

私隱專員的話

Privacy Commissioner's Message

我十分高興能夠向各位介紹個人資料私隱專員公署(私隱公署) 2021-22年度的年報。在本地以至世界各地的私隱保障領域不斷發展的情況下,本報告年度無疑是忙碌且充實的一年。在香港,《2021年個人資料(私隱)(修訂)條例》(《修訂條例》)於年內通過並實施,這不但標誌着本港保障個人資料的監管制度踏入新紀元,更是私隱公署歷史上的又一重要里程碑。

I have much pleasure in presenting to you the Annual Report of the Office of the Privacy Commissioner for Personal Data (PCPD) for the year 2021-22. Undoubtedly, the reporting year was a hectic yet eventful year with a wide array of developments in the privacy protection landscape both locally and globally. The passage and implementation of the Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) in the year not only heralds a new era in the regulatory regime for the protection of personal data in Hong Kong, but also drives the PCPD to another major milestone in its history.

鍾麗玲

Ada CHUNG Lai-ling

個人資料私隱專員

Privacy Commissioner for Personal Data



2021-22 年度的主要數字 Key Figures in 2021-22

作為個人資料私隱的守護者，我們於2021-22年度繼續在各方面履行職能並行使權力，以推廣、確保並維護對個人資料私隱的保障。在報告年度內，我們：

As the guardian of personal data privacy, we strove to continue promoting, ensuring and upholding the protection of personal data privacy by discharging our powers and functions on all fronts in 2021-22. During the reporting year, we:

- ▣ 接獲 **3,368** 宗投訴個案；
 Received **3,368** complaints;
- ▣ 處理 **1,351** 宗「起底」個案；
 Handled **1,351** doxxing cases;
- ▣ 展開 **96** 次調查；
 Initiated **96** investigations;
- ▣ 接獲 **142** 宗資料外洩事故通報；
 Received **142** data breach notifications;
- ▣ 接獲 **16,944** 宗公眾查詢；
 Received **16,944** public enquiries;
- ▣ 進行 **373** 次循規審查；
 Carried out **373** compliance checks;
- ▣ 展開 **65** 次刑事調查；
 Initiated **65** criminal investigations;
- ▣ 發布 **33** 篇新聞稿；
 Issued **33** media statements;
- ▣ 回應 **144** 宗傳媒查詢；
 Responded to **144** media enquiries;
- ▣ 留意到 **2,742** 則與私隱公署的工作相關的新聞於不同的傳媒平台報道；
 Saw **2,742** news reports relating to PCPD's work being published on various media channels;
- ▣ 錄得每月平均 **155,901** 人次瀏覽私隱公署網站；
 Recorded an average of **155,901** visits to the PCPD's website per month;
- ▣ 於社交媒體發表 **296** 篇帖文；及
 Published **296** social media posts; and
- ▣ 錄得 **32,794** 人次參加私隱公署的講座、研習班及工作坊，從而加強對《個人資料(私隱)條例》(《私隱條例》)的理解及遵從。
 Reached out to **32,794** persons at PCPD's talks, seminars and workshops to enhance understanding of and compliance with the Personal Data (Privacy) Ordinance (PDPO).



工作重點

在2021年，為修訂《私隱條例》以有效打擊「起底」行為，我和我的團隊致力就具體修例建議向政制及內地事務局局長提供協助，並積極參與其後的立法程序。同時，我們亦不遺餘力地為實施新的監管制度作準備，包括成立專責的刑事調查組別、訂立調查和檢控的政策及程序、訂立發出停止披露通知以移除「起底」訊息的新工作流程及程序，以及準備指引資料、表格樣本等。

