

**26th International Conference
on Privacy and Personal Data Protection**

“The Right to Privacy – The Right to Dignity”

14~16 September 2004 ~ Wroclaw, Poland

Presentation on

**Using Effective Communications Strategies
To Keep Privacy on the Community Agenda:
The Hong Kong Experience**

at

Parallel Panel Session: Tuesday, 14 September 2004

“The Individuals’ Awareness of the Right to Privacy”

by

Raymond Tang

Privacy Commissioner for Personal Data

HKSAR



個人資料私隱專員公署

**Office of the Privacy Commissioner
for Personal Data**

Table of Contents

1	Introduction	1
2	Characteristics of the PCO's Communications Programmes	2
3	Corporate Communications ~ The Introductory Phase	3
4	Corporate Communications ~ The Consolidation Phase	8
5	The Road Ahead	12

Appendices

I	PCO Promotion and Education ~ Introductory Phase (1996 – 2000)	
II	PCO Promotion and Education ~ Consolidation Phase (2001 – Present)	

1 Introduction

1.1 When the Office of the Privacy Commissioner for Personal Data (“the PCO”) commenced operations nearly eight years ago it was a little known and even less well-understood organization. With the passage of time we have become an organization that enjoys widespread recognition both locally and regionally. A key factor contributing to the profile we have in Hong Kong has been a pre-occupation with identifying information needs in the community and satisfying those needs with effective communications programmes. Over the years these programmes have progressively built towards a shared understanding of what is a rather vague concept - privacy - more precisely in Hong Kong, personal data privacy.

1.2 With nearly eight years experience behind us we are now in a reasonable position to reflect upon what we have been able to achieve. No longer do we need to tell people who we are because the first phase of entrenching community awareness has been accomplished. Nonetheless, I maintain that we are still in the business of creating awareness although the emphasis has shifted somewhat. Our present focus is geared towards two things: enhancing the depth of understanding within our community and creating a widely accepted social value for privacy. Neither task is easy. In the first instance the limitations imposed in a vastly over-communicated world mean that we have to cut through a lot of background ‘noise’ to get our message embedded in the minds of our target audiences. Having said that, we are constantly seeking to be creative in finding ways of efficiently using our limited resources to keep the notion of privacy both contemporary and at the forefront of peoples’ minds.

Our communications activities also need to be selective because they are constrained by limited funds. In more recent years we have been obliged to resort to lower cost communication solutions rather than more visible above-the-line advertising using conventional media such as TV and press campaigns.

1.3 In terms of creating a culture in which privacy is valued the task is much longer term and involves essentially two inter-related activities: getting buy-in to the idea that privacy is a value that all members of society should respect and changing community behaviours. We seek therefore to enhance levels of awareness and encourage the community to take the business of protecting their privacy seriously. I regard this long-term goal as a race without a finish line: one in which our main weapon against complacency is communications programmes that deliver clear and consistent messages.

1.4 In this paper I would like to share with you some reflections upon the way in which we have developed an understanding of privacy in the community and are, at the moment, involved in trying to create a culture that respects personal data privacy. What I want to do is to depict the communications issues that have emerged as the PCO has evolved and look at the strategies we have formulated for addressing those issues. Inevitably our communication objectives and attendant strategies have had to be redefined, or at least fine tuned from time to time, because what we are dealing with is dynamic: a moving target if you like.

1.5 Later on I will turn to a more specific review of the type of communications programmes we have devised to address the issues and the way in which we have developed partnerships with other organisations in order to harness some synergy. Without wishing to appear self-satisfied I think our communications programmes have worked quite well and we have evidence, other than my own claims, to support this view. That evidence is drawn from the regular opinion surveys we conduct into the perceptions and attitudes held by data users and data subjects towards personal data privacy.

Before discussing the evolution of the communications strategies of the PCO over the course of the past eight years, I would like to set the stage by discussing some of the key features that characterize our communications efforts.

2 Characteristics of the PCO's Communications Programmes

2.1 I think that the PCO's development of effective communications programmes has been characterised by a number of recurrent themes.

2.1.1 ***The need to maintain a high profile among data subjects and data users alike by creating awareness of, and interest in, the PCO, personal data rights and related privacy issues.***

Now, this may seem a statement of the very obvious, but as I shall endeavour to demonstrate later, the idea of the PCO creating awareness has not been something that has been uniform over the eight years of its existence. That is, creating awareness today is not a carbon copy of creating awareness at the time we first began operations. Similarly, the way we have approached the matter of awareness among data users has been different from data subjects primarily because the former are more heterogeneous and the latter more homogeneous in their composition. Nonetheless, these differences aside, a central objective has been to give personal data privacy a level of public visibility that creates awareness and stimulates interest and public debate in the subject.

2.1.2 ***The PCO has consistently sought in its communications programmes to create a social value for privacy.***

I think that there are two issues at stake here. Firstly, it is quite evident to me that privacy is not a commodity that possesses some uniform value within the community. My view would be that the value people attach to privacy is spread along a continuum ranging from more or less importance to the individual. Our approach has been to avoid preaching to the converted, who admittedly were in a minority, and concentrate our efforts upon those who hitherto had attached little, if any, significance to privacy. In so doing I think we felt that the 'pay-off' would be better in terms of creating the privacy culture that we wanted.

Secondly, we had to recognize that if we did not create social value for privacy then we would not be regarded as an important area of social policy within society. What I am implying is that we could regard ourselves as being in 'competition' with other social policy issues for the public's attention e.g. environmental protection, which had a considerable head start on personal data privacy. Only by creating social value through our communications programmes could we expect to make our mark and be recognized as something of a force to be reckoned with.

