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Inspection Report:

Personal Data System of

Hong Thai Travel Services Limited

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

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Report on the Inspection of the Personal Data System of

Hong Thai Travel Services Limited

This report of an inspection carried out by the Privacy Commissioner for Personal Data (the "**Commissioner**") pursuant to section 36 of the Personal Data (Privacy) Ordinance, Cap. 486 (the "**Ordinance**") in relation to Hong Thai Travel Services Limited is published pursuant to section 48 of the Ordinance.

Section 36 of the Ordinance provides:-

"*Without prejudice to the generality of section 38, the Commissioner may carry out an inspection of-*

(a) any personal data system used by a data user; or

(b) any personal data system used by a data user belonging to a class of data users,

for the purposes of ascertaining information to assist the Commissioner in making recommendations-

(i) to-

(A) where paragraph (a) is applicable, the relevant data user;

(B) where paragraph (b) is applicable, the class of data users to which the relevant data user belongs; and

(ii) relating to the promotion of compliance with the provisions of this Ordinance, in particular the data protection principles, by the relevant data user, or the class of data users to which the relevant data user belongs, as the case may be."

The term "**personal data system**" is defined in **section 2(1)** of the Ordinance to mean "*any system, whether or not automated, which is used, whether in whole or in part, by a data user for the collection, holding, processing or use of personal data, and includes any document and equipment forming part of the system.*"

Section 48 of the Ordinance provides:-

"*(1) Subject to subsection (3), the Commissioner may, after completing an inspection where section 36(b) is applicable, publish a report-*

(a) setting out any recommendations arising from the inspection that the Commissioner thinks fit to make relating to the promotion of

compliance with the provisions of this Ordinance, in particular the data protection principles, by the class of data users to which the relevant data user belongs; and

(b) in such manner as he thinks fit.

……

(3) Subject to subsection (4), a report published under subsection (1)… shall be so framed as to prevent the identity of any individual being ascertained from it.

(4) Subsection (3) shall not apply to any individual who is-

(a) the Commissioner or a prescribed officer;

(b) the relevant data user."

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

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Executive Summary

Introduction

1. Travelling abroad is a favourite pastime in Hong Kong. The number of departures from Hong Kong was measured at 84 million in 2013, and a typical Hong Kong traveller took an average of three leisure trips in the span of two years. A travel agent generally collects, holds, processes and uses a wide range of personal data including the name, passport details, date of birth, contact information, and credit card details of its customers.

2. In view of the popularity of outbound travels in Hong Kong and the vast amount of customers' personal data collected and retained by travel agents, the Privacy Commissioner for Personal Data (the "**Commissioner**") considers that it is in the public interest to carry out an inspection of the personal data system of a travel agent pursuant to section 36 of the Personal Data (Privacy) Ordinance (the "**Ordinance**").

3. There are over 1,700 licensed travel agents in Hong Kong, and the Commissioner selected Hong Thai Travel Services Limited ("**Hong Thai**") in the inspection because of its high number of customers and the channels (namely branches, call centre and website) it uses to collect personal data. As Hong Thai's collection of customers' personal data for the provision of travel services is typical of many other travel agents, the Commissioner's recommendations for Hong Thai's personal data system for handling customers' travel services should be of useful reference to this class of data users for the purpose of ensuring compliance with the requirements under the Ordinance and the Data Protection Principles ("**DPP**s") in Schedule 1 to the Ordinance.

Inspection

4. The personal data system maintained by Hong Thai for handling the personal data of its tour customers and loyalty programme members was inspected, and each stage in the data cycle from collection to final disposal of personal data was reviewed. Hong Thai's policies and practices in the data privacy aspect were also examined with a view to ascertaining its compliance with the requirements under DPP 1 to DPP 5 and Part 6A of the Ordinance, which regulates direct marketing activities. The general measures adopted by

Hong Thai on personal data protection were also reviewed with reference to a privacy management programme[1].

Practices for Reference, Findings and Recommendations

5. The Commissioner considers the following practices adopted by Hong Thai are deserving of reference:

(1) **Commitment to privacy management:** A high-ranking management officer, i.e., the Assistant General Manager (Administration), has been assigned to oversee privacy matters.

(2) **Only necessary data is collected from a customer when tour services are booked at a branch:** Hong Thai's frontline staff are well informed of the types of personal data required for different visa applications and by different airlines / trains, as such information is available to them either in the computer booking system or on information sheets kept at all branches. As there is a designated department, namely the Visa & Data Processing Department, responsible for disseminating and updating visa application requirements, frontline staff could easily follow the specific requirements and would not request unnecessary personal data from tour customers.

(3) **Timely destruction of documents containing personal data:** Hong Thai retains copies of tour receipts and other related materials at its branches for six months after a tour departs. Documents are filed in cartons according to the month of departure, and the month is indicated clearly on each carton. At the start of each month, staff will take out the cartons containing documents of tours departed six months ago, and arrange for destruction. Practices such as marking the month of departure on each carton and keeping documents of only one particular month in a carton facilitate the carrying out of the destruction exercise.

[1] The Office of the Privacy Commissioner for Personal Data (the "**PCPD**") has been advocating the adoption of privacy management programme in public and private organisations as a strategic framework to strengthen protection of personal data privacy. The PCPD has issued a guide entitled "Privacy Management Programme: A Best Practice Guide" in February 2014 to help organisations establish privacy policies, procedures and practices to ensure privacy is built into all initiatives, programmes or services.

(4) **Secure handling of sensitive documents:** Sensitive documents including tour customers' passports maintained in offices of Hong Thai are handled with care. Such documents are under lock when not in use, and proper record of receipts and dispatches are maintained. The deliveries of such sensitive documents to the head office are completed on the same day of collection from the branches, and vice versa.

6. In view of the observations and findings made in the inspection, the Commissioner made the following 13 recommendations to Hong Thai:

Data collection (DPP 1)

(1) **Online data collection from a tour customer:** Hong Thai collects the Hong Kong Identity Card ("**HKID Card**") number and address from a tour customer who books a tour online, but these two pieces of data are not required if a customer books a tour at any of its branches. Hong Thai should review if the online collection of the HKID Card number and address is necessary, and revise the online tour registration form accordingly.

(2) **Data collected from a loyalty programme member:** Hong Thai collects the full date of birth from an applicant of its loyalty programme for the purpose of offering a discount to him when he purchases a tour product departing in his month of birth. As the discount is valid for the whole month of birth, the collection of the year and date of birth would be excessive for the said purpose. Hong Thai should therefore collect only the month of birth from those who choose to join the loyalty programme. In this regard, Hong Thai should also stop its practice of automatically copying a tour customer's full date of birth from the computer booking system to the membership database when he joins the loyalty programme.

Notification (DPP 1)

(3) **Notification given to tour customers and loyalty programme members:** Hong Thai provides its tour customers with a "Privacy Ordinance Statement" and its loyalty programme members with the "terms and conditions", both of which aim to provide the

prescribed information required by the Ordinance. There is, however, no mention of the title of the person responsible for handling data access and correction requests. Such information should be explicitly provided to tour customers and loyalty programme members on or before the first use of the personal data collected.

Data use (DPP 3) and direct marketing regulations

(4) **Transferees of tour customers' personal data:** The "Privacy Ordinance Statement" provided to tour customers states that tour customers' personal data may be "*disclosed to [Hong Thai's] partners for after-sales services*". As the term "partners" is not defined in the Statement, it may be understood as all of Hong Thai's business partners that offer a wide range of products and services from travel products to finance, entertainment and health care, etc., although in this regard Hong Thai claimed that the "*partners*" were mainly airlines and insurance companies. Hong Thai should therefore improve its "Privacy Ordinance Statement" by specifying precisely the classes of persons to whom tour customers' data may be transferred and the purposes of such transfer.

(5) **Transferees of loyalty programme members' personal data:** The terms and conditions on the paper registration form for the loyalty programme state that personal data may be provided to suppliers and partners for the provision of latest news and information, whereas the online version suggests that Hong Thai may sell, exchange, or disclose the personal data of its customers to subsidiaries, related companies, suppliers and partners for sales promotion or other use. Hong Thai, however, claimed in response to our enquiries that no personal data of loyalty programme members would be sent to any other parties. Hong Thai should therefore state in the terms and conditions in its loyalty programme registration form of both the online and the paper version that there is no transfer of personal data of the loyalty programme members to any other parties.

(6) **Tick box for direct marketing:** The online registration form of the loyalty programme provides a tick box for an applicant to

indicate objection to the use of his personal data in direct marketing, and the tick box is placed in a prominent place right before the submission button. However, it is placed between the terms and conditions on the paper registration form of the loyalty programme and could be easily overlooked. Hong Thai should relocate the tick box on the paper registration form to a more prominent place, for example, right before the signature space or a specific space under a sub-heading of "direct marketing".

Data retention (DPP 2)

(7) **Data erasure:** Electronic files saved by individual staff in their respective hard disk are deleted by the staff concerned, but there is no supervision to ensure the deletion. Hong Thai should introduce a monitoring mechanism to ensure that such files containing personal data saved in the staff's hard disk are destroyed in accordance with the relevant retention periods.

(8) **Data retention:** Hong Thai retains booking records in its computer booking system for seven years to comply with the requirements under the Inland Revenue Ordinance[2]. However, some of the personal data contained in the booking records (such as credit card numbers and emergency contact information) is not necessary for the aforesaid purpose. Hong Thai is advised to review which data in the booking records is required to be kept for seven years, and retain only the data so required.

Data security (DPP 4)

(9) **Security of sensitive documents in transit**: In practice, delivery of sensitive documents between the head office and the branches is completed on the same day of collection. Hong Thai should formalise and document this practice, so that the staff could be briefed and reminded of it. Other good practices in safeguarding sensitive documents should be similarly recorded.

[2] Section 51C of the Inland Revenue Ordinance requires every person carrying on a trade, profession or business in Hong Kong to keep sufficient records in the English or Chinese language of his income and expenditure to enable the assessable profits to be readily ascertained. Such records shall be retained for a period of not less than seven years.

(10) **Security of online transmission:** Hong Thai should fully enforce the requirement to have personal data encrypted during transmission through the internet, and spell out the consequence of non-compliance.

