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# Introduction 引言

## 私隱專員簡報 **Privacy Commissioner's Overview**



**鄧爾邦**

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個人資料私隱專員

Privacy Commissioner for Personal Data

這是個人資料私隱專員公署(「公署」)第七份年報，匯報了公署在二零零二年四月一日至二零零三年三月三十一日期間的工作。

本港市民對個人資料私隱權益的理解日深，對保護自己個人資料的要求也越來越高。為了配合社會的需求，我們重新分配資源，在工作上又採取了更靈活的安排，藉以繼續為市民提供高水平的服務。在過去一年，我們處理了很多繁重的工作，資源方面也因此而承受了一些壓力。全賴公署各同事通力合作，發揮群策群力的精神，使各項工作得以圓滿解決，攜手渡過了艱難的時刻。過去一年的工作經驗實在非常寶貴，我相信只要能夠把這些經驗加以轉化運用，必定能夠應付社會瞬息萬變的發展。

年內，公署除了努力完成手上的工作外，並且銳意開展新的工作計劃，務求盡展所長，保障市民的個人資料私隱權益，以及推動社會各界遵守條例的規定。在國際方面，公署與其他司法區緊密聯繫，並在區內建立了新的夥伴關係。公署在二零零二年十一月與南韓簽署的諒解備忘錄，便是後者的一個具體例子。此外，公署亦直接參與亞太區經濟合作組織(「亞太經合組織」)會議的事務，再次引證了我們在地區層面表明香港重視個人資料私隱的決心。我們瞭解到，保障私隱雖然尚未擴展至一個世界性問題，但可以肯定的是，保障私隱的重要性，已經很明顯地得到區內其他司法區的關注。有見及此，公署展開了上述與區內及國際間的合作關係，藉此把公署的工作策略提升至更廣闊的層面。對香港來說，能夠參與國際性保障私隱的會議，以確保我們能夠在保障私隱的共同目標上能夠符合國際標準，是非常重要的。

This is the PCO's seventh annual report and covers the period 1st April 2002 to 31st March 2003.

The events of the year have resulted in a significant increase in the workload of the Privacy Commissioner's Office ("PCO") and this has made considerable demands upon the resources of the organization. I attribute this development to the fact that Hong Kong citizens are better informed and more knowledgeable about their personal data privacy rights and, for that matter, more inclined to protect them. Greater demands have necessitated the re-allocation of resources and greater flexibility in work practices in order to sustain an acceptable level of service to the community. It is a measure of the motivation of all staff that I can report, with some confidence, that the PCO has come through difficult times with credit. In my view the year has provided us with valuable learning, and that learning will need to be consolidated if we are to be resourceful in the immediate future: a future characterized by a good deal of uncertainty.

Over the course of the year the PCO continued to work towards the conclusion of projects already in hand as well as embarking upon new initiatives aimed at strengthening its role in protecting personal data privacy rights and encouraging compliance. Internationally, the PCO developed closer relations with other jurisdictions and forged new relationships in the region. One tangible example of the latter was a Memorandum of Understanding signed with South Korea in November 2002. Greater direct involvement in the affairs of the Asia Pacific Economic Cooperation ("APEC") forum provides yet another illustration of the PCO's commitment to ensuring that Hong Kong's personal data privacy interests are well represented at the regional level. These initiatives mark a refinement in the strategy of the PCO and are a response to evidence indicating that privacy issues have moved from being of local significance to being of regional, and in time global significance. It is important therefore that Hong Kong is represented at international forums that have taken up the privacy cause with the intent of ensuring a degree of compatibility towards privacy-related issues of common interest.