2.1.3 ***The desire to create a privacy-aware culture in which members of the community respect the privacy of others.***

This is something of a longer-term objective that we have turned our sights towards in more recent years. What we want to achieve is a culture in which there is universal respect for privacy as a human right, just as freedom of speech and other rights are respected in Hong Kong. Once again, we are concerned with changing behaviours here and that will probably take a generation to achieve. In fact we have already mounted a concerted effort to appeal to children, youngsters and teenagers and intend to redouble our efforts directed towards young people in the future.

2.1.4 ***Converting latent demand for the PCO's services into actual demand.***

Our experience of privacy is that it is something that people have a tendency to take for granted and not until they lose it or feel that it has been violated do they approach the PCO, by default as it were. Our communications programmes have therefore consistently sought to make members of the community proactive around their personal data privacy as distinct from reactive. The way in which we have worked towards this end is by making the public aware of the threats to their privacy and by

informing them of the defensive measures they should take in order to protect it. I think the message is getting through to the better-educated and more informed members of our society although we still have a long way to go and this is reflected in the level of complaints we continue to receive.

- 2.2 These four elements, raising the PCOs profile, inculcating a social value for privacy, the creation of a privacy-aware culture and the development of a proactive mentality towards the protection of personal data have become generic features of our communications programmes. Of course, these have been supplemented with campaign-specific objectives but we regard these four elements as the bedrock of our communications efforts. Essentially they address goals that appeared, and continue to appear, central to our need to deliver clear and consistent messages to the community in our bid to build awareness, recall, understanding and interest in what we do at the PCO.
- 2.3 I would like now to move on to a review of how our communications strategies have evolved over the years. To do this I will divide the eight years we have been in operation into two separate but related phases: the introductory and consolidation phases. I have done this because I feel that there has been a shift in emphasis in our communications that reflects changes within the community in terms of depth of public understanding of personal data privacy.

3 Corporate Communications ~ The Introductory Phase

- 3.1 Since commencing operations in 1996, the PCO, its communications strategies and related programmes have undergone progressive change as it has amassed experience and knowledge. The introductory phase was one that could best be referred to as exploratory in nature as there was no accumulated experience to draw upon. The timeframe under discussion here is between 1996 and 2000. However, before looking at the introductory phase I would like to digress slightly by giving brief exposure to what I have termed 'the 1997 factor.' I feel that the focus this phenomenon created in the community acted as a stimulus and boosted public interest in personal data privacy.

3.2 The 1997 Factor

In the period leading up to the handover of Hong Kong, and its return to the sovereignty of the People's Republic of China ("the PRC"), there was a good deal of public debate and media exposure of community issues and anxieties that typified a period of uncertainty. One of the anxieties was that the freedoms and human rights that were an essential ingredient of the Hong Kong way of life would be swept away after the changeover. There was considerable hand wringing at the time largely, I suspect, because of fear of the unknown. The more pessimistic observers were of the view that the Basic Law (the constitution of Hong Kong), negotiated between Britain and China, would not be legally robust enough to preserve traditional Hong Kong freedoms and values. There was therefore a fairly prevalent belief that human rights would, over time, be eroded and reduced to 'shop window' status.

Of course one of the human rights in the media spotlight was that of privacy. This was for several reasons. Firstly, because the origins of the legal protection of this human right lay in the West, the view taken was that it might, like other freedoms and human rights with a strong Western association, become something of a bone of contention between the Hong Kong and Beijing authorities. Secondly, it is important to realize that Hong Kong society is not a mirror image of PRC society in terms of common perceptions, values and freedoms. The latter have been impacted by, and are largely the product of, different traditions and historical circumstances. As a result Hong Kong and China place a rather different emphasis upon the notion of personal data privacy.

The interesting thing though is that subsequent events demonstrated that speculative musings regarding the demise of human rights in Hong Kong were unfounded, notably in terms of concerns expressed relating to privacy which is very much alive and well.

3.3 Target Audiences

Essentially the communications programmes developed by the PCO need to meet the information needs of two audiences: data subjects and data users¹. However, it would be wrong to convey the impression that both groups have homogeneous needs. While something of a uniform approach to both audiences may have been engaged in the start-up phase our approach to data users and data subjects has evolved over the years. The changes we have observed have necessitated segmentation, a refinement of needs and the tailoring of messages to more effectively address those needs. Our primary task has been to secure a general understanding within each target audience of respective privacy issues, rights and obligations.

3.4 Key Communications Objectives

The PCO established three key communications objectives during the introductory phase of its operations.

- 3.4.1 To inform data subjects of the personal data privacy rights afforded them under the provisions of the Ordinance, how best to protect their personal data privacy and the consequences of not doing so.
- 3.4.2 To inform data users of their obligations under the law in terms of the collection and handling of personal data and the need to remain compliant with the provisions of the Ordinance².
- 3.4.3 To make the PCO's existence and services e.g. complaints handling, known to the community as well as informing them of how they could avail themselves of these services.

