

# iBDG Press Conference

14 May 2020 | Hong Kong Productivity Council

## 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



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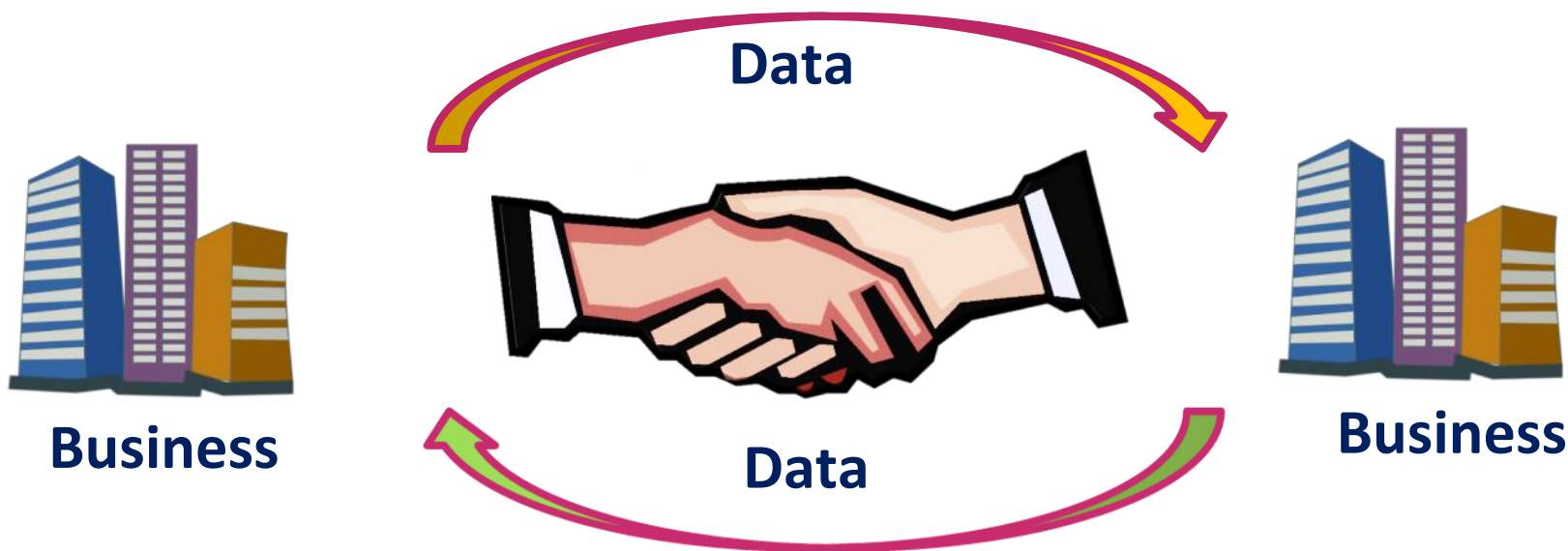


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# Data trading or data exchange



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# Is data trading /exchange allowed under PDPO?

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# 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

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# (1) PICS



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# Relationship between DPP1(3) and PICS

- **DPP1(3):**  
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?

Purpose statement



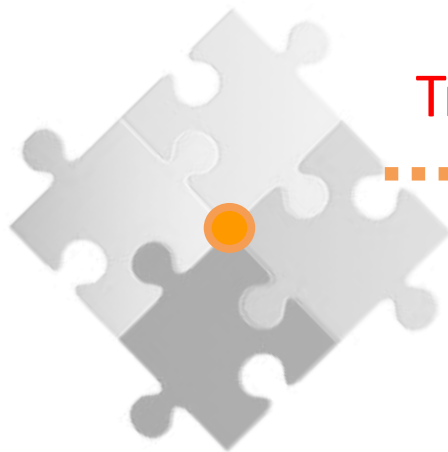
Transferree statement



Optional or obligatory provision of data



Data access and correction rights



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## (2) Data subjects' consents



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# DPP3

- **DPP3:**  
Personal data must only be used for the original collection purpose or directly related purpose unless with data subject's express and voluntary consent

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# (3) Data anonymization



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# What is data anonymization?

- A process commonly used to get rid of or obscure “personal data” from information



