

One Year 全年 活動一覽 at-a-glance

2016

4月

April

- 為流動應用程式開發商舉辦「研發流動應用程式顧及私隱和保安論壇」

The “Mobile App Development Forum on Privacy and Security” for mobile apps developers



- 一名保險代理人未得同意下使用個人資料作直接促銷罪名成立被判社會服務令
A Community Service Order being imposed on an insurance agent for using personal data in direct marketing without consent

5月

May

- 「關注私隱運動」揭幕，主題是「個人資料，由你掌握」
The annual Privacy Awareness Week with the theme “Data Protection in Your Hands”



- 一間銷售推廣公司未經同意使用個人資料作直銷及沒有依從拒收直銷訊息要求被判罰款一萬六千元
A marketing company being fined \$16,000 for using personal data in direct marketing without customer’s consent and failing to comply with an opt-out request

6月

June

- 與香港電台再次聯合製作電視劇《私隱何價II》
Producing the “Privacy Beyond Price II” TV Programme with Radio Television Hong Kong



8月
August

- 就截取香港網絡攝錄機圖像在英國一藝術展覽出售進行跨區互助
Inter-regional assistance in relation to a case when the images captured from unsecure Webcams in Hong Kong sold at a UK art exhibition

- 出版《自攜裝置》資料單張
Publishing an information leaflet “BYOD (Bring Your Own Device)”



7月
July

- 出版英文書籍“Personal Data (Privacy) Law in Hong Kong — A Practical Guide on Compliance”
Publishing “Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance”



- 香港大學法律學院第四屆「私隱及資料保障法律獎學金」
The fourth “Privacy Commissioner Prize in Privacy & Data Protection Law” scholarship, jointly set up with the Faculty of Law, the University of Hong Kong



- 出版《美容業界妥善處理客戶個人資料指引》
Publishing “Guidance on the Proper Handling of Customers’ Personal Data for the Beauty Industry”



9月 September

- 公署成立二十周年
PCPD's 20th anniversary



- 與香港城市大學法律學院合辦「資料保障法律在資訊世代的發展」學術研討會
Jointly organising the Symposium on "Data Protection Law Development in the Information Age" with the School of Law, the City University of Hong Kong



10月 October

- 出席在摩洛哥馬拉喀什舉行的第38屆國際資料保障及私隱專員研討會
Attending the 38th International Conference of Data Protection and Privacy Commissioners, held in Marrakech, Morocco



11月 November

- 與韓國網絡安全局和Barun資訊及通訊科技研究中心，及來自中國內地、南韓和日本的私隱專家和學者簽署「2016亞洲私隱橋樑研討會聯合聲明」，推動亞洲地區的私隱研究、教育和政策合作
Signing the Joint Declaration with the Korea Internet & Security Agency, Barun ICT Research Center, and privacy experts and academia from the mainland of China, South Korea and Japan, to strengthen privacy research, privacy education, and policy co-operation in Asian region



12月 December

- 出席在墨西哥曼薩尼略舉行的第四十六屆「亞太區私隱機構」論壇
Attending the 46th APPA Forum in Manzanillo, Mexico



- 一間鐘錶公司未經同意在公共領域獲取個人資料以作直接促銷被判罰款一萬六千元
A watch company being fined HK\$16,000 for using personal data obtained from public domains in direct marketing without consent

2017

3月
March

- 向立法會政制事務委員會匯報公署過去一年的工作
Delivering a Report on the Work of PCPD in 2016 at a meeting of Legislative Council Panel on Constitutional Affairs

1月
January

- 新聞發佈會向傳媒匯報公署2016年的工作
A press conference on PCPD's work in 2016



- 公佈「全球私隱執法機關網絡」在香港和世界各地探究智能健身腕帶的私隱透明度的抽查結果
Announcing the results of the international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network on the privacy transparency of fitness bands in Hong Kong and the rest of the world

April 2016 – March 2017:

A Year in Numbers

2016年4月–2017年3月：

數字回顧

24,879 人次

參加公署的講座、
研習班及工作坊，了解條例
的要求，比去年增長26%

24,879 people
attended our talks,
seminars and workshops
to learn about the
requirements under
the Ordinance,
26% increase from
last year



594 人

成為保障資料主任聯會會員，
比去年增加10%

594 members joined the
Data Protection Officers' Club,
10% increase from last year



125 間

中學參與保障私隱學生大使計劃，
成為學校夥伴，比去年增加13%

125 secondary schools partnered
with us in the Student Ambassador
for Privacy Protection Programme,
13% increase from last year



43,500 人次

參與大學保障個人資料
推廣活動，比去年增長10%

43,500 students and
staff members participated in
education programme
for universities,
10% increase from last year

接獲 **1,741** 宗
投訴個案，比去年減少14%

Received 1,741 complaints,
14% decrease from
last year

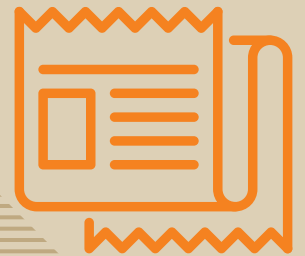


回應 **179** 宗
傳媒查詢，比去年增加23.4%

發佈 **37** 篇新聞稿，比去年增加9%

Responded to 179 media enquiries,
23.4% increase from last year

Issued 37 media statements,
9% increase from
last year



處理 **16,035** 宗
查詢個案，比去年減少14.2%

Handled 16,035 enquiries,
14.2% decrease
from last year



每月平均有
62,011 人次
瀏覽公署網站，比去年增加35%

An average of 62,011 visits to our
website per month were made,
35% increase from last year



