

使命 Mission Statement

致力推廣、監察及監管，促使各界人士遵從《個人資料(私隱)條例》，確保市民的個人資料私隱得到保障。

To secure the protection of privacy of the individual with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance.

公署策略與主要目標 Strategies & Key Goals of the PCPD

	執法 Enforcement	監察及監管符規 Monitoring and Supervising Compliance
策略 Strategies	<ul style="list-style-type: none"> • 確保公正、公平和具效率的運作 • 獨立、不偏不倚、無畏無懼地行事 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題 • Ensure equity, fairness and operational efficiency • Act independently, impartially and without fear or favour • Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • Partner with overseas data protection authorities for handling cross-border privacy issues 	<ul style="list-style-type: none"> • 主動調查私隱風險顯著的範疇 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題 • Proactively investigate into areas where the privacy risks are significant • Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • Partner with overseas data protection authorities for handling cross-border privacy issues
主要目標 Key Goals	<ul style="list-style-type: none"> • 調查投訴個案，具效率及持平地解決個案 • 專業而有效率地回應查詢 • 接納符合審批條件的法律協助申請，讓個人資料私隱受侵犯的申索人士獲得補償 • Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned • Enquiries are responded to professionally and efficiently • Meritorious applications for legal assistance are entertained and aggrieved individuals compensated 	<ul style="list-style-type: none"> • 促使機構履行保障個人資料的責任，和採納良好的保障私隱行事方式 • Organisational data users meet their data protection obligations and adopt good privacy practices

推廣 Promotion	機構管治 Corporate Governance
<ul style="list-style-type: none"> • 促進社會各界全面參與保障私隱 • 倡導機構不應止於法例最低要求，實踐最佳行事方式，提升水平 • 利用出版和傳媒，發揮廣泛的宣傳和教育效用 • 走進社區，特別多接觸年青人 • 藉調查個案所得的啟示，教育資料使用者和資料當事人 • Be proactive in seeking the holistic engagement of stakeholders • Promote best practices among organisational data users on top of meeting minimum legal requirements • Maximise publicity and education impact through publications and media exposure • Engaging the community, in particular, young people • Use lessons learnt from investigations as a means of educating data users and data subjects 	<ul style="list-style-type: none"> • 奉行具透明度和問責性的原則 • 善用資源以達致經濟效益、效率及效用 • 精簡工作程序 • 在訂立工作的優先次序方面，採取「選擇性而具成效」的方針，優先處理影響最廣泛的工作 • 建立及維持忠心和專業的團隊 • Adhere to the principles of transparency and accountability • Maximise utilisation of resources to achieve economy, efficiency and effectiveness • Make continuous efforts to streamline work procedures • Apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact • Build and maintain a loyal and professional team
<ul style="list-style-type: none"> • 公眾認識在條例下享有資料當事人的權利，以及如何行使有關權利 • 公、私營機構皆認識在法例下資料使用者的責任，並付諸實行 • 讓公眾和公、私營機構都認識公署的角色及可獲得的協助 • Individuals are aware of their rights as data subjects under the Ordinance and how to exercise them • Public and private sector organisations are aware of their obligations as data users under the Ordinance and how to meet them • Individuals and public and private sector organisations are aware of the role of the PCPD and how we can assist them 	<ul style="list-style-type: none"> • 達致高水平的管治 • Achieve high standards of corporate governance

收集
Collection



保存
Retention



保障資料原則 Data Protection Principles

《個人資料(私隱)條例》旨在保障我們(作為資料當事人)在個人資料方面的私隱權。所有使用個人資料的人士(資料使用者)須依從條例核心的**六項保障資料原則**，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命週期。

The objective of the Personal Data (Privacy) Ordinance is to protect the privacy rights of a person in relation to his/her personal data (Data Subject). A person who collects, holds, processes or uses the data (Data User) has to follow the **6 Data Protection Principles** (DPPs). The DPPs represent the normative core of the Ordinance and cover the entire life cycle of a piece of personal data:

個人資料

(1) 是關乎一名在世人士，並可識別該人士身份的資料，(2) 資料存在的形式令資料可讓人切實可行地查閱或處理。個人的姓名、電話號碼、地址、身份證號碼、相片、病歷和受僱紀錄等都是條例保護的個人資料。

