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私隱專員的話 PRIVACY COMMISSIONER'S MESSAGE



黃繼兒

香港個人資料私隱專員

Stephen Kai-yi WONG

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在過去一年，環球的個人資料保障形勢經歷重大改變……我們作為規管者，一直有檢視法例，亦會參考《通用數據保障條例》。在檢視法例的過程中，我們亦會小心考慮必要的因素，例如改革的合法目的及迫切需要、擬議的更改與達致合法目的之間的相稱性、是否有其他實用和有效的方法處理這個問題、環球的資料私隱保障形勢、本地情況、所有持份者的利益，以及社會大眾的利益。

Global personal data protection landscape underwent significant changes in the past year……We as a regulator have been reviewing our legislation with a view to better protecting and respecting personal data privacy right, with references to the GDPR, too. In the review process, we also took heed of imperative factors such as the legitimate purpose and pressing need of the reform, the proportionality between the proposed change and the pursuance of the legitimate purpose, whether there are any other practical and effective means to address the problem, the global data privacy landscape, the local circumstances, the interest of all stakeholders and the interest of the community at large.

2019-2020 年度是個人資料私隱專員公署（私隱公署）自1996年成立近四分一個世紀以來，充滿新穎挑戰的一年。以投訴個案為例，我們接獲11,220宗投訴，創紀錄新高。即使我們不計算數以千計自2019年6月以來由社會事件而導致的空前「起底」事件的投訴，以及多宗引起社會廣泛關注的私隱相關事件，投訴數字仍有3,848宗，按年上升105%（2018-19年度為1,878宗）。多方的挑戰不單考驗公署在規管上的適應力和毅力，亦令個人資料私隱成為公眾關注的焦點，深化了公眾對如何平衡個人資料私隱權利與其他權益的考量和討論。

我們於2019年初就一間電訊公司外洩38萬名顧客及服務申請者的個人資料的事件發表調查結果之後，隨即獲悉一個政府部門發生資料外洩事故，涉及遺失選民個人資料。雖然這事故規模較小，涉及約8,100名人士，但仍然引起不少關注，因為事件是在發生約30個月後才曝光。2019年12月，私隱公署就一間信貸資料機構的網上認證程序漏洞發表了調查報告，該機構沒有採取所有切實可行的步驟，確保其持有的個人資料受到保障而免受未獲准許或意外的查閱或使用。

2019-20 was a year fraught with novel challenges for the Office of the Privacy Commissioner for Personal Data (PCPD) in its quarter-of-a-century history since its establishment in 1996. Taking the complaint caseload as an example, we received a record high of 11,220 complaints. Even if we discounted the thousands of complaints about unprecedented doxxing arising from social incidents since June 2019 and a number of privacy-related incidents which caused widespread social concerns, there remained 3,848 complaints, representing a 105% year-on-year increase (1,878 complaints in 2018-19). The multi-fold challenges not only put PCPD's regulatory resilience and stamina to the test, but also brought personal data privacy into focus and intensified public deliberations and dialogues about how to balance personal data privacy rights against other competing interests.

Right on the heels of concluding and publishing our investigation results in early 2019 on a telecommunications company having leaked personal data of some 380,000 customers and service applicants, we were hit with another data security breach incident by a government department concerning loss of voters' personal data. Though the scale of this data security breach was much smaller, involving only about 8,100 individuals, it caused no less concern as the incident did not come to light until some 30 months after it had happened. In December 2019, PCPD published an investigation report on the vulnerabilities of a credit reference agency's online authentication procedures caused by its failure to take all practicable steps to ensure that the personal held was protected against unauthorised or accidental access or use.



正如在其他法域區發生的資料外洩事故一樣，人為錯誤（例如惡意軟件、黑客入侵、網絡攻擊或類似情況）總是最常見的單一原因，遠超其他技術因素。不論資料使用者是公營機構或私營企業，採取技術性及機構性措施，充分和適當地培訓及再培訓管理個人資料的人員，以制度化的基礎管理由收集、持有、處理、使用，以至銷毀個人資料的整個流程，均至為重要。

誠然，以端對端問責系統管理個人資料私隱的整個生命周期是有幫助的，但絕對不能保證資料外洩事故不會發生。人是容易犯錯誤的。黑客入侵和網絡攻擊亦日趨複雜。因此，資料使用者透過數據道德爭取個人對其個人資料管理的信任和信心更為重要。

私隱公署自2017在香港舉辦國際資料保障及私隱專員研討會（2019年10月改稱為環球私隱議會）以來，一直在區內倡導數據道德。公署預期資料使用者在數據道德下會以尊重、公平及互惠的態度處理個人資料。如資料使用者能展示他們在處理個人資料時不只是依循法律要求，更奉行問責原則，萬一發生資料外洩事故，他們很可能會得到當事人的信任和信心。

沒有道德地使用個人資料所帶來的後果可以是非常嚴重的。由2019年6月中至2020年3月底，私隱公署接獲及發現接近5,000宗由社會事件引發的「起底」個案。2019年下半年，個人資料被武器化的情況前所未見，不單對個人造成心理傷害和恐嚇，亦煽動他人破壞公共秩序。受害人來自社會各階層。

如此將個人資料武器化可以說是我們所見最差的使用資料形式，它貶低了人的尊嚴和體統。由於私隱公署沒有刑事調查及檢控的權力，公署在完成初步調查後只能把涉嫌違反《個人資料（私隱）條例》（《私隱條例》）的刑事罪行轉介警方進行刑事調查，如證據充分，則由律政司作出檢控。

Like so many other data security breach incidents in other jurisdictions, human errors were almost invariably the most common single cause. They trailed much ahead of technical factors such as malware, hacking, cyber security attacks or the like. No matter whether data users are public organisations or private enterprises, technical and organisational measures with sufficiently and appropriately trained and retrained personnel for managing personal data on a cradle-to-grave institutionalised basis from collection, holding, processing, use to destruction of personal data are instrumental.

Admittedly, having an end-to-end accountability system to manage personal data privacy on a life cycle basis does help but it never guarantees no data breach. Humans are prone to making human errors. Hacking and cyber security attacks are becoming more sophisticated day by day. It is therefore all the more important that data users could command the trust and confidence of individuals in their personal data management through data ethics.

PCPD has been pioneering the data ethical approach in the region since we held the International Conference of Data Protection and Privacy Commissioners (renamed as the Global Privacy Assembly (GPA) since October 2019) in 2017 in Hong Kong. Armed with data ethics, data users are expected to handle personal data through the prism of respect, fairness and benefits. In the event of a data security breach, it is probable for data users to manage garnering trust and confidence on the part of the individuals if they could also demonstrate that they take accountability, as opposed to mere compliance with the laws, as the added principle for protecting personal data.

The consequences of deploying personal data without ethics can be disastrous. Starting from mid-June 2019, PCPD received and uncovered close to 5,000 doxxing cases arising from social incidents as at the end of March 2020. We witnessed in the second half of 2019 unprecedented weaponisation of personal data to cause not only psychological harm but also intimidation of individuals and incitement against public order. Victims came from all walks of life.

Such weaponisation is arguably the worst form of data in action we have ever seen. It derogates from human dignity and decency, too. Not equipped with criminal investigation and prosecution powers, PCPD, upon completion of initial investigations, could only refer suspected criminal offences under the Personal Data (Privacy) Ordinance (the PDPO) to the Police for following up criminal investigations and for prosecutions by the Department of Justice if warranted.



不過，私隱公署確已盡用其現有的法定或行政權力，以減低受害人的傷害。自2019年6月14日接獲這類投訴個案的首月，個案數目已遠超前八年有關網絡欺凌的投訴個案總數。公署因應運作需要成立了一個特別小組，主動搜尋載有非法貼文的網站連結。截至本報告年度為止，我們曾166次去信16個網上平台，促請它們移除2,867條「起底」網站連結，而在我們介入後，1,777條「起底」網站連結已被移除，即62%。我們亦就海外營運的網上平台聯絡海外的資料保障機構、向香港電腦保安事故協調中心尋求其對應機構的協助，並促請海外的網域註冊公司提供我們調查所需的資料。我們多次去信提醒平台營運商，高等法院已發出禁制令(HCA 1957/2019及HCA 2007/2019)，當中分別禁止(i)任何人非法地及故意地公開警員及/或其家人的個人資料，以恐嚇或騷擾他們；及(ii)社交媒體平台協助發布非法的貼文。我們在接獲或發現涉及懷疑違反有關命令的個案時，會轉介律政司跟進。我亦曾傳召一個海外平台的營運商，要求提供上載「起底」貼文的網民的登記資料及IP地址，以供我們調查之用，但該營運商沒有現身。公署為從根源處理「起底」問題，亦透過各種途徑(包括以現場及網上形式)進行公眾教育和推廣活動。

總的來說，要打擊網上「起底」罪行須面對巨大的挑戰。首先，開立網上帳戶並無規定以實名登記，這令到要識別犯罪者至為困難。此外，絕大部分張貼「起底」貼文的平台是在香港以外的地方營運，而《私隱條例》在域外管轄權方面並無明確的條文。即使私隱公署有域外權力，個人資料的移轉是無疆界的，起底者可輕易地將資料由一個法域區轉移至另一個法域區，因此，現時要有效保障個人資料私隱，雙邊、區域性或多邊執法合作更具迫切性。

PCPD did, nevertheless, exhaust all its existing powers, statutory or administrative, to contain the harm suffered by the victims. The number of such complaint cases received in the first month since 14 June 2019 well exceeded the total number of complaint cases on cyberbullying in the preceding eight years. A special team was set up to cater for operational needs to proactively search for web links with unlawful postings. As at the end of the reporting year, we wrote to 16 online platforms 166 times urging the taking down of 2,867 doxxing web links, and after our intervention 1,777 doxxing web links, i.e. 62%, were taken down. We also liaised with overseas data protection authorities regarding online platforms operating overseas, sought the assistance of the Hong Kong Computer Emergency Response Team for enlisting help from its counterparts, and urged overseas internet domain registration companies to give us necessary information for our investigations. We repeatedly wrote to remind platform operators that the High Court had granted injunction orders (HCA 1957/2019 and HCA 2007/2019) to, *inter alia*, prohibit respectively (i) persons from unlawfully and wilfully disclosing personal data of police officers and/or their family members, intended or likely to intimidate or harass them; and (ii) social media platforms from assisting in the dissemination of unlawful posts. On receipt or discovery of cases involving suspected violations of the orders, we referred them to the Department of Justice for follow-up. I also summoned the operator of an overseas platform to provide registration information and IP addresses of the netizens who had uploaded the relevant doxxing postings for the purposes of our investigations, although it failed to turn up. In an attempt to tackle the problem of doxxing at its roots, PCPD also carried out public education and promotion programmes through various in-person and electronic channels.

All in all, tackling online doxxing crimes comes with immense challenges. In the first place, there are no real name registration requirements for online accounts. This makes identifying the culprits most difficult. Besides, most, if not all, of the platforms on which doxxing takes place operate outside of Hong Kong and the PDPO does not have explicit provisions on extra-territorial jurisdiction. Even with extra-territorial powers, personal data sees no border and doxers may easily migrate from one jurisdiction to another with ease, making bilateral, regional or multilateral enforcement cooperation much more pressing nowadays for effective personal data privacy protection.

事實上，2019年10月環球私隱議會在阿爾巴尼亞地拉那舉行的周年大會上，超過120個資料保障機構通過決議案，推動的議題包括打擊在社交媒體及網上涉及暴力、仇恨言論和極端主張的內容。會上亦通過另一項決議案，顯示跨境執法的重要性。私隱公署一直致力促進與其他私隱執法機構的跨境合作，在2019年5月，公署與澳門個人資料保護辦公室聯席主持第三屆全球私隱執法機關網絡執法人員研討會，共60名來自14個法域區的代表成員參與。同月，公署亦與新加坡個人資料保護委員會在日本簽訂諒解備忘錄，同心協力，進一步加強兩地在個人資料保障方面的合作關係。

我們在國際方面的工作不限於此。私隱公署自2019年一直擔任環球私隱議會的人工智能的道德與數據保障常設工作小組的聯席主席。在這個數據驅動年代，人工智能一直被視為可提供競爭優勢的重要數據工具。我們正積極與小組其他成員合作，在發展和應用人工智能方面提升大眾的意識，以及制定最佳準則和行事方式。

在過去一年，環球的個人資料保障形勢經歷重大改變：改革業務模式、普遍收集及未經同意使用資料、鼓勵涉及個人資料私隱的項目和其他有關資訊及通訊發展的創新做法。歐盟的《通用數據保障條例》於2018年5月25日生效後，引發世界各地進行法律改革浪潮，這並不令人感到意外。我們作為規管者，一直有檢視法例，亦會參考《通用數據保障條例》。在檢視法例的過程中，我們亦會小心考量必要的因素，例如改革的合法目的及迫切需要、擬議的更改與達致合法目的之間的相稱性、是否有其他實用和有效的方法處理這個問題、環球的資料私隱保障形勢、本地情況、所有持份者的利益，以及社會大眾的利益。

As a matter of fact, GPA with more than 120 data protection authorities, adopted a resolution at its annual meeting in Tirana, Albania in October 2019 calling on, *inter alia*, combating violence, hatred and extremist content on social media and on the internet. At that meeting, GPA also underlined the importance of cross-border enforcement by passing another resolution. As part of our continuing effort to foster cross-border cooperation among privacy enforcement authorities, in May 2019 PCPD co-hosted with Macao's Office for Personal Data Protection the 3rd Global Privacy Enforcement Network Enforcement Practitioners' Workshop, which was attended by 60 delegates from 14 jurisdictions around the world. The same month also saw PCPD's signing of a Memorandum of Understanding, in Japan, with Singapore's Personal Data Protection Commission to strengthen cooperation in personal data protection in the two jurisdictions.

Our work on the international front did not stop here. PCPD has since 2019 been co-chairing the Permanent Working Group on Ethics and Data Protection in Artificial Intelligence of the GPA. We are working earnestly with other members with a view to raising the awareness level and setting best standards and practices in the development and use of AI, which has always been seen as a critical data tool rendering competitive advantage in the data-driven era.

Global personal data protection landscape underwent significant changes in the past year, reformed business models, ubiquitous collection and non-consensual use of data, as well as encouraging initiatives involving personal data privacy and other innovative practices in relation to information and communications developments. Triggering a "legislative reform tsunami" around the world was no surprise after the coming into effect of the General Data Protection Regulation (GDPR) in the European Union on 25 May 2018. We as a regulator have been reviewing our legislation with a view to better protecting and respecting personal data privacy right, with reference to the GDPR, too. In the review process, we also took heed of imperative factors such as the legitimate purpose and pressing need of the reform, the proportionality between the proposed change and the pursuance of the legitimate purpose, whether there are any other practical and effective means to address the problem, the global data privacy landscape, the local circumstances, the interest of all stakeholders and the interest of the community at large.