3.5 *To inform data subjects of the personal data privacy rights afforded them under the provisions of the Ordinance, how best to protect their personal data privacy and the consequences of not doing so.*

In the beginning there was a sharp learning curve for all staff at the PCO, many of whom have a legal background and understand the rather tortuous terminology of the Ordinance. However, that level of understanding could not be extrapolated to the general public and the PCO did not immediately change that simply by virtue of its existence. We needed to be sensitive to the way in which we promoted privacy to the general public in order to avoid intimidating or alienating them. The situation presented something of a communications challenge in that it required a user-friendly approach towards the dissemination of a subject that is complex in nature. Initially therefore we decided to be selective in communicating core messages that concentrated upon key aspects of privacy e.g. the substance of data subjects personal data privacy rights. We also wanted to avoid seeing our communications programmes as a one-way street by seeking to capture the imagination of the public and getting them involved in the work of the PCO³.

¹ The Personal Data (Privacy) Ordinance states that, "a data subject in relation to personal data, means the individual who is the subject of the data". Typically this would be the individual from whom personal data is collected. A "data user in relation to personal data, means a person who either alone or jointly or in common with other persons, controls the collection, holding processing and use of the data".

² It should be noted that the Personal Data (Privacy) Ordinance does not discriminate against, or favour, any particular category of data user. The provisions of the Ordinance apply equally to the public and private sectors and to all data users irrespective of their size.

³ One such illustration of arousing community interest was to run a competition among the public for the design of a logo for the PCO.

3.6 ***To inform data users of their obligations under the law in terms of the collection and handling of personal data and the need to remain compliant with the provisions of the Ordinance.***

In many ways this is altogether something more difficult to achieve in that, in the case of data users, we were, and still are, intent on getting them to invest resources in privacy training and privacy compliant policies and procedures. However, not everyone shares our enthusiasm for such things. As a person who has had experience in two regulatory bodies in Hong Kong I think I would have to admit that where regulators are involved in the activities of the private sector there will always be those who are reluctant to embrace the doctrine espoused.

At the PCO we have tried to head that potential problem off by seeking to develop partnerships with economic sectors, chambers of commerce, trade and professional associations in a bid to persuade data users in all sectors that there is merit in being privacy compliant. There have been two recurrent themes to our pitch. Firstly, that good privacy practices benefit data users in building trust and confidence between them and their customers [notably in the medium of E-business] and in building mutual trust and respect between them and their employees. Secondly, we have taken the view that good privacy policies and practices are indicative of good corporate governance and that can only be beneficial to all stakeholders.

3.7 ***To make the PCO's existence and services e.g. complaints handling, known to the community as well as informing them of how they could avail themselves of these services.***

I think we were quite successful here, particularly in working with and gaining the support of the media. Extensive media exposure ensured that privacy issues remained in the public eye and reminded people that they did have rights and could seek redress where those rights had been violated.

In the period from start-up to 2000 our enquiries caseload rose from nothing to a cumulative total of 51,525 enquiries. In the same period our complaints caseload rose from nothing to a cumulative total of 1,291. In 1997, only 16% of individuals stated that they would go to the PCO to make a complaint if they felt that their personal data privacy rights had been infringed. The corresponding figure increased to 24% by the year 2000. What this basically told us was that we seemed to be getting our message across. Interest in the PCO and privacy issues grew rapidly and more members of the public seemed willing to come forward to report instances where they felt their privacy rights had been infringed.

3.8 **Key Communications Strategies**

In the introductory phase the PCO devised five key communications strategies designed to fulfill the objectives that had been set.

3.8.1 The launch of an integrated series of communications programmes to educate the community at large.

3.8.2 The development of strategic partnerships in both the private and public sectors to promote good privacy practices. For example, the PCO worked closely with the Hong Kong Institute of Human Resource Management in the development of the Code of Practice on Human Resource Management and with the Hong Kong Internet Service Providers Association in the promulgation of the Anti-Spam Code of Practice.

3.8.3 The publication of news, updates and PCO initiatives to gain exposure and establish a presence within the community.

3.8.4 Cultivating good relations with the media that would result in exposure of personal data privacy issues. These relations have been developed over time and involve us in press briefings, the production of media kits, radio and television appearances and

press interviews. The net effect of our attempts to keep the media informed of privacy issues has, I think, resulted in a heightened profile for privacy and this is evidenced by the exposure given to privacy articles and features in the Hong Kong media.

- 3.8.5 Taking initiatives that would target data users and encourage them to accept their legal obligations and work towards privacy compliance.

I propose to look at the first and last of these strategies in a little more detail.

3.9 ***The launch of an integrated series of communications programmes to educate the community at large.***

The purpose of this strategy was primarily to impart a limited understanding among the general public of their personal data privacy rights and to get them involved in thinking about privacy and the need to protect it.

This strategy used above-the-line media campaigns on television (the theme of one was “Get to know your privacy rights”), on the radio (APIs – announcements of public interest) in the press (supplements and infomercials) as well as transport advertising (on subway trains and in stations) as a primary means of creating impact and awareness. In addition, our efforts to take the message to the masses were supported by attendance at public exhibitions and roadshows characterised by a rather more entertaining approach towards educating the community using local celebrities and artistes.

One of the more significant programmes linked to this strategy was the development of the PCO’s website which commenced in our first full year of operations. I think we picked up on a rapidly developing trend here because by the year 2000, 50% of households in Hong Kong had a personal computer and the Internet penetration rate stood at 36%. From humble origins our web site has grown and today amounts to some 900 pages in both Chinese and English.

