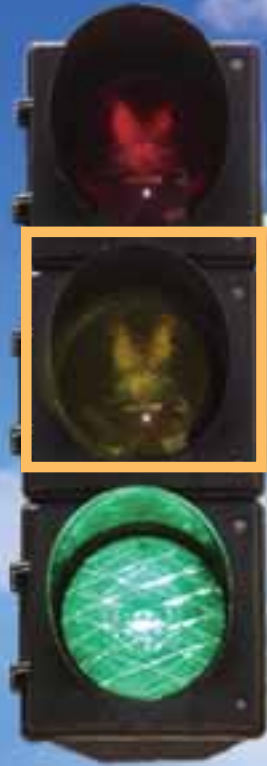
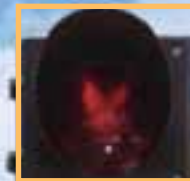


關注
Concern



建議
Recommendation



遵守
Compliance

監管工作 Compliance Actions

Ensuring Universal Compliance

確保各界循規

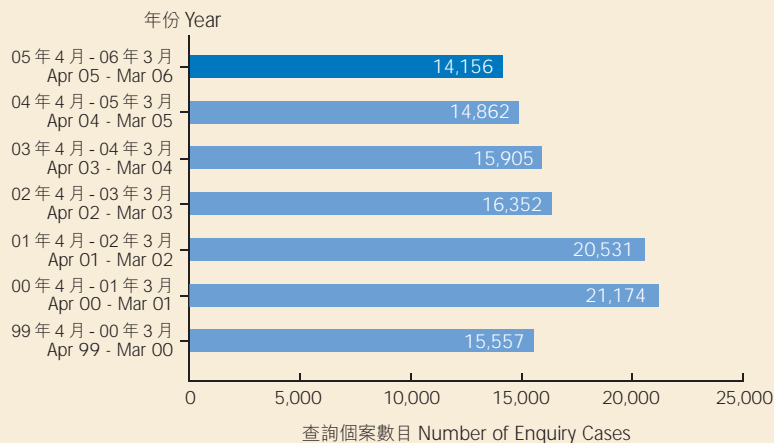
在二零零五至零六年度接獲的查詢個案 Enquiries Received 2005-2006

公署在二零零五至零六年度共接獲 14,156 宗查詢個案（較上年下跌 4.8%），平均每天處理 52 宗查詢個案。查詢個案的數目下跌，雖然跌幅輕微，相信是因與查詢者可從更多不同途徑取得所需的資料，例如公署的通訊和更新的網上資訊服務。

A total of 14,156 enquiry cases were handled in 2005-2006 (a 4.8% reduction in comparison with the previous year). On average, 52 enquiry cases were handled per working day. The decline in number of enquiries, albeit minor in percentage, is believed to have been caused by the more diversified channels through which information can be obtained by enquirers, e.g. our newsletters and the providing of the new on-line information service in our website, to name but a few.

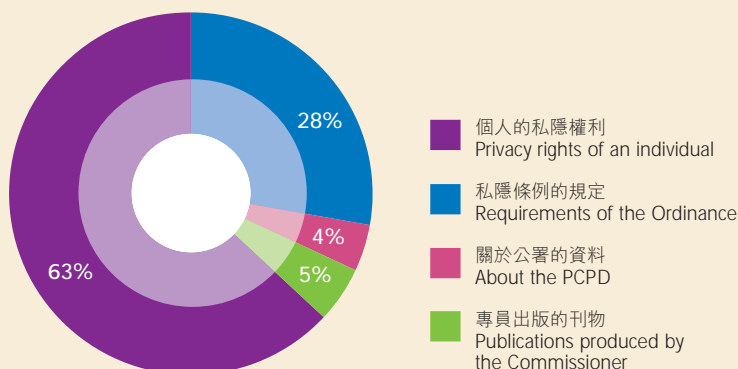


每年的查詢個案 Annual Enquiry Caseload



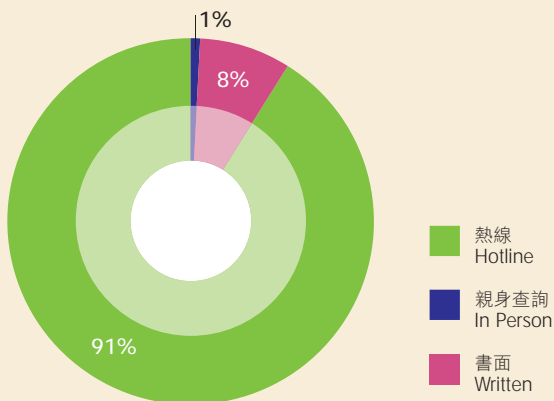
查詢個案的性質 Nature of Enquiry Cases

超過半數的查詢個案(約63%)與個人在個別情況下的私隱權利有關。
More than half of the enquiry cases (about 63%) were related to privacy rights specific to an individual's own situation.



