

PCPD

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個人資料(私隱) (修訂)條例 - 加強規管 直銷活動

Personal Data (Privacy)
(Amendment) Ordinance -
Enhanced Regulations on
Direct Marketing

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個人資料(私隱)(修訂)條例 - 加強規管直銷活動

Personal Data (Privacy) (Amendment) Ordinance - Enhanced Regulations on Direct Marketing

立法會去年中對《個人資料(私隱)條例》作出大幅修訂，加強私隱專員的執法權力，對侵犯私隱的行為有更大的阻嚇作用。當中有關規管使用個人資料作直銷用途的條文將於今年4月1日生效，直銷商和消費者宜作好準備。

The Personal Data (Privacy) Ordinance (“the Ordinance”) has been significantly amended last year in effect that the Privacy Commissioner has enhanced power of enforcement, and more powerful deterrent from privacy breach. Among other changes is a new regulatory regime on data protection in direct marketing activities. Both businesses and consumers should get well prepared for it!



直接促銷規管機制

新規定：通知和同意

《2012年個人資料(私隱)(修訂)條例》(簡稱「修訂條例」)引入的規管直接促銷新機制(新加入的第VI A部)，嚴格禁止資料使用者使用市民的個人資料作直銷用途，或將個人資料轉交給直銷商以作直銷用途，除非符合以下要求：

- 資料使用者已向資料當事人提供「訂明資訊」(見右表)及回應途徑，讓資料當事人選擇同意或表示「不反對」其個人資料被用作直銷；
- 通知的內容必須易於理解和閱讀；
- 已獲得該資料當事人的同意或表示「不反對」。有效的同意必須是明示及自願作出的。

New Regulatory Regime on Data Protection in Direct Marketing

New Requirements: Notification and Consent

The Personal Data (Privacy) (Amendment) Ordinance 2012 (the “Amendment Ordinance”) has introduced, among other changes, a new regulatory regime on direct marketing (new section VI A), under which a data user is strictly prohibited from using or providing personal data to others for direct marketing purpose unless:

- the data user has provided certain **prescribed information** (see the right box) and a response channel for the data subject to communicate his/her consent or indication of “no objection” to the intended use or provision of the data;
- the notification must be easily understandable and readable;
- the relevant data subject’s consent or indication of “no objection” has been obtained. A valid consent must be made explicitly and voluntarily.

直接促銷規管機制

New Regulatory Regime on Direct Marketing

2013年4月1日生效
Effective from 1 April 2013

擬使用客戶個人資料作直銷用途，或
擬轉交他人作直銷之用

Intend to use customers' personal data in direct marketing or
provide the data to a third party for use in direct marketing

提交個人資料

Provide personal data

資料使用者
通知

Data Users
Notification

Data Subjects
Consent

資料當事人
同意

- 提供「訂明資訊」及回應途徑，讓資料當事人選擇同意或表示「不反對」個人資料被用作直銷
- 通知必須清楚易明
- Provide certain prescribed information and a response channel for data subjects to communicate their consent or indication of "no objection" to the use of their personal data in direct marketing
- Notification must be easily understandable and readable

- 必須自願和清晰作出
- 不反對也屬同意
- Must be made voluntarily and explicitly
- Consent includes "an indication of no objection"

訂明資訊應包括：

1. 擬使用當事人的個人資料進行直銷活動，或擬將其個人資料轉交第三者以作直銷之用
2. 擬使用或向他人提供的個人資料類別（如姓名、電郵地址和電話）
3. 擬用上述資料對當事人促銷甚麼類別的產品/設施/服務
4. 除非已得到資料當事人的同意，否則資料使用者不得如上述1行事
5. 讓當事人回應的途徑（如電話/ 電郵）

如資料使用者將個人資料提供予第三者作直銷之用，須符合額外的條件：

- 須以書面提供訂明資訊，以及得到資料當事人的書面同意
- 向資料當事人述明是為得益而擬將其個人資料轉移（如適用的話）
- 通知資料當事人該個人資料擬提供予甚麼類別的人士

Prescribed information includes :

1. the intention to use the personal data in direct marketing, or to provide the data to a third party for its use in direct marketing activities
2. the kinds of data to be used or provided (e.g. name, email address and phone number)
3. the classes of products/facilities/services in relation to which the data is to be used or provided
4. the data user may not so use or provide the data unless the data subject's consent has been received
5. a response channel (e.g. a phone number or email address)

A data user who intends to provide the personal data to a third party for use in direct marketing is required to meet additional requirements:

- to give data user's notification and obtain the data subject's consent in writing
- to inform the data subject that the data is transferred for gain (if applicable)
- to inform the data subject of the classes of persons to which the data is to be provided



「同意」包括表示「不反對」

若你交回已簽名的服務申請表格，但沒有剔選方格以表示反對資料被用作直銷就等於同意

"Consent" includes an indication of "no objection"

If you fill in a service application form **without ticking the box** provided to indicate objection to use of your personal data in direct marketing, you will be deemed to consent

服務申請表格 Service Application Form

請在本文最後部份表示你同意如此使用你的個人資料。
如你不同意，請在以下空格加上「✓」號，然後簽署。

Please sign at the end of this statement to indicate your agreement to such use. Should you find such use of your personal data not acceptable, please indicate your objection before signing by ticking the box below.

- 本人(姓名如下)反對使用個人資料於擬作出的直接促銷。
- The customer named objects to the proposed use of his/her personal data in direct marketing.

Cheung Tai Man

客戶簽署 Signature of the customer
姓名 Name : 張大文 Cheung Tai Man
日期 Date : 1 - 4 - 2013

提高刑罰 嚴懲違法者

若資料使用者未依照有關要求行事，或未經資料當事人同意而使用其個人資料進行直銷活動，即觸犯刑事罪行，最高刑罰為罰款50萬港元及監禁3年。如資料是資料使用者為了得益而提供給第三者作直銷之用，則違法者的最高罰則為罰款100萬港元和監禁5年。

個人資料私隱專員蔣任宏提醒商戶和消費者在2013年4月1日新條文生效前作好準備。「許多商戶經常都會使用客戶或直銷名單的個人資料作直接促銷活動。我鄭重提醒商戶必須做好自己本份，檢討或制定標準的收集個人資料聲明，及使用和提供個人資料進行直銷活動的內部政策和程序，包括客戶關係管理系統，以確保符合新規管機制的通知和獲取同意的要求。對法律無知絕對不是觸犯刑事罪行的合理抗辯理由。」

High Penalties for Non-Compliance

A failure to undertake the requisite actions or to use personal data in direct marketing without the data subject's consent is a criminal offence punishable by a fine of up to HK\$500,000 and imprisonment for up to 3 years. If the data is provided to a third party for its use in direct marketing in exchange for gain, non-compliance may result in a maximum penalty of a fine of HK\$1 million and 5 years' imprisonment.

The Privacy Commissioner for Personal Data Mr. Allan Chiang reminds both businesses and consumers to get prepared for the new requirements before the commencement date, 1 April 2013. "It is common for businesses to use the personal data of their clients or potential clients in direct marketing activities. To ensure compliance with the new notification and consent requirements, all should 'get their houses in order', review or develop standard Personal Information Collection Statement, and internal policies and procedures on the use or provision of personal data for direct marketing activities, including their customer relationship management systems. Ignorance of the law is no defence to the criminal offence."

消費者要知：緘默不等於同意

蔣任宏又強調：「消費者向商戶交出個人資料以換取便利或利益，例如加入顧客忠誠計劃換取購物優惠時，亦須關注其個人資料私隱，以防私隱被不公平地出賣或濫用，及帶來非應邀的促銷訊息。」

「消費者應注意，緘默並不等於同意。因此，不回覆直接促銷者的通知並不會令到對方可使用你的個人資料。但是，根據修訂條例，「同意」包括表示「不反對」。因此，若消費者交回已簽名和填妥的服務申請表格以表示同意服務條款，但卻沒有剔選方格以表示反對其個人資料被使用於直銷促銷，他會被視為已同意如此使用其個人資料。」

當資料使用者首次使用資料當事人的個人資料進行直銷時，必須告知資料當事人他/她有權要求資料使用者停止使用其個人資料作直銷。再者，資料當事人任何時候都可向資料使用者提出拒絕直銷活動的要求，不論有否在較早已給予同意。資料使用者在收到要求後，必須停止使用資料。

Consumers Need to Know: Silence doesn't equal to Consent

"Consumers should be aware of their personal data privacy right when they provide their personal data to corporate data users in exchange for convenience or benefits offered such as shopping discounts under customer loyalty schemes. Awareness helps save one from abuse or unfair sold-out of privacy and unsolicited marketing messages."