展開 **256** 個
循規審查行動，
比去年減少10.5%

Carried out
256 compliance checks,
10.5% decrease
from last year



使命

Mission Statement

致力推廣、監察及監管，促使各界人士遵從香港法例第486章《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 individuals with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance (Cap 486), Laws of Hong Kong

策略與主要目標

Strategies and Key Goals

	策略 Strategies	主要目標 Key Goals
執法 Enforcement	<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與投訴• To ensure equity, fairness and operational efficiency• To act independently, impartially and without fear or favour• To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	<ul style="list-style-type: none">• 調查及具效率與持平地解決投訴個案• 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
監察及監管符規 Monitoring and Supervising Compliance	<ul style="list-style-type: none">• 主動及公正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與投訴• To investigate proactively and fairly into areas where the privacy risks are significant• To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	<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 are facilitated to meet their data protection obligations and adopt good privacy practices

推廣

Promotion

- 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
- 利用網站、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
- To seek proactively the holistic engagement of stakeholders
- To promote best practices among organisational data users on top of meeting minimum legal requirements
- To maximise publicity and education impact through websites, publications and media exposure
- To engage the community, in particular, young people
- To use lessons learnt from investigations as a means of educating data users and data subjects
- 社會更清楚理解法律與原則，不但認識個人資料保障方面的權利和責任，而且對保障有適當期望和了解限制
- 公、私營機構皆認識作為資料使用者在法例下的責任，並付諸實行
- 讓個人和機構的資料使用者都認識個人資料私隱專員公署（公署）的角色及可提供的支援
- A better understanding of the laws and principles in the community is articulated, recognising not only the rights and obligations but also expectations and limitations in personal data protection
- Organisations in public and private sector understand their obligations as data users under the Ordinance and the ways to meet them
- Individual and organisational data users understand the role of the Privacy Commissioner for Personal Data (PCPD) and the assistance the PCPD may provide

機構管治

Corporate Governance

- 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
- 持續精簡工作程序
- 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
- To adhere to the principles of transparency and accountability
- To maximise utilisation of resources to achieve economy, efficiency and effectiveness
- To make continuous effort to streamline work procedures
- To apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact
- To build and maintain a loyal and professional team
- 達致高水平的管治
- High standard of corporate governance is achieved

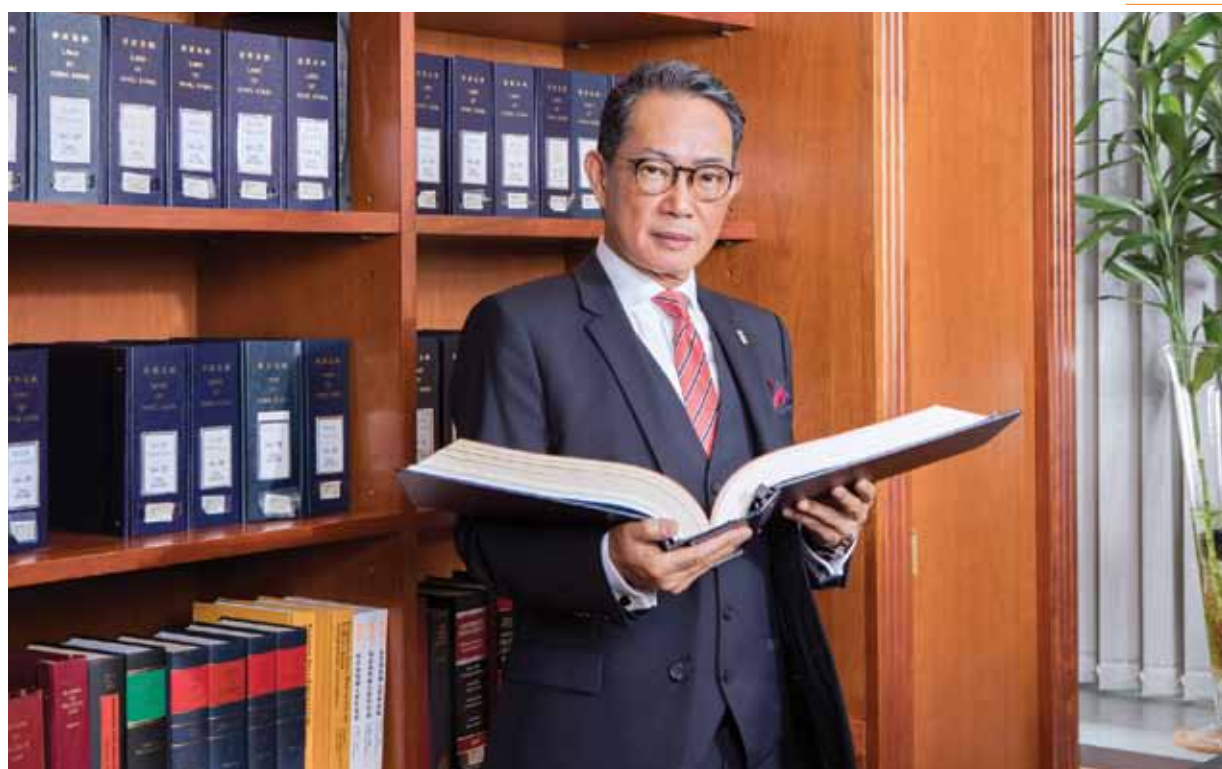
迎合需求轉變

Meeting Changing Needs

- 緊貼科技發展
- 監察國際發展及趨勢
- 留意本地不斷轉化的私隱期望
- To keep abreast of technological development
- To monitor international development and trend
- To keep track of evolving local privacy expectation
- 現行及建議的法律和規管機制切合需要及有效
- Existing and proposed laws and regulatory systems are relevant and effective

