

# 使命

## Mission Statement

致力推廣、監察及監管，促使各界人士遵從《個人資料（私隱）條例》，確保市民的個人資料私隱得到保障。

To secure the protection of privacy of the individual with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance.

# 公署策略與主要目標

## Strategies and Key Goals of the PCPD

	執法 Enforcement	監察及監管符規 Monitoring and Supervising Compliance
策略 Strategies	<ul style="list-style-type: none"> <li>• 確保公正、公平和具效率的運作</li> <li>• 獨立、不偏不倚、無畏無懼地行事</li> <li>• 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任</li> <li>• 與海外的保障資料機構合作處理跨境的私隱問題</li> <li>• Ensure equity, fairness and operational efficiency</li> <li>• Act independently, impartially and without fear or favour</li> <li>• Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers</li> <li>• Partner with overseas data protection authorities for handling cross-border privacy issues</li> </ul>	<ul style="list-style-type: none"> <li>• 主動調查私隱風險顯著的範疇</li> <li>• 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任</li> <li>• 與海外的保障資料機構合作處理跨境的私隱問題</li> <li>• Proactively investigate into areas where the privacy risks are significant</li> <li>• Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers</li> <li>• Partner with overseas data protection authorities for handling cross-border privacy issues</li> </ul>
主要目標 Key Goals	<ul style="list-style-type: none"> <li>• 調查投訴個案，具效率及持平地解決個案</li> <li>• 專業而有效率地回應查詢</li> <li>• 接納符合審批條件的法律協助申請，讓個人資料私隱受侵犯的申索人士獲得補償</li> <li>• Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned</li> <li>• Enquiries are responded to professionally and efficiently</li> <li>• Meritorious applications for legal assistance are entertained and aggrieved individuals compensated</li> </ul>	<ul style="list-style-type: none"> <li>• 促使機構履行保障個人資料的責任和採納良好的保障私隱行事方式</li> <li>• Organisational data users meet their data protection obligations and adopt good privacy practices</li> </ul>

## 推廣 Promotion

- 促進社會各界全面參與保障私隱
- 倡導機構不應止於法例最低要求，實踐最佳行事方式，提升水平
- 利用出版和傳媒，發揮廣泛的宣傳和教育效用
- 走進社區，特別多接觸年青人
- 藉調查個案所得的啟示，教育資料使用者和資料當事人
- Be proactive in seeking the holistic engagement of stakeholders
- Promote best practices among organisational data users on top of meeting minimum legal requirements
- Maximise publicity and education impact through publications and media exposure
- Engaging the community, in particular, young people
- Use lessons learnt from investigations as a means of educating data users and data subjects
- 公眾認識在條例下享有資料當事人的權利，以及如何行使有關權利
- 公、私營機構皆認識在法例下資料使用者的責任，並付諸實行
- 讓公眾和公、私營機構都認識公署的角色及可提供的支援
- Individuals are aware of their rights as data subjects under the Ordinance and how to exercise them
- Public and private sector organisations are aware of their obligations as data users under the Ordinance and how to meet them
- Individuals and public and private sector organisations are aware of the role of the PCPD and how we can assist them

## 機構管治 Corporate Governance

- 奉行具透明度和問責性的原則
- 善用資源以達致經濟效益、效率及效用
- 精簡工作程序
- 在訂立工作的優先次序方面，採取「選擇性而具成效」的方針，優先處理影響最廣泛的工作
- 建立及維持忠心和專業的團隊
- Adhere to the principles of transparency and accountability
- Maximise utilisation of resources to achieve economy, efficiency and effectiveness
- Make continuous efforts to streamline work procedures
- Apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact
- Build and maintain a loyal and professional team
- 達致高水平的管治
- Achieve high standards of corporate governance

# 私隱專員的話

## Privacy Commissioner's Message

蔣任宏  
個人資料私隱專員  
Allan CHIANG  
Privacy Commissioner  
for Personal Data



### 樂見保障個人資料 成為企業管治一環

*Embrace Privacy and Data Protection as  
part of Corporate Governance*

《個人資料（私隱）條例》（「條例」）在 1996 年，即大約 17 年前起便開始在港推行。然而，我認為多年來私隱及資料保障這課題，仍然未得到應有的重視。一直以來，私隱及資料保障在機構業務的優先次序中，都置於非常低的位置。但隨着時代轉變，這策略已經行不通了。

*The Personal Data (Privacy) Ordinance ("the Ordinance") came into force some 17 years ago, in 1996. However, for many years thereafter, privacy and data protection, in my view, remained a subject that was not given the attention that it deserved. It was traditionally accorded a very low, if any, priority in an organisation's business agenda. This is no longer a viable strategy, as times have changed.*

## 私隱保障形勢正在轉變

首先，當年香港是亞洲區首個司法管轄區，訂立專門的個人資料私隱法例。到了 2014 年，區內已經有其他 11 個司法管轄區有相類的法例，全球更是最少已有 104 個司法管轄區已經推行了保障資料的法例。這個趨勢反映公眾逐漸確認私隱是一項基本人權。

在現今的數碼紀元，資訊及通訊科技日新月異且應用極普及，即使是收集及使用龐大數量的個人資料，都可以在彈指之間完成，資料保障法例更需要應付這些新挑戰。

在私營機構方面，建基於個人資料的新商業模式不斷冒起。資訊及通訊科技的創新及應用，例如互聯網、社交網絡、物聯網、流動應用程式、大數據及雲端運算，無疑帶來了超乎我們想像的巨大經濟及社會價值，以及加強了企業的生產力及競爭力。

在公營機構方面，政府及很多公共機構同樣也利用資訊及通訊科技，更有效率地處理個人資料，從而執行職責或改善提供公共服務的能力。他們也越來越多使用互聯網、社交網絡平台及流動應用程式來向市民提供資訊，及與公眾溝通；與此同時，他們亦可以經由這些媒體收集個人資料。

斯諾登於 2013 年揭露了美國國家安全局的大規模監察群眾一事，更提高了公眾對保障個人私隱權利的意識，並且喚起了全球關注到國家及私營機構監察活動侵蝕個人私隱權利。

## Changing privacy landscape

First, while Hong Kong was the first jurisdiction in Asia to have a dedicated piece of legislation on personal data privacy, by 2014, 11 other jurisdictions in the region had similar legislation. Globally, at least 104 jurisdictions have enacted data protection laws. This trend reflects the growing public recognition of privacy as a fundamental human right.

