

**Speech by Mr Harry Wong of the Hong Kong Federation of Insurers at the public hearing of the Legislative Council Bills Committee (Bills Committee) on Personal Data (Privacy) (Amendment) Bill 2011 on Saturday, 26 November 2011 at 2:00 pm**

We re-iterate our points made in Legislative Council meeting of the Panel on Constitutional Affairs on 20 November 2010:

- It is important and it is our duty as a responsible corporate citizen to protect personal data.
- The industry would support an effective “opt-out” arrangement.
- Amendments to the Personal Data (Privacy) (Amendment) Bill 2011 should be well balanced in order that the system would not likely be abused. Reasonableness should be of concern.
- The amendments should protect consumers but not stifle normal marketing activities/direct marketing essential to the healthy development of service industries.

We note that the Bills Committee held a meeting on 8 November. We have the following comments:

- A. With respect to the paper from the Administration (LC paper No. CB(2)237/11-12(04)), we are in full support of the Administration’s intention to adopt an “opt-out” mechanism for collection and use of personal data in direct marketing and sale of personal data. This will be done by providing the data subject with written information on details of the data to be used as well as a response facility to reply within a 30-day period. If no reply indicating objection to the sale is sent within 30 days after the information and response facility is presented to the data subject or after the data is collected, the data subject will be taken to have no objection to its data being used. We agree that the proposed arrangement will strike a balance between safeguarding the personal data privacy of the public and facilitating business operations.
- B. On the 30-day notice period, we disagree with the Privacy Commissioner remark that “*the proposed notification arrangement legitimizes the data users to delay informing the data subjects until any time after data collection that the data are to be used for direct marketing purposes.*” It is because the Privacy Commissioner is only assuming that this will happen. Nevertheless, we understand that the Privacy Commissioner will issue guidance notes in enforcing the Bill. He can make provision in the guidance notes to ensure that this will not happen.
- C. We also support the Administration’s view that the existing arrangements under which the powers to conduct criminal investigation, prosecute and give ruling on criminal cases

separately vested with the Police, the Department of Justice and the Judiciary had been functioning well and should not be changed by granting criminal investigation and prosecution powers to the Privacy Commissioner.