Privacy Commissioner's Message

私隱專員
的話



黃繼兒

香港個人資料私隱專員

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

去年對公署來說是忙碌而充實的一年，在保障個人資料私隱權的工作與日俱增的同時，整體工作質素亦有所提升。

儘管公署去年接獲的整體投訴數字趨向穩定，但與直接促銷相關的個案（381宗）卻顯著增加，而與資訊及通訊科技相關的投訴數字亦維持在較高水平（243宗）。公署去年接獲約18,000宗查詢和投訴（1,741宗投訴和16,035宗查詢），與前一年比較錄得雙位數字跌幅（投訴和查詢分別下跌14%和14.2%）。公署在完成處理投訴和查詢所需的時間亦顯著減少。有關下跌情況屬預期之內，並似乎將會持續。此等數字下跌，是由於我們加強對前線員工的培訓，並精簡程序，同時致力向持份者進行各項宣傳和教育工作，以及邀請各機構（作為資料使用者）共同參與構建尊重其他持份者的個人資料之文化。正如早前的調查和公署的經驗所得，個人（作為資料當事人）和機構皆須了解甚麼資料應受保障以及應如何保障。

資料外洩事故和網絡安全於年內備受關注，特別是關於受影響的資料當事人數目、發生資料外洩事故的不同情況及所涉及的手法。網絡世界無疆界，發動網絡攻擊的黑客目標變得更明確，手法亦日趨成熟，網絡攻擊的次數因而漸趨頻密且具威脅性。這種威脅不僅限於數據，而且也擴大至我們日常用於管理重要基礎設施，例如汽車、飛機、公用事業設施及供應鏈的各種資訊系統。網絡罪案的數字亦從九十年代的每年數百宗，上升至2016年約6,000宗。

無論在線抑或離線，個人資料都被大量收集，加上尖端的數據挖掘和檔案建立技術，或可揭露個人內心深處的秘密或私密空間，而分析結果可能有所偏頗或令人尷尬，而且當事人往往被蒙在鼓裡。

與數據相關的資訊及通訊科技的轉變

隨著數碼技術演變，我們已昂首邁進大數據、人工智能和機器學習的年代。若說現時整個數碼經濟是由大數據驅動（包括近期的行為追蹤、區塊鏈和金融科技的應用），實不為過。

It was another solid year, in terms of both quantity and quality of the work in protecting personal data privacy right.

While the figures show that privacy complaints appeared to stabilise generally, there was a significant increase in direct marketing-related cases (381 cases) and ICT-related complaints remained at a high level (243 cases). Last year, about 18,000 enquiries and complaints were received (1,741 complaints and 16,035 enquiries), recording a double-digit drop in percentage as compared to the year before (14% for complaints and 14.2% for enquiries). The time required for settling these complaints and enquiries was reduced markedly, too. The drop, which is expected, seems to be continuing. We attribute the drop to the efforts we have put in retraining our front line staff, streamlining the procedures, promoting and educating all stakeholders as well as engaging the organisations (data users) in developing the culture of respecting other stakeholders' data. As foreshadowed by earlier surveys and experience, both individuals (data subjects) and organisations were calling for understanding of what and how data should be protected or otherwise.

Data breaches and cybersecurity became emerging concerns, particularly in terms of the number of data subjects affected and the different scenarios and methodologies in which the breaches occurred. Borderless as they are, cyberattacks are becoming more frequent and threatening as adversaries are more determined and more sophisticated. The threat is not only to data but also to the myriad digital systems we increasingly use to control important infrastructure, such as autos, airplanes, utilities and supply chains. The number of cybercrimes has risen from a few hundred per year in the 1990s to about 6,000 in 2016.

Extensive collection, online and offline, of personal data, in conjunction with sophisticated data mining and profiling techniques, may expose one's innermost secrets, or intimate space, and the results of the analytics can be biased or embarrassing, and often without one knowing it.

Change in data-related ICT

Whilst the era has evolved to one of digital technology, we have marched into the age of big data (BD), artificial intelligence (AI) and machine learning (ML). It is no exaggeration to say that nowadays big data fuels the engine of the digital economy, including the recent application of Behavioural Tracking, Blockchain and Fintech.

