

Enforcing Data 執法 保障資料 Protection

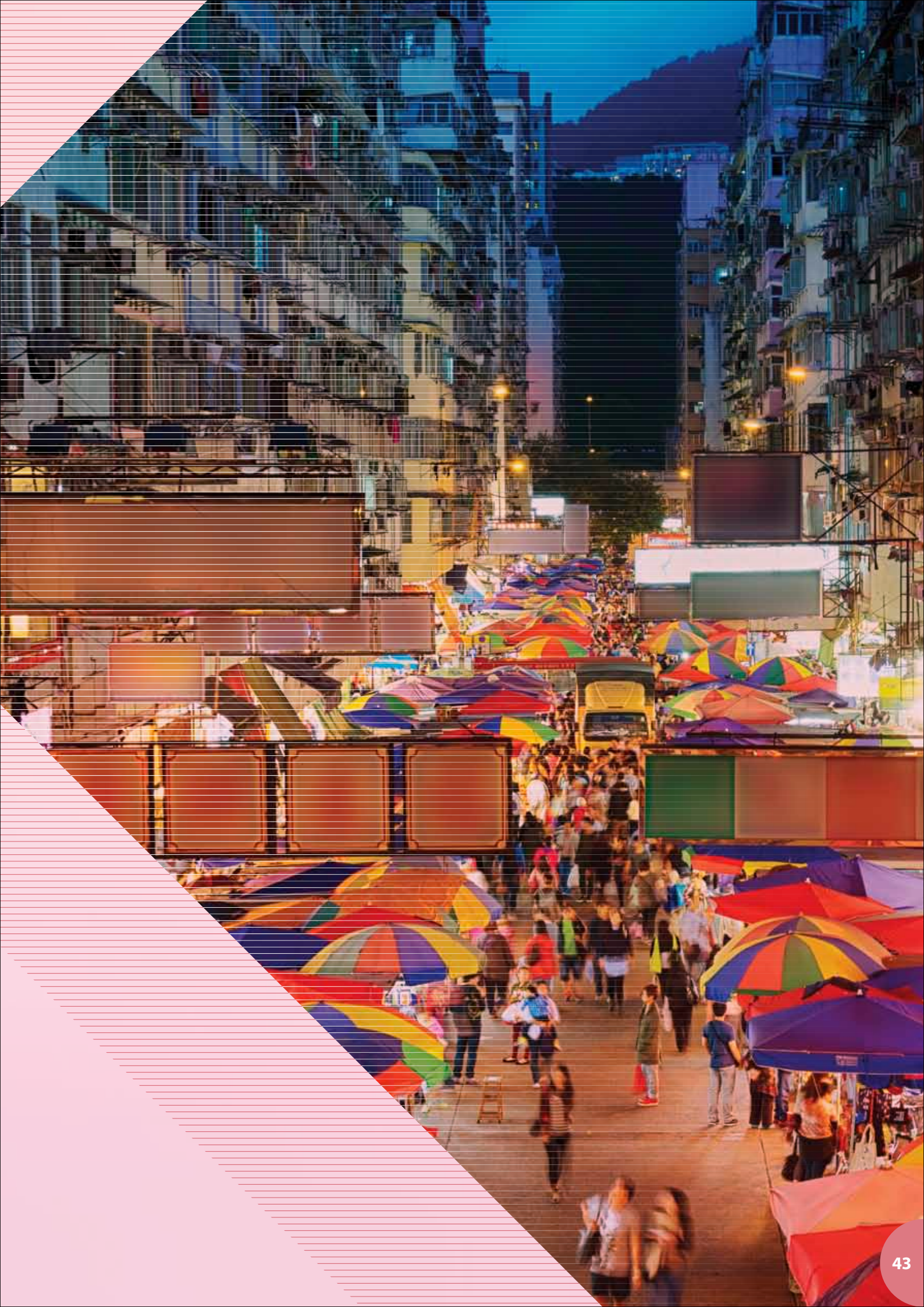
調查不偏不倚

對於市民的投訴及查詢，投訴部和企業支援及查詢部會作出具效率、公平公正的調查及處理。若發現有顯著私隱風險的情況存在，我們更會主動作出調查。

Thorough and Impartial Investigations

The Complaints Division and the Corporate Support and Enquiries Division investigate and resolve complaints and enquiries effectively in a manner that is fair to all parties concerned, and proactively investigate areas where privacy risks are significant.





處理查詢

公署在2016至2017年的財政年度共接獲16,035宗¹查詢個案，較2015至2016年的18,690宗下跌14.2%，平均每個工作天處理64宗查詢。最多人查詢的範疇依次為收集及使用個人資料（例如香港身份證號碼及副本，分別佔14%及13.9%）、涉及僱傭（9.7%）和直接促銷活動的個人資料使用（7.8%）。

其中與互聯網有關的查詢由2015至2016年財政年度的730項增加至1,016項，上升39.2%，主要涉及網絡起底、流動應用程式及網絡欺凌。大部分查詢（83.2%）經由公署的電話熱線（2827 2827）提出。

公署在2016至2017年的財政年度共回覆了179宗傳媒查詢，較2015至2016年的145宗上升23.4%。此外，公署透過舉辦推廣及教育活動，提升市民及企業重視個人資料保障的意識，市民及企業透過推廣及教育活動了解條例的相關規定。

HANDLING ENQUIRIES

In 2016-2017, the PCPD received a total of 16,035 enquiries¹, 14.2% less than the 18,690 enquiries received in 2015-2016. On average, 64 enquiries were handled per working day. They mainly related to the collection and use of personal data (e.g. Hong Kong Identity Card numbers and copies, 14% and 13.9% respectively), employment (9.7%), and use of personal data in direct marketing (7.8%).

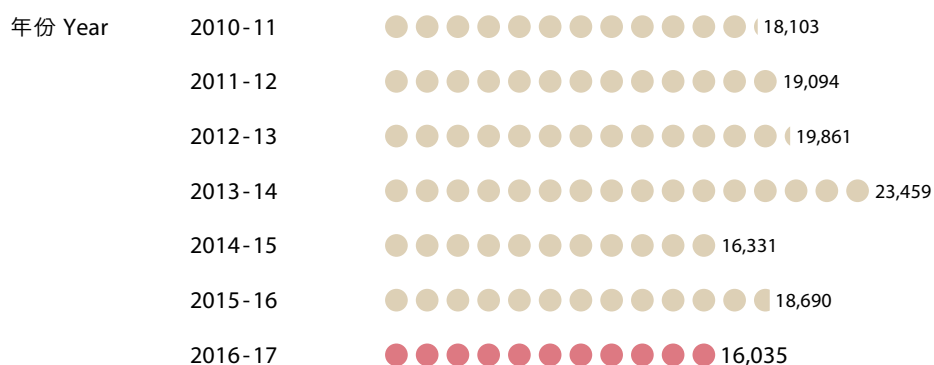
There was an increase of 39.2% in internet-related enquiries, from 730 cases in 2015-2016 to 1,016 cases in 2016-2017, mainly concerning cyber-profiling, mobile apps and cyber-bullying. The majority of the enquiries (83.2%) were made through the PCPD hotline (2827 2827).

Moreover, the PCPD responded to 179 media enquiries, an increase of 23.4% from 2015-2016's 145 media enquiries. The PCPD organised promotional and educational activities to cater for the needs of the individuals and organisations, and promoted the importance of personal data privacy protection.

¹ 一宗查詢可能涉及多項性質。

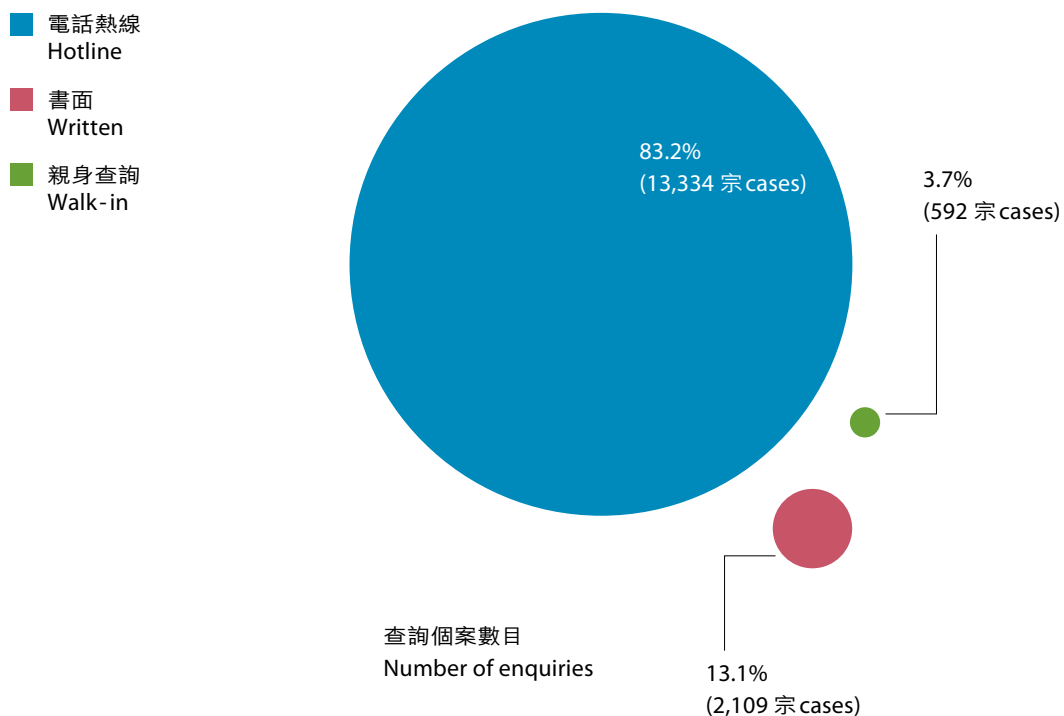
¹ An enquiry may cut across different categories.