"Consumers should note that silence does not constitute consent. Hence a non-response to the direct marketer's notification would not enable its use of their personal data. However, under the Amendment Ordinance, "consent" includes an indication of "no objection". Hence if a consumer filling in a service application form does not tick the box provided by the direct marketer to indicate his objection to the use of his personal data in direct marketing, and sign the form to signify his acceptance to the terms on the form, he would be regarded as having consented to such use of his personal data," Mr. Chiang emphasised.

When a data subject's personal data is used in direct marketing for the first time, a data user must inform the data subject that he or she has the right to request the data user to cease to use the data for direct marketing purpose. Data subjects may also exercise their opt-out right at any time irrespective of any prior consent given. Upon receiving an opt-out request, the data user must cease using the data.



豁免

新的直銷規管機制下有兩項豁免。在不溯既往安排下，若符合某些情況，新規定不適用於在新條文生效前已合法收集及使用於直銷用途的個人資料。

另外，向資料當事人提供或宣傳某些社會或醫護服務，可獲豁免而不受新直接促銷條文管限，除非是為得益而提供個人資料予他人作直銷之用。

Exemptions

There are two exemptions under the regime. Under a grandfathering arrangement and subject to fulfillment of certain conditions, the new requirements will not apply to personal data legitimately collected and used in direct marketing before the commencement date.

In addition, the direct marketing provisions under the Ordinance do not apply to the offering, or advertising of the availability of certain social or healthcare services unless the personal data is provided to others for use in direct marketing for gain.

加深認識新的直銷活動規管機制

資料使用者

- 參考公署發出的《直接促銷新指引》
- 參加專業研習班：熟習新條文及循規措施。歡迎保障資料主任、負責合規事務的專業人士、律師和市場推廣從業員參加。

查詢及報名 電話：2827 2827

www.pcpd.org.hk/chinese/activities/workshop.html

Learn More about the New Direct Marketing Regulatory Regime

Data Users

- Read the PCPD's "New Guidance on Direct Marketing"
- Sign up for Professional Workshop and get familiar with the requirements under the new regime and compliance measures. Targeted audience are data protection officers, compliance professionals, lawyers and marketing personnel.

Registration/Enquiry : call 2827 2827

www.pcpd.org.hk/english/activities/workshop.html

資料當事人

參考《根據《個人資料(私隱)條例》行使你同意及拒絕直接促銷活動的權利》資料單張，了解行使同意和拒絕直銷活動的權利。

索取資料單張：www.pcpd.org.hk/chinese/publications/files/opt_out_c.pdf

或親臨公署辦事處(灣仔皇后大道東248號12樓)索取

Data Subjects

Read the leaflet "Exercising Your Right of Consent to and Opt-out from Direct Marketing Activities under the Personal Data (Privacy) Ordinance"

Read online : www.pcpd.org.hk/english/publications/files/opt_out_e.pdf or obtain a copy at PCPD office (12/F, 248 Queen's Road East, Wan Chai)

修訂條例帶來的改變

《個人資料(私隱)條例》於1996年生效，個人資料私隱專員於2009年起向政府當局提出50多項修訂建議，雖然最終並非全數被採納，但今次通過的多項新條文在保障私隱方面揭新一頁。除了直銷規管機制外，主要修訂包括：

The Changes Brought About by the Amendment Ordinance

The Ordinance came in force in 1996. Since 2009, the Privacy Commissioner has proposed more than 50 amendments to the Ordinance. Although the suggestions were not all adopted, the changes passed mean a new chapter to the law of data privacy protection. In addition to the provisions in relation to direct marketing, major changes include:

生效日期 Date of commencement	新條文	New Provisions
2013 . 4 . 1	<p>為受屈人士提供法律協助</p> <p>因應條例修訂，個人資料私隱專員將於4月1日推出「法律協助計劃」，為個人資料私隱權受侵犯而蒙受損失(包括情感傷害)的人士提供法律協助，以向違例的資料使用者申索補償。</p> <p>專員審核申請時考慮的因素包括：案情；案件是否有助釐清原則性的問題和成為法律先例；根據案件的複雜性，衡量申請人若不獲協助而自行興訟是否合理(例如申請人是個人而被告是大機構)；及政府向計劃撥備的資源。</p> <p>法律協助的形式包括提供法律意見和在訴訟中代表受屈人士。計劃於2013年4月1日起開始接受申請。申請人須留意，就侵犯私隱行為根據條例提出民事申索的時限一般為6年。</p> <p>了解更多： 《根據《個人資料(私隱)條例》提出民事申索的法律協助》單張 www.pcpd.org.hk/chinese/publications/files/legal_assistance_c.pdf</p>	<p>Legal Assistance to Aggrieved Individuals</p> <p>According to the amendment, the Privacy Commissioner for Personal Data will launch a Legal Assistance Scheme on 1 April to assist those aggrieved by personal data privacy intrusions to seek compensation from the data user for damage, including injury to feelings.</p> <p>The Commissioner, in exercising his discretion to approve an application for legal assistance, may consider factors which include: the merits of the case; whether the case raises a question of principle and would establish useful legal precedents; whether it is unreasonable to expect the applicant to deal with the case unaided having regard to the complexity of the case (e.g. the applicant is an individual whilst the prospective defendant is a large corporation), and the resources allocated by the Government for the Scheme.</p> <p>It may take the form of legal advice and legal representation in court. Applications for the Scheme will be accepted as from 1 April 2013. Applicants should note that the time limit for making a civil claim on privacy infringement under the Ordinance is normally 6 years from the alleged wrongdoing.</p> <p>Learn more: “Legal Assistance for Civil Claims under the Personal Data (Privacy) Ordinance” leaflet www.pcpd.org.hk/english/publications/files/legal_assistance_e.pdf</p>
2012 . 10 . 1	<p>新罪行：披露未經同意而取得的個人資料</p> <p>任何人披露未經資料使用者同意而取得的個人資料，意圖獲得利益或導致資料當事人蒙受損失，即屬犯罪。若資料的披露導致當事人心理受創，不論其意圖，亦屬犯罪，這兩項罪行的最高刑罰是罰款港幣100萬元和監禁五年。</p>	<p>New Offence: Disclosure of Personal Data Obtained Without Data User's Consent</p> <p>It is an offence for a person to disclose any personal data of a data subject obtained from a data user without the latter's consent and with an intent to obtain gain or cause loss to the data subject. It is also an offence if the unauthorised disclosure, irrespective of its intent, causes psychological harm to the data subject. The maximum penalty for these two new offences is a fine of HK\$1,000,000 and imprisonment for 5 years.</p>
2012 . 10 . 1	<p>外判個人資料的處理</p> <p>修訂條例加強了這方面的保障，規定資料使用者如要外聘本港或海外的資料處理者代為處理其持有的個人資料，必須與其代理訂立合約，或採取其他規範方法，(a)防止轉移予該資料處理者的資料保存太長時間；(b)防止資料未獲准許或意外地被查閱、處理、刪除、喪失或使用。簡單來說，工序外判，但法律責任不能外判。</p> <p>了解更多：《外判個人資料的處理資料處理者》資料單張 www.pcpd.org.hk/chinese/publications/files/dataprocessors_c.pdf</p>	<p>Outsourcing Personal Data Processing</p> <p>The Amendment Ordinance enhances the protection in this regard by requiring that if a data user engages a data processor, whether within or outside Hong Kong, to process personal data on the data user's behalf, the data user must adopt contractual or other means to (a) prevent any personal data transferred to the data processor from being kept longer than is necessary; (b) prevent unauthorised or accidental access, processing, erasure, loss or use of the data. In other words, outsourcing of work does not include outsourcing of liability.</p> <p>Learn more: “Outsourcing the Processing of Personal Data to Data Processors” information leaflet http://www.pcpd.org.hk/english/publications/files/dataprocessors_e.pdf</p>

生效日期 Date of commencement

新條文

New Provisions

2012. 10. 1

由第三者代為同意更改個人資料的用途

未成年人，無能力處理本身事務的人或精神上無行為能力的人可由指定的第三者(父母/監護人或法庭委任的當事人代表)代表給予同意，以更改他們的個人資料使用用途，惟有關做法須明顯符合他們的利益。

Third Party to Give Consent to Change of Use of Personal Data

A specified third party (parent/guardian or representative appointed by the Court) may give consent, on behalf of minors, persons incapable of managing their own affairs, or mentally incapacitated persons, to the change of use of their personal data when it is clearly in their interests to do so.

