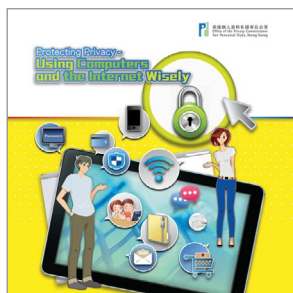


# 2014

## 全年活動一覽 One Year at A Glance

### 4月 April

- 發出《經互聯網收集及使用個人資料：給資料使用者的指引》  
Issued a guidance note "Guidance for Data Users on the Collection and Use of Personal Data through the Internet"
- 發出《個人資料的刪除與匿名化指引》  
Issued a guidance note "Guidance on Personal Data Erasure and Anonymisation"
- 出版《網上行為追蹤》資料單張  
Published an information leaflet "Online Behavioural Tracking"



- 出版《明智使用電腦及互聯網》小冊子  
Published a booklet "Protecting Privacy - Using Computers and the Internet Wisely"



- 美國 Facebook 公司 副首席私隱主任 Rob Sherman 應邀來港與公署會面  
By invitation of the PCPD, the Deputy Chief Privacy Officer of Facebook Inc flew in to address concerns and exchange views with the PCPD
- 就《電子健康紀錄互通系統條例草案》向立法會提交意見書  
Presented a submission to the Legislative Council on concerns about the Electronic Health Record Sharing System Bill



- 發表調查報告譴責48則匿名招聘廣告不公平收集求職者的個人資料  
Revealed an investigation report condemning 48 blind recruitment advertisements for the unfair collection of job applicants' personal data

### 5月 May



- 「關注私隱運動」揭幕，主題是「個人資料私隱：自己作主話事」  
Unveiled the annual Privacy Awareness Week with the theme "Personal Data Privacy: Have My Say"
- 出版《機構智用社交網絡 尊重個人資料私隱》資料單張  
Published an information leaflet "Privacy Implications for Organisational Use of Social Networks"



- 保障資料主任聯會迎新會暨講座「應用程式的私隱保障」  
Data Protection Officers' Club Welcome Reception and Seminar on "Mobile Apps and Data Protection"

### 6月 June



- 私隱專員出席在韓國首爾舉行的第41屆亞太區私隱機構論壇  
The Commissioner attended the 41st Asia Pacific Privacy Authorities Forum in Seoul, Republic of Korea

7月  
July



- 發出《使用便攜式儲存裝置指引》  
Issued a guidance note "Guidance on the Use of Portable Storage Devices"
- 與香港大學法律學院頒發第二屆「私隱及資料保障法律獎學金」  
Presented the second "Privacy Commissioner Prize in Privacy & Data Protection Law" jointly set up by the PCPD and Faculty of Law of The University of Hong Kong

9月  
September

- 回應傳媒查詢有關由保普選反佔中大聯盟設立的熱線《學校家長救救孩子》收集罷課中學生資料的事宜  
Responded to media enquiries about the operation of the hotline "Help Our Children", set up by the Alliance for Peace and Democracy to receive reports on class boycotts in secondary schools
- 公佈「全球私隱執法機關網絡」第二次在世界各地檢視手機流動應用程式私隱政策透明度的結果  
Announced the results of the second international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network, focusing on privacy practices of mobile apps

8月  
August

- 六個主要招聘媒體響應，承諾打擊匿名招聘廣告  
Obtained the pledge of six major recruitment media to fight blind recruitment advertisements



- 公佈「人對人直銷電話」的公眾意見調查結果，促請政府把人對人直銷電話納入拒收訊息登記冊  
Published the results of a public opinion survey on person-to-person direct marketing calls ("P2P calls") and urged the Government to expand the Do-not-call registers to include P2P calls



- 推出為零售業而設的網上評估工具，協助業界培訓及評估對條例的理解  
Launched an online assessment tool tailor-made for the retail industry to train practitioners and evaluate their understanding of the requirements under the Ordinance

10月  
October

- 發出《銀行業界妥善處理客戶個人資料指引》  
Issued a guidance note "Guidance on the Proper Handling of Customers' Personal Data for the Banking Industry"



- 私隱專員出席在毛里求斯巴拉克拉瓦舉行的第36屆國際資料保障及私隱專員研討會  
The Commissioner attended the 36th International Conference for Data Protection and Privacy Commissioners in Balaclava, Mauritius



- 開展校園保障私隱活動，於本港10所大專院校宣揚保障私隱的訊息  
Launched the annual University Privacy Campaign in 10 local universities
- 出版《網絡欺凌你要知！》單張  
Published a leaflet "Cyber-bullying – What you need to know"
- 個人資料主任盧迪凡先生榮獲「2014年申訴專員嘉許獎－公職人員獎」  
Personal Data Officer Mr D F LO was awarded the Ombudsman's Award 2014 for Officers of Public Organisations



2014

12月  
December

11月  
November



- 公佈調查報告：10家外籍家庭傭工中介公司收集及在網上披露超乎適度的個人資料  
Published an investigation report on the excessive collection and online disclosure of personal data by 10 employment agencies for foreign domestic helpers
- 公佈調查報告：六個補習中介網站向導師收集超乎適度的個人資料  
Published an investigation report on the excessive online collection of private tutors' personal data by six tutorial websites
- 公佈視察報告：建議勞工處就業服務優化其個人資料系統  
Published an inspection report to help improve the personal data system of the Labour Department's employment services
- 發出《開發流動應用程式最佳行事方式指引》  
Issued "Best Practice Guide for Mobile App Development"