## 年內活動概覽

本年報其後各章節會對公署五個部門的活動作出闡述，包括執行部、行政事務部、法律部、機構傳訊部及政策部。我

不會在此贅述各部門的工作，但會談談本年報期內一些備受社會關注、正在進行及新開展的工作計劃。

### 香港智能式身份證

相信在本年報發表時，第一批智能式身份證經已面世。

年內，公署職員與入境處的人員保持密切聯絡，以確保市民大眾充分了解智能式身份證所涉及的私隱問題，以及加強其透明度。由於智能式身份證儲存了大量個人資料，公署認為當局應該進一步協助市民清楚明白，當為出入境事務或現時身份證一般用途以外的其他用途向他們收集個人資料時，應事先取得他們的同意。我覺得市民理應得悉將個人資料儲存於咭內既有好處亦具潛在私隱危機。如果能夠提高制度的透明度和加深市民的了解的話，相信可加強市民對智能咭的信任和信心，讓他們選擇是否將其他增值用途儲存於咭內。假若智能式身份證的用途將來有所增加（例如個人健康資料及電子錢包等），市民對制度的信任，尤其重要。

### 擴大共用個人信貸資料

在去年的年報中，我曾提及香港的個人欠債情況及財經界要求擴大共用個人信貸資料的範圍等問題。財經界提供給公署的理據是，信貸提供者無法確切評估新信貸申請人的真正還款能力，亦無法得知他們是否將現有的信貸安排滾存至新的信貸安排。這是因為信貸提供者只能查閱借款人的負面信貸資料。擴大共用信貸資料的範圍等同放寬現有共用

## The Year at a Glance

Elsewhere this report details those activities undertaken by the five divisions comprising the PCO: Operations, Administration, Legal, Corporate Communications and Policy. I will not elaborate on those activities in this overview but I would like to make reference to some of the projects, both on-going and new, that have been the focus of a good deal of attention in the year under review.

### The Hong Kong Smart Identity Card

By the time this annual report is released the first batch of smart identity cards will have been issued. Over the year PCO staff have been in close liaison with colleagues in the Immigration Department to ensure that the privacy issues associated with the smart card are fully understood and made transparent to the community. Given the smart card's capacity to store considerable amounts of personal data we feel that it is right and proper that the community is made aware of the importance of the concept of consent when collecting personal data for applications other than that deemed necessary for Immigration Department purposes. I am of the view that citizens should be informed of the potential privacy risks as well as the benefits to be derived from storing personal data on the card. Being transparent around the issues will generate public trust and confidence and assist individuals to making a choice as to whether there is added value to be derived from storing additional personal data on the card. This will be of particular relevance if the capacity of the smart ID card were to be utilized for other functions in the future, which, whilst beneficial to the individual, might also impact upon data privacy, such as health data, e-purse, etc.

### The Broader Sharing of Consumer Credit Data

I drew attention in last year's report to the situation of consumer debt in Hong Kong and the call for a greater sharing of consumer credit data by the financial services sector. The argument put before the PCO was that credit providers were hampered in their ability to make sound judgements regarding the true creditworthiness of individuals applying for new credit, or a rollover of existing credit facilities. This was because their access to borrowers' credit information was restricted principally to negative data. The request for greater sharing of consumer credit data would mean a relaxation of the current regulatory regime pertaining to consumer credit data sharing. For this to happen there would need to be amendments to the Code of Practice on Consumer Credit



個人信貸資料的管制措施，因而須先修訂在一九九八年十一月首次生效的《個人信貸資料實務守則》。公署當然需要有理據支持，才可以放寬規定。與此同時，如對守則作出修訂的話，從消費者的角度來看，信貸提供者理應承諾向審慎理財的借款人提供優惠。

經修訂的守則於二零零三年六月生效。我相信這是一個顯示公署採取一個切實可行的方案，平衡信貸提供者及借款人之間的利益的好例子。要在公眾利益與個人資料私隱權益之間取得平衡並非易事，但我相信根據守則的規定，財經服務業所須遵守的各項私隱保障措施，應足以釋除一些社會人士的疑慮。此外，公署一直致力履行審視循規職責，確保社會各界遵守條例的規定，並會將適當的資源投放於監察共用個人信貸資料的新措施。

