iBDG Press Conference

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Discharge of PDPO duties for data trading / data exchange

Stephen Kai-yi WONG, Barrister Privacy Commissioner for Personal Data, Hong Kong

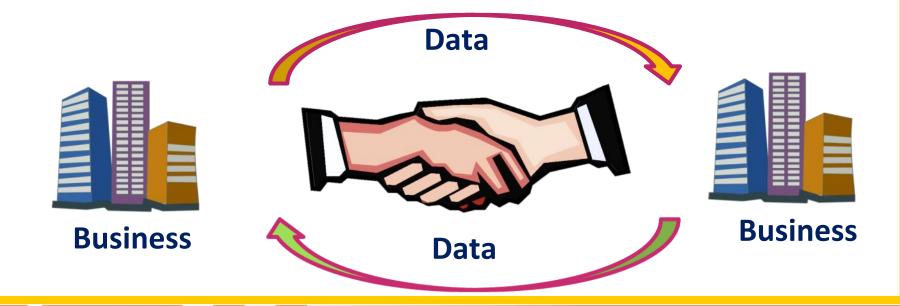




Data trading or data exchange



Data trading or data exchange





Is data trading /exchange allowed under PDPO?



How data users who carry out data trading /exchange discharge their duties under PDPO?

- **1. Personal Information collection statement (PICS)**
- 2. Obtaining data subjects' consents
- 3. Adopting data anonymization







Relationship between DPP1(3) and PICS

• DPP1(3):

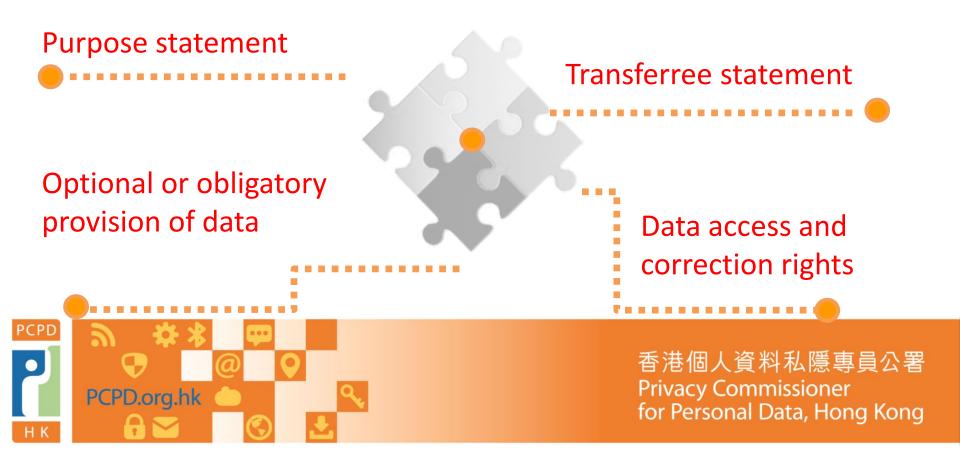
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a data user must take all reasonably practicable steps to inform a data subject, on or before collecting his/her personal data, of some information

PICS: A statement given by a data user for complying with DPP1(3)

What information should be provided in a PICS?



(2) Data subjects' consents



DPP3

DPP3:

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Personal data must only be used for the original collection purpose or directly related purpose <u>unless with data</u> <u>subject's express and</u>

voluntary consent

(3) Data anonymization

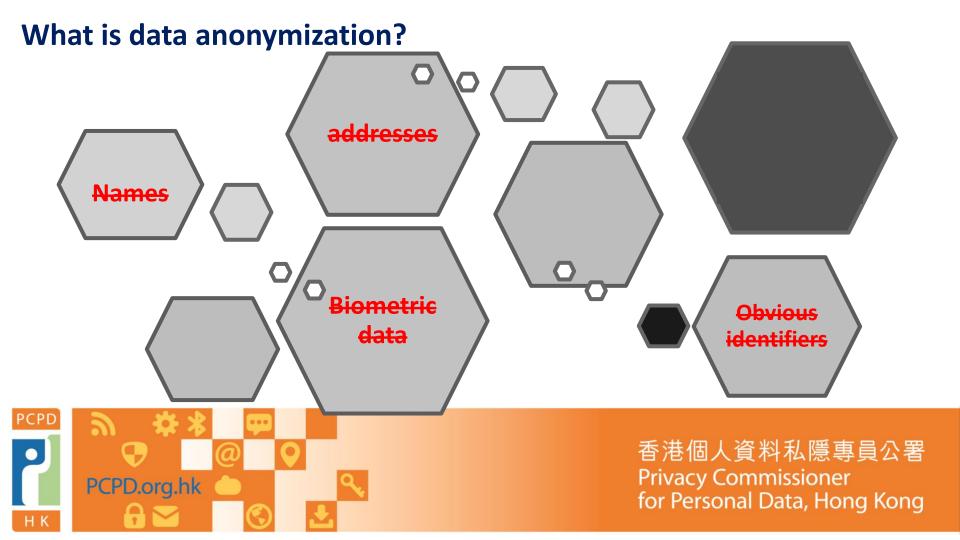


What is data anonymization?

