



香港工業總會
Federation of Hong Kong Industries
香港九龍長沙灣 長裕街 8 號
億京廣場 31 樓
31/F, Billion Plaza, 8 Cheung Yue Street,
Cheung Sha Wan, Kowloon, Hong Kong
電話 Tel +852 2732 3188 傳真 Fax +852 2721 3494
電郵 Email fhki@fhki.org.hk

Industry News 業界新聞

English Version Only

General Data Protection Regulation

1. The General Data Protection Regulation (“GDPR”) which will come into force on 25 May 2018, is a regulation in EU laws on data protection and privacy for all individuals within the European Union.
2. Compared with the Personal Data (Privacy) Ordinance in Hong Kong, the GDPR is more strict (with severe penalties of up to 4% of worldwide turnover or €20 million, whichever is higher) and has the following key requirements:-
 - (i) mandatory appointment of a Data Protection Officer to monitor, implement and advise on compliance with the GDPR;
 - (ii) undertaking Data Protection Impact Assessment to identify and manage data protection risks;
 - (iii) undertaking Privacy by Design and by Default to give effect to the data protection principles at the time of determining the means of processing and to integrate safeguards;
 - (iv) keeping records of processing activities;
 - (v) drawing up data processing or handling policies or practices to demonstrate compliance and accountability;
 - (vi) mandatory breach notification;
 - (vii) consent for minors with parental authorization; and
 - (viii) right to erasure of personal data.
3. Extra-territorial Application - One of the new significant developments introduced under the GDPR is the explicit requirement of compliance by organizations established in non-EU jurisdictions in specified circumstances.
4. The GDPR may extend and apply to an organization/business in Hong Kong if it:-
 - (i) has an establishment (e.g. presence of shops or sales offices which promote, sell, advertise or market goods or services to individuals in the EU), where personal data is processed in the context of the activities of the establishment, regardless of whether the data is actually processed in the EU; or
 - (ii) does not have an establishment in the EU, but offer goods or services to or monitor the behaviour of individuals in the EU.
5. For the industries in Hong Kong (such as travel agencies, airlines, hotels, cloud service provider, logistics, eCommerce), if they collect, process and use the personal data (including email address, online identifier) of individuals in the EU when targeting at offer



香港工業總會

Federation of Hong Kong Industries

香港九龍長沙灣 長裕街 8 號

億京廣場 31 樓

31/F, Billion Plaza, 8 Cheung Yue Street,

Cheung Sha Wan, Kowloon, Hong Kong

電話 Tel +852 2732 3188 傳真 Fax +852 2721 3494

電郵 Email fhki@fhki.org.hk

of goods or services or monitoring the behaviour of EU customers, they would be affected and caught by the GDPR.

Example: A Hong Kong online shop offering and selling goods in English with payments to be made in Euros, processing multiple orders a day from individuals within the EU and shipping these goods to them.

6. Hong Kong Productivity Council is going to organise a seminar on 24 May 2018 inviting Wong Kai-yi, Stephen, Privacy Commissioner for Personal Data to look into the regulations with the industries. Please stay tuned for updates.

Disclaimer

The information and examples provided in this document are for general reference only. They do not serve as an exhaustive guide or legal opinion to the application of the law. Federation of Hong Kong Industries makes no express or implied warranties of accuracy or fitness for a particular purpose or use with respect to the information and examples set out in this document.