PERSONAL DATA

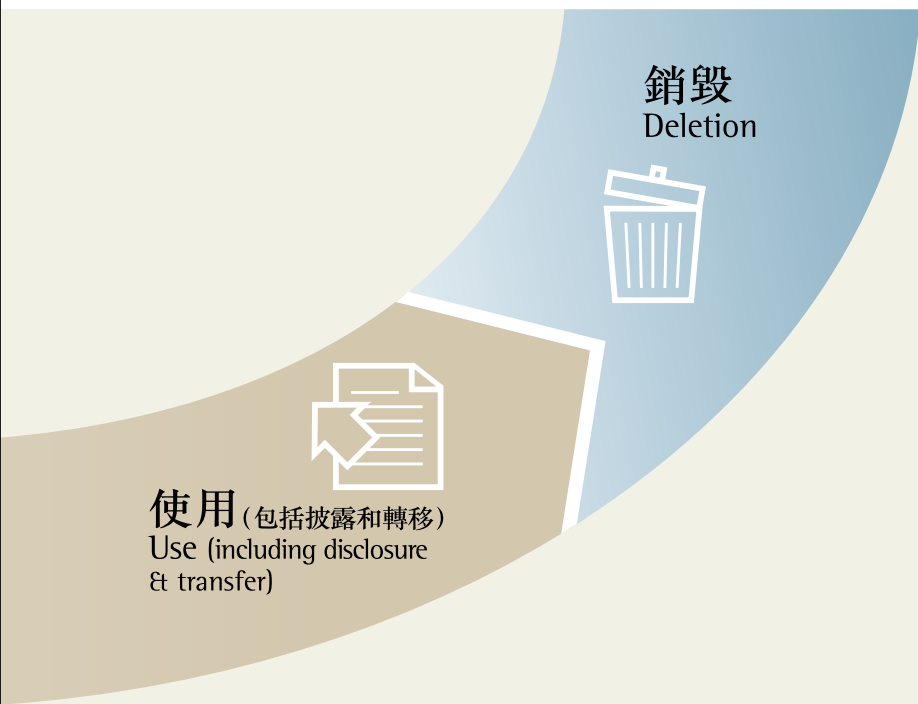
(1) is information which relates to a living person and can identify that person, (2) exists in a form in which access or processing is practicable. Examples of personal data protected by the Ordinance include name, phone number, address, identity card number, photos, medical records and employment records.

資料使用者

是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

DATA USER

is a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The Data User is liable as the principal for the wrongful act of its authorised data processor.



DPP
第1原則

收集資料原則 Data Collection Principle

資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。

須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。

收集的資料是有實際需要的，而不超乎適度。

Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.

All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.

Data collected should be necessary but not excessive.

DPP
第2原則

資料準確及保留原則 Accuracy & Retention Principle

資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。

Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

DPP
第3原則

使用資料原則 Data Use Principle

個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。

Personal data is used for the purpose for which the data is collected or a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

DPP
第4原則

資料保安原則 Data Security Principle

資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。

A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

DPP
第5原則

公開政策原則 Openness Principle

資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。

A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.

DPP
第6原則

查閱及改正原則 Data Access & Correction Principle

資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。

A data subject must be given access to his/her personal data and to make corrections where the data is inaccurate.

保障資料原則原文詳見條例附表一：www.pcpd.org.hk > 個人資料(私隱)條例 > 條例全文 > 附表1：保障資料原則

Read the full version of the Data Protection Principles in Schedule 1 of the Ordinance: www.pcpd.org.hk > The Ordinance > The Ordinance (Full Text) > Schedule 1: Data Protection Principles

豁免 Exemption

條例的豁免安排包括：

- 為家居或消閒目的而持有的個人資料可獲全面豁免；
- 與僱傭事宜及特定程序有關的個人資料，可免受查閱資料原則所管限；
- 若查閱資料原則及使用資料原則的應用於相關的個人資料，相當可能會損及保安、防衛和國際關係；防止或偵查罪行；評估或徵收稅項；新聞活動；健康；法律程序；專業盡職審查；存檔；處理危急情況等（未盡錄），相關資料可獲豁免。

進一步了解豁免條文

www.pcpd.org.hk > 個人資料（私隱）條例 > 條例全文 > 《個人資料（私隱）條例》第VIII部

The Ordinance provides:

- General exemption for personal data held for domestic or recreational purposes ;
- Exemptions from access requirement for certain employment related personal data and relevant process; and
- Exemptions from access and use limitation requirements for data which are likely to prejudice security, defence, international relations, crime prevention or detection, assessment or collection of any tax or duty, news activities, health, legal proceeding, due diligence exercise, archiving, handling life-threatening emergency situation etc.

Read more about the exemption provisions

www.pcpd.org.hk > The Ordinance > The Ordinance (Full Text) > Part VIII of Personal Data (Privacy) Ordinance