Between 1998 and 2000 we began to supplement what had hitherto been something of a ‘shotgun strategy’ with a more refined ‘rifle’ approach. By this I mean that we began to develop communications programmes linked to policy initiatives. Two such initiatives involved the development of codes of practice: one relating to the Hong Kong Identity Card (“the HKID”) and other Personal Identifiers and the other dealing with Consumer Credit Data. Neither of these codes of practice make for easy reading so we commenced the education process by informing the general public of the privacy protections built into the proper use of the HKID and Consumer Credit Data by data users, rather than conveying the detailed substance of the codes. We set ourselves the basic task of creating an awareness in the community that the PCO had developed these codes of practice and informed the public how they could obtain a better understanding of them e.g. by making a call to our hotline.

3.10 ***Create initiatives that would target data users and encourage them to accept their legal obligations and work towards privacy compliance.***

Compliance with the provisions of the Ordinance lies at the core of all communications programmes directed towards data users because compliance measures are a critical indicator of the PCO’s success. This means that we needed to devise products and services that would assist and encourage data users to develop privacy compliant policies and procedures notably when handling the personal data of their customers and employees.

In addition, we sought to develop a case around a central belief that we hold which is that good privacy practices are good for customers and employees and that can only be good for business. Our approach has drawn upon the following sorts of arguments.

- 3.10.1 Good privacy policies and practices not only signal the good intent of data users but provide them with tangible yardsticks against which they can measure their performance.

- 3.10.2 Similarly, an organization that attends to personal data privacy matters is more likely to incur the favour of stakeholders. In a business context especially, this could benefit the firm in terms of enhanced customer loyalty.
- 3.10.3 Good privacy practices pay dividends in terms of intangible asset values such as goodwill and a strong corporate image.

Not by any means an exhaustive listing of the appeals that we have made to data users but the points itemised give the flavour of our approach.

Our early communications programmes targeting data users have been linked to two factors.

- Firstly, we have sought to convince data users in both the public and private sectors of the merits of being privacy compliant by the application of the carrot rather than the stick. Although we can resort to the latter we prefer to use reasoned and persuasive arguments to educate data users and encourage their compliance with the provisions of the Ordinance.
- Secondly, to facilitate this process we published a series of fact sheets, guidance notes, booklets, a CD-ROM privacy compliance kit etc. which were designed not so much as a definitive blueprint of the measures that should be taken but more to provide an indication of the privacy issues and the consideration that should be given to them.

I don't propose to list out all the tactics we used in support of our data user strategies but they amounted to a judicious mix of publications, seminars, public presentations, training videos, conference attendances etc. For the convenience of the reader the communications programmes engaged during the introductory phase are detailed in Appendix I.

3.11 **The Data Protection Officers Club**

Before moving on to look at the second phase of our existence – consolidation – I would like to make brief mention of what turned out to be an important step in promoting compliance among data users. In our operating year 1999 - 2000 we established the Data Officers Protection Club (“the Club”). The objectives of the Club are as follows.

- 3.11.1 To serve as a means of reaching out to data users that were in the process of coming to terms with the intricacies of the Ordinance and their implications.
- 3.11.2 To provide members of the Club with a forum in which they could share experiences and build competencies around the proper handling of personal data.
- 3.11.3 To provide members with feedback from the outcome of complaints and investigation cases handled by the Operations Division of the PCO.
- 3.11.4 To introduce members to new policy initiatives taken by the PCO and keep them posted of the obligations they place upon data users and data protection officers more especially e.g. the introduction of new codes of practice by the PCO.
- 3.11.5 To expose members to contemporary issues in privacy and hear from expert speakers drawn from both the private and public sectors.
- 3.11.6 To personalize the appeal of personal data privacy and allow for interaction between Club members and staff of the PCO.

My view is that the Club has been well received among data users and is certainly strongly supported by their representatives. Membership registrations are currently in excess of 200 and turnout for a single meeting may be as high as 250 participants. If nothing else I think this endorses the need for some such outreach programme as a means of networking with

those in our community that are responsible on a day-to-day basis for the handling, in some cases, of vast amounts of personal data.

To be fair I think that the Club has largely become the preserve of data protection officers employed by larger organizations but to a certain extent they are the people we are very keen to attract. This is because the business of those organizations is frequently typified by a large number of consumer transactions e.g. a credit card company, and have very substantial customer databases containing a wealth of personal data that is processed for accounting and marketing purposes.

Nonetheless, we are not unsympathetic to the needs of small and medium sized enterprises (“SME”). Unfortunately, with this scale of operation there are frequently too few employees to permit the allocation of responsibility for the handling of personal data. That said, the need is as great, if not greater, than that of the large firm because personal data is unlikely to be regarded as an issue that is central to the business and because there is a poor understanding of the provisions of the Ordinance. The challenge before us is to diversify the appeal of the Club and recruit members drawn from SME.

3.12 Annual Opinion Survey of Data Users and Data Subjects

Having formulated our communications objectives, developed strategies geared to the needs of data subjects and data users and implemented numerous communications programmes it was important to try and measure the impact of these upon our target audiences. To gain a better understanding the PCO commissioned independent consultants to conduct an annual opinion survey. The purpose of these surveys are twofold⁴.

3.12.1 The data subjects survey was designed to investigate public attitudes to, and experiences of, personal data privacy and its invasion, awareness of the protection provided by the Ordinance and the channels by which people learned about the PCO.

3.12.2 The data users survey investigates organisations’ attitudes, and measures taken, to implement the requirements of the Ordinance, their policies and practices pertaining to personal data privacy and their sources of assistance [including the PCO] in complying with the provisions of the Ordinance.