全年查詢個案 Annual enquiry caseload



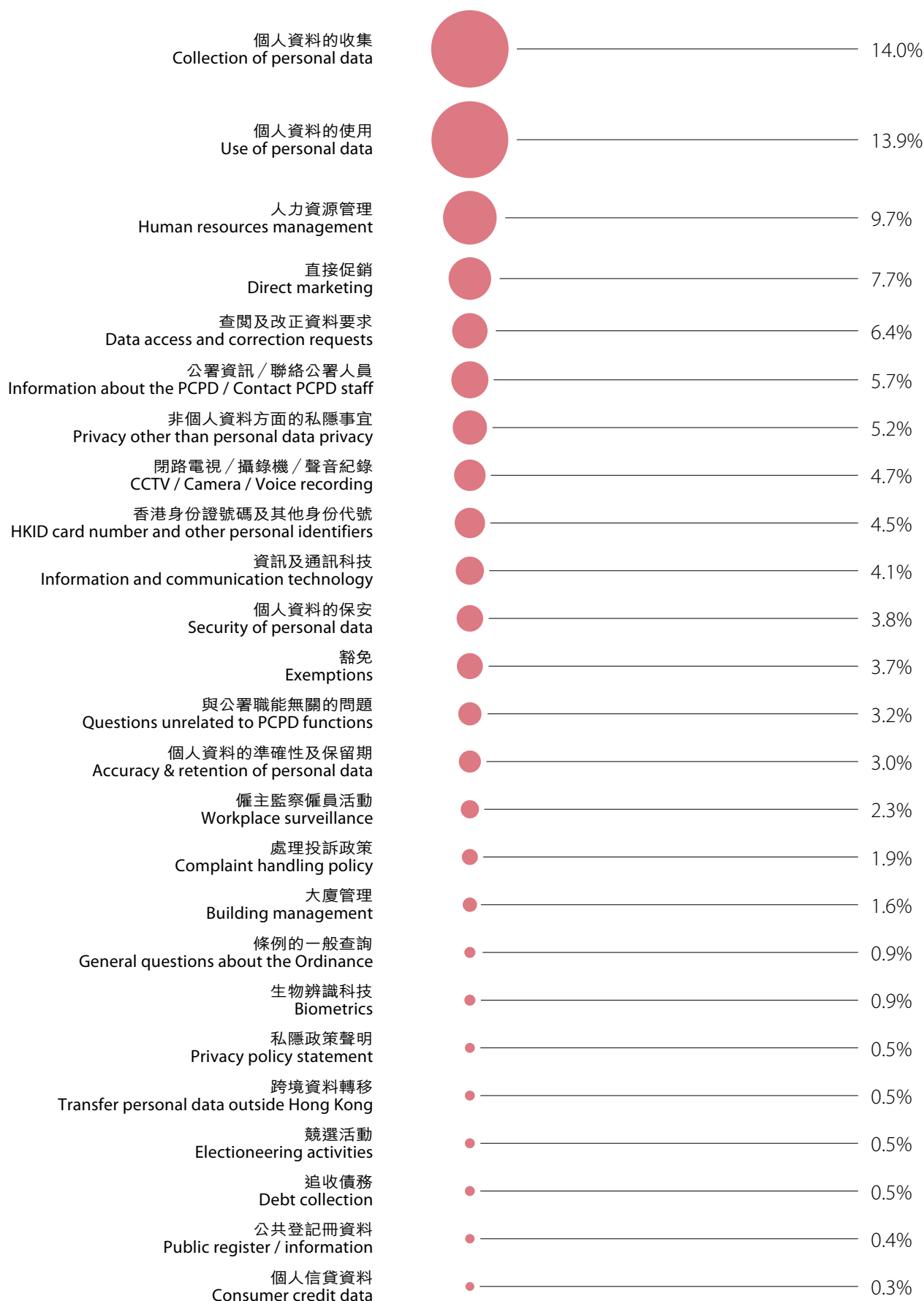
查詢個案數目
Number of enquiries

提出查詢的途徑 Means by which enquiries were made

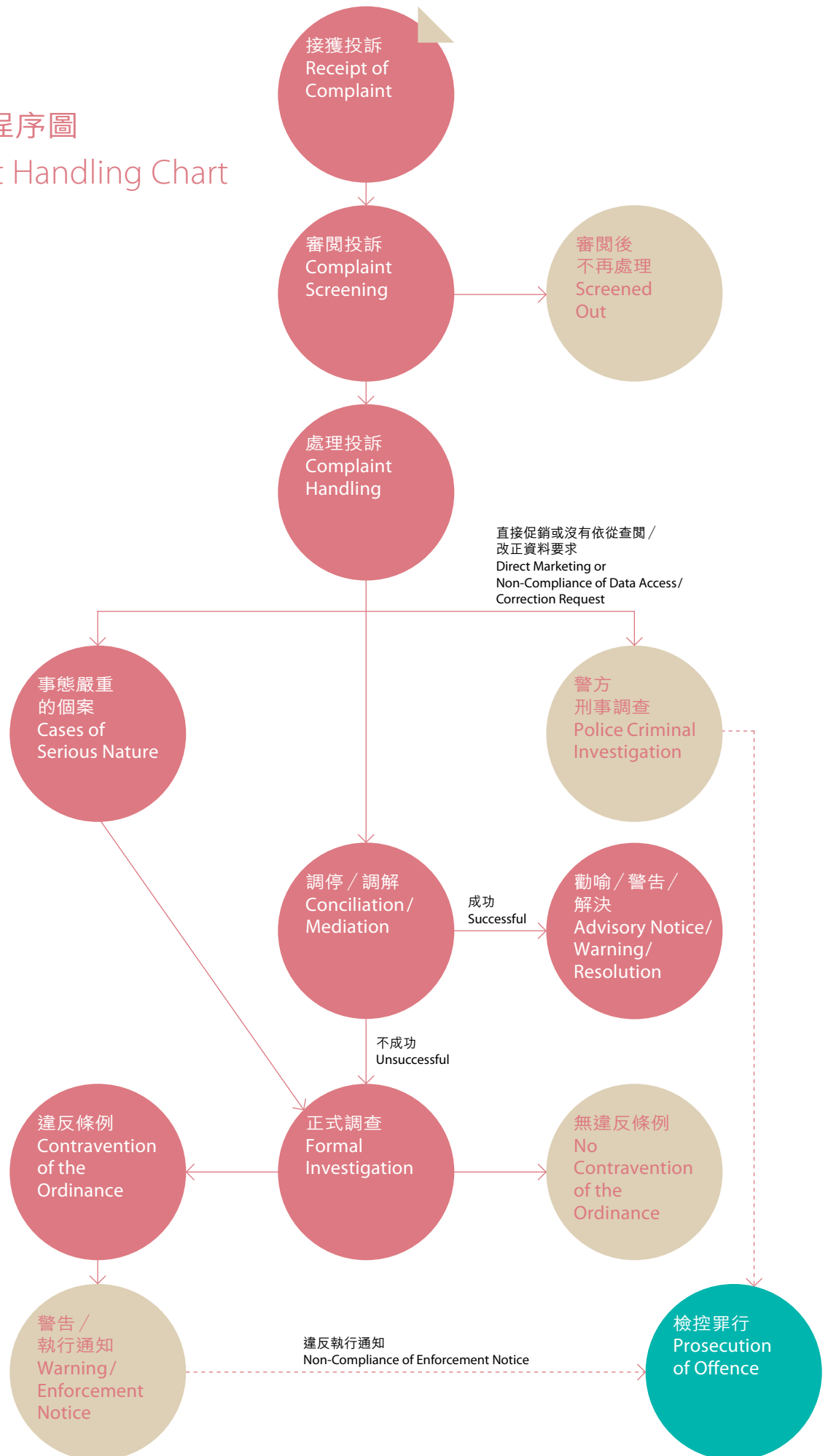


查詢個案數目
Number of enquiries

查詢個案的性質
Nature of enquiry cases



處理投訴程序圖 Complaint Handling Chart



調查投訴

接獲有關個人資料私隱的投訴

公署在2016至17年度共接獲1,741宗投訴個案，較上年度下跌了14%。

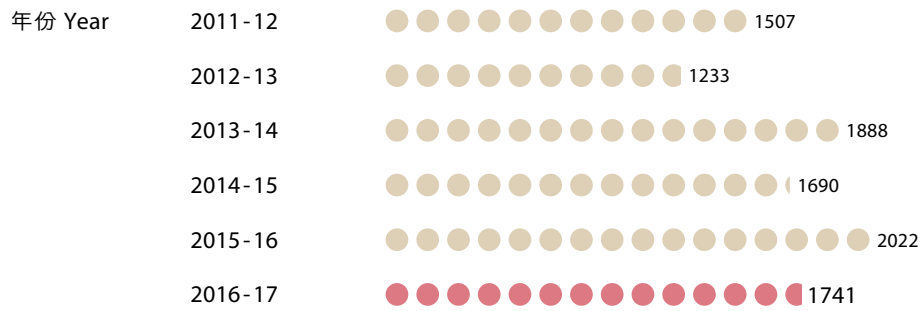
COMPLAINT INVESTIGATION

Data Privacy Complaints Received

A total of 1,741 complaint cases were received in 2016-17, a 14% decrease from last year.

投訴個案數字

Number of complaint cases received



投訴個案數目
Number of complaint cases

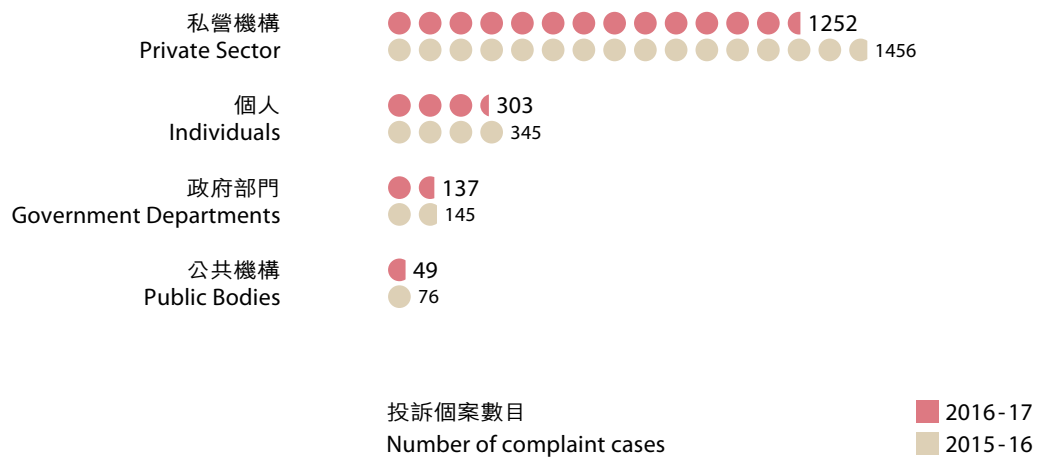
所接獲的1,741宗投訴個案包括：

- 72% (1,252宗) 投訴私營機構；
- 17% (303宗) 投訴個人；及
- 11% (186宗) 投訴公營機構（即政府部門及公共機構）。

Of the 1,741 cases received :

- 72% (1,252 cases) were against private-sector organisations;
- 17% (303 cases) were against individuals; and
- 11% (186 cases) were against public-sector organisations (i.e. government departments and public bodies).