提出查詢的途徑 Means by Which Enquiries Were Made

大部分的查詢個案(約91%)是透過公署的查詢熱線電話(2827 2827)提出的。
The majority of the enquiry cases (about 91%) were made to the enquiry hotline of the PCPD (Telephone number 2827 2827).



循規查察行動

Compliance Check

當發現某一機構的行事方式看來有違私隱條例規定時，私隱專員便會展開循規查察行動。在此等情況下，私隱專員會以書面知會有關機構，指出看來與條例規定不符的事宜，並請有關機構採取適當的糾正措施。在大多數情況下，有關機構會主動採取即時措施，糾正涉嫌違例事項。在其他情況下，有關機構會就如何採取改善措施，以免重複涉嫌違例事項，向專員尋求意見。

在本年報期內，私隱專員進行的循規查察行動大幅增加，主要是私隱專員積極採取行動針對刊登匿名招聘廣告（即沒有披露僱主或其代理的身分）的僱主。專員共進行了 131 次循規查察行動，對資料使用者被指違反私隱條例規定的行事方式進行循規查察。在這 131 次行動中，41 次(31%)是針對刊登匿名招聘廣告的人士的。

大部分循規查察行動（116 次）是與私營機構的行事方式有關，其餘 15 次則關乎政府部門及法定機構。以下是在年內進行的循規查察行動的一些例子。

A compliance check is undertaken when the Privacy Commissioner identifies a practice in an organization that appears to be inconsistent with the requirements of the Ordinance. In these circumstances, the Privacy Commissioner raises the matter in writing with the organization concerned pointing out the apparent inconsistency and inviting it, where appropriate, to take remedial actions. In many cases, the organization concerned takes the initiative and responds by undertaking immediate action to remedy the suspected breach. In other instances, organizations seek advice from the Commissioner on the improvement measures that should be taken to avoid repetition of suspected breaches.

The reporting year saw a significant increase in the number of compliance checks undertaken by the Privacy Commissioner. This was largely attributable to the proactive approach taken towards employers placing blind recruitment advertisements (i.e. without disclosing the identities of the employers or their agents). In total, the Privacy Commissioner carried out 131 compliance checks in relation to alleged practices of data users that might be inconsistent with the requirements of the Ordinance. Among these 131 compliance checks, 41(31%) were directed against those placing blind recruitment advertisements.

The majority of compliance checks (116) involved practices in private sector organizations. The remaining 15 checks related to government departments and statutory bodies. The following examples indicate the nature of some of the compliance checks undertaken during the course of the year.

例子 1 Example 1

課題：

在一個商場的推廣活動中，顧客換領生日禮品時，商場要收集身份證副本

Issue:

A shopping mall collected identity card copies from shoppers for redemption of a birthday hamper during a promotion campaign



建議的改善措施

Improvement Measures Recommended

在該推廣活動中，如顧客的出生月份是在指定的期間內，並於商場消費滿一定數額，便可以獲得生日禮品一份。按商場解釋，收集顧客的身份證副本是確保顧客的出生月份是在指定的期間內。不過，由於顧客須要親自換領生日禮品，專員認為顧客只要出示身份證證明其出生月份，便已經足夠。

商場在接獲私隱專員的建議後，同意停止收集顧客的身份證副本。

Under the promotion campaign, shoppers whose month of birth fell within certain period and spent certain amount of money in the shopping mall would be entitled to a birthday hamper. The purpose of collecting identity card copies of the shoppers, as put forward by the shopping mall, was to ensure that the shoppers' month of birth fell within the stated period. However, since the shoppers were required to redeem the birthday hamper in person, the Commissioner took the view that the physical productions of identity cards from the shoppers to show their months of birth would suffice.

After being advised by the Privacy Commissioner, the shopping mall agreed to cease collecting the shoppers' identity card copies.

例子 2 Example 2

課題：
銀行帳戶持有人收到銀行結單，背面有他人的帳戶資料

Issue：
A bank account holder received a bank statement with other's account information shown on the reverse side of the bank statement



建議的改善措施

Improvement Measures Recommended

根據銀行所述，造成今次事件是由於他們的職員在列印過程受到中斷之後，沒有適當地重新設定打印機，亦由於職員在檢查列印好的文件時沒有發現錯誤。

銀行在知悉事件後，已修改運作程序，包括增加第二重的檢查及提交程序、要求職員在核對清單上簽署及保存記錄作抽樣檢查。銀行亦會為有關職員提供列印制項的複修課程及向職員講解新的運作程序。

According to the bank, the incident occurred as a result of the failure of their staff to properly reset the printing machine after an interruption of the printing process. It was also attributed to the staff's failure to identify the mistake while checking the print output.