By the year 2000 the PCO had amassed the findings of four such surveys and had sufficient information to be able to come to some conclusions regarding the efficacy of its communications programmes⁵.

The full range of communications programmes engaged during the introductory phase are detailed in Appendix I.

4. Corporate Communications ~ The Consolidation Phase

4.1 By the turn of the millennium, the PCO had been in operation for four years. During that time, we successfully laid and built on the foundation of raising awareness of the issues of personal data privacy among data subjects and data users through effective promotion and education. It was abundantly evident that the citizens of Hong Kong were better informed about their personal data privacy rights and increasingly careful when releasing their personal data to third parties. At the same time, data users were generally more knowledgeable about their obligations under the provisions of the Ordinance. While increasing public awareness remained one of the PCO’s long-term goals, we were well placed to tackle emergent issues and move in new directions.

⁴ The baseline Opinion Survey was conducted in 1997 and has been repeated at intervals since then.

⁵ The findings of successive Data Subjects and Data Users Surveys can be viewed on the PCOs website at <http://www.pco.org.hk>

Since 2000 we have targeted specific sub-sets of data users and data subjects based on the segmentation of their needs. As a result of this analysis we adopted an issue-oriented approach aimed at enhancing depth of understanding among our target audiences. Communications programmes and messages no longer focused exclusively upon increasing general awareness. Instead, we differentiated our messages and tailored them to the needs of selected segments of data users and data subjects.

4.2 **Key Communications Objectives**

Three main communications objectives were established by the PCO during the consolidation phase.

4.2.1 To strengthen the understanding of targeted groups of data subjects regarding their privacy rights.

4.2.2 To address industry or segment specific personal data privacy issues identified by the PCO.

4.2.3 To continue motivating data users to be compliant with the provisions of the Ordinance and communicate the benefits of being a compliant organization.

4.3 **To strengthen the understanding of targeted groups of data subjects regarding their privacy rights**

I believe it is fair to say that after four years of solid work by the PCO in promoting the notion of personal data privacy, the level of awareness in the community rose measurably. Even though privacy may not be something that enjoys top-of-mind recall among Hong Kong citizens, personal data privacy is no longer an unfamiliar concept. While significant inroads have been made, we recognise the importance of continuing to promote a culture within the community where an individual's privacy is the social responsibility of each and every citizen. In seeking to achieve this goal the PCO believes that public education and promotion directed towards the younger generation plays a vital role in shaping the future values of society. By honing in on this target group and encouraging them to embrace privacy as part of their personal value system, we will, I think, move one step closer to building a society that respects privacy.

4.4 **To address industry or segment specific personal data privacy issues identified by the PCO**

As an audience, data users are a much more varied group than data subjects. Privacy related issues are often markedly different between industries, sectors and professions. Generally, although the PCO's efforts in promoting compliance with the provisions of the Ordinance have been reasonably successfully, we have gradually come to realize that there are a few particular issues and problematic areas in some sectors which deserve more focused attention and support from the PCO. The approach that we have adopted is to address these privacy issues by providing succinct guidance and practical applications tailored to the needs of a specific sector, industry or profession. A more customized approach towards the formulation of these guidance tools has generally evoked a positive response from data users.

4.5 **To continue motivating data users to be compliant with the Ordinance and communicate the benefits of being a compliant organization**

By 2000, the communication programmes informing data users of their obligations under the law and of their need to be compliant with the provisions of the Ordinance started to pay off. Many organizations, especially those in the public sector and larger companies in the private sector, began to put in place organizational arrangements that resulted in the formulation and dissemination of personal data privacy policies, attendant procedures and on-the-job training. Unfortunately, it was at about this time that the economic downturn, which started a couple of years earlier in Hong Kong, worsened significantly. A protracted and deep recession severely dampened the economic environment and business prospects. As a result, we noticed

organizations becoming more reluctant to invest resources in privacy initiatives. To some extent this phenomenon continues to this day although it is less pronounced.

To counter this trend we needed to sustain communication efforts directed towards data users so that personal data privacy continued to be regarded as an organizational imperative rather than an organizational imposition.

4.6 Key Communications Strategies

In the consolidation phase, the PCO adopted three key strategies to deliver against the objectives that had been established.

- 4.6.1 Continue to build public awareness and educate the community through multi-dimensional communications programmes.
- 4.6.2 Identify specific target groups within the general population and direct resources to them.
- 4.6.3 Identify problematic areas or issues and work with professional and business bodies to provide specific guidance and targeted solutions to address those issues.

I will discuss the second and third strategy in a little more detail.

4.7 Identify specific target groups within the general population and direct resources to them

As I mentioned earlier, to protect personal data privacy is to respect the rights of the individual. If we are to build a society where every member recognizes and has mutual respect for the privacy rights of others, we have to begin by instilling these values in the next generation. In recent years the PCO has placed increased emphasis upon educating the younger members of our society with a view to raising awareness among them regarding the importance of, and the need to protect, personal data. The evidence we have collected suggests that, communication programmes that appeal to young people and their imagination result in them attaching greater significance to personal data privacy, becoming more knowledgeable about asserting their rights and better understanding how they may be exercised.

In support of this strategy, the PCO has organized a series of promotional and educational activities geared towards exposing young people to the concept of personal data privacy rights and enhancing their interest in the subject. These activities vary in scope and scale, and I will focus upon three of them for illustrative purposes.

