

Personal Data (Privacy) Ordinance

2004 Opinion Survey

Attitudes and Implementation—Key Findings

In 2004 the Office of the Privacy Commissioner for Personal Data ("the PCO") commissioned the Social Sciences Research Centre of the University of Hong Kong to conduct the sixth territory-wide opinion survey with the aim of gauging the general public's attitudes to and experiences of personal data privacy in Hong Kong. The survey, comprised of two parts drawing upon the perspectives of both data subjects and data users, was conducted between February and April 2004.

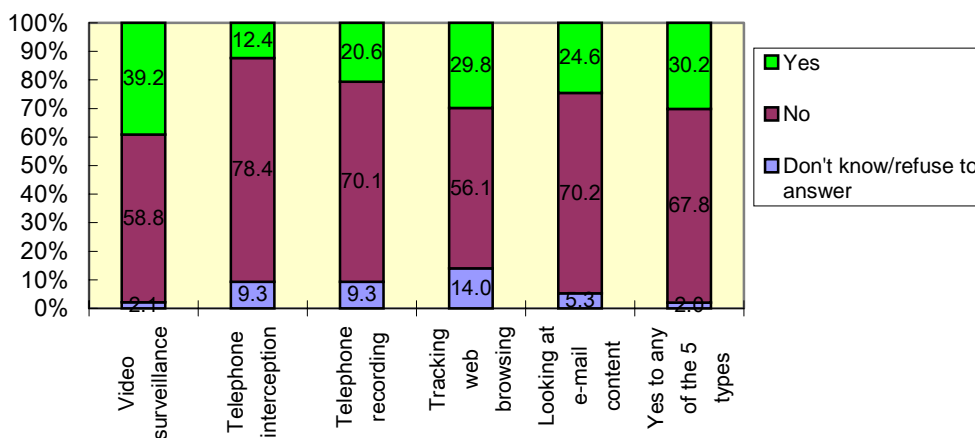
Part A: Data Subjects' Attitudes and Experiences

This part of the study aimed at assessing individuals' perceptions, attitudes and experiences towards personal data privacy issues in Hong Kong. It was comprised of a telephone survey of 1,051 members of the community (aged 16 or above) who lived in a household with a telephone.

1 The Notification of Workplace Surveillance Practices

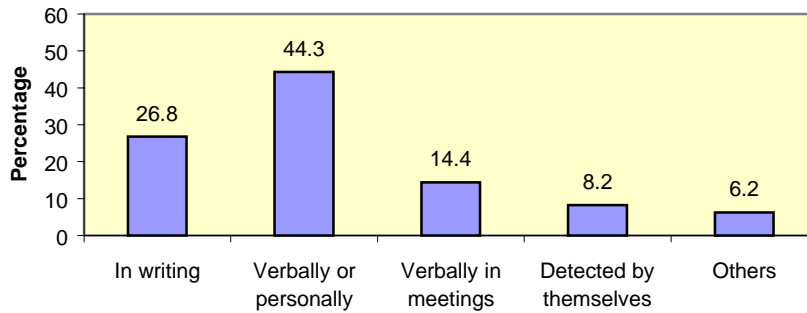
Fig. 1.1 indicates that only 30.2% (base n=205) of respondents subjected to at least one of the five forms of workplace surveillance investigated (CCTV, telephone conversation interception, telephone conversation recording, E-mail and web browsing) have been notified by their employers while 67.8% have not. Fig. 1.2 shows that the most common way in which employees were notified about workplace surveillance was verbally or personally (44.3%). Only 26.8% were notified in writing.

Fig. 1.1
Has your employer notified you of any workplace surveillance by kind of workplace surveillance?