It also underpins the challenges generated by the pervasive use of new information and communications technologies (“ICTs”) in today’s digital society, which has enabled the collection and use of vast amounts of personal data with phenomenal ease and efficiency.

In the private sector, new business models built on personal data are on the rise. No doubt, ICT innovations and applications such as the internet, social networking, the internet of things, mobile apps, big data and cloud computing have been of great economic and societal value, and have enhanced the productivity and competitiveness of enterprises in ways we could never have imagined.

In the public sector, it is obvious that the government and many public bodies are also taking advantage of ICT to accomplish their mandates or improve their ability to deliver public services through more effective processing of personal data. They are increasingly using the internet, social networking sites and mobile apps to inform and engage the public, and in so doing, they have the potential to collect personal data via these media.

Importantly, Edward Snowden’s revelations in 2013 of mass surveillance by the United States National Security Agency have raised public awareness of individuals’ privacy rights and prompted worldwide concern about the erosion of such rights by state and private sector surveillance activities.

香港的機構在處理私隱及資料保障方面，該何去何從？我至少可以說，仍然是大有改善空間…… 只有被發現犯下錯誤時，才會正視私隱問題。最高領導層極少參與……

**Where do organisations in Hong Kong stand in terms of managing privacy and data protection. To say the least, there is definite room for improvement... Privacy concerns were addressed seriously only when mistakes had been made and identified. Top management was seldom involved...**

### 得過且過的取態不再可行

在這瞬息萬變的私隱保障形勢下，香港的機構在處理私隱及資料保障方面，該何去何從？我至少可以說，仍然是大有改善空間。

我在過去四年作為規管者的經驗，見到許多機構在保障私隱方面，都是傾向於採取被動。他們的處事方式是寧做回應不做主動，寧做補救不做預防；只有被發現犯下錯誤時，才會正視私隱問題。最高領導層極少參與，事件往往只是交由法律及循規職系人員處理，而後者多數會採取得過且過的取態，僅遵守條例下的最基本求。

### 八達通事件

一個突出的例子，就是在 2010 年發生，公眾嘩然的八達通事件。該公司營運約 240 萬名顧客資料的顧客積分獎賞計劃時，違反了條例下的多項規定。特別是該公司未經顧客同意，收取金錢利益，把他們的個人資料轉移給多間夥伴機構作為推銷產品及服務之用，此舉引起了社會強烈抗議。八達通後來在媒體上登廣告，就事件作出總結，仍堅持他們出售個人資料是「於法有據，但於情不合」，承認未能符合社會的期望。我當然不同意八達通公司有關抗辯，但八達通學懂了顧客對私隱的期望可助其制訂業務策略，並且宣佈再不會從事類似的不當行為，我亦感到欣慰。

### Minimalist approach to managing privacy and data protection no longer viable

Against this fast-evolving privacy landscape, where do organisations in Hong Kong stand in terms of managing privacy and data protection. To say the least, there is definite room for improvement.

My regulatory experience in the past four years has witnessed that many organisations tended to adopt a rather passive approach to privacy protection. They were reactive instead of proactive, and remedial instead of preventative. Privacy concerns were addressed seriously only when mistakes had been made and identified. Top management was seldom involved, if at all. The subject was delegated to the organisation's legal and compliance staff. More often than not, this led to the adoption of a minimalist approach, which was concerned just with meeting the legal requirements set out in the Ordinance.

### Octopus incident

One prominent example was the infamous Octopus incident of 2010. In running its customer-loyalty programme with a database of 2.4 million subscribers, the company committed a number of contraventions under the Ordinance. In particular, without its customers' consent, it transferred their personal data to a number of partner companies for use in the marketing of the latter's products and services, and received monetary gains in return. Not surprisingly, this led to a public outcry. In its concluding remarks to the case, promulgated widely in media advertisements, Octopus maintained that its sale of personal data was legal, but admitted it had failed to meet the aspirations of the community. I certainly disagree with Octopus's legal defence. But I am glad that Octopus learnt that its customers' privacy expectations should be instrumental in formulating its business strategy and declared that it would not engage further in such malpractices.



