

West Meets East in Protecting and Respecting Data Privacy

This world-class annual conference only twice convened in Asia since it was first held in 1979 – both times in Hong Kong and were 18 years apart. On this occasion, it was also to commemorate the 20th anniversary of the establishment of the Hong Kong SAR. The 39th International Conference of Data Protection & Privacy Commissioners (ICDPPC) convened in Hong Kong from September 25th to 29th, gathering more than 750 representatives from Data Protection Authorities, business leaders, ICT professionals and academics from over 60 countries or regions to exchange views and to promote the development of international standards on protection of personal data. After his appointment in 2015, Privacy Commissioner for Personal Data, Hong Kong Stephen Kai-yi Wong took on the challenge of hosting the event as one of his important goals “to showcase the developments arising from technology and data evolutions in the mainland of China as well as other Asian countries”.

The ICDPPC was first convened in 1979 in Germany, and the conferences in the first 20 years were primarily held in European locations. Hong Kong became the first jurisdiction in Asia to have a comprehensive piece of legislation on personal data privacy and an independent Privacy Commissioner for regulatory work when the Personal Data (Privacy) Ordinance (Cap 486) (the Ordinance) came into force in 1996 and the Privacy Commissioner for Personal Data, Hong Kong (PCPD) was established in the same year as an independent statutory body to oversee the enforcement of the Ordinance.



The Guest of Honour and Secretary for Justice of Hong Kong SAR, The Honourable Rimsky Kwok-keung Yuen delivering the opening speech at the 39th ICDPPC

The PCPD actively follows up on complaints from members of the public to ensure data users, from public or private sector, comply with the Ordinance. In addition, it is moving beyond enforcement to broader engagement with stakeholders through promotion and public education. Wong shared that the success of the “Clean Hong Kong Campaign” is a good demonstration on how preventive efforts can go hand in hand with prohibitive measures in achieving goals. The PCPD is investing an increasing amount of resources in educational programmes, organising classes and seminars for members of the public as well as professional practitioners to cultivate the culture of protect and respect data privacy.

An important topic of the conference is the European Union’s impending implementation of its General Data Protection Regulation (GDPR) next year, which will impose substantial financial penalty on corporate offenders. Given the diversified

“That was a real pleasure for me to work together with you and your team. The bar for the next ICDPPC Organising Committee was set really on high level”

Wojciech Rafal Wiewiorowski, Assistant Supervisor, European Data Protection Supervisor



A full house of participants

“Usually, after these conferences I can think of more to add to my list of 44 suggestions for conference organisers but on this occasion, I cannot think of any additional points”

Stewart Dresner, Chief Executive, Privacy Laws & Business

business or transaction models (e.g. online transactions), it is important for businesses in Hong Kong to ascertain if the GDPR is applicable to them, and to keep up with the new changes. The PCPD will publish guidance and organise seminars to help local organisations and professionals better understand the GDPR and its application. It is also noted that organisations in Hong Kong are generally wary of negative publicity generated by infringement of the Ordinance that can impugn their goodwill and reputation. It provides a powerful incentive for compliance, and paves the way for the PCPD to work closely with businesses in Hong Kong in formulating internal guidelines and best practices in data protection.

Advancement in technology, rapid growth in online activities, and ubiquity of the mobile platform have all aggravated the threat to privacy and the risk of personal data abuse. Alternative strategies were suggested by speakers and panellists at the conference to address the challenges arising from deployment of technologies that has led to the rise of data analytics and use



Chairperson of the ICDPPC John Edwards presenting an award to Privacy Commissioner Stephen Kai-yi Wong



Privacy Commissioner Stephen Kai-yi Wong delivering a speech at the 39th ICDPPC

of “Big Data” enabled by widespread collection and processing of personal data. “Accountability” and “transparency” were offered as models of good corporate governance to complement the “notice and consent” process – which mirror the ethical approach of building “trust and respect” advocated by the PCPD as well as Data Protection Authorities worldwide. Wong said data users should do more than just complying with the regulations, and an “equitable” data privacy right should be developed for all stakeholders.

With increasing reliance on ICT as the backbone of growing international trade and other exchanges, the volume of international data flows has escalated exponentially. The demand generated by China’s Belt and Road Initiative (BRI) will only exacerbate the trend. Because of its strength in the free flow of information, its protection of freedoms and human rights, and its data protection law and framework, Hong Kong is well poised to become the data hub for the BRI within one country but outside the jurisdiction of the mainland of China, facilitating transfer and storage of data, connecting and converging ideas and information between the mainland of China and the rest of the world.

During the conference, winners of the ICDPPC Global Privacy and Data Protection Awards were also announced, including the PCPD’s “Be SMART Online Thematic Website Enhancement”

project that won the “Use of Online Tools” category award. Guests of Honour and speakers for the conference included the Honourable Rimsky Kwok-keung Yuen (GBM, SC, JP, Secretary for Justice, Government of the Hong Kong SAR), the Honourable Patrick Tak-kuen Nip (JP, Secretary for Constitutional and Mainland Affairs, Government of the Hong Kong SAR), and the Honourable Charles Peter Mok (JP, Member of the Legislative Council – Information Technology, Hong Kong SAR).

“In my 30 years of career in HSBC, I have attended numerous conferences locally and in overseas’, and I have to say that this is one of the most remarkable and impressive conferences that I have ever attended – contents, logistic arrangements, hospitality of the organizers, location, are all first class!”

Thomas C M Yung, Head of Data Protection, The Hongkong and Shanghai Banking Corporation Limited

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