被投訴者類別 Types of parties complained against



投訴涉及私營機構的包括：

- 29% (360宗) 投訴銀行及財務機構；
- 17% (217宗) 投訴物業管理相關機構；及
- 6% (80宗) 投訴電訊公司。

針對財務機構及電訊公司的投訴個案，大部分都是涉及收集個人資料和違反條例有關直接促銷的條文。投訴物業管理相關機構的個案主要是關於在大廈公開張貼載有個人資料的文件及安裝閉路電視鏡頭。

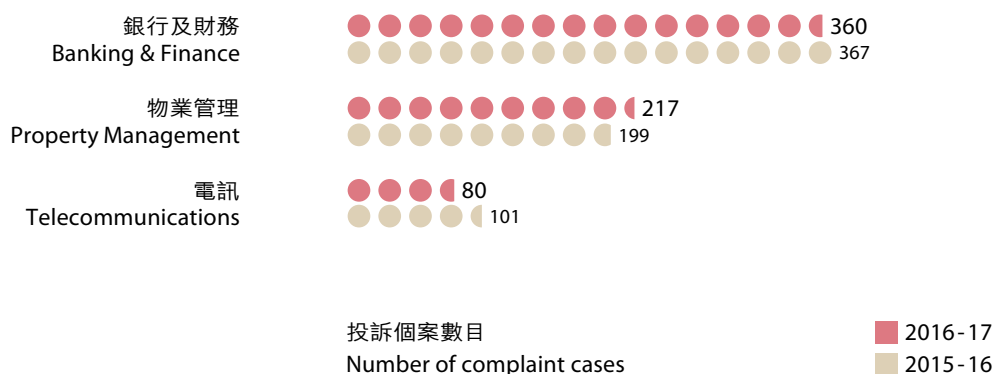
Complaints against the private-sector organisations included :

- 29% (360 cases) against the banking and financial sector;
- 17% (217 cases) against the property management sector; and
- 6% (80 cases) against the telecommunications sector.

The majority of the complaints against companies in the financial and telecommunications sectors related to the collection of personal data and breaches of the direct marketing provisions of the Ordinance. Most of the complaint cases in the property management sector concerned the posting up of notices containing personal data in public areas and the installation of CCTV cameras.

對私營機構的投訴

Complaints against private-sector organisations



投訴公營機構的個案中，大部分涉及：

- 欠缺保障個人資料的保安措施 (26%)；
- 不符收集目的，及未取得當事人同意而使用或披露個人資料 (25%)；
- 過度或不公平收集個人資料 (20%)；或
- 未有遵守查閱資料要求或改正資料要求 (19%)。

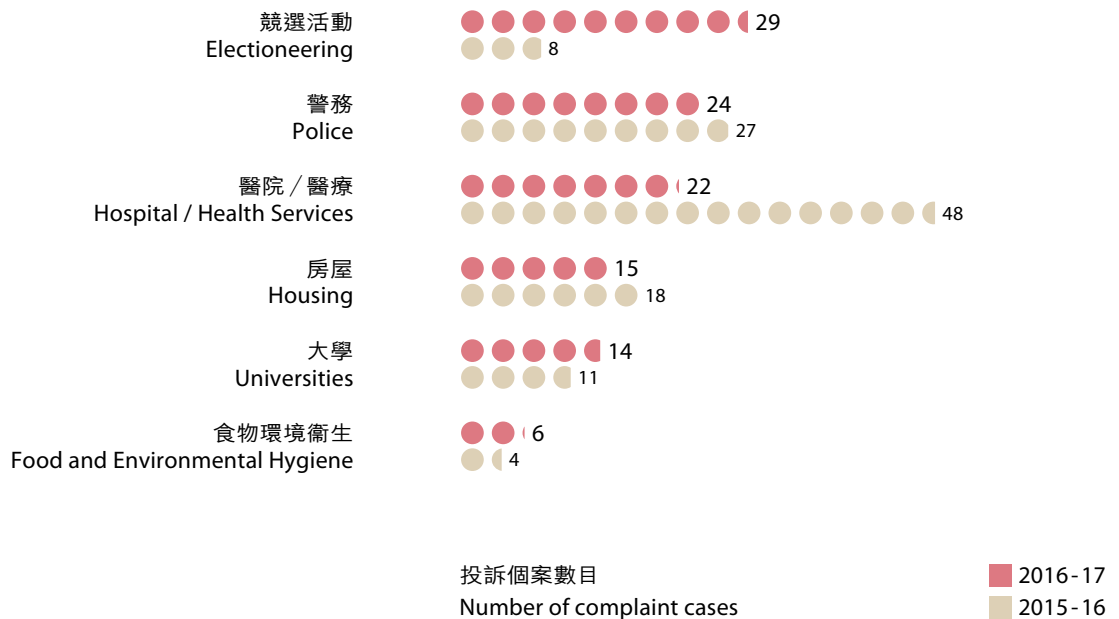
投訴公營機構的個案中，涉及選舉、醫護服務、房屋及警務相關機構的佔最多。

The majority of complaints against public-sector organisations involved :

- the lack of security measures to protect personal data (26%);
- the use or disclosure of personal data beyond the scope of the collection purpose and without the consent of the individual (25%);
- the excessive or unfair collection of personal data (20%); or
- the non-compliance with data access or correction requests (19%).

Most of the complaints in the public sector came from the public organisations involved in electioneering, health care services, housing, and the police force.

對公營機構的投訴 Complaints against public-sector organisations



公署於2016至17年度接獲的1,741宗投訴個案共涉及2,363項違反條例規定的指稱（一宗投訴個案可涉及多於一項指稱）：

- 1,855項（79%）指稱違反保障資料原則（本身不構成刑事罪行）；及
- 508項（21%）指稱違反條例的條文（構成刑事罪行）。

投訴指稱的性質如下：

- 751項與個人資料在未經同意的情況下被使用有關；
- 720項與收集資料的目的及方式有關；
- 390項與直接促銷有關；
- 228項與資料的保安有關；
- 150項與資料的準確性及保留期有關；
- 115項與依從查閱或改正資料要求有關；及
- 9項與其他性質有關。

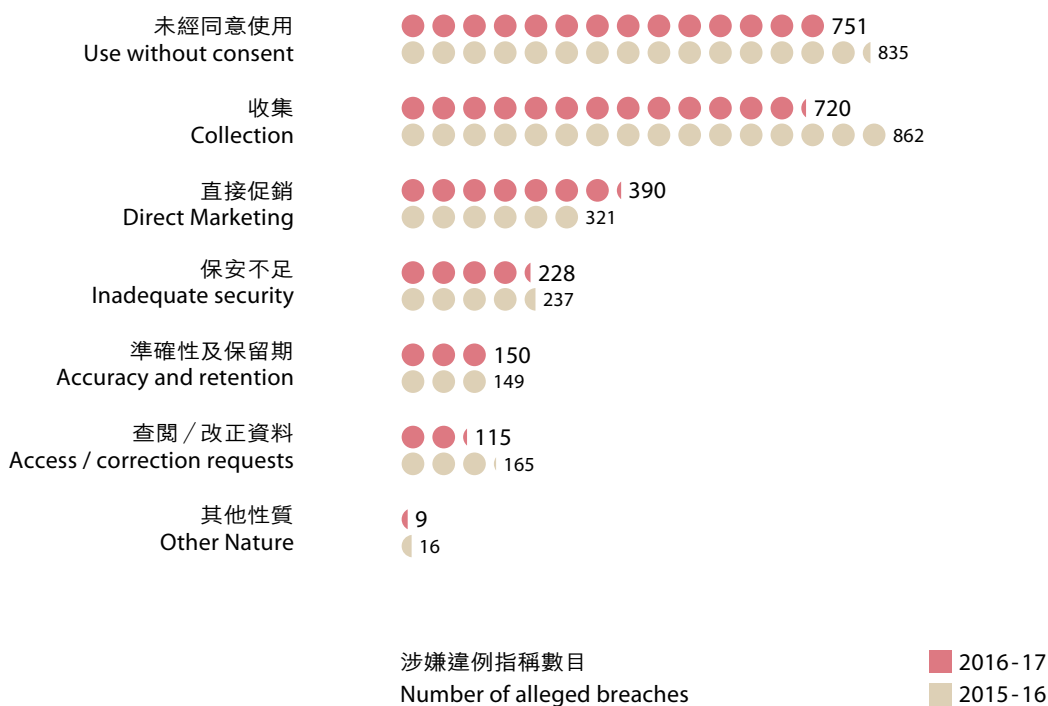
A total of 2,363 breaches of the requirements under the Ordinance were alleged in the 1,741 complaints received in 2016-17 (there may be more than one breach in a complaint).

- 1,855 (79%) breaches contravened the DPPs (not a criminal offence per se); and
- 508 (21%) breaches contravened the provisions of the Ordinance (a criminal offence).

Nature of the alleged breaches was as follows:

- 751 related to the use of personal data without the consent of the individual concerned;
- 720 related to the purpose and manner of data collection;
- 390 related to direct marketing;
- 228 related to data security;
- 150 related to accuracy and period of retention;
- 115 related to compliance with data access or correction requests; and
- 9 related to other nature.

投訴的性質 Nature of complaints



公署在2016至17年度共接獲88宗與選舉有關的投訴，當中大部份與2016年立法會換屆選舉有關，投訴指稱涉及未取得同意而使用個人資料進行拉票活動。公署亦在2017年3月底接獲24宗有關投訴—政府部門遺失兩部載有約三百七十八萬名選民個人資料的手提電腦的投訴。投訴該政府部門的個案在2017年3月31日後仍不斷湧入。公署已就事件根據條例第38(b)條進行調查，以確定事件有否違反條例規定。

The PCPD received a total of 88 electioneering-related complaints in 2016-17, and the majority of these complaints related to the 2016 Legislative Council General Election. Most of those complaints related to using personal data in electioneering activities without consent. The PCPD also received 24 complaints against a government department near the end of March 2017 in respect of the loss of two notebook computers containing personal data of about 3.78 million registered voters, and the influx of complaints against that government department concerned continued after 31 March 2017. The PCPD commenced an investigation pursuant to section 38(b) of the Ordinance to ascertain whether there was any contravention of a requirement under the Ordinance.