我很高興政府在考慮我們的建議後，在2020年1月公開闡述《私隱條例》的初步修訂方向。初步修訂方向包括私隱公署所建議的較為迫切的議題，當中包括範疇（例如個人資料的定義及對資料處理者的直接規管）、過程（例如賦予公署刑事調查權力及檢控權力，包括提升處理「起底」罪行的權力）、阻嚇作用（例如設立強制性的資料外洩通報機制、賦權公署判處行政罰款及增加刑事罰款的最高款額），以及個人的權利（例如規定機構資料使用者提供個人資料的保留政策及保留時限）。

這些方向顯然對改革《私隱條例》十分重要。私隱公署期望就修訂《私隱條例》與所有持份者敲定詳情。這肯定是公署來年的首要工作。

當個人資料私隱成為社會焦點之時，傳媒的興趣自然增加，我們更加有責任為公眾的利益適時解釋私隱議題。去年，私隱公署共主動發出69份新聞稿，創紀錄新高。此外，我們回應傳媒查詢的數字亦是過去十年最高的。今時今日，人們已習慣隨時隨地接收資訊，因此我們以「陽光中的私隱」作為主題，在不同的社交平台（Instagram, LinkedIn, Twitter及微博）推出全新形象，並更新Facebook專頁和YouTube頻道。我們在這些社交平台上的貼文和短片的對象是年輕一代、大中小微企、專業人士、中國內地和海外的資料保障人員及機構，希望他們能掌握私隱保障方面的最新消息。

2019-20年度的年報中，不得不提2019冠狀病毒病全球大流行。疫情不單對全球的公共健康構成威脅，亦對在保障個人各項資料（例如健康資料、用作接觸追蹤的位置資料等）與快速有效遏止病毒之間應如何取得最佳的平衡帶來挑戰。

I am pleased that the Government, having considered our proposals, set out in public in January 2020 the preliminary amendment directions for the PDPO. The preliminary amendment directions encompass the more pressing issues proposed by PCPD relating to the scope (e.g. definition of personal data and direct regulation on data processors), the process (e.g. vesting criminal investigation powers and prosecution powers with PCPD, including enhanced powers to deal with offences like doxing), the deterrent effect (e.g. instituting a mandatory data breach notification system, empowering PCPD to administer administrative fines and increasing the maximum level of criminal fines) as well as the rights of individuals (e.g. requiring organisational data users to provide retention policy and maximum retention period for personal data).

These are certainly the expected directions for significant reforms to the PDPO. PCPD looks forward to firming up details with all stakeholders on how the PDPO should be amended. This would undoubtedly be the top priority of PCPD's work in the coming year.

When personal data privacy came into sharper focus in society, media interest naturally increased and we found ourselves even more obligated to enhance explainability of privacy issues in the interest of the community in a timely manner. Last year, PCPD took the initiative to issue a total of 69 media statements, setting a record high. In addition, the number of responses we made to media enquiries was the highest in the last decade. In this day and age when people are accustomed to receiving information anytime anywhere, we have launched a brand new image on online social media platforms (Instagram, LinkedIn, Twitter and Weibo), and revamped our Facebook page and YouTube channel, all under the new theme of "Privacy in Sunlight". Our postings and videos on these social media platforms aim to target at the younger generation; micro, small, medium and large enterprises, professionals, data protection personnels and authorities from the mainland and overseas, with a view to enabling them to follow the latest news and updates of the privacy landscape.

It would not be complete for an annual report for 2019-20 without mentioning the COVID-19 pandemic. Not only did the pandemic pose a threat to public health around the globe, it also challenged the best possible balance that should be struck to protect individuals' various data (such as health data, location data for contact tracing, etc) on the one hand and to enable expeditious and effective containment of the virus on the other.

環境瞬息萬變，但我們對保障及尊重個人資料私隱的承諾始終如一。在疫情期間，我們作為規管者會繼續擔當個人資料促進者和保護者的角色，不會忽略保障個人私隱權利的需要，以及促進機構為公眾利益而負責任地使用資料。私隱權是基本人權，但並非絕對權利，必須根據情況予以考慮，並與其他權益作出平衡，包括但不限於公共健康、公共秩序、公眾利益，就其合法性、合理連繫、必要性、相稱性及是否有迫切需要作為考慮準則。

私隱公署在便利採取防疫措施與保障個人私隱方面堅定實踐這原則。在政府推出防疫措施之前，我們向不同的政府部門和決策局提供觀察所得，例子包括涉及收集和個人資料的現金發放計劃、派發可重用口罩、「保就業」計劃等紓困措施。我們已向政府清楚說明，在考慮所有實際情況後，應嚴格依從保障資料原則行事，包括收集最少的資料、其他對私隱侵犯程度較低的方法（顧及達致合法目的之必要性及相稱性）、保留資料的時間不會超過所需的時間、收集個人資料政策的透明度和可解釋性等。為了便利政府在疫情期間向公眾迅速落實紓困措施，我們快速地處理政府的核對程序申請，有關申請是申請批准把為某目的而收集的市民個人資料以電子方式與為其他目的而收集他們的個人資料作比較。公署亦適時就疫情期間安全使用個人資料向公眾發出建議，包括早於2020年2月的強制檢疫措施所帶來的私隱議題，以及利用社交媒體追蹤潛在的帶病毒人士。當疫情開始影響營商和教育時，公署亦就僱主向僱員收集資料、使用視像會議軟件工具作教育和營商用途、已更為普遍的在家工作安排、兒童私隱等發出建議。

Circumstances always change but our commitment to protecting and respecting personal data privacy does not. In times of a pandemic, we as a regulator continue to serve both as a facilitator and a protector of personal data, without losing sight of the need for protecting individuals' privacy right and facilitating responsible use of data in the interest of the public. While privacy is a fundamental human right, it is not an absolute right. It has to be considered and balanced contextually against other competing rights and interests, including but not limited to public health, public order and ultimately, public interests, applying the tests of legitimacy, rational connection, necessity, proportionality and any pressing need.

PCPD put this practice firmly into action to facilitate measures taken to combat the pandemic and to protect individuals' privacy. We provided our observations to various Government departments and bureaux before introducing their measures in combating the pandemic. Examples included relief measures such as Government's Cash Payout Scheme, the reusable masks, the Employment Support Scheme, etc where collection and use of personal data were involved. We made it quite clear to the Government, with all the practical circumstances considered, the data protection principles including minimum data collection, alternatives of less privacy-intrusive measures having regard to the necessity and proportionality for achieving the legitimate purposes, retention of data not longer than is necessary, transparency and explainability of the personal information collection policies, etc., would have to be followed strictly. To facilitate efficient implementation of relief measures for members of the public during the pandemic, we swiftly processed Government's applications for approval to carry out matching procedures where personal data of citizens collected for one purpose was compared electronically with their personal data collected for other purposes. PCPD also issued timely public advisories to facilitate the safe and secure use of personal data during the COVID-19 pandemic, including as early as in February 2020 on privacy issues arising from mandatory quarantine measures and the use of social media for tracking potential carriers of COVID-19. When the pandemic started to impact the way of businesses and education operated, PCPD issued advisories on the collection of data from employees by employers, the use of video-conferencing software tools for education or for businesses, the much more prevalent work-from-home arrangements, children privacy, etc.



個人資料在對抗這次疫情中扮演著不可或缺的角色。私隱公署透過環球私隱議會與其他法域區的規管者在規管方面互相合作和協調。公署積極參與環球私隱議會2019冠狀病毒病應變工作組的新興私隱議題分組的工作。我們在與其他成員的合作下，正整理證據和個案研究，編纂有關最佳行事方式的概要，以便在為公眾利益而使用資料之餘，仍能提供公眾預期的保障。公署亦繼續向該工作組所管理的網上資源圖書館提供有關資料保障及2019冠狀病毒病的最新指引和資訊。

為了減低疫情的干擾，持續舉辦公眾教育活動，我們改以網上模式為企業及個人提供專業研習班和講座，並採取足夠的資料保安措施。在特別工作安排和積極採取預防措施下，私隱公署能夠為公眾提供接近正常的服務。公署為員工提供安全可靠的資訊科技支援，在有需要時員工可以在家有效順暢地工作。我希望當你收到這本年報時，疫情已經完全受控。

今年是我五年任期的最後一年。我感到很榮幸及高興，身為人權律師能夠為公眾履行我的法定職責，尤其秉持法治中「無人能凌駕法律」的精神公正地執法，全不考慮違反《私隱條例》人士的政治背景和取向。這全賴私隱公署一群努力不懈的同事全力支持。我亦衷心感謝個人資料(私隱)諮詢委員會及科技發展常務委員會的成員，我從他們身上獲益良多。展望將來，在像香港般的數據驅動的智慧城市，保障個人資料私隱的工作會面對艱巨的挑戰，我期望與你們一起迎接這些新穎挑戰。

黃繼兒

大律師
香港個人資料私隱專員
2020年7月

Personal data has played an indispensable role in combating this pandemic. PCPD joined regulators from other jurisdictions through GPA for regulatory collaboration and coordination. PCPD actively played a role in the Sub-Group on Emerging Privacy Issues under the COVID-19 Response Taskforce of GPA. With other members' collaboration, we were collating evidence and case studies and would compile a compendium of best practices on enabling the use of data in the public interest and still providing the protections the public expects. PCPD also kept contributing latest guidance and information on data protection and COVID-19 to an online Resources Library managed by the Taskforce.

To minimise the disruption by the COVID-19 pandemic to our ongoing public education initiatives, PCPD offered professional workshops and seminars to enterprises and individuals in online mode, with sufficient data security measures in place. Under special work arrangements and with active preventive measures adopted, my office managed to provide overall close-to-normal public services with reliable and secure IT support enabling smooth and efficient operation of staff working from home when necessary. I just wish that when this report reaches you, the pandemic will have been fully under control.

This is the fifth and final year of my 5-year tenure. It has been a distinct privilege and real pleasure for me, being a human rights lawyer in the public service, to be able and real pleasure for me to discharge my statutory duties, particularly in enforcing the law fairly, upholding the Rule of Law in that nobody is above the law, and having no regard to the political background and orientation of those who contravene the PDPO. I could not have done it without the relentless efforts and staunch support of my colleagues. My sincere thanks also go to members of the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Developments from whom I have learnt a great deal by picking their brains and unlocking their wealth of expertise. Looking ahead, I envisage formidable challenges to personal data privacy protection in a data-driven smart city like Hong Kong and look forward to working with you all to rise to these novel challenges.

Stephen Kai-yi WONG

Barrister
Privacy Commissioner for Personal Data, Hong Kong
July 2020

全年活動一覽 ONE YEAR AT-A-GLANCE

4月
APR
2019

私隱公署就商場會員計劃及網上推廣活動的個人資料收集概況發表循規審查報告

PCPD released a compliance check report about personal data collection in shopping malls and online promotion activities

舉辦「關注私隱運動」，主題是「履行私隱法例 實踐數據道德」

Spearheaded the annual Privacy Awareness Week with the theme "Compliance with Privacy Law, Data Ethics in Action"



一間銀行沒有依從資料當事人的拒收直銷訊息要求，繼續使用其個人資料作直接促銷，被判罰款一萬元

A bank was convicted and fined \$10,000 for failing to comply with the requirement from the data subject to cease to use his personal data in direct marketing

5月
MAY
2019

與澳門個人資料保護辦公室合辦第三屆全球私隱執法機關網絡執法人員研討會
Co-hosted the 3rd Global Privacy Enforcement Network Enforcement Practitioners' Workshop with the Office for Personal Data Protection, Macao





5月
MAY
2019

一間拍賣行違法直接促銷，被判罰款二萬元

An auction company was convicted and fined \$20,000 for failing to comply with the direct marketing provisions under the PDPO

私隱專員出席在日本東京舉行的第51屆亞太區私隱機構論壇

Privacy Commissioner attended the 51st Asia Pacific Privacy Authorities Forum in Tokyo, Japan

私隱專員與新加坡個人資料保護委員會副專員簽訂諒解備忘錄，進一步加強兩地就個人資料保障方面的合作關係

Privacy Commissioner and the Deputy Commissioner of Singapore's Personal Data Protection Commission signed a Memorandum of Understanding to strengthen cooperation in personal data protection in the two jurisdictions



一間美容產品公司在使用他人的個人資料作直接促銷前，未有採取指明行動通知資料當事人及取得其同意，被判罰款八千元

A beauty product company was convicted and fined \$8,000 for failing to use the personal data of a customer in direct marketing without taking specified actions and obtaining her consent

就一間航空公司約940萬名乘客的個人資料遭未獲授權取覽或查閱的資料外洩事故的調查發表報告

Published an investigation report on the data breach incident of unauthorised access to personal data of approximately 9.4 million passengers of an airline company

6月
JUN
2019

8月
AUG
2019

一間電訊公司沒有依從資料當事人的拒收直銷訊息要求，而繼續使用其個人資料作直接促銷，被判罰款八萬四千元

A telecommunications company was convicted and fined \$84,000 for failing to use the personal data of a customer in direct marketing without taking specified actions and obtaining her consent

發表一政府部門遺失一本2016年立法會換屆選舉的「經劃線的正式選民登記冊」的資料外洩事故調查報告

Published an investigation report on the data breach incident of the loss of a marked final register of electors used in the 2016 Legislative Council General Election by a government department

全年活動一覽

ONE YEAR AT-A-GLANCE

9月
SEP
2019

舉辦講座應對
網絡欺凌及
「起底」

Held a seminar
on cyberbullying
and doxing



私隱專員於阿爾巴尼亞地拉那舉行的第四十一屆國際資料保障及私隱專員會議代表香港聯同其他成員共同推動多項個人資料保障議題

Privacy Commissioner attended the 41st International Conference of Data Protection and Privacy Commissioners in Tirana, Albania representing Hong Kong and joining forces with other members to advocate various personal data protection issues

10月
OCT
2019



12月
DEC
2019

私隱專員出席在菲律賓宿霧舉行的第52屆亞太區私隱機構論壇

Privacy Commissioner attended the 52nd Asia Pacific Privacy Authorities Forum in Cebu, the Philippines



就某本地報章通過一間信貸資料服務機構的網上認證程序，取得數名公眾人士的信貸報告的資料外洩事故的調查發表報告

Published an investigation report on the data breach incident of a local newspaper being able to pass through the online authentication procedures of a credit reference agency

出版《內地民商事務所涉個人信息及網絡安全主要法規簡介》

Published "A Brief Summary on the Regulations in the Mainland of China Concerning Personal Information and Cybersecurity Involved in Civil and Commercial Affairs"

就2019冠狀病毒引發的私隱議題開始向各持份者提供意見指引

Began to provide views and guidance to stakeholders on privacy issues arising from COVID-19

2月
FEB
2020

2019年4月 - 2020年3月：數字回顧

APRIL 2019 - MARCH 2020: A YEAR IN NUMBERS

接獲 **3,848[^]** 宗

投訴個案，比去年增加105%

3,848[^] complaints were received, 105% year-on-year increase



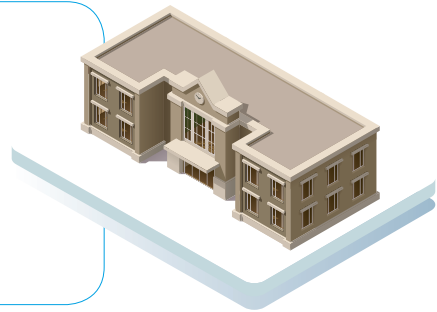
處理 **23,779** 宗

查詢個案，比去年增加39%

23,779 enquiries were handled, 39% year-on-year increase

129 間

中學參與保障私隱學生大使計劃·學校夥伴嘉許計劃，創歷年新高
129 secondary schools participated in the Student Ambassador for Privacy Protection Programme - Partnering Schools Recognition Scheme. The number of participating schools reached a record high



590 名

會員加入保障資料主任聯會，比去年增加1%

590 members joined the Data Protection Officers' Club, 1% year-on-year increase

[^] 私隱公署在本報告年度共接獲11,220宗投訴，當中包括4,707宗由社會事件持不同意見而引發的「起底」和網絡欺凌的投訴，及醫護人員被「起底」（「起底」個案）的投訴，以及2,665宗有關兩宗警務人員向鏡頭展示記者身份證的事件的投訴。撇除「起底」個案及以上兩宗事件，私隱公署在本報告年度接獲3,848宗投訴。

11,220 complaints were received in 2019-20, which included 4,707 complaints relating to doxxing and cyberbullying arising from divergent opinions in social incidents and doxxing of medical personnel (the doxxing cases), and 2,665 complaints relating to two incidents of a police officer showing a reporter's Hong Kong Identity Card to a camera. Taking out the doxxing cases and the two incidents above, PCPD received 3,848 complaints in 2019-20.



