

Jurisdiction	Hong Kong
Date	4 October 2023
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Whether there is personal information protection legislation

There are the following comprehensive laws and regulations:

- Personal Data (Privacy) Ordinance (“PDPO”)
 - URL:<https://www.elegislation.gov.hk/hk/cap486!en-zh-Hant-HK.pdf?FROMCAPINDEX=Y>
 - Enforcement Status: Enacted on December 20, 1996
 - Subject sector: Data user in public and private sectors (a person who, alone, jointly, or with others, controls collection, retention, processing, or use of personal data.)
 - Subject information: Data that (i) relates directly or indirectly to a living individual, (ii) from which it is practically possible to directly or indirectly ascertain the identity of the individual, and (iii) in a form from which it is practically possible to access or process such data.

Information that can be indicators regarding the personal information protection legislation

EU's adequacy decision: N/A

APEC Cross-Border Privacy Rules (CBPR) system: N/A

Business operators' obligations to comply with the eight principles of the OECD Privacy

Guidelines or the rights of individuals

The obligations of the relevant agency of business operators or the rights of individuals corresponding to the eight principles of the OECD Privacy Guidelines are as follows:

a) Collection Limitation Principle: It is stipulated in the law described above. Data

Protection Principle 1 in the Ordinance states that personal data shall be collected by means which are lawful and fair in the circumstances of the case, and the data collected shall be adequate but not excessive in relation to the purpose of collection. The data subject shall be explicitly or implicitly informed, on or before collecting the data, of whether it is obligatory or voluntary for him to supply the data. (including Schedule 1 “Data Protection Principles”).

- b) Data Quality Principle: It is stipulated in the law described above. Data Protection Principle 2 in the Ordinance states that all practicable steps must be taken to ensure that personal data is not kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is or is to be used.
- c) Purpose Specification Principle: It is stipulated in the law described above. Data Protection Principle 1 in the Ordinance states that the data subject should be explicitly informed of the purpose for which the data is to be used on or before collecting the data.
- d) Use Limitation Principle: It is stipulated in the law described above. Data Protection Principle 3 in the Ordinance states that Personal data shall not, without the prescribed consent of the data subject, be used for a new purpose.
- e) Security Safeguard Principle: It is stipulated in the law described above. Data Protection Principle 4 in the Ordinance states that all practicable steps shall be taken to ensure that any personal data held by a data user is protected against unauthorized or accidental access, processing, erasure, loss or use.
- f) Openness Principle: It is stipulated in the law described above. Data Protection Principle 5 in the Ordinance states that all practicable steps shall be taken to ensure that a person can ascertain a data user’s policies and practices in relation to personal data, be informed of the kind of personal data held by a data user and be informed of the main purposes for which personal data held by a data user is or is to be used.
- g) Individual Participation Principle: It is stipulated in the law described above. Data Protection Principle 6 in the Ordinance states that a data subject shall be entitled to ascertain whether a data user holds personal data of which he is the data subject. He shall also be entitled to request access to personal data within a reasonable time, at a fee, if any, that is not excessive, in a reasonable manner and in a form that is intelligible, otherwise he shall be given reasons if such request is refused. He shall also be entitled to request the correction of personal data, and be given reasons if such request is refused.
- h) Accountability Principle: It is stipulated in the law described above. Under section 4 of the Ordinance, a data user shall not do an act, or engage in a practice, that contravenes the Data Protection Principle. Any contravention of the Data Protection Principles, except under the exemptions in the Ordinance, is an offence and is liable to a fine or

imprisonment.

Other systems that may significantly affect the rights and interests of individuals

A system related to the obligation to store personal information within the territory and that may significantly affect the rights and interests of individuals:

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A system that imposes an obligation on business operators to cooperate with government information gathering activities and that may significantly affect the rights and interests of individuals:

- I. The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL")
 - Requests for responses to questions and submission of documents by the National Security Division of the Hong Kong Special Administrative Region ("HK" Government) Police Force when dealing with criminal matters harmful to national security.
 - With respect to access to personal data held by private entities under this act, there are no provisions regarding, for example, the following:
 - Restrictions and safeguards on processing of information obtained; and
 - Transparency regarding implementation of access.