- 私隱專員出席在加拿大溫哥華舉行的第42屆亞太區私隱機構論壇  
The Commissioner attended the 42nd Asia Pacific Privacy Authorities Forum in Vancouver, Canada
- 首宗因違反條例規定向私隱專員作出虛假陳述，被判監禁的個案  
Secured the first conviction for a contravention of the Ordinance, with a person sentenced to imprisonment for making a false statement to the Commissioner
- 與加拿大私隱專員公署聯合發起，全球其他21個私隱保障機關聯署，向Google Play和Apple App Store等七個應用程式供應平台發出公開信，促請強制提供私隱政策連結  
Issued an open letter, initiated jointly by the PCPD and the Office of the Privacy Commissioner of Canada, and signed by 21 global data protection authorities, urging seven app marketplaces (including Google Play and the Apple App Store) to mandate app developers to post links to privacy policies



- 推出全新面貌的公署網站  
Launched the revamped PCPD's website



- 公佈抽查60款由本地機構開發的熱門流動應用程式就其私隱政策透明度及讀取資料權限的結果  
Announced the results of a survey on the privacy transparency and permissions of 60 popular locally developed mobile apps

# 2015

1月  
January

- 公佈測試發現Android程式的權限模式存在缺陷，並已要求Google採取補救措施  
Announced test results which uncovered a privacy failure in Android's permission model, and formally requested Google Inc. to take corrective action
- 就香港航空旅遊經流動應用程式「俠客行 旅行」外洩顧客的個人資料，發表調查報告  
Published an investigation report "HKA Holidays leaked customers' personal data through the mobile application 'TravelBud'"
- 就翱翔旅遊的流動應用程式未有提供私隱政策並收集過度個人資料，發表調查報告  
Published an investigation report "Excessive collection of personal data through mobile application by Worldwide Package Travel Service operating with no Privacy Policy"
- 發出《保障個人資料：跨境資料轉移指引》  
Issued a guidance note "Guidance on Personal Data Protection in Cross-border Data Transfer"



- 與資訊科技界10個專業團體及商會推出「應用程式重私隱 創新科技贏信任」的保障私隱運動  
Launched a privacy campaign "Developing Mobile Apps: Privacy Matters" with 10 leading professional and trade associations in the field of information and communications technology
- 2014年工作報告顯示年內接獲有關使用資訊及通訊科技的私隱投訴劇增兩倍  
Released the 2014 year-end report, which revealed a two-fold increase in privacy complaints related to the use of information and communications technologies

2月  
February

- 私隱專員向立法會政制事務委員會簡報2014年的工作成果  
The Commissioners briefed the Legislative Council Panel on Constitutional Affairs on the accomplishments of PCPD in 2014



- 巡迴港九新界26個不同地點作公眾教育展覽  
Commenced a public education roadshow visiting 26 different locations throughout the city

3月  
March

- 分別就《私營醫療機構規管公眾諮詢》及《自願醫保計劃公眾諮詢》向政府提交建議書  
Submission presented to the Government in response to the "Public Consultation on Voluntary Health Insurance Scheme" and "Public Consultation on Regulation of Private Healthcare Facilities"
- 回應申訴專員公署發表的兩份調查報告：「教育局拒絕提供教師註冊資料的問題」及「學生資助辦事處的『免入息審查貸款計劃』之追討欠款程序」  
Responded to two investigation reports by The Ombudsman: "Direct Investigation into Education Bureau's Non-disclosure of Teachers' Registration Status" and "Direct Investigation into Recovery of Debts under the Non-means-tested Loan Scheme"
- 發出《閉路電視監察及使用航拍機指引》  
Issued a guidance note "Guidance on CCTV Surveillance and Use of Drones"

## 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獲得的協助
- 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

---

## 符合數碼未來的資料保障期望

# Meeting Data Protection Expectations in the Digital Future

---

### 瞬息萬變的私隱保障形勢

香港的《個人資料(私隱)條例》於18年前(即1996年12月)實施。當時,香港是亞洲首個專門為個人資料私隱立法的司法管轄區。到2015年6月,區內已多增了11個司法管轄區制訂類似的私隱法例。全球至少有109個司法管轄區已頒佈資料保障法。而聯合國人權理事會亦即將委任一名處理私隱議題的特別報告員。

這趨勢反映了各國政府肯定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、應用無孔不入,收集及使用龐大數量的個人資料可以在彈指之間完成,令私隱保障面對更嚴峻的挑戰。科技的創新及應用,例如互聯網、社交網絡、物聯網、流動應用程式及雲端運算,無疑為我們帶來了龐大的經濟及社會價值。與此同時,科技亦對私隱構成重大風險,並令人極度關注個人資料的保障。

### Rapidly evolving privacy landscape

Hong Kong's Personal Data (Privacy) Ordinance came into force 18 years ago, in December 1996. At that time, Hong Kong was the first jurisdiction in Asia to have a dedicated piece of legislation on personal data privacy. In June 2015, 11 other jurisdictions in the region have similar legislation. Globally, at least 109 jurisdictions have enacted data protection laws. Very soon, the United Nations Human Rights Council will appoint a Special Rapporteur on privacy.

This trend reflects the growing recognition by governments of privacy as a fundamental human right. It also underpins the challenges generated by the pervasive use of new information and communication technologies ("ICT") in today's digital society, which has enabled the collection and use of vast amounts of personal data with phenomenal ease and efficiency. No doubt, technological innovations and applications, such as the Internet, social media, mobile applications and cloud computing, have created great value to society and the economy, enhancing the productivity and competitiveness of government and organisations in ways previously beyond our imagination. At the same time, they pose an immense risk to privacy and raise serious concerns about the protection of personal data.



蔣任宏  
個人資料私隱專員

—  
Allan CHIANG  
Privacy Commissioner for Personal Data



在持續增長及發展的道路，監管工作與科技發展，尤如龜兔賽跑，我認為監管者要迎頭趕上，必須要與各機構並肩而行，一同成為私隱保障的把關人。

In our journey of sustained growth and development where the technological hare is outrunning the regulatory tortoise, I believe that regulators have to work with organisations, so that both serve as the stewards of privacy protection.