進行 **324** 個

循規審查行動，比去年增加4%
324 compliance checks were carried out,
4% year-on-year increase



回應 **270** 宗

傳媒查詢，比去年增加58%
Responded to 270 media enquiries, 58%
increase from last year



4,436 則

與私隱公署相關的新聞於不同的傳媒平台報道，比去年增加
64%
4,436 PCPD-related news stories were published on various
media platforms, 64% increase from last year



每月平均有 **126,732** 人次

瀏覽私隱公署主網站，比去年增加19%
An average of 126,732 visits to our main website per
month were made, 19% year-on-year increase



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 individuals with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance

策略與主要目標 STRATEGIES AND KEY GOALS

	策略 Strategies	主要目標 Key Goals
執法 Enforcement	<ul style="list-style-type: none"> • 確保公正、公平和具效率的運作 • 獨立、不偏不倚、無畏無懼地行事 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行私隱公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題與投訴 • To ensure equity, fairness and operational efficiency • To act independently, impartially and without fear or favour • To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • To partner with overseas data protection authorities for handling cross-border privacy issues and complaints 	<ul style="list-style-type: none"> • 調查及具效率與持平地解決投訴個案 • 專業而有效率地回應查詢 • 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 • Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned • Enquiries are responded to professionally and efficiently • Meritorious applications for legal assistance are entertained and aggrieved individuals compensated
監察及監管符規 Monitoring and Supervising Compliance	<ul style="list-style-type: none"> • 主動及公正調查私隱風險顯著的範疇 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行私隱公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題與投訴 • To investigate proactively and fairly into areas where the privacy risks are significant • To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • To partner with overseas data protection authorities for handling cross-border privacy issues and complaints 	<ul style="list-style-type: none"> • 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 • Organisational data users are facilitated to meet their data protection obligations and adopt good privacy practices
推廣 Promotion	<ul style="list-style-type: none"> • 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 • 利用網站、出版和傳媒，發揮廣泛的宣傳和教育效用 • To seek proactively the holistic engagement of stakeholders • To promote best practices among organisational data users on top of meeting minimum legal requirements • To maximise publicity and education impact through websites, publications and media exposure 	<ul style="list-style-type: none"> • 社會更清楚理解法律與原則，不但認識個人資料保障方面的權利和責任，而且對保障有適當期望和了解限制 • 公、私營機構皆認識作為資料使用者在法例下的責任，並付諸實行 • A better understanding of the laws and principles in the community is articulated, recognising not only the rights and obligations but also expectations and limitations in personal data protection • Organisations in public and private sectors understand their obligations as data users under the PDPO and the ways to meet them



	策略 Strategies	主要目標 Key Goals
<p>推廣 Promotion</p>	<ul style="list-style-type: none"> • 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 • To engage the community, in particular, young people • To use lessons learnt from investigations as a means of educating data users and data subjects 	<ul style="list-style-type: none"> • 讓個人和機構的資料使用者都認識私隱公署的角色及可提供的支援 • Individual and organisational data users understand the role of PCPD and the assistance PCPD may provide
<p>機構管治 Corporate Governance</p>	<ul style="list-style-type: none"> • 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 • 持續精簡工作程序 • 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 • To adhere to the principles of transparency and accountability • To maximise utilisation of resources to achieve economy, efficiency and effectiveness • To make continuous effort to streamline work procedures • To apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact • To build and maintain a loyal and professional team 	<ul style="list-style-type: none"> • 達致高水平的管治 • High standard of corporate governance is achieved
<p>迎合需求轉變 Meeting Changing Needs</p>	<ul style="list-style-type: none"> • 緊貼科技發展 • 監察國際發展及趨勢 • 留意本地不斷轉化的私隱期望 • To keep abreast of technological development • To monitor international development and trend • To keep track of evolving local privacy expectation 	<ul style="list-style-type: none"> • 現行及建議的法律和規管機制切合需要及有效 • Existing and proposed laws and regulatory systems are relevant and effective

服務承諾 PERFORMANCE PLEDGE

在本年度內，私隱公署在處理公眾查詢、公眾投訴及法律協助計劃申請方面，均能夠在服務承諾的時限內完成。在回覆電話查詢及確認收到書面查詢方面，所有個案均能夠在兩個工作日內回覆及發出認收通知。此外，在詳細回覆書面查詢方面，所有個案均能夠在28個工作日內作出回覆。

在處理公眾投訴方面，99%的個案均能夠在收到投訴後兩個工作日內發出認收通知(我們的服務承諾是不少於98%)。此外，若私隱公署決定結束投訴個案，有99%都能夠在180日內結案(我們的服務承諾是不少於95%)。

至於處理法律協助計劃申請方面，所有個案均能夠在收到申請後兩個工作日內發出認收通知及在申請人遞交法律協助申請的所有相關資料後三個月內通知他們申請結果。詳情見下圖。

During the reporting year, PCPD met the performance target in handling all the public enquiries, complaints and applications for legal assistance. Replies to telephone enquiries and acknowledgement receipts of written enquiries all could be issued within two working days of receipt. Moreover, for written enquiry cases that needed substantive replies, all replies were made within 28 working days of receipt.

In handling public complaints, acknowledgement receipts were issued within two working days of receipt for 99% of the cases (our performance target is 98%). Moreover, in situations where PCPD decided to close a complaint case, 99% of the cases could be closed within 180 days of receipt (our performance target is 95%).

In handling applications for legal assistance, acknowledgement receipts were issued within two working days of receipt of all applications and all applicants were informed of the outcome within three months after they have submitted all the relevant information for the applications. Please see the table below for details.

圖 - 私隱公署的服務承諾及工作表現

TABLE - PCPD'S PERFORMANCE PLEDGE AND PERFORMANCE ACHIEVED

服務標準 Service Standard	服務指標 (個案達到 服務水平 的百分比) Performance Target (% of cases meeting standard)	工作表現 Performance Achieved				
		2015	2016	2017	2018	2019
處理公眾查詢 Handling public enquiries						
回覆電話查詢 Call back to a telephone enquiry	收到電話查詢後 兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%
確認收到書面查詢 Acknowledge receipt of a written enquiry	收到書面查詢後 兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%
詳細回覆書面查詢 Substantive reply to a written enquiry	收到書面查詢後 28個工作日內 Within 28 working days of receipt	95%	96%	100%	100%	100%



服務標準 Service Standard	服務指標 (個案達到 服務水平 的百分比) Performance Target (% of cases meeting standard)	工作表現 Performance Achieved					
		2015	2016	2017	2018	2019	
處理公眾投訴 Handling public complaints							
確認收到投訴 Acknowledge receipt of a complaint	收到投訴後兩個工作日內 Within two working days of receipt	98%	99%	99%	100%	100%	99%
結束投訴個案 Close a complaint case	收到投訴後 180 日內 ¹ Within 180 days of receipt ¹	95%	96%	96%	99%	96%	99%
處理法律協助計劃申請² Handling applications for legal assistance²							
確認收到法律協助計劃申請 Acknowledge receipt of an application for legal assistance	收到申請後兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%	100%
通知申請人申請結果 Inform the applicant of the outcome	申請人遞交法律協助申請的 所有相關資料後三個月內 Within three months after the applicant has submitted all the relevant information for the application for legal assistance	90%	89%	100%	100%	83%	100%

¹ 若投訴個案符合《個人資料(私隱)條例》第37條準則，則由私隱公署正式接納其投訴屬第37條下的投訴後開始計算。

² 《個人資料(私隱)條例》第66B條訂立的法律協助計劃於2013年4月1日起生效。

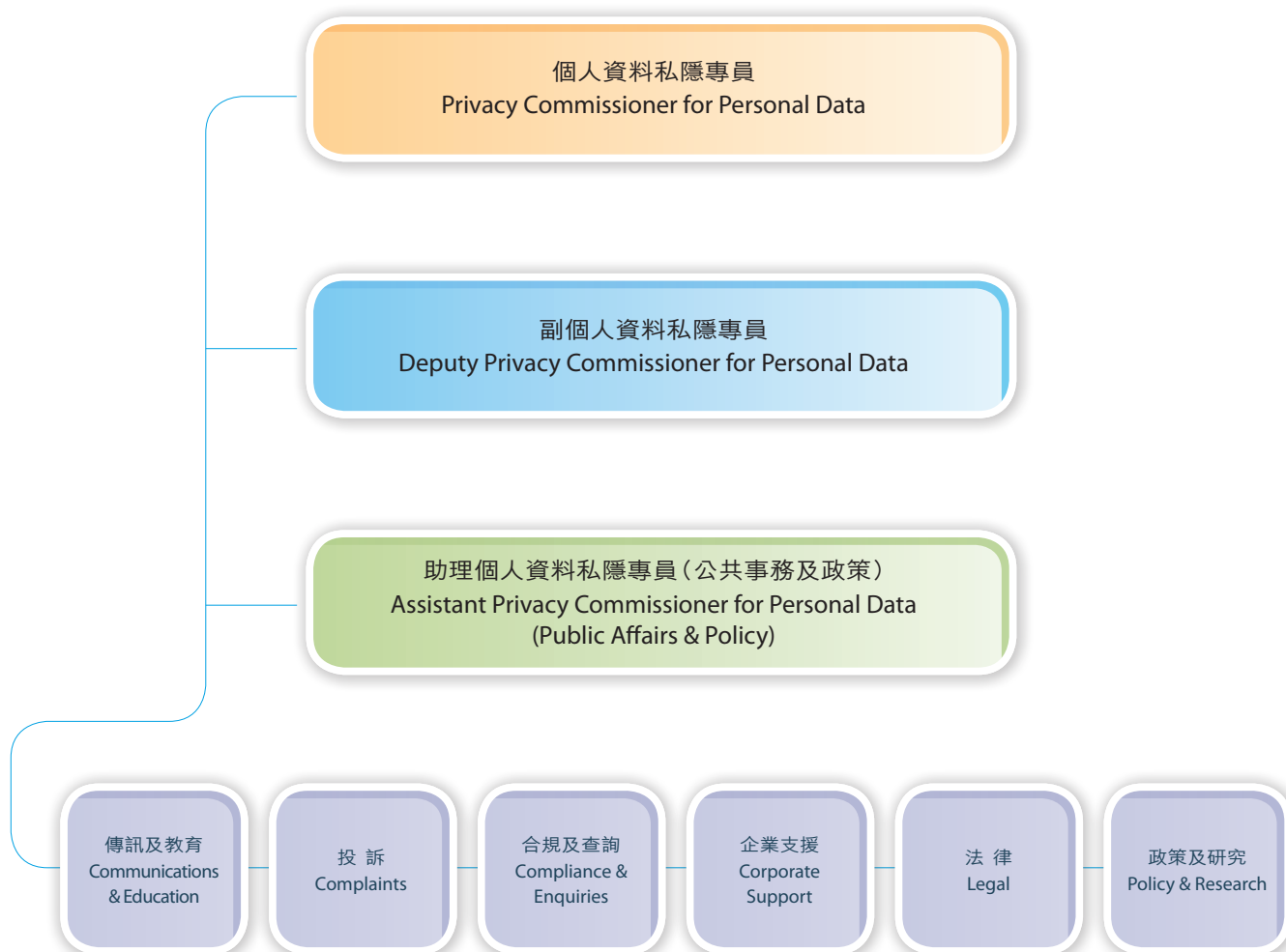
¹ For those complaints which satisfy the criteria for a complaint under section 37 of the Personal Data (Privacy) Ordinance, time starts to run from the date on which the complaint is formally accepted as a complaint under section 37.

² The legal assistance scheme under section 66B of the Personal Data (Privacy) Ordinance was implemented with effect from 1 April 2013.

私隱公署架構 OUR ORGANISATION

私隱公署由個人資料私隱專員（私隱專員）領導。私隱專員負責全面推廣、監察和監管《私隱條例》的施行，促使各界遵從《私隱條例》的規定（詳見附錄一）。在報告年度完結時，公署的職員數目為74人。

PCPD is headed by the Privacy Commissioner for Personal Data (Privacy Commissioner), who has overall responsibilities for promoting, monitoring and supervising compliance with the PDPO (see Appendix 1 for details). PCPD had a total of 74 staff members at the end of the reporting year.





DIRECTORATE 首長級人員



黃繼兒先生
個人資料私隱專員

Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data



林植廷先生
副個人資料私隱專員

Mr Tony Chik-ting LAM
Deputy Privacy Commissioner for
Personal Data



謝敏傑先生
助理個人資料私隱專員
(公共事務及政策)

Mr Eric Mun-kit TSE
Assistant Privacy Commissioner for Personal Data
(Public Affairs & Policy)



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《私隱條例》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 Privacy Commissioner on matters relevant to the privacy of individuals in relation to personal data and the implementation of the PDPO.

