Dissertation Title: A Comparative Study of Legislation Affecting Privacy and Personalization Factors of Website Design in Australia, Singapore and Hong Kong

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A Comparative Study of Legislation Affecting Privacy and Personalization Factors of Website Design in Australia, Singapore and Hong Kong
ABSTRACT

This paper focused on website design factors with respect to online websites access by consumers resulting in collecting personal information. In today’s information age, focusing on personal data privacy protection issues will undoubtedly be a priority in promoting electronic commerce in Asia Pacific. Hong Kong is a pioneer in legislating comprehensive data privacy protection law amongst the common-law regimes. Hong Kong enacted the Personal Data (Privacy) Ordinance way back in 1995. In the Asia Pacific region, Australia and Hong Kong are two jurisdictions supporting the nine principles of the APEC Electronic Commerce Steering Group framework by passing comprehensive data privacy protection laws. Singapore is lagging behind and only promulgates a Model Data Protection Codes (MDPC) without any legislative support. When comparing the underlying principles of the MDPC with those stipulated in the data privacy regulatory framework of Hong Kong Australia, they are similar. This study examined websites’ data privacy design factors and the extent of the privacy policy information found in the websites. The first observatory survey visited a random sample of 307 websites with roughly equal number in Australia, Hong Kong and Singapore. The survey used a questionnaire to guide the collection of design factors related to the manner of personal data collection, the format and location of the privacy policy statement, and the types of information provided in such statement. The second survey was an email survey. Eighty seven website operators gave valid responses to a questionnaire collecting their views on personal data privacy related website design issues. Data analysis for both surveys involved counting frequencies, calculating percentages, and using Chi-square tests. This study proposed the hypotheses that were used to examine the extent of personal data privacy intrusion and the level of the privacy policy information disclosure of the websites. The proposed hypotheses assumed that these privacy related website design factors were largely influenced by the regulatory framework implemented by the government. Results of the first survey revealed that most websites
collected personal data on a non-voluntary way, and there was no significant country difference. However, most websites in Australia and Hong Kong provided some form of the privacy policy statement. Singapore is the only country using a legislative threat approach instead of actual legislation to regulate personal data privacy. The results revealed that 61.8% of Singaporean websites did not provide any form of the privacy policy information. The country difference in the format and location of the privacy policy statement found in websites was significant. The results revealed that more websites in Australia and Hong Kong provided information about the purpose of collection, use of personal data, right to ensure accuracy of data stored, and data transmission security than those in Singapore. The country difference did not show up on the other types of information including the use of cookies, right to refuse promotional materials, divulge of personal data, and data retention policy. Results of the second survey were not conclusive. Hence, the website operators email survey results did not support the hypothesis that legislative and non-legislative approach would have different effects on influencing the views of the website operators.
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