#### **《監察活動及工作期間的個人資料私隱實務守則草擬本》**

《監察活動及工作期間的個人資料私隱實務守則草擬本》起源於公署在二零零一年進行的一項相關研究。基本上，這套守則主要是設法保障僱員在工作間的私隱，而非試圖限制僱主管理其機構資產及資源的權力。守則建議的兩項指導性原則是「透明度原則」及「相稱性原則」。基於這兩項原則及私隱條例的保障資料原則，公署草擬了一套保障工作間私隱的條文，就個人資料的收集、給予通知的規定及監察記錄的處理提供具體指引。

公署在二零零二年發出諮詢文件，徵詢市民對守則草擬本的意見，諮詢活動在六月份結束。在公署收到的大部份意見書中，回應者都非常詳盡地就工作間的監察活動提供了寶貴的意見。公署現正對這些意見進行分析，預計會在二零零三年的稍後時間發表諮詢報告。

Data which first came into effect in November 1998. Naturally the PCO needed to be convinced that any relaxation was justified and that, if conceded and from a consumer's perspective, credit providers should take it upon themselves to confer benefits upon those borrowers who were prudent in the management of their personal finances.

The final version of the amended Code took effect in June 2003. I believe the experience is a good example of the way in which the PCO has brokered a solution that balances the respective interests of credit providers and borrowers. The balance between the public interest and personal data privacy rights is not always an easy one to strike but I am satisfied that the privacy safeguards that the financial services sector are required to comply with will allay the fears expressed in some quarters of the community. Having said that the PCO is mindful of its obligation to ensure compliance and will be devoting resources to that aspect of the new consumer credit sharing regime.

#### ***The Draft Code of Practice on Monitoring and Personal Data Privacy Draft at Work***

The development of the Draft Code of Practice on Monitoring and Personal Data Privacy at Work originated with a study commissioned in 2001. Fundamentally this was an attempt to give protection to employee privacy in the workplace rather than an attempt to constrain the employer's right to manage the assets and resources of the organization. Central to the draft Code are two guiding principles: that of transparency and proportionality. These were used, in conjunction with the data protection principles of the Personal Data (Privacy) Ordinance ("the PD(P)O") to produce a set of provisions that afford a degree of privacy in the workplace with specific guidance on the collection, notification and handling of monitoring records.

The draft Code was the subject of a consultation exercise that ended in June 2002. Most of the submissions received were very detailed and offered valuable insights to workplace monitoring practice. They are currently being analyzed and it is anticipated that a report on the consultation exercise will be released later in 2003.

### 公眾地方的監察攝影機

記得在上一個年報的尾段時間，警務處宣布打算在蘭桂坊安裝監察攝影機。這項建議引起了傳媒的廣泛關注和公眾的討論。討論主要環繞著保安、私隱及監察記錄的用途等問題。可能有見於社會對私隱方面的關注，該項建議其後亦被擱置。

當時，公署剛巧亦正在研究及草擬《監察活動及工作期間的個人資料私隱實務守則》。在此情況下，公署於是將監察活動的釋義擴大至包括在公眾地方使用監察攝影機。為更深入理解有關現象，公署委託外間機構進行意見調查，以界定各項私隱議題及找出市民對有關議題的看法。在進行意見調查期間，公署並未得悉其他類似的大型意見調查或研究，亦未有資料顯示市民對公眾地方監察活動的具體意見或可影響公眾意見的有關因素。不過，初步調查「證據」顯示，市民對在公眾地方安裝監察攝影機的看法，主要視乎監察活動的實際需要，以及監察期間所收集的監察記錄的使用和相關的保安措施而定。

### Surveillance Cameras in Public Places

Towards the end of the last reporting year it will be recalled that the Hong Kong Police made a public announcement that they intended to install surveillance cameras in Lan Kwai Fong. This proposal generated a considerable amount of media interest and public debate. Much of the debate hinged upon security and privacy arguments and the use to which surveillance records might be put. However, subsequent to the announcement, and possibly in view of the privacy concerns expressed by the community, the proposal was postponed.