主席 CHAIRMAN

成員 MEMBERS



黃繼兒先生
香港個人資料私隱專員
Mr Stephen Kai-yi WONG
Privacy Commissioner for
Personal Data, Hong Kong



鍾郝儀女士
Clarksdale Investment Limited
董事長
Ms Cordelia CHUNG
Chairman,
Clarksdale Investment Limited



羅燦先生
路訊通傳媒集團有限公司
董事總經理
Mr Stephen Chan LOH
Managing Director,
RoadShow Media Group Limited



林翠華女士
中華電力有限公司
人力資源總監
Ms Connie Tsui-wa LAM
Human Resources Director,
The CLP Power Hong Kong Limited



黃偉雄先生, MH
中原地產代理有限公司
亞太區總裁
Mr Addy Wai-hung WONG, MH
Chief Executive Officer (Asia Pacific),
The Centaline Property Agency
Limited



陳嘉賢女士
德國寶集團有限公司
執行董事
Ms Karen Ka-yin CHAN
Executive Director,
German Pool Group Company Limited



簡慧敏女士
中國銀行（香港）
總法律顧問

Ms Carmen Wai-mun KAN
General Counsel,
Bank of China (Hong Kong) Limited



歐陽嘉慧女士
消費者委員會
法律事務部首席主任

Ms Terese Kar-wai AU-YEUNG
Head, Legal Affairs Division,
Consumer Council



郭振華先生, SBS, BBS, MH, JP
永保化工（香港）有限公司
董事總經理
（任期至 2019 年 9 月 30 日）

Mr Jimmy Chun-wah KWOK,
SBS, BBS, MH, JP
Managing Director,
Rambo Chemical (Hong Kong) Limited
(Appointment up to 30 September 2019)



溫卓勳先生
渣打銀行（香港）有限公司
大中華及北亞洲地區合規部主管
（任期至 2019 年 9 月 30 日）

Mr David Chuck-fan WAN
Regional Head, Compliance,
Greater China & North Asia,
Standard Chartered Bank (Hong Kong)
Limited
(Appointment up to 30 September 2019)



楊長華女士
微軟香港有限公司
法務及公司事務部總監
（任期至 2019 年 9 月 30 日）

Ms Winnie Cheung-wah YEUNG
Director, Legal & Corporate Affairs,
Microsoft Hong Kong Limited
(Appointment up to 30 September 2019)

政制及內地事務局副秘書長
Deputy Secretary for Constitutional and
Mainland Affairs

政制及內地事務局首席助理秘書長
Principal Assistant Secretary for
Constitutional and
Mainland Affairs

科技發展常務委員會

私隱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 Privacy 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 CO-CHAIRPERSONS



黃繼兒先生
個人資料私隱專員
Mr Stephen Kai-yi WONG
Privacy Commissioner for
Personal Data



林植廷先生
副個人資料私隱專員
Mr Tony Chik-ting LAM
Deputy Privacy Commissioner for
Personal Data

成員 MEMBERS



白景崇教授
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Professor John BACON-SHONE
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Centre, University of Hong Kong



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Dr K P CHOW
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楊月波教授
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Hong Kong Baptist University



栢雅盛先生
霍金路偉律師行合伙人

Mr Mark PARSONS
Partner, Hogan Lovells



方保僑先生
香港資訊科技商會榮譽會長

Mr Francis Po-kiu FONG
Honorary President, Hong Kong
Information Technology Federation



劉偉經教授
香港浸會大學財務及決策學系特邀教授

Professor Jason LAU
Adjunct Professor, Department of
Finance and Decision Sciences,
Hong Kong Baptist University



監督符規 擁抱挑戰 MONITORING COMPLIANCE EMBRACING CHALLENGES



私隱公署監察和推動資料使用者要循規以符合《私隱條例》的規定。隨著資訊科技急速發展而衍生的私隱風險，公署鼓勵和支援機構採取合乎道德的措施保障個人資料，並尊重消費者的個人資料私隱。

PCPD monitors and promotes data users' compliance with the provisions of the PDPO. In view of the privacy risks brought about by the rapid advancement in information and communications technology, we encourage and facilitate organisations to adopt ethical measures to ensure personal data protection and respect consumers' personal data privacy.





循規行動

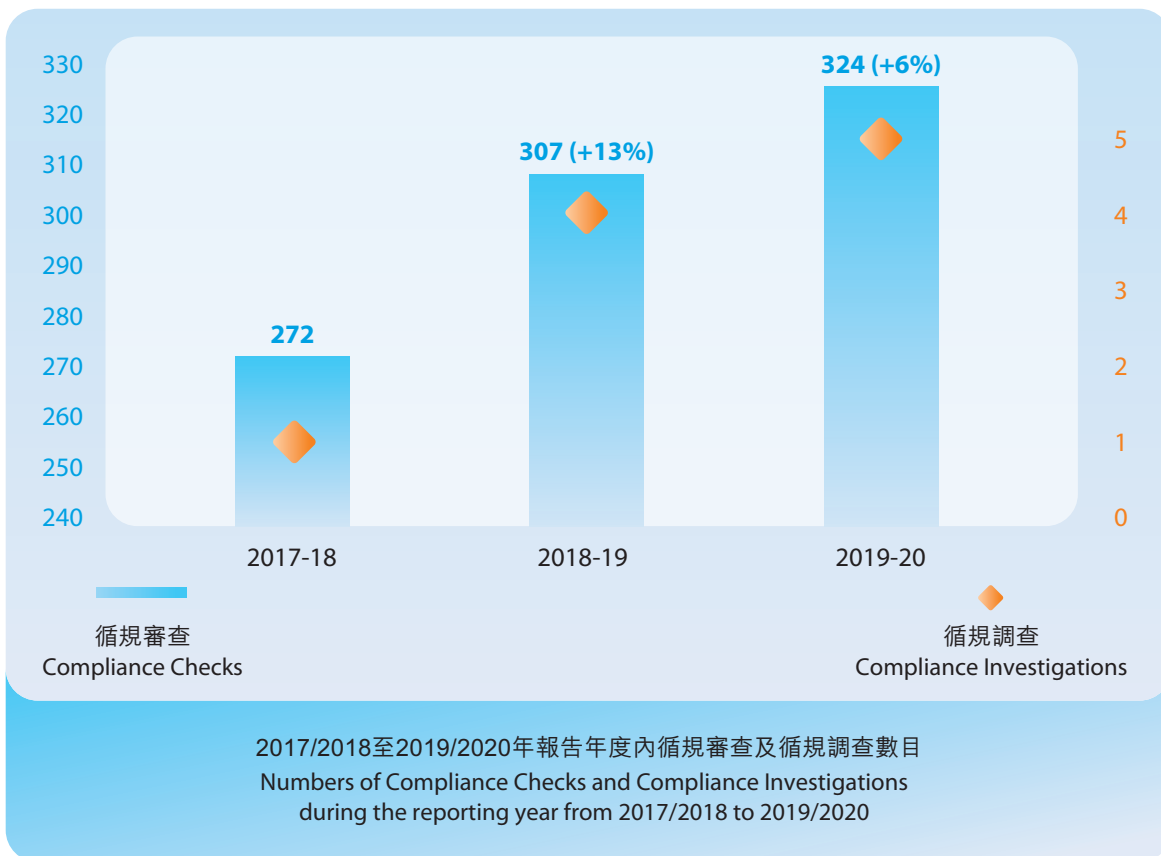
當有足夠理由相信有機構的行事方式與《私隱條例》規定不相符時，私隱專員會展開循規審查或調查。在完成循規審查或調查後，私隱專員會書面告知有關機構，指出與《私隱條例》規定不符或不足之處，並促請有關機構採取適當的補救措施，糾正可能違規的情況和採取預防措施。

在報告年度內，私隱專員共進行了324次循規審查，較2018/19年度的307次上升6%。在報告年度內亦主動進行五次循規調查，較2018/19年度的四次上升25%。

COMPLIANCE ACTIONS

The Privacy Commissioner conducted compliance checks or investigations into practices that he had sufficient grounds to consider to be inconsistent with the requirements under the PDPO. Upon completion of a compliance check or investigation, the Privacy Commissioner alerted an organisation in writing, pointing out the inconsistency or deficiency, and advising the organisation, if necessary, to take remedial actions to correct any breaches and prevent further breaches.

During the reporting year, the Privacy Commissioner carried out 324 compliance checks and five compliance investigations, as compared to 307 compliance checks and four compliance investigations in 2018/19, representing 6% and 25% increases respectively.



下文重點介紹在年內進行的部分循規行動。

Below are the highlights of some of the compliance actions conducted during the year.



循規調查

某政府部門遺失一本經劃線的正式選民登記冊

2019年4月9日，某政府部門就遺失一本2016年立法會換屆選舉「經劃線的正式選民登記冊」（該登記冊）向私隱公署作出資料外洩事故通報。該登記冊載有8,136名在該選舉中獲編配到位於葵青區的一所投票站的已登記選民的個人資料，包括姓名、性別、地址、香港身份證號碼、選民曾否到該投票站領取選票，及可獲編配的選票數目。由於該登記冊內載有選民的身份證號碼和其選舉或投票狀況等獨特及敏感的個人資料，私隱專員就事件展開調查，並於2019年8月29日發表調查報告。

調查結果

調查顯示該政府部門在資料保安的做法上存在下列問題：

資料保安

- 沒有制定清晰及足夠的政策、處理方式、程序和機制，以保障性質獨特及敏感的個人資料；
- 多次連同大量文件與該登記冊轉移至不同的儲存地點，但沒有就相關的保安風險及由這些風險所引致對個人資料所產生的潛在影響方面進行檢視及評估；
- 沒有妥善及充分備存適當的資料轉運及庫存記錄，亦沒有部門職員和外界人員存取資料的機制；
- 沒有考慮就經劃線的正式選民登記冊內所載的獨特及敏感的個人資料制訂及推行獨立而具針對性的保安措施，尤其是在選舉後不再需要相關登記冊時的措施；
- 沒有就疏忽的人為錯誤進行風險評估；
- 沒有就安全處理資料事宜與所有相關人士溝通及提供足夠培訓；及
- 沒有制定資料外洩事故應變計劃。

COMPLIANCE INVESTIGATION

Loss of a marked final register of electors by a government department

On 9 April 2019, a government department submitted a data breach notification to PCPD informing it that a marked final register of electors used in the 2016 Legislative Council General Election was lost. The marked final register of electors contained the personal data of 8,136 registered electors assigned to a polling station in Kwai Tsing District in the election, including name, gender, address, Hong Kong Identity Card number, whether an individual elector had collected ballot papers at the said polling station and the number of ballot papers that he might be issued with. Since the personal data contained in the marked final register of electors included the unique and sensitive information about electors' identity card numbers and their election or polling status as registered electors, the Privacy Commissioner initiated an investigation. The investigation report was published on 29 August 2019.

Result of investigation

The investigation revealed the following issues in relation to the data security practices of the government department:

Data security

- Failure to have in place clear and adequate policies and handling practices, procedures and systems to protect personal data of this unique and sensitive nature;
- Failure to assess and evaluate the security risks and the potential impacts of the risks on the personal data handled in relation to the multiple transfers and storage venues for large number of documents, including the marked final register of electors;
- Failure to maintain proper and adequate records of inventory and retrieval systems by both internal and external staff handling the data;
- Failure to consider formulating and implementing separate and specific security measures for the unique and sensitive data in the marked final register of electors especially where it would not be required after the poll;
- Failure to assess the risk of inadvertent human error;
- Failure to communicate with all relevant persons and conduct adequate training on the secure handling of the data; and
- Failure to have in place a data breach response plan.



資料外洩事故通報

現行的《私隱條例》沒有規定資料使用者須向私隱專員及受影響的選民通報資料外洩事故，亦沒有規定他們須在指定時間內作出通報。在此範疇上該政府部門雖則沒有違反《私隱條例》的規定，但私隱專員認為事件涉及獨特而敏感的個人資料，該政府部門應可在更早的時間作出通報。

鑑於本案所揭示的事實及所有相關情況，私隱專員認為該政府部門沒有採取所有合理地切實可行的步驟，確保該登記冊內已登記選民的個人資料受到保障而不致遺失或在超過30個月的反覆搜尋下仍未能尋回，因而違反了《私隱條例》附表1的保障資料第4(1)原則下有關資料保安的原則。

執行通知

私隱專員向該政府部門送達執行通知，指示該政府部門：

- 把經劃線的正式選民登記冊的處理及儲存與其他選舉文件分開，包括：分開收拾及把所有經劃線的正式選民登記冊集中儲存於指定及適當的地方；
- 制定程序以妥善及有效地規管經劃線正式選民登記冊的物流管理；
- 制定有關妥善記錄選舉文件的傳運程序、存取機制，以及檔案檢視的程序；
- 制定個人資料審計指令，以處理遺失個人資料的事宜及相關的搜尋程序；及
- 制定和推行有效及足夠措施和培訓，以確保該政府部門、投票站及其他相關職員遵從上述的程序和指令。

Data breach notification

There being no statutory requirements under the PDPO for a data breach notification, whether to the Privacy Commissioner or the affected electors, and whether within a particular period of time or otherwise, the Privacy Commissioner found no contravention of the PDPO in this connection. However, considering the unique and sensitive nature of the personal data involved, the government department should have given data breach notification earlier.

In light of the facts found and in all the circumstances of the case, the Privacy Commissioner concluded that the government department contravened Data Protection Principle (DPP) 4(1) of Schedule 1 to the PDPO (Data Security Principle) by not taking all reasonably practicable steps to ensure that the personal data of the registered electors contained in the marked final register of electors was protected against its loss, or not being located after repeated searches over a period of 30 months.

Enforcement Notice

The Privacy Commissioner served an Enforcement Notice to direct the government department to:

- Separate the handling and storage of the marked final register of electors from other electoral documents including separate packing and centralising storage of all marked final registers of electors in designated and adequate storage locations;
- Set up procedures governing properly and effectively the logistical management of the marked final registers of electors;
- Set up procedures in respect of proper recording of movements of electoral documents, retrieval systems and dossier reviews;
- Set up personal data audit directives to address, in particular, the issue of loss of personal data and the associated searching process; and
- Set up and implement effective and sufficient measures and training to ensure compliance with the above procedures and directives by staff of the government department itself, polling station and other related staff.



借鑒

現今環球趨勢著重數據道德管治，其中問責原則漸被視為有效的個人資料保障管理工具，透過採取適當的技術性和機構性措施，彰顯合規要求，以防止資料外洩事故發生，積極保障個人資料私隱的權利。資料使用者，包括公營機構，應參考上述的問責原則並建立其私隱管理系統，確保實施足夠的保安措施以對應所持有的資料的敏感度，從而滿足資料當事人對其個人資料的合理私隱期望。

Lesson learnt

Nowadays, ethical data governance has become a worldwide trend, in which the accountability principle, essentially putting in place appropriate technical and organisational measures to ensure and to demonstrate compliance with the data protection law, is increasingly seen as an effective management tool to proactively protect personal data privacy right and prevent data breaches. Data users, including public organisations, are recommended to make good reference to the accountability principle and to develop their privacy management programmes to ensure adequate security measures which are commensurate with the sensitivity of the data being held are in place, in order to meet the reasonable privacy expectation of data subjects who are the owners of their personal data.



未經授權網上查取信貸報告

2018年11月28日，私隱專員接獲一間信貸資料機構（該機構）就第三者懷疑未經授權通過該機構的網上認證程序而取得數名公眾人士的信貸報告（該事件）而作出的資料外洩事故通報。2018年11月30日，私隱專員展開循規調查。

該事件發生時，個人可透過該機構網站及其五個夥伴的網站／手機程式申請及查取信貸報告。該機構設定及核准於網上申請及查取信貸報告的認證程序，將同一程序和標準應用於其網站和五個夥伴的網站／手機程式。認證決定由該機構作出。

網上認證程序包括 (1) 將個人輸入的全名、出生日期和香港身份證號碼與該機構的資料庫配對；(2) 評估進入系統的裝置的風險；(3) 三或五條「基於知識的認證」選擇題；及(4) 在高風險的情況下，發送一次性密碼至個人的手機號碼。

在該機構與五個夥伴的聯合運作中，該機構使用其持有的個人資料認證個人的身分，並在該人所選的網站／手機程式中顯示信貸資料。該機構亦會轉移個人資料予其中三個夥伴。

該事件涉及的法律事宜集中在《私隱條例》附表1的保障資料第3原則（資料使用）及保障資料第4原則（資料保安）的規定。

Unauthorised online access to credit reports

On 28 November 2018, the Privacy Commissioner received a data breach notification lodged by a credit reference agency (Company) in respect of the suspected unauthorised access by a third party passing through the online authentication procedures of the Company and obtaining the credit reports of a number of public figures (the Incident). The Privacy Commissioner initiated a compliance investigation on 30 November 2018.

At the time of the Incident, online application for and access to credit reports by individuals were available through the Company's website and its five partners' websites/mobile application. The Company set and verified the online authentication procedures for application for and access to credit reports, and applied the same procedures and standards across its own website and the five partners' websites/mobile application. It was the Company that made the authentication decision.

The online authentication procedures covered (1) the matching of the full name, date of birth and Hong Kong Identity Card number input by the individual against the Company's database; (2) the assessment of the risk associated with the device used to access the system; (3) a set of three or five multiple-choice knowledge-based authentication questions; and (4) the sending of a one-time password to the individual's mobile number for high risk cases.