面對瞬息萬變的私隱保障形勢，全球的私隱監管機構正全力以赴、務求追上科技發展的步伐，對私隱保障的要求會再更加嚴厲。與此同時，更多機構開始意識到私隱並非企業創新和成功的絆腳石，反而是贏得客戶信任和支持的競爭優勢。在持續增長及發展的道路，監管工作與科技發展，尤如龜兔賽跑，我認為監管者要迎頭趕上，必須要與各機構並肩而行，一同為私隱保障把關。

Against this rapidly evolving privacy landscape, regulators globally are doing their best to keep up with the velocity of change, which is pushing the need for stronger privacy protection. At the same time, more organisations are awakening to the value of treating privacy not as an impediment to innovation and business success, but rather as a competitive differentiator that can win customer trust and loyalty. In our journey of sustained growth and development where the technological hare is outrunning the regulatory tortoise, I believe that regulators have to work with organisations, so that both serve as stewards of privacy protection.

#### 應付資訊科技發展對私隱帶來的挑戰

我們在2014至15年度的工作重點正是要應付資訊科技發展(尤其是廣泛使用的流動應用程式)所帶來的挑戰。在這些工作上，資訊科技界的大力支持令我們十分鼓舞。

#### Meeting privacy challenges posed by advances in ICT

It is no coincidence that the primary focus of our work in 2014-15 was to tackle the privacy challenges posed by advances in ICT, particularly the pervasive use of mobile apps. In this regard, we are very encouraged by the overwhelming support of the ICT industry.

在2014至15年度，我們創記錄出版了九份與資訊科技有關的指引及資料單張。以資訊科技從業員為對象，刊物主題內容包括個人資料的刪除及匿名化、經互聯網收集及使用個人資料、使用社交網絡、網上行為追蹤、使用便攜式存儲裝置、航拍機，以及今年我們的重點：開發流動應用程式。而以公眾為對象出版的資料單張，則集中在兩個熱門議題上：網絡欺凌和保障互聯網上的私隱。

In 2014-15, we published a record nine guidance notes or information leaflets related to ICT. For ICT practitioners, the topics of the publications include personal data erasure and anonymisation, the collection and use of personal data through the Internet, the use of social networks, online behavioural tracking, use of portable storage devices, drones, and our special focus of the year, mobile app development. For the general public, we issued leaflets on two highly topical issues: cyber-bullying and protecting privacy on the Internet.

#### 流動應用程式的私隱政策透明度不足

與資訊科技有關的各類私隱議題中，這年度最備受關注的必然是流動應用程式。流動應用程式在全球及本地蓬勃發展，改變了商業運作及消費者行為。私隱執法機構聯合進行了一項國際抽查行動，共抽查了1,211款程式，結果顯示私隱政策透明度普遍不足，香港也不例外。許多程式要求查閱大量個人資料，卻沒有充分解釋會如何使用該些資料。更具體地說，四分之三的程式要求讀取用戶資料的權限；接近60%的程式在安裝前就為何收集資料及如何使用資料，未有提供足夠的資訊；43%的私隱政策聲明難以在小螢幕上閱讀；以及30%以上的程式所要求的權限，超越用戶所能理解該程式的功能所需。

#### Lack of transparency in privacy policies for mobile apps

Among the various privacy subjects related to ICT, mobile apps were accorded special attention in 2014-15 as they exploded in popularity both globally and locally, transforming business operations and consumer behaviour. An international sweep of 1,211 apps identified a general lack of transparency in privacy policies and practices, and Hong Kong was no exception. Many of the apps sought access to large amounts of personal information without adequately explaining how the information would be used. More specifically, three quarters of the apps requested permission to access users' personal information; almost 60% offered insufficient pre-installation communications in terms of why they wanted the personal information and what they planned to do with it; 43% of the privacy communications was difficult to read on the small screen; and over 30% of the apps apparently sought permissions that exceeded what would be expected based on the apps' functionality.

顯然我們必須要大力宣傳和加強教育工作，以確保機構制訂具透明度的網上私隱政策，使用戶了解在這虛擬網絡環境中，其個人資料會如何被使用。這促使我們在2015年1月開展了一個題為「應用程式重私隱 創新科技贏信任」的推廣活動。是次活動由資訊科技界的10個專業團體及商會協辦，並得到業內10個專業及學術機構的支持。

Clearly, a great deal of promotion and education work is required to ensure organisations develop transparent online privacy policies so that individuals understand how their personal data will be handled in this virtual context. This prompted our launch of the promotion campaign entitled Developing Mobile Apps: Privacy Matters in January 2015. It was co-organised by 10 leading trade associations and supported by 10 professional or academic institutions in the ICT field.

---

**我相信，科技巨企作為應用程式供應的平台，在私隱保障上更要擔當領導的角色。**  
**I believe that the technology giants who are the app marketplace operators have an instrumental role to play in safeguarding privacy.**

---

### 科技巨企的企業社會責任

是次活動的目標儘管是程式開發商，而當中大部分都是中小型企業，但我相信，科技巨企作為應用程式供應的平台，在私隱保障上更要擔當領導的角色。他們可以有效地把關，強制平台上的所有應用程式開發商，必須適時向用戶提供有關查閱或收集個人資料的私隱政策。我(與加拿大私隱專員聯合)倡議向七個應用程式供應平台(包括Google Play和Apple App Store)發出公開信，呼籲他們履行企業社會責任，推行這項對應用程式開發商強制性的要求。公開信最後共有23個資料保障機關聯署。

### Corporate social responsibility of technology giants

While noting that the target of our campaign is app developers, which are mostly small- and medium-sized enterprises, I believe that the technology giants who are the app marketplace operators have an instrumental role to play in safeguarding privacy. They can be effective gatekeepers by mandating all apps in their listings to provide users with timely access to the apps' privacy policies concerning access to or collection of personal data. I therefore initiated (in conjunction with my Canadian counterpart) the issue of an open letter to seven app marketplace operators (including Google Play and the Apple App Store), appealing to them to exercise their corporate social responsibility by implementing this mandatory transparency requirement. The letter was co-signed by a total of 23 data protection authorities.