大數據的來源之一，就是我們的網上活動留下的數碼腳印，如搜尋互聯網、瀏覽網站、在社交平台上發布消息、網上購物等。大數據來源豐富，為人工智能和機器學習的演算分析提供所需資料，將所得的關聯資訊轉化成各項預測，並藉此自動作出決定和行動。

無可否認，大數據、人工智能和機器學習為公私營機構（包括銀行、零售、保險、教育、運輸，以至政府運作和執法）創造商機和提高效率。不過，大數據亦令部份保障個人資料的基本原則備受考驗，如數據最小化、透明度和使用限制等。有見大數據的價值廣受推崇，各機構均試圖從所有可行的途徑收集大量的數據。現時數據收集已隨處可見，但又不能預計相關數據將會如何被使用，因此要向個人提供有用的通知或要在使用其個人資料時取得他們有意義的同意，即使未至於不可能，但亦令此等工作變得非常艱巨。

現時大多數的資料（通常以缺乏組織的形式呈現）並非直接向個人收集所得，而是透過他們使用資訊及通訊科技和物聯網裝置、或與此類裝置互動、或經大數據處理所衍生而來。此類統稱為衍生資訊的觀測數據和推斷數據，觀乎其最初的來源以至資料的敏感度，有時在許多法域區的現行法律界定下不屬於個人資料。結果是，資料當事人往往未能掌控衍生資訊的處理，而資料使用者亦難以預測衍生資訊經過處理後所得出的結果。

環球保障私隱形勢的變化

事實上，自《1980年經濟合作及發展組織指引》及《1995年歐盟資料保護指令》實施以來，環球的私隱保障形勢已出現重大轉變。很多地區的資料保障機制，包括香港，都是以此作為模範。

我們周邊的法域區如日本、新加坡、韓國、澳門及中國內地，以至拉丁美洲國家如哥倫比亞、巴西及墨西哥，均正在改革及更新其資料保障和網絡安全法規。歐洲聯盟（歐

One of the sources of BD is our digital footprints left with our online activities, like Internet searching, browsing websites, posting messages at social platforms, online shopping. The rich source of BD feeds the algorithmic analytics of AI and ML which turn correlations into predictions, as well as automated decisions and actions.

It is indisputable that BDAIML creates business opportunities and promotes efficiency in private and public sectors, from banking, retail, insurance, education, transportation, government operations to law enforcement. Nonetheless, BD is also stretching the limits of some fundamental principles of personal data protection, such as data minimisation, transparency and use limitation. Given the much acclaimed value of BD, organisations tend to amass huge amount of data from all possible sources. The ubiquity of data collection and the unpredictability of data use make it very difficult, if not impossible, to provide individuals with helpful notice, or obtain their meaningful consent for the use of their personal data.

Much of the data nowadays (often in an unstructured form) is not collected directly from individuals, but is generated, or derived from their use of, or interaction with ICT and Internet of Things (IoT) devices, or processing of BD. There are however instances where the observed data and inferred data, collectively known as generated information, might not have been intended as personal data based on source and sensitivity of information as classified under the current laws of many jurisdictions. Very often the result is that the processing of generated information is out of the data subject's control and it is difficult for data user to anticipate the outcome of generated information processing.

Change in Global Privacy Landscape

Indeed, the global privacy landscape has changed phenomenally since the implementation of the 1980 OECD Guidelines and the EU Data Protection Directive 1995 which shaped many data protection regimes, including the one in Hong Kong.

Our neighbouring jurisdictions like Japan, Singapore, Korea, Macao and the mainland of China are reforming and updating their data protection and cybersecurity laws and regulations. So are Columbia, Brazil and Mexico in Latin America. The European Union

盟)正就其資料私隱法律進行重大改革，其《通用數據保障條例》將於2018年5月實施，從法律及實用性方面加強了個人資料私隱權的保障，為資料保障執法機關提供一個全新及獨有的模式。《通用數據保障條例》適用於個人資料處理，包括收集、使用及公開資料。它亦就處理特別類別的個人資料提供額外保障，例如披露種族或族裔、政治意見、基因及生物辨識資料和有關健康或性取向的個人資料。

在英格蘭，共217頁的資料保障法案即將推出，透過加強現有以及新增的私隱權，資料保障的範圍得以擴闊。

《通用數據保障條例》具境內及境外效力。它適用於身處歐盟境內的資料使用者(控制者或處理者)，以及那些處於歐盟以外的，而其產品及服務的受眾目標或其監察行為的目標是歐盟的資料當事人。因此若一家香港的機構透過網上平台以英文提供產品介紹，並接受以歐元付款，以及處理來自歐盟個人的訂單並安排寄送產品到歐盟地區，則同樣受《通用數據保障條例》監管。此外，一般而言這香港機構亦需要委派一個駐於歐盟成員國的代表，作為歐盟所有資料保障執法機關以及個人就所有資料處理的相關事宜的聯絡人。

歐盟及亞太區經濟合作組織亦正就其各自的《通用數據保障條例》及《跨境私隱規則》之間，尋求跨區域的互通性及聯繫性，尤其是在認證機制方面。

在網上的環境方面，聯合國教科文組織正就互聯網的議題尋求新的方向。具體而言，聯合國教科文組織主張互聯網普及性和相關的「ROAM」原則，即以保障人權、開放及無障礙的互聯網為基調，並由多方持份者參與管理。在這情況下，言論自由、透明度的價值及私隱權均得以應對處理。

(EU) is undergoing a major reform of their data privacy law. The EU's General Data Protection Regulation (GDPR), which will come into effect in May 2018, has introduced enhanced rights to protect individuals' data privacy through legal and pragmatic approaches providing a new and unique model for data protection authorities. The GDPR applies, *inter alia*, to the processing of personal data, including the collection, use and disclosure of the data. It also provides additional protection to the processing of special categories of personal data, such as personal data revealing racial or ethnic origin, political opinions, genetic and biometric data, and data concerning health or a person's sexual orientation.

