

Hong Kong's new unauthorized disclosure of personal data regime - recommended practices

The new Personal Data (Privacy) Ordinance (PDPO) unauthorized disclosure regime introduces new criminal offences and broad and intrusive investigation and enforcement powers with far reaching implications. Below are some recommended practices to ensure your organization is best prepared for the new regime.

Legal framework

- ▶ Study carefully and understand the new PDPO obligations and enforcement regime for unauthorized disclosures

Data governance framework

- ▶ Establish a holistic data governance framework if none is in place
- ▶ Review to identify any issues and risks within your organization's existing data governance framework, policies, procedures, internal controls etc., and take remedial action

Transfer of data

- ▶ Develop security assessment, consent management and compliance mechanisms for third-party data transfer and data subject rights

Disclosure management and protocol for enforcement

- ▶ Put in place comprehensive system to guard against any unauthorized disclosure of personal data, including any personal data that have been disclosed publicly without authorization or consent
- ▶ Set up internal protocol to handle investigation notices, cessation notices and enforcement notices on unauthorized personal data disclosure, as well as any data breaches
- ▶ Provide regular training to staff at all levels and conduct incident drills or tests to ensure response protocols are effectively implemented

Legal advice

- ▶ Seek legal advice in case of doubt as to whether any data should be transferred or how best to respond to investigations or enforcement by regulatory authorities



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