罪行及補償 Offences and Compensation

- 違反保障資料原則並不直接構成刑事罪行，惟私隱專員可發出執行通知，指令違反的人士/機構採取補救措施。
 - 不遵守執行通知屬於刑事罪行，一經定罪，可被判處最高罰款港幣五萬元及監禁兩年。
 - 若個人認為其個人資料私隱受侵犯而蒙受損失，包括情感傷害，可根據條例向相關的資料使用者申索，以彌補損失。私隱專員可向擬提出法律程序以尋求補償的人士給予法律協助。
 - 條例把某些活動刑事化，包括誤用或不當使用個人資料以作直接促銷用途（第VI A部）；不依從查閱個人資料要求（第19條）；未獲資料使用者授權而披露取自其持有的個人資料（第64條）等。
- Non-compliance with Data Protection Principles does not constitute a criminal offence directly. The Commissioner may serve an enforcement notice to direct the data user to remedy the contravention.
 - Contravention of an Enforcement Notice is an offence which could result in a maximum fine of HK\$50,000 and imprisonment for 2 years.
 - An individual who suffers damage, including injury to feelings, by reason of a contravention of the Ordinance in relation to his or her personal data may seek compensation from the data user concerned. The Commissioner may grant legal assistance to the aggrieved individual who intends to institute legal proceedings to seek compensation.
 - The Ordinance also criminalises misuse or inappropriate use of personal data in direct marketing activities (Part VI A); non-compliance with Data Access Request (section 19); unauthorised disclosure of personal data obtained without data user's consent (section 64) etc.
- * 若內容與條例原文有差異，應以後者為準。
- * *Should there be any discrepancies between the contents and that of the Ordinance, the latter shall prevail.*

私隱專員的話

Privacy Commissioner's Message

保障個人資料：邁步向前

A Major Step Forward in Data Protection

2012至13年度對我們來說是歷史性的一年。個人資料(私隱)(修訂)條例(「修訂條例」)於2012年6月通過，是香港在私隱和個人資料保障歷史上的一個里程碑。

The year 2012-13 was a momentous one for us. The passage of the Personal Data (Privacy) (Amendment) Ordinance ("Amendment Ordinance") in June 2012, in particular, was an important milestone in the history of privacy and data protection in Hong Kong.

2012年個人資料(私隱)(修訂)條例

香港是亞洲首個司法管轄區為保護個人資料而訂立法例。個人資料(私隱)條例(「條例」)於1995年頒佈，並於1996年生效。條例為公、私營機構提供了保護個人資料的法律框架，條例以原則為基礎，對科技發展是中立的。資訊及通訊科技日新月異，令保障私隱的生態發生急劇變化，個人私隱權的意識亦增加。基於這背景下和公署十多年來實際工作經驗所得，我們於2007年向政府提交了全面的條例修訂意見書，務求令條例與時並進和貼近社會對個人資料保障的需要。

PERSONAL DATA (PRIVACY) (AMENDMENT) ORDINANCE 2012

Hong Kong was the first jurisdiction in Asia to have dedicated legislation on personal data protection. The Personal Data (Privacy) Ordinance ("Ordinance") was enacted in 1995 and came into force in 1996. Principle-based and technology-neutral, the Ordinance provides the legal framework for personal data protection in both the public and private sectors. The privacy landscape has since changed dramatically, with the rapid advancement in information and communications technology (ICT) and the growing awareness of the individual's right to privacy. Against this background and with the benefit of more than a decade's operating experience, we submitted to the Government in 2007 a comprehensive set of proposals to amend the Ordinance to ensure it is still current and relevant in safeguarding personal data.



蔣任宏

個人資料私隱專員
Allan CHIANG
Privacy Commissioner
for Personal Data

我們在私隱保障的工作面臨前所未有的挑戰，在隨後的公眾諮詢和草案審議階段，公署再向政府多番提出嚴正的陳述，並鏗而不捨地向持份者解釋我們的立場。雖然最終通過的修訂條例並沒有採納我們提出的所有建議，但也回應了多項我們表達的意見。修訂條例從而提升了個人資料的保障，也改善了我們運作的成效和效率。

修訂條例的大部分條文於2012年10月1日實施，而規管直銷活動和法律協助方面的新條文則於2013年4月1日生效。公署為此推展全方位的宣傳教育工作，以提升公眾對新條文的認識及推動機構循規。我們相應舉辦一系列講座和研習班，推出短片於網上及電視播放，亦出版了多份單張和指引。

我們將繼續爭取持份者的支持，監察國際私隱保障方面的動態和科技發展，如有需要，我們會要求政府當局對條例作出進一步的修訂，確保法律與時並進和切合社會需要。

收集和使用個人資料而侵犯私隱的問題持續

令公眾嘩然的八達通事件發生了不過兩年，令人遺憾的是，我們在調查工作中發現同類涉及收集和使用個人資料的大規模侵犯私隱情況依然存在。

In the subsequent public consultation and bill scrutiny stages, we made vehement and repeated representations to the Government and spared no pains to explain to the stakeholders our position on how to address the unique privacy challenges we face today. Although the newly enacted Amendment Ordinance did not incorporate all our recommended amendments, it did address many of the views we made. It thus provides enhanced protection for personal data privacy and improves the effectiveness and efficiency of our operations.

Most of the provisions of the Amendment Ordinance came into force on 1 October 2012, while provisions regulating direct marketing activities and relating to legal assistance took effect on 1 April 2013. We embarked on a comprehensive promotion and education programme to raise public awareness of the new provisions and promote compliance by corporate data users. We organised a series of seminars and workshops, published information leaflets, broadcast videos on our website and TV channels and issued guidance notes.

Going forward, we will continue to engage the various stakeholders, monitor international developments and technology changes, and press for further amendments to the Ordinance, as necessary, to ensure that our laws remain robust and relevant.