有賴各方努力，尤其是來自政府及立法會議員的大力支持，《修訂條例》於2021年10月8日正式刊憲生效。

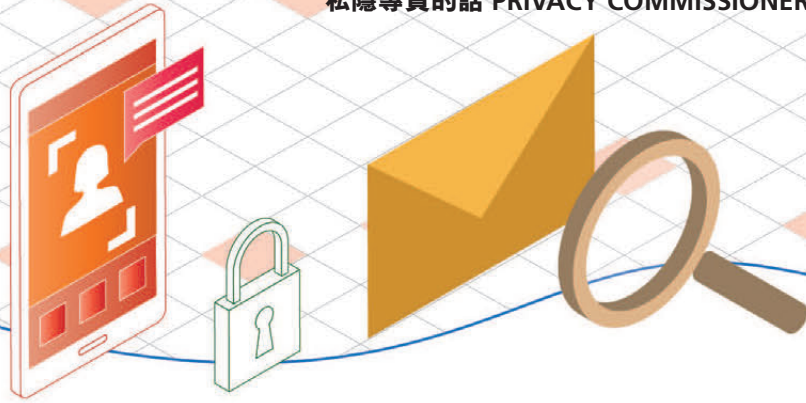
我很高興向大家匯報，經過我的團隊鏗而不捨的努力和堅持，我們於去年得以平穩過渡到新的監管制度。就此，我和一眾同事亦要衷心感謝香港警務處及律政司在整個立法過程中鼎力相助，並向我們提供寶貴意見及必要培訓，令我們可以就私隱公署履行《修訂條例》下的新角色及職能作好準備。

Highlights of Our Work

In 2021, my team and I were heavily engaged in supporting the Secretary for Constitutional and Mainland Affairs, as we put forth concrete legislative proposals to amend the PDPO in a bid to combat doxxing behaviour, and in the subsequent legislative process. In parallel, we spared no effort in preparing for the implementation of the new regulatory regime including the establishment of a dedicated criminal investigation team, the formulation of investigation and prosecution policies and procedures, new workflows and procedures to issue cessation notices to remove doxxing messages, and the preparation of guidance materials, specimen forms and the like.

Thanks to the unstinting efforts of all parties involved, and, in particular, the generous support of the Government and members of the Legislative Council, the Amendment Ordinance was enacted, and came into effect, on 8 October 2021.

I am pleased to report that thanks to the hard work and perseverance of my team, we managed to achieve a seamless transition to the new regulatory regime last year. To this end, my colleagues and I are also indebted to Hong Kong Police and the Department of Justice for their staunch support in the entire legislative process, and for their advice and arrangement of necessary training for my office in our preparation for the assumption of our new roles and duties under the Amendment Ordinance.



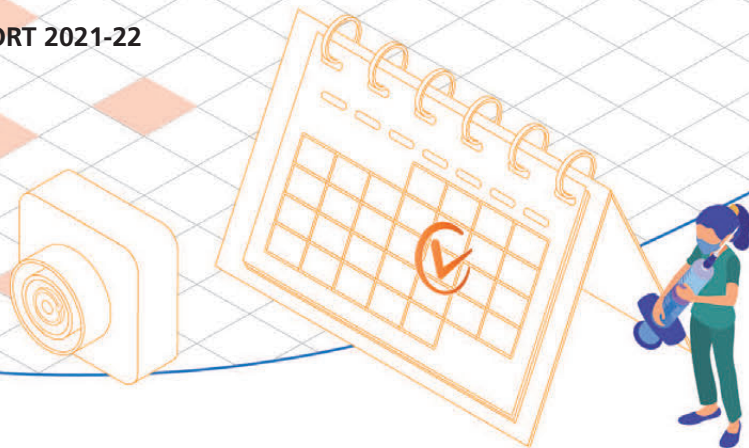
我為我的同事共同努力得來的成果感到自豪 — 截至2022年3月為止（即《修訂條例》生效起計約五個月內），私隱公署除了展開了65次刑事調查外，亦迅速向13個平台發出602份停止披露通知，要求移除3,110項「起底」訊息。

監管改革並不局限於本港。在2021年11月，內地首部針對個人信息保護而訂立的法律《個人信息保護法》正式實施。私隱公署在法例實施後的三星期內出版了《內地（個人信息保護法）簡介》，以促進公眾及企業認識內地個人信息保護的主要規定。而作為我們教育工作的一部份，我亦舉辦了一場網上講座，並邀得內地知名學者及執業律師作為嘉賓講者。此外，我亦與相關持份者會面以聆聽及了解他們的需要及關注，並發布多篇文章解釋《個人信息保護法》對由內地向境外轉移個人資料的規定。

I am particularly proud of the concerted efforts of my colleagues. Together, we sowed the seeds for initiating 65 criminal investigations as of March 2022, within a period of around five months from the enactment of the Amendment Ordinance, followed by a swift issuance of 602 cessation notices to 13 platforms which involved 3,110 doxxing messages for the same period.