In the joint operation with the five partners, the Company used the personal data it held to authenticate an individual's identity and display the credit data on the website(s)/mobile application chosen by the individuals. The Company also transferred the individuals' personal data to three partners.

The legal issues involved focused on data use and data security set out in Data Protection Principle (DPP) 3 (Data Use Principle) and DPP 4 (Data Security Principle) of Schedule 1 to the PDPO.



調查結果

資料使用 - 資料顯示及轉移資料予夥伴 - 不違規

私隱專員認為該機構使用個人資料作身分認證及向有關個人顯示信貸資料的目的與收集資料的目的之一致。另一方面，轉移個人資料予部分夥伴的目的則並非該機構收集相關資料的原本目的或與該目的直接有關，所以如此轉移需按照《私隱條例》附表1的保障資料第3(1)原則(資料使用)的規定取得有關個人的訂明同意。私隱專員審視了申請程序的每個步驟，並無發現如此轉移違反保障資料第3(1)原則。

資料保安 - 網上認證程序存在漏洞 - 違規

私隱專員認為該機構在網上認證程序中沒有採取所有切實可行的步驟以確保由其持有的個人資料受保障而不受未獲准許的或意外的查閱或使用，因而違反了《私隱條例》附表1保障資料第4(1)原則(資料保安)，基於：

- 個人所輸入的全名和出生日期無須與該機構資料庫的紀錄完全吻合；
- 「基於知識的認證」採用了 (i) 與個人年齡範圍及生肖這些與該機構獨有交易無關的問題，及 (ii) 過時而易被剔除的答案；
- 其他網站／手機程式的查取途徑沒有因個人未能通過某一網站／手機程式的認證程序而被封鎖；及
- 非所有申請均使用雙重認證。



Result of investigation

Data use – data display and transfer of data to partners – no contravention

The Privacy Commissioner considered that the use of personal data for identity authentication and display of credit data to the individual was a purpose consistent with the purpose for which the data was collected. The purpose of transferring personal data to some of the Company's partners, on the other hand, did not fall within the original purpose or a directly related purpose for which the Company collected the concerned data, and such transfer would therefore call for the individual's prescribed consent as required under DPP 3(1) of Schedule 1 to the PDPO (Data Use Principle). The Privacy Commissioner went through the application procedures step by step. No contravention of DPP3(1) was found on such transfers.

Data security – vulnerabilities in online authentication procedures – contravention

The Privacy Commissioner found that the Company contravened DPP4(1) of Schedule 1 to the PDPO (Data Security Principle) in respect of its online authentication procedures in that it failed to take all practicable steps to ensure that the personal data held was protected against unauthorised or accidental access or use, on the grounds that:

- An exact match of the full name and date of birth input by an individual against the records of the Company's database was not required;
- The knowledge-based authentication used (i) questions that asked about the age range and Chinese zodiac sign of the individuals instead of unique dealings with the Company, and (ii) outdated answers that could be easily screened out;
- Access through other websites/mobile application was not blocked after an individual failed the authentication procedures on one website/mobile application; and
- Two-factor authentication was not applied to all applications.

執行通知

私隱專員向該機構送達執行通知，指令該機構糾正及防止該項違反再發生：

- i. 停止在未經一次性密碼認證核實的情況下透過任何網站／手機程式在網上發放信貸報告；
- ii. 當一次性密碼認證核實不適用於網上信貸報告申請時，須進行親身認證；
- iii. 制定清晰的程序，指明有關步驟、時限及監察措施，以確保為「基於知識的認證」問題中所產生的答案是相關、具效能和合時的。

借鑒

在現今資訊及通訊科技急速發展的世代，網上服務已是商業營運及日常生活中不可或缺的一部分。網上服務為個人帶來方便，但同時有賴可靠及穩健的資訊保安措施，包括網上認證程序。公眾合理預期一間收取及處理大量信貸資料的信貸資料機構有責任持續檢討及改善其網上認證程序，以阻止騙徒查取信貸資料。鑑於科技進步，信貸資料機構應進行定期檢討，以查找及修補漏洞，並改善認證程序（包括評估使用生物特徵認證的合適性）。

Enforcement Notice

The Privacy Commissioner served an Enforcement Notice on the Company directing it to remedy and prevent any recurrence of the contravention:

- i. Cease to release any credit reports online through any website/mobile application without one-time password verification;
- ii. Conduct in-person authentication for all online applications of credit reports where one-time password verification is not applicable; and
- iii. Devise clear procedures to specify the steps, time limits and monitoring measures to ensure the answers generated for knowledge-based authentication questions are relevant, functional and up-to-date.

Lesson learnt

In this age of rapid development of information and communication technologies, online services have become indispensable to business operations and our daily lives. Online services offer convenience to individuals but at the same time necessitate reliable and robust data security measures, including online authentication procedures. It is legitimately expected that a credit reference company which receives and processes a considerable amount of credit information is duty bound to continuously review and improve its online authentication procedures in order to block fraudsters from accessing credit data. In view of technology advancement, periodic reviews with the aim of identifying and fixing loopholes as well as improving the authentication procedures (including assessing the appropriateness of using biometric authentication) should be conducted.



循規審查

未獲授權取覽公立學校網上應用系統內的個人資料

四所公立學校向私隱公署通報，指由負責推行教育的政策局所開發並由他們營運的網上應用系統（該系統）遭黑客入侵，導致儲存在內的資料被盜。公署就事件偵訊該四所學校及該政策局。

循規行動顯示該政策局負責向學校提供該系統的技術支援、指引和培訓，而學校作為該系統的用戶則負責操作和維護該系統，以及處理當中所載的學生個人資料。

該政策局不時發布該系統的更新版本，以提供解決網絡安全問題的附加功能。在偵測到未獲授權取覽該系統後，該政策局已發布該系統的更新版本以修補保安漏洞，並要求學校在兩週內把該系統更新至最新版本。然而，並非所有遭受攻擊的學校都及時進行更新。

因應該事件，該政策局向學校發布了通告，提醒他們須根據項目表定期檢查運行該系統的伺服器 and 日誌記錄。該政策局還承諾在出現高風險的情況下及必須即時進行重大的安全更新時，會與學校進行更直接的溝通。另一方面，該政策局確認該系統正逐步轉移至中央雲端平台，以便更有效地監察該系統的可疑活動，及更適時採取保護措施或應用新版本。

借鑑

沒有機構可完全免受網絡攻擊，對於資料使用者而言，採取所有合理的預防措施來保護其系統免受網絡攻擊是非常重要的。雖然該政策局在這次事件中並非資料使用者，但作為該系統的提供者和公立學校的監督機構，可採取更主動的方法指示其用戶適時安裝所有重大更新。學校一旦收到由該政策局發布就該系統的更新通知時，亦應立即採取相應行動，以保障資料的完整性和安全。

COMPLIANCE CHECK

Unauthorised access of personal data held by public schools via a web-based application system

Four public schools reported to PCPD that a web-based application system operated by them and developed by the government bureau responsible for education (the System) was compromised and the data contained therein were stolen. PCPD inquired the four schools and the bureau regarding the incident.

The compliance actions revealed that the bureau was responsible for providing technical support, guidelines and training to the schools regarding the System, whereas the schools being the System users were responsible for operating and maintaining the Systems as well as handling students' personal data contained therein.

The bureau provided updated versions of the System from time to time with additional functions addressing cybersecurity issues. After detecting an unauthorised access into the System, the bureau released an updated version of the System fixing the security vulnerabilities, and requested the schools to update to the latest version within two weeks. However, not all schools suffering from the attack applied the update promptly.

In response to the incident, the bureau issued notices to schools reminding them to regularly review the operation of the System server and logs according to the applicable task list. The bureau also committed to having more direct communication with schools if a high risk situation arose and an immediate critical security update was warranted. On the other hand, the bureau confirmed that the System was gradually moving to a centralised cloud platform so as to better monitor the suspicious activities and apply protective measures or new versions in a timely manner.

Lesson learnt

No organisation could be completely immune from cyberattacks. It is therefore important for data users to take all reasonable precautions to protect their systems from cyberattacks. Although the bureau is not the data user in this incident, being the System provider as well as the supervisory body of public schools, the bureau could adopt a more proactive approach to direct its users to install all critical updates. On the other hand, the schools should have acted promptly once they received any notice regarding the update of the System from the bureau so as to safeguard data integrity and security.





員工未經授權轉移公司持有的個人資料至其私人電腦

某金融機構向私隱公署通報，指其行政人員在未經授權下以其個人USB記憶體從公司桌上電腦抄寫了4,000多個檔案至其私人手提電腦，當中51個檔案載有約6,600名客戶、30名員工及落選求職者的個人資料。涉及的個人資料包括有關客戶的金融戶口資料、員工的人力資源資料及落選求職者的履歷。得悉事件後，公署決定展開循規審查。

在循規審查的過程中，私隱公署發現該名員工是該機構唯一因工作關係而獲授權使用有讀寫功能的USB記憶體的員工，涉事的檔案則在沒有以密碼保護的情況下被儲存於其公司桌上電腦的本地驅動器內。該名員工解釋因事發時其公司電腦的運算速度變慢，故抄寫檔案至其私人手提電腦以便清空公司電腦的硬碟空間。

A staff member transferred personal data held by his employer to his personal computer without authorisation

A financial institution reported to PCPD that an administrative staff member copied more than 4,000 files from the office desktop computer to his personal laptop via his own USB flash drive without authorisation. Among those files, 51 of them contained personal data of around 6,600 customers, 30 staff members and unsuccessful job applicants. Personal data involved included financial account details of customers, human resources data of staff members and curricula vitae of unsuccessful job applicants. On knowing the incident, PCPD initiated a compliance check.

In the compliance check process, PCPD found that the staff member concerned was the only staff who was granted permission to use USB flash drive with read-and-write functions in discharging his duties. The files concerned, which were encrypted and password-protected, were stored on the local drive of his office desktop computer, which was not password-protected. The staff member explained that he copied the files to his personal laptop with a view to cleaning up the space of the hard disk of his office computer which was running slow at the material time.



經過內部調查後，該金融機構認為該名員工未有披露資料當事人的個人資料或意圖在事件中為其自身或任何其他人獲得金錢或財產得益，或導致資料當事人蒙受金錢或財產損失。無論如何，該名員工已簽署保密協議確認並沒有向任何第三者披露檔案中的資料，並已即時及永久刪除有關檔案。

事件發生後，該金融機構撤回該名員工的USB記憶體的抄寫權限。此外，該機構亦向所有員工發電郵提示他們其機構就安全使用便攜性儲存裝置所制定的全球性政策，以及安排所有員工參加資訊保安風險培訓課程。

借鑒

員工在企業環境中無可避免地可接觸個人資料。一般而言，負責行政及人事管理的員工因工作性質需要處理大量敏感性的個人資料。機構應重視數據管治及尊重保障私隱的文化，要達至此目標，機構必須定期檢視及監察員工查取個人資料的權限，確保其員工嚴格按「有需要知道」的原則處理個人資料。

After internal investigation, the financial institution considered that the staff member concerned had not disclosed any personal data of a data subject and that the staff member had no intent to obtain gain in money or other property (for any person's benefit) or to cause loss in money or other property to any data subject involved in this incident. In any event, the staff member concerned signed a Non-Disclosure Agreement specifying that he had not disclosed any data contained in the files to any third party and had deleted the files immediately and permanently.

In the wake of the incident, the financial institution revoked the USB write-access right of the staff member concerned. The institution also sent an email to all staff members reminding them of the institution's global policy on secure use of removable storage devices and arranged training for all staff members in information security risk.

Lesson learnt

In business environment, it is inevitable that staff members have access to personal data. In general, those who are responsible for administrative and human resources-related matters have to handle a large amount of sensitive personal data. Organisations should attach great importance to data governance and the culture of respecting and protecting privacy. To this end, organisations should regularly review and monitor their staff members' access right to personal data to ensure that they would handle personal data on a "need-to-know" basis.

資料外洩通報

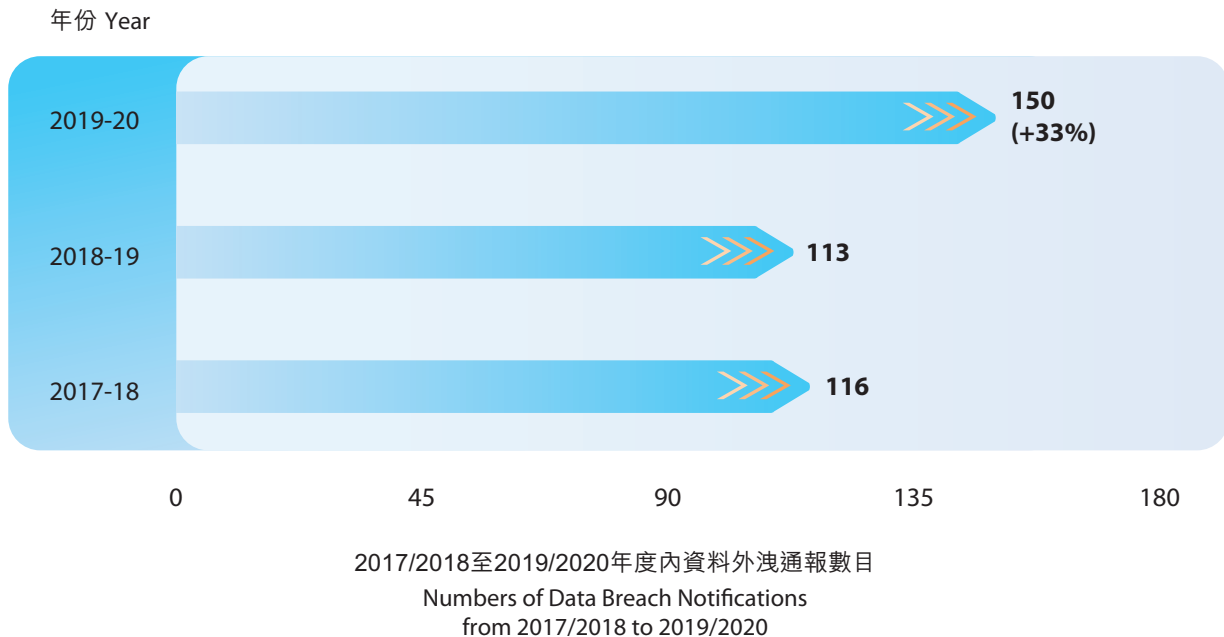
資料外洩事故一般是指資料使用者所持有的個人資料保安不足，以致洩露資料，令資料可能被人未經授權或意外地查閱、處理、刪除、喪失或使用。資料外洩事故可能構成違反保障資料第4原則。雖然《私隱條例》並未有規定資料使用者就資料外洩事故作出通報，但為符合數據道德標準，私隱公署一直鼓勵資料使用者一旦發生資料外洩事故，須通知受影響的資料當事人、私隱專員和其他相關人士。

私隱公署在接獲資料外洩事故通報(可用公署的指定表格或其他方式呈報)後，會評估有關資料，以考慮是否有需要對有關機構展開循規審查。私隱專員對相關資料使用者進行循規審查後，會指出明顯的不足之處，並建議他們採取補救措施，防止同類事故重演。

DATA BREACH NOTIFICATIONS

Generally speaking, a data breach is a breach of security of personal data held by a data user, which results in exposing the data to the risk of unauthorised or accidental access, processing, erasure, loss or use. The breach may amount to a contravention of Data Protection Principle 4. Although the PDPO does not require data users to give data breach notification (DBN), PCPD has always encouraged data users, in line with data ethical standards, to give such notification to the affected data subjects, the Privacy Commissioner, and other relevant parties when a data breach has occurred.