## 百佳的「易賞錢計劃」

另一個明顯的例子，亦是來自一個顧客會員計劃－由百佳營運、坐擁大約 160 萬會員資料的「易賞錢計劃」。它犯上八達通同一個錯誤，收集顧客的部分身份證號碼以作核對會員身份之用，但其實顧客的其他聯絡資料已足以起核實作用。它還採用了八達通用過的籠統辭彙來說明何謂「資料承轉人」，例如「附屬公司」、「夥伴」、「聯營公司」、「第三方」及「向本公司負有保密責任的任何其他人士」。顧客看了這些辭彙，根本無從得知這些第三者的業務性質，更未能掌握足夠資訊，來決定是否接受自己的資料被轉移。

在調查過程中，整件事件看來只是由該公司的法律職系員工來處理。而即使違規之處彰彰可據，他們仍未明白需要立即亡羊補牢。他們收到公署發出的違規決定後，第一反應是向行政上訴委員會上訴。直到公署在 2012 年 10 月發表調查報告，把個案曝光後，該公司的態度才有所改變，管理高層始警覺到事態嚴重而發表新聞稿，正面地表示想要積極主動保障客戶的資料。隨後亦即撤銷了有關上訴。

## 狗仔隊造成的侵犯私隱問題

另一個案例是關於我在 2012 年 3 月，就三名電視藝人對兩本娛樂雜誌《忽然一周》及《FACE》的投訴所作的裁決。有關雜誌社在三、四日內，有系統地監察及使用遠鏡頭攝影偷拍藝人家居的日常生活及親密行為。有關雜誌後來更刊登了這些照片，當中包括投訴人一張全身赤裸照。

我裁定在上述情形下偷拍這些照片，構成不公平收集個人資料，並指示有關雜誌社從其資料庫及網站刪除有關照片，及要就系統性監察、以隱蔽方式及／或遠距離拍攝來收集個人資料制訂私隱指引，要求員工知所遵從。

## “MoneyBack Programme” by PARKnSHOP

Another notable example was the “MoneyBack Programme” operated by PARKnSHOP, another customer loyalty programme with about 1.6 million members. It repeated the Octopus mistake of collecting its customers’ partial identity card numbers for member authentication, when other contact information already sufficed for that purpose. Further, it continued to use the same vague terms that Octopus once adopted to define the third parties to whom the data would be transferred, such as “subsidiaries”, “partners”, “affiliates”, “third parties” and “any other persons under a duty of confidentiality to us”. These terms gave no clue to its customers as to the nature of the business of the third parties, and therefore did not allow them to make an informed choice on whether or not to accept such data transfers.

Throughout the investigation, it appeared to us that only the company’s legal staff was involved. Despite the blatancy of the privacy contraventions, the company did not see the need to take prompt remedial action to remedy the situation. Upon receipt of our determination that they had contravened the law, their immediate reaction was to file an appeal with the Administrative Appeals Board. Only when the investigation report was published in October 2012 and the case was put in the glare of the public spotlight was there a change in the company’s attitude. Their senior management, who seemed to have been alerted to the incident for the first time, issued a media statement sending a positive message that they “definitely want to be proactive in protecting (their) customers’ data ...” They dropped their appeal soon afterwards.

## Privacy intrusion by paparazzi

A further example concerns a determination I made in March 2012 regarding complaints by three TV artistes against two gossip magazines, namely, Sudden Weekly and Face Magazine, concerning the use of systematic surveillance and telescopic lens photography to take clandestine photographs of the artistes’ daily lives and intimate acts within their private residences over a period of three to four days. These photos, including one showing one of the complainants in an undressed state, were published in the magazines.

I ruled that in the circumstances, taking the photos surreptitiously amounted to unfair collection of personal data, and directed the magazines to delete the photos from their databases and websites, and to establish privacy guidelines for compliance by their staff on the systematic monitoring of the collection of personal data by covert means

但這兩份雜誌激烈挑戰該項裁決，並向行政上訴委員會上訴；在被裁定敗訴後，現時正尋求司法覆核行政上訴委員會有關裁決。

他們的爭辯理據，全部在斟酌如何詮釋法例。例如我在法律上是否有權力要求他們為員工制定私隱指引。但有關雜誌社是否應把事件，當作純粹的法律問題處理？他們不是應該更關心他們的行事有否失德嗎？他們不是應該關注尊重個人私隱嗎？不論我在法律上是否有權要求他們為其職員制訂私隱指引，他們作為負責任的僱主及編輯，這不是他們應做的事嗎？

and/or long-distance photograph shooting. This determination has been vehemently challenged by the two magazines. They lodged an appeal with the Administrative Appeal Boards and failed. They are now seeking a judicial review of the decision of the Administrative Appeals Board.

Their arguments are all legalistic, concerning the interpretation of the law on, for example, whether I have the legal authority to require them to formulate privacy guidelines for compliance by their staff. But again, should the matter be managed by the magazines as a purely legal issue? Should they not be more concerned about whether they have been acting morally and ethically? Should they be concerned about respecting individuals' privacy rights? Irrespective of whether I have the legal authority to require them to formulate privacy guidelines for compliance by their staff, as responsible employers and editors, should they not do it anyway?

**我在 2013-14 年度的首要工作之一，就是提倡機構作為負責任的企業公民，應該採取策略上的轉變，由循規守法轉向至以問責為本。**

**As a priority promotion task in 2013-14, I advocated that organisations, as responsible corporate citizens, should adopt a paradigm shift from compliance to accountability.**

### 保障私隱並不止於守法

我的論點是，機構把私隱及資料保障純粹視為一個法律循規的問題，得過且過，只求滿足法律的基本要求，漠視客戶對私隱的期望，是不足夠的。

所以，我在 2013 至 14 年度的首要工作之一，就是提倡機構作為負責任的企業公民，應該採取策略上的轉變，由循規守法提升至問責為本。最高管理層應加以推動，把個人資料私隱保障納入為企業管治責任，由上而下在機構內貫徹執行。就此，公署呼籲機構制訂及維護全面的私隱管理系統。

### Privacy is more than a legal compliance issue

My thesis is that it is not enough for organisations to treat privacy and data protection merely as a legal compliance issue, doing the least possible to comply with the legal requirements, but with little or no regard to customers' privacy expectations.

As a priority promotion task in 2013-14 therefore, I advocated that organisations, as responsible corporate citizens, should adopt a paradigm shift from compliance to accountability. Top management should provide the drive and embrace personal data privacy protection as part of their corporate governance responsibilities and apply it as a top-down business imperative throughout the organisation. This calls for the formulation and maintenance of comprehensive privacy management programmes.

