

法律教育基金有限公司  
內地法律學生訪港交流 “職業道德與專業操守”  
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# Personal Data Protection: From Compliance to Accountability and Ethics

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

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# Outline

PMP &  
Accountability

Accountability  
requirements  
under the  
GDPR

Data  
Ethics

A stylized, textured illustration of a man's face and upper torso. The man has a large, round, light-skinned face with two small, dark eyes. He has a thick, dark grey mustache. He is wearing a red and white checkered shirt. He is holding a yellow telephone receiver to his ear with his right hand. In the top right corner, there are several orange circles of different sizes, some of which contain white arrows pointing downwards. The background is a solid light blue color.

# **PMP & Accountability**

Assist compliance with  
the Personal Data  
(Privacy) Ordinance  
(PDPO)

A shift from  
compliance to  
accountability

**PMP  
strategic  
framework**

Privacy risk  
management

Not a legal  
requirement under  
the PDPO



# Accountability

Embrace personal data privacy protection as corporate governance responsibilities

Built-in policies, procedures, controls, oversights & review mechanisms

Responsibility-based concept that realises privacy principles

Data users/processors take appropriate steps to safeguard personal data and prevent harm to data subjects

# Compliance Approach



# Accountability Approach

- Passive
- Reactive
- Remedial
- Problem-based
- Handled by compliance team
- Minimum legal requirement
- Bottom-up

Paradigm Shift

- Active
- Proactive
- Preventive
- Based on customer expectations
  - Directed by top management
  - Reputation building
  - Top-down



# PMP – Fundamental Principles

## Top-Down Organisational Commitments

Top management  
commitment and  
buy-in

Setting up of a  
dedicated data  
protection office  
or officer

Establishing  
reporting and  
oversight  
mechanism



# PMP – 7 Practical Programme Controls



Personal  
Data  
Inventory



Privacy  
Policies



Risk  
Assessment



Training  
plan



Breach  
Handling



Data  
Processor  
Engagement



Communication



# Accountability

**Regulator**

**Company**

Best position to  
determine appropriate  
steps

Customer Trust &  
Businesses

**Compliance**

Effective  
Regulation

# Mechanics of Accountability

Education → Incentivise



**Voluntary/Self-Regulatory**  
**or**  
**Mandatory?**



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# Accountability requirements under the GDPR



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# Accountability and Governance

## Risk-based approach to accountability under the GDPR

Data controllers are required to:

- implement **technical and organisational measures**
- adopt **data protection by design and by default**
- conduct **data protection impact assessment**
- designate **Data Protection Officers**
- maintain **records of processing**



# Data Ethics

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# Mishandling of Personal Data

## Facebook says data leak hits 87 million users, widening privacy scandal

David Ingram

4 MIN READ

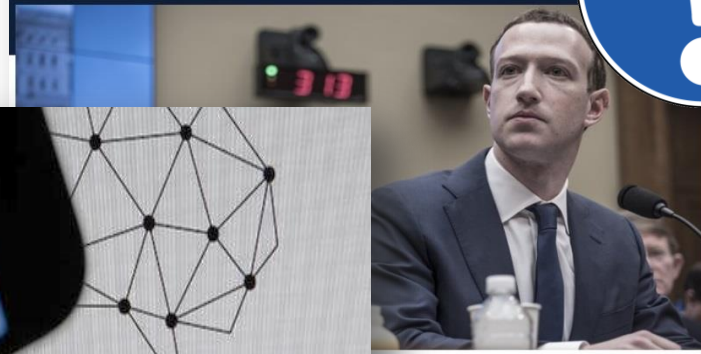
SAN FRANCISCO (Reuters) - Facebook Inc said on Wednesday the personal information of up to 87 million users, mostly in the United States, may have been improperly shared with political consultancy Cambridge Analytica, up from a previous news media estimate of more than 50 million.



## Trust in Facebook has dropped by 66 percent since the Cambridge Analytica scandal

Sixty-five percent of survey respondents say they want Facebook to disclose how it uses the information it collects.

by Herb Weisbaum / Apr. 19, 2018 / 3:00 AM ET



Sources: Reuters; NBC News

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# Privacy Incidents

Privacy  
Implications

Social  
Implications

Ethical  
Implications

Moral  
Implications

Economic  
Implications

**Solution → Data Ethics**

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# Ethical Approach to Data Processing

Meeting the legal requirements of compliance and accountability to recognise the intrinsic values of data privacy rights would be improved by the ethical approach including a fair and ethical use or processing of data. Data users need to add value beyond just complying with the regulations. Perhaps it is high time we developed an equitable data privacy right for all stakeholders.