2012. 10. 1

查閱資料要求

一般情況下，若資料當事人要求查閱自己的個人資料，持有其資料的一方須依從要求。修訂條例訂明資料使用者可基於其他條例的保密規定而拒絕依從查閱資料要求。

Data Access Request

In normal circumstances, a data user is required to comply with a data subject's request to access his personal data. The Amendment Ordinance provides for the refusal of a data access request based on the secrecy requirements in other ordinances.

2012. 10. 1

新的豁免

履行司法職能的過程中持有的個人資料可不受保障資料原則及條例多項條文的管限。

若資料的披露或轉移可令資料當事人的健康免受嚴重損害；符合未成年人的利益的某些特定情況；有助業務併購或轉讓而進行的盡職審查；為保留歷史檔案轉移資料，都可獲豁免而不受保障資料第3原則管限。

在緊急情況下，例如在緊急救援行動中要披露生命危在旦夕的人士的資料，則獲豁免不受保障資料第1(3)及3原則所管限。

在查閱資料要求方面，若依從要求可能導致自己入罪，則可獲豁免，即必須依從的規定不適用。

New Exemptions

Personal data held in the course of performing judicial functions is exempt from the DPPs and the provisions of the Ordinance.

When data disclosure or transfer would prevent causing serious harm to the health of a data subject; it is in the interest of a minor; it is for the purpose of a due diligence exercise to be conducted in connection with business merger, acquisition or transfer of business; records are transferred for archive purposes, the data is exempt from DPP3.

In certain emergency situations, e.g. identification of an individual involved in a life-threatening situation or carrying out of emergency rescue operations, personal data is exempt from DPP1(3) and DPP3.

A data user is exempt from complying with a data access request if the data user might as a result be self-incriminated or of any offence other than an offence under the Ordinance.

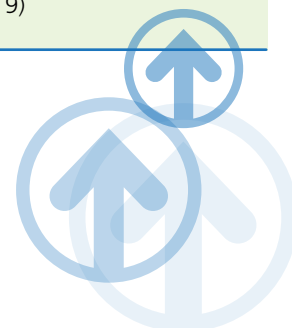
2012. 10. 1

擴大私隱專員發出執行通知的權力

以往根據條例，專員可發出執行通知要求資料使用者糾正違反條例規定的行為。不過，像在2010年的八達通事件中，如違反行為已經停止，而又沒有充分證據證明違反行為可能重複，專員是無權向有關資料使用者送達執行通知的。條例修訂堵塞這漏洞，違例者是否會持續或重複違規，專員都可以送達執行通知。(見第九頁)

Strengthening the Privacy Commissioner's Power to Serve Enforcement Notice

Before the amendment, the Commissioner may serve an enforcement notice on a data user to remedy the contravention of a requirement under the Ordinance. However, as in the Octopus incident in 2010, if the contravening act has ceased and there is insufficient evidence to support that the contravention will likely be repeated, the Commissioner cannot serve an enforcement notice. The amendments to the Ordinance plug the loophole. The Commissioner may serve an enforcement notice irrespective of whether the contravention will continue or be repeated. (Please refer to the diagram on page 9)



加強私隱專員的執法權力 Strengthening the Privacy Commissioner's Enforcement Power

第50A (3) 條 Section 50A(3)

故意重複違規
Repeated contravention
of the Ordinance on the
same facts

資料使用者按執行通知要求，在指定期限糾正行為後重犯，專員只能向其發出另一份執行通知。
When a data user resume the same contravention after compliance with an enforcement notice issued against him within a specified period, the Commissioner can only issue another enforcement notice to the data user.

第50A (1)(b) 條 Section 50A(1)(b)

重複違反執行通知
Repeated non-compliance with
enforcement notice

罰款港幣 \$50,000 元及監禁 2 年。
如罪行持續，每日罰款港幣 1,000 元。
A fine of HK\$50,000 and imprisonment for two years.
In the case of a continuing offence, a daily fine of HK \$1,000.

第 64B 條 Section 64B

提出檢控的時限
(罪行發生起計)
Time limit for laying
information for
prosecution (from the
date of commission of
the offence)

6 個月
6 months

以往 Before Amendment

修例後 After Amendment

故意重複違規行為為罪行，一經定罪會被罰款港幣 5 萬元和監禁兩年。
如罪行持續，每日罰款港幣 1,000 元。
Repeated contravention, if committed intentionally, is an offence. The penalty is a fine of HK\$50,000 and imprisonment for two years. In the case of a continuing offence, a daily fine of HK \$1,000.

罰款港幣 \$100,000 元及監禁 2 年。
如罪行持續，每日罰款港幣 2,000 元。
A fine of HK\$100,000 and imprisonment for two years.
In the case of a continuing offence, a daily fine of HK \$2,000.

2 年
2 years

了解更多：《2012年個人資料(私隱)(修訂)條例》簡介短片

www.pcpd.org.hk/chinese/review_ordinance/reviewordinance_video.html

Learn more: Short video on the Personal Data (Privacy) (Amendment) Ordinance 2012

www.pcpd.org.hk/english/review_ordinance/reviewordinance_video.html

資料單張：《2012年個人資料(私隱)(修訂)條例主要條文概覽》

www.pcpd.org.hk/chinese/publications/files/ordinance2012_overview_c.pdf

Information Leaflet: An Overview of the Major Provisions of the Personal Data (Privacy) (Amendment) Ordinance 2012

www.pcpd.org.hk/english/publications/files/ordinance2012_overview_e.pdf

顧客積分獎賞計劃違保障資料原則 Customer Loyalty Programmes Contravened Data Protection Principles

不少零售商都會推出顧客積分獎賞計劃，吸引消費者在指定商號購物累積獎賞積分，然後換取現金券或享用購物優惠。個人資料私隱專員蔣任宏去年10月發表四份調查報告，就華潤萬家(香港)有限公司的「積Fun咭」計劃；牛奶有限公司的「Mann Card計劃」；屈臣氏集團(香港)有限公司透過百佳及屈臣氏營運的「易賞錢計劃」進行調查。

Many retailers have customer loyalty programmes, under which customers can accumulate reward points for purchases at specified retail outlets. The points can be used for the redemption of cash vouchers or for special discounts. Mr. Allan Chiang, the Privacy Commissioner for Personal Data, published four investigation reports last October on the “Fun Fun Card” programme operated by China Resources Vanguard (Hong Kong) Company Limited (“CRV”); the “Mann Card Program” operated by The Dairy Farm Company Limited (“DFC”); and the “MoneyBack Program” operated by A.S. Watson Group (HK) Limited (“ASW”) through PARKnSHOP and Watsons.

專員的調查結果發現計劃營運者的違反行為有以下的共通之處：

- 一、收集申請人的身份證號碼或護照號碼，以作向申請人使用網上服務的預設密碼。這構成不必要及超乎適度的收集，因此違反了第1(1)原則的規定，因為以任何字符已足夠達到預設密碼的同樣目的。
- 二、違反第1(3)原則，沒有採取所有合理地切實可行的步驟，告訴資料當事人資料的使用目的及資料可能轉移予甚麼類別的人。

在調查期間，華潤萬家和牛奶公司已採取步驟對違規行為作出補救，包括：(a)停止收集計劃申請人的身份證號碼及出生年份；(b)承諾刪除該計劃之前收集的證件號碼及出生年份資料；(c)在申請表列明資料的收集目的、可能的資料承轉人類別等。專員已向這兩間公司發出警告，如它們日後發生類似的違規情況，專員會考慮對它們採取執法行動，包括送達執行通知。

專員亦已向屈臣氏集團送達執行通知，指令屈臣氏集團採取以下措施：停止向計劃申請人收集部分證件號碼的做法；刪除之前收集的部份證件號碼；修訂條款及細則；刪除不明確的資料使用目的，如「其他相關用途」，訂明「參與商戶」、「附屬公司」及「聯營公司」的業務性質，及確保它們與計劃目的有關，及刪除與計劃目的無關的資料承轉人類別，尤其是「向[屈臣氏集團]負有保密責任的任何其他人士及和記黃埔有限公司、長江實業(集團)有限公司、其各自的旗下公司，其附屬公司及彼等擁有權益的任何公司」。

屈臣氏已迅速依從執行通知。

報告可在公署的辦事處索取，或從網站下載：
www.pcpd.org.hk/chinese/publications/invest_report.html

The Commissioner found the following common contraventions among the programme operators:

- (a) They collected the applicants' Hong Kong Identity Card number or passport number (“ID no.”) for the purpose of providing the applicants with a default log-in password for the programme's online service. This amounted to unnecessary and excessive collection of personal data, and therefore, contravened DPP1(1), as any set of alpha-numerals will suffice for the same purpose.
- (b) They also contravened DPP1(3) for failing to take all reasonably practicable steps to ensure that programme applicants were notified of the purpose of use of the data and the classes of persons to whom the data might be transferred.

