% of the apps failed to tailor their privacy notice to small smartphone screens, and used small print and lengthy descriptions that were not reader-friendly.

良好行事方式

不過，抽查行動亦發現一些良好行事方式的例子：

- 15%的程式有清楚解釋他們會如何收集、使用及披露個人資料。
- 程式會彈出資訊、分層資訊和及時通知，讓用戶能適時知道他們的個人資料將被收集或使用。

部分程式是市場中非常受歡迎的程式，由此可見，程式如能向用戶講解清楚，即使會收集資料，亦不會對下載量有負面影響。

全球私隱保障機關促請應用程式供應平台強程式開發商提供私隱政策連結

使用互聯網及智能手機而引起的私隱保障問題，是為國際關注的議題。國際間的私隱保障機關共同面對這些挑戰，並聯手應付。

因此，公署與加拿大私隱專員公署聯合發起，全球其他21個私隱保障機關聯署，向Google Play和Apple App Store等七個應用程式供應平台發出公開信，促請應用程式供應平台強制規定，若流動應用程式開發商要收集個人資料，必須在用戶下載程式前提供私隱政策連結。

Best Practices

The participants also noted examples of best practices during the 2014 Sweep:

- 15% of the apps provided a clear explanation of how they would collect, use and disclose personal information.
- Pop-ups, layered information and just-in-time notifications were used to inform users of potential collection or use of information.

Given some of these examples were among the most popular apps, it demonstrates that when properly explained to consumers, the collection of information does not have a negative impact on downloads.

Global Privacy Guardians Urge App Marketplace Make Links to Privacy Policies Mandatory

Privacy has become an international issue in the Internet and mobile world, requiring an international response. The challenges are global, so the solutions need to be global as well.

To this end, the PCPD issued an open letter in December 2014, initiated jointly by the Office of the Privacy Commissioner of Canada, and signed by 21 other data protection authorities, urging seven app marketplaces (including Google Play and the Apple App Store) to make it mandatory for mobile app developers to post links to privacy policies before download if they are going to collect personal information.

讚賞 Compliment

香港的個人資料私隱專員是一位非常積極的規管者。他既公開評論海外的私隱法律發展，亦持續爭取擴大《個人資料(私隱)條例》的規管及執法權力。在2014全年都積極推動。在12月，他主動發起向七個國際主要應用程式供應平台發出公開信，呼籲它們在用戶下載程式前提供私隱政策；其後，他再向香港的流動應用程式開發商發出指引，繼續跟進。

Hong Kong's Privacy Commissioner for Personal Data is very much an activist regulator. He publicly comments on developments in privacy law abroad and continues to press for wider ranging regulation enforcement powers under the PDPO. This activist approach continued throughout 2014 ... In December, he initiated an open letter to seven of the world's leading app marketplaces calling on them to make app privacy policies available to users prior to downloading and followed this up with the publication of guidance directed at mobile app developers in Hong Kong.

Mr Mark PARSONS and Mr Peter COLEGATE
Partner and Associate respectively at Hogan Lovells

國際資料保障及私隱專員研討會
(2014年10月13至16日，毛里求斯)

國際資料保障及私隱專員研討會於1979年首次召開，是各地私隱專員的重要論壇。參與代表來自60個國家約100個私隱執法及資料保障機構、非政府組織及觀察員。

私隱專員與資訊科技顧問於2014年10月出席在毛里求斯舉行的第36屆國際研討會。私隱專員在全體會議上發表題為「管理私隱及資料保障為企業管治責任」的演說。

各私隱專員舉行閉門會議後，大會發表「毛里求斯宣言——物聯網」。這份宣言確認資訊及通訊科技發展對私隱及資料保安帶來挑戰；以及日益倚賴互聯網連繫，為商業和日常生活帶來巨大潛力。宣言主張使用這些裝置的私隱政策須具透明度，而科技開發商應擲「貫徹私隱的設計」的做法。宣言亦強調資料保障機構須採取執法行動，以確保私隱法例獲得遵從，以及所有持份者須就這項發展的影響，作出積極及具建設性的討論。

會議通過三項決議案：

- 聚焦於與使用數據帶來的風險；
- 執法合作的需要，為達致最佳的私隱及資料保障循規而制定新的合作安排；及
- 數碼年代的私隱，確定會議的出席者準備參與聯合國的多方對話。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND
PRIVACY COMMISSIONERS (13-16 OCTOBER 2014, MAURITIUS)

The International Conference of Data Protection and Privacy Commissioners, which first met in 1979, is the premier forum for Privacy Commissioners from around the world. It has a representation of about 100 privacy enforcement and data protection authorities, non-governmental organisations and observers from over 60 countries.

