

# 私隱專員的話 Privacy Commissioner's Message

## 25周年

個人資料私隱專員公署（私隱公署）成立於1996年8月，是負責監察、監管、促進及確保香港法例第486章《個人資料（私隱）條例》（《私隱條例》）獲得遵從的獨立機構。今年是私隱公署慶祝成立25周年，我很高興在2020-21年度的年報介紹私隱公署多年來的發展里程和貢獻。這份亦是我自2020年9月出任個人資料私隱專員（私隱專員）以來的首份年報。

## Our 25<sup>th</sup> Anniversary

Established as an independent body in August 1996, the Office of the Privacy Commissioner for Personal Data (PCPD) monitors, supervises, promotes and enforces compliance with the provisions of the Personal Data (Privacy) Ordinance (PDPO), Chapter 486 of the Laws of Hong Kong. As we celebrate our 25th Anniversary this year, I am pleased to present our 2020-21 Annual Report to showcase our milestones and achievements over the years. This is also my first report since I took office as the Privacy Commissioner for Personal Data (Privacy Commissioner) in September 2020.



鍾麗玲 Ada CHUNG Lai-ling  
個人資料私隱專員  
Privacy Commissioner for Personal Data



回顧 1996 年，香港當時是亞洲首個為個人資料私隱訂立全面法例的司法管轄區，而私隱公署是區內首個專責保障個人資料私隱的獨立監管機構。《私隱條例》是以《1980 年經濟合作及發展組織私隱指引》和歐盟於 1995 年實行有關個人資料保障的指令為模範而制定的。

在過去 25 年，我們見證科技不斷急速發展，世界各地紛紛制定更嚴格的法律，以提高對個人資料的保障。歐盟於 2018 年以《通用數據保障條例》取代 1995 年的歐盟指令後，確立了一個新的黃金標準。這黃金標準接續引發世界各地私隱法律發展的浪潮，包括美國 2018 年的《加州消費者私隱法案》、印度 2019 年的《個人資料保護法草案》，以及內地於 2020 年發佈的《個人信息保護法》草案。

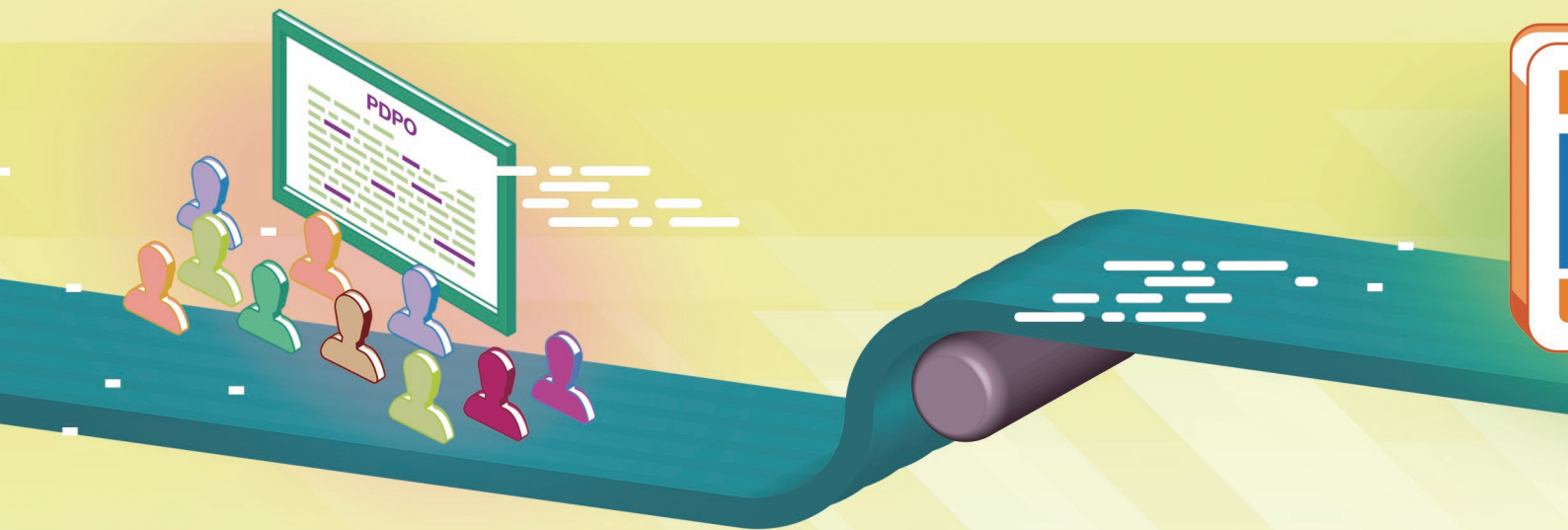
《私隱條例》於 2012 年首次作出主要修訂，加入規管使用個人資料作直接促銷的新條文。而私隱公署自成立後的工作在數量、種類、難度、複雜程度及性質方面亦大幅增加。我們於 1997-98 年度接獲的投訴是 253 宗，而 2020-21 年度的數字飆升至 3,157 宗，在這期間增幅逾 11 倍。同樣地，資料外洩通報的數字亦由 1997-98 年度未有相關通報大增至 2020-21 年度的 106 宗，在一些近期的事故中，受影響的資料當事人數目更是數以百萬計。

Back in 1996, Hong Kong was the first jurisdiction in Asia to have a comprehensive legislation on personal data privacy, and the PCPD was the first independent regulator dedicated to protect personal data privacy in the region. The PDPO was modelled on the 1980 Privacy Guidelines of the Organisation for Economic Co-operation and Development and the 1995 Directive adopted by the European Union (EU) on the protection of personal data.