在這數碼業界的生態系統中，負責收集及使用個人資料的所有持份者，應當肩負起保障消費者私隱的責任。這些持份者不單是指直接收集資料的機構(例如程式開發商及軟件公司)，亦包括提供網絡服務或其他基本設施的公司、裝置或操作系統生產商。事實上，由於操作系統而出現的某些故障，而危及資料保障的事件還是會不時發生，實在令人遺憾。

In the digital ecosystem, all stakeholders engaged in the collection and use of personal data must shoulder the responsibility of safeguarding the privacy of their consumers. This includes not only the organisations that collect personal data, such as app developers and other software companies, but also the infrastructure companies, and device or operating system manufacturers. Regrettably, from time to time, we find failures in the operating systems that jeopardise data protection.

例如，劍橋大學的研究人員發現，在Android智能手機中，即使是把出廠設置再度重置，其登入資料、短訊、電子郵件及聯絡人清單亦可復原，用戶要出售或處置舊的智能手機，就會產生私隱的問題。有如同出一轍的是，我們在2014年8月發現，Android程式可以在未有作出事先權限聲明的情況下，讀取Android 4.3或之前版本的流動裝置的公共記憶體。因此，可引起用戶在其不知情甚至不允許的情況下被惡意程式讀取資料的風險。這些設計缺陷實在是駭人聽聞，事件更突顯出科技巨企務必要把保障私隱納入資訊科技系統的設計及建構。

For example, Cambridge University researchers found that with Android smartphones, login details, text messages, emails and contact lists were recoverable even after a reset to factory settings, thus creating a problem for people who want to either sell or dispose of their old smartphones. In a similar vein, we discovered in August 2014 that it was possible for an Android app to read the shared memory in a mobile device running on Android 4.3 or earlier versions without the need to make a prior permission declaration. End-users can therefore have their personal data accessed by malicious apps without their knowledge or permission. These design flaws are appalling. They underline the imperative need for technology giants to practise Privacy by Design by embedding privacy by default into the design and architecture of their IT systems.

展望未來，我們要加倍力度，務使從事資訊科技應用的機構落實地認識到私隱及資料保障的重要及價值。

Looking ahead, we will step up our efforts to bring home the message of the importance and value of privacy and data protection to organisations using ICT applications.

### 運用執法行動以監督資訊科技應用達致符規

在2014至15年度，我們完成了一系列與使用資訊科技相關的調查。我們公佈調查報告，借助公眾監察及制裁，阻止調查中的機構、及其他有同樣出現資料保障問題的機構，繼續作出違規行為。

其中一份報告涉及補習中介網站過度收集補習導師的香港身份證號碼。另一份報告涉及在10家主要的外籍家庭傭工中介公司網站，隨意上載外傭申請人的某些個人資料，包括其家屬及前僱主的個人資料。這類資料披露並不適當，因為上載到網上的個人資料無助準僱主挑選合適家傭。

這兩份報告都強調，機構及消費者必須了解，進行電子商貿活動及使用網上服務平台可能帶來私隱風險，例如個人資料外洩、資料被身份不明的第三方再使用，從而對當事人造成不必要的滋擾及身份盜用問題。經營網站的機構須確保他們收集及上載到網上的個人資料，真正符合業務所需。中介公司在網上詳列求職者的資料任人瀏覽，這做法與求職者親身到中介公司只向準僱主提供個人履歷大相逕庭。申請人提供的個人資料一旦在網上公開，便可能被身份不明的第三方隨意查閱、複製甚至永久保存，並可能與其他零碎但屬同一人的個人資料整合或作出關連。任何人也難以預料及控制誰人可以再次使用有關資料。網站營運者須了解到求職者可以因此受到的損害，而應該小心處理減低有關風險。

另一方面，消費者習以為常地在網上向不同的服務供應商提供個人資料，亦應多加警惕，不要因為急於獲取某些服務而白白犧牲自己的個人資料私隱。

### Supervising privacy compliance in ICT applications through enforcement

During the 2014-15 financial year, we completed a series of investigations related to the use of ICT. We published reports on the investigations to invoke the sanction and discipline of public scrutiny and discourage non-compliant behaviour on the part of the organisations involved in the investigations, as well as other organisations facing similar data protection issues.

One report related to the excessive collection by tutorial service agency websites of the Hong Kong identity card numbers of private tutors. Another report related to the indiscriminate posting on the websites of 10 major employment agencies for domestic helpers of certain personal data of overseas job applicants, including that of their family members and past employers. Such disclosure is inappropriate as the personal data they posted was irrelevant to online employee screening by prospective employers.

The two reports emphasise that organisations and consumers that engage in e-commerce and other online services must be aware of the associated privacy risks, such as data breaches and unanticipated secondary use of the data by unknown third parties, including unwanted communication and identity theft. On the other hand, website operators must ensure that they are capturing, using and posting personal data for reasonable business purposes. A distinction must be made between presenting a job seeker's profile to a prospective employer in person, when the latter visits the employment agency, and displaying the job seeker's personal data online. The latter is subject to unrestricted access by unidentified third parties, who may copy the data, retain it permanently, and integrate or correlate it with other fragmented data of the same person from different sources. The possible secondary use of such data is beyond the average person's anticipation or comprehension and is definitely very difficult or impossible to control. The website operators must appreciate the potential harm to the job seekers, and act cautiously to mitigate such risks.