In England, the 217-page Data Protection Bill is set to be introduced. It is quite clear that the scope of data protection has been broadened by reinforcing current rights and creating new rights.

The direct impact of the GDPR relates to the territorial scope of the GDPR in that it applies to data users (controllers and processors) with an establishment in the EU, or with an establishment outside the EU that targets individuals in the EU by offering goods and services or that monitors the behaviour of individuals in the EU. It appears that a Hong Kong organisation, offering products available online in English with payments to be made in Euros, processing multiple orders from individuals within the EU and shipping these products to them, should be compliant with the GDPR. Furthermore, this organisation will generally have to appoint a representative established in an EU member state as the point of contact for all data protection authorities and individuals in the EU on all issues relating to data processing.

Cross-region interoperability and interconnectivity are also being explored between the GDPR and the APEC Cross Border Privacy Rules, in particular with respect to the certification system.

In the online environment, the UNESCO is exploring a new approach to internet issues. Concretely, this means that UNESCO stands for the concept of "internet universality" and the related "ROAM principles" which refer to a Human-rights-based, Open and Accessible internet that is governed by Multi-stakeholder participation. In this context, the freedom of expression, the value of transparency and the right to privacy are being addressed.

從符規及問責躍升至信任、尊重和道德

《通用數據保障條例》明確地強調資料控制者（即決定資料處理的目的和方式的組織）在問責方面的責任。他們不單要確保，更要展示其資料處理符規。一般而言資料控制者必須實施適當的技術性和組織性措施，包括資料保障政策。當評估實行哪一種措施以及如何實行時，資料控制者須考慮處理資料的性質、範疇、背景和目的，以及對有關資料當事人的權利和自由的風險。

儘管保障資料原則屬科技中立，具顛覆性的資訊及通訊科技和複雜的資料使用的出現，逼使無論身為資料當事人或資料使用者的我們，都必須重新思考應如何應用這些原則。時至今日，消費者期望的不僅僅是以品牌作為賣點，他們要求的是安全和信任。由於資料是一種可持續的資源，我們需要建立信任。如大數據、人工智能及機器學習的議題未能妥善處理，它們將破壞資料當事人對資料使用者和資料處理者的信任。最後，數碼經濟的發展動力會隨著大數據、人工智能及機器學習的數量和質量下降而中斷。

消費者期望他們的個人資料私隱權不單受到恰當保障，同時亦會得到適當的尊重。尊重或許包括具意義的同意（因而不會引起驚訝），並需考慮到有關個人的權利、利益和自主或控制權。而這需要消費者（資料當事人）、機構（資料控制者和處理者）和監管當局各方面共同參與。透過提高透明度和監控乃資料使用者／處理者成功與資料當事人建立共同信心、信任和尊重的關鍵，並可藉此達致資料當事人的期望和避免顧客流失。此外，藉由包括以公平及合符道德的方式使用或處理資料，可配合符規和問責的法律要求，並確認資料私隱權的內在價值。資料使用者應增值提升而不只是遵循法例的規定。資料的道德標準及管理將有助問責工作的實踐。

From Compliance and Accountability to Trust, Respect and Ethics

The GDPR categorically places an emphasis on the accountability obligations of data controllers (i.e. the organisations that define the purposes and means of the processing). Not only do they have to ensure compliance but also be able to demonstrate such compliance. The data controllers generally must implement appropriate technical and organisational measures, including data protection policies. In assessing which or how such measures should be implemented, the data controllers should consider the nature, scope, context and purposes of the processing as well as the risks for the rights and freedoms of individuals.

The emergence of disruptive ICT and complex data uses have also forced us, data subjects and users alike, to re-think how data protection principles should be applied now, albeit they being intended to be technology-neutral. It is quite understandable that the consumers expect more than selling brand relationship – they request security and trust. Given that data is a sustainable resource, we need to have trust. If issues of BDAIML are not addressed properly, they may well undermine data subjects' trust in the data users and processors. As a result, the fuel of the digital economy may be cut off as the quantity and quality of BDAIML may diminish.

Consumers would expect that their personal data privacy right is not only duly protected but also duly respected. Respect probably includes the elements like meaningful consent (so that there are no surprises) and due regard to the rights, interests and autonomy or control of the individual concerned. This requires the engagement of all parties – the consumers (data subjects), organisations (data controllers and processors) and the regulators. Building transparency and control is at the heart of getting it right in that data users/processors will enjoy the fruit of leveraging mutual confidence, trust and respect, thereby meeting the expectation of the data subjects and vitiating consumers' defection. Furthermore, satisfying the legal requirements of compliance and accountability to recognise the intrinsic values of data privacy rights would be improved by an ethical approach including a fair and ethical use or processing of data. Data users need to add value beyond just complying with regulations. To make accountability work, ethical data standard and stewardship would be helpful.