The Commissioner and the Information Technology Advisor attended the 36th International Conference in Mauritius in October 2014. The Commissioner delivered a presentation at the plenary session, entitled "Managing Privacy and Data Protection as Corporate Governance Responsibility".

The closed session of the meeting of privacy commissioners led to the release of the 'Mauritius Declaration on the Internet of Things'. This declaration recognises the privacy and data security challenges posed by this information and communication technology ("ICT") development, as well as the huge potential to business and to consumer convenience from increasing connectivity through the Internet. It advocates transparency in the privacy policies related to the use of these devices and the practice of Privacy by Design by the technology developers. It also emphasises the need for data protection authorities to ensure compliance with privacy laws, and for all stakeholders to engage in a strong, active and constructive debate on the implications of this development.

Three resolutions were adopted by the Conference focusing on the following:

- the risks associated with the use of **big data**;
- the need for **enforcement cooperation** by establishing new cooperative arrangements for better privacy and data protection compliance; and
- **privacy in the digital age**, affirming the conference participants' readiness to participate in UN multi-stakeholder dialogue.



The Commissioner (fourth from right, front row of above photo) attended the 36th International Conference of Data Protection and Privacy Commissioners, held in Balaclava, Mauritius.

私隱專員(上圖前排右四)出席了在毛里求斯巴拉克拉瓦舉行的第36屆國際資料保障及私隱專員研討會。

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署派員於2014年8月7日出席在中國北京舉行的第30屆亞太經合組織資料私隱分組會議。年內，日本加入了「跨境私隱規則機制」，連同美國及墨西哥兩個現有成員，該機制的參與者增至三個。加拿大提出參與意向書，現正由聯合監督小組考慮。

亞太經合組織於2015年1月核准了「處理者的私隱認可」文件。這文件列載一份資料處理者問卷，資料處理者要符合問卷內列出的一些基本要求，才可獲亞太經合組織認可責任代理的確認。這問卷是讓個人資料處理者協助資料使用者依從相關的私隱規定，並有助資料使用者識別合資格和負責任的資料處理者。

在年內，有多一個私隱執法機構加入了亞太經合組織跨境私隱執法安排，令成員增至25個（包括公署在內）。這項多邊安排讓亞太經合組織的私隱執法機構分享資訊，及提供跨境資料私隱執法的協助。現正進行三年一度的檢討。

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 30th meeting of the APEC Data Privacy Subgroup, which was held in Beijing, China on 7 August 2014. Japan joined the Cross-Border Privacy Rules (“CBPR”) System during the year. Together with the existing participants, the United States and Mexico, there are now three participants in the CBPR System. Canada lodged a notice of intention to participate, which was being considered by the Joint Oversight Panel.

APEC endorsed the “Privacy Recognition for Processors” in January 2015. This document has an intake questionnaire which sets forth the baseline requirements that a processor must meet to be certified by an APEC-recognised Accountability Agent. It is designed to help personal information processors assist data users in complying with the relevant privacy obligations, and helps data users identify qualified and accountable processors.

During the year, one more privacy enforcement authority joined the APEC Cross-Border Privacy Enforcement Arrangement, making a total of 25 participants, including the PCPD. This multilateral arrangement provides for privacy enforcement authorities in the APEC region to share information and provide assistance in cross-border data privacy enforcement. It is currently undergoing a triennial review.



公署首席律師郭美玲(左二)出席在中國北京舉行的第30屆亞太區經濟合作組織分組會議。
Brenda Kwok (second from left), Chief Legal Counsel of the PCPD, at the 30th APEC subgroup meeting in Beijing, China.

讚賞 Compliment

有一位(資訊政策領導中心的)講者稱讚你(私隱專員)在研討會(於毛里求斯舉行的國際資料保障及私隱專員研討會)內的演講出色，因為內容十分務實。他亦讚賞你是資料保障新紀元的先鋒之一。我完全同意！

One of the speakers (of the Centre for Information Policy Leadership) indicated that your (the Commissioner's) talk and the approach you took was one of the stand-out moments in the conference (International Conference of Data Protection and Privacy Commissioners in Mauritius) because it was pragmatic. He also thought you were in the vanguard of the new era of data protection commissioners. As you know, I totally agree!