下圖顯示投訴涉及的議題。跟過去數年的情況相類似，投訴議題涉及直接促銷的個案數目超越其他類別，該些個案大多數關乎機構在未有取得投訴人同意的情況下使用其個人資料作直接促銷用途，或機構不理會投訴人的拒收直銷訊息要求，繼續向投訴人進行直接促銷。

The below figure shows the breakdown of complaints by subject. Similar to the past few years, direct marketing-related complaints outnumbered those of any other nature, and a substantial portion of these complaints concerned the use of personal data by organisations for direct marketing without obtaining the complainants' consent or ignoring their opt-out requests.

2016至17年度有關資訊及通訊科技的投訴達243宗，比上年度上升2%，個案包括：

A total of 243 information and communication technology (ICT) - related complaints in 2016-17 represented a 2% increase from last year, and they comprised:

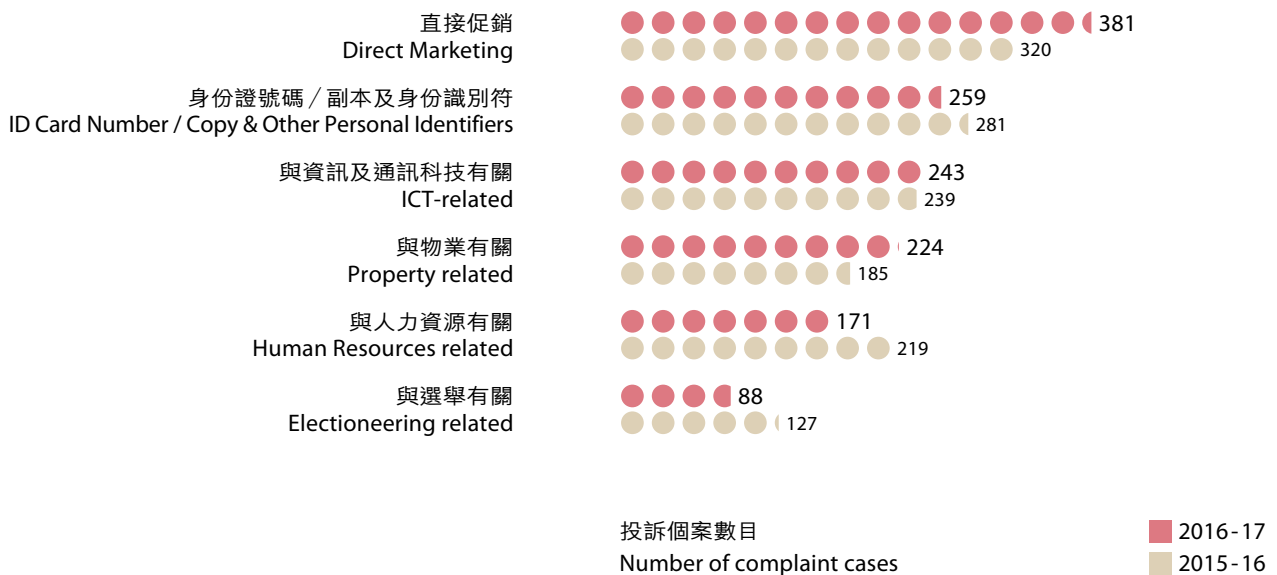
- 97宗與社交網絡有關；
- 90宗關於在互聯網上披露或洩漏個人資料；
- 60宗關於智能電話應用程式；
- 36宗關於網絡欺凌；及
- 10宗屬其他事項。

- 97 cases related specifically to social networks;
- 90 cases concerned disclosure or leakage of personal data on the Internet;
- 60 cases about smartphone applications;
- 36 cases involved cyber-bullying; and
- 10 cases related to other subjects.

(一宗投訴個案可能涉及多於一個議題)

(There may be more than one subjects involved in a complaint).

投訴涉及的議題 Complaints by subjects



在本年度，公署處理了262宗承接上年度的投訴，加上新接獲的投訴，年內共須處理2,003宗投訴。在這些個案中，1,810宗(90%)在本年報期內已經完結，而餘下的193宗(10%)，截至2017年3月31日仍在處理中。

In addition to the new complaints received, the PCPD handled 262 complaints brought down from the previous year, bringing the total number of complaints handled during the year to 2,003. Of these, 1,810 (90%) were completed during the report year, and 193 (10%) were still in progress as of 31 March 2017.

年度投訴摘要

Summary of complaints handled in the year

	2016-17	2015-16	2014-15	2013-14
承接上年度的投訴 Complaints brought down	262	253	329	393
接獲的投訴 Complaints received	1,741	2,022	1,690	1,888
經處理的投訴 Total complaints processed	2,003	2,275	2,019	2,281
已完結的投訴 Complaints completed	1,810	2,013	1,766	1,952
未完結的投訴 Complaints outstanding	193	262	253	329

投訴處理模式

本年報期內合共完成處理1,810宗個案：

- 749宗(41%) 在進行初步查訊後因不同原因而結案，例如經公署調停或調解得到解決、應投訴人要求向被投訴一方表達對其私隱的關注、證據不足，或沒有表面證據證明違規；
- 451宗(25%) 的結案理由是由於投訴人不具名、沒法追尋被投訴者，或在私隱專員要求投訴人加以述明其指稱後，投訴人未有作出回應；
- 204宗(12%) 的投訴人撤回投訴；
- 164宗(9%) 不在條例的管轄範圍；
- 133宗(7%) 在正式調查後完結；及
- 109宗(6%) 交由警方作刑事調查。

Handling of complaints

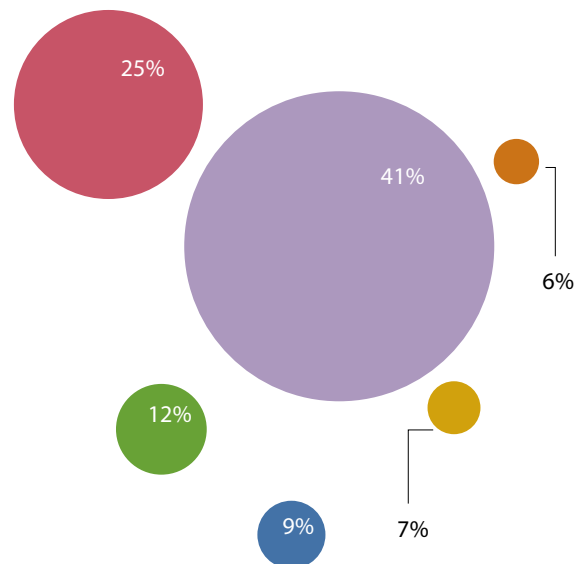
1,810 cases were completed during the report period:

- 749 cases (41%) were completed after preliminary enquiries on various basis, e.g. through conciliation or mediation, by expressing the complainants' concerns to the parties complained against, on the ground that the cases were unsubstantiated, or there were no prima facie case of contravention of the Ordinance;
- 451 cases (25%) were closed because the complaints were anonymous, the parties complained against were not traceable, or the complainants did not respond to the Commissioner's enquiries after being invited to elaborate their allegations;
- 204 cases (12%) were withdrawn by the complainants;
- 164 cases (9%) were outside the jurisdiction of the Ordinance;
- 133 cases (7%) were completed after carrying out formal investigations; and
- 109 cases (6%) were transferred to Hong Kong Police for criminal investigations.

投訴處理模式

Handling of complaints

- 初步查訊後完結
Completed after preliminary enquiries
- 沒有足夠資料作出跟進
Insufficient information to follow up
- 撤回
Withdrawn
- 沒有管轄權
No jurisdiction
- 正式調查
Formal investigation
- 交由警方作刑事調查
Transferred to Hong Kong Police



正式調查的結果

公署在本年報期內完成133宗正式調查，當中：

- 1宗(1%)有違反保障資料原則並發出執行通知；
- 4宗(3%)有違反條例的條文並發出執行通知；
- 2宗(1%)沒有違反條例的條文；
- 58宗(44%)的被投訴者在調查期間依從公署的建議，採取相應的補救措施；
- 65宗(49%)證據不足致投訴不成立，因而終止調查；及
- 3宗(2%)交由警方作刑事調查。

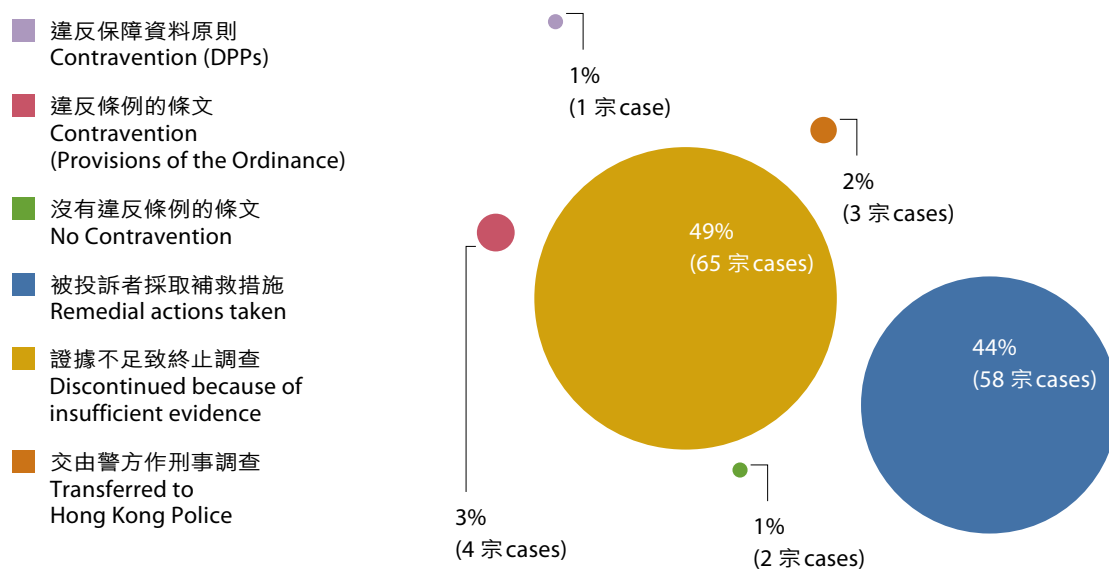
Results of formal investigations

During the report period, the PCPD completed 133 formal investigations, of which :

- 1 case (1%) was found to have contravened DPPs with the issuance of an enforcement notice;
- 4 cases (3%) were found to have contravened the provisions of the Ordinance with the issuance of enforcement notices;
- 2 cases (1%) were found not to have contravened the provisions of the Ordinance;
- 58 cases (44%) were discontinued on the ground that the parties complained against followed the PCPD's advice, and did take the appropriate remedial actions in the course of the investigation process;
- 65 cases (49%) were discontinued on the ground that there were insufficient evidence to substantiate the allegations; and
- 3 cases (2%) were transferred to Hong Kong Police for criminal investigations.