CONTINUED PRIVACY INTRUSION IN THE COLLECTION AND USE OF PERSONAL DATA

With the infamous Octopus incident only two years behind us, it was most regrettable to find in our investigations during the year privacy intrusions on a massive scale in the collection and use of personal data.

明顯的案例是屈臣氏集團(香港)有限公司透過百佳及屈臣氏推出的「易賞錢計劃」，這項顧客忠誠計劃有160萬會員。屈臣氏集團沒有汲取八達通事件的教訓，一是重蹈覆轍地收集顧客的部分身份證號碼，作為核實會員身份之用。公署認為其他聯絡資料已足以達致同樣的目的。二是沒有清楚交代收集資料的目的和資料會轉移給誰。正如八達通調查報告指出，用「附屬公司」、「夥伴」、「聯營公司」、「第三方」和「向本公司負有保密責任的任何其他人士」等流於籠統的字眼說明「資料承轉人」是不可接受的。而屈臣氏集團依然如此不當地採用這些字眼。

另一案例是香港預防協會和翔滙保險策劃有限公司合作推出電話推廣計劃的個案。一如八達通事件，個案涉及誤導和儼如欺詐的溝通手法，案中的電話推廣員以登記免費驗身計劃的名義，收集了36萬多市民的個人資料，而有關資料實際上未經資料當事人同意而被用作推銷保險產品。

我懇請作為資料使用者的機構……重視私隱和個人資料保障，納入成業務責無旁貸的職責，而不是發生事故受制裁時才採取補救式的行動。

I sincerely wish all corporate data users could... embrace privacy and data protection as a business imperative, instead of taking a remedial approach only when sanctioned.

我懇請作為資料使用者的機構在保障個人資料方面提升水平以符合顧客的期望，並應重視私隱和個人資料保障，納入成業務責無旁貸的職責，而不是發生事故受制裁時才採取補救式的行動。機構最起碼要做的是認真檢討私隱政策和保障個人資料的行事方式，確保遵從條例規定。在策略層面，建立尊重私隱的機構文化，有助贏取顧客的信任和提升機構的競爭力。

One notable example was the “MoneyBack Programme”, operated by A. S. Watson Group (HK) Limited through PARKnSHOP and Watsons. This was a customer loyalty programme with about 1.6 million members. A. S. Watson failed to learn from the Octopus case on two counts. First, it repeated the Octopus mistake of collecting its customers’ partial identity card numbers for member authentication, when other contact information already sufficed for that purpose. Secondly, it failed to define clearly the purpose of the data collection and to whom the data would be transferred. As pointed out in the Octopus investigation report, the use of vague terms to define the data transferees such as “subsidiaries”, “partners”, “affiliates”, “third parties” and “any other persons under a duty of confidentiality to us” were not acceptable. Yet they continued to be used by A. S. Watson.

Another case involved a joint telemarketing programme of the Hong Kong Preventive Association and Aegon Direct Marketing Services Insurance Broker. As in the Octopus incident, a misleading or arguably deceitful communication approach was adopted. The telemarketers were able to collect the personal data of some 360,000 persons for registration for a free medical check-up, when in fact the data were used to market insurance products without the latter’s informed consent.

I sincerely wish all corporate data users could measure up to their customers’ expectations and embrace privacy and data protection as a business imperative, instead of taking a remedial approach only when sanctioned. At the minimum, they should seriously review their privacy policies and data protection practices to ensure compliance with the Ordinance. Strategically, they are encouraged to build a privacy-respectful culture throughout their organisations in order to win the public’s trust and enhance their competitive edge.

由2013年4月1日起，未取得資料當事人同意而將其個人資料轉交第三者作直接促銷之用，受條例下的直銷規管條文管限。違者一經定罪，最高刑罰是罰款港幣100萬元及監禁五年。

與資訊及通訊科技相關的私隱風險

這一年，我們目睹涉及資訊及通訊科技的侵犯私隱投訴個案增加。隨著科技急速發展，使用智能電話和平板電腦等流動裝置上網亦愈來愈方便，面對這挑戰，過去一年公署銳意推動有關的資料使用者遵從條例的規定，在這方面的工作包括發出一系列的指引及推出研習班，針對智能電話應用程式開發商、雲端運算服務供應商和其他網上收集和使用個人資料（包括網上行為追蹤）的資料使用者等。

If the unauthorised transfer of personal data to third parties for direct marketing takes place after 1 April 2013, the new provisions under the Amendment Ordinance will apply, and the offenders will be subject to a maximum fine of HK\$1 million and a maximum sentence of five years' imprisonment.

PRIVACY RISKS ASSOCIATED WITH THE USE OF ICT

During the year, we witnessed an increase in the number of complaints about personal data protection associated with the use of ICT. This was expected in view of the rapidly changing technologies and increasing access to the Internet with mobile devices such as smartphones and tablet PCs. In response to this challenge, we made a determined effort throughout the year to promote compliance with the relevant requirements under the Ordinance. These efforts included issuing guidance notes and organising workshops on a broad range of subjects targeting smartphone app developers, cloud computing service providers, and other organisations engaged in the collection and use of personal data through the Internet, including online behavioural tracking.