Coincidentally, at this time the PCO were engaged in researching and drafting the Code of Practice on Monitoring and Personal Data Privacy at Work. It seemed logical therefore to broaden the definition of surveillance to include the use of surveillance cameras in public places. To better understand the phenomenon the PCO commissioned a survey to give definition to the privacy issues and map perceptions of the community towards them. At the time the survey was conducted the PCO were not aware of any large-scale enquiry into issues of public place surveillance or the variables that might impact upon the substance and parameters of public opinion. However, the crude 'evidence' to hand is that community opinions towards the use of surveillance cameras in public places are contingent upon the circumstances under which surveillance activities take place and the safeguards applied to monitoring records gathered during the course of surveillance.





### 亞太區經濟合作組織的私隱措施

年內，亞太經合組織擬透過一些能夠利便各成員經濟體系交流經驗及互相討論的組織性安排，來把私隱這個已於較早討論過的議題納入議程內。能夠把私隱這個議題提升至區域性層面，是一個積極性的發展，而我亦深信亞太經合組織所作出的努力必定會帶來有意義的成果。鑑於越境傳輸的資料數量日升，很明顯是應該盡早制訂原則及架構，讓各成員體系在考慮個別私隱問題時採用。

目前，亞太經合組織正積極進行兩項主要私隱計劃。首項計劃是要繪製亞太地區的私隱保障現況圖表，以確定各成員體系的私隱發展水平、實施的相關法例及規管或循規機制。第二項私隱計劃是設法制訂一套共同的私隱原則，就如何正確處理個人資料，為各成員提供指引。此計劃的目的是要制訂一套務實而又可得到廣泛支持的保障原則。我相信一套融合我們的保障資料原則，或者範圍更廣的實務性私隱原則，將有助促進亞太經合組織各成員體系的了解，並確保大家的水平維持一致。此外，亦可確保在一個司法區收集但卻在另一個司法區處理的個人資料會得到可接受的最低限度保障，從而有助推動多邊貿易。

### APEC Privacy Initiatives

Over the course of the year it became evident that APEC was intent upon progressing an earlier decision to adopt privacy as an agenda item by establishing organizational arrangements that would facilitate experience sharing and debate among member economies. It is encouraging to see debate being elevated to a regional forum and I am certain that valuable work will come out of this APEC initiative. As trans-border data flows increase in volume it is only sensible to establish principles and frameworks that will be adopted by member economies in their consideration of privacy issues.

At present APEC is actively engaged in two major privacy projects. The first of these is a mapping exercise that seeks to establish the level of development of privacy, related legislation and the regulatory or compliance mechanisms in force in member economies. The second privacy project seeks to establish a common set of privacy principles that will inform and guide individual member economies in the handling of personal data/information. The intention here is to devise a rubric that is pragmatic and capable of winning broad-based support. I am optimistic that a practical set of privacy principles that encompass, and perhaps extend, the substance of our own data protection principles will do much to promote understanding in the APEC community and ensure broadly consistent standards between member economies. It should also facilitate multi-lateral trade by ensuring that a minimum acceptable level of protection is afforded to personal data collected in one jurisdiction and processed in another.

## 前瞻

公署的首要工作是甚麼？我相信可從本地及區域性這兩個層面回答這個問題。在本地層面，公署會設法加強對私隱影響評估及私隱循規審核的認識。我們現正分配資源及進行培訓，加強各職員在這方面的工作能力，確保有關資料使用者在進行涉及個人資料私隱的複雜計劃之前，必須擬備周詳的私隱影響評估方案。

在未來一年，公署將會開展一項新計劃，藉以深入了解越境資料傳輸所衍生的問題，包括把在香港收集的資料，以電子形式傳送至其他司法區作記錄或處理。越境資料傳輸引發了重要的私隱議題，私隱條例第33條涵蓋了這個情況。條文雖然至今仍未生效，但公署必須採取積極主動的態度，以應付可能出現的情況。故此，我們計劃進行一項基綫的現況調查，查看一些已設立越境傳輸資料系統，把在香港收集的個人資料，如顧客的帳單資料，傳送至海外分公司的大機構的做法。