*Welcoming Remarks by the Privacy Commissioner for Personal Data, Mr Stephen Kai-yi Wong, at The 39th International Conference of Data Protection and Privacy Commissioners (28 September 2017)*

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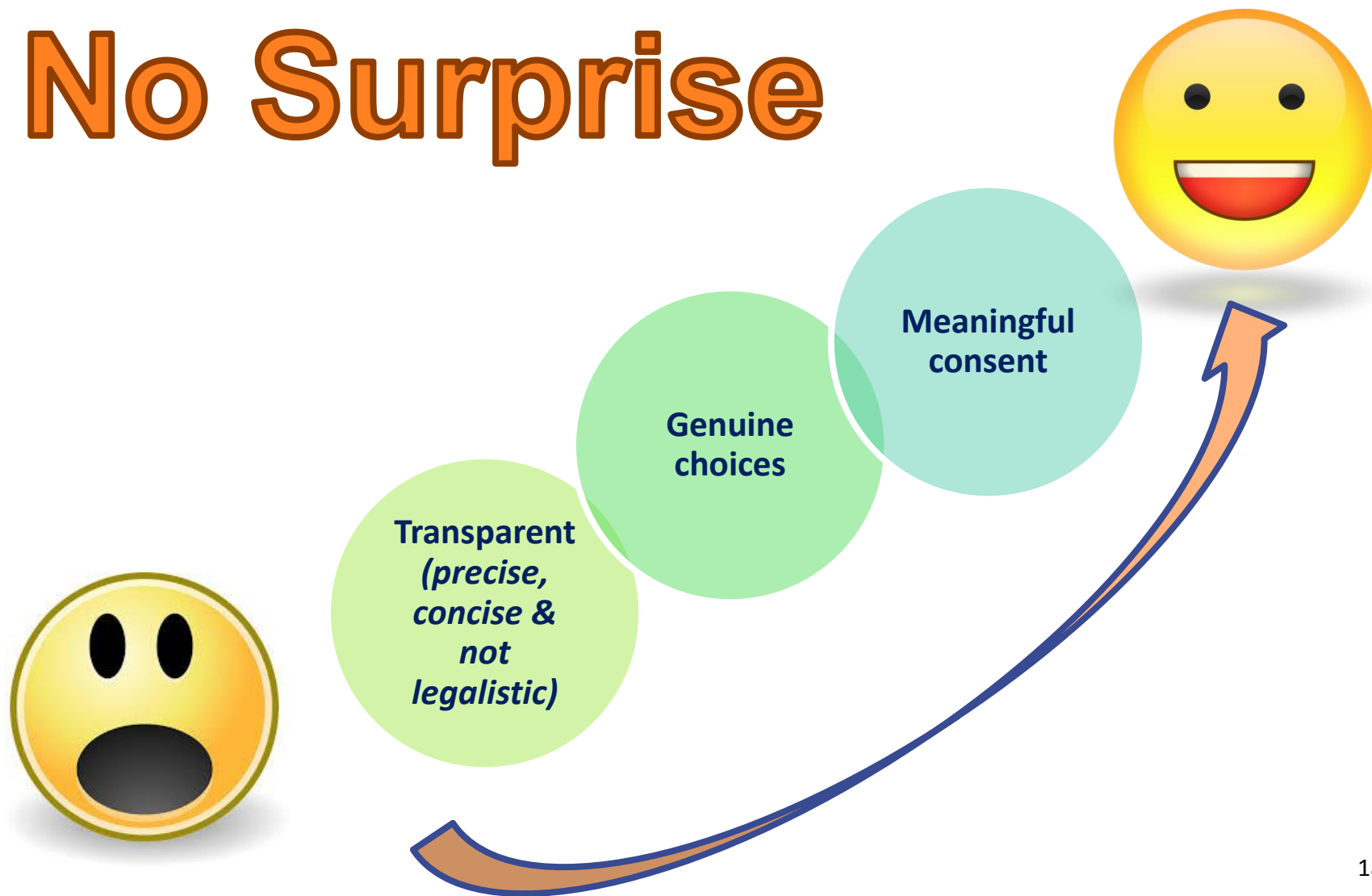