我們目睹涉及資訊及通訊科技的侵犯私隱投訴個案增加…… 公署銳意推動有關的資料使用者遵從條例的規定。

We witnessed an increase in the number of complaints about personal data protection associated with the use of ICT... we made a determined effort throughout the year to promote compliance with the relevant requirements under the Ordinance.

為了評估機構資料使用者對網上私隱風險的敏感度，我們對12間學校的網站展開循規審查，結果發現大部分都有意外洩漏學生敏感個人資料的問題，不法之徒可能利用這些資料行騙。審查結果反映教育機構嚴重缺乏保障資料的警覺性，資料保安措施亦不足。同樣令人失望的是，公署另一項調查結果發現，智能手機用家，特別是15至20歲的組別，對於管理、掌控和保護個人資料的態度輕率。逾九成的用家有下載程式，但僅有27%在安裝程式前有閱讀和考慮私隱政策；他們大部分都不知道程式會讀取他們手機上哪些個人資料。

To assess the sensitivity of organisational data users to cyber security risks, we conducted compliance checks on 12 schools and unearthed in the majority of cases inadvertent online exposure of sensitive personal student data that could be used for fraudulent purposes. This reflected inadequate safety measures and a serious lack of vigilance on the part of the educational institutions involved in safeguarding the personal data of their students. Equally disappointing were the findings of our survey which revealed that smartphone users, particularly those in the 15 to 20 age group, were lax in managing, controlling and protecting the personal data on their smartphones. For example, over 90% of users had installed apps, but only 27% of them had read and considered the apps' privacy policy before installing the apps, and most of them did not know what personal data on their phones was being accessed by the apps they had installed.

私隱教育

正如上文所述，侵犯個人資料私隱的事件時有發生；社會上某些界別對保障個人資料的意識較低，可見對於個人或資料使用者來說，保障私隱的教育工作十分重要。

我們不遺餘力繼續舉辦保障資料的專業研習班和講座，年內有超過18,000名行政人員參加，他們的工作都涉及處理個人資料。我們為物業管理業舉辦的私隱保障活動，近1,700名物業管理從業員參加了「度身訂造」的培訓課程。此外，我們為公眾人士安排的免費講座，有超過1,500多人參與。

侵犯個人資料私隱的事件時有發生；社會上某些界別對保障個人資料的意識較低，可見對於個人或資料使用者來說，保障私隱的教育工作十分重要。

The persistence of major privacy intrusions in relation to personal data and the low privacy awareness among at least some significant sectors of the community underline the importance of privacy education for both corporate data users and individuals.

值得一提的是，我們於2012年6月在香港召開的國際私隱研討會議，有超過260人參與。會議邀請了多位傑出的講者，計有澳洲、加拿大、美國（聯邦貿易委員會）和新西蘭的私隱專員，以及海外顧問和本地的專業人士。大會推廣「保障私隱 全面貫徹」的概念，即把保障私隱和個人資料的符規做法視為設計、執行和管理資訊科技系統的預設元素，而且涵蓋個人資料的整個處理周期。我們鼓勵本地機構在實務運作、操作程序、產品和服務設計、實體及網絡基建方面都要貫徹地付諸實踐。

PRIVACY EDUCATION

The persistence of major privacy intrusions in relation to personal data and the low privacy awareness among at least some significant sectors of the community underline the importance of privacy education for both corporate data users and individuals.

During the reporting period, we continued to provide professional workshops and seminars on data protection, in which a total of over 18,000 executives dealing with personal data in different contexts enrolled. About 1,700 property management practitioners attended tailor-made courses as part of a privacy promotion campaign we organised for that industry. We also continued to hold free public seminars, which attracted a total attendance of over 1,500.

The International privacy conference we held in June 2012, attended by over 260 participants, is particularly worth mentioning. The highlight of the event was a panel of distinguished speakers, including the Privacy Commissioners of Australia, Canada, the Federal Trade Commission (United States) and New Zealand, as well as international consultants and local privacy professionals. The conference promoted the concept *Privacy by Design*, that is, embedding privacy as the default mode in the design, operation and management of ICT systems, across the entire information life cycle. Participants were encouraged to apply this approach throughout their organisations, covering business practices, operational processes, product and service design, physical architecture and networked infrastructure.