On the other hand, web consumers who are accustomed to submitting personal information to various service providers to obtain their services must be more vigilant about the release of such information.



第三份調查報告肯定了國際及本地抽查行動的調查結果，即流動應用程式的私隱政策透明度遠遠不足。報告揭露兩家旅遊服務公司推出一款應用程式，讓客戶進行網上訂購及查詢，但他們沒有述明該程式將會如何收集、使用及披露客戶的個人資料。事實上，他們出於核實網上查詢的客戶身份，而收集客戶完整出生日期及身份證號碼的做法，實屬過度。

第四份調查報告涉及一家航空服務公司透過於iOS平台上運行的流動應用程式，外洩了客戶的個人資料。資料外洩的原因是其程式保養承辦商沒有就蘋果公司在發佈iOS7時推出新增保障私隱的功能(阻止程式讀取MAC位址作為識別流動裝置)，及時作出相應行動。

以上兩份報告所揭示的不當行為，可能只是冰山一角。在這數碼化時代，幾乎每個機構都希望開發流動應用程式，以吸引更多客戶。即使技術不太成熟的機構也了解應用程式的價值，包括提高市場的知名度，以至收集大量個人資料。在倉促推出這些程式的過程中，機構未必充分了解私隱風險或管理，及投放足夠資源以識別或解決有關問題。因此，我們看到初涉數碼世界的機構在開發初期所犯的毛病也越多。

展望未來，我們要加倍力度，務使從事資訊科技應用的機構落實地認識到私隱及資料保障的重要及價值。

## 結語

最後，我要向個人資料(私隱)諮詢委員會和科技發展常務委員會的委員，以及其他持份者，對私隱及資料保障一直以來的關注、積極參與及堅定承諾，表示衷心的謝意。我更讚揚我的團隊作出的貢獻，特別是近年來執法工作效率得以顯著提升，以及投入宣傳和教育的努力明顯增加。這些進步獲得了出席2015年2月16日政制事務委員會會議中多名立法會議員的讚賞，為此我感到欣慰。

蔣任宏  
個人資料私隱專員

The third investigation report confirmed the findings of the local and international sweeps that the transparency of the privacy policies of mobile apps was far from adequate. Two travel service companies provided an app to enable customers to make online purchases and enquiries, but they failed to provide information to explain how the app would collect, use and disclose the customers' personal data. In fact, their collection of the customers' full date of birth and identity card number to verify the identity of customers making online enquiries was excessive.

The fourth investigation report concerned the leakage of personal data of the customers of an airline services company through a mobile app running on the iOS platform. The data breach stemmed from the failure of the app maintenance contractor to respond to Apple's introduction of a new privacy protection feature in iOS7 which blocked the apps from using the MAC address as a device identifier.

The malpractices revealed in the above two reports may be just the tip of the iceberg. In this digital era, almost every organisation wants an app to attract more consumer traffic. Even organisations that are relatively green in technological maturity understand the value an app can provide, from enhancing their appeal in the market to collecting enormous amounts of personal data. In their rush to adopt apps, they may not know enough about privacy risks or management to devote adequate resources to either identifying or addressing them. As a result, we are seeing an increasing number of rookie mistakes by organisations as they step into the digital world.

Looking ahead, we will step up our efforts to bring home the message of the importance and value of privacy and data protection to organisations using ICT applications. As usual, we will adopt a two-pronged approach, covering enforcement, as well as professional and public education.