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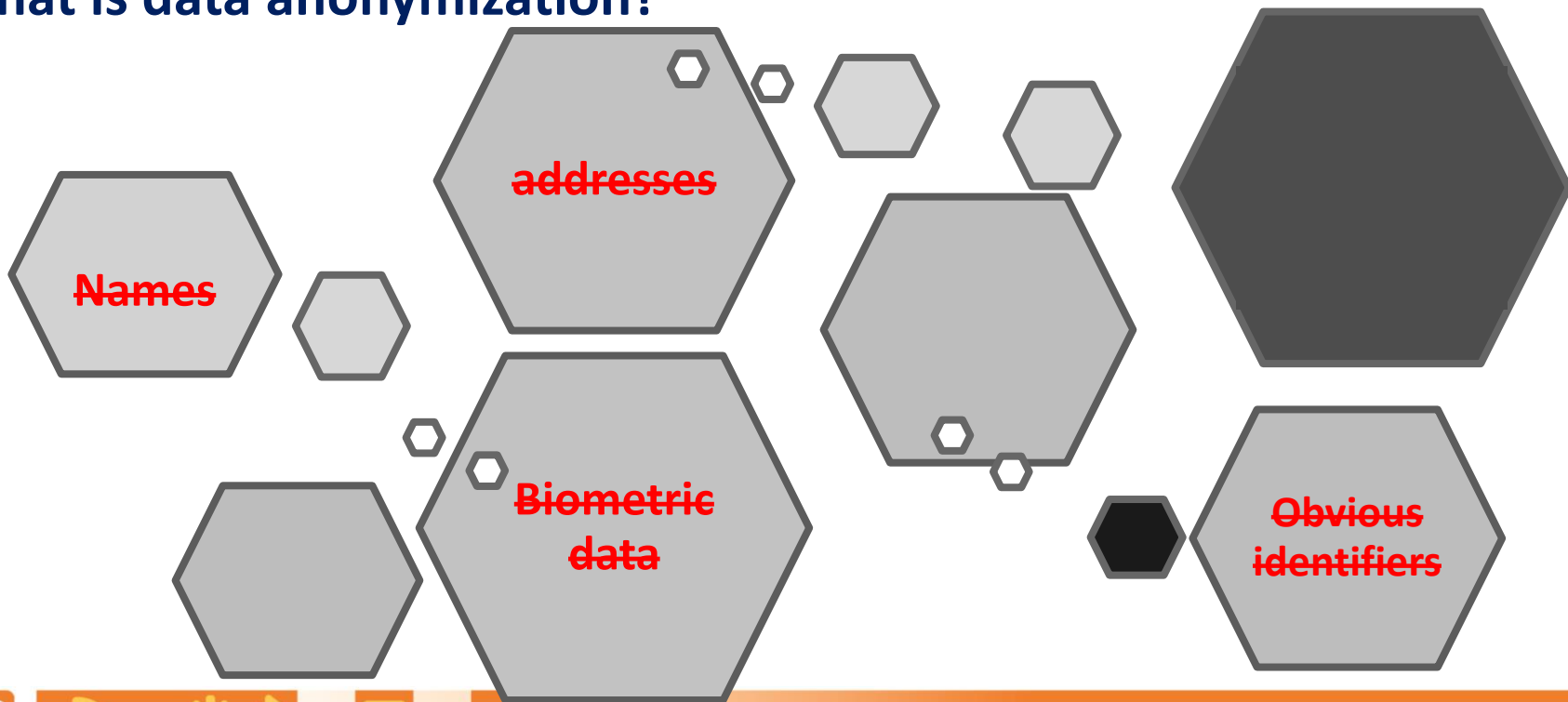


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# What is data anonymization?



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# Re-identification – Risk of anonymization



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Re-identification

Complex or unique descriptions of individuals

Powerful data analysis techniques

Other publicly available information

Large databases

Advancement of information technology

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# 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

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# Difficulty in applying definition of “personal data”

Concept of “identify” and  
“anonymize” is not straightforward  
(e.g. direct identification and indirect  
identification)

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

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# Potential problem for disclosing anonymized data



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# Management and mitigation of privacy risks from re-identification

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

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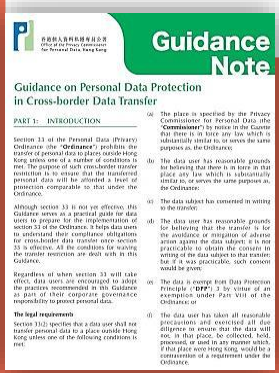
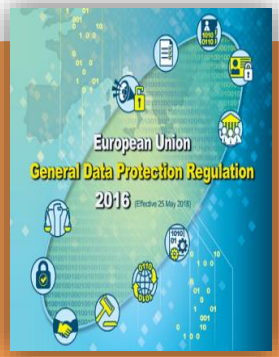
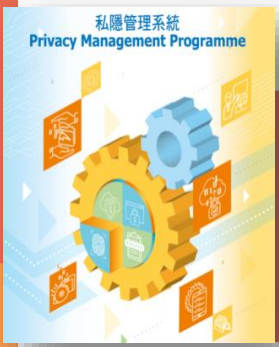
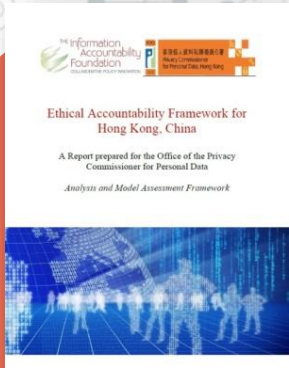
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