(11) **IT security policy and governance:** As the personal data of tour customers and loyalty programme members is stored in its computer system, Hong Thai should review and improve its existing IT security policy and IT governance to ensure its comprehensiveness and integrity.

(12) **Handling of data breach:** Hong Thai has a brief guideline for handling data loss or leakage. The guideline, however, does not state (i) the circumstances under which a data breach incident should be reported by its Customer Relations Department to the designated senior management, (ii) the time frame under which such report should be made to the designated senior management, and (iii) who the designated senior management is. Hong Thai should revise and improve this guideline accordingly.

Openness of privacy policy (DPP 5)

(13) **Transparency of privacy policy:** Hong Thai lacks and is therefore advised to devise a Privacy Policy Statement stating its commitment to personal data privacy protection and its practices in properly handling personal data. This Privacy Policy Statement should also be made available online.

Conclusion

7. Nowadays, customers are increasingly concerned about the justifications for the collection of their personal data and how their data is to be handled thereafter. This is particularly so in the travel industry where there is an abundance of data traffic (including cross-border transfer) which may lead to possible misuse and abuse. In an era where the notion of personal data protection is increasingly held in high regard, travel agents that embrace personal data privacy protection as a business imperative are expected to be able to gain consumer trust, enjoy enhanced goodwill, and ultimately build up a competitive edge.

8. The Commissioner encourages Hong Thai to adopt a privacy management programme to manage the personal data it holds. A company that collects a customer's personal data in the course of its business should regard personal data protection as part of its corporate governance and not just a compliance issue. A privacy management programme, which has a robust privacy infrastructure supported by an effective ongoing review and monitoring process, would facilitate an organisation's compliance with the requirements under the Ordinance, build trust with the customers that it serves, and enhance goodwill.

9. Managing personal data privacy is an ongoing process. The Commissioner hopes that this report will be of value to Hong Thai and other travel agents, as well as nurturing the culture of "protect and respect personal data privacy".

Chapter One: Introduction

Reasons for the Inspection

1.1 Travelling abroad is a favourite pastime in Hong Kong. According to the World Bank, the number of departures from Hong Kong was measured at 84 million in 2013[3]. A study[4] indicated that a typical Hong Kong traveller took an average of three leisure trips in the span of two years. Another survey[5] showed that Hong Kong continued to feature the most number of frequent travellers in the Asia Pacific region, with 80% of respondents reported to have travelled overseas in the past 12 months.

1.2 When a traveller books a tour or purchases a flight ticket via a travel agent, personal data such as his name and passport details is generally provided to the travel agent.

1.3 Given the popularity of outbound travels and the involvement of travel agents in the handling of customers' personal data, the Privacy Commissioner for Personal Data (the "**Commissioner**") considers that it is in the public interest to carry out an inspection of the personal data system of a travel agent, pursuant to section 36 of the Personal Data (Privacy) Ordinance (the "**Ordinance**").

Reasons for Choosing Hong Thai

1.4 There are over 1,700 licensed travel agents[6] in Hong Kong. Hong Thai Travel Services Limited ("**Hong Thai**") was selected in the inspection (the "**Inspection**") because of it high number of customers and the channels it uses to collect customers' personal data, i.e., branches, call centre, and website. It collects, holds, processes, and uses a wide range of personal data including the name, Hong Kong Identity Card ("**HKID Card**") number, passport details, date of birth, contact information, credit card details, etc. of a tour customer.

[3] Source: http://data.worldbank.org/indicator/ST.INT.DPRT/countries/HK?display=default
[4] Source: http://visa.com.hk/aboutvisa/mediacenter/nr_hk_26062013GlobalTravelIntentionsHKResults.html
[5] Source: www.mastercard.com/hk/consumer/_assets/press-center/141029HK-CPP_1H_2014_eng.pdf
[6] The number of licensed travel agents in Hong Kong as at 30 April 2015 is 1,745 (Source: http://www.tar.gov.hk/eng/statistics/index.html)

1.5 The purpose of the Inspection is to assist the Commissioner in making recommendations to Hong Thai and other travel agents in relation to the promotion of compliance with the provisions of the Ordinance.

Chapter Two: The Business Structure of Hong Thai

The Background of Hong Thai

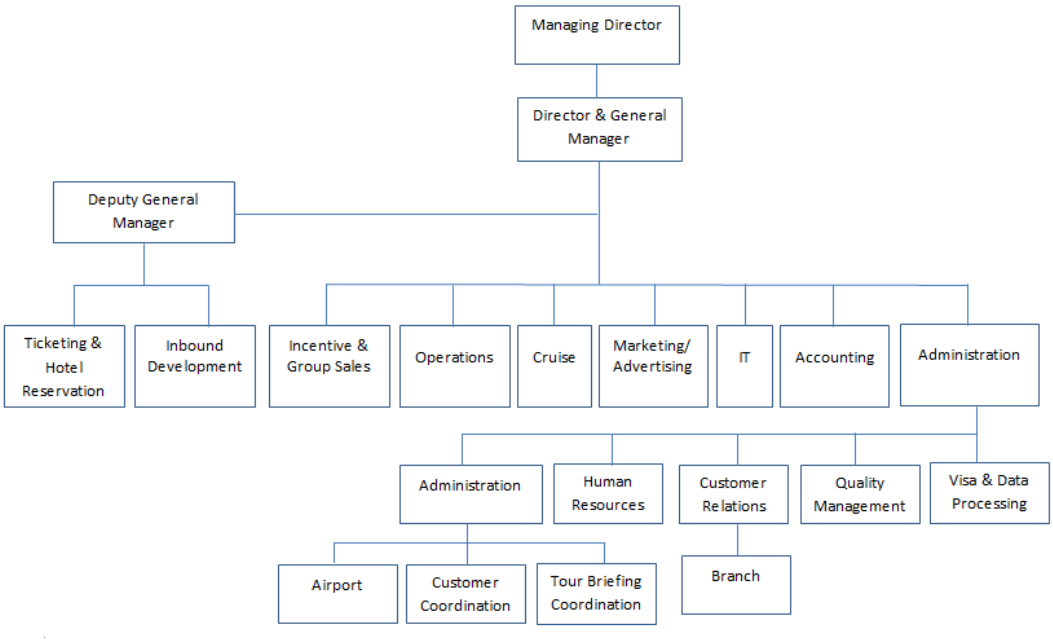
2.1 Hong Thai provides both inbound and outbound travel services and sells various types of travel products through its 19 branches, a call centre and website.

2.2 The top three travel products of Hong Thai as measured by the number of customers from 2012 to 2014 were (1) guided tours, (2) flight tickets, and (3) flight and hotel packages.

2.3 Hong Thai has a loyalty programme, which offers to its loyalty programme members privileges, such as tour discounts, eligibility of online purchase of tour products.

The Organisation Structure

2.4 Hong Thai currently employs over 800 employees. Hong Thai's organisational structure is depicted below:



The organisation chart of Hong Thai

2.5 According to Hong Thai, the following departments[7] have access to customers' personal data:

Departments	**Major duties in relation to the handling of customers' personal data**
Customer Relations Department (covering branches and tour leaders)	• Receives orders and answers enquiries at branches. • Manages guided tours. • Handles complaints and receives comments from customers.
Operations Department	• Reserves flight tickets. • Coordinates with local operators for hotel room reservation.
Customer Coordination Section, Tour Briefing Coordination Section	• Informs customers of tour briefing sessions, cancellation or amendments of guided tours, etc.
Visa & Data Processing Department	• Assists in visa applications.
Information Technology Department	• Retrieves customers' personal data upon requests. • Handles backup and purging of customers' personal data.

[7] In addition to those departments, the Ticketing & Hotel Reservation Department was later identified by the inspection team during the Inspection as another department which also has access to customers' personal data.

Chapter Three: Inspection

Commencement of the Inspection

3.1 On 25 March 2015, Hong Thai was informed in writing[8] of the Commissioner's intention to carry out an inspection of its personal data system with a view to making recommendations to promote compliance with the Ordinance.

3.2 An inspection team (the "**Team**") consisting of six officers[9] from the Office of the Privacy Commissioner for Personal Data was formed to carry out the Inspection.

Scope of the Inspection

3.3 The Inspection examined Hong Thai's handling of personal data of tour customers and loyalty programme members from the stage of data collection to data disposal and identified good practices and inadequacies in the process from the perspective of data privacy protection. The personal data cycle of a guided tour is chosen for detailed examination in the Inspection as guided tours are the most popular travel product of Hong Thai involving the biggest number of departments and staff. Thereafter, recommendations relating to the promotion of compliance with the requirements under the Ordinance and the Data Protection Principles ("**DPPs**") 1 to 5 would be made.

3.4 DPPs 1 to 5 cover the collection, accuracy, retention, use, and security of personal data and the provision of policies and practices in relation to personal data, while DPP 6 deals with data access and correction requests. DPP 6 was not covered in the Inspection as Hong Thai advised that they received no data access or correction requests in the last three years.

3.5 The Inspection also examined Hong Thai's compliance with the direct marketing regulations under Part 6A of the Ordinance when using personal data of tour customers and loyalty programme members in direct marketing activities.

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[8] See section 41 of the Ordinance.

[9] The Team consisted of one Chief Personal Data Officer, the Information Technology Advisor, one Senior Personal Data Officer, one Personal Data Officer, one Acting Personal Data Officer, and one Assistant Personal Data Officer.

3.6 The Team also reviewed the general measures adopted by Hong Thai in personal data protection by making reference to the best practices in developing a privacy management programme [10] as advocated by the Commissioner.

3.7 The five DPPs, the direct marking regulations under sections 35B to 35H of the Ordinance, and a summary table of a privacy management programme are respectively reproduced in Annexes 1 to 3 for easy reference.

Methodology

3.8 The Inspection consisted of four major types of review work:

Policy review

3.9 A detailed and comprehensive policy on how to properly handle personal data is essential for ensuring a good and uniform practice. The Team examined Hong Thai's personal data privacy protection policy as documented in its policies, guidelines, operational manuals, forms, and training materials as well as an extract of the contract between Hong Thai and its document disposal contractor.