Base=119; base=34; base=43; base=62; base=50; base=205: respondents experiencing different types of surveillance

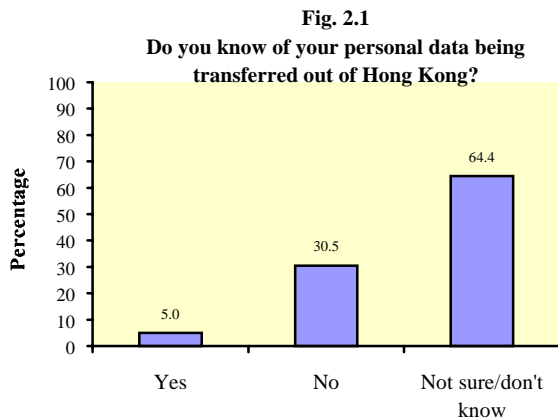
Fig. 1.2
Ways of being notified by employers



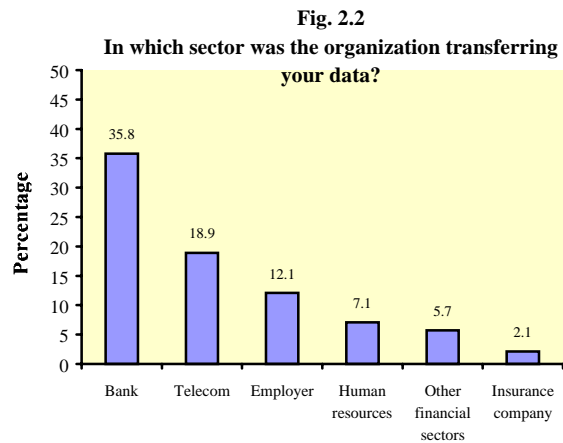
Base=97: working respondents who have been notified of surveillance

2 Cross-Border Data Transfer

Fig. 2.1 indicates that very few (5.0%) respondents were aware of their personal data collected in Hong Kong being transferred to a place outside of Hong Kong. The majority of respondents was either not sure or did not know of this practice (64.4%). Among the few respondents (n=53) that were aware, banks (35.8%) and telecommunication companies (18.9%) were the only sectors that yielded much coverage (Fig. 2.2). When probing respondents about the reasons they might have for expressing reservations about the transfer of their personal data, 59% cited privacy as the major concern (Fig. 2.3).

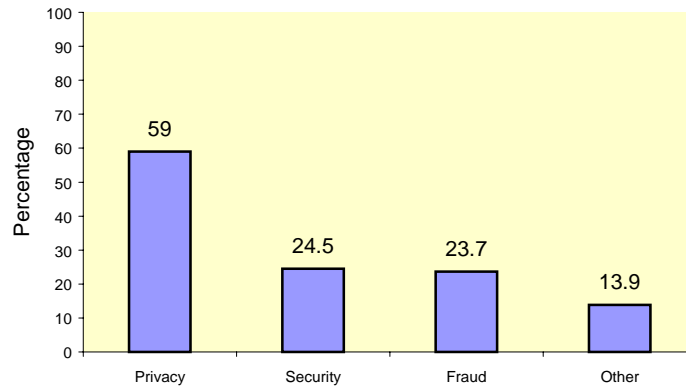


Base=1051: all respondents



Base=53: respondents aware of cross-border transfer of their personal data

Fig. 2.3
Reasons for concern about personal data being transferred out of Hong Kong