During the course of the investigation, CRV and DFC took adequate steps to remedy the contraventions: (a) they stopped collecting the programme applicants' ID no. and year of birth; (b) they undertook to complete the erasure of the ID no. and year of birth previously collected under the programme; and (c) they began informing applicants of the purpose for the data collection, possible classes of data transferees in the application form, etc. The Commissioner put both CRV and DFC on notice that if they failed to observe the relevant requirements of the Ordinance in similar situations in the future, he would consider taking enforcement action against them, including serving an enforcement notice.

The Commissioner served an enforcement notice on ASW directing it to take the following steps: (a) stop collecting programme applicants' partial ID no.; (b) erase completely the partial ID no. that ASW had collected previously; (c) revise the programme terms and conditions (i) to remove ill-defined purposes of the use of the data, such as “other related purposes”, (ii) to define the nature of business of “partners”, “subsidiaries”, and “affiliates”, (iii) to ensure the purposes were related to the programme objectives, and (iv) to remove classes of data transferees unrelated to the programme objectives, in particular, “any other persons under a duty of confidentiality to (ASW)” and “any company within Hutchison Whampoa Limited, Cheung Kong (Holdings) Limited, their respective subsidiaries and any company in which the same has an interest”.

The enforcement notice was complied with by ASW shortly thereafter.

Copies of the four investigation reports can be obtained from the PCPD office, or downloaded from the PCPD website (www.pcpd.org.hk/english/publications/invest_report.html).



院校網站洩八千多學生私隱 School Website Flaws Compromise Student Privacy

公署循規行動發現，11間本港教育機構(包括專上院校)的網站洩露學生檔案，危及多達8,505人的私隱。被披露的資料不乏敏感的個人資料，可被不法之徒用作行騙或假冒身份。

Compliance actions carried out by the PCPD have unearthed the inadvertent online exposure of sensitive personal information of students that could be used for fraudulent ends. The personal information of as many as 8,505 students in 11 local educational institutions, including tertiary institutions, could be compromised.

循規行動中受偵查的網站，披露資料包括學生姓名、學生編號(STRN)、學生及家長的電話號碼及電郵地址。值得注意的是，由教育局向本港出生學生分配的學生編號，基本上與出生證明書或身份證號碼相同，是切實的身份識別編號。個別學校更將學生使用校內電腦設施的用戶名稱及登入密碼等機密資料洩漏。

為了確定網站洩露個人資料的問題是否普遍，公署在互聯網上用關鍵詞進行20小時的搜尋，找到來自21間教育機構(當中包括3間專上院校)，共39份包含個人資料的檔案。公署繼而對其中兩間專上院校展開循規審查，即香港教育學院持續專業教育學院和嶺南大學持續進修學院。嶺南大學持續進修學院個案的影響範圍最大，涉及6,256名學生的資料。

個人資料私隱專員蔣任宏在新聞發佈會上指出：「公署只是用簡單的方法和有限的時間進行搜查，便輕易地發現網上洩大量的個人資料，可想而知實際情況肯定更為嚴重。」

蔣任宏呼籲資訊和網站管理人員提高警剔，提防在互聯網上洩露個人資料。高層管理人員應為機構制訂個人資料保安和網上個人資料收集和管理政策及程序。

公署發現，外洩問題亦存在於商業機構的網站，惟情況不及教育機構嚴重。

偵測行動結果公佈後，多家傳媒跟進報道，再發現多間商業機構、院校和補習中介網站大規模外洩個人資料，印證了公署指院校網站只是冰山一角之說。

公署鼓勵學校參考公署出版的《經互聯網收集及使用個人資料：給資料使用者的指引》。www.pcpd.org.hk/chinese/publications/files/guidance_internet_c.pdf

The personal information revealed included identifiable data such as name, Student Reference Number (STRN), telephone number of the student and parents, and the student's email address. Notably, the STRN number is a unique code assigned by the Education Bureau for each student. In the majority of cases for Hong Kong-born students, the STRN is the same as their HK identity card number or birth certificate number. Also, in several cases, confidential information, such as user name and password for login-in to the school IT system for online facilities, was exposed.

To ascertain whether the problem of data leakage on the Internet is prevalent, the PCPD conducted a 20 man-hour data search on the Internet based on certain keywords. It found 39 documents containing personal data from 21 educational institutions, of which 3 are tertiary institutions. The PCPD followed up by conducting compliance checks against 2 of these tertiary institutions, namely Hong Kong Institute of Education's School of Continuing and Professional Education and Lingnan Institute of Further Education. The data breach of Lingnan Institute of Further Education involved some 6,256 students' records.

Mr. Allan Chiang, the Privacy Commissioner for Personal Data remarked, "Bearing in mind that we have only spent a limited amount of our time in the exercise and our search was only based on some unsophisticated means, the extent of the cyber security problem we have identified is disproportionate".

He urged all information officers and website managers to be vigilant about the risk of data leakage on the Internet. Top management should be committed to ensuring that the organisation has policies and procedures in place to protect the personal data they collect and manage on the Internet.

During the action the PCPD also identified a similar data breach problem in the commercial domain, albeit to a lesser extent.

Following the release of the compliance check report, follow-up news reports revealed large-scale data leakage on a number of business and educational websites, vindicating the Commissioner's comment that the findings are merely the tip of the iceberg.

Educational institutions are advised to make reference to PCPD's "Guidance for Data User on the Collection and Use of Personal Data through the Internet" (www.pcpd.org.hk/english/publications/files/guidance_internet_e.pdf).



公署網頁更新面貌 PCPD website gets a face-lift



公署網站主頁(www.pcpd.org.hk)以全新面貌推出。網頁更新後更簡單易用，讓使用者可以以最簡單快捷的方式找出所需資料。

公署在網頁上傳遞保障私隱的訊息。在2011-12年度內，網頁共錄得475,872次瀏覽人次，平均每月接近39,656次。

The PCPD has revamped the homepage of its website (www.pcpd.org.hk) to give users a new look. With this new, user-friendly layout, information can be found quickly and easily.

The PCPD continues to disseminate privacy protection messages on its website. During 2011-12, the site received 475,872 visits, an average of almost 39,656 visits a month.

回應關於限制查冊公司董事資料的爭議 Views on Data Privacy on Companies Register

私隱專員蔣宏任今年一月會晤財經事務及庫務局官員就改善公司註冊處查冊制度交換意見。私隱專員回應傳媒查詢時多次申明，現行查冊制度容許任何人不受限制地查閱公司董事的住址和完整身份識別證號碼，是私隱保障不足的做法，有必要改善。但他強調私隱權並非絕對的權利，必須考慮其他公民權利，個人資料私隱和新聞自由並不是非黑即白的選擇，應在兩者之間作出適當的平衡以符合廣大的公眾利益。現行《個人資料(私隱)條例》就新聞活動提供豁免的安排，資料發放者如有合理理由相信，他向傳媒發放他人的個人資料，而有關資料的發表或廣播符合公眾利益的話，可免受保障資料原則管限，此乃當局改善公司查冊制度的參考點。

Privacy Commissioner Mr. Allan Chiang met officials of the Financial Services and Treasury Bureau in January to exchange views on the proposed restriction on the access of company directors' personal data on the Companies Register. Mr. Chiang, in response to media enquiries, reinstated that the current system that allowed uncontrolled access to directors' residential address and full identification number is unsatisfactory and requires improvement. However, he remarked that the right to privacy is not absolute and there are other rights that should also be taken into account. For example, privacy right and freedom of the press are not mutually exclusive and a balance must be struck to serve wider public interest. As a benchmark, he quoted the arrangement of exempting news activity from Data Protection Principle 3 (regarding data disclosure) under the Personal Data (Privacy) Ordinance where the publishing or broadcasting of data is in the public interest.