Site inspections

3.10 Site inspections were conducted at the head office, three selected branches, and the call centre of Hong Thai. Such site inspections enabled the Team to inspect the physical layout and appropriate security measures of the premises where customers' personal data was processed and stored by Hong Thai.

Walkthrough demonstration

3.11 To understand what and how personal data is collected from customers and used by Hong Thai, the processes of booking tours, purchasing flight tickets and flight and hotel packages, receiving calls, etc. were demonstrated to the Team during site inspections.

[10] See footnote 1.

Enquiries

3.12 The Team made verbal and written enquiries with Hong Thai staff before, during, and after the site inspections. Verbal enquiries were made through meetings and telephone conferences to 36 staff members from management to operational levels at its head office, branches, and call centre during the site inspections. These enquiries enabled the Team to understand how the staff handle personal data, their familiarity with internal policies relating to personal data privacy, and the training they provided and received.

3.13 The information sought through written enquiries assisted the Team in understanding the operation of Hong Thai's personal data system, reconciling the documentary evidence obtained with our observations at the site inspections and identifying any cause for concern. Hong Thai was also able to supplement further evidence to address any concern raised and to avoid any misunderstanding or misinterpretation in its evidence and replies supplied to the Team.

Pre-Site Inspection Work

3.14 On 25 March 2015, the Team requested Hong Thai to supply various documents in relation to its personal data system, e.g. company description, flow of customers' personal data, organisation chart of divisions handling customers' personal data, all policies, guidelines, and operational manuals on the handling of customers' personal data.

3.15 On 11 May 2015, the Team received the documents requested and started examining them.

3.16 On 15 June 2015, a pre-inspection meeting was held between the Team and Hong Thai[11]. The Team discussed with Hong Thai the purpose of the Inspection, and gained a preliminary understanding of the operation and work flow of Hong Thai's personal data system.

3.17 Subsequent to the pre-inspection meeting, the Team requested further documents, and received such documents on 3 July 2015.

[11] Representatives of Hong Thai who attended the pre-inspection meeting were the Assistant General Manager (Administration), Assistant General Manager (IT), Senior Human Resources Manager, Senior Customer Relations Manager, Assistant Administration Manager and Quality Management Officer.

Site Inspections

3.18 From 20 to 27 July 2015, the Team conducted site inspections at the following premises of Hong Thai:

(a) Head office (covering the Operations Department, Visa & Data Processing Department, Customer Relations Department, Customer Coordination Section, Tour Briefing Coordination Section, Information Technology Department, and Ticketing & Hotel Reservation Department[12]) in Admiralty;

(b) Branches in Causeway Bay, Mongkok, and Shatin; and

(c) Call centre in Jordan.

3.19 The following activities were carried out during the site inspections:

(a) Physical inspection of documents and equipment used for the collection, processing and storage of personal data of tour customers and loyalty programme members and the physical security measures adopted;

(b) Demonstration of the processes of booking tours, purchasing tour products (including flight tickets, and flight and hotel packages), receiving calls, handling visa applications, and contacting customers for change of tour arrangements;

(c) Review of procedural manuals;

(d) Sample examination of physical file records and computer records including the relevant retention period of data in the computer records; and

(e) Enquiries with the staff.

[12] The Ticketing & Hotel Reservation Department was inspected only on 11 September 2015, as it was identified by the Team subsequent to the main inspection period as a department having access to customers' personal data.

Post-Site Inspection Work

3.20 The Team reviewed its findings and observations after the site inspections and raised further questions in writing on 6 August 2015. A clarification meeting was also held on 11 September 2015 for Hong Thai to deal with the questions raised by the Team. Further information was supplemented by Hong Thai on 18 September, 2 October, and 22 October, 2015.

3.21 A wrap-up meeting was held on 23 October 2015 in which the Team's observations and preliminary recommendations were discussed with Hong Thai. The Director & General Manager of Hong Thai also attended the wrap-up meeting.

Chapter Four: Personal Data System and Data Flow

The Personal Data System

4.1 Hong Thai handles personal data of its tour customers and loyalty programme members in providing travel services and operating its loyalty programme. The personal data is handled by its staff at its branches, call centre, and head office, and by a document disposal contractor. Hong Thai's personal data system [13] consists of a computer booking system [14] and the internal procedures regarding the collection, retention and processing of personal data.

An Overview of a Tour Customer's Personal Data Flow

4.2 The majority of personal data that Hong Thai holds is from customers who joined a guided tour. "Tour customers" in this Report refers to customers who joined a guided tour.

Collection

4.3 A typical tour customer's personal data flow starts with the data collection, which may occur at branches, call centre, and on Hong Thai's website, and the data collected through these channels is essentially the same except that the address, email address, and HKID Card number are collected only in online booking.

(i) At a branch

4.4 When a customer books a tour at a branch, his full name (as shown in his travel document), gender, date of birth, travel document details (i.e. travel document number, expiry date and type), contact number, emergency contact (name and phone number) and credit card information (if payment is made by credit card) will be collected and entered in the computer booking system.

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[13] Personal data system is defined in section 2(1) of the Ordinance to mean "*any system, whether or not automated, which is used, whether in whole or in part, by a data user for the collection, holding, processing or use of personal data, and includes any document and equipment forming part of the system.*"

[14] A computer system called "Hong Thai Booking System" is used for tour bookings, and it contains customers' personal data.

Branch counter

Yellow chain forbidding outsiders from entering the staff area

(ii) Call centre

4.5 A customer can reserve a place for a tour by calling the call centre and providing his name, contact number, type of travel document as well as credit card information, if a deposit is to be made. However, a customer is required to visit a branch of his choice to confirm his reservation and to provide other necessary personal data and pay the outstanding balance before a specific date.

Call centre

(iii) Online

4.6 Online booking is only available to members of Hong Thai's loyalty programme. A loyalty programme member is required to first log into his membership account by inputting his email address and password. He will then be able to access the online registration form shown on the next page. His name, date of birth and email address will be shown on the form automatically. The loyalty programme member can then enter his HKID Card number (on an optional basis), travel document number, type, expiry date, fixed line phone number (on an optional basis), mobile phone number, address, emergency contact details, as well as credit card details such as card number, holder's name, expiry date and security code (for online payment) to complete the booking.

Online registration

Use

4.7 A tour customer's personal data will be used by different departments of Hong Thai in the course of providing tour services and making subsequent marketing activities. Hong Thai will use the personal data to:

(a) make tour reservations (by the branches and call centre);
(b) purchase flight tickets, and arrange local transportation and accommodation via land operators (by the Operations Department and Ticketing & Hotel Reservation Department);
(c) handle visa applications (by the Visa & Data Processing Department);
(d) contact customers for tour briefing sessions (by the Tour Briefing Coordination Section) and assembly details (by tour leaders), etc.;

(e) make logistics arrangements during the tours, such as taking attendance, arranging airline check-ins and hotel check-ins,[15] etc.; (by tour leaders); and
(f) send promotional emails (by the Marketing Department).

4.8 The details of the use of a tour customer's personal data by different departments are listed in Annex 5.

Retention

4.9 Tour customers' personal data in hard copy (for example, customer receipts, room lists, customer complaint files) is retained for up to two years and in digital format (i.e. booking records in the computer booking system) for up to seven years. The retention period for the major types of personal data and their physical storage locations can be found in Annex 5.

Destruction

Paper records

4.10 Hong Thai engages a document disposal contractor to dispose of paper records once their relevant retention period has expired. Hong Thai's staff will check on a monthly basis if the retention periods of the paper records under their custody have expired. The staff will place the expired records in red bags provided by the contractor and arrange for their collection.

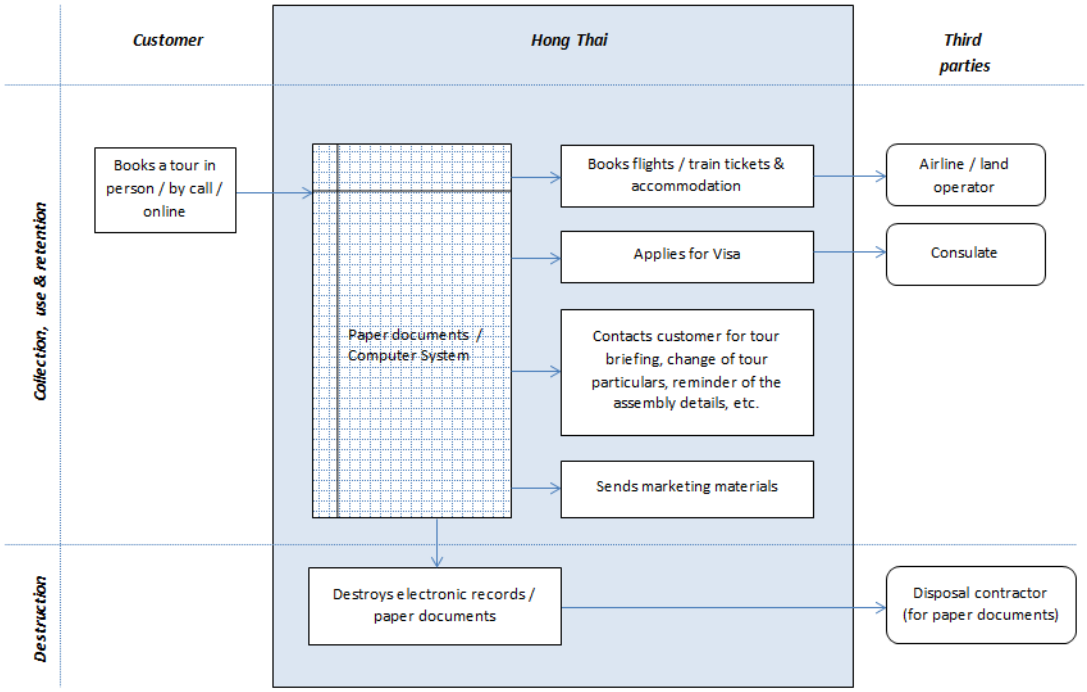

Confidential documents for disposal

[15] In some countries where a hotel needs to check the guests' travel documents, either (i) the tour leader will collect and present the customers' travel documents to the front desk staff, and return such documents to the customers after the check-in; or (ii) the customers will present their travel documents to the front desk staff direct.