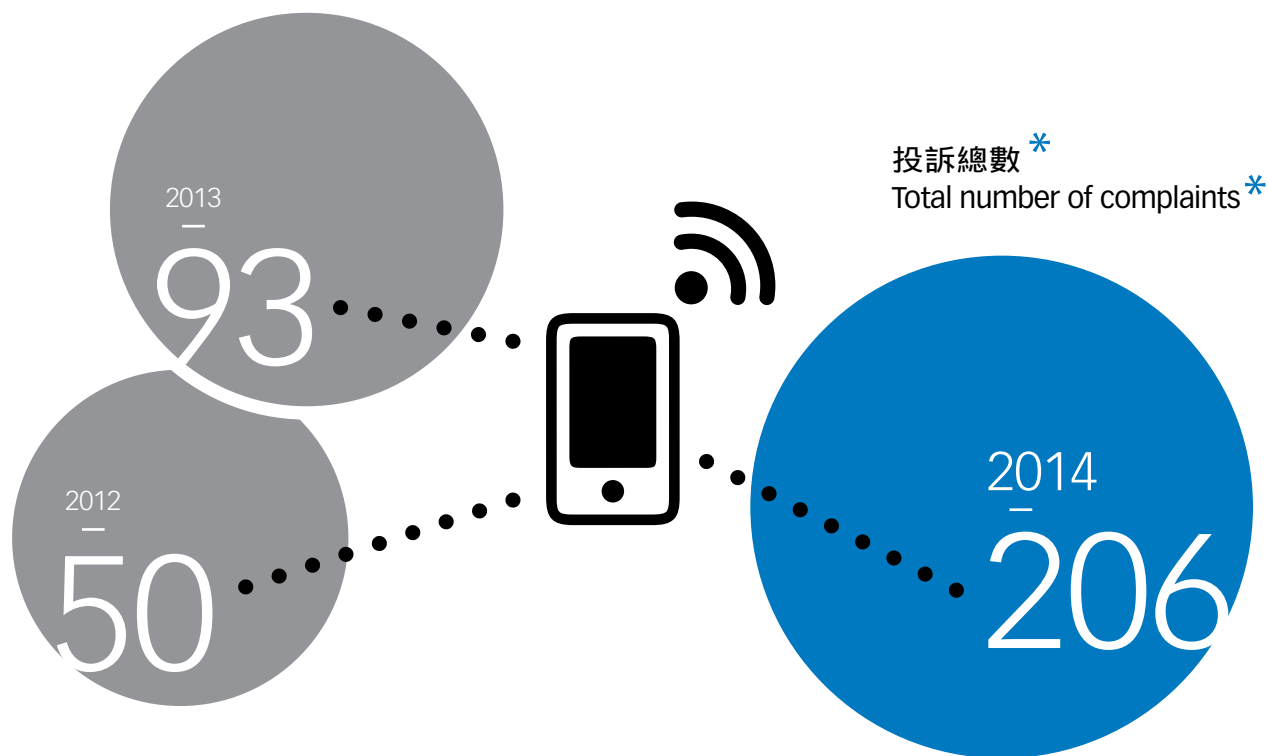
## Closing remarks





In closing, I wish to acknowledge the ongoing interest, involvement and commitment of the Personal Data (Privacy) Advisory Committee, the Standing Committee on Technological Developments, and many other stakeholders in the privacy and data protection community. I would also like to pay tribute to my team for their dedication and support, as exemplified by the significant efficiency enhancement in enforcement work and the marked increase in our promotional and educational efforts in recent years. I am glad that these improvements were acknowledged by a number of legislators attending the meeting of the Panel on Constitutional Affairs on 16 February 2015, who spoke favourably about our work.

Allan CHIANG  
Privacy Commissioner for Personal Data

## 與使用資訊及通訊科技相關的投訴

### Privacy Complaints in relation to Use of ICT

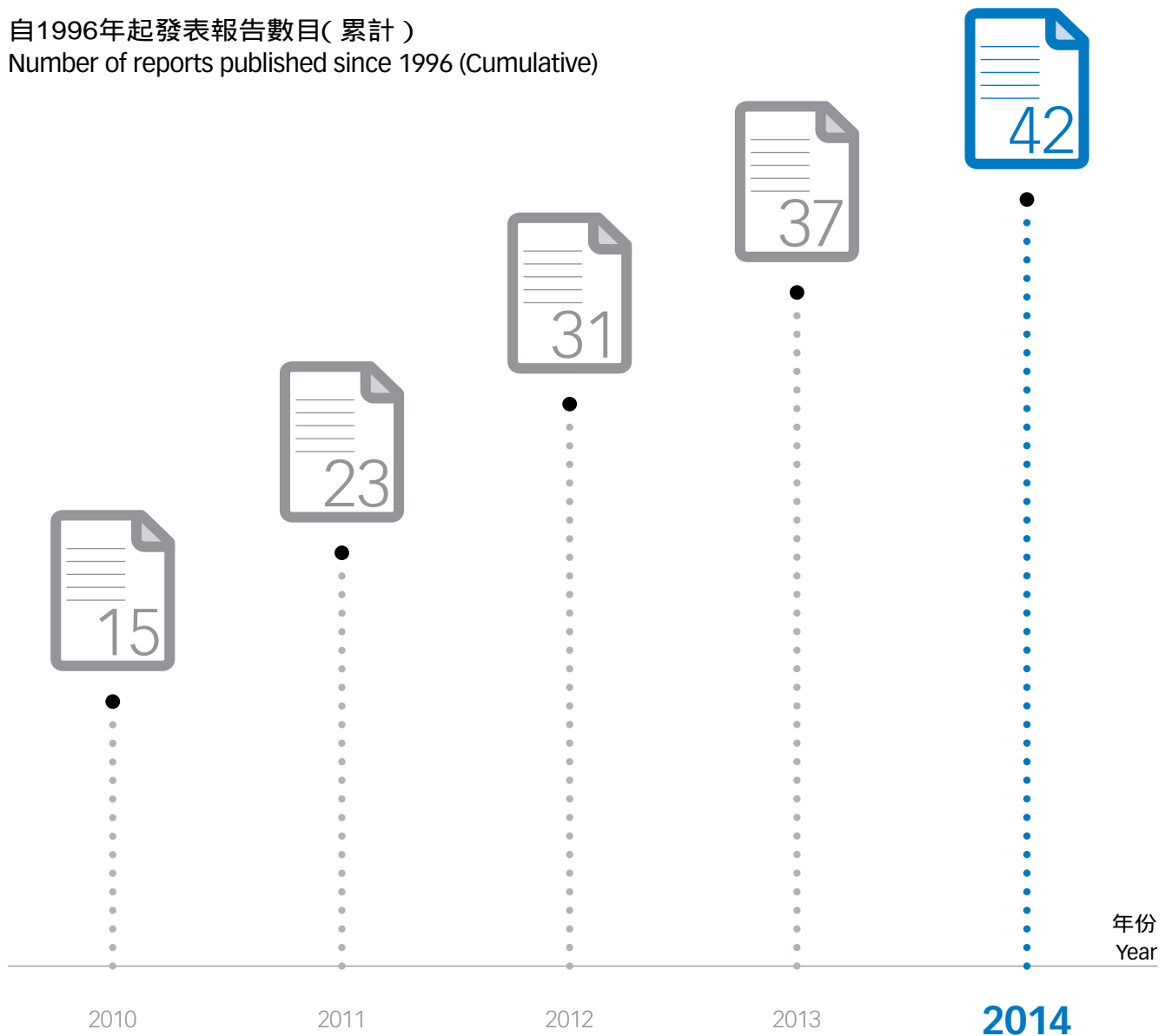


	2012	2013	2014
 使用社交網站 Use of social networking websites	16	45	99
 使用智能電話應用程式 Use of smartphone applications	18	22	58
 在互聯網披露或洩漏個人資料 Disclosure or leakage of personal data on Internet	12	42	57
 網絡欺凌 Cyber-bullying	13	6	34

\* 由於一宗投訴可能涉及多於一投訴類別，故各類別的總和可能超越投訴總數  
As a complaint may cut across different categories, figures in the categories added up may exceed the total number of complaints