調查顯示智能電話用戶的私隱意識偏低

A Survey Revealed Low Privacy Awareness among Smartphone Users

公署去年11月發表的智能電話用戶私隱意識調查發現，本港智能電話用戶對管理、控制或保護智能電話內個人資料的意識薄弱，甚少有採取行動自保。

調查訪問了1,013名智能電話用戶，其中838名受訪者是iPhone或Android的用戶。調查分析是集中於這兩個主要平台的用戶：

- 九成人有安裝應用程式，僅27%程式用戶在安裝前有閱讀及考慮應用程式的私隱政策
- 57%人不知道應用程式會查閱電話內哪些個人資料
- 51%社交應用程式用戶不知道他們的聯絡資料及社交關係資料會被上載至中央伺服器
- 僅53%用戶採取步驟保護他們的電話及個人資料，如安裝屏幕鎖及防毒軟件

調查亦發現15至20歲的年青人是最活躍的智能手機用戶，但在保障個人資料私隱方面卻是最不關心和警覺性較低的一群。

私隱專員蔣任宏在新聞發佈會上提醒市民在享受科技帶來的好處之餘，慎防增加資料保安的風險。「智能手機應用程式通常是免費或非常便宜，但真正的代價其實可能是用戶的個人資料。」

公署出版了單張，向智能電話用戶提供保護智能電話及電話內的資料、包括定位資料；以及安全使用流動應用程式的貼士。

另外，公署亦特別為流動應用程式開發商發出單張，建議決定在設計和收集智能電話用戶的個人資料時依從保障資料原則；採取「保障資料，全面貫徹」的概念，以尊重智能電話用戶的個人資料；在收集、上載及分享個人資料時，加強保安；查閱智能電話用戶任何個人資料前，徵求用戶的允許是最佳的做法。

下載：

《保障私隱 - 明智使用智能電話》單張
(www.pcpd.org.hk/chinese/publications/files/smartphones_smart_c.pdf)

《保障個人資料私隱：流動應用程式開發商及其委託人須知》資料單張
(www.pcpd.org.hk/chinese/publications/files/apps_developers_c.pdf)

The PCPD released a survey on the privacy awareness among smartphone users in November last year, which revealed that smartphone users are pretty lax in managing, controlling or protecting the personal data on their smartphones.

A total of 1013 smartphone users were interviewed in the survey. Among them, 838 interviewees used either an iPhone or an Android phone. The survey analysis was confined to users of these two major platforms:

- Over 90% of users have installed apps but only 27% of them read and consider the apps privacy policy before installing the apps;
- 57% of apps users do not know what personal data on their phones are accessed by the apps installed;
- 51% of social apps users do not know that their contacts and social relationship data would be uploaded to a central server;
- Only 53% of users take steps to protect their phones and personal data by means such as screen lock and anti-virus software.

Further analysis revealed that the youngest smartphone users (ages 15-20) are the most active users but they are the least concerned or vigilant when it comes to privacy and data protection.

Privacy Commissioner Mr. Allan Chiang alerted consumers at the press conference that to advances in technology and to benefit from them without increased risks to data security. "Apps are often free or very cheap but the real currency could be the personal data users reveal."

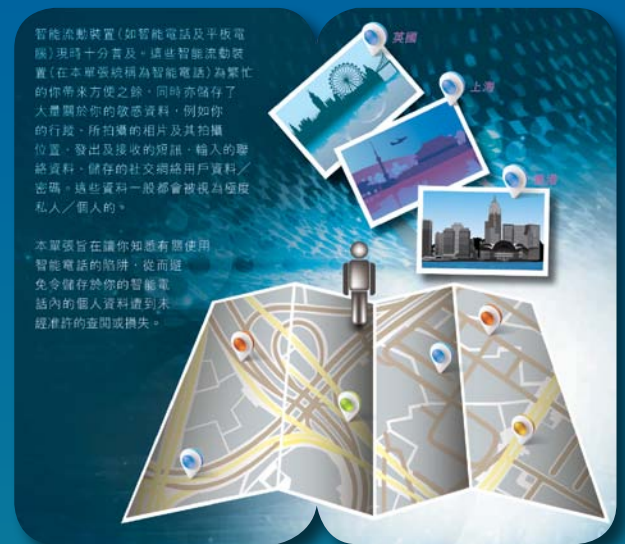
The PCPD has published a leaflet to provide tips to smartphone users, which include protect smartphones and secure data stored in smartphones, safeguard the location information of smartphones and safely use of mobile apps.

Meanwhile, PCPD has also published an information leaflet for smartphone apps developers. The leaflet covers an application of the data protection principles of the Ordinance in designing mobile apps and deciding what information is to be collected from smartphones and their users; the importance of adopting the Privacy by Design approach to respect smartphone users of their personal data; some recommended technical measures for strengthening the protection of personal data after its collection, uploading and sharing; best practice for seeking permission from smartphone users before accessing any personal data on their smartphones.

Download:

Leaflet: Protect Privacy by Smart Use of Smartphones
(www.pcpd.org.hk/english/publications/files/smartphones_smart_e.pdf)

Information Leaflet: Personal data privacy protection: what mobile apps developers and their clients should know
(www.pcpd.org.hk/english/publications/files/apps_developers_e.pdf)



智能流動裝置(如智能電話及平板電腦)現時十分普及。這些智能流動裝置(在本單張被稱為智能電話)為繁忙的你帶來方便之餘，同時亦儲存了大量屬於你的敏感資料，例如你的行蹤、所拍攝的相片及其拍攝位置、發出及接收的短訊、輸入的聯絡資料、儲存的社交網絡用戶資料／密碼。這些資料一般都會被視為極度私人／個人的。

本單張旨在讓你知悉有應使用智能電話的陷阱，從而避免令儲存於你的智能電話內的個人資料遭到未經准許的查閱或損失。

電視劇集《私隱何價》

TV Docu-drama "Privacy Beyond Price"

公署贊助香港電台電視部製作電視劇集《私隱何價》由四十多位藝人參與演出，以戲劇與個案演繹多角度探討私隱被侵犯或非法盜取個人資料的各種情況。一連六集於2012年9月底至11月初在無綫電視翡翠台播出，題材包括：商業利益會否誘使個人私隱被侵犯；員工個人私隱與保障公司利益之間是否存在矛盾；私人機構、政府部門及公共機構處理個人資料時如何確保資料不會外洩；使用電子產品或進行各種網上活動會否存在洩密陷阱；如何平衡公眾利益與個人私隱。每集平均有一百萬名觀眾收看。

The PCPD sponsored an RTHK-produced TV docu-drama series called " Privacy Beyond Price", in which some 40 local actors and actresses introduce the problems of privacy breaches and data theft through drama, with scripts based on real-life cases. The six

episodes feature a range of topics, including privacy infringement committed for commercial gain; employee privacy vs. employer benefits; how private, government and public organisations can prevent data leakage; the risks of data leakage when using electronic products or online devices; and striking a balance between the public interest and the individual's right to data privacy. An average audience of one million was recorded for each episode.

收看劇集 Watch the programmes: <http://rthk.hk/special/privacy2012>



物業管理業保障私隱活動

Privacy Campaign for Property Management Industry

公署正與香港物業管理公司協會合辦物業管理業保障私隱活動，目的是加強物業管理從業員在日常工作中對保障個人資料的認識。

這項為期6個月的活動，以「提昇優質管理 保障住戶資料」為主題。在活動期間，公署人員會為物業管理公司舉辦培訓講座，亦會特別為業界製作一份精美的告示版，提醒物業管理從業員在他們工作中應注意有關保障個人資料私隱的事項，告示版稍後將派發予各物業管理公司。

The PCPD and the Hong Kong Association of Property Management Companies are jointly running the Privacy Campaign for Property Management Industry. It aims to raise the property management practitioners' awareness of protecting personal data in their daily work.

During the 6-month period of the Campaign, the PCPD organises seminars for individual property management companies. The PCPD will also produce a Data Protection Notice to remind property management practitioners of the points to note in personal data protection. Copies of the Data Protection Notice will be distributed to the property management companies.

大學保障私隱活動

University Privacy Campaign Continues

今年的大學保障私隱活動於2012年12月至2013年3月期間舉行，公署於香港理工大學、香港科技大學、香港浸會大學、香港城市大學、香港中文大學和香港大學校園內舉辦大學保障私隱活動，以講座、展覽及問答遊戲方式，向師生介紹保障個人資料私隱及條例修訂影響。

Our University Privacy Campaign is being staged from December 2012 to March 2013 on the campuses of the Hong Kong Polytechnic University, the Hong Kong University of Science & Technology, Hong Kong Baptist University, City University of Hong Kong, the Chinese University of Hong Kong and the University of Hong Kong. The purpose of the campaign, which includes seminars, exhibitions and quizzes, is to promote awareness among university students and staff of privacy protection, as well as to explain implication of the changes in the Ordinance.



