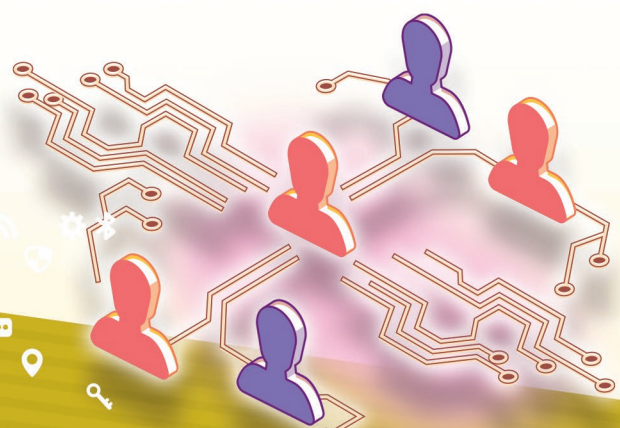


加強對外聯繫
Strengthening
External Connections



NEWSLETTER
GLOBAL PRIVACY ASSEMBLY

Message from the Chair

It is a pleasure to welcome you to the 2020 Global Privacy Assembly. This year's theme is "Data, Privacy and Trust". The Global Privacy Assembly has responded to this challenge by focusing on the intersection of data, privacy and trust. We have all been asked to answer some difficult questions. During the last year and a half, we have seen a lot of change. Many of the challenges we face are new and unique. We have seen a lot of change in the way we work, the way we live, and the way we think. We have seen a lot of change in the way we protect our data, our privacy, and our trust. We have seen a lot of change in the way we build, in the way we learn, and in the way we connect. We have seen a lot of change in the way we live, and in the way we think. We have seen a lot of change in the way we protect our data, our privacy, and our trust. We have seen a lot of change in the way we build, in the way we learn, and in the way we connect.

In conversation with Ms. Ada Chung, Privacy Commissioner at the Office of the Privacy Commissioner for Personal Data in Hong Kong, China

In an exclusive interview for the GPA, Ms. Ada Chung, the new Hong Kong Privacy Commissioner talks about her role and the work of the PCPD going forward.

As the newly appointed Privacy Commissioner at the Office of the Privacy Commissioner for Personal Data in Hong Kong, safety informs us about your background and your responsibilities for the Office of the Privacy Commissioner coming into this role.

I am very honoured to be appointed by the Chief Executive of the Hong Kong Special Administrative Region of China as the Privacy Commissioner for Personal Data in Hong Kong. The technological changes in the past few years, in my view, have become more important than ever. Both locally and internationally, one of the major challenges is to protect personal data. The PCPD is responsible for protecting personal data in the private and public sectors. The Privacy Commissioner is the primary data protection authority in Hong Kong. The PCPD is responsible for promoting and enforcing the Data Protection Ordinance (DPO) and related regulations. We are all facing big challenges over the next few years; data can help us all to navigate them, but we need to recognise the risks and how they also cause harm. We need to protect personal data in a virtual world. Data with effect from 4 September 2020. Coming from a legal and public administration background, I have served in the Legislative Council and held various posts including Privacy Commissioner, Council of the Privacy Commissioner, and the Privacy Commissioner for Personal Data in Hong Kong. I have also worked in the private sector and in the public sector. I have a strong interest in data protection and privacy. I have been involved in many projects related to data protection and privacy. I have been involved in many projects related to data protection and privacy. I have been involved in many projects related to data protection and privacy.



加強對外聯繫

資料無遠弗屆，一封由香港發出的電郵或會由位於新加坡的數據中心處理及儲存，而一則社交媒體帖文發出後，全球用家亦可即時瀏覽。為有效保障個人資料，世界各地資料保障機構的合作實在重要。私隱公署因此積極參與多個國際平台，加強與海外資料保障機構聯繫，提升香港的個人資料保障。

私隱公署活躍於環球私隱議會，一個集合全球超過 130 個資料保障機構，具領導地位的私隱保障界別國際平台。私隱公署亦是全球私隱執法機關網絡的委員會成員，網絡旨在促進超過 70 個私隱執法機構成員的跨境合作。此外，私隱公署也參與亞太區私隱機構論壇和亞太區經濟合作組織數碼經濟督導小組的資料私隱分組。

在報告年度內，私隱公署透過上述國際平台，就 2019 冠狀病毒病疫情期間的資料保障、人工智能的道德使用和國際執法合作等議題作出重要貢獻。

Strengthening External Connections

Data sees no border in the information age. An email sent in Hong Kong may be processed by and stored in a data centre in Singapore. A post on social media may immediately be accessible by users around the world. To effectively protect personal data, collaboration by data protection authorities in different jurisdictions is critical. Therefore, the PCPD maintains an active presence in the international arena and work closely with our counterparts in other jurisdictions to enhance personal data protection in Hong Kong.