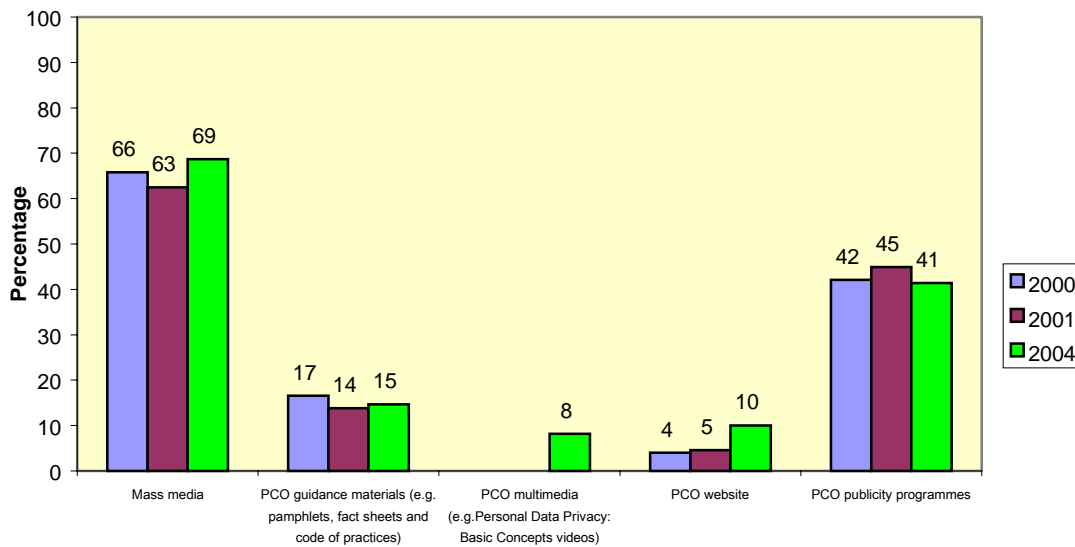


Base=1051: all respondents

3 PCO Publicity and Guidance Materials

Fig. 3 shows the continuing significance of mass media (69%, n=1051) together with PCO publicity programmes (41%) and an important increase in the popularity of the PCO's website as channels for learning about the PCO. The percentage change in respondents learning about the PCO through the website has doubled over the period 2001-2004.

Fig. 3
Channels for learning about the PCO

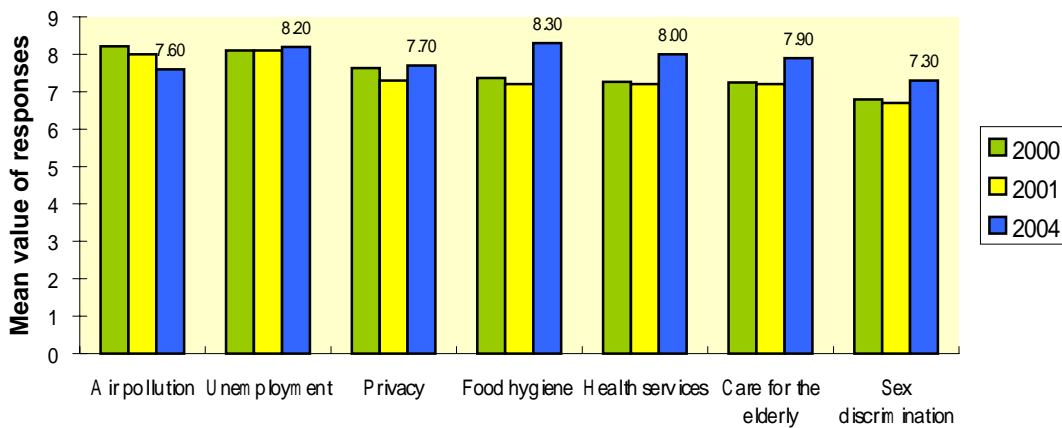


Base=1051: all respondents

4 Privacy as a Social Policy

The importance attached to privacy in relation to other social policies has remained stable over the years. While privacy has dropped down the list of rankings, it is important to note that this is *not* because privacy has become less important, but that health issues in particular have become a greater common concern since the outbreak of SARS in 2003. (Fig. 4)

Fig. 4
The importance of privacy in relation to other social policy issues



Base=1051

Note: The scale is from 0 to 10 with 0 meaning "not important at all" and 10 meaning "very important".

Part B: Data Users' Attitudes and Experiences

The second part of the survey, comprising a sample of 273, was a faxed self-administered questionnaire that studied the implementation of personal data policies in organizations drawn from both private and public sectors. The objective was to obtain information on organizations' attitudes towards and measures taken to comply with the requirements of the Personal Data (Privacy) Ordinance (the "PD(P)O") and to track any changes in such attitudes and measures.

1 Compliance with the Provisions of the PD(P)O

Most government departments (90.9%) responding to the survey have a Privacy Policy Statement ("PPS"). The corresponding figures for subvented organizations e.g. NGOs, were 61.8% and 46.6% for private companies. (Fig. 1.1) An analysis of findings based upon organizational size reveals that smaller organizations are less likely to have a PPS. In organizations of 10 or less staff, only 27.6% have a PPS. By way of contrast, all organizations with 1000 staff or more have a PPS (Fig. 1.2).