## 私隱管理系統

私隱管理系統提供策略性工具，從多方面積極保障私隱及資料（不純粹視之為法律循規問題），特別聚焦於尊重顧客或客戶的需要、喜好、權利及期望。私隱管理系統包括制訂私隱政策、程序及措施；確保在設計所有項目、計劃或服務時已考慮保障私隱；及加入內部監察和檢討機制。除了確保法律循規，這系統應顯示機構作出良好企業管治的決心，有助與顧客或市民及僱員建立互信關係。

## Privacy management programmes

Privacy management programmes provide strategic tools to proactively manage privacy and data protection as a multi-disciplinary issue, (not merely as a legal compliance issue), with a special focus on respect for customers' or clients' needs, wants, rights and expectations. They establish privacy policies, procedures and practices; ensure that privacy is built by design into all initiatives, programmes or services; and incorporate internal oversight and review mechanisms. In addition to ensuring legal compliance, the programmes demonstrate an organisation's commitment to good corporate governance and are conducive to building trustful relationships with customers or citizens, as well as employees.

**這些機構一同建立及培養保障私隱的文化，在機構管理層、職員及所服務的市民或顧客之間締造三贏局面。**

**The privacy-assuring culture that these organisations are going to build and foster will lead to a win-win-win outcome for the organisations' management, their staff and the citizens or customers that they serve.**

我非常高興地向大家報告，本港大部分最重要的資料使用者，都是私隱管理系統的擁護者。截至2014年2月，香港特區政府、25家保險業機構、九家電訊機構及五家來自其他行業的機構（包括八達通）都已承諾採取策略性方式，在其機構實施全面的私隱管理系統，以示體現問責。此外，香港銀行公會表示銀行界支持這問責性概念，個別銀行會採取所需步驟，落實私隱管理系統的原則。

I am very pleased to report that we have been able to secure the buy-in of the most important data users in Hong Kong. By February 2014, the HKSAR government, 25 companies from the insurance sector, nine companies from the telecommunications sector and five major organisations from other sectors (including Octopus) have all pledged to implement holistic and encompassing privacy management programmes in their respective organisations, as a strategic means to achieve accountability. Also, the Hong Kong Association of Banks indicated that the banking industry supported the accountability concept and that individual banks would take the necessary steps to implement the principles of privacy management programmes.

總而言之，這成就是一個里程碑。這些機構一同建立及培養保障私隱的文化，在機構管理層、職員及所服務的市民或顧客之間締造三贏局面。我希望未來有更多機構追隨他們樹立了的榜樣。

All in all, this is a milestone achievement. The privacy-assuring culture that these organisations are going to build and foster will lead to a win-win-win outcome for the organisations' management, their staff and the citizens or customers that they serve. I hope that many other organisations will follow their example.



## 公共領域的個人資料受條例保障

年內，我們完成了對智能電話應用程式「起你底」的調查，並借此機會在調查報告中申明公共領域的個人資料亦是受條例保障的。事件在資訊及通訊科技界引起了議論紛紛，就此我們亦分別透過公開聲明及與不同持份者會面，重申我們的立場。

## Public domain personal data protected under the Ordinance

During the year, we completed an investigation into the operation of a smartphone application “Do No Evil” and took the opportunity to state our view in the investigation report that personal data in the public domain is still subject to protection under the Ordinance. This aroused a great deal of controversies in the ICT sector. We re-affirmed our position through public statements and a series of meetings with different stakeholders.

**過往公眾普遍誤以為存在於公共領域的個人資料（並非從資料當事人直接收集的個人資料），就可以自由使用，但我們深信藉今次事件已釋除這個誤解。**

**We trust we have dispelled the common misunderstanding that personal data collected from the public domain, not from the data subjects direct, is open to unrestricted use.**

個案中的智能電話應用程式容許用戶以某人姓名搜尋其破產及訴訟記錄，並「一次過」閱覽經整合的資料。雖然這些編纂過的資料來源都是公共領域，但當資料再被用於有別於最初被公開時的用途時，資料的可靠性及有效性是沒有保證的；例如若根據該些資料來決定是否聘用當事人或查核其信貸能力，便有可能令資料當事人在毫不知情下蒙受損害。

這實在是一個重要的個案，突顯了公共領域中個人資料存在的私隱風險，因為這些資料如被毫無限制地使用和再使用，又缺乏適當保障，以致無法掌控資料的準確性、保留期限及保安措施，是會對資料當事人的利益構成損害的。科技日新月異，更令有關風險大增。現時要把從某一公開來源收集得來的個人資料，與另一個公開來源獲得的同一人的資料結合、配對和加工處理，來建立該人的個人資料檔案（profiling），可謂輕易而舉，並可隨時用於一些超出個人私隱期望的新用途。

The case involved a smartphone application which enabled subscribers to search bankruptcy and litigation records of individuals by name and view the combined data in one go. Such data was compiled based on data available in the public domain but there was no guarantee as regards the reliability and validity of the data when used for purposes other than that for which it was originally made public. For example, the target persons could be harmed unknowingly if the data was used, for example, for checking their employability or credit-worthiness.

This landmark case highlighted the privacy risk that personal data in the public domain, if used and re-used indiscriminately and without appropriate safeguards, would result in loss of control over the accuracy, retention and security of the data, thus jeopardising the interests of the data subjects. The risk would be aggravated by technological advances which support aggregation, matching and further processing of data in the public domain. Data of an individual collected from one public source could be combined with data of the same individual obtained from other public sources at phenomenal ease and efficiency to profile the individual and generate new uses of the data that far exceed the individual's privacy expectation.

