

HONG KONG INSTITUTION OF ENGINEERS
Electronics Division
Information Technology Division

香港工程師學會

電子部
資訊科技部



**Submission From Electronics and Information Technology Divisions, The
Hong Kong Institution of Engineers for the LegCo Bill Committee on**

Registration of Persons (Amendment) Bill 2001

General Comments

1. We support the position that a smart ID card system with multi-application capacity would provide a new infrastructure for innovative IT applications.
2. "Technology" is not the major hurdle. The pitfalls would most likely come from human issues such as improper card and fingerprint usage. Successful implementation of multi-application is expected to depend largely on public's confidence in data privacy protection.
3. We support that if the smart ID card will serve multi purposes, the cardholders should have a discretionary choice on the optional applications on offer.
4. Optional applications should be made purely optional. However, there is a possibility, no matter how remote, that some service providers may restrict services only through the smart ID card, thus restricting the user option. The implication of this should be studied.

Data Privacy & Multi-application

5. Data privacy is by far is the greatest concern of the public. Yet, a smart card with true multi-application capability is pivotal in the success of making the smart ID card device that "will contribute to making HK a digital city and enhance the environment for e-commerce developments, which could generate business opportunities and hence jobs in the long run", to quote Clause 22 of the Legislative Council Brief document (SBCR 1/1486/91). Data protection measures (both technical and management) are therefore essential to the success of the smart ID

card, especially in a mixed environment of ‘Immigration’ and ‘non-immigration’ applications.

Public Support & Protection Assurance

6. The success of a multi-application smart ID card depends on public support, which in turn depends largely on the comfort level of the public have on the proposed data protection measures. It is essential that the Government is fully in tune with the public; this would mean collecting public opinions and establishing evidence of public consent and support.
7. To supplement the various intended measures as described in Annex D of the Bill, some target performance levels, if explicitly stated, would provide further assurance to the public.

Key Principles in Multi-application Data Protection

8. The Bill proposes to deal with the legislation for non-immigration applications separately. As some applications have already been identified (driving licence, digital certificate and library services), it may be appropriate to clearly spell out some of the key principles related to data protection. For example,
 - a) the non-immigration and immigration application should not be linked in anyway, particular in accessing and modifying data stored in the card; and
 - b) a cardholder should have the right and means to review data stored in the card, and the provision to request records of change history. Thus, a cardholder can ascertain what data is stored in the card as well as when and who has modified the data.

Security Management

9. It is essential to establish a security management framework, for example, to define the data owner, safeguards for employing contract staff in handling personal data, security certification requirements of the computer systems, management and work procedure.
10. Fingerprint, similar to its counterpart – the physical ID card, can be overly exploited

in commercial context as fingerprint scanners are becoming inexpensive and readily available. It may be necessary to provide a code of practice on the use and collection of fingerprint in order to avoid undue use and spreading of fingerprint information. Furthermore, it may be necessary to consider making it an offence for anyone to retain fingerprint information (in image or encoded form) without lawful authority or reasonable excuse or explicit consent of the fingerprint owner. We support upgrading Regulation 24 of Registration of Persons Regulations to effectively protect the use and retention of fingerprint information.

The above short paper will be presented by Ir LAU Chun-kay and Dr Herman TSUI at the Bill Committee Meeting on 11 October 2002.