 A process commonly used to get rid of or obscure "personal data" from information



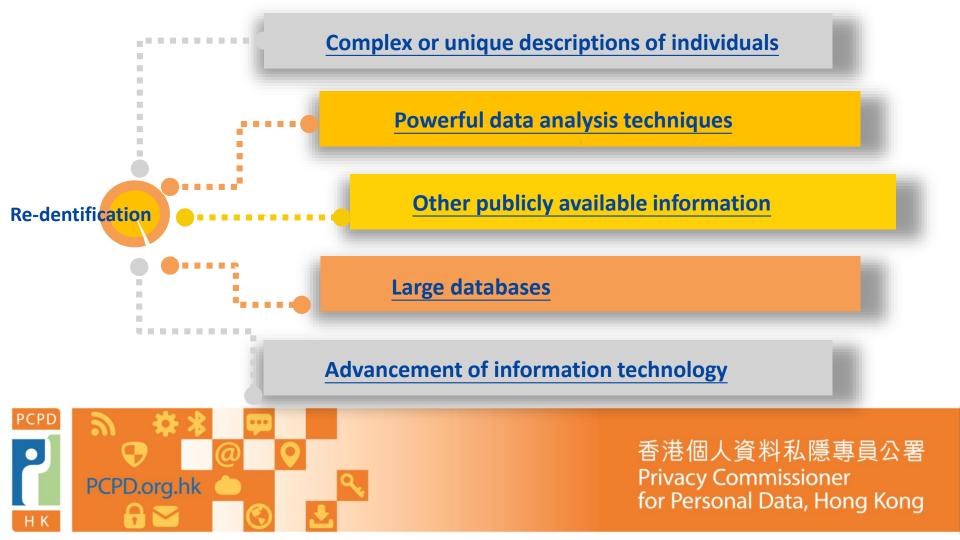




Re-identification – Risk of anonymization







Anonymized data governed under PDPO?

"Personal data" under PDPO means any data – (a) ...

(b) from which it is practicable for the identity of a living individual to be directly or indirectly ascertained from the data;

(c) ...



Anonymized data is not considered as personal data under PDPO





Difficulty in applying definition of "personal data"

No knowledge that other data is available to render re-identification

香港個人資料私隱專員公署

for Personal Data, Hong Kong

Privacy Commissioner

Concept of "identify" and "anonymize" is not straightforward

(e.g. direct identification and indirect identification)

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Potential problem for disclosing anonymized data





Management and mitigation of privacy risks from re-identification

- Periodic review of privacy policy
- Assessment of risk of re-identification
- Take appropriate action





Download our publications:

私隱管理系統

Privacy Management Programme



Ethical Accountability Framework for Hong Kong, China

A Report prepared for the Office of the Privacy Commissioner for Personal Data

Augheris and Model Assessment Framework



Data Ethics for Small and Medium

formation Leaflet

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Guidance

Note Guidance on Personal Data Protection in Cross-border Data Transfer

PREASER STATE

PART 1: INTRODUCTION	(a) The place is specified by the Privacy Commissioner for Personal Data the "Commissioner" is posice in the Capital
Section 13 of the Protonal Data (Privary) Ordinance the 'Ordinance') prohibits the partyre of arrownal data to share ourside Hore.	*Commission(7) by notice in the Calotte (b)) there is in three any low which is substantially similar to, or serves the same purposes as, the Ordinarces
basiser of personal data to place durate Hong, Kong annua one of a sub-transfer of conditions is met. The purpose of such cross-bonder transfer- reontration is to ensure that the transferred personal data will be attorned as level of protection comparable to that under the Ordinance.	(b) The data user has reasonable grounds for believing that here is in force in that place any low which is subtrantially initial is, or serves the same purposes as, for Ceditures:
Altisuch section 33 is not yet effective, this Guidarter serves as a practical apple for data	 the data subject has conserted in writing to the transfer;
Constructions of a place transport the main operation of the construction of section 23 of the Ostimation at height the interactional their correlations shifting them into the section of the construction of the section to a section of the construction of the section of the section of the section of the section of the transfer reservation are deall with in this Guidance.	all The data user has ressorable grounds for believing that the transfer is for the avoidance or majoritor of adverse arrive against the data tablyer. It is not practicable to obtain the constraint in practicable to obtain the constraint of the second second second second built if it was practicable, such consent would be revent.
Regardless of when section 31 will take effect, data users are encouraged to adopt the practices recommendar in the Galdance as part of their corporate poventance responsibility to proset personal data.	in: The data is everyte bott Data Protection Principle ("DTP") 3 by visitue of an exemption under Part VIII of the Ordnarce or
The legal requirements Section 13(2) specifies that a data user shall not marsfer personal data to a place ounside Hong.	(i) The data user has taken all reasonable procautions and exercised all due difference to ensure that the data will not in this drive to enforced both.



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