

**Speech by Privacy Commissioner for Personal Data,
Mr Stephen Kai-yi WONG**

at the Opening Ceremony of “Phoenix Cup”

Hong Kong International Women’s Baseball Tournament 2018

President Li (Philip), distinguished guests, ladies and gentlemen,

Good morning. It gives me great pleasure to join you at the start of this International Women’s Baseball Tournament on this beautiful day. I am pleased to see so many great and energetic baseball players. “Phoenix Cup” Hong Kong International Women’s Baseball Tournament is an internationally acclaimed tournament which attracts first class players from around the Asia-Pacific region. To all those who travel from afar to this vibrant city of Hong Kong, I bid you a warm welcome and I hope you would enjoy your stay here!

Whilst I do not for one moment claim that I am a sportsman, the game of baseball is not novel to me, although I did not begin to watch a baseball match until I went to the university some 44 years ago. I was nevertheless never good enough to be a player of a tournament. Many thanks to Philip who gives me the privilege of being part of this “Phoenix Cup” today as a spectator.

The other cap I am wearing today is the regulator of how personal data privacy right of individuals in Hong Kong is protected. “What has baseball game go to do with personal data privacy right?” you may ask. Like all of us here today,

sportsmen and sportswomen have had their personal data since they were born. Their date of birth, name, sex, passport number, telephone number, health conditions are personal data, which is being collected, retained, used, and transferred from time to time. Upon landing at the airport, you may find your personal data collected either by the immigration officers or the CCTV cameras, but I can assure you that they are well protected. The entire life cycle of your data is protected independently under a piece of comprehensive legislation in Hong Kong as a fundamental human right, in line with international standard. International human rights, values and standards are, as they applied in Hong Kong, well underpinned, set out, guaranteed and practiced, under our constitutional law.

Speaking of personal data, I am sure some of you are using different kinds of fitness trackers to monitor your physiological conditions. Nowadays, many sports persons may install sports training apps or use wearable devices such as fitness bands, heart rate trackers, or smart watches during training and matches. These mobile apps and devices can track your behaviour and activities, e.g. your heart rate, location and movement, etc. More importantly, from the data collected through behavioural tracking, the apps and devices can generate even more sensitive data about you, such as the amount of calorie burnt, the amount of water you pass out and other activities you may not even think of, including your mental conditions. While fitness wearables are useful tools for monitoring and motivating fitness activities and training, you should also be aware of how manufacturers of wearables are using your personal data such as personal health and location data, and the possible privacy risks that may arise.

Recent media coverage reported that the highly sensitive information, which is part of their personal data, about U.S. soldiers was exposed on Internet, giving away their location and activities around the world. The website and mobile app concerned were used to track athletic activities via satellite navigation. This case reminds us that while we find those sports and healthcare wearables helpful and fashionable, privacy challenges arise too.

In 2016 my office conducted a study to examine locally manufactured fitness bands and their apps, which was also a part of the Global Privacy Enforcement Network (“GPEN”) Sweep exercise. The results revealed a general lack of awareness amongst fitness device manufacturers of communicating privacy and security protection measures to those using the device. For example, most of the manufacturers did not inform users where the personal data would be stored, how the personal data would be handled and how the users might delete their personal data. For the sake of privacy protection, you should choose a fitness device that is transparent in its privacy practice, read its privacy policy and assess whether the intended collection and processing of your personal data look fit for purpose.

Some other tips to protect your own personal data privacy when using wearable devices include:

- use different email address or user accounts to register for different devices; and
- purge the personal data before disposal or resale

Unlike conventional computers, IoT devices like fitness bands or wearables do not have strong security hardware and software, so they may be susceptible to hacking or data leakage. To protect your sensitive personal data from security risks, you should choose those devices with good reputation in data security. You should also update firmwares and install security patches regularly, and use a strong password to increase the level of security of your personal data.

It is also noted that various sports organisations and public authorities implement anti-doping tests so that all sports persons can compete in a doping-free sporting environment. During the anti-doping process, the authorities may collect some of the sensitive personal data such as health conditions, urine and blood specimen from sports persons. The authorities should comply with relevant data protection requirements to safeguard sports persons' personal data privacy rights.

In the big data era, more and more sports persons and coaches are aware that the more they can measure and analyse, the more they can improve performance: What they eat, how they perform in the gym or on the pitch, and how sound they sleep, may have an impact on achievement. But gathering data in such volume and depth carries privacy risks. Likewise, in our daily life, the challenges in protecting personal data in this digital era and age of Big Data aided, if not complicated by Artificial Intelligence, the building of a culture of respect and the ethical use of personal data become equally, if not more important. A survey commissioned by my office a few years ago reflected how people nowadays view privacy and you would understand why it is important to cultivate the culture:



- People often sacrifice privacy for the sake of convenience. Only few respondents were concerned about providing mobile phone number (even though it allows receiving advertising calls), occupation or full date of birth (even though it is often used for validation); and
- Many are wary that their personal data is shared even without their knowledge or consent, but when asked whether they would be willing to pay HK\$20 per month for email services without advertising, most people say no.

Coming back to the baseball game: when you are the catcher of the team, you must catch and hold the baseball in your hand to win the game. In everyday life, as the data subject, you should stay smart when providing personal data to data users because “data protection is in your hands”. Let me offer you some practical tips on how to be in control of your personal data:

- don't provide your data, online or offline, unless you are sure about security;
- don't use free public Wi-Fi and press “Forget this network” and delete preferred networks after use;
- don't download suspicious mobile apps;
- don't use an easy-to-guess password for all accounts;
- think twice before providing personal data online;
- ensure that the collection of the personal data is fair and that is for a legal purpose;
- ask for the intended use of the data;



- provide only data necessary for the prescribed purpose;
- reject any use other than the prescribed purpose ;
- read and understand the data user's available privacy policy; and
- erase all information in your smart devices before repair or disposal

In gist, always be smart and vigilant to protect your personal data! Don't leave your digital footprint unnecessarily or cavalierly.

On this note, I would like to wish all participating players an enjoyable competition and a memorable stay in Hong Kong. Thank you.