Computer records

4.11 The Information Technology Department will purge the records kept in the computer booking system when their relevant retention periods expire. For other working files saved in a staff member's own computer that contain customers' personal data, the staff member is responsible for the deletion himself.

4.12 The flow of a tour customer's personal data is depicted below:



The personal data flow of a tour customer

An Overview of a Loyalty Programme Member's Personal Data Flow

4.13 Hong Thai also collects personal data from its loyalty programme members, who enjoy certain privileges, such as tour discounts, eligibility of online purchase of tour products and the accumulation of reward points which qualify a loyalty programme member for further privileges[16] .

Collection

4.14 An individual can join the loyalty programme through three means: (i) by registration when booking a tour at a branch, (ii) by indicating on the "Customer Opinion Survey Form" which is distributed at the end of a tour, or (iii) by submitting an online registration form. However, different data is required depending on the means chosen by the individual to register as a member.

(i) At a branch

4.15 A tour customer can request to join the loyalty programme when he books a tour at a branch. He will be asked to provide to the branch staff both his Chinese and English name, title[17], date of birth, email address, telephone number and the details of the tour recently joined. The branch staff will then create a membership account for the tour customer.

(ii) After a tour

4.16 A tour customer can also indicate his consent to the joining of the loyalty programme by ticking the relevant option box in a "Customer Opinion Survey Form" distributed by the tour guide at the conclusion of a tour. To complete the survey form, the tour customer is required to fill out his name (Chinese and/or English), title, email address and mobile phone / contact number.

[16] A member can earn one point for a dollar spending in tour products. Upon the accumulation of 20,000 points in 18 months, his membership status will be upgraded and he will then be eligible for greater discount when purchasing tour products.

[17] "Title" in the form refers to "Mr", "Mrs" or "Ms", which indicates gender.

(iii) Online

4.17 An individual, whether a customer or not, can join the loyalty programme by filling out both his Chinese and English name, nickname, title, date of birth, mobile phone number and email address on the online registration form shown below. A membership account will be created upon submission of the registration form.

Online registration form

Use

4.18 Hong Thai uses a member's personal data to:

(a) Facilitate online bookings by members (by the computer system that would automatically copy a member's data onto the online tour registration form);
(b) Identify members for the earning and redemption of reward points, tour discount, etc. (by the branches and the computer system); and
(c) Send promotional emails (by the Marketing Department).

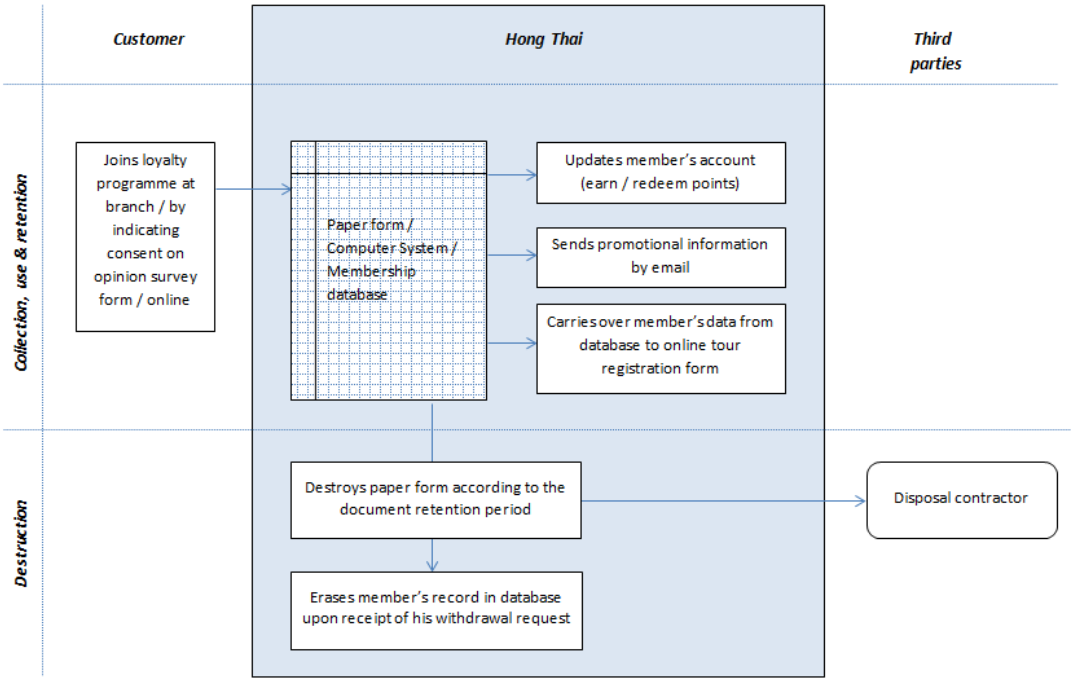
Retention

4.19 A member's personal data is kept in the membership database until he withdraws from the loyalty programme by sending an email to a designated email address.

Destruction

4.20 The Information Technology Department erases a member's personal data from the membership database upon receipt of his withdrawal request by email.

4.21 The flow of a loyalty programme member's personal data is depicted below:



The personal data flow chart of a loyalty programme member

Chapter Five: Findings and Recommendations

Preliminaries

5.1 Findings and recommendations made in this Report were based on the information provided by Hong Thai and the Team's on-site observations. They are not intended to be exhaustive to cover every aspect of the operation of the personal data system inspected, and should be regarded only as a reflection of the compliance level of the matters investigated in the Inspection.

5.2 The findings cover the level of compliance with DPPs 1 to 5 and Part 6A of the Ordinance, and recommendations are made in the light of those findings. The personal data protection measures adopted by Hong Thai has also been reviewed by referring to the components of a privacy management programme advocated by the Commissioner.

5.3 The Team's observations and the Commissioner's findings and recommendations are discussed under separate headings of "booking a tour" and "joining the loyalty programme" with reference to DPPs 1 and 3 first, followed by a discussion with reference to DPPs 2, 4 and 5.

Data Collection (DPP 1), data use (DPP 3) and direct marketing

Booking a tour

The Team's observations

Data collection

5.4 The personal data collected from a customer who books a tour at a branch or online is essentially the same, except for the address, email address, and HKID Card number, which are collected only if the customer books a tour online. Annex 6 lists the types of personal data collected and the respective collection purposes.

5.5 Additional personal data such as the job title and salary may be collected from a tour customer who engages Hong Thai to handle his visa application. The personal data required for visa applications varies, depending on the type of travel documents held and the destinations of travel. Hong Thai has designated its Visa & Data Processing Department to monitor and update the

visa application requirements of various countries. Information sheets titled "Points to Note for Visa Application" listing such requirements are available at the branches and on the website of Hong Thai.

Information sheets on visa application available at a branch

Information on visa application available on Hong Thai's website

5.6 The types of personal data requested by different airlines and by operators of different means of transport may vary, and their respective requirements are listed in the computer booking system or information sheets available at all branches. For example, a copy of a tour customer's Home Visit Permit[18] will be collected if he is going to travel by high-speed train within Mainland China.

Notification

5.7 A document titled "Rules and Responsibilities" is provided to a customer at a branch or online, and it contains many terms and conditions set by Hong Thai, including a paragraph named "Privacy Ordinance Statement". The full text of the "Privacy Ordinance Statement" is reproduced at Annex 4.

5.8 This "Privacy Ordinance Statement" states the purposes for which the personal data collected is to be used, the classes of transferees of the data, and email address for a customer to access, correct or delete his personal data. There is however no mention of the job title of the person who shall handle data access and correction requests.

[18] Under the real name train ticket policy implemented in the Mainland, the original or copy of a valid travelling document is required for purchase of a train ticket.

Use of data for provision of tour services

5.9 The Team noted that Hong Thai uses customers' personal data for the provision of tour services. The personal data is used by (a) the branches and call centre for tour reservations or purchase of tour products; (b) different departments for tour arrangements (such as the Operations Department and Ticketing & Hotel Reservation Department for flight / train ticket purchase and arrangement of local transportation and accommodation, the Visa & Data Processing Department for processing visa applications, the Customer Relations Department for handling complaints, etc.); and (c) the tour leaders for contacting customers and logistics arrangement during the tour. Hong Thai also transfers the personal data to airlines / local land operators for the purchase of flight tickets and arrangement of local transportation and accommodation.

5.10 The "Privacy Ordinance Statement" provides that customers' personal data may be "*disclosed to [Hong Thai's] partners for after-sales services*". According to Hong Thai, the "partners" are mainly airlines and insurance companies; while "after-sales services" refer to the provision of refunds and claims.

Use of data for direct marketing

5.11 The "Privacy Ordinance Statement" mentions that personal data will be used for "*blasting marketing information about travel products/ membership/ promotional campaigns/ travel offers on hotel & travel, insurance, banking, finance, media, entertainment, catering, fashion, health care & beauty, social media, etc. by our company via telephones, emails, e-messages (SMS, MMS, Apps messages, etc.), fax, mail, etc.*".

5.12 The "Customer Opinion Survey Form", distributed at the end of a tour to a customer, has a tick box for him to indicate whether he objects to the use of his personal data for direct marketing in respect of travel, insurance and finance, beverage and entertainment, personal products, internet services, etc.

5.13 The Team was advised that Hong Thai would send promotional materials concerning its latest tour products and activities by email to its tour customers but it would not provide its tour customers' information to other parties for promotional purposes.

The Commissioner's comments and recommendations

Data collection

5.14 The Commissioner opines that the personal data collected from a tour customer is for a lawful purpose directly related to Hong Thai's functions as a travel services company, and the data collected at a branch for booking a tour is in general adequate but not excessive.

5.15 The Commissioner notes that the information sheets titled "Points to Note for Visa Application" for different destinations are updated by a designated department and were available at all branches. The information sheets ensure frontline staff collect only what is necessary from a customer in a visa application in respect of a particular type of travel document the customer uses and his particular destination.

Practice for Reference

√ Hong Thai's frontline staff are well informed of the types of personal data required for different visa applications and by different airlines / trains, as such information is available either in the computer booking system or on information sheets available at all branches. A designated department is responsible for monitoring and updating visa application requirements, in which more sensitive personal data such as job title and salary from the customer may be required depending on the travel destination.