「保障私隱 全面貫徹」研討會 Privacy by Design Conference

超過260人參加公署於2012年6月13日主辦的「保障私隱 全面貫徹」(Privacy by Design)研討會，聽取專家分享如何把私隱保障作為預設概念，融入機構的資訊及通訊科技系統設計，以貫徹機構在履行保障個人資料私隱方面的責任。

「保障私隱 全面貫徹」亦致力鼓勵私隱成為機構的優先處理事項、計劃目標及工作標準。這概念涵蓋整個機構的業務守則、營運程序、產品和服務設計、實體及網絡基礎設施

這個研討會是香港保障私隱領域的盛事。公署邀請了海外和本地著名嘉賓演講，包括澳洲、加拿大、美國聯邦貿易委員會及新西蘭的私隱專員，及保障私隱的專家和顧問。



Over 260 professionals and business executives attended the Privacy by Design Conference the PCPD hosted on 13 June 2012. Speakers provided advice on embedding privacy as a default setting or condition in the design, operation and management of information and communications systems.

It is a holistic concept that may be applied throughout an organisation, covering business practices, operational processes, product and service design, physical architectures and networked infrastructure.

The conference was a privacy landmark event in Hong Kong as a panel of distinguished speakers were lined up, including the Privacy Commissioners of Australia, Canada, Federal Trade Commission (United States) and New Zealand, as well as international consultants and local privacy professionals.

主持亞太區私隱機構論壇 Hosting the APPA Forum in Hong Kong



公署於2012年6月14及15日在香港主持第三十七屆「亞太區私隱機構」論壇。在兩日會議中，來自10個國家/地區的成員機構代表就保障個人資料私隱的跨境政策、教育及執法事宜交流經驗，課題觸及Google的新私隱政策、查閱公共登記冊的資訊及使用智能電話流動程式的私隱風險等。

The PCPD hosted the 37th Asia Pacific Privacy Authorities (APPA) forum in Hong Kong on 14-15 June 2012. Delegates from 10 countries/regions exchanged views and shared their experience in cross-border policy, education, and enforcement issues. The forum covered topics like Google's new privacy policy, access to information on public registers vs. privacy, and privacy risks associated with smart phone applications.

了解更多亞太區私隱機構 More about APPA: www.privacy.gov.au/aboutus/international/appa

與CIPP代表會晤 Meeting with CIPP representatives

私隱專員蔣任宏先生於2012年9月17日在香港與美國資訊私隱專業認證機構(CIPP/US)的主席及行政總裁Mr. J. Trevor Hughes(右)會晤，向他介紹公署的工作。CIPP/US於2004年成立，為美國首個在資訊私隱領域的專業認證機構，目前是國際私隱專業人員協會(IAPP)轄下最大的教育項目，數千成員為保障個人資料私隱方面的專業人員。

Privacy Commissioner Mr. Allan Chiang met with Mr. J. Trevor Hughes (Right), President & CEO of International Association of Privacy Professionals Certified Information Privacy Professional /United Stated(CIPP/US), in Hong Kong on 17 September 2012, to explore introduction of the programme of the CIPP/US programme. The programme, launched in October 2004, was the first professional certification ever to be offered in information privacy. It remains the International Association of Privacy Professionals' single largest educational programme, with several thousand CIPP/US-certified professionals working in the field.



聯會活動 DPOC activities



條例修訂簡介會及講座

因應條例修訂，公署在2012年9月12日及2013年1月22日，分別為會員舉辦了《2012年個人資料(私隱)(修訂)條例》簡介會，及「直接促銷的新規管機制」的講座，讓會員對修訂條例掌握第一手資訊。

招收新一年度聯會會員

由公署成立的「保障資料主任聯會」，成員為各行各業負責協調及推動保障個人資料的人士。現在有200個機構共357名會員參加。

聯會定期舉辦聚會，討論有關私隱問題、公署活動、最新投訴個案，探討各大機構遵守條例的經驗，並且可以優惠價參加公署活動(例如專業研習班)或購買公署刊物。

Briefing and Seminar on the Amendment Ordinance

In order to provide members with first-hand information on the Personal Data (Privacy) (Amendment) Ordinance 2012, the PCPD conducted one seminar giving an overview of the new provisions on 12 September 2012 and another one entitled "New Regulatory Regime of Direct Marketing" on 22 January 2013.



Join the Data Protection Officers' Club Now

The Club provides a channel for two-way communication between the PCPD and data-protection officers from a broad range of organisations. Currently there are 200 organisations and 357 individual members.

The Club meets regularly to discuss relevant topical issues, PCPD activities, the latest PCPD complaint investigations, and compliance checks. Members enjoy a discounted rate on PCPD publications and activities (e.g. professional workshops).

新一年的會籍將於2013年4月1日開始，要了解報名及續約詳情，請即到 www.pcpd.org.hk/chinese/activities/dpoclub.html。

The new DPOC membership will be commenced on 1 April 2013. For details of enrollment and renewal, please visit www.pcpd.org.hk/english/activities/dpoclub.html.



講座與研討會 Speaking Engagements

為促進各界對條例的認識、理解及遵守，專員及公署職員於2012年下半年多次發表演說：

To promote the awareness and understanding of, and compliance with the provisions of the Ordinance, the Commissioner and his colleagues spoke at various occasions in the second half of 2012.

2012.6.5

公署資訊科技顧問張宗頤博士在「2012亞洲國際防火、保安及安全系統會議：個人資料保障講座」上發言。

Dr. Henry Chang, Information Technology Advisor of the PCPD gave a talk at the "Personal Data Protection seminar - Asian Securitex 2012".



2012.6.16

私隱專員蔣任宏先生在澳門個人資料保護辦公室舉辦的講座上發言，題目為「在公眾利益與私隱權之間作出平衡」。

Privacy Commissioner Mr. Allan Chiang delivered a speech on the topic of "Balance between Public Interest and Rights of Privacy" at the seminar organised by the Office for Personal Data Protection, Macao.

2012.6.27

公署資訊科技顧問張宗頤博士在香港互動市務商會舉辦的「品牌建立及危機管理會議」上發言，題目為「The Four P's of Brand Building」。

Dr. Henry Chang, Information Technology Advisor of the PCPD delivered a talk on "The Four P's of Brand Building" at the "eCMO Conference 2012 - Brand Building & Crisis Management" organised by the Hong Kong Association of Interactive Marketing.

2012.9.12

私隱專員蔣任宏先生在International Association of Privacy Professionals及德勤•關黃陳方會計師行舉辦的活動 "Privacy After Hours" 上發表演講。

Privacy Commissioner Mr. Allan Chiang gave a briefing on "Privacy After Hours" Event organised by International Association of Privacy Professionals and Deloitte Touche Tohmatsu.

2012.10.22-24

私隱專員蔣任宏先生出席在烏拉圭舉行的第三十四屆「國際資料保障及私隱專員研討會」。他參加了專題討論，跟與會者從公民社會發展角度探討國際間消費者行使私隱權的情況；他亦在私隱規管模式的全體會議上發言。

Privacy Commissioner Mr. Allan Chiang attended the 34th International Conference of Data Protection and Privacy Commissioners in Uruguay. He participated in the Public Voice Panel titled "Civil Society Perspectives on International Approaches to Consumer Privacy Rights Enforcement" and spoke at the plenary session on "Privacy Regulation Model".





2012.11.7

公署資訊科技顧問張宗頤博士在政府資訊科技總監辦公室舉辦的會議上發言，講述流動程式開發的個人資料私隱保障。

Dr. Henry Chang, Information Technology Advisor of the PCPD spoke about "Personal Data Protection in Mobile Apps Development" at the "Mobile App Development with Security and Data Privacy in Mind" organised by the Office of the Government Chief Information Officer.

2012.11.9

署理首席個人資料主任胡美麗女士在澳門個人資料保護辦公室主辦的「直銷與個人資料保護研討會」上發言，題目為「香港對直銷的私隱規範」。

Acting Chief Personal Data Officer Ms. Vanessa Wu spoke at the "Seminar on Direct Marketing and Protection of Personal Data" organised by the Office for Personal Data Protection, Macao on the topic "Privacy Requirements of Direct Marketing in Hong Kong".



2012.11.13

公署資訊科技顧問張宗頤博士在Keynote World Media舉辦的「Cloud World Forum Asia」論壇上發言。

On 13 November 2012, Dr. Henry Chang, Information Technology Advisor of the PCPD spoke at the "Cloud World Forum Asia" held by the Office of Keynote World Media.

2012.12.3

公署資訊科技顧問張宗頤博士在香港無線科技商會及香港生產力促進局舉辦的「Connected Anywhere」研討會上發言，題目為「保護私隱 提升商機」。

Dr. Henry Chang, Information Technology Advisor of the PCPD delivered a talk on "Protect Privacy, Explore Business Opportunities" at the "Connected Anywhere". The conference was jointly organised by the Hong Kong Wireless Technology Industry Association and Hong Kong Productivity Council.