在公眾教育方面，我們著眼於年青人，他們是使用電腦、智能電話和社交網絡最活躍的一群。去年，我們的大學保障私隱活動和保障私隱學生大使計劃共有16,000名中學生和大學生參與。我們推出了一連六集的電視劇《私隱何價》探討普羅大眾關心的私隱議題，在無線電視翡翠台播出，每集平均接觸一百萬觀眾。

總結

最後，我藉此機會感謝我的團隊，和眾多持份者(包括立法機關和政府)的支持。香港市民大眾欣見修訂條例得以落實，大家應記一功。

我們規模雖小，但使命遠大。憑著保障私隱和個人資料的熱忱，推動我們力求進步，迎難而上。

蔣任宏

個人資料私隱專員

As regards public education, our primary focus was on young people, recognising that they are the most active group in using computers, smartphones and social networks. A total of 16,000 university and secondary school students participated in our privacy engagement programmes, such as the University Privacy Campaign and the Privacy Protection Student Ambassador Programme. For the public at large, we launched a six-episode TV docu-drama series, entitled "Privacy Beyond Price", featuring various privacy issues. This was aired on TVB Jade, reaching an audience of one million per episode on average.

CLOSING REMARKS

In closing, I would like to acknowledge the dedication of my team and the support of many stakeholders, including the Legislature and the Government. Their collective efforts have contributed to the enactment of the Amendment Ordinance, for which the Hong Kong community should be thankful.

We are a small team with a big mission. Our passion for privacy and data protection will continue to fuel our progress and overcome the challenges ahead.

Allan CHIANG

Privacy Commissioner for Personal Data

全年活動一覽 One Year at a Glance

2012
月 month

4	<p>私隱專員對《2011年個人資料(私隱)(修訂)條例草案》的特定條文提出主要關注</p> <p>「私隱關注運動2012」展開</p> <p>出版《明智使用電腦及互聯網》小冊子</p>	<p>The Commissioner raised major concerns on specific clauses of the Personal Data (Privacy) (Amendment) Bill 2011</p> <p>Privacy Awareness Week 2012 launched</p> <p>A Booklet on “Using Computers and the Internet Wisely” published</p>
5	<p>修訂《收集指紋資料指引》</p> <p>中學生「齊關注・保私隱」四格漫畫創作比賽頒獎典禮</p>	<p>“Guidance on Collection of Fingerprint Data” (revised edition) published</p> <p>Privacy Protection Student Ambassador Programme: Comic Drawing Competition Prize Presentation Ceremony</p>
6	<p>公署舉辦「保障私隱 全面貫徹」研討會</p> <p>公署主持第37屆「亞太區私隱機構」論壇</p> <p>發出《處理查閱資料要求及收取查閱資料要求費用》的指引</p> <p>立法會通過《2011年個人資料(私隱)(修訂)條例草案》</p> <p>一名人士被控妨礙私隱專員執行其職能或行使其權力</p>	<p>The PCPD organised the Privacy by Design Conference</p> <p>The PCPD hosted the 37th Asia Pacific Privacy Authorities Forum in Hong Kong</p> <p>“Guidance on Handling of Data Access Request and Charging of Data Access Request” published</p> <p>Passage of the Personal Data (Privacy) (Amendment) Bill 2011 by the Legislative Council</p> <p>A person charged with an offence of obstructing the Commissioner in exercising his powers</p>
7	<p>私隱專員公布有關本地銀行收集「cookies」的循規查察的結果</p> <p>私隱專員發表對大埔區校園驗毒試行計劃的視察報告</p> <p>私隱專員完成對Sony恢復香港PlayStation® Network服務的查詢</p> <p>發出《網上行為追蹤》資料單張</p>	<p>The Commissioner announced results of compliance checks on the collection of “Cookies” by local banks</p> <p>The Commissioner published Inspection Report on the Trial Scheme on School Drug Testing in Tai Po District</p> <p>Enquiries with Sony on the resumption of PlayStation® Network Service in Hong Kong completed</p> <p>Information Leaflet on “Online Behavioural Tracking” published</p>
8	<p>公署提醒立法會選舉候選人遵守《個人資料(私隱)條例》</p>	<p>The PCPD reminded candidates of Legislative Council Election to comply with the Personal Data (Privacy) Ordinance</p>
9	<p>發出《2012年個人資料(私隱)(修訂)條例主要條文概覽》資料單張</p> <p>發出《披露未經資料使用者同意而取得的個人資料的罪行》資料單張</p> <p>發出《外判個人資料的處理予資料處理者》資料單張</p> <p>物業管理業保障私隱活動展開</p> <p>電視劇集《私隱何價》啟播</p>	<p>Information Leaflet on “An Overview of the Major Provisions of the Personal Data (Privacy) (Amendment) Ordinance 2012” published</p> <p>Information Leaflet on “Offence for Disclosing Personal Data Obtained Without Consent from Data User” published</p> <p>Information Leaflet on “Outsourcing the Processing of Personal Data to Data Processors” published</p> <p>Privacy Campaign for Property Management Industry launched</p> <p>Docu-drama “Privacy Beyond Price” launched</p>

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《2012年個人資料(私隱)(修訂)條例》實施

私隱專員發表過度收集資料及未有效告知有關資料的使用目的及資料承轉人的類別的調查報告

公署署理高級個人資料主任獲頒2012年申訴專員嘉許獎

Implementation of Personal Data (Privacy) (Amendment) Ordinance 2012

The Commissioner released Investigation Reports on Excessive Collection of Data and Ineffective Communication regarding Purposes of Use of Data and Classes of Data Transferees