過往公眾普遍誤以為存在於公共領域的個人資料（並非從資料當事人直接收集的個人資料），就可以自由使用，但我們深信藉今次事件已釋除這個誤解。那麼侵犯私隱的準則是什麼？大家或可以設想，一個合理的人若處於資料當事人的境況，會否因為其資料的「新用途」而感意外、不恰當或至反感。當然，不同的個案案情有別，必須考慮所有相關因素才可作出判決。公署亦已就使用公共領域的資料發出了指引，以供公眾參考。

### 結語

最後我要向個人資料（私隱）諮詢委員會、科技發展常務委員會，及私隱和資料保障範疇的眾多持份者的支持表示感謝。還有我盡責用心的團隊，在 2013-14 年度以驚人的效率處理了破紀錄的投訴及查詢個案（與 2012 至 13 年度相比，分別上升 53% 及 18%），我在此向他們表示謝意。

### 蔣任宏

個人資料私隱專員

We trust we have dispelled the common misunderstanding that personal data collected from the public domain, not from the data subjects direct, is open to unrestricted use. The test here is whether a reasonable person in the data subject's situation would find the re-use of the data unexpected, inappropriate or otherwise objectionable. Each case will have to be determined on its own merits, taking into account all relevant factors. In this regard, a guidance note for the use of public domain data was issued.

### Closing remarks

In closing, I wish to acknowledge the support of the Personal Data (Privacy) Advisory Committee, the Standing Committee on Technological Developments, and many other stakeholders in the privacy and data protection community. My special thanks go to my team, which handled with amazing efficiency and the utmost dedication a record high volume of complaints and enquiries in 2013-14 (a 53% increase and a 18% increase respectively compared with the workload of 2012-13).

### Allan CHIANG

Privacy Commissioner for Personal Data

# 全年活動一覽

## One Year at A Glance

- 施行規管直銷的新機制及推出法律協助

Started to implement New Direct Marketing Regulatory Regime and provide Legal Assistance



- 啟播政府宣傳短片：「慎重保護個人資料 防止濫用作直銷」  
Broadcast TV API on New Direct Marketing Regulatory Regime

- 發表港鐵閉路電視系統視察報告  
Published an Inspection Report on the MTR's CCTV System

- 發表 Facebook 用戶私隱意識的調查結果，及印製新版《在網絡世界保障私隱——精明使用社交網》小冊子  
Announced results of a privacy awareness survey on Facebook and published a new version of "Protecting Online Privacy – Be Smart on Social Networks" leaflet

- 一年一度的「關注私隱運動」揭幕  
The annual Privacy Awareness Week was launched



- 保障私隱學生大使計劃 2013 暨中學生關注私隱專題研習比賽頒獎典禮  
Held the award presentation ceremony of the Student Ambassador Privacy Protection Programme 2013 – Learning Project Competition

- 保障資料主任聯會迎新會  
Data Protection Officers' Club: New Members Welcome Reception

### 2013

#### 四月 Apr

#### 五月 May

- 發表香港預防協會與翔滙保險策劃透過電話推廣活動不當地收集市民個人資料的違規調查報告

Published an investigation report on wrongful collection of personal data from the public in a joint telemarketing programme by Hong Kong Preventive Association and Aegon Direct Marketing Services Insurance Broker



- 在報刊及公署網站發表「接受直銷，由你作主！你有權隨時拒絕！」圖鑑

Published an infographic "To Receive or Not to Receive Direct Marketing Messages, It's Your Call – You have the Right to Opt-Out at all times" in newspapers, magazines and the PCPD's website



- 以「網上私隱要自保」為題，利用巴士廣告、報紙及網上渠道推廣，並製作了一系列相關的教育短片。正式啟動專題網站「網上私隱要自保」  
Launched a campaign "Be Smart Online" comprising bus advertising, newspapers and online promotion, as well as a series of educational videos. A thematic website "Think Privacy! Be Smart Online" was activated

- 響應首次「全球私隱執法機關網絡」的聯合行動，宣佈抽查本地開發的智能手機應用程式私隱政策

Announced to join the first Global Enforcement Network Privacy Sweep and assess the privacy policy of local smartphone apps

- 正式啟動青少年專題網站，為學生和老師提供一站式的保障私隱資訊  
A thematic website "Youth Privacy" was launched to provide students and teachers one-stop tips and resources on privacy protection



- 與香港零售管理協會合作推行主題為「卓越零售，保障私隱」行業保障私隱活動

Launched the “Driving Retail Excellence through Privacy Assurance” campaign with the Hong Kong Retail Management Association



六月 Jun

七月 Jul

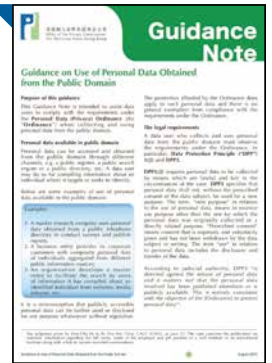
- 發表「起你底」的手機應用程式調查報告（該程式供用戶搜尋個人的訴訟案件及破產資料）

Published the investigation report on smartphone application “Do No Evil” which enabled search for target individuals’ litigation and bankruptcy data

八月 Aug

- 發出《使用從公共領域取得的個人資料指引》

Issued a Guidance on Use of Personal Data Obtained from the Public Domain



九月 Sep

- 發出《擬備收集個人資料聲明及私隱政策聲明指引》

Issued a Guidance on Preparing Personal Information Collection Statement and Privacy Policy Statement

- 就有關「優化公司破產法例立法建議諮詢文件」提交的建議書

Made submission in response to Public Consultation on Improvement of Corporate Insolvency Law Legislative Proposals

