

Types of Self-regulation

Self-regulation by industry

Self-regulation by individual organisation



Self-regulation by industry

- trade associations, professional bodies, etc. draft and enforce their own rules, and execute punishment
- a form of entrusting regulatory function to the private sector
- may not require specific external regulator



Self-regulation by individual organisation

- an organisation formulates its own policy, procedures and practice to ensure compliance with the regulation
- the organisation also needs to ensure compliance with the internal policy, procedures and practice by its staff members
- specific external regulator may still be required



Case study: Self-regulation by the industry



香港報業評議會

有限公司

HONG KONG PRESS COUNCIL
LIMITED

Hong Kong Press Council

Background

- public concerns over intrusion to privacy (especially of the artists and other public figures) by the media
- in 1999, the **Law Reform Commission** (LRC) proposed the setting up of statutory body to handle media intrusion of privacy
- in 2000, the **newspaper sector** set up the Hong Kong Press Council to enhance professional standards of the industry
- a **self-regulatory** body form by the newspaper sector, rather than a statutory body as proposed by the LRC

Hong Kong Press Council

Objectives

- promote ethical standard and self-discipline
- uphold freedom of press
- receive and handle public **complaints**
- promote public understanding on news media and their roles in society





Hong Kong Press Council

Directives made by the Press Council may include-

- the newspaper or its editor, publisher, contributor et al be **reprimanded**
- the newspaper **publishes the directive** or a summary of the **findings** of the proceedings
- the newspaper gives a **written apology** to the complainant (may include publishing the apology in newspaper)

No. of Complaints Handled

	Hong Kong Press Council	Privacy Commissioner
2013		
- Related to privacy	4 (5%)	NA
- Related to media	NA	27 (1.5%)
- Total	73	1,792
2014		
- Related to privacy	3 (5%)	NA
- Related to media	NA	28 (1.6%)
- Total	60	1,702
2015		
- Related to privacy	3 (12%)	NA
- Related to media	NA	25 (1.3%)
- Total	26	1,971

The low complaint figures (with majority unsubstantiated) may indicate the effectiveness of self-regulation by the media.

Self-regulation by individual organisations:

私 隱 管 理 系 統

Privacy
Management
Programme

Privacy Management Programme

- Initiated by the Hong Kong Privacy Commissioner
- Not a legal requirement
- A **strategic framework** to assist an organisation in complying with the legal requirements of Personal Data (Privacy) Ordinance
- A **paradigm shift**...

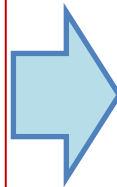
*From Compliance
to Accountability*

From Compliance to Accountability

Paradigm Shift

Compliance approach

- passive
- reactive
- remedial
- problem-based
- handled by compliance team
- minimum legal requirement
- bottom-up



Accountability approach

- active
- proactive
- preventative
- based on customer expectation
- directed by top-management
- reputation building
- top-down

Privacy Management Programme

- Published by the Privacy Commissioner in February 2014:



Components of a PMP

Part A: Baseline Fundamentals

Three Organisational Commitments

1. Buy-in from the Top

2. Data Protection Officer

3. Reporting

Seven Programme Controls

1. Personal Data Inventory

2. Policies

3. Risk Assessment Tools

4. Training & Education

5. Breach Handling

6. Data Processor Management

7. Communication

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Components of a PMP

Part B: Ongoing Assessment and Revision

1. Oversight & Review Plan

2. Assess & Revise Programme Controls where necessary

The PMP Best Practice Guide **does not...**

provide a
“one-size-fits-
all” solution

constitute a
legal
requirement

provide direct
guidance for
compliance
with specific
provisions of
the Ordinance

impose
prescriptive
obligations

Instead, the PMP is **flexible**
enough for organisations of
any size and nature to adapt
to.

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115 entities pledged to implement the PMP

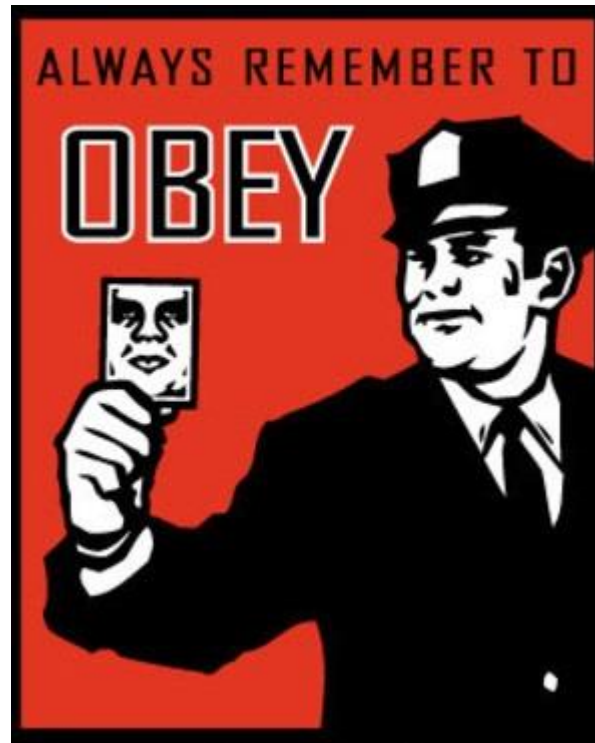


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We will continue promote the PMP, which include: professional workshops, online platform