Mr Malcolm CROMPTON
Managing Director
Information Integrity Solutions Pty Ltd

亞太區私隱機構論壇

亞太區私隱機構成立於1992年，是亞太區內私隱機構的主要平台組織，夥拍區內的私隱機構就私隱規例、新科技及執法等事宜交流合作。目前有17名成員。

第41屆亞太區私隱機構論壇 (2014年6月17至18日，首爾)

私隱專員於2014年6月在首爾出席由韓國個人資料保護公署主辦的第41屆亞太區私隱機構論壇。論壇的主題是私隱教育及新科技帶來的挑戰。

各成員討論了保障跨境轉移個人資料的私隱原則及規例、國際合作、大數據對私隱的影響、公開資料政策、社交網絡「貫徹私隱」的設計，以及個人資料的加密和「代幣化」。成員就重大的資料外洩事故作出匯報，並商討預防策略。論壇亦集中討論私隱法例應否強制規定通報資料外洩事故，抑或可自願通報的問題。

私隱專員呈交了有關在香港推廣及執行問責為本的私隱管理系統的文件，並匯報科技工作小組的工作。

ASIA PACIFIC PRIVACY AUTHORITIES FORUM

The Asia Pacific Privacy Authorities (“APPA”), formed in 1992, is the principal forum for data protection authorities in the Asia Pacific region to form partnerships and exchange ideas on privacy regulation, new technologies and enforcement. It currently has 17 members.

41st APPA (17-18 June 2014, Seoul)

The Commissioner attended the 41st APPA Forum, hosted by the Korean Personal Information Protection Commission in Seoul in June 2014. The two key themes of the forum were privacy education and the challenges posed by new technologies.

Members discussed privacy principles and regulation to protect personal data transferred across borders, international cooperation, the privacy implications of Big Data, open data policies, social networking, privacy by design, and the encryption and ‘tokenisation’ of personal information. Members reported on significant data breaches and discussed preventive strategies to assist organisations. Discussions also focussed on whether privacy laws should provide for mandatory or voluntary data breach reporting.

The Commissioner presented papers on the promotion and enforcement of accountability-based privacy management programmes in Hong Kong, and reported on the work of the Technology Working Group.



私隱專員出席在韓國首爾舉行的第41屆亞太區私隱機構論壇。

The Commissioner attended the 41st APPA in Seoul, Republic of Korea.

第42屆亞太區私隱機構論壇
(2014年12月1至4日，溫哥華)

私隱專員亦於2014年12月出席在溫哥華舉行的第42屆亞太區私隱機構論壇。新加坡的私隱法例於2014年7月生效，新加坡私隱專員公署成為亞太區私隱機構第17名成員。

閉門會議(參與者包括亞太區私隱機構成員及獲邀的觀察員聚焦於法律改革、流動應用程式、健康資訊，以及有關國家安全和執法的事宜。其他討論事宜包括亞太區私隱機構的未來、亞太區私隱機構的借調架構、道德困境、環球私隱發展、跨境貿易及資料私隱規例。私隱專員就不同事宜發表科技工作小組的報告，包括歐洲法院對「被遺忘權」的裁決及搜尋引擎公司的回應。

在公開會議(參與者包括私營機構、學者及政府官員，討論的題目包括公民社會團體如何與私隱規管者溝通、以風險為本的保障私隱方法、問責原則，以及可穿戴於身上的科技的概況。

42nd APPA
(1-4 December 2014, Vancouver)

The Commissioner also attended the 42nd APPA Forum in Vancouver in December 2014. Singapore's privacy law came into force in July 2014, and its Personal Data Protection Commission became APPA's 17th member.

The closed session (involving APPA members and invited observers) focussed on law reform, mobile apps and health information, as well as issues pertaining to national security and law enforcement. Other discussion topics included the APPA's future, the APPA's secondment framework, ethical dilemmas, global privacy developments, cross-border trade, and data-privacy regulation. The Commissioner presented the report of the Technology Working Group on various issues, including the European Court of Justice's decision on the 'Right to be Forgotten' and the response from search engines.

In the open session (with the participation of private-sector organisations, academics and government officials), the topics included how civil-society groups interact with privacy regulators, a risk-based approach to privacy, the accountability principle, and an overview of wearable technology.



私隱專員(第三排右六)出席在加拿大溫哥華舉行的第42屆亞太區私隱機構論壇。
The Commissioner (sixth from right, third row) attended the 42nd APPA Forum in Vancouver, Canada.

讚賞 Compliment

(私隱專員)十分友善，跟我分享在公署建立尊重私隱文化的成就和經驗。我相信有你的支持和合作，我們可以進一步令市民大眾和商業機構培養出保障個人資料私隱的意識。

It was very kind of you (the Commissioner) to share with me the accomplishments and experience of your office in creating a privacy-assuring culture. I believe that with your support and cooperation, we will be able to further foster public and business awareness of the importance of personal data privacy protection.