在國際層面，公署會與其他司法區的資料保障機構建立更緊密的關係，確保互相了解當前所發生的問題，並就有關問題交換經驗及作出回應。至於亞太經合組織方面，公署期望在來年的會議中與各成員緊密合作。相對其他一些司法區而言，香港建立了一套較全面的私隱保障制度。我衷心希望能夠與亞太經合組織的同事分享我們在私隱保障工作的經驗，並確保公署可以為組織倡議的各項私隱措施作出實質的貢獻。

相對其他監管機構而言，我們的規模較小，而資源亦有限，但是，這並沒有影響我們在過去一年處理手上工作的決心，成功地解決許多新的難題，並且準備迎接新的挑戰。與此同時，我們並沒有忽略必須時刻保持高效率的重要性，一直為市民提供高水準的服務。雖然個人資料的應用範圍及相關的社會發展繼續有不同的變數，公署承諾會積極面對未來各項挑戰，以恰如其份的專業精神來履行保障個人資料私隱權利的職責。

## The Outlook

In terms of the immediate future what will the PCO's priorities be? I think this question can be answered on two levels, the domestic and the regional. On the domestic front the PCO will seek to enhance its understanding of privacy impact assessment and privacy compliance auditing. Resources are being allocated to enhance the skills of PCO officers in these areas. Both competencies are necessary to ensure that complex projects with an important privacy component are, in the first instance, comprehensively mapped in terms of their privacy impact.

In the forthcoming year the PCO will also commence work on a project designed to gain deeper insights into the issues posed by trans-border data flows, involving personal data collected in Hong Kong, being electronically sent to other jurisdictions for recording or processing purposes. Trans-border data flows raise important privacy issues and are dealt with under Section 33 of the PD(P)O. Although this section of the PD(P)O has not yet come into force it is important that the PCO remains proactive towards emerging events. It is our intention therefore to conduct a baseline survey of the practices of those larger organizations that have already instituted systems that involve the transfer of personal data collected in Hong Kong e.g. customer billing data, to other branches of the organization located in other countries.

On the international front the PCO will strengthen its relations with data protection commissions in other jurisdictions to ensure that there is mutual understanding and experience sharing regarding contemporary issues, and responses to those issues. In APEC the PCO looks forward to the events of the forthcoming year and working closely with colleagues in this forum. Hong Kong has a relatively well established privacy regime vis-à-vis some jurisdictions and has the advantage of hindsight. I am keen to share our privacy experience with colleagues in the APEC community and to ensure that the PCO makes a solid contribution to the privacy initiatives it sponsors.

In closing I feel that as a relatively small organization with limited resources, we have, over the year, indicated our willingness to tackle new issues and move in new directions. At the same time we have not lost sight of key measures of our efficiency and have been able to maintain a relatively high level of service to the community. While the future is uncertain the PCO is pledged to confront the challenges that lie ahead with a level of commitment and professionalism befitting our role as a regulator of the community's personal data privacy rights.





## 私隱專員的職責

- (一) 監督個人資料私隱專員公署的行政及管理工作。
- (二) 制訂行動方針及程序，以執行《個人資料(私隱)條例》(「私隱條例」)的規定。
- (三) 監察及監管各界遵守私隱條例的規定。
- (四) 行使核准及發出實務守則的權力，為遵守私隱條例的規定提供實務性指引。
- (五) 加強各界對私隱條例的認識和理解，以及促使各界遵守私隱條例的規定。
- (六) 對認為可能影響個人資料私隱的建議中的任何法例(包括附屬法例)加以審核，以及向建議制定有關法例的人士報告審核結果。
- (七) 視察機構的個人資料系統，包括政府部門及法定法團的系統。
- (八) 在接獲資料當事人的投訴後，或是主動對涉嫌違反私隱條例規定的情況作出調查。
- (九) 就可能對個人資料私隱有不利影響的個人資料處理方法及電腦科技進行研究，以及監察其發展情況。
- (十) 就互相關注並涉及個人資料私隱的事項，與香港以外任何地方擔任類似資料保障職能的人士保持聯絡及互相合作。