正式調查結果

Results of formal investigations



執法行動

在確定違反條例的保障資料原則或條文的5宗個案中，私隱專員向所有被投訴者發出執行通知，以制止或防止他們的違規行為。該5宗個案中，1宗關乎未取得同意而使用個人資料（保障資料第3原則），另外4宗與未有依從查閱資料要求有關（條例第19及28條）。

除了向被投訴者發出執行通知外，私隱專員亦因應33宗調查個案向相關被投訴者發出警告。

Enforcement Action

Of all the 5 cases found to involve contraventions of the DPPs or provisions of the Ordinance, the Commissioner issued enforcement notices to all of the parties complained against to stop or prevent contraventions. Among the 5 cases, 1 case concerned the use of personal data without consent (DPP3) and 4 cases related to the compliance with data access requests (sections 19 and 28 of the Ordinance).

In addition to the issuance of enforcement notices, the Commissioner also issued warning notices to the parties complained against in 33 investigation cases.

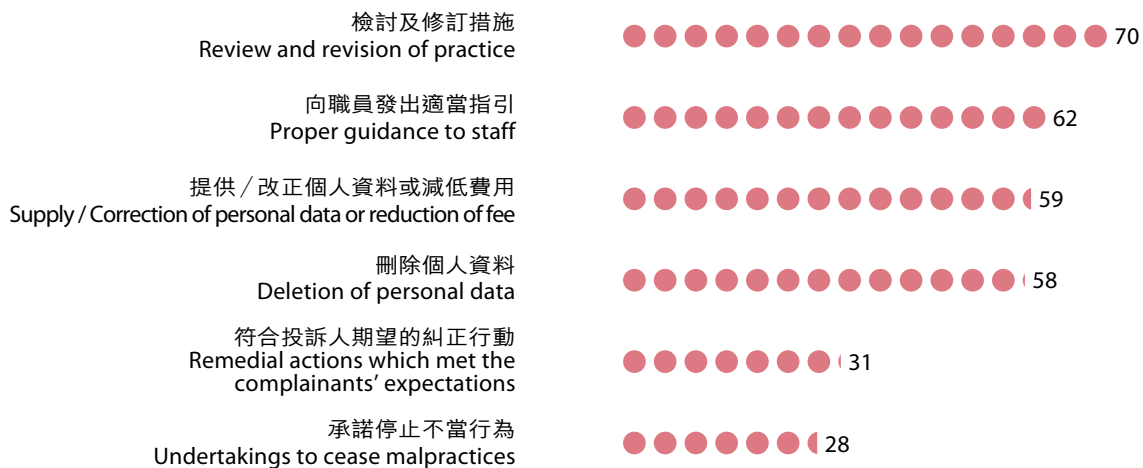
已完結個案的糾正行動性質

除了向被投訴者發出執行通知及警告外，公署在初步查訊或調查過程亦指示被投訴者採取糾正行動，請見下圖（在同一宗個案中，被投訴者採取的糾正行動可能多於一項）。

- 修訂運作措施，以免日後再發生同類違規事件（70宗）；
- 向有關職員發出適當指引，確保他們遵從條例規定（62宗）；
- 依從投訴人的查閱／改正資料要求提供／改正個人資料，或減低依從查閱資料要求的費用（59宗）；
- 刪除不必要地收集或向第三者披露的個人資料（58宗）；
- 糾正行動以符合投訴人對其私隱的期望（31宗）；及
- 承諾停止被投訴的不當行為（28宗）。

糾正行動性質

Nature of remedial actions



投訴個案數目
Number of complaint cases

Nature of remedial actions in completed cases

In addition to the issuance of enforcement notices and warning notices to the parties complained against for contravention cases, the PCPD also directed the parties complained against to take remedial actions to rectify the problems during preliminary enquiries or investigation processes. The remedial actions taken by the parties complained against are categorised in the below figure (more than one type of remedial action may have been taken by the parties complained against in some cases):

- Revision of operational practices to prevent a similar breach in future (70 cases);
- Proper guidance to be given to the staff concerned to ensure compliance with the Ordinance (62 cases);
- Supply / correction of the personal data in compliance with the complainants' data access / correction requests, or reduction in the fee for complying with the data access requests (59 cases);
- Deletion of personal data unnecessarily collected or disclosed to third parties (58 cases);
- Remedial actions which met the complainants' privacy expectations (31 cases); and
- Undertakings to cease the malpractice leading to the complaints (28 cases).

主要個案

SIGNIFICANT CASES

個案 1 —— 婚禮統籌公司不應未經客戶同意而公開播放其結婚片段 —— 保障資料第3原則

Case 1 – A wedding photography company should not have broadcast the video clip of a client’s wedding ceremony without the data subject’s prior consent – DPP3

投訴內容

投訴人在結婚時聘請婚禮統籌公司進行拍攝。數個月後，投訴人發現該公司在未經他的同意前，在店舖的櫥窗公開播放其結婚的片段，相關影像披露了他的姓名及其他個人資料，他遂向公署作出投訴。

The Complaint

The Complainant hired a wedding photography company for recording his wedding ceremony. To the Complainant’s surprise, the video clip of his wedding ceremony, containing his name and other personal data, was later broadcast publicly at the shop of the company for advertising the service of the company to other customers.

結果

公署介入及向該公司解釋保障資料第3原則的規定，該公司為宣傳目的而公開播放投訴人的結婚片段，此舉與該公司當初收集有關資料的目的（即為投訴人提供婚禮攝影服務）並不一致，事前亦沒有取得投訴人的同意，因此違反保障資料第3原則的規定。該公司應公署要求，確定不會再公開播放該片段，並予以刪除。

Outcome

The PCPD drew the company’s attention to the requirements of DPP3. The broadcast of the video clip by the company for advertising purpose without the Complainant’s consent was inconsistent with the original collection purpose of the data (i.e. provision of recording service to the Complainant), and thus the company had contravened DPP3. Upon the PCPD’s advice, the company immediately ceased broadcasting the video clip and destroyed the clip.

投訴人滿意該公司採取的改善措施，故同意公署毋須進一步調查本個案。

The Complainant was satisfied with the remedial actions taken by the company, and further investigation of the case could not reasonably be expected to bring about a more satisfactory result. The Complainant agreed that it was not necessary for the PCPD to investigate the case further.

個案2 —— 航空公司職員未得資料當事人同意拍攝其護照內頁 —— 保障資料第1(3)原則

投訴內容

投訴人在某航空公司櫃位打算辦理前往台灣的登機手續時，櫃位職員發現其護照內頁蓋有一些觀光印章。該職員隨即拍攝了投訴人護照的個人資料頁及相關印章，並將上述影像發送至台灣入境當局，查詢投訴人可否以此護照入境。投訴人不滿該航空公司未有徵得其同意便收集其護照上的個人資料，遂向公署作出投訴。

該航空公司表示，他們有責任確保旅客所持的旅遊證件屬有效及符合目的地入境當局的要求。由於當日職員發現投訴人護照內蓋有的觀光印章並非由出入境機關發出，他們擔心該護照會被台灣入境當局視為已損毀而令投訴人被拒入境，遂決定在協助投訴人辦理登機手續前先向台灣入境當局查詢。該航空公司表示當時其職員已向投訴人解釋上述情況，並在徵得她的同意後才進行拍攝。另外，該航空公司確認在將影像發送至台灣入境當局後，已即時刪除有關影像。

結果

護照內明顯地載有屬投訴人敏感的個人資料，本案的關鍵是投訴人在事發時曾否獲清晰告知拍攝其護照的個人資料頁的原因。換句話說，該航空公司職員曾否採取所有合理地切實可行的步驟清楚告知投訴人他是有責任或可自願讓該航空公司拍攝他護照上的個人資料，以及將該資料轉移予台灣入境當局。然而，雙方對是否已徵得投訴人的同意才進行拍攝各執一詞。

為備存紀錄及減少與客戶溝通上的誤會，該航空公司已修訂其指引及「收集個人資料聲明」。現時航空公司職員透過上述方式收集旅客的個人資料及將有關個人資料發送予目的地入境當局前，必須先以書面向旅客述明收集及使用個人資料的目的。

Case 2 – Staff of an airline captured the inner pages of a passenger's passport without the data subject's prior consent – DPP1(3)

The Complaint

When the Complainant sought to check-in for a flight to Taiwan at an airline's counter, an airline staff member discovered some tourist stamps on the inner pages of her passport. The airline staff member captured the page containing the Complainant's particulars and the pages with the tourist stamps, and sent the images to the Taiwanese immigration authority seeking confirmation if the Complainant could enter Taiwan with her passport. The Complainant complained to the PCPD that the airline had collected her personal data in her passport without her consent.

According to the airline, there was a duty to ensure that its passengers' travel documents were valid and met the requirements of the immigration authorities of the destinations. Given that the tourist stamps were not official records of immigration authorities, the airline was concerned that the Taiwanese immigration authority might consider the passport as having been tampered with, and refuse the Complainant's entry. The airline hence decided to consult the Taiwanese immigration authority before allowing the Complainant to check-in for the flight. The airline stated that its staff had verbally explained the situation to the Complainant and sought her consent before its staff captured the images. The airline also stated that it had deleted the images immediately after sending them to the Taiwanese immigration authority.

Outcome

It was obvious that the passport contained the Complainant's sensitive personal data, and whether the reasons for capturing those passport images had been properly explained to the Complainant beforehand became the determining issue of this case, namely whether the airline staff had taken all reasonably practicable steps to explicitly inform the Complainant that it was obligatory or voluntary for her to allow the airline to capture the information of her passport and transmit the data to the Taiwanese immigration authority. However, this issue remained unresolved on evidence.

To improve the ease of proof and to avoid miscommunication with customers in the future, the airline revised its guidelines and amended its "Personal Information Collection Statement". The airline staff are now required to inform their passengers of the purpose of collection and use of their personal data in writing before collecting and sending of the same to the immigration authority of the destination.