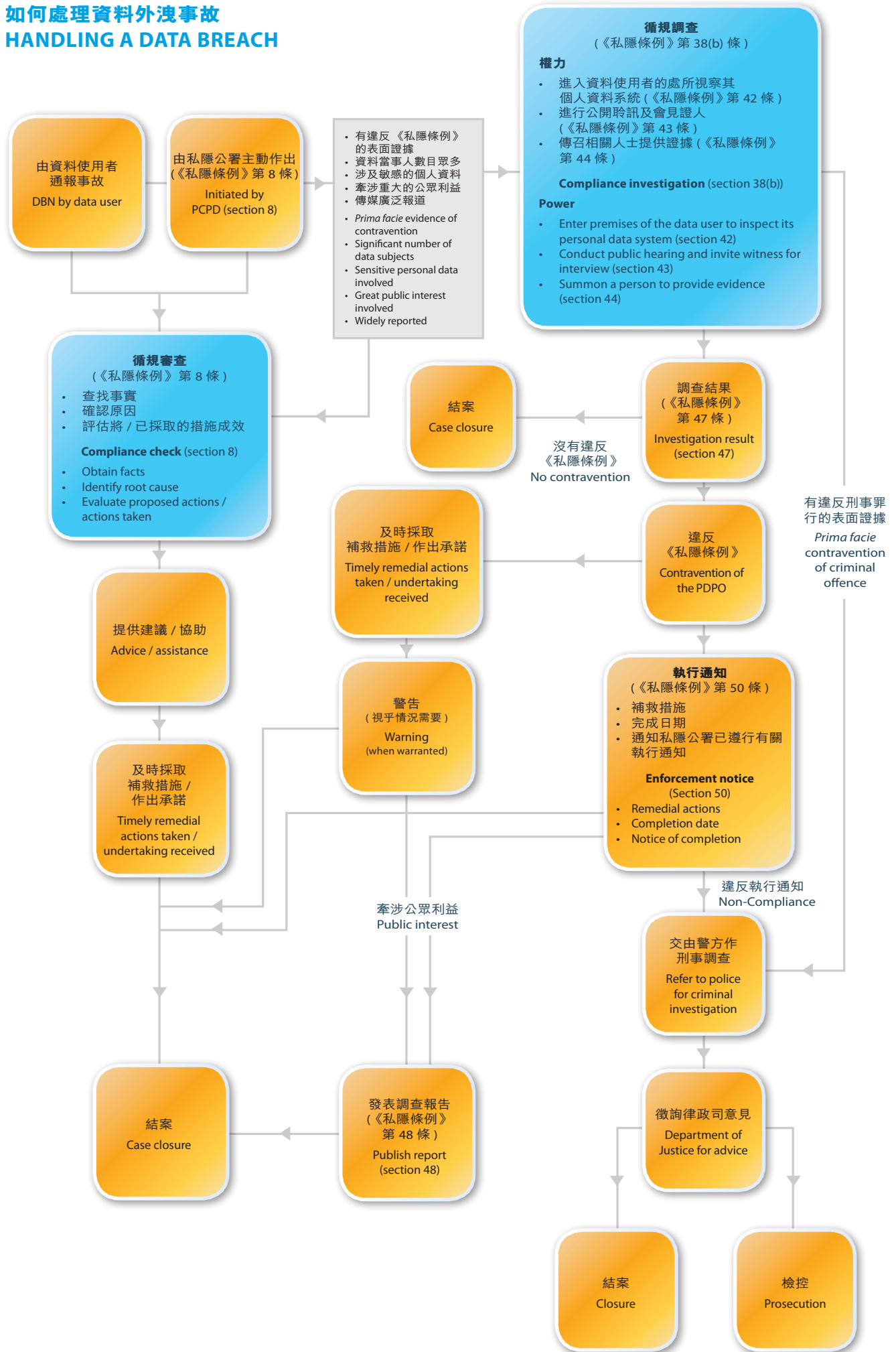
Upon receipt of a DBN from a data user (which could be submitted through PCPD-designated DBN form or other means of communication), PCPD would assess the information provided in the DBN and decide whether a compliance check is warranted. Upon completion of a compliance check, the Privacy Commissioner would point out the obvious deficiency and suggest the data user to take remedial actions to prevent recurrence of the incident.



在本報告年度內，私隱公署接獲 150 宗資料外洩事故通報(64 宗來自公營機構；86 宗來自私營機構)，較上一報告年度的 113 宗上升 33%，牽涉約 290 萬名人士的個人資料。這些外洩事故涉及黑客入侵、系統設定有誤、遺失文件或便攜式裝置、經傳真、電郵或郵遞意外披露個人資料等。公署對所有 150 宗事故均展開循規審查行動。

During the reporting year, PCPD received 150 DBNs (64 from the public sector and 86 from the private sector), a 33% increase as compared to last year (113 DBNs), involving personal data of about 2.9 million individuals. The data breach incidents involved hacking, system misconfiguration, the loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, etc. PCPD conducted compliance check in each of these 150 incidents.

如何處理資料外洩事故 HANDLING A DATA BREACH





個人資料的核對程序

個人資料的核對程序是指以電子方法比較因不同目的而收集的個人資料，從中得出的結果可用作對有關資料當事人採取不利行動的程序。資料使用者如無資料當事人的訂明同意或私隱專員的同意，不得進行核對程序。

在本年度，私隱專員共收到 49 宗來自政府部門及公營機構的個人資料核對程序申請，較 2018/19 年度的 38 宗申請上升 29%。增加主要歸因於政府和公營機構推出多項紓困措施和資助房屋計劃，需透過執行核對的程序以核實申請人的資格，從而確保適當地運用公帑於目標群組。

經審閱後，私隱專員在有條件的情況下批准了 47 宗申請，一宗申請不屬《私隱條例》釋義所指核對程序，而另一宗申請則被撤回。以下是私隱專員核准進行個人資料核對程序的部分個案：

DATA MATCHING PROCEDURE

A data matching procedure is a process by which personal data collected for one purpose is compared electronically with personal data collected for other purposes with the aim of taking adverse action against the data subjects concerned. A data user shall not carry out a matching procedure unless it has obtained the data subjects' prescribed consent or the Privacy Commissioner's consent.

During the reporting year, the Privacy Commissioner received 49 applications from government departments and public sector organisations for approval to carry out matching procedures, representing a 29% increase when compared to 38 applications received in the previous year. The increase was mainly attributable to a number of relief measures and subsidised housing schemes implemented by the Government and public bodies, which needed to ascertain the applicants' eligibility through procedures for checking applications in order to ensure proper allocation of public money to the target groups.

Upon examination, 47 applications were approved, subject to conditions imposed by the Privacy Commissioner; one application was found not to be matching procedure as defined under the PDPO; and one application was withdrawn. Some of the examples of matching procedures approved by the Privacy Commissioner are as follows:



提出要求者 Requesting Parties	核准的資料核對程序詳情 Details of the Approved Data Matching Procedure
教育局 Education Bureau	<p>把教育局從「學生津貼」計劃申請人收集的個人資料，與入境事務處用作處理簽證、永久性居民身份證及出生登記的申請等的個人資料互相比較，以核實申請人的資格。</p> <p>Comparing the personal data collected by the Education Bureau from applicants of the Student Grant scheme with the personal data collected by the Immigration Department for processing applications of visa, permanent identity card and birth registration, etc. in order to ascertain the eligibility of the applicants.</p>
在職家庭及 學生資助事務處 Working Family and Student Financial Assistance Agency	<p>把在職家庭及學生資助事務處從「在職家庭津貼」受助人(於立法會批核有關撥款當日的前六個歷月內作出申請)收集的個人資料，與社會福利署從「綜合社會保障援助計劃」受助人(以立法會批核有關撥款當日為限)收集的個人資料互相比較，以避免給予雙重額外一個月的津貼。</p> <p>Comparing the personal data collected by the Working Family and Student Financial Assistance Agency from the recipients of Working Family Allowance (whose applications were made within six calendar months immediately before the date on which funding approval was given by the Legislative Council) with the personal data collected by the Social Welfare Department from the recipients of Comprehensive Social Security Assistance (on the date of funding approval obtained from the Legislative Council), in order to avoid paying duplicate one-month extra allowance to the recipients.</p>
選舉事務處 Registration and Electoral Office	<p>把選舉事務處從選民收集的個人資料，與房屋署從新近成為資助房屋租戶或業戶的個人資料互相比較，以識別未有通知選舉事務處更改居住地址的選民。</p> <p>Comparing the personal data collected by the Registration and Electoral Office from electors with the personal data collected by the Housing Department from tenants and owners who had taken up tenancy or ownership of the flats under subsidised housing schemes recently, in order to identify electors who did not inform the Registration and Electoral Office of their changes of residential addresses.</p>
香港房屋協會 Hong Kong Housing Society	<p>把香港房屋協會從「未補價資助出售房屋出租計劃」的「參與計劃證明書 - 租客」申請人及其於申請中列明的家庭成員收集的個人資料，與香港房屋委員會從資助房屋租戶、業戶及申請人收集的個人資料互相比較，以確保沒有提供雙重房屋福利。</p> <p>Comparing the personal data collected by the Hong Kong Housing Society from the applicants for "Certificate of Participation – Tenant" under the Letting Scheme for Subsidised Sale Developments with Premium Unpaid and their family members listed on the applications with the personal data collected by the Hong Kong Housing Authority from tenants, owners and applicants of various subsidised housing schemes, in order to ensure no duplication of subsidised housing benefits.</p>



執法保障資料 ENFORCING DATA PROTECTION





調查全面、不偏不倚

對於市民的投訴及查詢，私隱公署具效率、公平公正地調查及排解。若發現有重大私隱風險的情況存在，我們主動作出調查。

THOROUGH AND IMPARTIAL INVESTIGATIONS

PCPD investigates and resolves complaints and enquiries effectively in a manner that is fair to all parties concerned, and proactively investigates areas where privacy risks are significant.

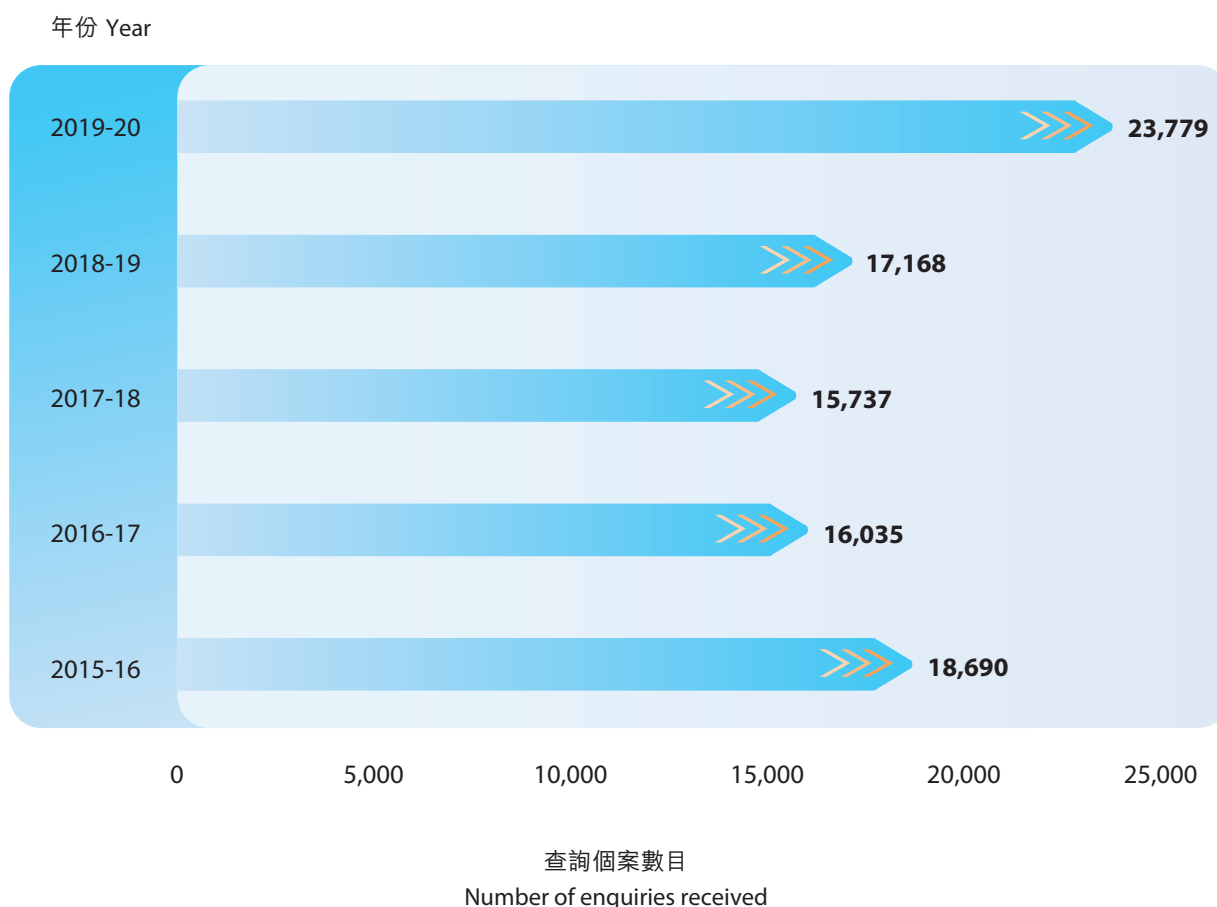
處理查詢

私隱公署在報告年度接獲的查詢個案為23,779宗*，較2018/19年度的17,168宗上升39%。其中有2,478宗是關於一名警務人員在鏡頭前展示一名記者的身份證一事、1,028宗關於有人於葬禮拍攝一名警務人員，以及1,018宗關於一名區議員披露警務人員的個人資料。撇除上述事件的查詢個案後，公署接獲的查詢個案為19,255宗，其中33%是關於收集/使用個人資料(例如身份證號碼或副本)；8%是與僱傭相關的個人資料處理；6%是關於使用閉路電視的查詢。

與使用互聯網有關的查詢由2018/19年度的840宗上升至2019/20年度的1,695宗，升幅超過一倍，主要涉及網絡欺凌、於互聯網及社交平台收集及使用個人資料。

* 一宗查詢可能涉及多項性質

圖 5.1 – 查詢個案數目



HANDLING ENQUIRIES

During the reporting year, PCPD received a total of 23,779 enquiries*, which represented an increase of 39% as compared to 17,168 enquiries in 2018/19. Of these enquiries, 2,478 cases were about a police officer showing a reporter's Hong Kong Identity Card before camera; 1,028 cases were about photo-taking of a police officer at a funeral; and 1,018 cases were about disclosure of a police officer's personal data by a District Council member. Excluding the cases of the aforesaid incidents, PCPD received 19,255 enquiries. The enquiries mainly related to the collection/use of personal data (e.g. Hong Kong Identity Card number or copies) (33%), handling of personal data in employment (8%), and use of CCTV (6%).