2012.12.6

公署資訊科技顧問張宗頤博士在香港互動市務商會舉辦的社交網絡研討會上發言，題目為「Ten thousand people, maybe more. People tracked without knowing」。

Dr. Henry Chang, Information Technology Advisor of the PCPD delivered a talk on the topic of "Ten thousand people, maybe more. People tracked without knowing." at the "Social 2.3 Conference" organised by the Hong Kong Association of Interactive Marketing.



榮獲「申訴專員嘉許獎」 Winning the Ombudsman's Award



申訴專員黎年先生(左)頒發「申訴專員嘉許獎」公職人員獎獎座予潘潔霖女士

The Ombudsman, Mr. Alan Lai (left) presents the trophy of The Ombudsman's Awards for Officers of Public Organisations to Ms. Natalie Poon

私隱專員公署署理高級個人資料主任潘潔霖女士，於2012年10月31日舉行的「2012申訴專員嘉許獎頒獎典禮」上獲頒公職人員獎。該獎項設立的目的，是表揚在處理投訴方面達到專業水平的政府部門及公營機構，同時在公共服務範疇推動正面的服務文化。

潘女士對獲獎表示高興，她的心得是：耐心聆聽及同理心是處理市民投訴的重要條件，讓他們明白到我們理解其感受及其投訴。

Acting Senior Personal Data Officer Ms. Natalie Poon has been awarded with the Ombudsman's Award 2012 for Officers of Public Organisations at Ombudsman's Awards Presentation Ceremony on 31 October 2012. The Ombudsman's awards aim to acknowledge professionalism in handling complaints and to foster a positive culture of service in the public sector.

Natalie is happy to receive the reward and share the experience: "Be a good listener and show empathy to the complainants. Let them know we understand their feelings and value their complaints."

公署長期服務獎2012

PCPD Long Service Recognition Award 2012

公署舉行職員長期服務頒獎禮，以表揚 12 位服務滿 10 年及 15 年的資深職員。公署過去的迅速發展，有賴他們的長期竭誠服務。

The PCPD Long Service Recognition Award Presentation Ceremony was held to honor 12 staff members who have served the office for over 10 and 15 years. Their hard work and dedication contributed to the PCPD's rapid development.

服務公署 15 年的同事 Staff with 15 years' service are



郭美玲女士
Ms. Brenda Kwok



李潔霞女士
Ms. Becky Lee



唐月娥女士
Ms. Kitty Tong



張葉泉先生
Mr. Richard Cheung



關偉權先生
Mr. W. K. Kwan

晉升職員與專員合照
The Commissioner
announced promotion
of the following staff



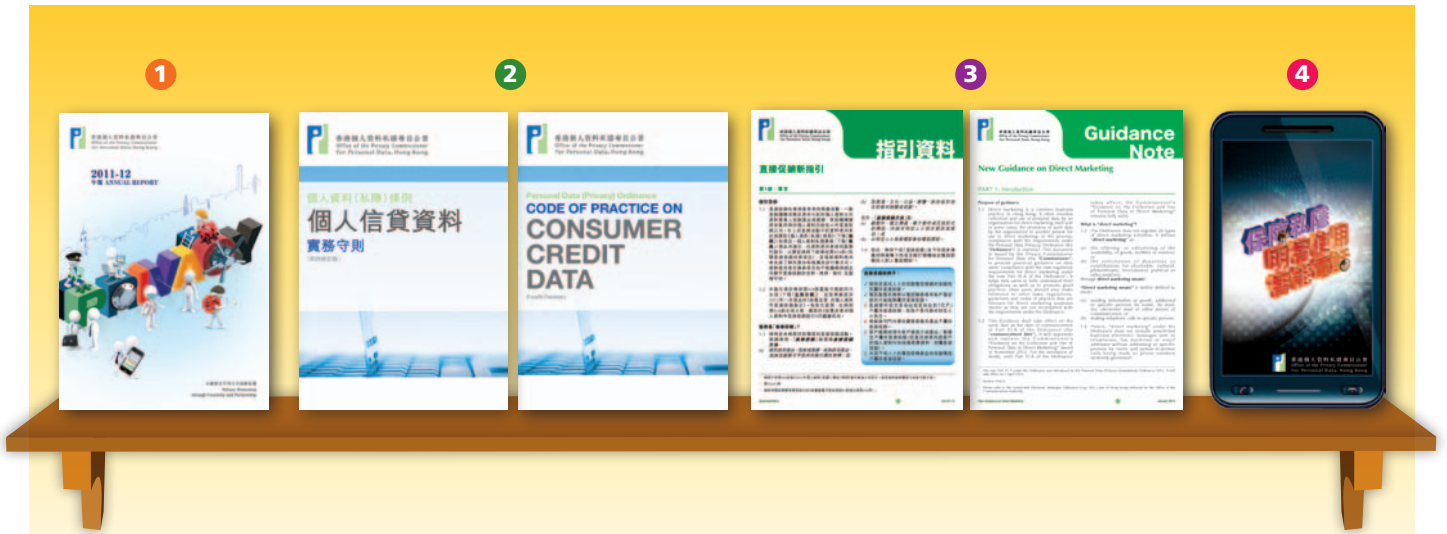
黃天賦先生 (個人資料主任)
Mr. Michael Wong (Personal Data Officer)



姚淑貞女士 (副私隱專員行政助理)
Ms. Jenny Yiu (Executive Assistant to the Deputy
Privacy Commissioner for Personal Data)



新出版刊物 New Publications



公署 2011 至 2012 年報 ①

《個人信貸資料實務守則》(2013 年 1 月修訂版) ②

指引資料：

- 妥善處理客戶個人資料：給保險業界的指引
- 資料使用者如何妥善處理改正資料要求
- 直接促銷新指引 ③

資料單張：

- 網上行為追蹤
- 《2012 年個人資料(私隱)(修訂)條例》主要條文概覽
- 外判個人資料的處理予資料處理者
- 披露未經資料使用者同意而取得的個人資料的罪行
- 雲端運算----- 機構在採用雲端服務前應評估雲端運算對資料私隱保障的利弊和風險。如選擇把個人資料的處理由機構內部資訊科技設施轉移至雲端，機構應保障資料當事人交託他們的個人資料。
- 保障個人資料私隱：流動應用程式開發商及其委託人須知

單張：

- 保障私隱 - 明智使用智能電話 ④
- 根據《個人資料(私隱)條例》提出民事申索的法律協助
- 根據《個人資料(私隱)條例》行使你同意及拒絕直接促銷活動的權利(修訂版)

瀏覽電子版：www.pcpd.org.hk > 出版刊物及錄影帶或歡迎到公署辦事處索取。

PCPD Annual Report 2011-12 ①

Code of Practice on Consumer Credit Data (January 2013 Edition) ②

Guidance Notes:

- Guidance on the Proper Handling of Customers' Personal Data for the Insurance Industry
- Guidance on the Proper Handling of Data Correction Request by Data Users
- New Guidance on Direct Marketing ③

Information Leaflets:

- Online Behavioural Tracking
- An Overview of the Major Provisions of the Personal Data (Privacy) (Amendment) Ordinance 2012
- Outsourcing the Processing of Personal Data to Data Processors
- Offence for disclosing personal data obtained without consent from the data user
- Cloud Computing – Organisations must take care to fully assess the benefits, risks and implications for privacy and data protection before engaging cloud services. We published the Information Leaflet with the aim to sensitise potential cloud customers on what specific areas they should pay particular attentions to in order to uphold the protection of personal data entrusted to them by data subjects, should they choose to transfer their personal data processing from their in-house IT facilities to the cloud
- Personal data privacy protection: What Mobile Apps Developers and their Clients should know

Leaflets:

- Protect Privacy by Smart Use of Smartphones ④
- Legal assistance for civil claims under the Personal Data (Privacy) Ordinance
- Exercising Your Right of Consent to and Opt-out from Direct Marketing Activities under the Personal Data (Privacy) Ordinance (Revised version)

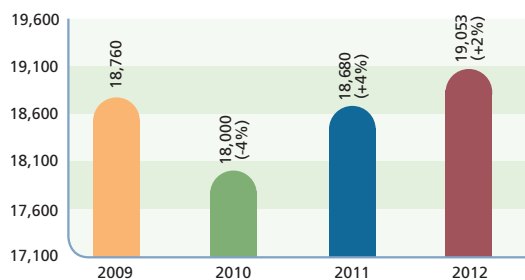
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www.pcpd.org.hk