個案3 — 體育活動公司利用前僱員的個人資料預訂康體設施 — 保障資料第3原則

投訴內容

投訴人曾任職一間承辦體育活動的公司。離職後某天，投訴人接到一個負責預訂康體設施的政府部門來電，指出她多次未有到場使用已預訂的康體設施。投訴人卻否認她曾預訂有關康體設施。投訴人後來發現該體育活動公司在她離職後，仍然使用她的個人資料（包括身份證號碼）預訂康體設施。投訴人不滿前僱主的作為，遂向公署作出投訴。

該公司向公署表示，投訴人於入職時曾書面授權前僱主可使用她的個人資料作預訂康體設施之用。由於授權書沒有訂明限期，而投訴人離職後一直沒有撤回授權，故該公司繼續以投訴人名義預訂康體設施。

結果

僱主在聘用僱員時必定會向僱員收集個人資料。一般而言，所收集的僱員個人資料可用於與其僱傭事宜或與僱主業務直接有關的合法目的上。在本案中，雖然投訴人曾書面同意該公司使用其個人資料作預訂場地之用，但投訴人當時是以員工的身份，為工作的目的而提供她的書面同意。在投訴人離職後，投訴人原本作出書面同意的情況已不存在，故前僱主不得在未得投訴人的同意下繼續使用其個人資料作預訂場地的用途，有關的做法違反了保障資料第3原則的規定。

經公署介入後，該公司確認不會再使用投訴人的個人資料預訂康體設施，並會修訂授權書的內容。該公司亦向公署書面承諾，日後不會如此使用前僱員的個人資料。

Case 3 – A sports event organising company used an ex-employee’s personal data for booking sports facilities – DPP3

The Complaint

The Complainant was an ex-employee of a sports event organising company. After the Complainant had left the company, she received a telephone call from a government department, which was responsible for sport facilities booking, stating she frequently did not show up at the sports facilities that she had booked. The Complainant denied having made such bookings. She later discovered that her ex-employer had continued to use her personal data (including Hong Kong Identity Card number) for booking sports facilities even after she had left her ex-employer. The Complainant felt that her personal data was misused and lodged a complaint against her ex-employer with the PCPD.

Our investigation revealed that the Complainant had given her written authorisation for her ex-employer to use her personal data for booking sports facilities during her employment, which was part of her duties at the time. Her ex-employer stated that its continued use of the Complainant’s personal data for booking purposes was permitted by the said authorisation, which prescribed no expiry date and was not withdrawn by the Complainant.

Outcome

An employer may collect personal data from an employee for a lawful purpose directly related to his employment or the business carried out by the employer. However, the employer should limit its use of the employee’s personal data in relation to the employment. In this case, the authorisation was given by the Complainant in the capacity of an employee for a job-related purpose, and there was no reason for that employer to assume that the Complainant would agree to the continued use of her personal data after she had left the job. As the relevant conditions giving rise to the said authorisation ceased to exist, the authorisation was considered null upon termination of the employment. In the circumstances, the Complainant’s ex-employer should have ceased using the Complainant’s personal data for booking purpose. PCPD was of the view that such act of the ex-employer amounted to a breach of the requirements of DPP3.

After the PCPD’s intervention, the Complainant’s ex-employer confirmed having ceased using the Complainant’s personal data for booking sports facilities and revised the authorisation letter template stating that the authorisation would end upon termination of the employment. It also undertook to the PCPD in writing not to use ex-employees’ personal data for the said purpose in future.

個案4 —— 銀行為執行盡職審查而要求客戶提供戶口交易的相關證明文件 —— 保障資料第1(1)原則

投訴內容

投訴人是某銀行的客戶。該銀行要求投訴人就其戶口的某些提取及入帳交易提供證明文件。投訴人認為該銀行過度收集其個人資料，遂向公署作出投訴。

該銀行解釋，他們須根據《打擊洗錢及恐怖分子資金籌集（金融機構）條例》及香港金融管理局發出的《打擊洗錢及恐怖分子資金籌集指引》，在客戶開立帳戶時及有需要時（例如遇到不尋常銀行活動），執行盡職審查程序。根據上述程序，客戶須向銀行提供交易的詳細資料，以便銀行偵測可疑交易，並向有關機構作出舉報。

該銀行表示投訴人的交易量與金額與其本身的職業不相稱，屬不尋常的銀行活動。為遵守有關偵測及向有關機構舉報任何可疑交易的法律規定，該銀行須要求投訴人提供有關交易的詳細資料作跟進及調查。

結果

作為香港一所認可的金融機構，該銀行受香港金融管理局規管，並需按其指引設立有效的制度及管控措施，以達致防止及偵測洗錢及恐怖分子資金籌集活動的目的，該銀行在個案中向投訴人收集證明文件亦與此目的有關。有關的收集與其職能及活動直接有關，故所收集的資料並不超乎適度，有關的收集亦不涉及違反保障資料第1(1)原則的規定。

Case 4 – A bank requested its customer to provide relevant supporting documents of account transactions for due diligence requirement – DPP1(1)

The Complaint

The Complainant was a customer of a bank. The bank required the Complainant to provide supporting documents in relation to some withdrawals and deposits of his account. Believing that the bank had collected excessive personal data, the Complainant lodged a complaint with the PCPD.

The bank explained that according to the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance and the Guideline on Anti-Money Laundering and Counter-Terrorist Financing issued by the Hong Kong Monetary Authority, it was required to conduct due diligence procedures on its customers when opening an account and when it is necessary (e.g. unusual banking activities are spotted). Under the due diligence procedures, a customer might be required to provide details of the transactions to the bank for the purposes of enabling the bank to detect suspected transactions and to report the same to the relevant authority.

The bank stated that the number of the transactions and amounts were not commensurate with the Complainant's occupation, so they were considered to be unusual banking activities. To comply with the legal requirements for detecting and reporting suspected transactions to the relevant authority, the bank must request the Complainant's details of the transactions for follow-up and investigation.

Outcome

As an authorised financial institution regulated by the Hong Kong Monetary Authority, the bank was required to set up an effective mechanism and control measures to prevent and detect money laundering and terrorist financing activities. In this case, the supporting documents collected by the bank from the Complainant were relevant to those purposes. The collection was therefore directly related to the bank's functions and activities. Hence the collection was not excessive and not in contravention of DPP1(1).

個案5 —— 大廈業主立案法團為保安理由而安裝及使用閉路電視系統 —— 不涉及收集個人資料 —— 保障資料原則不適用

投訴內容

投訴人居於某大廈地面的其中一個連花園的單位。該大廈的業主立案法團基於保安原因，於大廈的公共地方安裝了閉路電視系統，而其中一個閉路電視鏡頭安裝於地面以監察公共平台的位置。由於投訴人單位的花園鄰近地面的公共平台，投訴人認為有關鏡頭指向其花園，令他的私隱受侵犯。

結果

條例並無禁止法團為保安理由而於公共地方安裝閉路電視系統。一般而言，為保安理由而安裝及使用閉路電視系統，即使當中可能會攝錄到途人的影像，亦不會構成違反條例的規定。

在收到投訴後，公署向法團作出查詢、檢視其安裝閉路電視鏡頭的位置及該鏡頭所拍攝得的影像。法團向公署表示他們已於監察的範圍張貼告示，明確告知該大廈的住戶有關範圍會受到閉路電視系統監察。

考慮到有關鏡頭所拍攝得的範圍只涉及投訴人單位花園外的公共位置，並不涉及花園內的情況，公署同意法團是基於保安原因安裝該鏡頭，而非為了收集或匯集投訴人或其他人士的資訊。由於個案並不涉及收集個人資料，故條例的保障資料原則並不適用於本個案。

Case 5 – Installation and operation of CCTV for security purpose by the incorporated owners of a building – no collection of personal data – DPPs not applicable

The Complaint

The Complainant lived on the ground floor flat with a garden. For security reasons, the incorporated owners of the building installed CCTV covering the common platform of the ground floor. As the Complainant's garden was adjacent to the common platform on the ground floor, the Complainant considered that the camera pointing to his garden was intruding his privacy.

Outcome

The Ordinance does not prohibit incorporated owners of a building from installing CCTV in the common areas for security purposes. Generally speaking, the installation and operation of CCTV for security purposes would not amount to a breach of the requirements under the Ordinance, even though it may capture the images of passers-by.

After receiving the complaint, the PCPD enquired the incorporated owners and examined the position of the camera and the images captured by it. The incorporated owners confirmed that residents of the building were explicitly informed that they were subject to CCTV surveillance by a notice placed within the monitored areas.

Having considered that the camera covered only the common areas outside the Complainant's garden but not the interior of it, the PCPD accepted that the camera was installed for security purposes but not for the collection or compilation of information about the Complainant or other individuals. As there has been no collection of personal data, the DPPs would not be engaged.

個案6 — 學校(i)沒有回應前職員查詢哪位前同事曾接觸她的個人資料一事及(ii)指派校長以外的人員處理載有其個人資料的信件 — 不涉及違反條例的任何規定

投訴內容

一名教師致函她曾任教的學校，向校長投訴她在職時多位同事曾不恰當地對待她，學校其後去信該教師表示已處理了她的投訴。收到學校的書面回應後，該教師再次去信向學校查詢哪些職員曾接觸她的投訴信，但沒有得到回應。此外，該教師得悉校長指派一名職員郵寄有關信件給她，她不滿校長以外的職員得悉了她的地址。

結果

條例並無條文規定資料使用者需要向資料當事人交代哪些人士曾接觸其個人資料，只要相關的查閱或披露並不違反有關原則便可。故此，學校沒有就該教師的有關提問作出回應不涉違反條例的任何規定。

此外，每個機構的運作均無可避免地涉及個人資料的處理。機構如何分配工作（包括哪些人員負責處理哪些涉及接觸個人資料的工作）屬其內部事務，條例並無就此作出規管，故學校不會因為指派校長以外的人員處理載有該教師地址的信件而涉及違反條例的規定。

Case 6 – A school (i) failed to respond to an ex-employee who alleged ex-colleagues had accessed her personal data; and (ii) assigned a staff member other than the school principal to handle her personal data – no contravention of any requirements under the Ordinance

The Complaint

A teacher who was an ex-employee of a school sent a letter to the principal of the school and complained that a number of ex-colleagues treated her badly. The school later sent a reply to the teacher informing her that the matter had already been handled. Having received the letter from the school, the teacher sent another letter to the school and asked for the identities of the staff members who had seen her complaint letter. The Complainant did not receive any response from the school. In addition, the teacher noted that the principal had instructed a staff member of the school to mail the earlier reply to the Complainant. The Complainant was dissatisfied that another staff member other than the school principal could access her address.