4.7.1 *Privacy Website Design Competition*

This was a competition for secondary school students in Hong Kong that was jointly organized by the PCO and the Education Department in 2001. At that time, we witnessed a growing fascination among young people with the Internet. Because of the relative ease of obtaining and exchanging information, many Internet users were unaware of the potential dangers when providing personal data online in order to gain access to websites or when communicating with others through chat rooms etc. I think we felt that young people were a particularly vulnerable group and perhaps rather too complacent about online privacy. Under the theme of protecting your privacy on the Internet, the competition was designed to raise students' awareness of personal data privacy in an online environment and inform them of the precautions that should be taken to safeguard their rights.

4.7.2 *TV Advertisement Competition*

This was a one-of-a-kind event that was jointly organized by the PCO and the Federation of Youth Groups. The objective was to raise the level of awareness of personal data privacy protection among young people in Hong Kong. Participants, between the ages of 12 and 34, were required to produce a one-minute TV commercial that embodied their understanding of those privacy protection issues that

occurred in everyday life. Winning commercials were selected upon their creativity, visual effect, originality and ability to convey the message of privacy protection to viewers.

4.7.3 *“Telling me your secret” Show*

This privacy show, launched in early 2004, was an infotainment programme designed by the PCO exclusively for primary school students. A youth programme celebrity was invited to host the interactive show that consisted of music, magic, puppets, drama and role-play. The aim was to assist school children in grasping the concept of privacy and introducing them to ways of protecting their personal data in everyday life. This initiative received widespread support from school principals and in excess of 15,000 children attended the series of shows.

4.8 **Identify problematic areas or issues and, working with professional and business bodies, providing specific guidance and targeted solutions to address those issues**

Insofar as data users are concerned our main goal is to sustain our efforts in educating and facilitating privacy compliance. Our approach has been to consistently market the benefits of becoming a privacy compliant organization which, we argue, eventually translates into tangible gains for the data user. At the same time, we realised that the PCO had to be more attuned to the changing needs of the public and private sectors. Understanding those needs more fully and providing relevant solutions in addressing the issues identified were critical to accomplishing our mission. We have therefore come to the view that we need to channel resources into these areas.

I would like to illustrate how this strategy works with two examples. Each case portrays the way in which the problem was characterised and a pragmatic solution arrived at in partnership with relevant stakeholders.

4.8.1 *Personal Data Privacy : Guidance for Mobile Service Operators*

During the second half of 1999 and 2000, the PCO experienced a significant surge in the number of complaints brought against the telecommunications industry. The rapid expansion in the mobile communications market at this time and fierce competition between service providers are believed to have contributed to a marked deterioration in efforts designed to protect customers’ personal data. In July 2000, the PCO met with representatives of the Telecommunications Association of Hong Kong and major industry players. These parties were consulted on the substance of a Guidance Note proposed by the PCO which was aimed at assisting mobile service operators to comply with the requirements of the Ordinance. The Guidance Note that was subsequently produced contained a consensus of views regarding recommended best practices to be engaged when handling mobile phone customers’ personal data.

4.8.2 *Amendments to the Code of Practice on Consumer Credit Data*

In the latter half of 2001, the financial services sector in Hong Kong began to face severe problems. These were manifest in the level of default on outstanding credit card and loan balances and the growing numbers of those filing for personal bankruptcy. The financial services sector approached the PCO with a proposal that involved the sharing of positive consumer credit data to alleviate the problems. For this to happen, the provisions of the Code of Practice on Consumer Credit Data had to be amended. To ensure that a proper balance was struck between the broader public interest and privacy interests of the individual the PCO worked closely with the Hong Kong Monetary Authority, the Hong Kong Association of Banks and other industry representatives. After extensive consultations a solution was hammered out that met the needs of the industry insofar as the sharing of personal data were concerned for credit assessment purposes. The revised code of practice, which took effect in June 2003 offers benefits to both credit providers and their clients and has been generally well received by the financial services sector and the public.

I think these experiences have re-affirmed our view that the development of a network of alliance partners pays dividends especially where the issues are complex and good

communications with the public important. I might add that in these particular instances, and others, the initiatives taken have generally met with very favourable reporting from the media, which is always a bonus.

Apart from the two examples described above, other initiatives taken by the PCO to deliver on this strategy include the following.

- ❑ Guidance Notes on Electioneering Activities
- ❑ An E-privacy Handbook
- ❑ A Code of Practice on Human Resources Management
- ❑ A Fact Sheet on Recruitment Advertisements
- ❑ A Fact Sheet on Cross Marketing Activities.

The full range of communications programmes engaged during the consolidation phase are detailed in Appendix II.

5 The Road Ahead

5.1 So, what is the shape of things to come for us insofar as the PCO's communications programmes are concerned? To a large degree I think we will build upon what we have achieved in the eight years to date and that means more of the same, with perhaps a twist here and there.

5.2 Data Subjects

5.2.1 We will continue to direct our communication efforts towards the younger generation. This is because we are convinced that, on the basis of our programmes to date, young people will be instrumental in shaping the future of our society and the values to which it adheres. Providing them with privacy education and inter-active packages will assist in the process of developing a community in which the privacy of others is respected.

5.2.2 More generally we intend to develop a deeper understanding of privacy in the community. This will be a challenging task but it is the logical next step having established a base level of awareness. In the Operations Division especially it is evident to us that some confusion prevails in certain sectors of our community in terms of our ambit. We need to correct any misperceptions because we do not want to invite the problem of having to manage a significant expectations gap between what the PCO can legitimately do and what people may think we can/should do.