The PCPD is an active member of the GPA, a leading global forum comprising over 130 data protection authorities. The PCPD is also a committee member of the Global Privacy Enforcement Network, which seeks to foster cross-border cooperation among its network of over 70 privacy enforcement authorities. In addition, the PCPD participates in the APPA Forum and the Asia-Pacific Economic Cooperation Digital Economy Steering Group – Data Privacy Sub-group.

During the reporting year, the PCPD made significant contributions to the international privacy community on topical issues including data protection amid the COVID-19 pandemic, ethical use of artificial intelligence (AI) and international enforcement cooperation, among others.



推廣應對2019冠狀病毒病的最佳私隱保障行事常規

2020年春季時，各地政府依靠數據及科技去防止2019冠狀病毒病蔓延，環球私隱議會的執行委員會認為有必要提供指引以保障個人資料，於2020年5月成立「2019冠狀病毒病專責小組」。私隱公署負責該專責小組的分組，向環球私隱議會的成員和觀察員進行調查，彙編《應對2019冠狀病毒病的最佳行事常規概要》。

《概要》收集了會議32個會員所提供的良好行事常規和經驗，分成五個主題，分別為：接觸追蹤及位置追蹤、分享健康數據予衛生部門及機構、分享健康數據予執法部門、分享健康數據予慈善團體或同類機構、以及在家工作/重返辦公室安排下僱員資料的處理。

根據私隱公署為《概要》進行的調查，72%的司法管轄區都採用接觸追蹤應用程式，而幾乎所有應用程式都屬自願參與性質，執行隔離令的應用程式除外。此外，大多數應用程式都採用分散的資料儲存模式，即密切接觸者的資料和出行紀錄都只會儲存於用戶的智能手機。由此可見，國際都採納了較為私隱友善的設計。

《概要》除了介紹接觸追蹤應用程式的使用情況外，亦包含多個司法管轄區為保障個人資料私隱而採用的良好行事常規，以促進經驗分享和發展。良好行事常規的例子包括評估私隱影響、利用匿名化以減少收集個人資料，以及增加透明度等。

《概要》由私隱專員於2020年10月舉行的環球私隱議會年會上作出介紹，並獲得國際資料保障界別的一致好評。

「2019冠狀病毒病專責小組」已改成為「2019冠狀病毒病工作小組」，而私隱公署則繼續帶領小組旗下的分組以應對疫情所引起的議題。新一份《概要》有望於2021年10月份出版。

Promoting best privacy practices in response to COVID-19

As jurisdictions relied on data and technology to combat the spread of COVID-19 in the spring of 2020, the Executive Committee of the GPA saw the need to provide guidance on the protection of personal data and established the COVID-19 Taskforce in May 2020. The PCPD led a subgroup of the taskforce, surveyed GPA members and observers, and spearheaded the compilation of the "Compendium of Best Practices in Response to COVID-19".

The Compendium included experience and best practices from 32 members, covering five topics: contact tracing and location tracking; sharing of health data with health authorities and institutions; sharing of health data with law enforcement agencies; sharing of health data with charitable or other similar organisations; and handling of employee data in work-from-home and return-to-work situations.

According to the survey for the Compendium, contact tracing apps were adopted by 72% of the jurisdictions. The use of these apps was mostly voluntary, except those for enforcing quarantine orders. Further, the majority of the apps adopted a decentralised approach in data storage, which meant that records of close contacts or visits were stored only on users' smartphones. The approach reflected that a more privacy-friendly design was adopted internationally.

The Compendium also contained best practices for protecting personal data privacy from multiple jurisdictions to facilitate the sharing of experience and developments. Examples included conducting privacy impact assessments, minimising the collection of personal data by anonymisation and enhancing transparency.

The Compendium was presented by the Privacy Commissioner at the annual conference in October 2020 and was well received by the international data protection community.

