

HKQAA Symposium 2017

**Governance, Risk and Compliance Management
in the Era of Sustainability**

Stay Ahead of the Privacy Management Trends: Local and International Perspectives

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PCPD.org.hk

保障·尊重個人資料
Protect, Respect Personal Data

PCPD TV API

“Think Privacy! Be Smart Online”



The Hong Kong Data Protection Law

The Personal Data (Privacy) Ordinance

- omnibus and comprehensive
 - covering the public (government) and private sectors
- referenced to OECD Privacy Guidelines and 1995 EU Directive
- enforced by an independent statutory regulatory body – the Privacy Commissioner for Personal Data

1	收集目的及方式 Collection Purpose Et Means 
資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。 須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。 收集的資料是有實際需要的，而不超乎適度。	Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user. All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred. Data collected should be necessary but not excessive.
2	準確性儲存及保留 Accuracy Et Retention 
資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達成原來目的的實際所需。	Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.
3	使用 Use 
個人資料只限用於收集時達明的目的或直接相關的用途，除非得到資料當事人自願和明確的同意。	Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.
4	保安措施 Security 
資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或在外地被查閱、處理、刪除、喪失或使用。	A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.
5	透明度 Openness 
資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。	A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.
6	查閱及更正 Data Access Et Correction 
資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。	A data subject must be given access to his personal data and to make corrections where the data is inaccurate.



Data Breach Trend on the Increase

“Data breach is no longer a question of IF, but a question of WHEN...” – Mr Stephen Lau, former Privacy Commissioner for Personal Data, Hong Kong

**Governance + control + best practice =
Trust from customers**



Paradigm Shift

Conventional wisdom of data protection:

- ✓ A Legal/compliance matter
- ✓ Not a top management concern

Paradigm shift is needed:

- ✓ **From Compliance**
to Accountability
- ✓ A top down approach



Privacy Management Programme Best Practice Guide

Media Statements

Date: 18 February 2014

Major Organisations Pledge to Implement Privacy Management Programme to Protect Personal Data Privacy

(18 February 2014) The Office of the Privacy Commissioner for Personal Data ("PCPD") released today Privacy Management Programme: A Best Practice Guide (the "Guide"). The Guide outlines the building blocks of Privacy Management Programmes ("PMP"), a strategic framework to protect personal data privacy. |

**Privacy
Management**
Programme
A Best Practice Guide

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Privacy Management Programme Pledging Organisations



Media Statements

Date: 18 February 2014

Major Organisations Pledge to Implement Privacy Management Programme to Protect Personal Data Privacy

(18 February 2014)

At a ceremony held today by the PCPD, the Hong Kong Special Administrative Region Government, together with twenty five companies from the insurance sector, nine companies from the telecommunications sector and five organisations from other sectors, all pledged to implement PMP.



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PMP Best Practice Guide - Fundamental Principles

three top-down management commitments:

**1. top-management
commitment and
buy-in**

**2. setting up of a
dedicated data
protection office or
officer**

**3. establishing
reporting and
oversight
mechanism for the
privacy
management
programme**

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PMP Best Practice Guide - Fundamental Principles

seven practical programme controls:

1. recording and maintaining personal data inventory

2. establishing and maintaining data protection and privacy policies

3. developing risk assessment tools (e.g. privacy impact assessment)

4. developing and maintaining training plan for all relevant staff

5. establishing workable breach handling and notification procedures (e.g. data breach notification)

6. establishing and monitoring data processor engagement mechanism

7. establishing communication so that policies and practice are made known to all stakeholders

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PMP Best Practice Guide - Fundamental Principles

Review process:

Development of an oversight review plan to check for compliance and effectiveness of the privacy management programme

Execution of the oversight review plan making sure that any recommendations are followed through.



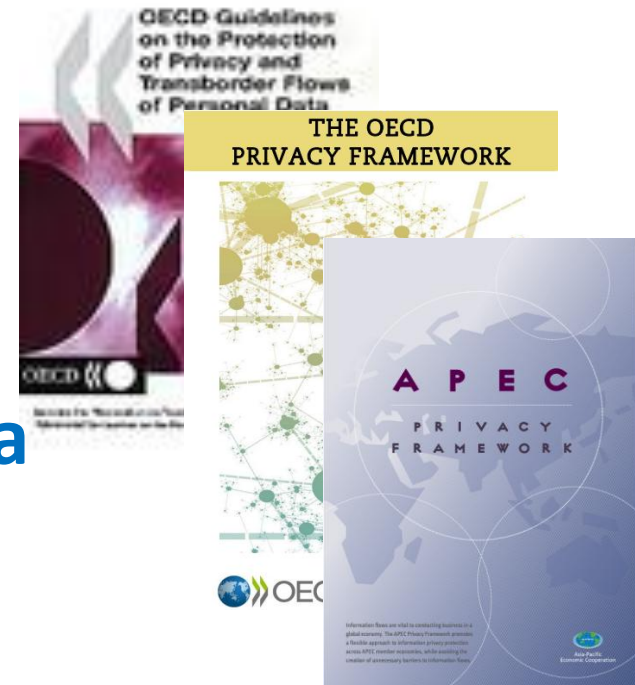
Effect of Paradigm Shift



International Privacy Frameworks

Privacy management programme (PMP):

- Not mandatory in Hong Kong
- Demonstrates accountability
- Enshrined in international data protection principles such as those in OECD and APEC



Jurisdictions Embedding Accountability in Law & Practice

Australia – Privacy Act 1988

Canada – Protection and Electronic Documents Act, 2000



Korea – Personal Information Protection Act, 2011

The Philippines – Data Privacy Act, 2012

Singapore – Personal Data Protection Act 2012

The EU – General Data Protection Regulation, to be effective on 25 May 2018

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Respecting Customers' Personal Data

“We need to do not just legal, but what is right”
– Mr Sunny Cheung, CEO of Octopus Card Ltd.



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ngiyabonga
teşekkür ederim
dank je
gracias
tapadh leat
bedankt
hvala
mauruuru
dziękuję
thank you
mochchakkeram
sagolun
sukriya
kop khun krap
go raibh maith agat
arigatō
takk
dakujem
merci
merci
terima kasih
감사합니다
ευχαριστώ