Figure 1.1
Organizations having a PPS (by Sector)

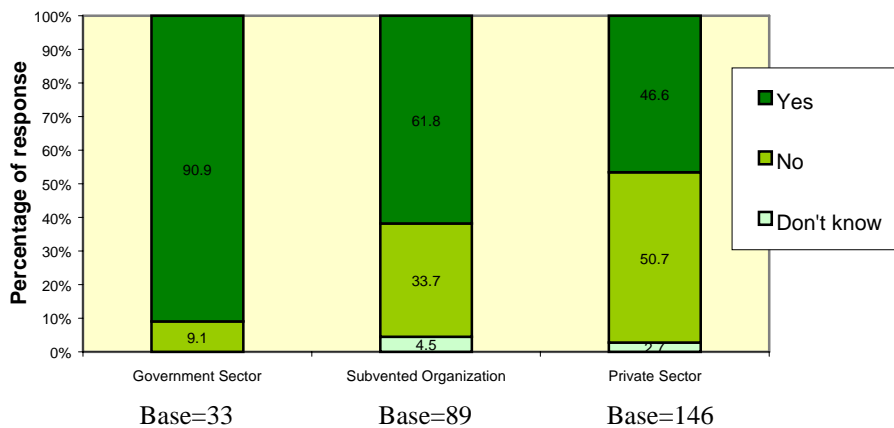
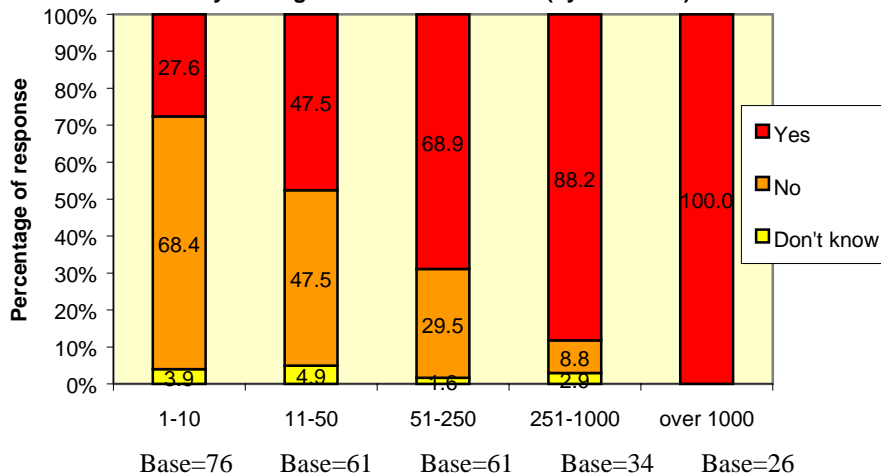


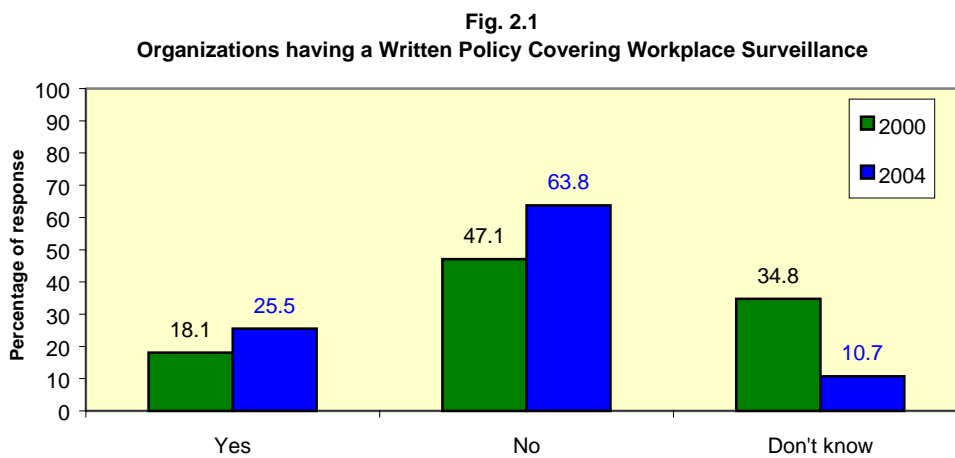
Figure 1.2
Does your Organization have a PPS? (by Staff Size)