5.16 However, the Commissioner notes that the online tour registration form requires a tour customer to provide his address mandatorily and the HKID Card number optionally. Given that there is no need for Hong Thai to use these two pieces of personal data for booking or subsequent correspondence, such collection appears to be unnecessary.

Notification

5.17 The Commissioner considers that the paragraph titled "Privacy Ordinance Statement" in the "Rules and Responsibilities" provided to tour customers should specify the title of the person responsible for handling data access and correction requests.

Use of data for provision of tour services and direct marketing

5.18 The Commissioner considers that the use of customers' personal data for the provision of tour services, after-sales services and promotion (to those who have already indicated their consent to receive such promotional messages) is consistent with the original collection purposes.

5.19 However, Hong Thai's "Privacy Ordinance Statement", as currently drafted, may create a perception that the "*partners*" to whom Hong Thai may disclose the personal data refer to *all those business partners* that offer a wide range of products and services from travel products to finance, entertainment and health care, etc. The Commissioner suggests that Hong Thai should specify precisely the classes of persons to whom customers' data may be transferred and the purposes of such transfer and restrict the transfer to only such purposes.

Joining the loyalty programme

The Team's observations

Data collection

5.20 The personal data collected from an individual who joins the loyalty programme at a branch or online is basically the same, except for the nickname, which is collected only in an online application. Annex 7 lists the types of personal data collected and the respective collection purposes.

5.21 If a customer joins the loyalty programme by ticking the relevant box in the "Customer Opinion Survey Form", his full date of birth previously collected by Hong Thai when he joined a tour would automatically be copied to the membership database.

Notification

5.22 The terms and conditions[19] of the loyalty programme are available

[19] Clause 9 of the paper form and clause 3 under the section "Personal Data (Privacy) Right" of the online form state that personal data will be used for operating the loyalty programme, providing related benefits and services, research, project planning, and providing latest news and information to members. If a member fails to provide or update his personal data, Hong Thai may not be able to provide the services and related benefits under the loyalty programme. Members are allowed to access

online and listed on the paper form[20]. The terms and conditions set out the purposes for which the personal data collected is to be used, the classes of transferees of the data, and state that the loyalty programme member can access and correct its personal data online. There is however no mention of the job title of the person who shall handle data access and correction requests.

Use of data for operating the loyalty programme

5.23 The Team noted that personal data of loyalty programme members is used for operating the programme, including (a) facilitating online booking by loyalty programme members, and (b) identifying members for points earning/redemption, tour discount, etc.

5.24 The terms and conditions on the paper registration form for the loyalty programme state that personal data may be *provided to suppliers and partners for the provision of latest news and information*[21], while the online version suggests that the personal data will *not be sold, exchanged, or disclosed* to any third parties *(excluding subsidiaries, related companies, suppliers and partners for sales promotion or other use*[22]. Both versions appear to allow transfer of a member's personal data to others, although Hong Thai claimed that no personal data has in fact been transferred to any persons whatsoever.

Use of data for direct marketing

5.25 A tick box is provided in the online registration form of the loyalty programme for a customer to indicate whether he objects to the use of his personal data for direct marketing in respect of travel, insurance and finance, beverage and entertainment, personal products, internet services, etc., and this tick box is placed in a prominent place right before the submission button. However, the paper registration form which the Team collected at one of Hong Thai's branches in July 2015 does not provide such a tick box at all. That said, a tick box is provided in the paper registration form collected by the Team at another branch in September 2015. Hong Thai explained that the registration

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their personal data maintained under the loyalty programme and amend it online.

[20] The "Customer Opinion Survey Form", which will normally be distributed to customers by the tour leader at the end of the tour, also mentions that the terms and conditions of the loyalty programme are available online. Additionally, a tour leader will carry the terms and conditions of the loyalty programme for customers to refer to.

[21] See Clause 10 of the paper form.

[22] See Clause 2 under the section "Personal Data (Privacy) Right" of the online form.

form was revised in the beginning of 2015 to include such a tick box, and the old forms which do not have the tick box should have already been phased out.

5.26 In reviewing the paper registration form of the loyalty programme, the Team noted that the tick box (for customers to indicate objection to the use of their personal data in direct marketing) is placed in between the terms and conditions, which is likely to be overlooked.

5.27 Hong Thai would send newsletters (in electronic format) to members to inform them of the latest tours and offers, e.g. special gift for members upon purchase of a tour product. The Team was advised that all the promotional material on tours and tour-related products would be sent by Hong Thai direct, and no personal data would be transferred to third parties for direct marketing purposes.

The Commissioner's comments and recommendations

Data collection

5.28 The Commissioner accepts Hong Thai's collection of the name, title, mobile number and email address from an individual who chooses to join the loyalty programme for communication purposes.

5.29 However, the Commissioner considers that the month of birth, instead of the full date of birth, is sufficient for the purpose of providing a birthday discount as the discount is valid for the whole month of birth. For a customer who has previously provided his full date of birth to Hong Thai for joining a tour, the Commissioner considers that the customer's full date of birth should not be copied to and retained in the membership database.

Notification

5.30 Similar to the comments made on the "Privacy Ordinance Statement" provided to tour customers, the Commissioner considers that the terms and conditions provided to loyalty programme members should specify the title of the person responsible for handling data access and correction requests.

Use of data for operating the loyalty programme

5.31 The Commissioner considers that the use of members' personal data for operating the loyalty programme, provision of discount and promotional material is consistent with the original collection purposes. The Commissioner also considers that all products and services promoted to the members are related to tours and therefore fall within the class of marketing subjects as stated in the terms and conditions.

5.32 However, the existing terms and conditions of joining the loyalty programme appear to suggest that the personal data collected may be provided, sold, exchanged, or disclosed to a wide range of parties, while Hong Thai claimed that this is not the case. Hong Thai should therefore revise its terms and conditions and specify that there is no transfer of loyalty programme members' personal data to any other parties, if this is the case.

Use of data for direct marketing

5.33 Besides, Hong Thai should place the tick box for indicating objection to the use of personal data for direct marketing in a more prominent location on the paper registration form of the loyalty programme.

Recommendations:

(1) Review the need to collect a customer's HKID Card number and address when he books a tour online, and amend the online tour registration form accordingly.

(2) Collect only the month of birth instead of the full date of birth from members of the loyalty programme and stop the practice of automatically copying customers' full date of birth when they choose to join the loyalty programme.

(3) Inform tour customers and loyalty programme members of the title of the person responsible for handling data access and correction requests on or before the first use of the personal data.

(4) Specify precisely the classes of persons to whom a tour customer's personal data may be transferred and the purposes of such transfer in the "Privacy Ordinance Statement" provided to tour customers.

(5) Revise the terms and conditions provided to loyalty programme members by specifying that there is no transfer of loyalty programme members' personal data to any other persons.

(6) Revise the paper registration form of the loyalty programme by relocating the tick box (for a customer to indicate his objection to the use of his personal data in direct marketing) to a more prominent place, for example, right before the signature space or under a sub-heading of direct marketing. Discard any old registration forms which do not have such a box.

Data accuracy and retention (DPP 2)

The Team's observations

Data accuracy

5.34 There is little room for Hong Thai to inaccurately record its customers' names. A customer is provided with a receipt containing his personal data and booking details (which are generated from the computer booking system) at the branch for review when he (a) books a tour or (b) settles the payment for a tour he has previously booked via the call centre. The customer is required to confirm the accuracy of the receipt by signing on it.

5.35 When a customer books a tour online, there is a remark stating that the name should be entered exactly as it is on the travelling document, and an airline has the right to refuse the customer's boarding if the name used in the booking is not the same as shown in his travelling documents.

5.36 Subsequent changes of personal data can only be made by a customer's submitting a "Reservation Amendment Form" in person. The customer will be required to provide the sales receipt or the number of the sales order or his identification document if the receipt and the number of sales order are not available.

Data retention / destruction

5.37 All branches that the Team visited stored copies of receipts and other related materials in cartons according to the month of the tour departure, and the said month is indicated clearly on each carton. Cartons storing documents

concerning tours not yet departed will be kept in restricted areas behind the service desks. At the start of each month, the staff (a) move cartons containing documents of tours departed in the previous month to the store room for retention, and (b) arrange for the destruction of documents for tours departed six months ago.


The month of departure of a tour is clearly marked on the cartons

5.38 Deletion of electronic files saved in the hard disk of the staff at the head office is handled by the staff themselves. There is no supervision of whether such deletion has been done on time. However, the Team found no personal data being retained for longer than their retention period during the sample checks of Hong Thai's computer records.

5.39 The staff members are made aware of the retention periods of different documents containing personal data by internal briefings. When the Team asked the staff how long a particular personal data would be kept, they were able to give the correct answer according to Hong Thai's written guidelines. Hong Thai retains booking records[23] in electronic forms for seven years for the purpose of complying with the Inland Revenue Ordinance[24]. To save space, Hong Thai disposes of any hard copies of those records which pass the relevant retention period.

5.40 Destruction of documents is handled by a document disposal contractor. Hong Thai enters into contract with the document disposal contractor, in which the contractor undertakes, among others, to treat all materials collected in "the strictest confidence and security". To ensure the contractor's compliance with

[23] Personal data contained in the booking records are listed in Annex 6.
[24] See footnote 2.

the terms of the contract, Hong Thai may monitor the real time destruction process through a hyperlink provided by the contractor.

The Commissioner's comments and recommendations

5.41 The Commissioner is satisfied with the accuracy of a tour customers' personal data in the computer booking system as the customer is required to verify and confirm the data in a receipt generated from the computer booking system.

5.42 A practice is more likely to be implemented if it is easy to understand and simple to follow. Hong Thai's practices of marking the month of the documents clearly on the cartons and keeping documents of only one particular month in a carton are easy and simple, and at the same time effective in ensuring the documents are destroyed on time. The Commissioner is also satisfied that Hong Thai has adopted contractual means to prevent any personal data transferred to the document disposal contractor from being kept longer than is necessary.

Practice for Reference

√ The branches store copies of tour receipts and other related materials in cartons according to the month of departure, and the month is indicated clearly on each carton. At the start of each month, staff sort out cartons containing documents of tours departed six months ago, and arrange for their destruction. Practices of marking the month of departure on the carton and keeping documents of only one particular month in a carton facilitate the carrying out of the destruction exercise.