「一帶一路」(及粵港澳大灣區)數據中心

香港擁有無可取代的資訊自由流通優勢，《基本法》亦保障自由及人權，而現有的私隱保障法例及框架也確保資料私隱受到保障；因此，香港有條件成為一國兩制之下的「一帶一路」數據中心，促進資料傳輸及儲存，成為連繫及匯聚香港、內地和全球各地的環球數據樞紐。此外，粵港澳大灣區的發展亦促進了資訊及通訊科技的發展，形成大規模的數據流通，吸引數據中心引入先進的數據技術、優秀人才及資金，因而促進內地及香港的經濟發展。

以結果為本的監管

和其他監管機構一樣，我們面對著越來越多的責任和更高的期望，可是資源卻緊絀。正如本年報中提及的個案顯示，定罪個案的罰則之阻嚇作用似乎沒有預期般大。儘管如此，我們會繼續堅持公平執法。同時，我們會盡力透過以結果為本的方式以達致有效的監管。我們會率先適時地向受規管對象提供指引和協助，並輔以適當的誘因，推動及鼓勵他們參與保障資料的行列。具體來說，我們會繼續透過公眾教育和提供協助及意見，在投訴或違規事件出現之前，確保資料私隱獲得保障。我們將透過私隱管理系統，協助機構建立客戶對其的信心和信任；而長遠來說，我們希望建立一套有意識的「個人資料由我掌握」的文化，以及更自覺地尊重他人個人資料的文化；在表達私隱政策和獲得同意方面更具透明度、更具前瞻性、更有意義和更便利用戶。

黃繼兒

香港個人資料私隱專員

The Belt and Road (and Greater Bay) Data Hub

Given the irreplaceable attribute of Hong Kong in respect of the free flow of information, which finds its enabling environment on the protection of freedoms and human rights as guaranteed under the Basic Law, including the working implementation of our data protection law and framework, we are well poised to help make Hong Kong the Belt and Road data centre within one country but outside the jurisdiction of the mainland of China, facilitating transfer and storage of data, connecting and converging ideas and information among Hong Kong, the mainland of China and the rest of the world. The opportunities arising from the Guangdong-Hong Kong-Macao Bay Area development also help promote ICT development, with large-scale data flows resulted, thus attracting data centres to bring in advanced data technology, talents and capital, and in turn fostering economic development on the mainland of China and Hong Kong.

Regulating by Results

Like other regulators, we are faced with increasing responsibilities and higher expectation but with meagre resources. As the cases in this Report show, penalties on conviction of offences might not have the deterrent effect one would expect. That said, we will continue to enforce the law fairly without sparing the sticks. At the same time, we would try to achieve effective regulation through a result-based approach. We aim to take the lead in providing timely guidance and support to the regulated, engaging and incentivising them with appropriate carrots. Specifically, we will continue to secure protection through public education and provision of facilitating assistance and advice before a complaint is lodged or a breach incident occurs. We will help organisations build confidence and trust amongst their clients through a privacy management programme; and try to establish in the long run a culture of consciously keeping one's personal data under one's own control, as well as a culture of respecting others' personal data by being more responsive to expectation; more transparent, more forthcoming, more meaningful and user-friendly in expressing the privacy policy and obtaining consent.