Regulatory overhauls are not confined locally. The Personal Information Protection Law (PIPL), the first piece of legislation on the Mainland dedicated to protecting personal information, came into effect in November 2021. To help the general public and businesses in Hong Kong better understand the regulatory regime for the protection of personal information on the Mainland, the PCPD published a booklet entitled "Introduction to the Personal Information Protection Law of the Mainland" within three weeks after the PIPL came into effect. As part of our educational efforts, I also hosted a webinar on the subject with renowned scholars and practitioners from the Mainland appearing as guest speakers, met with relevant stakeholders to understand their needs and concerns, and published various articles to highlight the requirements under the PIPL on the transfer of personal information out of the Mainland.





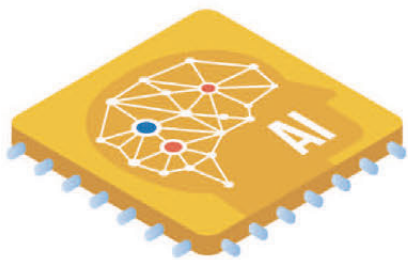
在報告年度內，香港繼續奮力對抗2019冠狀病毒病疫情。釋除大眾對抗疫措施的疑慮及處理與私隱相關的關注自然成為私隱公署工作的另一重點。例如，在第五波疫情期間，我們發出《僱主在2019冠狀病毒病疫情期間收集及使用僱員個人資料的指引》。我們亦向公眾發出建議，呼籲市民在家工作時應採取適當措施以保障個人資料和提醒他們參與疫苗抽獎活動時須格外留神。

During the reporting year, Hong Kong continued its uphill battle against the COVID-19 pandemic. Addressing any lingering doubts and privacy concerns arising from the anti-epidemic measures naturally became another priority of our work. To that end, we issued, for example, the “Guidance for Employers on Collection and Use of Personal Data of Employees during COVID-19 Pandemic” amid the fifth wave of the pandemic. We also issued advisories appealing to the public to take proper measures to protect their personal data when they worked from home and to pay extra caution when they registered for various lucky draws for the vaccinated population.

有見政府推出的「疫苗通行證」安排引起一些對個人資料私隱及資料保安的關注，我們特意審視了「疫苗通行證」的設計和功能。經相關評估後，我們向大眾指出，「疫苗通行證」在執行上與內地和世界各地採取的相類似措施一致，亦符合《私隱條例》的規定。

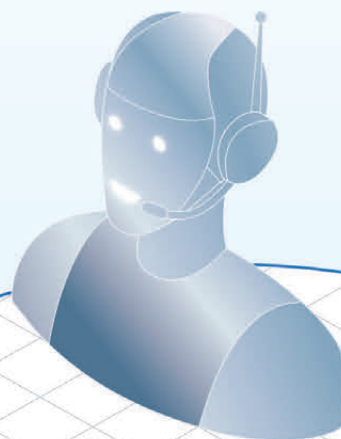
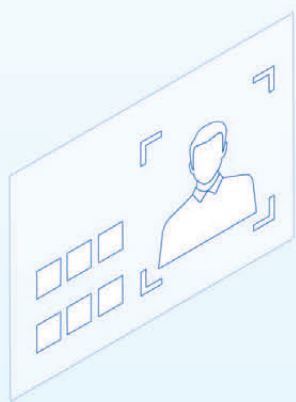
Given that the Vaccine Pass arrangements made by the Government sparked some concerns over the protection of personal data privacy and security of data, we looked into the Vaccine Pass in terms of its design and functionality. Following our assessment, we assured the public that the operation of the Vaccine Pass was in line with similar measures taken on the Mainland and other parts of the world, and also in compliance with the requirements of the PDPO.





與世界各地的資料保障監管機構一樣，私隱公署一直分秒必爭，力求應對科技發展帶來的複雜議題。作為劃時代的科技，人工智能所帶來的私隱與道德風險便是我們本年內着手處理的議題之一。鑑於人工智能的使用在香港日漸普及，我們在2021年8月發出《開發及使用人工智能道德標準指引》，以助機構在開發及使用人工智能時，能明白並遵從《私隱條例》的相關規定。該指引根據國際標準，建議機構在開發及使用人工智能時奉行三項基本數據管理價值並採納七項道德原則。我們相信，健康地開發及使用人工智能將有助香港成為創科中心和世界級的智慧城市。

The PCPD, like any of its counterparts around the globe, has been racing against time to address the thorny issues brought about by technological advancements. One of those which we highlighted and addressed in the year was the privacy and ethical risks caused by artificial intelligence (AI) – a game changer in our times. As the use of AI has been gaining momentum in Hong Kong, we issued in August 2021 the “Guidance on the Ethical Development and Use of Artificial Intelligence” to help organisations understand and comply with the relevant requirements of the PDPO when they develop or use AI. In line with international standards in the field, organisations are recommended to embrace three fundamental Data Stewardship Values and seven ethical principles when they develop and use AI. We believe that the healthy development and use of AI will contribute to making Hong Kong a technology and innovation centre and a world-class smart city.