Internet-related enquiries increased by 102% to 1,695 cases in 2019/20 from 840 cases in 2018/19. They mainly concerned cyberbullying, collection and use of personal data on Internet and social media platforms.

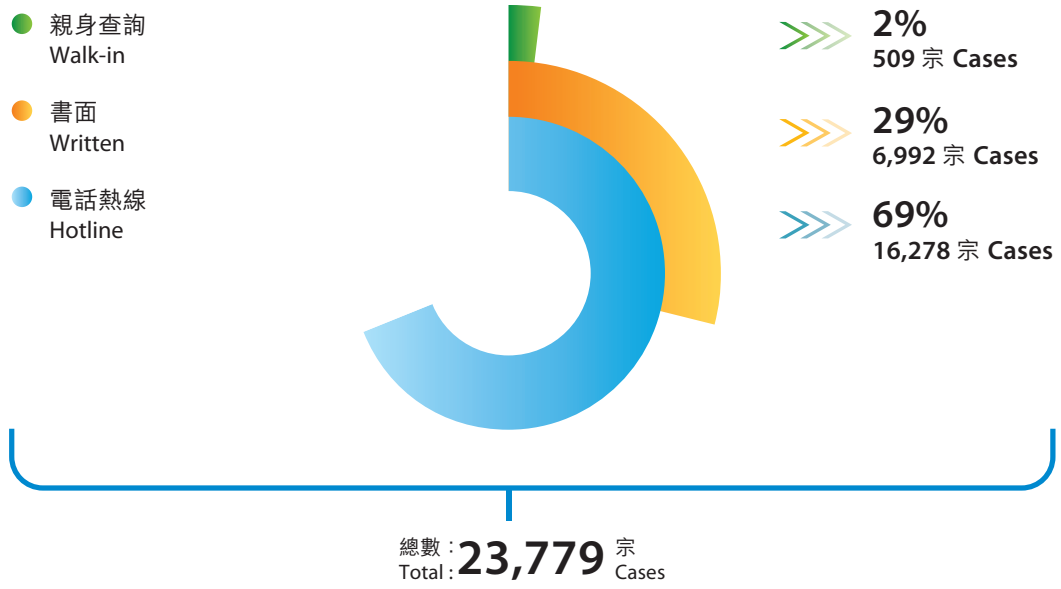
* An enquiry may involve multiple nature

Figure 5.1 – Number of enquiries received



圖 5.2 – 提出查詢的途徑

Figure 5.2 – Means by which enquiries were made



調查投訴

投訴的整體趨勢

自2019年6月以來，社會事件帶來一些前所未有的挑戰，當中包括「起底」。「起底」涉及未經當事人同意而披露其個人資料以達致滋擾或恫嚇的目的，對受害人造成或可能造成心理或身體傷害及/或財產損害。在本報告年度，私隱專員共接獲及發現接近5,000宗有關「起底」及網絡欺凌的個案，當中的受害人來自各行各業，包括政府官員、公眾人物、警察、教師及學生。因此，在本報告年度所接獲的投訴大增，創近年新高。

此外，值得注意的是，在本報告年度的下半年，由同一事件而衍生多宗或類似的投訴有上升趨勢，尤其是在2019年12月26日一名警務人員在鏡頭前展示一名記者的身份證的事件引起公眾廣泛關注，私隱專員接獲大量投訴。

COMPLAINTS INVESTIGATION

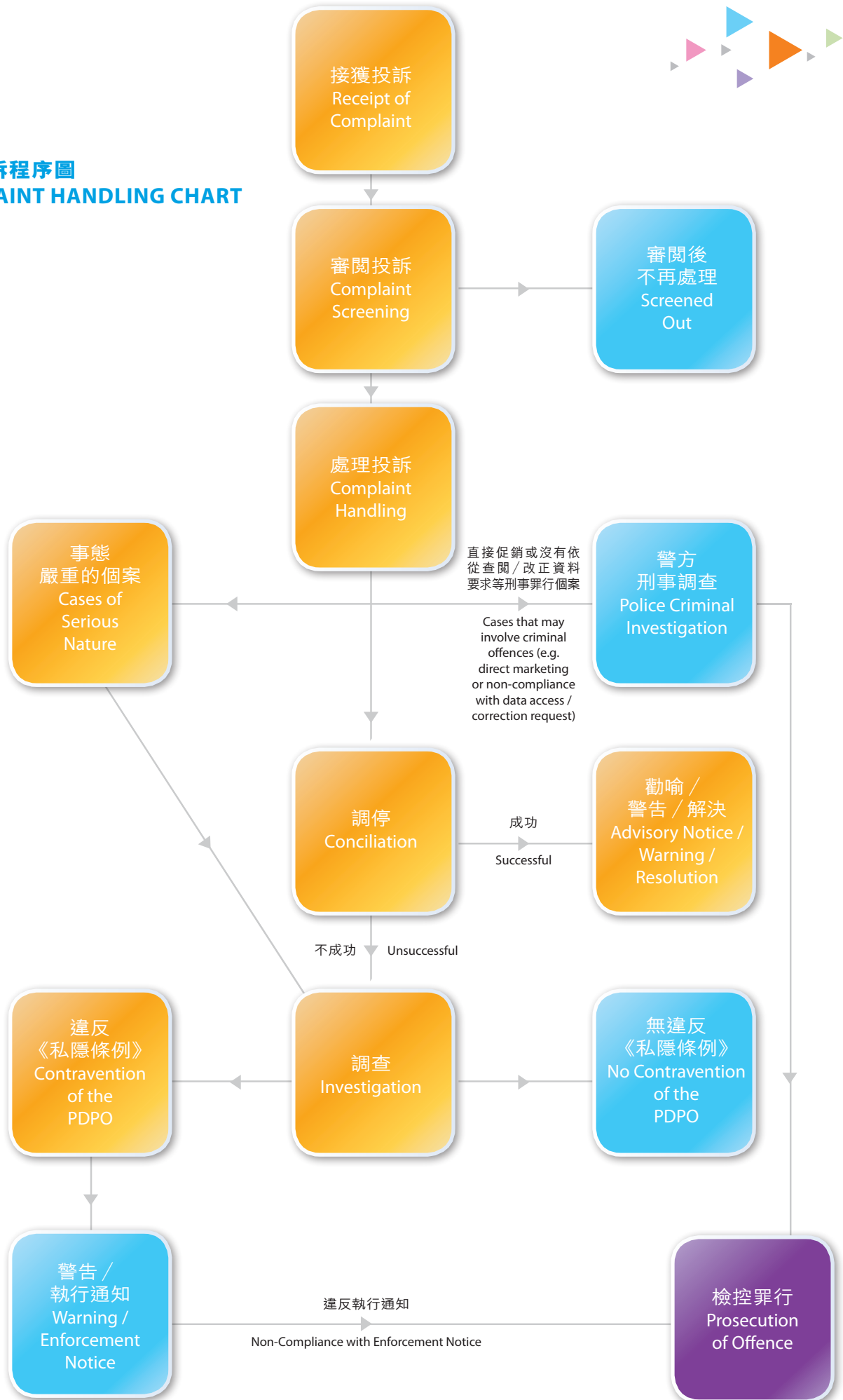
Overall trend of complaints

Since June 2019, social incidents had given rise to some unprecedented challenges to our society, one of which being “doxxing”. Doxxing involves non-consensual disclosure of an individual’s personal information for the purposes of harassment or intimidation, thus causing or likely to cause psychological or bodily harm to the victims and/or physical damage to their properties. During the reporting year, PCPD received and discovered close to 5,000 cases relating to doxxing and cyberbullying, in which the victims came from all walks of life, including government officials, public figures, police officers, teachers and students. As a result, the number of complaints received during the reporting year increased significantly, reaching a record high in recent years.

It is also worth noting that there had been a rising trend of multiple or similar complaints in the second half of the reporting year. In particular, the incident of a police officer showing a reporter’s Hong Kong Identity Card before camera on 26 December 2019 caused widespread public concern and a huge influx of complaints to PCPD.



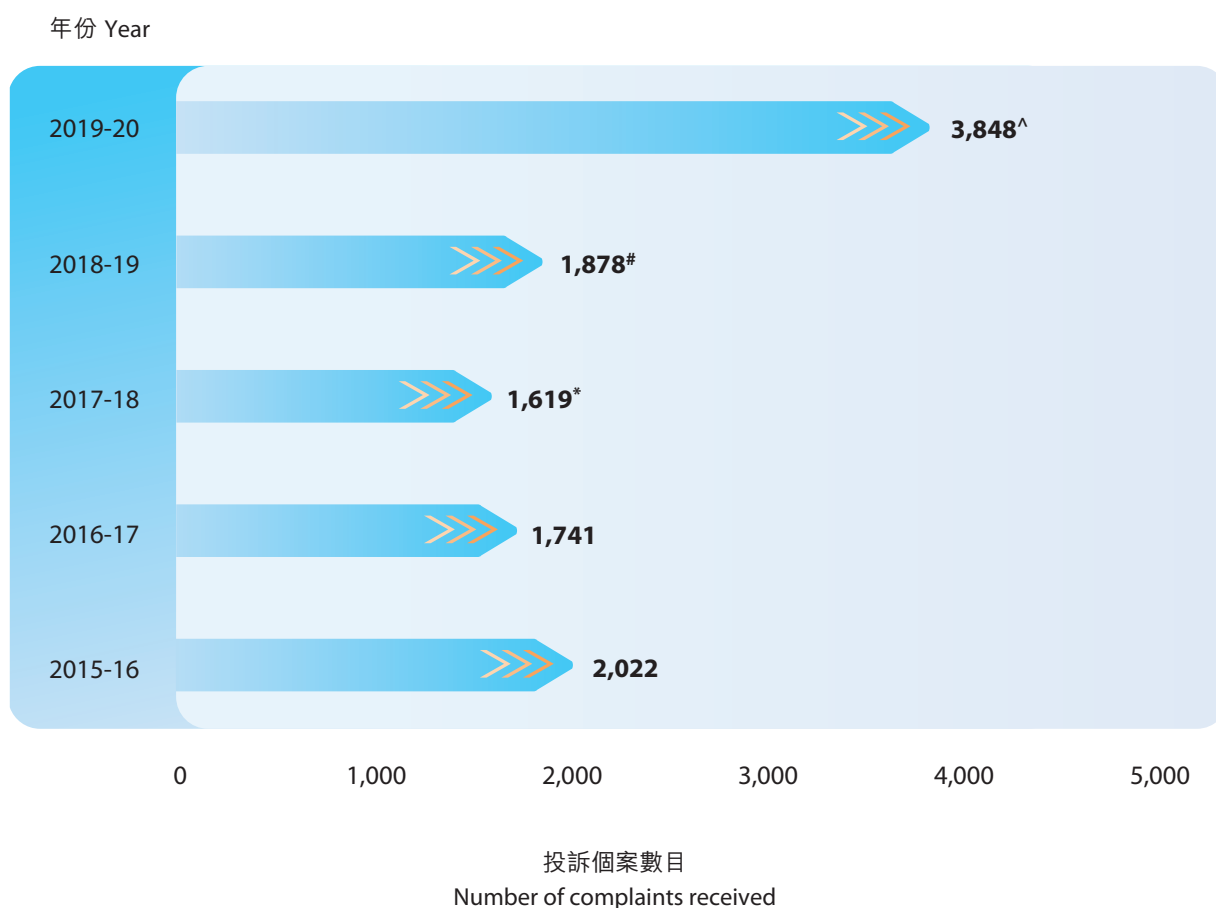
處理投訴程序圖
COMPLAINT HANDLING CHART



接獲的投訴個案

私隱公署在本報告年度共接獲11,220宗投訴，當中包括4,707宗由社會事件持不同意見而引發的「起底」和網絡欺凌的投訴，及醫護人員被「起底」的投訴（「起底」個案）（詳見第57頁），以及2,665宗有關兩宗警務人員在鏡頭前展示記者身份證的事件的投訴。撇除「起底」個案及以上兩宗事件，公署在本報告年度接獲3,848宗投訴，較上一年度上升105%。（圖5.3）

圖 5.3 - 投訴個案數目



Complaints received

11,220 complaints were received in 2019-20, which included 4,707 complaints relating to doxxing and cyberbullying arising from divergent opinions in social incidents and doxxing of medical personnel (the doxxing cases) (see P.57 for details), and 2,665 complaints relating to two incidents of police officer showing a reporter's Hong Kong Identity Card before camera. Discounting the doxxing cases and the two incidents above, PCPD received 3,848 complaints in 2019-20, being a 105% increase from last year. (Figure 5.3)

Figure 5.3 – Number of complaints received

[^] 當中包括428宗有關一名藝人在社交平台披露一份機組人員名單的投訴；669宗有關一名保安人員涉嫌偷取居民信件的投訴。

[#] 當中包括143宗有關一間航空公司外洩客戶個人資料事件的投訴。

^{*} 為統計目的，私隱公署在該報告年度收到有關某政府部門遺失載有選民個人資料的手提電腦的1,944宗同類投訴，只作一宗投訴計算。

[^] 428 complaints were about the disclosure of a list of operating cabin crew by an artist on her social media platform. 669 complaints were about suspected theft of residents' letters by a security guard.

[#] 143 complaints were about an airline company's data leakage incident.

^{*} For statistical purpose, the 1,944 complaints received in relation to the loss of notebook computers of a government department that contained personal data of registered electors were counted as one complaint.