## 政策綱要

採取合乎經濟效益及有效率的推廣、監察及監管措施，促使各界人士遵從私隱條例，以確保市民的個人資料私隱得到保障。

## Duties of the Privacy Commissioner

- (i) Oversee the administration and supervision of the PCO.
- (ii) Formulate operational policies and procedures to implement the provisions of the Personal Data (Privacy) Ordinance ("the PD(P)O").
- (iii) Monitor and supervise compliance with the provisions of the PD(P)O.
- (iv) Exercise powers to approve and issue codes of practice providing practical guidance for compliance with the provisions of the PD(P)O.
- (v) Promote awareness and understanding of, and compliance with, the provisions of the PD(P)O.
- (vi) Examine any proposed legislation (including subsidiary legislation) that the Commissioner considers may affect the privacy of individuals in relation to personal data and report the results of the examination to the persons proposing the legislation.
- (vii) Carry out inspections of personal data systems including those of Government departments and statutory corporations.
- (viii) Investigate, upon receipt of complaints from data subjects or on his own initiative, suspected breaches of requirements of the PD(P)O.
- (ix) Undertake research into, and monitor developments in, the processing of data and computer technology that may have adverse effects on the privacy of individuals in relation to personal data.
- (x) Liaise and cooperate with persons performing similar data protection functions in any place outside Hong Kong in respect of matters of mutual interest concerning the privacy of individuals in relation to personal data.

## Mission Statement

To secure the protection of privacy of the individual with respect to personal data through promotion, monitoring and supervision of compliance with the PD(P)O in a cost effective and efficient manner.

## 主要目標

### 確保

- 個人認識到作為資料當事人，私隱條例所賦予他們的權利，以及懂得如何行使有關權利；
- 公私營機構明白作為資料使用者，它們根據私隱條例須履行的責任，以及懂得如何去履行這些責任；
- 個人及公私營機構明白公署所擔當的角色，以及公署如何可為他們提供協助；
- 以待人有禮及有效率的態度對查詢作出回應，令查詢人士感到滿意；
- 有效地調查及解決投訴，令涉案各方皆感公平；
- 以合乎經濟效益及有效率的方法執行公署的所有其他職能；及
- 所有其他有制定資料保障法例的司法區均認識到香港的保障個人資料私隱法律具有強大的約束力，因而不會干預個人資料自由流入香港。

## 職員及組織架構

公署由私隱專員掌管，負責全面監察和監管私隱條例的施行，並促使各界依從條例的規定。此外，私隱專員亦負責管理公署的整體行政工作。副個人資料私隱專員在公署的整體行政及策劃方面協助私隱專員，同時亦負責與個人資料私隱有關的各項政策問題。

在本年報期完結時，公署的職員編制為37人，分別在下列部門工作：

### 執行部負責：

- 處理市民及機構就私隱條例提出的查詢；
- 接受市民向私隱專員提出的投訴，並且就投訴採取行動；

## Key Goals

### To ensure

- individuals are aware of their rights as data subjects under the PD(P)O and how to exercise them;
- public and private sector organizations are aware of their obligations as data users under the PD(P)O and how to meet them;
- individuals, as well as public and private sector organizations, are aware of the role of the PCO and how it can assist them;
- enquiries are responded to courteously and efficiently to the satisfaction of the enquirer;
- complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned;
- all other functions of the PCO are carried out cost-effectively and efficiently; and
- all other jurisdictions with data protection laws are aware of the robustness of our law in protecting the privacy of the individual with respect to personal data so as to obviate any interference in the free flow of personal data to Hong Kong.

## Staff and Organizational Structure

The PCO is headed by the Privacy Commissioner who has overall responsibility for promoting, monitoring and supervising compliance with the PD(P)O and administering the PCO. A Deputy Privacy Commissioner assists the Privacy Commissioner in the overall administration and strategic planning of the PCO. He also has responsibility for policy issues related to personal data privacy.