## 發表調查報告 Publication of Investigation Reports


自1996年起發表報告數目( 累計 )  
Number of reports published since 1996 (Cumulative)



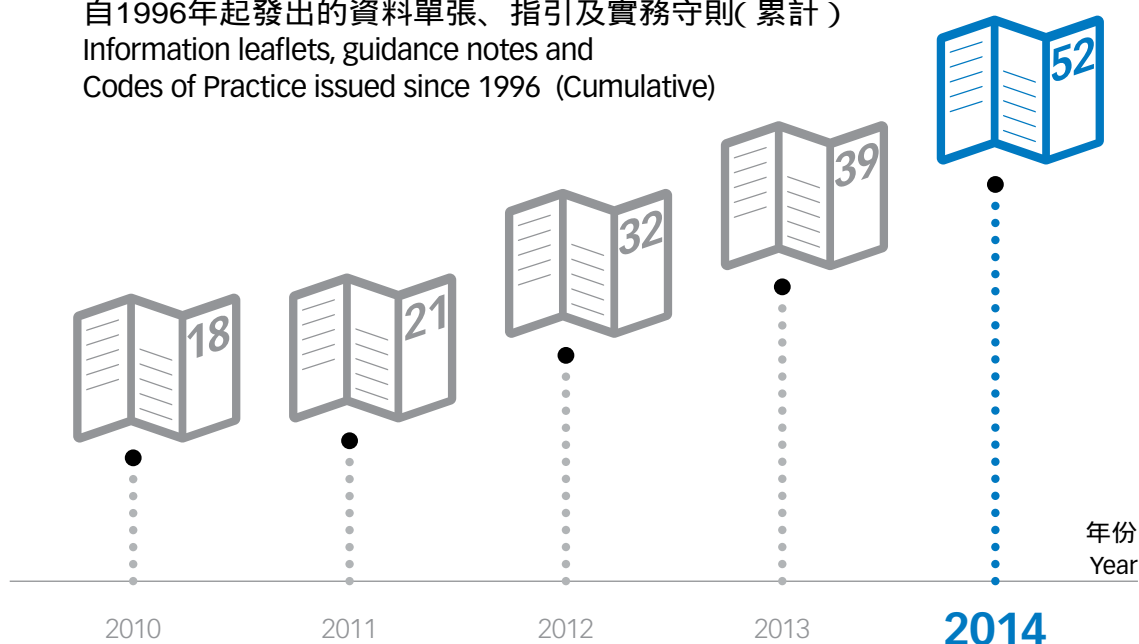


## 推廣及公眾教育

## Promotion and Public Education





	2010	2011	2012	2013	2014
 ● 主要推廣活動 Major Promotional Activities					
大學保障私隱活動(參加人數) University Privacy Campaign (Participants)	-	2 726	2 570	33 299	35 000
保障私隱學生大使計劃(參加人數) Student Ambassador for Privacy Protection Programme (Participants)	-	700+	2 000+	4 840	7 593
其他活動數目 Number of other activities	26	14	14	14	18
總參加人數 Total number of participants	2 449	17 316	46 657	58 979	141 443
● 教育 Education					
專業研習班 Professional workshops	5	52	71	95	90
研討會及講座 Seminars and talks	109	212	167	184	155
總參加人數 Total number of participants	8 672	21 141	16 311	20 898	14 845
● 行業保障私隱活動(參加人數) Industry-specific Campaign (Participants)	2 182	1 158	1 369	1 302	1 018
● 保障資料主任聯會(會員人數) Data Protection Officers' Club (Membership)	362	376	386	357	557
● 公署網站(每月瀏覽次數) PCPD's website (Visits per Month)	44 836	39 909	45 192	75 912	55 000

自1996年起發出的資料單張、指引及實務守則(累計)  
Information leaflets, guidance notes and  
Codes of Practice issued since 1996 (Cumulative)



## 提升處理投訴的效率

## Enhancement of Efficiency in Complaint Handling

	● 2010	● 2011	● 2012	● 2013	● 2014
 <ul style="list-style-type: none"> <li>● 接獲投訴 Complaints received</li> </ul>	1 179	1 486	1 213	1 792	1 702
 <ul style="list-style-type: none"> <li>● 完成調查 Investigations completed</li> </ul>	1 076	1 450	1 268	1 783	1 774
 <ul style="list-style-type: none"> <li>● 在接獲投訴後180日內結案(個案百分比) Closing a complaint case within 180 days of receipt (% of cases)</li> </ul>	94%	88%	88%	89%	95%
<ul style="list-style-type: none"> <li>● 解決一宗簡單投訴個案的平均時間(日數) Average time taken to settle a simple complaint case (days)</li> </ul>	44	37	39	43	30
<ul style="list-style-type: none"> <li>● 解決一宗複雜投訴個案的平均時間(日數) Average time taken to settle a complicated complaint case (days)</li> </ul>	148	162	219	195	122
 <ul style="list-style-type: none"> <li>● 年終仍進行中的調查 Investigations in progress by year-end</li> </ul>	362	398	343	352	280
<ul style="list-style-type: none"> <li>● 沒有展開正式調查的投訴、在45日內結案(達標百分比) Complaint cases closed within 45 days without commencing formal investigation (% of compliance)</li> </ul>	56%	72%	69%	62%	77%

## 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）

在本年報期完結時，公署的職員編制為82人，分別在七個部門工作。（詳見第20至23頁）

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)

The PCPD had a total of 82 staff at the end of the period under review and was organised into seven divisions. (See page 20 to 23 for details)







