

ICDPPC Global Privacy and Data Protection Awards

2019

Entry Form

Deadline 29 July 2019

To submit an entry to the ICDPPC Global Privacy and Data Protection Awards please complete and email this form to ExCoSecretariat@icdppc.org no later than 29 July 2019.

Note: ICDPPC member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline of 29 July. Languages: the conference documentation rule 6.2¹ applies:

1. **Contact details for this entry:**

- a. Name and email address of person completing this form: **Ivan Chan** (ivan.chan@pcpd.org.hk)
- b. Name of Data Protection or Privacy Authority: **The Privacy Commissioner for Personal Data, Hong Kong (PCPD)**

2. **Eligibility:** By submitting this entry I confirm that:

- a. The Authority is a member of the International Conference of Data Protection and Privacy Commissioners.
- b. The initiative described in this entry was undertaken since the last edition.
- c. I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the ICDPPC Secretariat.

3. Please indicate which **category** you wish to enter (delete those that do not apply; you can enter multiple categories but please use separate forms for each entry):

- a. ~~Education and public awareness~~
- b. ~~Accountability~~
- c. **Dispute resolution and enforcement**
- d. ~~Innovation~~
- e. **People's Choice**

4. **Description of the initiative**

- a. Please provide a brief summary of the initiative (no more than 75 words):

Since June 2019, in light of the recent anti-extradition bill protests in Hong Kong, PCPD has received hundreds of cyberbullying reports on disclosure of personal data of government officials, police officers and their family members at online discussion forums and instant messaging platforms.

PCPD has taken a cross-disciplinary approach and engaged cross-border

¹ 6.2 Conference documents

Without prejudice to section 4.2, conference documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other conference documents such as the Conference Rules and Procedures.

collaboration to tackle the incident in a timely and effective manner.

b. Please provide a full description of the initiative (no more than 350 words):

Background

Over the past few months, a large number of Hong Kong people have expressed their objections by way of protests to a bill to amend the Fugitive Offenders Ordinance. Many people are also concerned about the use of force by the police officers during the protests. Some people then posted other people's personal data, (mostly the personal data of police officers and government officials, such as name and photo, Hong Kong identity card number, date of birth, address, telephone number, email address, education qualification, family status, occupation and job position) on the Internet, many of which are charged with hate and even intimidating comments.

As at 26 July 2019, PCPD received 481 cases. Seven online social media platforms and discussion forums, and 622 web links were involved.

PCPD's effort in dispute resolution and enforcement

- PCPD issued five press releases in two months urging members of the public not to take part in cyberbullying, and stressing that such acts may not only contravene the Data Privacy Law in Hong Kong, but may also incur civil and criminal liabilities.
- PCPD also set up a special team to proactively search for web links with improper posts.
- Since June 2019, PCPD has continuously requested the related platforms to remove the web links with improper posts, and also request the netizens through the platforms to delete the posts and stop posting improper contents. Consequently, a significant number of related web links have been removed immediately or in a short period of time. As at 26 July 2019, PCPD has requested the platforms to remove a total of 622 web links, of which 391 web links (representing 63%) have already been removed.
- PCPD referred cases that may involve a criminal offence under the Data Privacy Law in Hong Kong to the Police for further criminal investigations.
- PCPD liaised with the relevant overseas privacy enforcement authorities to seek their assistance and opinions in respect of handling cases of arbitrary disclosure of personal data for cyberbullying, etc.

- a. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

As there is no specific law in Hong Kong on cyberbullying, the issues could be addressed by relying on different branches of the law, e.g. privacy violation, defamation and criminal intimidation, etc. Acknowledging its lack of prosecution power, PCPD joined hands with the Police and set up mutual notification and referral system to exchange intelligence and case-handling experience.

Since the control and use of personal data has become borderless, personal data protection could not be effected through the efforts of a single jurisdiction. Only cross-border collaboration could timely curb the spread of illegal posts and stop netizens from posting such contents.

PCPD's foresees the trend of international cooperation in combating cyberbullying-related crimes. PCPD's initiative in handling such a large scale cyberbullying incident could be useful reference, if not an example to be followed, for its counterparts worldwide. In a nutshell, this initiative demonstrates the importance of cross discipline and cross-border cooperation amidst legislative fragmentation in anti-cyberbullying laws.

- b. Include a photograph or image if you wish (note this will be published with your entry on the ICDPPC website; the image can be pasted into the entry or send as an attachment or a link may be provided):
- c. Please provide the most relevant link on the authority's website to the initiative (if applicable) (The website content does not need to be in English):

The PCPD press release dated 26 July 2019:

https://www.pcpd.org.hk/english/news_events/media_statements/press_20190726.html

- d. Please provide any other relevant links that you wish that help explain the initiative or its impact or success (e.g. links to news reports or articles):