Outcome

There is no requirement under the Ordinance requiring a data user to inform a data subject of the identities of the persons who were given access to his / her personal data. A data user is only required to comply with the access and disclosure principles. In this regard, the school's non-response to the Complainant's enquiry was not a contravention under the Ordinance.

It is inevitable that organisations handle personal data in their operations. The division of work, including assignment of staff members to handle personal data, is the internal matter of an organisation, and is not governed by the Ordinance, and the school's assigning of any staff member to handle the reply letter with the teacher's address is therefore not a contravention of any requirement under the Ordinance.

個案7 — 業主不應為追討欠租而將租客欠租的資料披露予僱主 — 保障資料第3原則

投訴內容

投訴人任職公司的執行董事及人事部經理分別收到投訴人的業主署名致他們的信件，當中指投訴人沒有繳付租金及他已入稟向投訴人追討欠租，並夾附相關法庭文件及租約的副本。該名業主同時要求執行董事及人事部經理將有關信件轉交投訴人。

結果

根據公署資料證據所得，涉案的信件及法庭文件是由該名業主的太太向執行董事及人事部經理發出，向他們發信的目的是為了令投訴人感到尷尬，從而向投訴人施壓以解決他們之間的租務糾紛。

該名業主的太太發出上述信件的目的並非為了符合《土地審裁處條例》下有關法庭文件送達的規定。同時，條例第60B(b)條的豁免在本案中並不適用，該名業主的太太的行為因此違反了保障資料第3原則的規定。

雖然法律訴訟的一方可以將法律文件送達到另一方任職的公司的地址，然而，有關文件應以該名人士為收件人，並於信封上清楚註明「請轉交[收件人]」、「私人密件」或「只供收件人拆閱」等字樣。在本個案中，有關信件的信封均沒有如此作出註明。

公署就個案向該名業主的太太發出執行通知，指示她去信要求執行董事及人事部經理銷毀有關信件，以及承諾日後不可再在追討欠租的過程中向與事件無關的第三者披露租客的個人資料。

Case 7 – A landlord should not have disclosed information relating to unpaid rent to the tenant’s employer for the purpose of rent recovery – DPP3

The Complaint

The Director and the Personnel Manager of the Complainant’s employer both received a letter issued by the Complainant’s landlord, stating that the Complainant had failed to pay rent and the landlord had filed a claim against the Complainant at the Lands Tribunal. Copies of the relevant legal documents and tenancy agreement were attached to the letters. The landlord requested both the Director and the Personnel Manager to pass the letters to the Complainant.

Outcome

The evidence showed that the letters and the attached legal documents were sent by the landlord’s wife to the Director and the Personnel Manager of the Complainant’s employer, with intent to embarrass the Complainant and force him to settle the tenancy dispute.

Hence, the letters were not sent for the purpose of complying with the requirements for serving legal documents to the Complainant under the Lands Tribunal Ordinance, and, the exemption in connection with legal proceedings in Hong Kong under section 60B(b) of the Ordinance did not apply in this case. The action of the landlord’s wife therefore constituted a contravention of DPP3.

While a party to a legal action may serve legal documents on the other party by mailing them to the latter’s company address, such documents should be addressed to the recipient party with the envelope clearly marked “pass it to [the name of the recipient party]”, “private and confidential”, or “to be opened only by [the name of the recipient party]”. None of these lines was marked on the envelope of the letters sent to the Complainant’s employer.

An Enforcement Notice was served on the landlord’s wife directing her to undertake the destruction of the letters and not to disclose the tenant’s personal data to any irrelevant third parties for future rent recovery actions.

個案8 —— 一間宗教機構不公平地收集儲存於供僱員使用的手提電腦內的個人資料及向不相關人士披露解僱該僱員的原因 —— 保障資料第1(2)及3原則

投訴內容

投訴人是一間宗教機構的前僱員。他在該機構工作期間獲提供一部手提電腦作日常使用。投訴人其後發現該機構在即時解僱他之前，曾聘請顧問對他進行調查。該顧問在投訴人不知情下（但已取得該機構的准許），讀取儲存於該手提電腦內的個人資料，有關資訊顯示投訴人未經該機構同意而從事外間工作。

為釋除該機構的部分成員對投訴人被解僱的疑慮，該機構在一個宗教分享會上公佈投訴人被解僱的原因，即他未經該機構同意而從事外間工作。

投訴人感到其私隱被侵犯，遂向公署作出投訴。

結果

公署認為該機構透過其顧問讀取投訴人的個人資料是不公平的做法，違反保障資料第1(2)原則，因為：

- 該機構沒有告知投訴人，提供予他的手提電腦只限作公事用途；
- 該機構沒有告知投訴人，它可能會在投訴人不知情或未給予同意下查閱儲存於該手提電腦內的個人資料；及
- 該機構從該手提電腦讀取投訴人的個人資料的做法，不符合投訴人在獲提供該手提電腦時對其個人資料私隱的合理期望。

公署亦認為在該宗教分享會披露投訴人被解僱的原因違反保障資料第3原則的規定。因為讀取該手提電腦內的資訊的目的是對投訴人進行紀律調查，即調查投訴人是否有任何不當行為，這是屬於人力資源管理的事宜；出席該宗教分享會的成員與該機構內部的人力資源管理或解僱投訴人

Case 8 – A religious organisation unfairly collected its employee’s personal data kept in a laptop computer assigned to him and disclosed the reason for dismissing the employee to other irrelevant parties – DPP1(2) and 3

The Complaint

The Complainant was an ex-employee of a religious organisation. He was assigned with a laptop computer while working there for his daily use. The Complainant later discovered that the organisation had engaged a consultant to investigate him before he was summarily dismissed. Without the Complainant’s knowledge, but with the permission of the organisation, the consultant read and retrieved personal information stored in the laptop computer that showed that the Complainant had engaged in outside work without the organisation’s consent.

With the intention to clear the doubts of some of the members of the organisation about the dismissal of the Complainant, the organisation announced at a religious sharing session the reason for dismissing the Complainant, i.e. he had engaged in outside work without the organisation’s consent.

The Complainant felt that his privacy had been intruded and lodged a complaint with the PCPD.

Outcome

The PCPD considered the retrieval of the Complainant’s personal data by the organisation through its consultant was unfair, contravening DPP1(2), because:

- the organisation failed to inform the Complainant that the laptop computer was assigned to him for official use only;
- the organisation failed to inform the Complainant that it might access the information stored in the laptop computer without his knowledge or consent; and
- the retrieval of the Complainant’s personal data from the laptop computer by the organisation was inconsistent with the reasonable expectation of personal data privacy of the Complainant when he was assigned with the laptop computer.

The PCPD also found that the disclosure of the reason for the Complainant’s dismissal at the religious sharing session was inconsistent with DPP3. This was because the purpose of retrieving the information stored in the laptop computer was to conduct a disciplinary investigation against the Complainant, i.e. to investigate whether the Complainant had engaged in any improper conduct. This was a matter concerning human

一事無關。此外，在該宗教分享會披露投訴人被解僱的原因是超出投訴人對使用其僱傭資料的合理期望。

在公署介入後，該機構已制定有關監察僱員表現的書面政策，清楚告知其職員，在某些情況下，該機構可能會查閱提供予他們的手提電腦內的個人資訊。該機構亦答應刪除從該手提電腦取得的投訴人的個人資料及承諾日後在披露僱員的個人資料時會依從保障資料第3原則的規定。

resource management. The members attending the religious sharing session were unrelated to the internal human resource management of the organisation and the dismissal of the Complainant. Furthermore, the disclosure of the reason for the dismissal of the Complainant at the religious sharing session was out of the Complainant's reasonable expectation of the use of his employment data.

Upon the PCPD's intervention, the organisation devised a written policy about the monitoring of its employees' performance, to clearly inform its staff members that in certain circumstances, the organisation might access the personal information stored in laptop computers assigned to them. The organisation also agreed to delete the Complainant's personal data retrieved from the laptop computer and undertook to comply with DPP3 when disclosing employee's personal data in the future.

個案9 —— 協會幹事使用會員的個人資料作競選宣傳用途 —— 保障資料第3原則

投訴內容

投訴人是某專業人士協會的會員。他收到該協會的電話短訊，通知他協會擬開設一個WhatsApp群組向會員發放活動資訊，並提示如會員不想接收信息，可向協會表示反對。投訴人就此加入了該群組。投訴人其後透過該群組收到由協會部分幹事替某功能組別選舉候選人拉票的信息。投訴人認為協會不應指示或容許會員在該群組內發放選舉拉票資訊，有關情況已超越原本發放活動資料的目的，遂向公署作出投訴。

在回應公署的查詢時，該協會確認涉案的幹事在事發時是以其個人身份（而非代表協會）在該群組內發放選舉拉票資訊。

結果

該協會當初收集會員的個人資料，開設該群組，目的是向會員發放協會的活動資訊。惟涉案的幹事於該群組內發放選舉拉票資訊，此舉與原本收集資料的目的無關，因而違反了保障資料第3原則。

在公署介入後，該協會已向該群組成員發放信息，提醒成員不可在該群組發放選舉拉票資訊。

Case 9 – An officer of an association used members' personal data for election publicity – DPP3

The Complaint

The Complainant was a member of a professional association. The association created a WhatsApp group for the purpose of disseminating activity information to its members. Against this background, the Complainant joined the WhatsApp group. To the Complainant's surprise, he received via the WhatsApp group canvassing messages for a candidate running in the functional constituency election. These messages were sent out by some officers of the association. The Complainant considered that the act of canvassing for a candidate in an election was inconsistent with the original purpose of setting up the WhatsApp group, and the association should have prohibited its officer from doing so.

In response to the PCPD's enquiry, the association confirmed that the canvassing messages were sent out by individual officers in their own capacity (not on behalf of the association).

Outcome

The original purpose of collecting members' personal data and creating the group by the association was for disseminating information on the association's activities to its members. To canvass electioneering activities in the WhatsApp group was inconsistent with the original purpose of collecting the personal data of members by the association, hence contravening DPP3.

After the PCPD's intervention, the association reminded its officers not to send out canvassing information in the WhatsApp group.