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data,
Hong Kong

公署架構

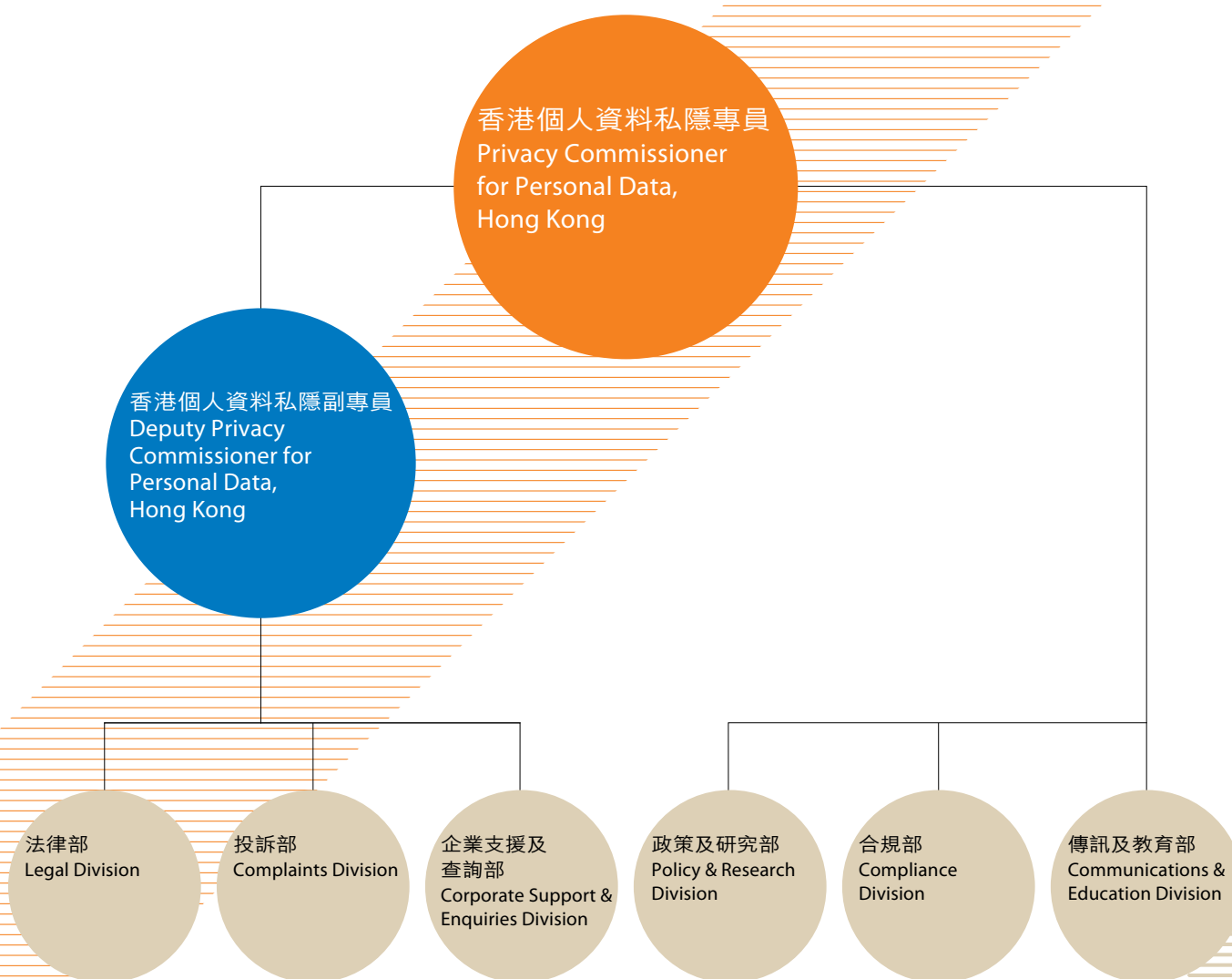
Our Organisation

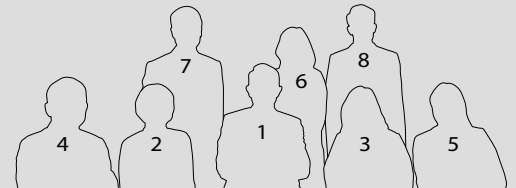
公署由個人資料私隱專員（私隱專員）掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界遵從《個人資料（私隱）條例》（條例）的規定。（詳見附錄一）

在本年報期完結時，公署的職員編制為76人，分別在六個部門工作。（詳見第18至25頁）

The PCPD is headed by the Privacy Commissioner for Personal Data (Commissioner), who has overall responsibilities for promoting, monitoring and supervising compliance with the Personal Data (Privacy) Ordinance (Ordinance). (See Appendix 1 for details)

The PCPD had a total of 76 staff at the end of the report period comprising six divisions. (See page 18 to 25 for details)





高層管理團隊

- 1 黃繼兒先生**
香港個人資料私隱專員
- 2 黃錦卿女士**
香港個人資料私隱副專員
- 3 郭美玲女士**
首席律師，總監(法律部)
- 4 梁展華先生**
首席個人資料主任，
總監(企業支援及查詢部)
- 5 黎智敏女士**
首席個人資料主任，總監(合規部)
- 6 陳美儀女士**
署理首席個人資料主任，
總監(投訴部)
- 7 陳智健先生**
高級個人資料主任，
總監(傳訊及教育部)
- 8 張健康先生**
署理高級個人資料主任，
總監(政策及研究部)

SENIOR MANAGEMENT TEAM

- 1 Mr Stephen Kai-yi WONG**
Privacy Commissioner for Personal Data, Hong Kong
- 2 Ms Fanny WONG**
Deputy Privacy Commissioner for Personal Data, Hong Kong
- 3 Ms Brenda KWOK**
Chief Legal Counsel, Head of Legal Division
- 4 Mr Daniel LEUNG**
Chief Personal Data Officer,
Head of Corporate Support & Enquiries Division
- 5 Ms Joyce LAI**
Chief Personal Data Officer, Head of Compliance Division
- 6 Ms Amy CHAN**
Chief Personal Data Officer (Acting),
Head of Complaints Division
- 7 Mr Ivan CHAN**
Senior Personal Data Officer,
Head of Communications & Education Division
- 8 Mr Aki CHEUNG**
Senior Personal Data Officer (Acting),
Head of Policy & Research Division





Complaints Division 投訴部

- 接受及處理市民向私隱專員提出的投訴
- 就涉嫌違規事宜進行調查
- 就可能對個人資料私隱有影響的事宜提供意見
- 適時向公署提供其他與處理投訴有關的支援
- To receive and handle complaints lodged with the Commissioner
- To conduct investigations of suspected breaches
- To provide advice on matters that may affect the privacy of individuals in relation to personal data
- To provide other support to PCPD as and when required in relation to complaints

Compliance Division 合規部

- 接受資料外洩事故通報及適當跟進資料外洩事故
- 進行循規審查及調查
- 處理資料使用者提出的自動核對資料程序申請
- 就個人資料系統進行視察，向有關資料使用者提出改善循規情況的建議
- 發出有關循規及保安的單張和指引
- To receive notifications and follow up data breaches incidents where appropriate
- To carry out compliance checks and investigations
- To process applications from data users for approval of automated data matching procedures
- To undertake inspections of personal data systems and make recommendations to the data users concerned for improved compliance
- To issue compliance and security related leaflets and guidance





Legal 法律部 Division

- 為公署各方面的工作提供法律意見
- 研究海外資料保障法律的發展
- 檢討有關個人資料私隱的現行及建議的法例
- 不斷檢討《個人資料(私隱)條例》
- 代表私隱專員出席法庭及行政上訴委員會的聆訊
- 執行法律協助計劃
- To provide legal advice in respect of all aspects of the work of the PCPD
- To research on developments in overseas data protection laws
- To review existing and proposed legislation relating to personal data privacy
- To keep review of the Personal Data (Privacy) Ordinance
- To represent the Commissioner in any relevant court and Administrative Appeals Board hearings
- To administer the Legal Assistance Scheme