5.43 However, simply relying on individual staff to timely delete the electronic files saved in their hard disk without any sample checks by another person may result in the retention of data longer than intended. A sample check of data destruction should be implemented.

5.44 To comply with the requirements under the Inland Revenue Ordinance, Hong Thai will retain a customer's booking record in the computer booking system for seven years. However, some of the personal data contained in the booking record (such as the customer's credit card number and the emergency contact information) is not required for the aforesaid purpose, and Hong Thai

should retain only the data so required.

Recommendation:

(7) Introduce a monitoring mechanism to ensure that personal data saved in an individual staff member's hard disk is destroyed according to the relevant retention period.

(8) Review which kind(s) of data contained in the booking record should be kept for seven years to fulfil the requirements of Inland Revenue Ordinance, and retain only the data so required.

Data security (DPP 4)

The Team's observations

Security of documents

5.45 Hard copies of documents containing personal data for various operational purposes are stored in locked room and drawers. Visa application documents are kept in a locked room in the head office or in locked drawers in the branches. Password to the locked room in the head office is given to five staff members of the Visa & Data Processing Department and the Assistant General Manager (Administration), while keys to the locked drawers in the branches are kept only by the supervisors of the respective branch. The copies of receipts, together with other supporting documents, are kept in areas restricted only to the staff in the branch, whereas the order forms filled out by the staff at the call centre are kept in a locked drawer in the call centre.

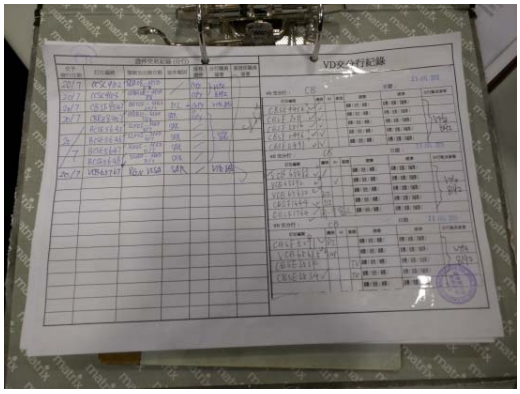
5.46 A clear record in both paper form and in the computer booking system is maintained to document the receipt and release of visa application documents between the customers and the branches, and between the branches and the Visa & Data Processing Department. Customers are required to acknowledge on a specific form the types of documents submitted and collected for visa application purpose.

5.47 The delivery of sensitive documents, including visa application documents, between the head office and the branches is handled by internal staff using designated black bags with zips. Any documents issued by the consulates will be collected by the Visa & Data Processing Department and

returned to the customers via the respective branch or the tour leader. Deliveries are completed as soon as practicable on the same day of collection. However, the requirement of same day delivery is not formally documented.

Locked cabinets storing customers' travel documents in a branch

Passcode-locked room for keeping visa application related documents at the head office



Hong Thai's internal document – transfer log of visa application documents

A designated black bag for delivery of visa documents

5.48 The only contractor that may come across the personal data of tour customers or loyalty programme members would be the document disposal contractor, which is bound by its contract signed with Hong Thai. The Team noted that the contractor undertakes, among others, to treat all materials collected in "*the strictest confidence and security*". The contractor is also prohibited from disclosing any of the data to any third party.

IT security

5.49 Areas of IT security examined included:

(a) Information security policy and organisation – Examination was carried out to understand the appropriateness, extensiveness and effectiveness of information security policy, as well as how information security policy was determined, updated, promulgated and enforced;

(b) Physical security of IT equipment – Physical security of IT and networking equipment that might be subject to theft or interception was studied;

(c) Operational security when handling personal data – Personal data of customers was stored in the computer booking system or temporarily in individual desktop computers when required for operational purposes. Both the computer booking system and sample desktop computers were studied to understand the handling, security and retention of personal data;

(d) Access control – The access control system of the central booking system and sample desktop computers were studied;

(e) Vulnerability management – The technical arrangements against intruders, malicious software and vulnerabilities were studied;

(f) Disposal of IT equipment – The arrangement in handling the disposal of IT equipment containing personal data was studied.

5.50 The Team wishes to highlight the following observations:

(a) During the site inspections, Hong Thai informed the Team that it was in the process of carrying out a major initiative, managed by an external consultant[25], to review and revise the existing IT security policy and its governance in IT. High-level blueprints of the proposed formal policy were shared to the Team. The Team believes that the subsequent implementation of the comprehensive

[25] Transfer of personal data to the external consultant is not required.

IT security policy would provide a formal and sustainable IT governance structure to Hong Thai including, but not limited to, the following areas:

(i) Roles and responsibilities of staff responsible for IT security;
(ii) Account and password protection policies such as the requirement of changing a password regularly;
(iii) Formal IT security training for IT staff;
(iv) IT Security Awareness training for all staff;
(v) Regular server patch management; and
(vi) Penalty for non-compliance with IT security policy.

(b) As part of the business process, Hong Thai was found to have the need to send a tour customer's personal data by email to other parties, such as airlines, local operators, etc. Although the existing staff handbook required personal data of all such transmissions to be encrypted, encryption was not applied consistently on all occasions.

Breach handling

5.51 Hong Thai states in its staff handbook that any suspicious leakage of customers' personal data should be reported to the Customer Relations Department immediately.

5.52 The Customer Relations Department has a brief guideline for handling data loss or leakage. The guideline however does not state (a) the circumstances under which a data breach incident should be reported by its Customer Relations Department to the designated senior management, (b) the time frame under which such report should be made to the designated senior management, and (c) who the designated senior management is. When enquired, the Head of the Customer Relations Department answered without hesitation that the designated senior management who should receive such report would be the Assistant General Manager (Administration). Such procedure is untested as no such incident has happened before.

The Commissioner's comments and recommendations

5.53 The Commissioner is satisfied with the security measures imposed by Hong Thai in handling documents containing personal data maintained in its branches, call centre and head office, and transferred to the document disposal

contractor.

Practice for Reference

√ Sensitive documents including tour customers' passports are handled with care. Such documents are locked in cabinet / store room with keys available to only a few staff members; proper records of receipt and dispatch are maintained; and internal deliveries of such documents are completed on the same day of collection.

5.54 The Commissioner notes that the practice of deliveries on the same day of collection has not been documented. The addition of such practice to the existing workflow (or other procedural guidelines) is recommended for staff's easy reference and strict adherence.

5.55 The Commissioner also recommends Hong Thai to consider improving its implementation of IT security measures and refining its data breach handling guideline.

Recommendations:

(9) Formalise and document the administrative measures adopted to safeguard sensitive documents (for example, the requirement of same day delivery for the transit of sensitive documents) in the existing workflow or other procedural guidelines.

(10) Fully enforce the requirement to have personal data encrypted during transmission through untrusted networks, including the internet, and state the consequence of non-compliance.

(11) Review and improve the existing IT security policy and IT governance to ensure its comprehensiveness and integrity.

(12) Revise and improve the guideline for handling data loss or leakage.

Openness of privacy policy (DPP 5)

The Team's observations

5.56 The only communication to the public (customers or prospective

customers) in respect of privacy matters that the Team can find is the "Privacy Ordinance Statement" posted on Hong Thai's website or contained in the information sheet titled "Rules and Responsibilities" provided to the customers.

5.57 The "Privacy Ordinance Statement" provides no information on whether Hong Thai is committed to protecting individual's privacy, how long the personal data collected will be retained, the protection measures adopted, etc.

The Commissioner's comments and recommendations

5.58 While DPP 5 does not require the data user's policies or practices to be produced in writing, the Commissioner considers it a good practice to have a written privacy policy statement for a customer's reference, which should be made available online. The privacy policy statement should cover (a) a statement of policy, which expresses Hong Thai's overall commitment to the protection of the customers' data privacy; and (b) statement of practices, which includes the types of personal data held by Hong Thai and the purposes for which it uses the data. The privacy policy statement may also include other useful information, such as the retention period for the data collected, the security measures in place, and the proper mechanism for erasure or destruction of records, etc.

Recommendation:

(13) Devise a Privacy Policy Statement stating Hong Thai's overall commitment to personal data privacy protection and its practices in handling personal data. This Privacy Policy Statement should also be made available online.

The Privacy Management Programme

5.59 The Commissioner considers that personal data protection cannot be managed effectively if it is treated merely as a legal compliance issue. The Commissioner therefore advocates organisational data users to implement a privacy management programme as part of their corporate governance responsibilities. Although a privacy management programme is not a requirement under the Ordinance, it serves as a strategic framework to assist an organisation in building a robust privacy infrastructure supported by an effective ongoing review and monitoring process to facilitate its compliance with the requirements under the Ordinance.

Components of a Privacy Management Programme

5.60 The first component of a privacy management programme is an internal governance structure that fosters a privacy respectful culture, as reflected by the top management support, an appointment of a designated person to manage the privacy management programme and the establishment of a reporting mechanism.

5.61 The second component of a privacy management programme is programme controls in: (i) personal data inventory, (ii) policies, (iii) risk assessment tools, (iv) training and education requirements, (v) breach handling, (vi) data processor management, and (vii) communication. These programme controls help ensure that what is mandated in the governance structure is implemented in the organisation.

5.62 To ensure a privacy management programme to be effective and relevant, ongoing assessment and revision of the programme will be required.

The Commissioner's comments

5.63 Hong Thai is not using the privacy management programme framework to manage the personal data it holds. However, in effect, Hong Thai has adopted some components of a privacy management programme. For example, Hong Thai has appointed a high-ranking staff, namely the Assistant General Manager (Administration), to oversee the compliance of the Ordinance. Hong Thai also has in place programme controls to some degrees in personal data inventory[26], policies[27], training and education requirements[28], breach handling[29], data processor management[30] and communication[31].