The Office had a total establishment of 37 staff at the end of the period under review and was organized in 5 divisions:

### The Operations Division was responsible for:

- dealing with general enquiries from members of the public and organizations concerning the provisions of the PD(P)O;
- receiving and taking action on complaints lodged with the Privacy Commissioner;

- 處理資料使用者提出的自動核對資料程序申請；
- 就可能對個人資料私隱有所影響的事宜提供意見；
- 就個人資料系統制定政策及程序，並進行有關視察工作，以及就如何進一步遵守私隱條例規定，向資料使用者提出建議；及
- 就涉嫌違反私隱條例規定的事宜進行調查，並且採取必要的跟進行動，以確保違例者遵守私隱條例的規定。

### 法律部負責：

- 為公署各方面的工作提供法律意見並處理一切法律事宜；
- 監察與公署工作有關的海外資料保障法律的發展；
- 檢討可能對個人資料私隱構成影響的現行及建議中的香港法例並作出報告；及
- 代表私隱專員出席法庭及行政上訴委員會的聆訊。

### 機構傳訊部負責：

- 策劃及推行推廣及公眾教育活動；
- 為機構舉辦研討會及講座，教育有關機構認識私隱條例的規定；及
- 對新聞界的查詢作出回應並安排記者會。

### 行政事務部負責：

- 提供行政支援服務，包括財務、人力資源、總務及資訊服務管理等服務；
- 提供翻譯服務；及
- 為個人資料(私隱)諮詢委員會提供秘書支援服務。

- handling applications from data users for approval of automated data matching procedures;
- providing advice on matters that may affect the privacy of individuals in relation to personal data;
- developing policies and procedures on, and undertaking inspections of, personal data systems and making recommendations to the data users concerned for improved compliance with the provisions of the PD(P)O; and
- conducting investigations of suspected breaches of the PD(P)O and taking appropriate follow up action to ensure compliance with its provisions.

### The Legal Division was responsible for:

- giving legal advice in respect of all aspects of the work of the PCO and deal with all legal matters;
- monitoring developments in overseas data protection laws insofar as they are relevant to the work of the PCO;
- reviewing and reporting on existing and proposed Hong Kong legislation that may affect the privacy of the individual with respect to personal data; and
- representing the Privacy Commissioner in any relevant court or Administrative Appeals Board hearings.

### The Corporate Communications Division was responsible for:

- developing and implementing promotion and public education programmes;
- organizing seminars and presentations for organizations to educate them on the requirements of the PD(P)O; and
- responding to press enquiries and arranging press briefings.

### The Administration Division was responsible for:

- providing administrative support, including financial, human resources, general and information services management;
- providing translation services; and
- providing secretarial support to the Personal Data (Privacy) Advisory Committee.

## 政策部負責：

- 就個人資料私隱問題制定政策立場；
- 就私隱專員擬發表意見的問題，進行比較研究及擬備立場書；及
- 協助草擬實務守則。

## 個人資料(私隱)諮詢委員會

私隱條例第11(1)條訂明須設立個人資料(私隱)諮詢委員會，在個人資料私隱方面或其他與私隱條例的施行有關的事宜，向私隱專員提供意見。個人資料(私隱)諮詢委員會主席一職由私隱專員出任，而委員會的其他成員則由民政事務局局长委任。

## The Policy Division was responsible for:

- developing policy positions on issues with respect to privacy in relation to personal data;
- undertaking comparative research and drafting position papers on such issues for publication by the Privacy Commissioner; and
- assisting in the preparation of codes of practice.

## Personal Data (Privacy) Advisory Committee

Section 11(1) of the PD(P)O provides for the establishment of the Personal Data (Privacy) Advisory Committee to advise the Privacy Commissioner on matters relevant to the privacy of individuals in relation to personal data or otherwise relevant to the implementation of the PD(P)O. The Privacy Commissioner is Chairman of the Personal Data (Privacy) Advisory Committee and its other members are appointed by the Secretary for Home Affairs.