In the past 25 years, the fast-flowing stream of technological developments brought along the mushrooming and introduction of more stringent laws to enhance the protection of personal data. When the EU replaced its 1995 Directive and adopted the General Data Protection Regulation (GDPR) in 2018, a new gold standard was established which led to waves of developments in privacy laws around the world, including the California Consumer Privacy Act 2018, India's Personal Data Protection Bill 2019, and the draft Personal Information Protection Law of the Mainland introduced in 2020.

The PDPO had its first amendment in 2012 with new requirements on the use of personal data in directing marketing. The volume, variety, difficulty, complexity and nature of work of the PCPD had grown significantly since our establishment. We received 253 complaints in 1997-98 and the number surged to 3,157 in 2020-21, an increase of over 1100%. Similarly, the data breach notification figure increased tremendously from nil in 1997-98 to 106 in 2020-21, with some recent incidents involving millions of affected data subjects.





## 2020-21 年度的工作數字

在 2020-21 年度，我們繼續在各方面履行保障個人資料私隱的職責。在報告年度，我們：

- 接獲 3,157 宗投訴；
- 接獲 18,253 宗查詢；
- 進行 356 次循規審查及 50 次調查；
- 錄得 25,999 名人士參與私隱公署講座、研討會或工作坊；
- 發出 64 份新聞稿及 350 個社交媒體帖文；
- 回應 220 宗傳媒查詢；及
- 錄得每月平均 158,073 人次瀏覽私隱公署網站。

## 工作重點

自 2019 年中在香港湧現猖獗的「起底」行為，挑戰了道德和法律的極限。我們在年內繼續加強打擊「起底」的工作，共處理了 957 宗「起底」個案，並以多管齊下的方式打擊「起底」行為。我們去信相關網站、社交媒體平台及討論區的營運商，要求移除涉及「起底」內容的連結，以及就調查及轉介個案加強與其他規管機構的合作，我們亦加強教育、推廣及宣傳的工作，強調「起底」的禍害，又聯絡政府部門和行業協會，尋求協助，共同打擊「起底」。

## Figures of activities in 2020-21

We continued to discharge our duties on all fronts in 2020-21 to protect personal data privacy. During the reporting year, we:

- Received 3,157 complaints;
- Received 18,253 enquiries;
- Carried out 356 compliance checks and 50 investigations;
- Reached out to 25,999 individuals in our talks, seminars or workshops;
- Issued 64 media statements and 350 social media posts;
- Responded to 220 media enquiries; and
- Recorded a monthly average of 158,073 visits to our website.

## Highlights of our work

Doxxing activities which has become rampant since mid-2019 has tested the limits of morality and the law. During the reporting year we continued to step up our efforts to combat doxxing. We handled a total of 957 doxxing cases and adopted a multi-pronged approach. We wrote to the operators of relevant websites, social media platforms and discussion forums to request the removal of web links involving doxxing contents. We strengthened our collaboration with other regulatory authorities in the investigation and referral of cases. In addition, we accentuated the harm of doxxing in our education, promotion and publicity efforts, and reached out to government departments and trade associations to enlist their assistance in combating doxxing.



為提高私隱公署遏止「起底」行為的能力，香港特區政府行政長官林鄭月娥女士於2021年2月宣佈會修訂《私隱條例》，將「起底」行為刑事化，並賦權私隱公署就有關罪行進行刑事調查及提出檢控。政府已於2021年7月把修訂條例草案提交立法會審議。

2019冠狀病毒病自2019年底爆發以來，對世界各地的資料保障機構帶來前所未有的挑戰。各地政府，包括香港特區政府，推出不同措施以遏制疫情和恢復經濟，當中涵蓋追查接觸者的措施、大規模為公眾檢測及接種疫苗、發出健康護照等，這些措施均對個人資料私隱帶來風險，香港的情況也不例外，亦因而成為私隱公署另一個優先的工作範疇。我們向政府、機構、學校及公眾提供建議或意見，以確保在制定及推出有關措施時，個人資料獲得適當的保障。

除了向公眾發出指引外，我們於去年9月學校復課時發出《學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引》，並於去年11月以「在家工作安排下的個人資料保障」為主題，發出三份不同的指引。

To enhance our capability to curb doxxing, the Chief Executive of the Government of the Hong Kong SAR, Mrs Carrie Lam, announced in February 2021 that legislative amendments would be made to the PDPO to criminalise doxxing acts and empower the PCPD to carry out criminal investigation and institute prosecution in respect of the offence. The Government already submitted the Amendment Bill to the Legislative Council in July 2021.