[26] Hong Thai does not maintain a personal data inventory list as such, but it is clear about the kinds of personal data it holds and where it is stored, as well as the purposes of collecting, using or disclosing the data.
[27] Hong Thai's staff handbook has a section devoted to personal data handling that addresses briefly the policies in respect of DPP 2, DPP 3 and DPP 4.
[28] Hong Thai provides personal data related training as part of their new staff orientation programme and tour leaders' training.
[29] Hong Thai has in place a brief guideline for handling data leakage.
[30] Hong Thai entered into a contract with the document disposal contractor, requiring the contractor to undertake that all materials it collected should be treated in "the strictest confidence and security". There is also a hyperlink for Hong Thai to monitor the real time destruction process.
[31] Hong Thai conducts internal briefings on privacy related matters for its staff, and addresses the members of public about some of those matters in its Privacy Ordinance Statement.

5.64 The Commissioner encourages Hong Thai to adopt a privacy management programme which allows it to manage personal data privacy systematically. With a solid privacy management programme, Hong Thai can raise the protection of personal data it holds to a higher level than the bare minimum needed to meet legal requirements. This should help build trust with its customers and enhance its goodwill.

Chapter Six: Conclusion

6.1 The Commissioner notes Hong Thai's commitment to privacy management in assigning the Assistant General Manager (Administration) to oversee privacy matters, and its effort to ensure its staff to be well informed of the types of personal data required for tour booking (including visa application), as well as the measures adopted to ensure timely destruction and safe custody of documents containing tour customers' personal data.

6.2 Thirteen recommendations were made to Hong Thai to improve its data protection practice:

(1) review the need to collect the address and HKID Card number from a tour customer who books a tour online, and revise the online tour registration form;

(2) collect only the month of birth, instead of full date of birth, from loyalty programme members, and stop the practice of automatically copying the full date of birth of a customer to the loyalty programme membership database when he joins the loyalty programme after a tour;

(3) specify the title of the person responsible for handling data access and correction requests in its notification to tour customers and loyalty programme members;

(4) specify precisely the classes of persons to whom tour customers' personal data may be transferred and the purposes of such transfer;

(5) state in the terms and conditions of its loyalty programme that there is no transfer of loyalty programme members' personal data to any other parties;

(6) revise the paper registration form of the loyalty programme by relocating the tick box (for customers to indicate objection to the use of their personal data in direct marketing) to a more prominent place;

(7) introduce a monitoring mechanism to ensure timely destruction of electronic files containing personal data saved in individual staff's hard disk;

(8) review which personal data should be kept for seven years, and retain only the minimum data required;

(9) formalise and document the administrative measures to safeguard the sensitive documents in transit in its existing workflow or other procedural guidelines;

(10) fully enforce the requirement of encryption when transmitting personal data through the internet, and spell out the consequence on non-compliance;

(11) review and improve the existing IT security policy and IT governance to ensure its comprehensiveness and integrity;

(12) improve the breach handling guideline; and

(13) devise a privacy policy statement and make it available online.

6.3 The Commissioner wishes to thank for the co-operation of the staff of Hong Thai, which helped this Office understand the data flow in Hong Thai and its reasons for collecting, retaining and processing of personal data. The Commissioner appreciates the assistance rendered by Hong Thai's staff over and above their normal duties.

6.4 The Commissioner encourages Hong Thai to adopt a privacy management programme to better manage the personal data it holds. A company that collects customers' personal data in the course of its business should regard personal data protection as part of its corporate governance. A privacy management programme, which has a robust privacy infrastructure supported by an effective ongoing review and monitoring process, would facilitate an organisation's compliance with the requirements under the Ordinance, build trust with the customers that it serves, and enhance goodwill.

6.5 The Commissioner hopes that this report will be of value to Hong Thai and other travel agents, as well as nurturing the culture of "protect and respect personal data privacy".

Annex 1 - Data protection principles

1. Principle 1 - purpose and manner of collection of personal data

(1) Personal data shall not be collected unless-

(a) the data is collected for a lawful purpose directly related to a function or activity of the data user who is to use the data;

(b) subject to paragraph (c), the collection of the data is necessary for or directly related to that purpose; and

(c) the data is adequate but not excessive in relation to that purpose.

(2) Personal data shall be collected by means which are-

(a) lawful; and

(b) fair in the circumstances of the case.

(3) Where the person from whom personal data is or is to be collected is the data subject, all practicable steps shall be taken to ensure that-

(a) he is explicitly or implicitly informed, on or before collecting the data, of-

(i) whether it is obligatory or voluntary for him to supply the data; and

(ii) where it is obligatory for him to supply the data, the consequences for him if he fails to supply the data; and

(b) he is explicitly informed-

(i) on or before collecting the data, of-

(A) the purpose (in general or specific terms) for which the data is to be used; and

(B) the classes of persons to whom the data may be transferred; and

(ii) on or before first use of the data for the purpose for which it was collected, of-

(A) his rights to request access to and to request the correction of the data; and

(B) the name or job title, and address, of the individual who is to handle any such request made to the data user,

unless to comply with the provisions of this subsection would be likely to prejudice the purpose for which the data was collected and that purpose is specified in Part VIII of this Ordinance as a purpose in relation to which personal data is exempt from the provisions of data protection principle 6.

2. Principle 2 - accuracy and duration of retention of personal data

(1) All practicable steps shall be taken to ensure that-

(a) personal data is accurate having regard to the purpose (including any directly related purpose) for which the personal data is or is to be used;

(b) where there are reasonable grounds for believing that personal data is inaccurate having regard to the purpose (including any directly related purpose) for which the data is or is to be used-

(i) the data is not used for that purpose unless and until those grounds cease to be applicable to the data, whether by the rectification of the data or otherwise; or

(ii) the data is erased;

(c) where it is practicable in all the circumstances of the case to know that-

(i) personal data disclosed on or after the appointed day to a third party is materially inaccurate having regard to the purpose (including any directly related purpose) for which the data is or is to be used by the third party; and

(ii) that data was inaccurate at the time of such disclosure,

that the third party-

(A) is informed that the data is inaccurate; and

(B) is provided with such particulars as will enable the third party to rectify the data having regard to that purpose.

(2) All practicable steps must be taken to ensure that personal data is not kept longer than is necessary for the fulfilment of the purpose (including any directly related purpose) for which the data is or is to be used.

(3) Without limiting subsection (2), if a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from being kept longer than is necessary for processing of the data.

(4) In subsection (3)—

data processor (資料處理者) means a person who—

(a) processes personal data on behalf of another person; and

(b) does not process the data for any of the person's own purposes.

3. Principle 3 - use of personal data

(1) Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose.

(2) A relevant person in relation to a data subject may, on his or her behalf, give the prescribed consent required for using his or her personal data for a new purpose if—

(a) the data subject is—

(i) a minor;

(ii) incapable of managing his or her own affairs; or

(iii) mentally incapacitated within the meaning of section 2 of the Mental Health Ordinance (Cap 136);

(b) the data subject is incapable of understanding the new purpose and deciding whether to give the prescribed consent; and

(c) the relevant person has reasonable grounds for believing that the use of the data for the new purpose is clearly in the interest of the data subject.

(3) A data user must not use the personal data of a data subject for a new purpose even if the prescribed consent for so using that data has been given under subsection (2) by a relevant person, unless the data user has reasonable grounds for believing that the use of that data for the new purpose is clearly in the interest of the data subject.

(4) In this section—

new purpose (新目的), in relation to the use of personal data, means any purpose other than—

(a) the purpose for which the data was to be used at the time of the collection of the data; or

(b) a purpose directly related to the purpose referred to in paragraph (a).

4. Principle 4 - security of personal data

(1) All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user are protected against unauthorised or accidental access, processing, erasure, loss or use having particular regard to-

(a) the kind of data and the harm that could result if any of those things should occur;

(b) the physical location where the data is stored;

(c) any security measures incorporated (whether by automated means or otherwise) into any equipment in which the data is stored;

(d) any measures taken for ensuring the integrity, prudence and competence of persons having access to the data; and

(e) any measures taken for ensuring the secure transmission of the data.

(2) Without limiting subsection (1), if a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data

user's behalf, the data user must adopt contractual or other means to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

(3) In subsection (2)—

data processor (資料處理者) has the same meaning given by subsection (4) of data protection principle 2.

5. Principle 5 – information to be generally available

All practicable steps shall be taken to ensure that a person can-

(a) ascertain a data user's policies and practices in relation to personal data;

(b) be informed of the kind of personal data held by a data user;

(c) be informed of the main purposes for which personal data held by a data user is or is to be used.

Annex 2 - Use of personal data in direct marketing (s.35B to s.35H of the Ordinance)

35B. Application

This Division does not apply in relation to the offering, or advertising of the availability, of—

(a) social services run, subvented or subsidized by the Social Welfare Department;

(b) health care services provided by the Hospital Authority or Department of Health; or

(c) any other social or health care services which, if not provided, would be likely to cause serious harm to the physical or mental health of—

(i) the individual to whom the services are intended to be provided; or

(ii) any other individual.

35C. Data user to take specified action before using personal data in direct marketing

(1) Subject to section 35D, a data user who intends to use a data subject's personal data in direct marketing must take each of the actions specified in subsection (2).

(2) The data user must—

(a) inform the data subject—

(i) that the data user intends to so use the personal data; and

(ii) that the data user may not so use the data unless the data user has received the data subject's consent to the intended use;

(b) provide the data subject with the following information in relation to the intended use—

(i) the kinds of personal data to be used; and

(ii) the classes of marketing subjects in relation to which the data is to be used; and

(c) provide the data subject with a channel through which the data subject may, without charge by the data user, communicate the data subject's consent to the intended use.

(3) Subsection (1) applies irrespective of whether the personal data is collected from the data subject by the data user.

(4) The information provided under subsection (2)(a) and (b) must be presented in a manner that is easily understandable and, if in written form, easily readable.

(5) Subject to section 35D, a data user who uses a data subject's personal data in direct marketing without taking each of the actions specified in subsection (2) commits an offence and is liable on conviction to a fine of $500000 and to imprisonment for 3 years.

(6) In any proceedings for an offence under subsection (5), it is a defence for the data user charged to prove that the data user took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(7) In any proceedings for an offence under subsection (5), the burden of proving that this section does not apply because of section 35D lies on the data user.