- 啟播電視宣傳短片：網上私隱要自保

Broadcast TV API on “Think Privacy! Be Smart Online”



- 與香港大學法律學院首次頒發「私隱及資料保障法律獎學金」

Presentation of the first Privacy Commissioner Prize in Privacy & Data Protection Law scholarship, jointly set up by the PCPD and Faculty of Law of The University of Hong Kong



- 發表本港所開發智能手機應用程式的私隱政策抽查報告

Published results of a survey on privacy policy of local smartphone applications

- 公佈其他 18 個國際私隱執法機關，各地檢視網上私隱政策透明度的結果

Announced the results from the first GPEN Privacy Sweep conducted by 18 global privacy enforcement authorities

- 三名新成員及五位現任委員分別獲委任及連任為個人資料（私隱）諮詢委員會成員

Three new members appointed and five incumbent members re-appointed to the Personal Data (Privacy) Advisory Committee





■ 發表有關香港警務處遺失記事冊事故的調查報告  
Published an investigation report on Hong Kong Police Force's loss of police notebook

■ 就醫院管理局失當棄置載有病人紀錄的廢料事故，發表調查報告  
Published an investigation report on Hospital Authority's improper disposal of hospital waste containing the personal data of patients



■ 就有關「2014 數碼 21 資訊科技策略公眾諮詢」提交建議書  
Made submission in response to Public Consultation on 2014 Digital 21 Strategy

■ 公佈調查報告指 California Fitness 向申請入會或續會者收集超乎適度的個人資料，包括二十多萬張香港身份證副本，侵犯顧客個人資料私隱  
Released an investigation report which revealed that California Fitness breached data privacy by collecting excessive personal data, including some 200,000 copies of Hong Kong Identity Card from persons who applied for or renewed membership



■ 於港九新界七個地點開展公眾教育巡迴展覽  
Commenced public education roadshow covering seven different locations in the territory

十月 Oct

■ 就兩宗有關香港警務處涉嫌經 Foxy 共享軟件意外洩漏市民個人資料的事故，發表調查報告  
Published an investigation report on two data breach incidents in the Hong Kong Police Force caused by Foxy

■ 推出專員網誌，分享私隱專員對熱門私隱話題的意見  
The Commissioner launched his blog to share his insights into hot privacy topics

■ 展開大學保障私隱活動，於本港 10 間大專院校透過講座及互動遊戲介紹《個人資料（私隱）條例》  
Launched a University Privacy Campaign and promoted personal data privacy protection in ten local universities through talks and interactive games



■ 在 2013 年與政府、銀行業、保險業及電訊業舉行多次會議，尋求各界別支持推行私隱管理系統。活動的亮點為公署在 12 月舉行的 CEO 專題早餐會議，有超過 70 名行政總裁和高層行政人員出席，其中包括行政及立法會成員

Throughout 2013, a series of discussion meetings were held with the Government, banks, insurance companies and telecommunication service providers to seek their buy-in of Privacy Management Programme. The programme highlight was a CEO breakfast meeting held in December which was well attended by some 70 CEOs and senior executives from these sectors and members of the Executive Council and Legislative Council



十一月 Nov

十二月 Dec



- 發表 2013 年工作報告，發現該年錄得歷來最多的投訴數字，達 1,792 宗，反映公眾對個人資料私隱保障的關注日增

Released 2013 year ender which revealed that a record high of 1,792 complaints were received in 2013

- 私隱專員向政府政策局局長及部門首長推介私隱管理系統

The Commissioner briefed Bureaux and Department Heads of the HKSAR Government on Privacy Management Programme

- 就有關「驗毒助康復計劃公眾諮詢」提交建議書

Made submission in response to Public Consultation on RESCUE Drug Testing Scheme



- 香港特別行政區政府與 39 間來自保險業、電訊業及其他行業的機構承諾推行私隱管理系統

The HKSAR Government and 39 organisations from the insurance, telecommunications and other sectors pledged to implement Privacy Management Programme

- 公署出版《私隱管理系統最佳行事方式指引》

Released the Privacy Management Programme: A Best Practice Guide

- 逾 250 名政府行政人員及本港企業的法律及符規專業人員，參與由公署舉辦的保障私隱與企業管治國際會議

The International Conference on Data Privacy in Corporate Governance was organised by PCPD and attended by over 250 government administrators as well as legal and compliance professionals from the private sector



2014

一月 Jan

二月 Feb

三月 Mar

- 行政上訴委員會駁回《忽然一週》和《FACE》的上訴個案，並確認私隱專員就有關偷拍藝人個案的裁決

Administrative Appeals Board dismissed the appeals from Sudden Weekly and Face Magazine, and re-affirmed the Commissioner's decision on their clandestine photo-taking of artistes

- 公佈有關學生資助辦事處四項學生資助計劃個人資料系統的視察報告

Released an inspection report on the Student Financial Assistance Agency's personal data system for four financial assistance schemes

- 首次推出「研發流動應用程式 顧及保障個人資料」講座

Launched the first seminar on "Developing Mobile Apps with Privacy Protection in Mind"

- 私隱專員與本地私隱保障專家及由資訊政策領導中心率領訪問的海外代表團會面，成員包括多家跨國企業的私隱保障專家

The Commissioner hosted a meeting between local privacy professionals and an overseas delegation of chief privacy officers from multinational corporations led by the Centre for Information Policy Leadership

- 在國際私隱專業人士協會首度舉辦的亞洲私隱論壇上，私隱專員擔任主題講者

The Commissioner delivered a keynote presentation at the inaugural Asia Privacy Forum of the International Association of Privacy Professionals