馮文莊先生
澳門個人資料保護辦公室
Mr FONG Man-chong
Coordinator, Office for Personal Data Protection, Macao

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下述交流：

The Commissioner and his team were engaged in the following exchanges with overseas data protection authorities, practitioners and the academia:

<p>2014.04.07</p>	<p>副私隱專員在香港消費者委員會與澳門消費者委員會合辦的第一屆兩岸四地推動消保權益論壇上演講，及參與「消費新紀元 — 個人私隱保障」的討論</p> 	<p>The Deputy Privacy Commissioner delivered a speech and joined a discussion on The New Era of Consumption – Privacy Protection at the first Cross-strait Symposium on Consumer Protection, co-organised by the Hong Kong Consumer Council and the Macao SAR Government Consumer Council</p>
<p>2014.05.26</p>	<p>首席律師向澳門個人資料保護辦公室講述公共領域資料的再使用</p>	<p>The Chief Legal Counsel gave a presentation on the Reuse of Data in the Public Domain to the Office for Personal Data Protection, Macao</p>
<p>2014.07.24</p>	<p>私隱專員參與第六屆跨境資料探索及資料保障法律塞多納會議的「亞洲的資料探索、披露及資料轉移：亞太經合組織、日本和南韓」及「亞洲的資料探索、披露及資料轉移：中國和香港」的小組討論</p>	<p>The Commissioner participated in panel discussions on Discovery, Disclosure and Data Transfer in Asia: APEC, Japan and South Korea; and Discovery, Disclosure and Data Transfer in Asia: China and Hong Kong at the 6th Annual Sedona Conference International Programme on Cross-Border Discovery and Data Protection Laws</p>
<p>2014.10.12</p>	<p>私隱專員在全球私隱執法機關網絡就討論「利用宣傳手法規管循規」而舉辦的工作坊發表題為「執行點名指出違規者的政策」的演說</p>	<p>The Commissioner gave a presentation entitled Operating a Policy of Naming the Transgressors at a workshop held by the Global Privacy Enforcement Network to discuss The Use of Publicity as a Regulatory Compliance Technique</p>
<p>2014.11.17</p>	<p>私隱專員在澳紐私隱專業人士國際協會的高峰會(Privacy @ Play iappANZ Summit)介紹公署推廣問責為本的私隱管理系統的工作</p>	<p>The Commissioner presented the PCPD's efforts to promote accountability-based privacy-management programmes at the Privacy @ Play iappANZ Summit, International Association of Privacy Professionals, Australia-New Zealand</p>
<p>2014.11.28</p>	<p>私隱專員在香港大學法律學院舉辦的大中華私隱研討會上發表專題演說，題目為「管理私隱及資料保障為企業管治責任」</p> 	<p>The Commissioner delivered a keynote speech on Managing Privacy and Data Protection as Corporate Governance Responsibility at the Symposium on Privacy in Greater China, organised by the Faculty of Law, University of Hong Kong</p>

接待海外 / 內地訪客

RECEPTION OF OVERSEAS / MAINLAND DELEGATIONS

在2014至15年度，公署曾接待以下代表團：

In 2014-15, the PCPD received the following delegations:



2014年7月7日 - 由香港大律師公會率領北京大學法律系學生，以及由汕頭大學職業發展中心率領的12名學生到訪公署，公署人員向他們介紹公署的工作及私隱條例。

7 July 2014 – PCPD staff gave a briefing on the PCPD's work and the Ordinance to a group of law students from Peking University, led by the Hong Kong Bar Association, and 12 students from Shantou University, led by the Career Development Centre of Shantou University.



2014年8月1日 - 公署首席個人資料主任及高級個人資料主任向韓國網絡安全局的代表，分享公署規管的經驗。

1 August 2014 – The PCPD's Chief Personal Data Officer and the Senior Personal Data Officer met delegates of the Korea Internet & Security Agency to share the PCPD's regulatory experience.

讚賞 Compliment

妳的講解非常生動，學生獲益良多；他們對於香港保障個人資料的機制，留下深刻印象。現謹代表大律師公會，感謝妳的精彩講述，以及過去多年(公署)給予我們的支持和協助。

The students thoroughly enjoyed your presentation. Your delivery was so engaging; they were impressed by the mechanism for addressing the protection of personal data here in Hong Kong. On behalf of the Hong Kong Bar Association, thanks again for an impressive presentation, and the support and assistance rendered to us in the past years.

大中華事務委員會
香港大律師公會
Special Committee on Greater China Affairs
Hong Kong Bar Association

感言 Response

近年制訂私隱條例的司法管轄區數目顯著增加，香港是亞洲首個實施私隱條例的地區，一直有不少來自不同地區的私隱保障機構及學者向我們取經借鏡。我很榮幸能代表公署，向他們介紹條例和分享經驗，令更多人認識我們的工作，繼續推動資料保障的發展。

In recent years, the number of jurisdictions which have enacted privacy laws has been growing continuously. Hong Kong was the first jurisdiction in Asia to implement a privacy law. Many data protection authorities and academics from different places are eager to learn from the PCPD's experience in promoting the Ordinance. I feel very honoured to share with them our scope of work, and am proud to be part of the team.



余卓寧
助理傳訊經理
Charly YU
Assistant Corporate Communications Manager