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**CHINA ALERT*****Hong Kong Data Protection Decision and New Guidance Yesterday, October 18, 2010***

Yesterday, the Office of the Privacy Commissioner for Personal Data, Hong Kong ("PCO") issued two critical reports that substantially define the direction of privacy protection regulation going forward. These reports were issued in the context of direct marketing by third parties to customers of a smartcard issuer. Though the PCO went to great lengths to say a balance must be struck between individual privacy and commercial marketing activity, the direction forward looks more weighted to consumer protection.

If you wish a copy of either report, we would be pleased to provide it to you.

- The first report (60+ pages) is the report on the investigation of the particular circumstances of the Octopus Rewards Program – one wonders why any consumer would be surprised by use of his data with that name!
- The second report is detailed regulatory compliance information (8 pages) that gives useful guidelines and advice.

The PCO foretells upcoming legislative proposals, so this battle is far from over. And of course one looks North and wonders about the rest of the PRC.

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