科技在社會層面的發展無疑為個人資料私隱帶來前所未見的挑戰，更對整個社會有着深遠的影響。當我們享受着科技發展的成果時，被廣泛使用的社交媒體及視像會議軟件同樣帶來不同的私隱風險：除了被日益關注的資料保安外，亦包括過度收集、保留，以及未獲准許使用個人資料。在2021年年初，一主要即時通訊軟件公布更改使用條款，另外又有數宗疑似涉及不同社交媒體平台的重大資料外洩事故發生。有鑑於此，私隱公署於2021年4月發出《保障個人資料私隱 — 使用社交媒體及即時通訊軟件的指引》，並就此進行了一系列宣傳及教育活動。在2021年10月，私隱公署連同來自澳洲、加拿大、直布羅陀、瑞士及英國的五個資料保障機構發表聯合聲明，向視像會議公司表達環球共同的私隱期望。聯合聲明列出主要視像會議公司在提供服務時為保障個人資料而應採取的良好行事常規，同時向它們指出一些可以改善的地方。

It is beyond dispute that socio-technological developments have posed unprecedented challenges to personal data privacy and impacted people from all walks of life. Whilst each and every one of us is tasting the fruits brought about by technological advancements, the extensive use of online social media and video teleconferencing (VTC) software also comes with privacy risks in terms of excessive collection, retention and unauthorised use of personal data, as well as mounting concerns on data security. In the wake of the changes in the terms of use of a major instant messaging application and several high-profile data breach incidents allegedly involving various social media platforms in early 2021, the PCPD issued the “Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps” in April 2021, followed by a series of publicity and education campaigns on the subject. In October 2021, my office joined hands with five data protection authorities from Australia, Canada, Gibraltar, Switzerland and the United Kingdom in publishing a joint statement on global privacy expectations for VTC companies. The joint statement highlighted the good practices reported by the major VTC companies in safeguarding personal data when they provide their services, while reminding the VTC companies of the possible areas of further improvement.



展望未來

對私隱公署而言，2022-23年度將依然充滿挑戰。一方面，我們將繼續加強在《修訂條例》下的執法能力，務求更有效地打擊「起底」行為；另一方面，我們將與政府緊密合作，審視《私隱條例》並制定進一步的修例建議，以反映最新的國際準則及監管方式。我們亦將繼續向相關持份者就個人資料私隱事宜提供意見及建議，以助香港按《粵港澳大灣區發展規劃綱要》發展成為大灣區的科技及數據中心。

最後，我衷心感謝政府、個人資料（私隱）諮詢委員會及科技發展常務委員會的委員，以及我們的持份者對私隱公署的工作堅定不移的支持。我亦要感謝一眾同事，他們的專業、付出和毅力令我們得以順利過渡至新監管制度。

讓我們攜手協力，在保障私隱領域上共創高峯。

鍾麗玲

大律師
個人資料私隱專員
2022年9月

Looking ahead

2022-23 is set to be another challenging year for the PCPD. While we will continue to enhance our capabilities to enforce the Amendment Ordinance to combat doxing behaviour more effectively, we will also be working closely with the Government in carrying out a review of the PDPO, with a view to formulating legislative proposals to further amend the PDPO to incorporate the latest international norms and regulatory practices. We will also continue to offer our views and advice to relevant stakeholders on a myriad of issues relating to personal data privacy, in support of the development of Hong Kong into a technology and data hub in the Greater Bay Area under the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area.

Last but not least, I wish to express my sincere gratitude to the Government, members of the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technology Development, and our stakeholders, for their relentless support to our work. I am also indebted to all my colleagues, whose professionalism, devotion and perseverance have contributed to the successful transition to the new regulatory regime.

Together, we will scale new heights in the privacy protection landscape.

Ada CHUNG Lai-ling

Barrister
Privacy Commissioner for Personal Data
September 2022