# 公署架構

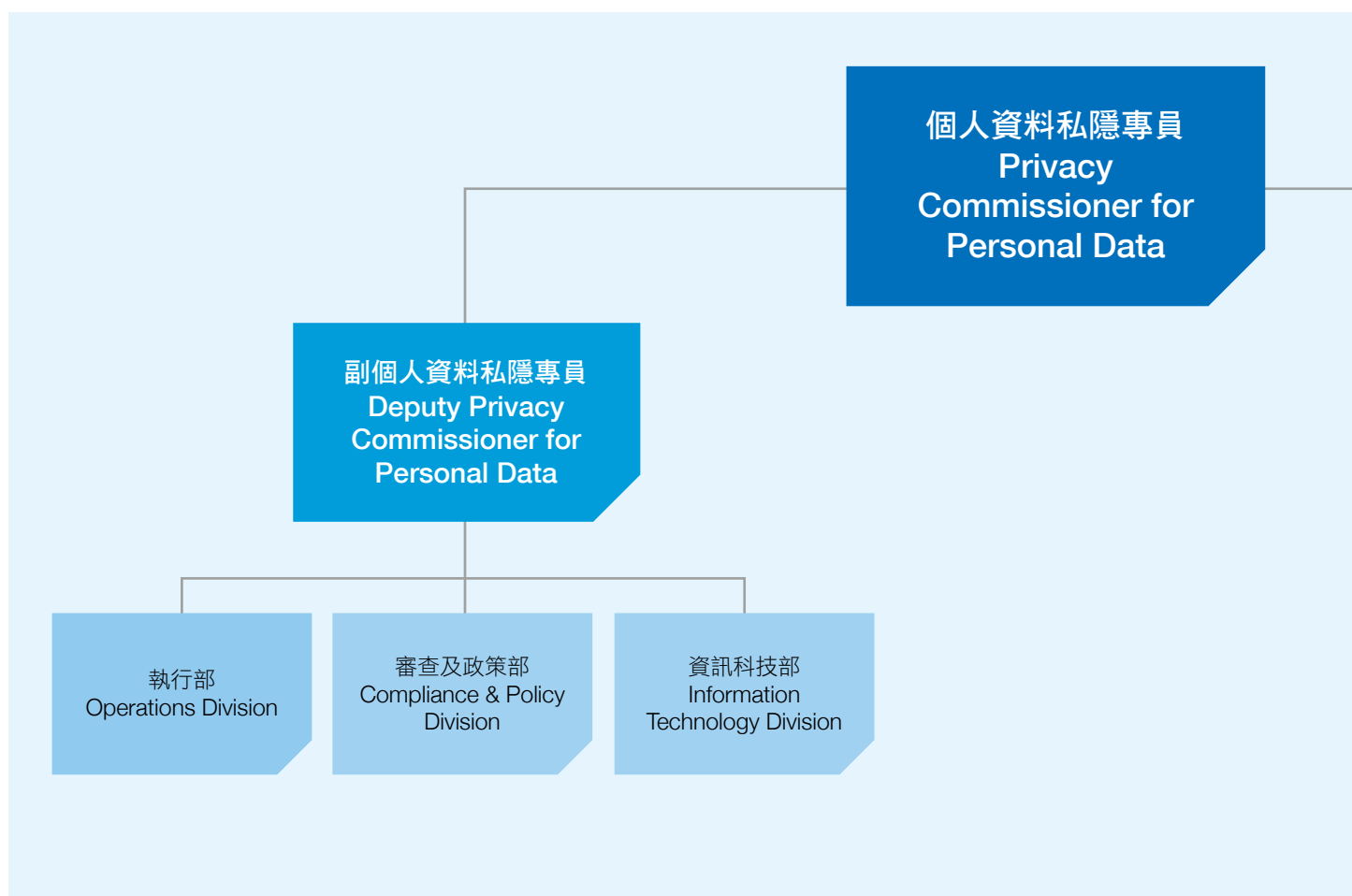
## Our Organisation

公署由私隱專員掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界遵從條例的規定。（詳見附錄一）

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

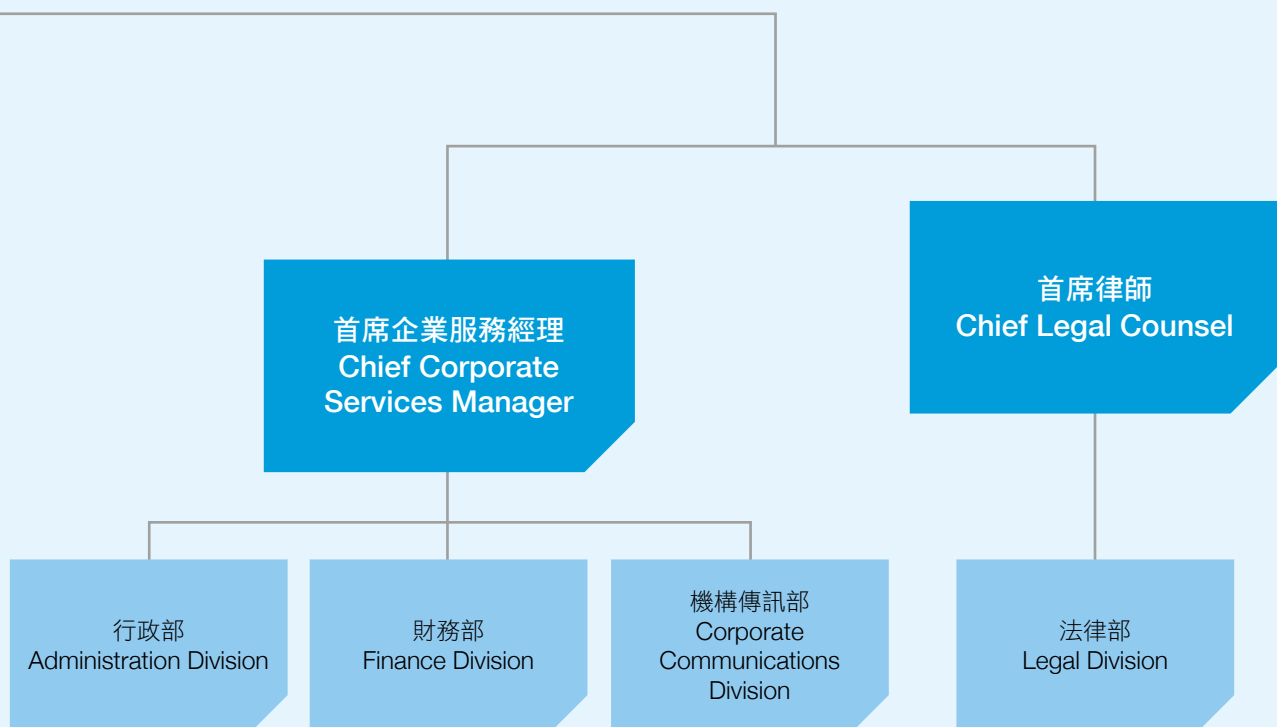
在本年報期完結時，公署的職員編制為81人，分別在七個部門工作。（詳見附錄二）

The PCPD had a total of 81 staff at the end of the period under review and was organised into seven divisions. (See Appendix 2 for details)





管理團隊  
Senior Management Team



## 個人資料（私隱）諮詢委員會

諮詢委員會成員由政制及內地事務局局長委任，旨在就個人資料私隱保障和條例施行的相關事宜向私隱專員提供意見。

## PERSONAL DATA (PRIVACY) ADVISORY COMMITTEE

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



組成 (2013年10月1日至2015年9月30日)

Membership (from 1 October 2013 to 30 September 2015)

### 主席

1. 蔣任宏先生, SBS  
個人資料私隱專員

### CHAIRMAN

1. Mr Allan CHIANG, SBS  
Privacy Commissioner for Personal Data

### 成員

2. 夏淑玲女士  
數碼香港董事  
(自2009年10月1日起)
3. 孔慶全先生  
紹邦企業有限公司董事  
(自2011年10月1日起)
4. 郭振華先生  
永保化工(香港)有限公司董事總經理  
(自2013年10月1日起)
5. 孫淑貞女士  
香港中華煤氣有限公司資訊科技總監  
(自2011年10月1日起)
6. 蕭世和先生  
星島新聞集團有限公司行政總裁  
(自2008年10月1日起)
7. 溫卓勳先生  
渣打銀行(香港)有限公司合規及審核部主管  
(自2013年10月1日起)
8. 楊長華女士  
微軟香港有限公司法務及公司事務部總監  
(自2013年10月1日起)
9. 梁松泰先生, JP  
政制及內地事務局副秘書長

### MEMBERS

2. Ms Shirley HA Suk-ling  
Director, DIGITALHONGKONG.COM  
(since 1 October 2009)
3. Mr Billy HUNG Hing-chuen  
Director, Shiu Pong Enterprises Ltd.  
(since 1 October 2011)
4. Mr Jimmy KWOK Chun-wah  
Managing Director, Rambo Chemical (Hong Kong) Ltd.  
(since 1 October 2013)
5. Ms Susanna SHEN Shuk-ching  
Head, Information Technology, The Hong Kong and China Gas Co Ltd.  