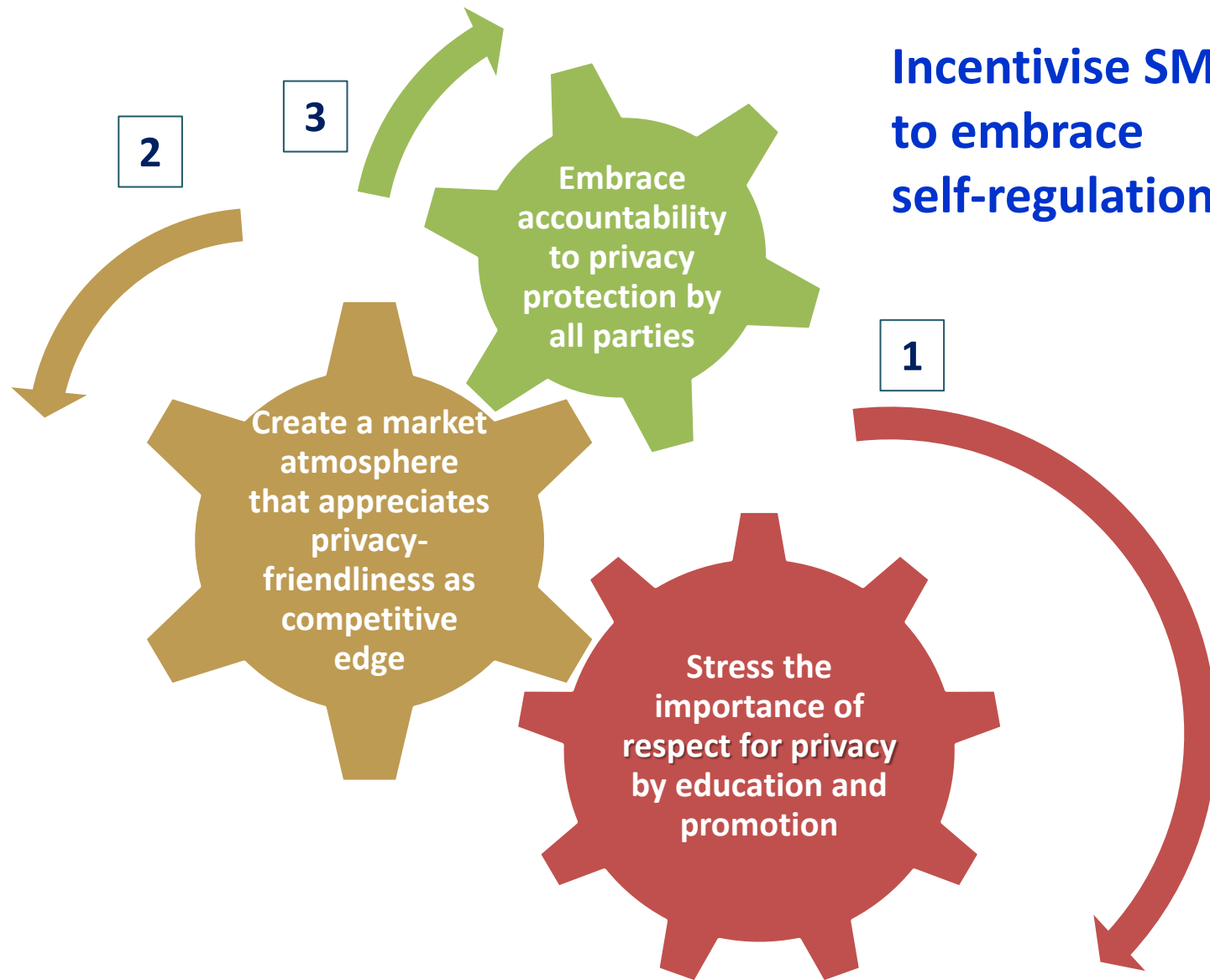


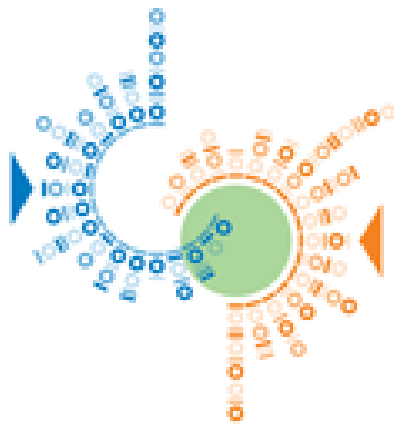
Incentivise SMEs to embrace self-regulation



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Incentivise SMEs to embrace self-regulation





**International
Conference**
of Data Protection and
Privacy Commissioners
25-29/9/2017 Hong Kong



Stay tuned for updates on
www.privacyconference2017.org

Thank You!