民政事務局局长在二零零二年十月委任下列人士為諮詢委員會成員，任期一年，由二零零二年十月一日起生效：

香灼瑚先生  
香灼瑚國際法律事務所

高廣垣先生  
惠澤中國控股有限公司  
主席兼行政總裁

李介明先生  
消費者委員會副總幹事

盧永雄先生  
星島報業社長

曾勵強太平紳士  
香港專業教育學院沙田分校電子計算系系主任

葉健民先生  
張恩純、葉健民律師行合夥人

楊國強太平紳士  
香港生產力促進局總裁

民政事務局副秘書長或  
首席助理秘書長

In October 2002, the Secretary for Home Affairs appointed the following persons to be members of the Committee for a period of one year with effect from 1 October 2002:

Mr. Wudy Heung  
Managing Director, Wudy Heung & Co.

Mr. Ivan Ko  
Chairman & Chief Executive Officer,  
Advantage China Holdings Limited

Mr. Li Kai-ming  
Deputy Chief Executive, Consumer Council

Mr. Lo Wing-hung  
Chief Executive Officer, Sing Tao Daily

Mr. Tsang Lai-keung, J.P.  
Head, Department of Computing, IVE (Shatin)

Mr. Yip Kin-man, Raymond  
Partner, Edmund Cheung & Co.

Mr. Yeung Kwok-keung, J.P.  
Executive Director, Hong Kong Productivity Council

Deputy Secretary for Home Affairs or Principal Assistant Secretary for Home Affairs

在本年報期間，個人資料(私隱)諮詢委員會舉行了第十六次會議。在二零零二年十二月十三日舉行的第十六次會議上，公署向各成員提交了在公眾地方使用監察攝影機的意見調查結果。各界人士可要求取得個人資料(私隱)諮詢委員會的議程、文件及會議記錄的複本，但須繳付有關資料的影印費用。

During the period under review, the Committee met for the sixteenth time. At the sixteenth meeting of the Committee held on 13 December 2002, members were presented with the results of a public opinion survey on the use of surveillance cameras in public places. Copies of all agenda, papers and minutes of meetings of the Personal Data (Privacy) Advisory Committee are available on request and payment of a minimal fee to cover photocopying costs.



個人資料(私隱)諮詢委員會  
Personal Data (Privacy)  
Advisory Committee

主席 Chairman



鄧爾邦先生  
Mr. Raymond Tang  
個人資料私隱專員  
Privacy Commissioner for  
Personal Data

委員 Members



香灼瑚先生  
Mr. Wudy Heung  
香灼瑚國際法律事務所  
Managing Director, Wudy  
Heung & Company



高廣垣先生  
Mr. Ivan Ko  
惠澤中國控股  
有限公司主席  
兼行政總裁  
Chairman & Chief  
Executive Officer,  
Advantage China  
Holdings Limited



李介明先生  
Mr. Li Kai-ming  
消費者委員會  
副總幹事  
Deputy Chief Executive,  
Consumer Council



盧永雄先生  
Mr. Lo Wing-hung  
星島報業社長  
Chief Executive Officer,  
Sing Tao Daily



曾勵強太平紳士  
Mr. Tsang Lai-  
keung, JP  
香港專業教育學院沙田  
分校電子計算系系主任  
Head, Department of  
Computing, IVE (Shatin)



葉健民先生  
Mr. Yip Kin-man,  
Raymond  
張恩純、葉健民律師行  
合夥人  
Partner, Edmund Cheung  
& Co.



楊國強太平紳士  
Mr. Yeung kwok-  
keung, JP  
香港生產力促進局總裁  
Executive Director,  
Hong Kong  
Productivity Council



許鄔芸芸女士  
Mrs. Nancy Hui  
民政事務局  
首席助理秘書長  
Principal Assistant  
Secretary for Home  
Affairs



楊卓廣先生(秘書)  
Mr. Joseph Young  
(Secretary)  
個人資料私隱專員公署  
行政及財務經理  
Admin. & Finance  
Manager, PCO