After being notified of the incident, the bank revised their printing operation procedure including increasing second level checking and escalation procedures, and requiring staff to initial checklists and keeping logging sheets for sample checking. Refresher training on printing controls and briefing sessions for the new procedures were also provided to the staff concerned.

例子 3 Example 3

課題：
經理在僱員工作的地點張貼載有員工
病假資料的表單

Issue:
Managers posted up lists
containing sick leave data of staff
in employee work areas



建議的改善措施 Improvement Measures Recommended

本地報章報導一個機構的經理在工作地點張貼員工的病假記錄。私隱專員向該機構查詢有關事宜，該機構的管理層承認張貼員工的病假資料是不適當的做法，而且是管理層不容許的。管理層下令移除有關資料，並提醒各部門主管不要作出此等事情。

私隱專員其後聯絡該機構的工會，確定有關資料已經移除，並建議該機構制定保障資料政策，禁止張貼員工的病假資料，以及繼續為部門主管提供培訓。

Local newspapers reported that managers of an organization posted sick leave records of staff in workplace. The Privacy Commissioner approached the organization whose management admitted that the posting of staff's sick leave data was an inappropriate practice and not allowed by the management. The management ordered removal of the data and reminded all line of business leaders not to engage in such practice.

The Privacy Commissioner subsequently confirmed with the labour union of the organization of the removal of the data, and advised the organization to establish a data protection policy to prohibit the posting of staff's sick leave data and provide ongoing training to the leaders.

核對程序

Matching Procedures

在本年報期內，私隱專員共收到七宗新的核對程序申請，以及九宗繼續進行核對程序的重新申請。

During the reporting year, the Privacy Commissioner received seven new applications for approval to carry out matching procedures and nine requests for re-approval of matching procedures undertaken in previous years.

所有七宗新申請均來自公營機構。經審閱後，其中一宗不屬私隱條例釋義所指的核對程序及另外一宗其後撤回申請。私隱專員根據私隱條例賦予的權力，在有條件的情況下批准餘下五宗申請。

All seven new applications were requested by public sector organizations. Upon examination, one was found not to be a matching procedure under the Ordinance, and one was withdrawn. The remaining five applications were approved subject to conditions imposed by the Privacy Commissioner under the Ordinance.

提出要求者 REQUESTING PARTIES	獲准的有關核對程序 RELATED MATCHING PROCEDURES THAT WERE APPROVED
<p>民政事務總署 (兩宗申請) Home Affairs Department (two requests)</p>	<p>將民政事務總署為編製選民登記冊而收集得的個人資料與下述機構收集到的個人資料作出比較，以決定有關人士是否符合村代表選舉的資格：</p> <p>(1) 房屋署為公屋管理而收集的個人資料，及</p> <p>(2) 入境事務處為登記及記錄個別人士的資料而收集的個人資料。</p> <p>To determine eligibility for Village Representative Election by comparing personal data collected by the Home Affairs Department for the purposes of compiling the register of electors with personal data collected by :</p> <p>-</p> <p>(1) the Housing Department for the purposes of public housing management, and</p> <p>(2) the Immigration Department for the purposes of registration and recording of particulars of persons.</p>
<p>社會福利署 Social Welfare Department</p>	<p>將社會福利署在綜合社會保障援助（以下簡稱「綜援」）計劃下收集得的個人資料與勞工處在工作試驗計劃下所收集到的個人資料作出比較，以防止領取綜援人士虛報入息。</p> <p>To prevent recipients of Comprehensive Social Security Assistance ("CSSA") from underreporting their earnings by comparing personal data collected by the Social Welfare Department under the CSSA Scheme with personal data collected by the Labour Department under the Work Trial Scheme.</p>
<p>社會福利署 Social Welfare Department</p>	<p>將社會福利署在綜援申請所收集得的個人資料與房屋署為公屋管理而收集到的個人資料作出比較，以防止居於公共房屋的綜援住戶詐騙或濫用與屋租有關的社會保障福利。</p> <p>To prevent fraud and abuse of social security benefits in relation to rent payment for CSSA households residing in public rental housing by comparing personal data collected by the Social Welfare Department for the purposes of CSSA applications with personal data collected by the Housing Department for the purposes of public housing management.</p>
<p>稅務局 Inland Revenue Department</p>	<p>將根據《稅務條例》而收集得的納稅人的個人資料與根據《印花稅條例》而收集到的物業出租人的個人資料作出比較，以確保所有由出租物業所得的收入已評稅。</p> <p>To ensure all income from let properties are properly assessed of tax by the Inland Revenue Department by comparing personal data collected from taxpayers under the Inland Revenue Ordinance with personal data collected from landlords under the Stamp Duty Ordinance.</p>