

Facilitation measure on “Standard Contract for Cross-boundary Flow of Personal Information Within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” and its early and pilot implementation arrangements

The Innovation, Technology and Industry Bureau (ITIB) and the Cyberspace Administration of China (CAC) announced today (December 13) the facilitation measure on "Standard Contract for the Cross-boundary Flow of Personal Information Within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)" (the GBA Standard Contract) and its early and pilot implementation, with a view to facilitating and streamlining the arrangements on cross-boundary flow of personal information from the Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) to Hong Kong.

Under the co-operation framework of the "Memorandum of Understanding on Facilitating Cross-boundary Data Flow Within the Guangdong-Hong Kong-Macao Greater Bay Area" signed between the ITIB and the CAC in June this year, the GBA Standard Contract is the first facilitation measure formulated to foster the cross-boundary flow of personal information within the GBA in a safe and orderly manner. It allows individuals and organisations in the Mainland cities within the GBA and Hong Kong to enter into a standard contract adopting a standardised template on a voluntary basis, providing for the responsibilities and obligations of both contracting parties in protecting personal information.

Under the GBA Standard Contract, the compliance requirements for the cross-boundary flow of Mainland personal information among nine Mainland cities within the GBA (i.e. Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing in Guangdong Province) and Hong Kong will be streamlined. The GBA Standard Contract will also lift the restriction on the volume of cross-boundary flow of personal data that a personal information processor can transfer under the Mainland's framework on safe management of cross-boundary data flow, and simplify the relevant assessment contents in applicable personal information protection impact assessment.

The Office of the Government Chief Information Officer (OGCIO) and the Cyberspace Administration of Guangdong Province will jointly take forward the orderly implementation of the GBA Standard Contract, which will benefit the public and businesses of different sectors. The OGCIO will launch the "early

and pilot implementation" arrangement of the GBA Standard Contract this month, with the first phase inviting openly for participation from the banking, credit referencing and healthcare sectors which have a strong demand for cross-boundary services. The Hong Kong Special Administrative Region Government will review the "early and pilot implementation" arrangement in due course, with a view to further extending the facilitation measure to other sectors.

A spokesman for the ITIB said, "We would like to express heartfelt gratitude to the CAC for its unfailing support in facilitating the cross-boundary flow of information within the GBA in a safe and orderly manner. With the implementation of the GBA Standard Contract, the compliance costs of cross-boundary personal data flow for enterprises will be greatly reduced, thereby facilitating the provision of relevant cross-boundary services in the GBA and bringing convenience to the public and businesses. The GBA Standard Contract also promotes the development of the GBA's digital economy and helps Hong Kong better integrate into the national development."

"The GBA Standard Contract is an administrative measure. It does not affect the supervisory and regulatory roles of the Office of the Privacy Commissioner for Personal Data in ensuring compliances with the Personal Data (Privacy) Ordinance (PDPO). Meanwhile, the processing and export of personal data from Hong Kong will be conducted on a voluntary basis and continue to be regulated in accordance with the PDPO of Hong Kong," the spokesman continued.

For details of the facilitation measure and the "early and pilot implementation" arrangement of the GBA Standard Contract, please refer to the OGCI0's thematic website (www.ogcio.gov.hk/en/our_work/business/cross-boundary_data_flow/index.html).