# Data Ethics and Trust



- No Surprise to Consumers
- No Harm to Consumers

# No Surprise



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# No Harm



**Accountability - risk-based approach**

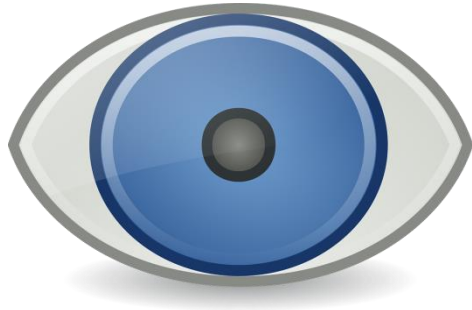
**Privacy impact assessment**

**Respect consumers' rights and interests**

**Data ethics / equity**

# Protect, Respect Personal Data

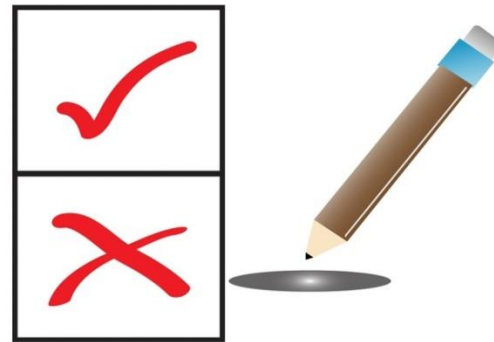
## Transparency



E.g. explain what data is collected  
and purposes of use

prepare a clear and easy-to-  
understand privacy policy

## Meaningful Choices

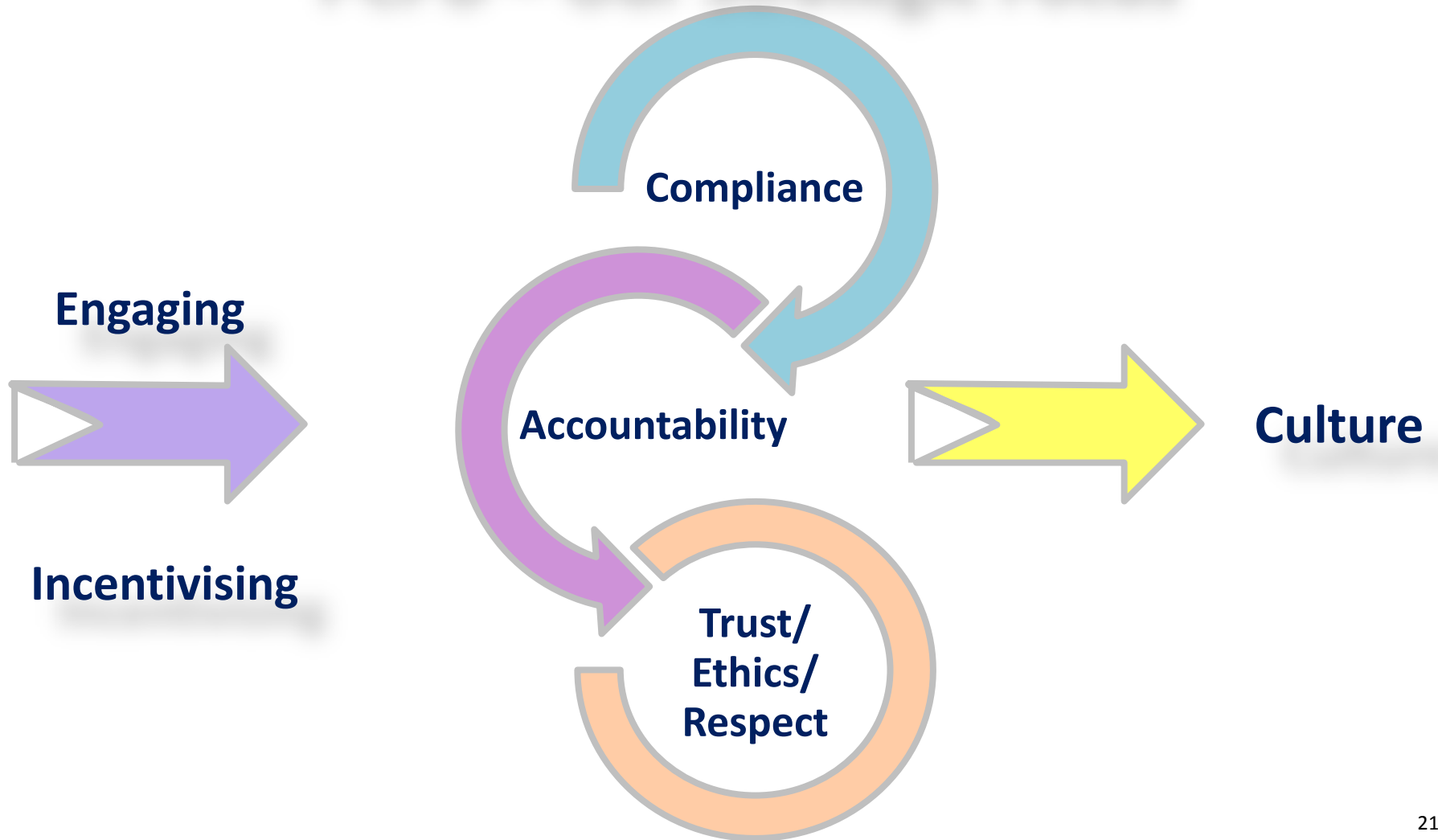


Allow individuals to:

- opt-out from online tracking
- object to profiling



# PCPD – Our Strategic Focus



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спасибо  
danke 謝謝  
ngiyabonga  
teşekkür ederim  
dank je  
gracias  
tapadh leat  
moichchakkeram  
go raibh maith agat  
arigatō  
takk  
dakujem  
merci  
ευχαριστώ  
kop khun krap  
sukriya  
sagolun  
hvala  
maururu  
dziękuję  
bedankt  
obrigado  
terima kasih  
감사합니다