管理團隊及部門主管  
Senior Management Team  
and Division Heads





## 審查及政策部 Compliance and Policy Division

- 處理市民及機構就條例提出的查詢
- 對資料使用者涉嫌違反條例規定的行事方式進行循規審查及主動調查
- 處理資料使用者提出的自動核對資料程序申請
- 就個人資料系統進行有關視察工作，以及就如何進一步遵守條例規定，向資料使用者提出建議
- 就個人資料私隱問題制定政策立場
- 就私隱專員擬發表意見的問題，進行比較研究及擬備立場書；及
- 協助草擬實務守則
- Dealing with general enquiries from members of the public and organisations concerning the provisions of the Ordinance
- Carrying out compliance checks and self-initiated investigations in relation to practices of data users that might be inconsistent with the requirements of the Ordinance
- Handling applications from data users for approval of automated data matching procedures; and
- Undertaking inspections of personal data systems and making recommendations to the data users concerned for improved compliance with the provisions of the Ordinance
- Developing policy positions on issues with respect to privacy in relation to personal data
- Undertaking comparative research and drafting position papers on such issues for publication by the Commissioner; and
- Assisting in the preparation of codes of practices





### 執行部 Operations Division

- 接受市民向私隱專員提出的投訴，並且就投訴採取行動
- 就涉嫌違反條例規定的事宜進行調查，並且採取適當的跟進行動，以確保違例者遵守條例的規定；及
- 就可能對個人資料私隱有所影響的事宜提供意見
- Receiving and taking action on complaints lodged with the Commissioner
- Conducting investigations of suspected breaches of the Ordinance and taking appropriate follow-up actions to ensure compliance with its provisions; and
- Providing advice on matters that may affect the privacy of individuals in relation to personal data



### 資訊科技部 Information Technology Division

- 就資訊科技發展對個人資料私隱的影響進行研究及提供建議
- 為資料使用者及資料當事人制定有關使用資訊及通訊科技的一般指引及提供培訓
- 參與調查、循規審查和視察，以及就個人資料資訊系統的設計及保安提供建議
- 統籌科技發展常務委員會會議，並提供秘書支援服務；及
- 管理公署內部的資訊系統
- Undertaking research into and advising on information technology developments that impact on personal data privacy
- Developing general guidelines and providing training for data users and data subjects in relation to the use of information and communication technologies
- Participating in investigations, compliance check and inspections, and advising on the design and security of information systems that hold personal data
- Coordinating and providing secretarial support to the Standing Committee on Technological Development; and
- Managing the internal PCPD information systems





## 機構傳訊部 Corporate Communications Division

- 策劃及推廣公眾教育
- 與傳媒及持份者建立良好關係及促進交流
- 為機構舉辦有關認識條例規定的研討會及講座
- 製作刊物及培訓教材，以推廣條例
- 接受傳媒查詢及安排新聞發佈會；及
- 管理中文繁體、中文簡體及英文網站，為市民提供有關條例及公署動向的資訊，以及網上資源
- Developing and implementing promotion and public education programmes
- Building and developing media and stakeholders relationship
- Organising seminars and presentations for organisations to educate them on the requirements under the Ordinance
- Producing publications and training materials to promote the Ordinance
- Responding to media enquiries and arranging press conferences; and
- Maintaining a website, in traditional Chinese, simplified Chinese and English, to provide comprehensive information about the Ordinance, PCPD news and activities and online resources



## 行政部 Administration Division

- 制定並落實人力資源計劃
- 提供辦公室管理及翻譯支援服務
- 作為人力資源管理職能的一部分，就根據《公開資料守則》提出的查閱資料要求，及根據《個人資料(私隱)條例》提出的查閱資料要求，統籌公署的回覆；及
- 為個人資料(私隱)諮詢委員會提供統籌及秘書支援服務
- Strategic planning and management of human resources
- Providing office administration and translation support
- Coordinating the office's responses to requests for access to information under the Code on Access to Information and data access requests under the PDPO as part of the human resource management function; and
- Coordinating and providing secretarial support to the Personal Data (Privacy) Advisory Committee

## 財務部 Finance Division

- 管理會計、工資及採購系統；及
- 提供財務支援，確保財務政策有效制定及施行
- Maintaining the accounting, payroll and procurement systems; and
- Providing financial support by ensuring that financial policies are developed and administered effectively



## 法律部 Legal Division

- 為公署各方面的工作提供法律意見並處理一切法律事宜
- 監察與公署工作有關的海外資料保障法律的發展
- 檢討可能對個人資料私隱構成影響的現行及建議中的香港法例
- 協助政府檢討《個人資料(私隱)條例》
- 代表私隱專員出席法庭及行政上訴委員會的聆訊；及
- 執行法律協助計劃
- Providing legal advice in respect of all aspects of the work of the PCPD and dealing with all legal matters
- Monitoring developments in overseas data protection laws insofar as they are relevant to the work of the PCPD
- Reviewing existing and proposed Hong Kong legislation that may affect the privacy of the individual with respect to personal data
- Assisting the Government in the review of the Personal Data (Privacy) Ordinance
- Representing the Commissioner in any relevant court or Administrative Appeals Board hearings; and
- Administering the Legal Assistance Scheme



## 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  
冠軍科技集團有限公司董事  
(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, Champion Technology Holdings Ltd  
(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 Gordan 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 黃錦卿女士  
副個人資料私隱專員

### CO-CHAIRPERSONS

- 1 **Mr Allan CHIANG, SBS**  
Privacy Commissioner for Personal Data
- 2 **Ms Fanny WONG**  
Deputy Privacy Commissioner for Personal Data

### 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 譚偉豪博士 **JP**  
(德義國際)有限公司主席
- 6 楊月波教授  
香港城市大學資訊系統學系特約教授

### 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 Samson TAM Wai-ho, JP**  
Chairman, Group Sense (International) Ltd
- 6 **Professor YB YEUNG**  
Adjunct Professor, Department of Information Systems,  
City University of Hong Kong