2 Surveillance in the Workplace

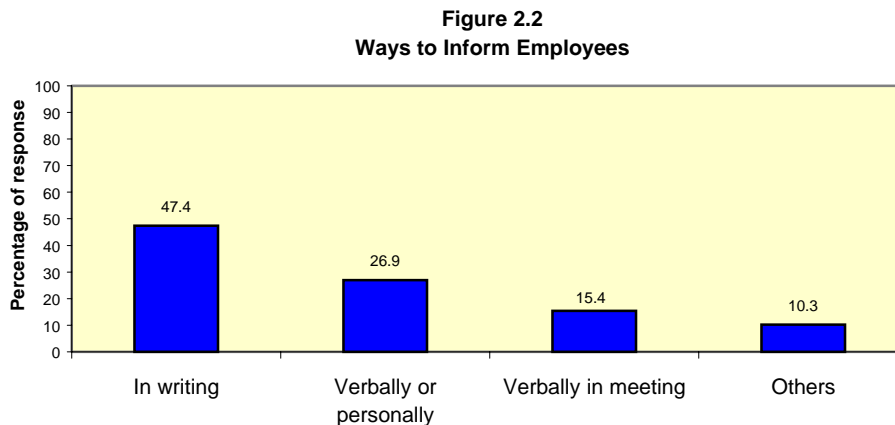
The data users survey also investigated the prevalence of practices pertaining to five forms of surveillance in the workplace (CCTV, telephone, E mail, web browsing and computer use). Similar results were found for the incidence of each type of surveillance, ranging from 17% for web browsing to 28% for computer use. 48% of respondents were engaged in at least one of the five forms of surveillance and 26.7% used two or more (n=273).

Fig. 2.1 shows a significant decrease from 34.8% in 2000 to 10.7% in 2004, in terms of those organizations who do not know whether they have written policies covering workplace surveillance. The percentage of respondents able to confirm a written policy increased from 18.1% in 2000 to 25.5% in 2004 while the percentage confirming *no* written policy also increased from 47.1% to 63.8% over the same period.



Base =149: Organizations operating any of the types of surveillance listed

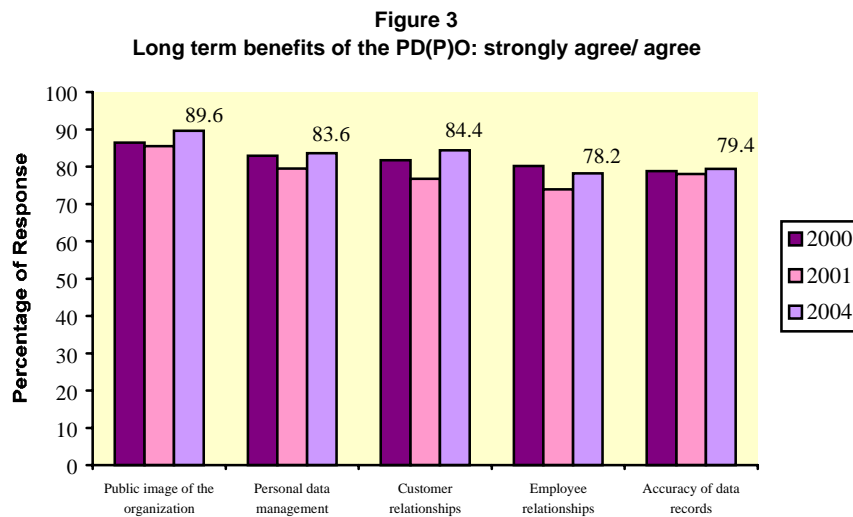
66.4% of respondents (n=131) that operate any of the five listed forms of workplace surveillance now inform employees of this practice. Of those organizations that inform employees, 47.4% do so in writing, 26.9% verbally or personally and 15.4% in meetings (Fig. 2.2). However, there is some inconsistency here as the findings of the 2004 data subjects survey (among employees that were aware of workplace surveillance) indicate that only 30.2% had been informed, less than half of the percentage reported by data users.



Base=78: Organizations informing employees about workplace surveillance

3 Long Term Benefits of the PD(P)O Perceived by Data Users

The majority of respondent organizations agreed with the view that there were long term benefits to be derived from compliance with the PD(P)O, with the lowest support of 78.2% for employee relationships and the highest support of 89.6% for the public image of the organization. (Fig. 3)



Base=262