The PCPD's Acting Senior Personal Data Officer awarded with the Ombudsman's Award 2012

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發表香港智能電話用戶的私隱意識調查及出版《保障私隱—明智使用智能電話》單張

發出《保障個人資料私隱：流動應用程式開發商及其委託人須知》資料單張

發出《雲端運算》的資料單張

發出《妥善處理客戶個人資料：給保險業界的指引》

保障個人資料巡迴展覽展開

Awareness survey among Smartphone Users released and Leaflet on "Protect Privacy by Smart Use of Smartphones" published

Information Leaflet on "What Mobile Apps Developers and their Clients Should Know" published

Information Leaflet on "Cloud Computing" published

"Guidance on the Proper Handling of Customers' Personal Data for the Insurance Industry" published

Consumer roadshow launched

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發出《資料使用者如何妥善處理改正資料要求》指引

大學保障私隱活動展開

"Guidance on the Proper Handling of Data Correction Request by Data Users" published

University Privacy Campaign launched

2013
月 month

1

修訂《個人信貸資料實務守則》

私隱專員發表院校網站外洩資料循規審查報告

公署回應「限制公眾查閱公司董事的個人資料的立法建議」

發出《直接促銷新指引》

發出《根據《個人資料(私隱)條例》行使你同意及拒絕直接促銷活動的權利》資料單張

發出《民事申索的法律協助》單張

直銷規管新機制的專業研習班展開

"Code of Practice on Consumer Credit Data" (revised edition) published

The Commissioner issued Compliance Check Report on school website leakage

The Commissioner commented on the legislative proposal on restricting access to company directors' personal information

"New Guidance on Direct Marketing" published

Leaflet on "Exercising Your Right of Consent to and Opt-out from Direct Marketing Activities" published

Leaflet on "Legal Assistance for Civil Claims" published

Professional Compliance Workshop on New Direct Marketing Regulatory Regime launched

2

公署就網站披露逾千人身份證號碼展開循規審查

The PCPD commenced a compliance check on an online database displaying the ID card numbers of more than 1,100 people

3

隨著直銷規管新機制於2013年4月1日實施，公署積極回應相關的查詢及推動各界遵從規定

私隱專員敦請政府當局就公司查冊建議作出平衡

Stepped up efforts in responding to enquiries on and proactively promoting compliance with the new direct marketing regulatory regime due to commence on 1 April 2013

The Commissioner urged the government to balance competing interests in the proposed changes to the access to Companies Register



公署架構 Our Organisation

公署由私隱專員掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界依從條例的規定。

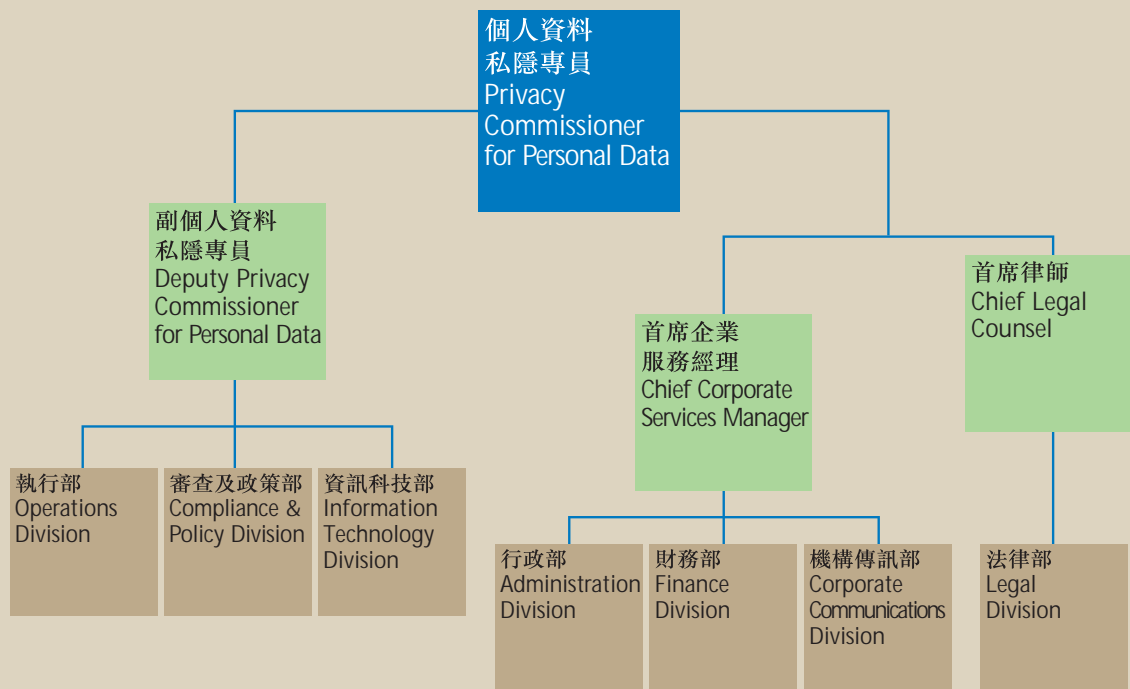
在本年報期完結時，公署的職員編制為78人，分別在七個部門工作。

The PCPD is headed by the Commissioner, who has overall responsibilities for promoting, monitoring and supervising compliance with the Ordinance.