5.3 Data Users

In this arena I think we will see more of a focus on programmes that will offer support to some of the major privacy initiatives that we are either currently involved with or are contemplating. Two of these are worthy of brief mention.

5.3.1 Section 33 Trans Border Data Flows (TBDF)

The Personal Data (Privacy) Ordinance was enacted in 1995 and the only section that has yet to be brought into operation is Section 33, which deals with TBDF. There is currently no time schedule to put this particular section of the Ordinance into operation. Having said that, we have noticed a significant increase in the practice of trans-border outsourcing of business processes to third parties outside of Hong Kong either because this is made simple by advances in technology and/or because it facilitates effective cost management. It is apparent that this kind of arrangement has rapidly diffused and is now an essential component of business models in many industries.

At present, we do not fully understand the intricacies of TBDF, the processes involved and the problems relating to the protection of personal data privacy that companies may encounter when adopting offshore outsourcing. To obtain a more thorough understanding of what is going on, we have decided to explore this phenomenon so that we will have an enhanced understanding of current practices. Our fieldwork is designed to enable us to better understand the difficulties data users face when applying protection safeguards to personal data and the findings of the survey will assist us in providing relevant TBDF guidance to data users. In the longer term, we also see benefits that would contribute to establishing greater consumer confidence in situations where consumer data are exported and/or processed in other jurisdictions.

This said, our enquiry touches upon sensitive issues pertaining to the TBDF policies and procedures of companies in the private sector. We are therefore already conscious of the fact that effective communications will play an important role in allaying any anxieties about our intentions.

5.3.2 *Data Users Registration Scheme*

Under Section 14 of the Personal Data (Privacy) Ordinance, the Privacy Commissioner has the discretionary power to specify classes of data users required to submit data user declarations. A data user registration scheme would be designed to allow data subjects to know: the sort of personal information data users hold; for what purpose(s) they hold the information; and how they collect, hold, use and disclose personal data to third parties.

The scheme will provide for a mechanism to inform the PCO and the general public about potential privacy risks associated with the data processing activities of certain classes of data users e.g. web site owners.

The scheme is a proactive project in terms of the compliance aspects of the Ordinance and is intended to benefit the general public and data users. Publicity of the registration scheme will increase the public's awareness of their rights and the proper measures needed to protect their own privacy. On the other hand data users will be encouraged to pay greater attention to the handling of personal data. Registration therefore signals to the public the registered data users' intention to comply with Ordinance and adopt best business practices around personal data privacy. However, this scheme could well be controversial and meet with some resistance if for no other reason than that it incurs compliance costs for the data user. It is important for the PCO to address that concern and develop effective communications programmes to diffuse any anxieties or resistance that may arise.

- 5.4 As is evident from the two appendices to this paper I have not really done justice to the full range of communications programmes that we have been involved with over the years. However, if readers would like to obtain further insights to any of these programmes then our Corporate Communications Division would be very willing to answer more specific enquiries.

*Office of the Privacy Commissioner for Personal Data
Suite 2401, 24th Floor, Office Tower, Convention Plaza
1 Harbour Road, Wanchai
Hong Kong SAR*

September 2004

<http://www.pco.org.hk>

U:/kitty/Sp140904.doc

APPENDICES

Appendix I ~ PCO Promotion & Education ~ Introductory Phase (1996 – 2000)

Key Strategies	96 – 97	97 - 98	98 – 99	99 – 00
1. Launch communication programmes to educate the general public	<ul style="list-style-type: none"> ▪ Logo Design Competition ▪ TV and Radio Announcements of Public Interest (APIs) ▪ Posters & Leaflets ▪ Establish PCO website ▪ Newspaper Supplement ▪ Civic Exhibitions 	<ul style="list-style-type: none"> ▪ Publicity Campaign (Protect Personal Data. Get to Know Your Privacy Rights) : <ul style="list-style-type: none"> – TV API – Radio API – Mass Transit Railway advertising – Outdoor posters ▪ Roadshows ▪ Exhibition Kits ▪ 1998 HK Information Infrastructure Expo & Conference ▪ PCO website 	<p><i>Code of Practice on ID Card Number & other Personal Identifiers</i></p> <ul style="list-style-type: none"> ▪ TV API ▪ Pamphlets ▪ Seminars (for data users) ▪ Regular column in newspaper <p><i>Protecting Privacy on the Internet</i></p> <ul style="list-style-type: none"> ▪ 1999 HK Information Infrastructure Expo & Conference ▪ Booklets ▪ Seminars (data users) <p><i>Code of Practice on Consumer Credit Data</i></p> <ul style="list-style-type: none"> ▪ Seminars for professional bodies in the financial services sector ▪ Pamphlets ▪ TV API ▪ Newspaper ads <p><i>Others</i></p> <ul style="list-style-type: none"> ▪ Roadshows ▪ PCO website 	<ul style="list-style-type: none"> ▪ Mass Media Promotion Campaign <ul style="list-style-type: none"> – TV and radio API – Mass Transit Railway advertising ▪ Pamphlets (Exercise your Data Access Rights) ▪ Introductory seminars ▪ PCO website
2. Forge strategic partnerships in the public & private sectors to encourage good privacy practices			<ul style="list-style-type: none"> ▪ Seminars ▪ Conferences 	