檢控及定罪個案

在本年報期間有6宗被檢控的個案，除一宗涉及條例第64條（即「披露未經資料使用者同意而取得的個人資料」）外，其餘均涉及使用個人資料作直接促銷。涉及條例第64條的個案因主要證人不能出庭作證，控方最終決定不提證供起訴。其餘5宗個案全部被定罪。警方在私隱專員的建議下首次在其他案件中加控疑犯違反條例下直接促銷的規定，詳見下述個案3。

PROSECUTION AND CONVICTION CASES

In the report year, six cases have been prosecuted, among which one related to section 64 (disclosing personal data obtained without consent from data users) and the rest related to the use of personal data in direct marketing. In the section 64 case, the prosecution offered no evidence against the accused, as the primary witness was found to be unfit to testify in court. The remaining five cases resulted in conviction. It was the first case that the Police had, in response to the Privacy Commissioner's suggestion, laid additional charges in relation to direct marketing against the accused of other criminal cases, details of which are set out in Case 3 below.

個案1：一名保險代理人被裁定在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及未有告知該人他拒收直接促銷訊息的權利——條例第35C及35F條

Case 1: An insurance agent was convicted of using the Complainant's personal data in direct marketing without taking specified actions and failing to notify the Complainant of his opt-out right – sections 35C and 35F of the Ordinance

投訴內容

投訴人曾於一間保險公司購買保單，其後投訴人收到一封由一名保險代理人寄往其住宅地址的信件，就上述保險公司終止向投訴人提供代理人服務一事向他推廣其任職的另一間保險公司的保險理財服務。投訴人向公署投訴指該代理人在使用投訴人的個人資料作直接促銷前，未有採取指明行動通知投訴人及取得其同意，及未有在首次使用投訴人的個人資料作直接促銷時，通知他有拒收直接促銷訊息的權利。

The Complaint

The Complainant purchased an insurance policy at an insurance company. Subsequently, an insurance agent working for another insurance company sent a letter to the Complainant's home address. In the letter, the agent promoted financial services to the Complainant after knowing about the suspension of service of the first mentioned insurance company. The Complainant complained that the agent had failed to take the specified action before using his personal data in direct marketing and to notify him of his opt-out right when using his personal data in direct marketing for the first time.

結果

該代理人被控在使用他人的個人資料作直接促銷前，未有採取指明行動通知資料當事人，違反了條例第35C(2)條，以及在首次使用他人的個人資料作直接促銷時，未有告知該人他是有權要求被告在不向其收費的情況下，停止使用他的個人資料，違反了條例第35F(1)條。被告承認上述兩項控罪，被判罰每項控罪各80小時社會服務令。

Outcome

The agent was charged with the offence of (1) using the personal data of the Complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the Ordinance; and (2) failing to inform the Complainant, when using his personal data in direct marketing for the first time, of his right to request not to use his personal data in direct marketing without charge, contrary to section 35F(1) of the Ordinance. The agent pleaded guilty to both charges. A Community Service Order of 80 hours was imposed by the Court on him for each charge.

個案2：一間外判銷售推廣公司被裁定在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及沒有依從投訴人的拒收直銷訊息要求——條例第35C及35G條

投訴內容

投訴人曾在向一間酒店的餐廳訂座時提供了其姓氏及手提電話號碼，自此便間有接獲推銷該酒店會籍及服務的來電。投訴人後來再次收到該酒店的同類來電時，向來電者作出拒收直銷訊息要求，並獲確認已收悉該要求。不過，投訴人於約一個月後仍接獲上述人士另一推廣該酒店會籍的來電。

結果

該外判商被控在使用投訴人的個人資料作直接促銷前，未有採取指明行動通知投訴人，違反了條例第35C(2)條，以及沒有依從投訴人的拒收直銷訊息要求，而繼續使用其個人資料作直接促銷，違反了條例第35G(1)條。該外判商承認兩項控罪，每項控罪各被判罰款HK\$8,000。

Case 2: A marketing company was convicted of using the Complainant's personal data in direct marketing without taking specified actions and failing to comply with an opt-out request – sections 35C and 35G of the Ordinance

The Complaint

The Complainant once made a reservation with a restaurant of a hotel and provided his surname and mobile number for that purpose. Since then, the Complainant had received calls promoting the membership and services of the hotel. During one of those promotion calls, the Complainant requested the caller not to call him again and obtained the caller's acknowledgement of the request. However, the Complainant still continued to receive another call from the same marketing company promoting the membership of the hotel.

Outcome

The marketing company was charged with the offence of (1) using the personal data of the Complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the Ordinance; and (2) failing to comply with the Complainant's request to cease using his personal data in direct marketing, contrary to section 35G(1) of the Ordinance. The marketing company pleaded guilty to both charges and was fined HK\$8,000 for each charge.

個案3：兩間貸款中介公司被裁定在使用客戶個人資料作直接促銷前沒有採取指明的行動通知客戶——條例第35C條

內容

警方早前接獲多宗投訴，指兩間貸款中介公司涉及收取不合理地高昂的顧問費、勒索及非法禁錮。警方突擊搜查了上述公司的辦公室，檢獲一批電腦、檔案及文件。私隱專員獲悉警方的上述搜查行動後聯絡警方，要求警方同時就兩間公司有否違反條例下關於直接促銷的規定進行調查。證據顯示除該兩間公司外其董事亦因縱容有關作為的發生而涉違反條例的規定。

結果

上述公司及董事合共被控66項控罪，指他們在使用顧客的個人資料進行直接促銷前，未有採取指明的行動通知顧客，違反條例第35C(2)條的規定。當中一間公司被判7項罪名成立罰款HK\$105,000，另一公司則被判4項罪名成立罰款HK\$60,000。裁判官認為沒有足夠證據支持有關罪行是在董事的縱容下作出的。因此，兩名董事被判無罪。

Case 3: Two loan referral services companies were convicted of using customers' personal data in direct marketing without taking specified actions – section 35C of the Ordinance

The Case

The Police received a series of complaints against two loan referral service companies for charging unreasonably high consultation fee as well as other suspected criminal offences such as blackmail and unlawful detention. The Police subsequently raided the offices of both companies and seized computers, files, and documents. Having been aware of the aforementioned raid, the Privacy Commissioner wrote to the Police requesting an investigation into whether the companies had contravened direct marketing related offences under the Ordinance. Evidence suggested not only prima facie breaches of the same on the part of the companies but also by their directors, as the breaches appeared to be conducted under their connivance.

Outcome

Both companies and the said directors were prosecuted, among others, for a total of 66 charges in relation to the offence of “using the personal data of the customers in direct marketing without taking specified actions”, contrary to section 35C(2) of the Ordinance. One of the companies was fined a total of HK\$105,000 for seven convictions, while the other was fined HK\$60,000 for four convictions. The Magistrate found insufficient evidence to prove that the offending acts were conducted under the connivance of the said directors, and as a result, the directors were acquitted.

電子健康紀錄互通系統

電子健康紀錄互通系統（互通系統）於2016年3月正式啟用後，公署除了處理市民對互通系統的查詢和投訴外，亦繼續就互通系統涉及個人資料私隱方面的事宜向政府提供意見。

2017年3月14日，公署應醫院管理局的邀請，在一個名為「了解互通系統的私隱保障——妥善處理個人資料」的講座中，向超過300位負責處理互通系統申請的前線工作人員，簡介條例的規定及資料外洩通報機制，並與參加者分享一些真實個案。參加者亦獲講解互通系統一系列有關保障私隱的政策文件，並獲提供在互通系統的運作層面上保障病人私隱的實務指引。

講座反應理想，公署正與電子健康紀錄統籌處及醫院管理局商討，下年度再次舉辦類似講座，並計劃將對象擴展至醫護提供者。

ELECTRONIC HEALTH RECORD SHARING SYSTEM

After the launch of the Electronic Health Record Sharing System (the eHRSS) in March 2016, the PCPD not only dealt with enquiries and complaints related to the eHRSS, but also continued to provide advice on personal data privacy-related issues in relation to the eHRSS to the government.

On 14 March 2017, the PCPD was invited by the Hospital Authority to be a speaker in a seminar on “Understanding Privacy in the eHRSS – The Proper Handling of Personal Data” targeting at the frontline staff responsible for processing registration for the eHRSS. In addition to a walk-through of the Ordinance and the data breach notification mechanism, the PCPD also shared the take-aways of cases handled with the participants. The audience was also briefed on a series of privacy-related policy documents, and offered practical privacy tips from the operational perspective.

The seminar was well received. The PCPD, the Electronic Health Record Office and the Hospital Authority are contemplating to launch a similar event again next year, and hopefully to expand the scope of targeted participants to cover healthcare providers.



感言 Sharing

我加入了公署約三年半，感謝公署給我的栽培及信賴，我最近晉升為助理個人資料主任。我最初是擔任後勤支援的行政助理職位，公署很快便給予我機會，讓我學習處理市民通過電話、電郵、書信或是面對面的查詢個案。過程中，除了加深了我對條例的認知外，我還學會了聆聽的技巧。

如其他查詢組的成員一樣，我用心聆聽及閱讀每一項查詢的內容，並運用同理心切身處地去理解查詢者的問題及關注，繼而清晰地向他們解釋條例的規定及其賦予他們在私隱方面的保障。我們相信市民是抱着對公署的信任來提出的每一項查詢。因此，我們處理每一項查詢時，都不能掉以輕心，必須全力以赴。

我期待在公署的栽培下繼續學習及成長，在我的崗位裏對市民作出更多貢獻。

I joined the PCPD about three and a half years ago. I am grateful for the opportunities offered by the PCPD and its trust in me, I was recently promoted to Assistant Personal Data Officer. I started as an administrative assistant working backstage. The PCPD soon gave me the opportunity to perform under the spotlight, learning how to handle public enquiries received through telephone calls, emails, letters, and meeting enquirers face-to-face. During the process, I have improved my understanding of the Ordinance and I also learnt the skill of listening!

Like other members of the enquiry team, I listened to and read each enquiry empathetically, and then clearly explained to the enquirer the requirements of the Ordinance and his or her rights protected by them. We believe that each enquirer comes to us with confidence in the PCPD. We therefore should not take our job lightly, and must listen to and answer each enquiry with our full dedication.

I am excited to continue my growth under the PCPD and serving the public in my present position.

孫少瑩
助理個人資料主任
Selene SUEN
Assistant Personal Data Officer