The PCPD had a total of 78 staff at the end of the reporting period and was organised in seven divisions.



行政團隊 Executive Team



個人資料(私隱)諮詢委員會

諮詢委員會成員由政制及內地事務局局長委任，旨在就個人資料私隱保障和條例施行的相關事宜向私隱專員提供意見。

PERSONAL DATA (PRIVACY) ADVISORY COMMITTEE

The Advisory Committee members appointed by the Secretary for Constitutional and Mainland Affairs advise the Commissioner on matters relevant to the privacy of individuals in relation to personal data or the implementation of the Ordinance.



組成 (2011年10月1日至2013年9月30日)

Membership (from 1 October 2011 to 30 September 2013)

主席

- 1 蔣任宏先生, SBS
個人資料私隱專員

CHAIRMAN

- 1 Mr Allan CHIANG, SBS
Privacy Commissioner for Personal Data

成員

- 2 陳振彬先生, SBS, JP
寶的集團主席
(自2007年10月1日起)
- 3 周永健先生, SBS, JP
王澤長, 周淑嫻, 周永健律師行合夥人
(自2007年10月1日起)
- 4 夏淑玲女士
數碼香港董事
(自2009年10月1日起)
- 5 孔慶全先生
紹邦企業有限公司董事
(自2011年10月1日起)
- 6 孫淑貞女士
香港中華煤氣有限公司 資訊科技總監
(自2011年10月1日起)
- 7 蕭世和先生
星島日報行政總裁及總編輯
(自2008年10月1日起)
- 8 葉志光博士
精棉發展有限公司董事總經理
(自2007年10月1日起)
- 9 梁松泰先生, JP
政制及內地事務局副秘書長
- 10 梁何綺文女士
政制及內地事務局首席助理秘書長

MEMBERS

- 2 Mr Bunny CHAN Chung-bun, SBS, JP
Chairman, Prospectful Holdings Ltd.
(since 1 October 2007)
- 3 Mr Anthony CHOW Wing-kin, SBS, JP
Partner, Peter C Wong, Chow & Chow
(since 1 October 2007)
- 4 Ms Shirley HA Suk-ling
Director, Digital Hong Kong.com
(since 1 October 2009)
- 5 Mr Billy HUNG Hing-chuen
Director, Shiu Pong Enterprises Ltd.
(since 1 October 2011)
- 6 Ms Susanna SHEN Shuk-ching
Head, Information Technology, The Hong Kong and China Gas Co. Ltd.
(since 1 October 2011)
- 7 Mr SIU Sai-wo
Chief Executive Officer & Chief Editor, Sing Tao Daily
(since 1 October 2008)
- 8 Dr YIP Chi-kwong
Managing Director, Gemmy Development Co. Ltd.
(since 1 October 2007)
- 9 Mr Gordan LEUNG, JP
Deputy Secretary for Constitutional and Mainland Affairs
- 10 Mrs Philomena LEUNG
Principal Assistant Secretary for Constitutional and Mainland Affairs

科技發展常務委員會

公署設立科技發展常務委員會，旨在就資料處理及電腦科技的發展情況對個人資料私隱的影響，向私隱專員提供意見。

STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

The Standing Committee was established to advise the Commissioner on the impact of the developments in the processing of data and computer technology on the privacy of individuals in relation to personal data.



聯合主席

- 1 蔣任宏先生, SBS
個人資料私隱專員
- 2 張如萌女士
副個人資料私隱專員

成員

- 3 白景崇教授
香港大學社會科學研究中心總監
- 4 鄒錦沛博士
香港大學計算機科學系副教授
- 5 何仲平醫生, MH
香港醫學會資訊科技委員會主席
- 6 譚偉豪博士, JP
權智(國際)有限公司主席

CO-CHAIRPERSONS

- 1 Mr Allan CHIANG, SBS
Privacy Commissioner for Personal Data
- 2 Ms Lavinia CHANG
Deputy Privacy Commissioner for Personal Data

MEMBERS

- 3 Professor John BACON-SHONE
Director, Social Sciences Research Centre,
The University of Hong Kong
- 4 Dr K P CHOW
Associate Professor, Department of Computer Science,
The University of Hong Kong
- 5 Dr HO Chung-ping, MH
Chairman, Information Technology Committee,
Hong Kong Medical Association
- 6 Dr Samson TAM Wai-ho, JP
Chairman, Group Sense (International) Ltd.