(since 1 October 2011)
6. Mr SIU Sai-wo  
Chief Executive Officer, Sing Tao News Corporation Ltd.  
(since 1 October 2008)
7. Mr David WAN Chuck-fan  
Head, Compliance, Hong Kong Compliance Department,  
Standard Chartered Bank (Hong Kong) Ltd.  
(since 1 October 2013)
8. Ms Winnie YEUNG Cheung-wah  
Director, Legal & Corporate Affairs, Microsoft Hong Kong Ltd.  
(since 1 October 2013)
9. Mr Gordon LEUNG, JP  
Deputy Secretary for Constitutional and Mainland Affairs





## 科技發展常務委員會

公署設立科技發展常務委員會，旨在就資料處理及電腦科技的發展情況對個人資料私隱的影響，向私隱專員提供意見。

## STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

The Standing Committee was established to advise the Commissioner on the impact of the developments in the processing of data and computer technology on the privacy of individuals in relation to personal data.



### 聯合主席

1. 蔣任宏先生, SBS  
個人資料私隱專員
2. 張如萌女士  
副個人資料私隱專員

### 成員

3. 白景崇教授  
香港大學社會科學研究中心總監
4. 鄒錦沛博士  
香港大學計算機科學系副教授
5. 何仲平醫生, MH, JP  
香港醫學會資訊科技委員會主席
6. 譚偉豪博士, JP  
權智（國際）有限公司主席

### CO-CHAIRPERSONS

1. Mr Allan CHIANG, SBS  
Privacy Commissioner for Personal Data
2. Ms Lavinia CHANG  
Deputy Privacy Commissioner for Personal Data

### MEMBERS

3. Professor John BACON-SHONE  
Director, Social Sciences Research Centre, The University of Hong Kong
4. Dr K P CHOW  
Associate Professor, Department of Computer Science, The University of Hong Kong
5. Dr Ho Ching-ping, MH, JP  
Chairman, Information Technology Committee Hong Kong Medical Association
6. Dr Samson TAM Wai-ho, JP  
Chairman, Group Sense (International) Ltd.