35D. Circumstances under which section 35C does not apply

(1) If, before the commencement date—

(a) a data subject had been explicitly informed by a data user in an easily understandable and, if informed in writing, easily readable manner of the intended use or use of the data subject's personal data in direct marketing in relation to a class of marketing subjects;

(b) the data user had so used any of the data;

(c) the data subject had not required the data user to cease to so use any of the data; and

(d) the data user had not, in relation to the use, contravened any provision of this Ordinance as in force as at the time of the use,

then section 35C does not apply in relation to the intended use or use, on or after the commencement date, of the data subject's relevant personal data, as updated from time to time, in direct marketing in relation to the class of marketing subjects.

(2) If—

(a) a data subject's personal data is provided to a data user by a person other than the data subject (***third person***); and

(b) the third person has by notice in writing to the data user—

(i) stated that sections 35J and 35K have been complied with in relation to the provision of data; and

(ii) specified the class of marketing subjects in relation to which the data may be used in direct marketing by the data user, as consented to by the data subject,

then section 35C does not apply in relation to the intended use or use by the data user of the data in direct marketing in relation to that class of marketing subjects.

(3) In this section—

commencement date (本部生效日期) means the date on which this Part comes into operation;

relevant personal data (有關個人資料), in relation to a data subject, means any personal data of the data subject over the use of which a data user had control immediately before the commencement date.

35E. Data user must not use personal data in direct marketing without data subject's consent

(1) A data user who has complied with section 35C must not use the data subject's personal data in direct marketing unless—
  (a) the data user has received the data subject's consent to the intended use of personal data, as described in the information provided by the data user under section 35C(2)(b), either generally or selectively;
  (b) if the consent is given orally, the data user has, within 14 days from receiving the consent, sent a written confirmation to the data subject, confirming—
    (i) the date of receipt of the consent;
    (ii) the permitted kind of personal data; and
    (iii) the permitted class of marketing subjects; and
  (c) the use is consistent with the data subject's consent.
(2) For the purposes of subsection (1)(c), the use of personal data is consistent with the data subject's consent if—
  (a) the personal data falls within a permitted kind of personal data; and
  (b) the marketing subject in relation to which the data is used falls within a permitted class of marketing subjects.
(3) A data subject may communicate to a data user the consent to a use of personal data either through a response channel or other means.
(4) A data user who contravenes subsection (1) commits an offence and is liable on conviction to a fine of $500000 and to imprisonment for 3 years.
(5) In any proceedings for an offence under subsection (4), it is a defence for the data user charged to prove that the data user took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

35F. Data user must notify data subject when using personal data in direct marketing for first time

(1) A data user must, when using a data subject's personal data in direct marketing for the first time, inform the data subject that the data user must, without charge to the data subject, cease to use the data in direct marketing if the data subject so requires.
(2) Subsection (1) applies irrespective of whether the personal data is collected from the data subject by the data user.
(3) A data user who contravenes subsection (1) commits an offence and is liable on conviction to a fine of $500000 and to imprisonment for 3 years.
(4) In any proceedings for an offence under subsection (3), it is a defence for the data user charged to prove that the data user took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

35G. Data subject may require data user to cease to use personal data in direct marketing

(1) A data subject may, at any time, require a data user to cease to use the data subject's personal data in direct marketing.

(2) Subsection (1) applies irrespective of whether the data subject—

(a) has received from the data user the information required to be provided in relation to the use of personal data under section 35C(2); or

(b) has earlier given consent to the data user or a third person to the use.

(3) A data user who receives a requirement from a data subject under subsection (1) must, without charge to the data subject, comply with the requirement.

(4) A data user who contravenes subsection (3) commits an offence and is liable on conviction to a fine of $500000 and to imprisonment for 3 years.

(5) In any proceedings for an offence under subsection (4), it is a defence for the data user charged to prove that the data user took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(6) This section does not affect the operation of section 26.

35H. Prescribed consent for using personal data in direct marketing under data protection principle 3

Despite section 2(3), where a data user requires, under data protection principle 3, the prescribed consent of a data subject for using any personal data of the data subject in direct marketing, the data user is to be taken to have obtained

the consent if the data user has not contravened section 35C, 35E or 35G.

Annex 3 - A summary of a privacy management programme

Annex 4 - Privacy Ordinance Statement of Hong Thai

For all personal information, including (but not limited to) customers' name, gender, date of birth, telephone number, fax number, address, email, etc. that customers provided to our company during transactions, applying for our membership, or participating our promotional campaigns; or information collected, held, or probably held by our company, will have chance to be utilized, stored, or checked for market researching, data cross-checking, service enhancing, blasting marketing information about travel products / membership / promotional campaigns / travel offers on hotel & travel, insurance, banking, finance, media, entertainment, catering, fashion, health care & beauty, social media, etc. by our company via telephones, emails, e-messages(SMS, MMS, Apps messages, etc.), fax, mail, etc.; or disclosed to our partners for after-sales services. Our company has the obligation to notify customers that our company has the intention to use the above data for the above stated actions under the new regulatory regime, and seeks for customers' approval before our company undertakes any above actions. If customers decide not to receive any information from us or to check, amend or delete any personal information held by us, please send email to unsubscribe@hongthai.com, for central and effective handling.

Annex 5 - Use and retention of personal data by Hong Thai

Department	Major duties in relation to the handling of personal data	Major record containing personal data	Major personal data involved	Storage location	Retention period
Branches (including tour leaders) under the Customer Relations Department	Books a tour for a customer	Customer receipt	• Name • Gender • Travel document type, number and expiry date • Date of birth • Contact number • Name of roommate • Address • Email address • Credit card number	Carton in restricted area behind the service desk or store room	6 months
	Amends reservation details upon request from a customer	Reservation amendment form	• Name • Details of amendment		
	Contacts customers to notify them of assembly details	Contact list	• Name • Contact number		

	Conducts hotel check-in, and head count during assembly and boarding each day during the tour	Room list	• Name • Travel document type, number and expiry date • Date of birth • Contact number		
	Passes to Operations Department for purchasing high-speed train ticket	Home Return Card	• Name • Gender • Home return card number • Date of birth • Photo		
		Soft copy of Home Return Card		Computer accessible by branch managers	Erase upon tour departs
	Passes to Visa & Data Processing Department for visa application	Visa application documents, such as passport, salary proof, bank record, etc.	• Name • Gender • Travel document type, number and expiry date • Date of birth • Employment details, such as employer's name, job title, salary • Saving amount	Locked drawer	Retain temporarily before the customers collect the original.

Call centre	Books a tour for a customer	Enrolment order form	• Name • Date of birth • Contact number • Email address • Emergency contact information	Locked cabinet	6 months
		Telephone conversation record	• Name	Discs in the server room	1 year
Operations Department	Books flight tickets	Text file for submitting data to airline online system	• Name • Gender • Travel document number and expiry date • Date of birth (depend on the airline's requirement)	Staff computer	Erase immediately after use
	Issues flight tickets	Flight ticket copy	• Name • Gender	Locked cabinets	6 months
	Transfer to land operators for arranging local transportation and accommodation	Customer list	• Name • Date of birth (for children and the elderly who may enjoy discount during the journey)		

			• Room types • Flight schedule		
Tour Briefing Coordination Section	Arrange tour briefings	Attendance list	• Name	Cabinets behind the reception counter	3 months
Visa & Data Processing Department	Applies for visa, including transfer the personal data to consulates to process the visa application.	Visa application document confirmation form	• Name • Travel document type and number • Contact number	Passcode-locked room	6 months
Customer Coordination Section	Inform customers of tour briefing sessions, cancellation or amendments of tours, etc.	Customer contact list	• Name • Date of birth[32] • Contact number	Files	6 months
		Telephone conversation record	• Name	Discs	1 year
Customer Relations Department	Handles complaints and receives comments from customers.	Customer complaint file	• Name • Details of complaint	Locked cabinets	2 years
Marketing Department	Send marketing materials	Email system	• Email address	Computer server at head office	Until a customer / member withdraws from receiving

[32] When a staff member calls a customer to inform him that a tour is cancelled, the staff member may recommend some tours with itinerary suitable for the customer's age as an alternative for the customer to consider (if the customer has provided prior consent to direct marketing).

					marketing materials from Hong Thai
Information Technology Department	Retrieves customers' personal data upon requests, handles backup and purging of customer's personal data.	Booking record in the computer booking system	• Name • Gender • Travel document type, number and expiry date • Date of birth • Contact number • Name of roommate • Address • Email address • Credit card number • Emergency contact information	Computer server at head office	7 years
	Facilitate online booking (name and address will be brought in from the membership database to the computer booking system)	Membership database	• Name • Gender • Date of birth • Email address • Telephone number • Referee's email address • Referee's phone number	Computer server at head office	Until a member withdraws from the loyalty programme
	Identify a member for points earning / redemption, tour discount, etc.				

Annex 6 - Types of personal data collected by Hong Thai for booking a tour

Type of personal data	At a branch	Online	Collection purpose
(a) English name	√	√	Reservation of flight tickets
(b) Chinese name	√	√	
(c) Title (i.e. Mr., Mrs., or Ms.)	√	√	
(d) Travel document number and type	√	√	
(e) Travel document expiry date	√	(Note)	
(f) Date of birth	√	√	
(g) Contact number	√	√	Contact for tour related matters, such as date of tour briefing, assembly time and venue, and other information concerning the tour
(h) Emergency contact	√	√	Contact in case of emergency during the tour
(i) HKID card number		√ (optional)	Identification
(j) Email address		√	Sending booking confirmations and e-receipts
(k) Address		√	No specific purpose

Note: The online form requires the customer to check that his travel document is valid for six months from the date of returning to Hong Kong.

Annex 7 - Types of personal data collected by Hong Thai for joining the loyalty programme

Type of personal data	Online form	Paper form	Survey form	Collection purpose
(a) English name	√	√		Identification
(b) Chinese name	√	√	√	
(c) Title (i.e. Mr., Mrs., or Ms.)	√	√	√	
(d) Nickname	√			
(e) Full date of birth	√	√	(Note)	Providing a birthday discount
(f) Mobile number	√	√	√	Communicating promotional materials & identification
(g) Email address	√	√	√	
(h) Referee's email address or phone number	√ (optional)			Identification for granting bonus points
(i) Referee's name and phone number		√ (optional)		

Note: The full date of birth will be copied from the computer booking system to the membership database.