Since its outbreak towards the end of 2019, COVID-19 has brought unprecedented challenges to data protection authorities around the world when governments of different jurisdictions introduced a variety of initiatives to contain the pandemic and revive the economies. These initiatives included contact tracing measures, large-scale testing and vaccination for the public, health passports, and the likes. They all carried inherent risks to personal data privacy and the situation in Hong Kong was no exception. This became another priority area of work for us. We provided advisories or views to the Government, organisations, schools and the general public to ensure the proper protection of personal data in these initiatives.

Apart from advisories issued to the public, the PCPD issued the "Guidance for Schools on the Collection and Use of Personal Data of Teachers, Staff and Students during the COVID-19 Pandemic" upon the resumption of classes in September 2020 and three Guidance Notes under the series of "Protecting Personal Data under Work-from-Home Arrangements" in November 2020.

我們於今年初舉行首屆「私隱之友嘉許獎」，作為私隱公署25周年的重點誌慶活動。嘉許獎是香港首個同類性質的獎項，得到各界踴躍回應。經評估參與機構在個人資料私隱保障方面的表現後，共有100間機構獲獎，包括政府部門、公營機構及從事不同業務的公司，當中69間機構獲頒金獎狀，31間機構獲頒銀獎狀，以表揚他們出色的表現。而五間在不同資料保障範疇有傑出表現的機構亦獲選為卓越的金獎狀得主。

在國際方面，我們繼續透過環球私隱議會、亞太區私隱機構網絡以及全球私隱執法機關網絡，積極參與國際和地區論壇。年內，我們領導環球私隱議會2019冠狀病毒病專責小組的一個分組，主責彙編了《應對2019冠狀病毒病的最佳行事常規概要》。我作為環球私隱議會人工智能的道德與數據保障工作小組聯席主席，在報告年度倡議並草擬了《開發及應用人工智能的體現問責決議》，提出12項在開發及應用人工智能的過程中實現和展示問責性的措施。該決議於去年10月在環球私隱議會的周年會議中獲得通過。

As a signature event to mark the 25th Anniversary of the PCPD, the inaugural “Privacy-Friendly Awards” was launched early this year. The award was the first of its kind in Hong Kong and was met with an overwhelming response. After assessing the entrants’ performance on personal data privacy protection, we awarded recognition to 100 organisations, including government departments, public bodies and companies engaged in different businesses, with 69 receiving Gold Certificates and 31 Silver Certificates, for their outstanding achievements. Five organisations with exemplary performance in different data protection areas were additionally named as outstanding Gold Certificate awardees.

On the international front, we continued to take an active role in international and regional forums through our participation in the Global Privacy Assembly (GPA), Asia Pacific Privacy Authorities (APPA) network and Global Privacy Enforcement Network (GPEN). In the year, we led a subgroup of the COVID-19 Taskforce of the GPA and we spearheaded the compilation of the “Compendium of Best Practices in Response to COVID-19”. In my role as the co-chair of the GPA’s Working Group on Ethics and Data Protection in Artificial Intelligence, the PCPD sponsored and drafted the “Resolution on Accountability in the Development and Use of Artificial Intelligence” in the reporting year, which advocated 12 measures for effectuating and demonstrating accountability in the development and use of artificial intelligence, among others. The Resolution was adopted at the GPA annual conference in October 2020.





## 感謝之言

最後，藉此機會我衷心感謝政府、私隱公署兩個諮詢委員會（個人資料（私隱）諮詢委員會和科技發展常務委員會）的前任和現任委員，以及我們的持份者在過去25年給予我們寶貴的意見和堅定的支持。我亦感謝歷任專員和所有同事的敬業精神、專業態度和努力付出。沒有各方的齊心協力，我們決不能在穩固的基礎上，成功擔當個人資料私隱的守護者。

我相信在監察、監管、促進及確保私隱法例獲得遵從方面，私隱公署在過去25年一直克盡己任。25年來，私隱公署與大家一起成長，寫下輝煌的歷史。

### 鍾麗玲

大律師  
個人資料私隱專員  
2021年8月

## A word of thanks

Last but not least, I must also take the opportunity to express my heartfelt gratitude to the Government, past and present members of our two advisory committees, the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Developments, and our stakeholders for their invaluable advice and staunch support over the past 25 years. In the same vein, I also wish to thank my predecessors and my colleagues, past and current, for their dedication, professionalism and hard work, without which we would not have been able to build and flourish upon this strong foundation to act as a guardian of privacy in relation to personal data.

I believe that we have dutifully discharged our statutory functions in monitoring, supervising, promoting and enforcing compliance with the provisions of the privacy law for the past 25 years. The history of the PCPD is one that we shared with the community at large, and is one that we can all be proud of.

### Ada CHUNG Lai-ling

Barrister  
Privacy Commissioner for Personal Data  
August 2021