Corporate Support and Enquiries Division 企業支援及查詢部

- 確保適當及足夠的企業管治
 - 制定策略計劃及管理資源
 - 管理辦公室日常運作
 - 接受及處理市民及機構提出的查詢
 - 統籌個人資料(私隱)諮詢委員會會議，並提供秘書支援服務
 - 提供及管理會計、工資、採購及財務 / 預算系統
- To ensure proper and adequate corporate governance
 - To provide strategic planning and management of resources
 - To undertake office day-to-day management and operation
 - To receive and handle general enquiries from members of the public and organisations
 - To coordinate and provide secretarial support to the Personal Data (Privacy) Advisory Committee
 - To provide and maintain the accounting, payroll, procurement and financial / budgeting systems







Communications and Education Division 傳訊及教育部

- 就機構傳訊策略及實踐提供意見
- 策劃及落實推廣、教育和公共關係活動
- 接受傳媒查詢及安排新聞發佈會
- 管理網站，為市民提供有關條例及公署動向的資訊，以及網上資源
- To advise on corporate communications strategies and practices
- To develop and implement promotion, education and public relations programmes
- To attend to media enquiries and arrange press conferences
- To maintain a website to provide comprehensive information about the Ordinance, PCPD news and activities and online resources



Policy and Research Division 政策及研究部

- 因應最新的本地及國際發展，對個人資料保障的政策及議題進行研究及提供意見
- 就擬備公署的刊物（例如實務守則、指引及資料單張）提供意見
- 就調查、循規審查及視察提供支援
- 統籌科技發展常務委員會會議，並提供秘書支援服務
- 與國際間其他私隱執法機關建立及維持工作聯繫
- To research and advise on policy issues (including responses to stakeholders) relating to personal data protection in light of latest local and international developments
- To provide input in the preparation of the PCPD publications, e.g. codes of practices, guidance notes and information leaflets
- To provide support in investigations, compliance checks and inspections
- To coordinate and provide secretarial support to the Standing Committee on Technological Developments
- To establish and maintain working relationship with international counterparts

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



主席

- 1 黃繼兒先生
香港個人資料私隱專員

CHAIRMAN

- 1 Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data, Hong Kong

成員

- 2 孔慶全先生
紹邦企業有限公司董事
- 3 孫淑貞女士
香港中華煤氣有限公司資訊科技總監
- 4 郭振華先生, BBS, MH, JP
永保化工(香港)有限公司董事總經理
- 5 溫卓勳先生
渣打銀行(香港)有限公司大中華及北亞洲地區合規部主管
- 6 楊長華女士
微軟香港有限公司法務及公司事務部總監
- 7 鍾郝儀女士
驪住株式會社企業策略(亞洲)董事總經理
- 8 羅燦先生
香港數碼廣播有限公司行政總裁
- 9 羅淑佩女士, JP
政制及內地事務局副秘書長
- 10 譚幟貞女士
政制及內地事務局首席助理秘書長

MEMBERS

- 2 Mr Billy Hing-chuen HUNG
Director, Shiu Pong Enterprises Ltd
- 3 Ms Susanna Shuk-ching SHEN
Head, Information Technology,
The Hong Kong and China Gas Co Ltd
- 4 Mr Jimmy Chun-wah KWOK, BBS, MH, JP
Managing Director, Rambo Chemical (Hong Kong) Limited
- 5 Mr David Chuck-fan WAN
Regional Head, Compliance,
Greater China & North Asia,
Standard Chartered Bank (Hong Kong) Limited
- 6 Ms Winnie Cheung-wah YEUNG
Director, Legal & Corporate Affairs, Microsoft Hong Kong Limited
- 7 Ms Cordelia CHUNG
Managing Director, Corporate Strategy, Asia, LIXIL Corporation
- 8 Mr Stephen Chan LOH
Chief Executive Officer,
Digital Broadcasting Corporation Hong Kong Limited
- 9 Ms Rosanna Shuk-pui LAW, JP
Deputy Secretary for Constitutional and Mainland Affairs
- 10 Miss Phidias TAM
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 黃繼兒先生
香港個人資料私隱專員
- 2 黃錦卿女士
香港個人資料私隱副專員

CO-CHAIRPERSONS

- 1 Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data, Hong Kong
- 2 Ms Fanny WONG
Deputy Privacy Commissioner for Personal Data, Hong Kong

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 譚偉豪博士, JP
權智有限公司主席
- 6 楊月波教授
香港浸會大學計算機科學系特邀教授
- 7 栢雅盛先生
霍金路偉律師行合伙人

MEMBERS

- 3 Professor John BACON-SHONE
Director, Social Sciences Research Centre,
University of Hong Kong
- 4 Dr K P CHOW
Associate Professor, Department of Computer Science,
University of Hong Kong
- 5 Dr Samson Wai-ho TAM, JP
Chairman of Group Sense Ltd.
- 6 Professor YB YEUNG
Adjunct Professor, Department of Computer Science,
Hong Kong Baptist University
- 7 Mr Mark PARSONS
Partner, Hogan Lovells