The COVID-19 Task Force has evolved in 2021 into the COVID-19 Working Group. The PCPD continues to lead a subgroup to address emerging issues arising from the pandemic. The second Compendium is expected to be published around October this year.

提倡在人工智能發展及使用中體現問責

在全球各地人工智能的發展和使用增長迅速，但在發展和使用人工智能時若缺乏問責，可能會損害個人資料私隱及其他個人權益。私隱公署作為環球私隱議會人工智能工作小組的聯席主席，支持並領導起草擬《開發及應用人工智能的體現問責決議》。

《決議》建議於開發和應用人工智能時採取12項措施以加強體現問責，亦建議政府、公營機構和其他持份者為推廣問責而實踐的行動。當中，《決議》促請機構評估人工智能對人權（包括私隱權）的影響；公開影響評估的結果；測試人工智能系統的穩健性、可靠性、準確性與資料安全性；委派專門人員監察人工智能運作；以一般人能夠理解的程度去解答有關人工智能決策的查詢；以及持續檢視人工智能系統的表現和影響。

《決議》亦呼籲相關機構與各持份者溝通及接觸，並在資料保障機構要求下展示其問責措施，以建立對人工智能系統的信心及信任。

《決議》於2020年10月舉行的環球私隱議會年會中獲得通過。

Advocating accountability in the development and use of artificial intelligence (AI)

Globally there is significant growth in the development and use of AI. The lack of accountability in the development and use of AI may violate personal data privacy and individuals' rights and interests. As a co-chair of GPA's AI Working Group, the PCPD sponsored and led the drafting of the "Resolution on Accountability in the Development and Use of Artificial Intelligence".

The Resolution recommended 12 measures for effectuating and demonstrating accountability in the development and use of AI, as well as actions that governments, public authorities and other stakeholders could take to promote accountability. In particular, it urged organisations to assess the impact of AI on human rights, including privacy rights; disclose the impact assessments; test the robustness, reliability, accuracy and data security of AI systems; designate accountable human actors to oversee the operation of AI; provide upon request laymen-understandable explanations on AI decisions; and evaluate the performance and impact of AI systems continuously.

The Resolution also recommended engaging stakeholders and demonstrating accountability to data protection authorities upon request to help instil trust and confidence in AI systems.

The Resolution was adopted at the GPA annual conference in October 2020.





國際合作與視像會議公司溝通及接觸

由於2019冠狀病毒病疫情，視像會議軟件的使用量大幅上升，因而增加收集和使用個人資料的風險。與此同時，因服務提供者和用戶警覺性的不足，視像會議遭擅闖或騷擾的事件亦不時發生。

就此，私隱公署聯同英國、澳洲、加拿大、直布羅陀以及瑞士的資料保障機構，於2020年7月向視像會議服務供應商發出公開信，提醒它們遵守相關個人資料保障法例規定及負責任地處理個人資料。

公開信亦列出了一些主要的關注點，包括資料保安、貫徹私隱的設計及預設私隱模式、用戶需要、處理個人資料的透明度及公平性，以及用戶對服務使用及其個人資料處理的控制權。

四間主要視像會議公司於2020年9月對公開信作出正面回應，並落實多項私隱及保安措施。

有關溝通和接觸在2021年繼續，並與視像會議服務供應商進行了多場討論。私隱公署聯同其他資料保障機構採取的聯合行動，展現出國際合作在應對共同私隱議題的重要性。

International collaboration on engagement with video conferencing companies

The COVID-19 pandemic resulted in a sharp uptake in the use of video conferencing software, increasing risks around the collection and use of personal data. Further, unwanted intrusion and disruption in video conferences happened due to lack of vigilance by service providers and users.

The PCPD joined forces with data protection authorities from the United Kingdom, Australia, Canada, Gibraltar and Switzerland, and issued an open letter in July 2020 to companies providing video conferencing services. It reminded them of their obligations to comply with relevant data protection laws and handle users' personal data responsibly.

The letter also identified key areas of concerns, including data security, privacy by design and default, needs of users, transparency and fairness in handling personal data and, lastly, user control over the use of services and the handling of personal data.

Positive responses were received from four major video conferencing service providers in September 2020. They adopted various privacy and security practices as a result.

This engagement continues in 2021 and there have been further discussions with video conferencing service providers. The PCPD's collaboration with other data protection authorities demonstrates the importance of international cooperation in tackling common privacy issues.