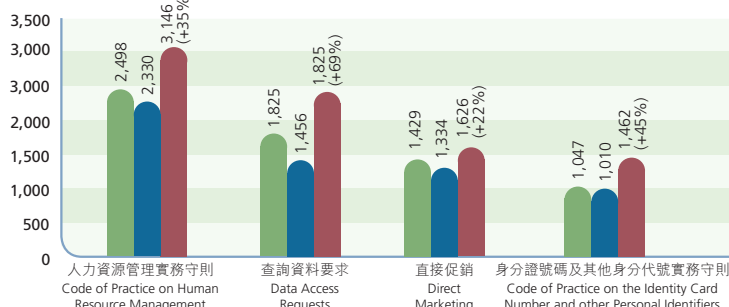
查詢及投訴數字

Statistics on Complaints & Enquiries

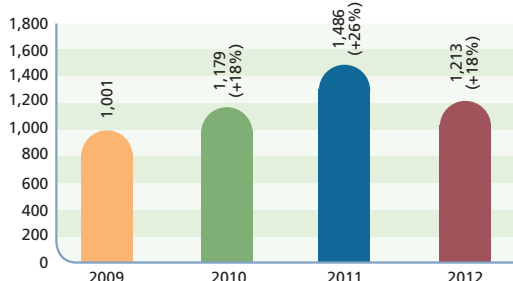
查詢數字
Number of Enquiry Cases



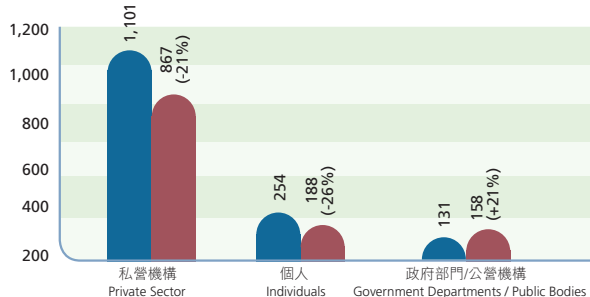
查詢性質
Nature of Enquiries



總投訴數字
Number of Complaint Cases



被投訴者類別
Types of Parties Complained Against



活動日誌 (2013年2月-7月)

Event Calendar (February - July 2013)

保障私隱學生大使計劃2013 Privacy Protection Student Ambassador Programme 2013

Facebook專頁 -

www.facebook.com/StudentMoveUp
www.facebook.com/pcpdambassador

- 2013.4.14 專題研習報告簡報會
Project Presentation
- 2013.4.28 保障私隱學生大使計劃2013年頒獎禮
Award Presentation of Student Ambassador Programme 2013

2013.4.28 - 2013.5.4

私隱關注運動2013 Privacy Awareness Week 2013

- 2013.4.28 「私隱關注運動2013」開展儀式
"Privacy Awareness Week 2013"
Inauguration Ceremony

2012.12.4 - 2013.3.19

大學保障私隱活動2012/13 University Privacy Campaign 2012/13

- 2013.2.20-21 香港科技大學 The Hong Kong University of Science & Technology
- 2013.2.25-26 香港浸會大學 Hong Kong Baptist University
- 2013.2.27-28 香港城市大學 City University of Hong Kong
- 2013.3.7-8 香港中文大學 The Chinese University of Hong Kong
- 2013.3.18-19 香港大學 The University of Hong Kong

歡迎報名參加!

Join Our Talks Workshops and Seminars!

保障個人資料專業研習班
Professional Workshops on Data Protection

保護個人資料私隱 - 日常生活與善用科技講座系列
Protection of Personal Data Privacy - Talk Series on the Proper Use of Technology in Daily Life

《個人資料(私隱)條例》簡介講座 (每兩星期舉行)
"Introduction to the Personal Data (Privacy) Ordinance"
Seminar (held bi-weekly)

詳情 Details : www.pcpd.org.hk



私隱專員公署通訊 讀者意見調查 PCPD News Readership Survey

請將填妥的問卷傳真至 2877 7026，或電郵 enquiry@pcpd.org.hk。領取紀念品之通知將以電郵方式發出。

Please return the completed questionnaire by fax: 2877 7026 or via email: enquiry@pcpd.org.hk. Notification of souvenir redemption will be made via email.

為了瞭解讀者對於《私隱專員公署通訊》內容的滿意程度和需要，我們誠邀您用數分鐘填寫以下的問卷，您的寶貴意見將會是我們重要的參考依據。您填寫的所有資料絕對保密，所得數據及資料將會用作總彙整理分析，和聯絡領取紀念品之用。謝謝！

首 100 名遞交問卷的人士，可獲精美環保袋乙個。

In order to understand how readers like the PCPD News and their needs, we would like you to spare a few minutes to fill out the questionnaire. Your views will help us improve. All information provided in the survey will be kept strictly confidential and will be referred to in aggregate form and for the purpose of contact for collection of souvenir only.

The first 100 readers who revert will be offered an environmental bag.

1. 你是否因工作需要而閱讀這份通訊？

Do you read the PCPD News because of work requirement?

是 Yes 否 No

2. 你最喜歡哪個欄目？

Which of the following sections do you like reading?

	每期會閱讀 How much do you read			滿意程度 Satisfaction				
	經常 Always	間中 Sometimes	甚少 Rarely	非常滿意 Very Satisfied	滿意 Satisfied	一般 Average	不滿意 Dissatisfied	非常不滿意 Very dissatisfied
封面專題 Cover Story	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
調查報告 / 循規審查 Investigation Reports/ Compliance Checks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
公署消息 News from the PCPD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
保障資料主任聯會消息 DPOC News	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
講座與研討會 Speaking Engagements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
公署員工嘉許及晉升 Staff Commendation & Promotion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
查詢及投訴數字 Statistics on Complaints & Enquiries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
新出版刊物 New Publications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
活動日誌 Event Calendar	不適用 Not Applicable			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. 你認為可以增加哪些內容？

What other additional content would you like to see covered in this newsletter?

- | | |
|---|---|
| <input type="checkbox"/> 人物訪問 Profile | <input type="checkbox"/> 法例新知 Update of privacy law |
| <input type="checkbox"/> 資訊科技/使用互聯網與個人資料私隱
IT/use of the Internet & Data Privacy | <input type="checkbox"/> 個案摘要 Case Notes |
| <input type="checkbox"/> 良好行事方式分享 Good Practice | <input type="checkbox"/> 其他(請註明) Other (please specify) _____ |

4. 你覺得《私隱專員公署通訊》的質素怎樣？

How would you rate the PCPD News in the following areas?

選題 Topics	很好 Excellent	1	2	3	4	5	很差 Poor
文筆 Writing style	很好 Excellent	1	2	3	4	5	很差 Poor
印刷 Printing quality	很好 Excellent	1	2	3	4	5	很差 Poor
內容 Attributes							
提升私隱保障的知識 Enhancing knowledge of privacy protection	有用 Useful	1	2	3	4	5	沒有用 Not Useful
應用在工作 Apply to work	有用 Useful	1	2	3	4	5	沒有用 Not Useful
應用在生活 Apply to daily life	有用 Useful	1	2	3	4	5	沒有用 Not Useful
加深認識公署 Better understand PCPD	有用 Useful	1	2	3	4	5	沒有用 Not Useful

5. 所屬行業 Field of work :

- | | |
|---|---|
| <input type="checkbox"/> 法律 Legal | <input type="checkbox"/> 銀行及金融 Banking & Finance |
| <input type="checkbox"/> 資訊科技 IT | <input type="checkbox"/> 電訊 Telecommunication |
| <input type="checkbox"/> 教育 Education | <input type="checkbox"/> 零售 / 市場推廣 Retail/Marketing |
| <input type="checkbox"/> 人事管理 HR Management | <input type="checkbox"/> 政府及有關機構 Government & Government Related Organisation |
| <input type="checkbox"/> 其他(請註明) Other (please specify) _____ | |

6. 你是否保障資料主任聯會的會員？

Are you currently a DPOC member?

- 是 Yes 否 No

7. 其他意見:

Other comments:

聯絡資料 Contact Information (可選擇是否填寫 Optional)

姓名 Name:

電郵 Email Address:

注意事項 Remarks :

本問卷內提供的資料及/或個人資料(如有)只作統計及聯絡領取紀念品之用。你有權隨時查閱及改正本公署持有關於你的個人資料(如有)。如你欲行使上述權利,請與本公署經理(機構傳訊)聯絡。

Information and/or personal data (if any) provided in this survey will only be used for the purposes of compilation of statistics and contact for collection of souvenir. You have rights of access and correction with respect to your personal data (if any) held by us. If you wish to exercise these rights with respect to your personal data, please contact the Manager (Corporate Communications) of this Office.

End of survey. Thank you!
問卷完。多謝!