Key Strategies	96 – 97	97 - 98	98 – 99	99 – 00
3. Publicize news & initiatives to gain exposure & establish presence	<ul style="list-style-type: none"> ▪ Press releases 	<ul style="list-style-type: none"> ▪ Press releases 	<ul style="list-style-type: none"> ▪ Press releases 	<ul style="list-style-type: none"> ▪ Press releases
4. Encourage the media to give exposure to privacy issues	<ul style="list-style-type: none"> ▪ Participation in radio & TV programmes 	<ul style="list-style-type: none"> ▪ Press conferences 	<ul style="list-style-type: none"> ▪ Press briefings 	<ul style="list-style-type: none"> ▪ Press briefings
5a. Other initiatives targeting data subjects & data users		<ul style="list-style-type: none"> ▪ 1998 HK Information Infrastructure Expo & Conference ▪ API on TV & Newspaper ads (on Code of Practice on Identity Card Number & other Personal Identifiers) 		
5b. Other initiatives targeting data users to encourage compliance	<ul style="list-style-type: none"> ▪ Guidance materials / booklets <ul style="list-style-type: none"> – Overview of the Ordinance – Guide to Compliance with Data Access & Correction – Compliance with Data Protection Principles for Data Users ▪ Seminars & talks ▪ Training videos 	<ul style="list-style-type: none"> ▪ Guidance booklets on <ul style="list-style-type: none"> – Personal Data Privacy – Internet ▪ Fact Sheets on <ul style="list-style-type: none"> – Transfer of Personal Data Outside Hong Kong – Human Resources Management ▪ Guidelines on Cold-calling ▪ Seminars ▪ Conferences 	<ul style="list-style-type: none"> ▪ Talks & presentations 	<ul style="list-style-type: none"> ▪ PCO newsletter ▪ Data Protections Officers' Club ▪ Privacy Compliance Self Assessment Kit ▪ Promotion on the Draft Code of Practice on Human Resources Management <ul style="list-style-type: none"> – TV API – Newspaper ads – Consultative forum ▪ Seminars ▪ Hosting of 21st International Conference on Privacy & Personal Data Protection ▪ Speaking engagements and conference appearances

Appendix II ~ PCO Promotion & Education ~ Consolidation Phase (2001 – Present)

Key Strategies	00 – 01	01 – 02	02 - 03	03 - 04
1. Continue to build public awareness and educate the community through multi-dimensional communications programmes	<ul style="list-style-type: none"> ▪ Privacy Week <ul style="list-style-type: none"> – E-Privacy Conference – Roadshows – Public seminars – TV variety show ▪ TV docu-drama (4 episodes) ▪ Education & Career Expo ▪ Introductory seminars ▪ Drama shows ▪ PCO website (enhanced version) 	<ul style="list-style-type: none"> ▪ Summer Consumer Roadshows ▪ PCO Website ▪ Introductory seminars ▪ Information booklet on the role of the PCO 	<ul style="list-style-type: none"> ▪ Summer Vacation Roadshows ▪ Training VCD / Video (Personal Data Privacy & YOU) ▪ Introductory seminars ▪ PCO Website 	<ul style="list-style-type: none"> ▪ Privacy Protection Drama Show ▪ Introductory seminars ▪ PCO Website
2. Identify specific target groups within the general population & direct resources to them.	<ul style="list-style-type: none"> ▪ Privacy Website Design Competition for Youngsters 		<ul style="list-style-type: none"> ▪ TV Advertising Competition* 	<ul style="list-style-type: none"> ▪ On-stage Privacy Show (Telling you my Secret)
3. Work with professional & business groups to provide specific guidance & solutions to issues in selected business sectors	<ul style="list-style-type: none"> ▪ Guidance notes <ul style="list-style-type: none"> – Personal Data Privacy: Guidance on Electioneering Activities – Personal Data Privacy: Guidance for Mobile Service Operators – Compliance Guide for Employers & HRM Practitioners ▪ E-Privacy Handbook ▪ Code of Practice on Human Resource Management <ul style="list-style-type: none"> – TV & radio API 	<ul style="list-style-type: none"> ▪ Fact Sheet on Recruitment Advertisements ▪ In-house training seminars 	<ul style="list-style-type: none"> ▪ Code of Practice on the Protection of Customer Information for Fixed & Mobile Service Operators ▪ Seminars ▪ Conferences ▪ In-house training seminars 	<ul style="list-style-type: none"> ▪ Fact Sheets <ul style="list-style-type: none"> – Code of Practice on Consumer Credit Data :How does it affect you? – Personal Data Privacy: Guidance on Cross Marketing Activities ▪ In-house training seminars

Key Strategies	00 – 01	01 – 02	02 - 03	03 - 04
	<ul style="list-style-type: none"> – Newspaper ads – Seminars 			
<p>4. Other initiatives to continue encouraging compliance among data users</p>	<ul style="list-style-type: none"> ▪ Press releases ▪ Press briefings ▪ Media interviewers ▪ Talks / speaking engagements ▪ Data Protection Officers' Club ▪ PCO newsletter 	<ul style="list-style-type: none"> ▪ Press releases ▪ Press briefings ▪ Data Protection Officers' Club ▪ Speaking engagements ▪ PCO newsletter 	<ul style="list-style-type: none"> ▪ Press releases ▪ Press briefings ▪ Data Protection Officers' Club ▪ Speaking engagements ▪ PCO newsletter 	<ul style="list-style-type: none"> ▪ Press releases ▪ Press briefings ▪ Media interviewers ▪ Data Protection Officers' Club ▪ Data Protection Workshops ▪ Speaking engagements ▪ PCO newsletter

* Programmed spanned from 03 to 04