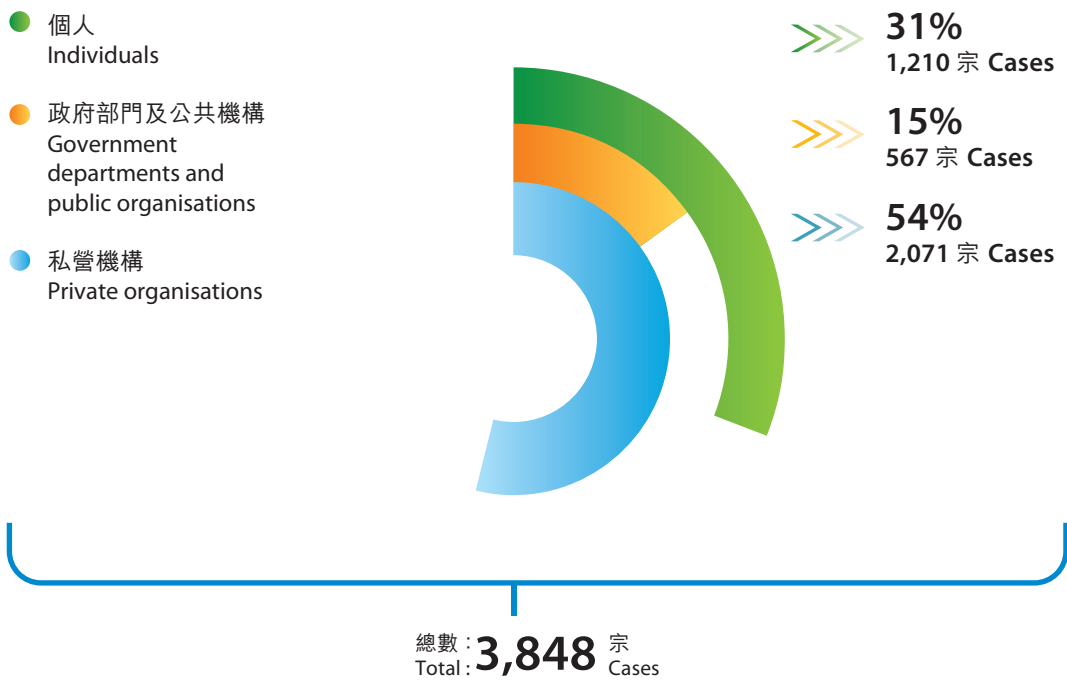


被投訴者類別

在接獲的 3,848 宗投訴個案中，被投訴者可分為以下類別：

- 私營機構 (2,071 宗)，主要涉及：物業管理公司、銀行及財務公司，以及教育機構；
- 個人 (1,210 宗)；及
- 政府部門及公共機構 (567 宗)，主要涉及：醫院或醫療機構，負責運輸事宜的部門，以及負責學生資助事宜的部門。(圖 5.4)

圖 5.4 – 被投訴者類別



Types of parties being complained against

Among the 3,848 complaints received, the types of parties being complained against were as follows:

- private organisations (2,071 cases), with the majority including property management companies, banking and finance institutions and education institutions;
- individuals (1,210 cases); and
- government departments and public organisations (567 cases), with the majority concerning healthcare services institutions, departments handling transport matters and students' finance matters. (Figure 5.4)

Figure 5.4 – Types of parties being complained against

就違反《私隱條例》的投訴指稱

在本報告年度內接獲的3,848宗投訴中，共涉及4,675項違反《私隱條例》規定的指稱（同一宗投訴個案可涉及多於一項指稱），該些投訴指稱見圖5.5。

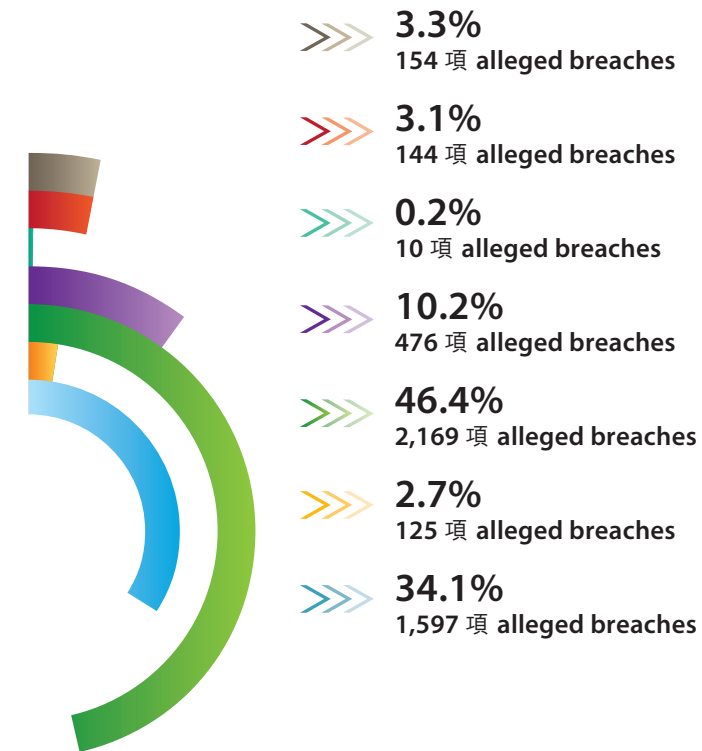
圖 5.5 – 就違反《私隱條例》的投訴指稱

- 直接促銷
Direct marketing
- 查閱／改正個人資料
Data access request/data correction request
- 個人資料政策的透明度不足
Inadequate transparency of personal data policies
- 個人資料的保安不足
Inadequate security of personal data
- 不當使用及披露個人資料
Improper use and disclosure of personal data
- 個人資料的準確性及保留期
Accuracy and retention of personal data
- 不當收集個人資料
Improper collection of personal data

Nature of alleged breaches under the PDPO

The 3,848 complaints involved a total of 4,675 alleged breaches under the PDPO (one complaint case may have more than one allegation). The nature of the alleged breaches is shown in Figure 5.5.

Figure 5.5 – Nature of alleged breaches





投訴所涉的主要範疇

跟上一個報告年度比較，私隱公署於本報告年度收到的投訴中，與資訊科技及物業管理有關的分別大幅增加了124%及677%。(圖5.6)

有關資訊科技的投訴中，大部分是關於網上社交網絡及智能手機應用程式，相信這上升趨勢與形式多樣的網上社交網絡普及化有關，因為它不但可作為個人分享渠道，更兼具新聞及購物平台功能。

涉及物業管理事宜的投訴大增，主要是因為一宗有關一名保安人員涉嫌偷取居民信件的事件而衍生多宗投訴。

圖 5.6 – 投訴所涉的主要範疇

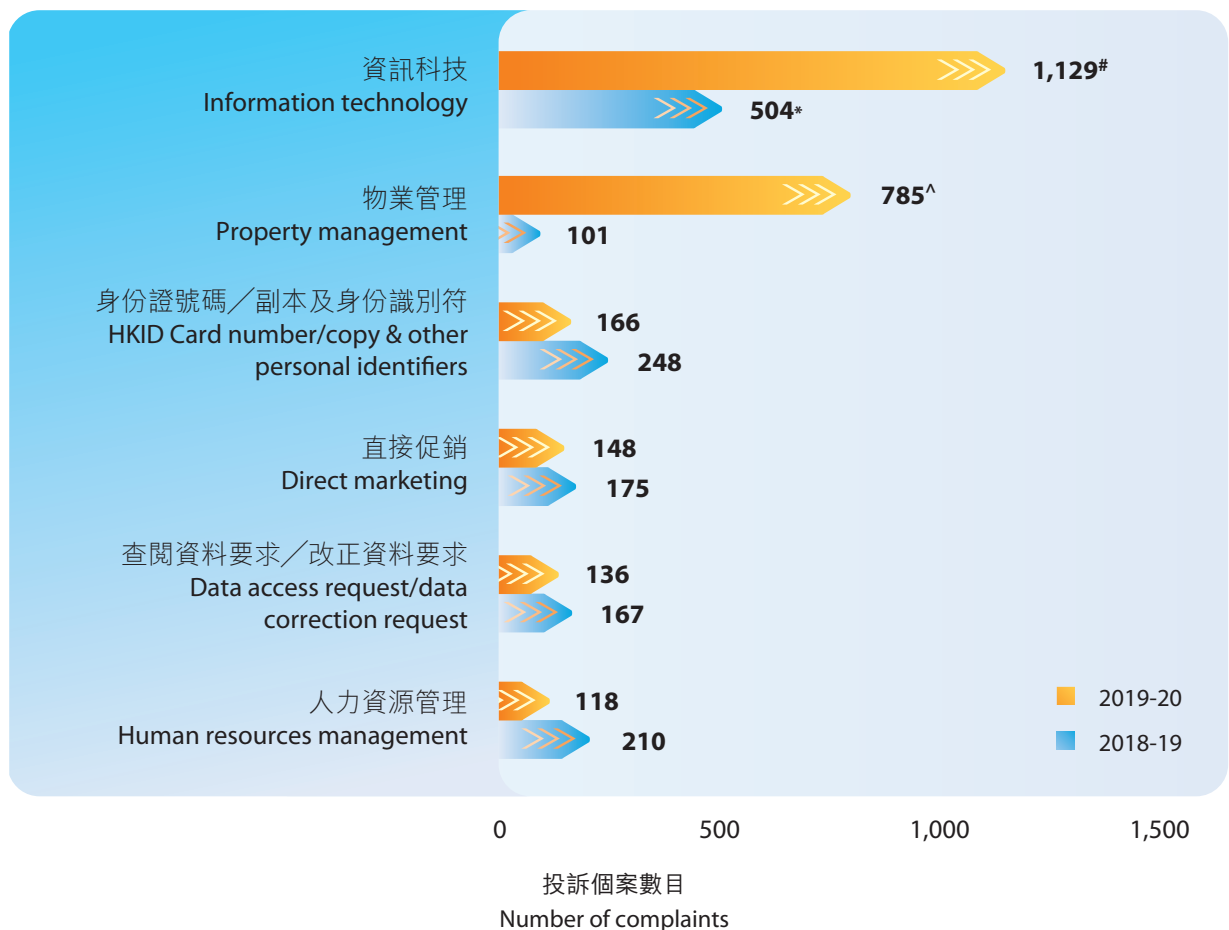
Major subjects of complaints

Compared to the previous reporting year, the number of complaints received by PCPD during the reporting year relating to information technology and property management-related issues significantly increased by 124% and 677% respectively. (Figure 5.6)

As for the complaints relating to information technology, the majority of them were about online social networks and smartphone applications. Understandably, the rising trend can be explained by the popularity of online social networks which have now served not only as a personal sharing channel, but also as a multi-functional platform for news activity and shopping.

The upsurge of complaints about property management-related issues was mainly due to the multiple complaints regarding suspected theft of residents' letters by a security guard.

Figure 5.6 – Major subjects of complaints



[#] 當中包括428宗有關一名藝人在社交平台披露一份機組人員名單的投訴。

^{*} 當中包括143宗有關一間航空公司外洩客戶個人資料事件的投訴。

[^] 當中包括669宗有關一名保安人員涉嫌偷取居民信件的投訴。

[#] 428 complaints were about the disclosure of a list of operating cabin crew by an artist on her social media platform.

^{*} 143 complaints were about an airline company's data leakage incident.

[^] 669 complaints were about suspected theft of residents' letters by a security guard.

年度投訴摘要

在本報告年度，私隱公署處理了292宗承接上年度的投訴，加上新接獲的11,220宗投訴（包括4,707宗「起底」和2,665宗有關兩宗警務人員在鏡頭前展示記者身份證的事件的投訴），年內共須處理11,512宗投訴。在這些個案中，10,042宗（87%）在本報告年度內經已完結，而餘下的1,470宗（13%），截至2020年3月31日仍在處理中。（圖5.7）

Summary of complaints handled during the reporting year

During the reporting year, PCPD handled 11,220 newly received complaints (including 4,707 complaints about doxxing and 2,665 complaints about the two incidents of police officer showing a reporter's Hong Kong Identity Card before camera), and 292 complaints carried forward from the previous reporting year, bringing the total number of complaints handled during the reporting year to 11,512. Of these, 10,042 (87%) were completed during the reporting year, and 1,470 (13%) were still in progress as at 31 March 2020. (Figure 5.7)

圖 5.7 – 過去五個年度投訴摘要

Figure 5.7 – Summary of complaints handled in the past five years

	2019-20	2018-19	2017-18	2016-17	2015-16
承接上年度的投訴 Complaints carried forward	292	191	193	262	253
接獲的投訴 Complaints received	11,220	1,878	1,619	1,741	2,022
共須處理的投訴 Total complaints processed	11,512	2,069	1,812	2,003	2,275
已完結的投訴 Complaints completed	10,042	1,777	1,621	1,810	2,013
未完結的投訴 Complaints under processing	1,470	292	191	193	262



已完結的投訴個案分類

在本報告年度內已經完結的 10,042 宗投訴，當中包括 4,232 宗有關「起底」個案的投訴及 2,648 宗有關兩宗警務人員在鏡頭前展示一名記者的身份證的投訴。撇除「起底」個案及上述事件，私隱公署在本報告年度完結的投訴宗數為 3,162 宗，當中 1,412 宗經公署初步審研後，基於以下原因結案：

- (i) 個案不符合《私隱條例》第 37 條定義的「投訴」，例如不涉及「個人資料」。部分個案則未能指明被投訴者的身份或屬匿名投訴等；
- (ii) 投訴人撤回投訴；
- (iii) 私隱公署要求投訴人加以述明其指稱或提供補充資料後，投訴人未有作出回應；
- (iv) 投訴內容不在《私隱條例》的管轄範圍；或
- (v) 沒有違反《私隱條例》的表面證據。

其餘 1,750 宗個案獲私隱公署接納作進一步處理。(圖 5.8)

圖 5.8 – 已完結的投訴個案分類

- 初步審研後作結的個案
Cases concluded after preliminary assessment
- 獲接納作進一步處理的個案
Cases accepted for further handling

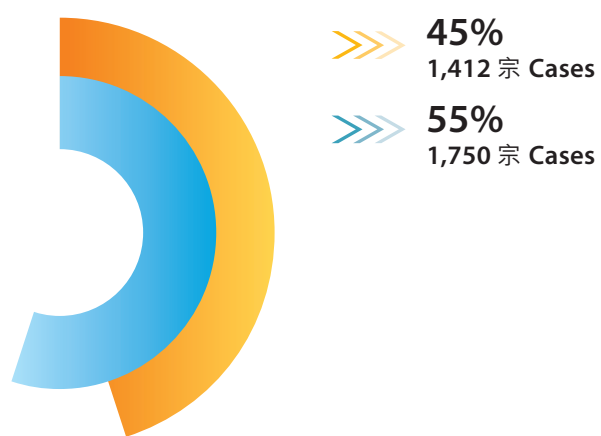
Categorisation of completed complaints

10,042 complaints were completed during the reporting year, including 4,232 complaints relating to doxxing and 2,648 complaints relating to the two incidents of a police officer showing a reporter's Hong Kong Identity Card before camera. Taking out the doxxing cases and the incidents above, PCPD completed 3,162 complaints in 2019-20, of which 1,412 were concluded after our preliminary assessment, on the grounds set out below:

- (i) the matters complained of fell outside the definition of "complaint" under section 37 of the PDPO. For instance, the matters complained of did not involve "personal data". In some cases, the complainants failed to specify the identities of the parties being complained against or the complaints were anonymous etc.;
- (ii) the complaints were withdrawn by the complainants;
- (iii) the complainants did not respond to PCPD's requests for further evidence in support of their allegations;
- (iv) the matters complained of were outside the jurisdiction of the PDPO; or
- (v) no *prima facie* evidence of contravention.

The remaining 1,750 complaints were accepted for further handling. (Figure 5.8)

Figure 5.8 – Categorisation of completed complaints



私隱公署處理投訴的方式

就該 1,750 宗獲私隱公署接納作進一步處理的投訴，公署先以調停這種較便捷的方式，嘗試解決資料當事人與被投訴者之間的糾紛。當中 1,582 宗 (90%) 經公署介入後得到解決 (圖 5.9)，並基於以下原因結案：

- (i) 被投訴者就投訴事項採取相應的糾正措施；
- (ii) 私隱公署向投訴人分析所有在案資料後，投訴人不再追究；或
- (iii) 私隱公署應投訴人要求向被投訴者表達關注，以讓被投訴者作出跟進。

此外，私隱公署發現 125 宗投訴涉及刑事成份 (當中 115 宗關於在網上披露車主的個人資料)，在公署確立表面證據成立，及投訴人同意下，公署轉介有關個案 (例如：未經資料當事人同意而使用其個人資料於直接促銷，或披露未經資料使用者同意而取得的個人資料的罪行) 予警方進一步處理。

圖 5.9 – 調停、轉介警方與展開調查的投訴個案

- 轉介警方作刑事調查
Referred to the Police for criminal investigation
- 展開調查
Investigation
- 成功調停
Successful conciliation



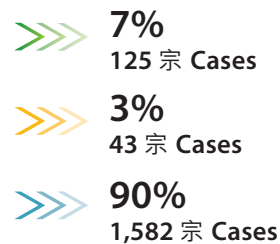
Modes of complaint handling

For those 1,750 complaints accepted for further handling, PCPD attempted to resolve disputes between the data subjects and the parties being complained against by conciliation as a speedy and convenient alternative. 1,582 complaints (90%) were successfully resolved (Figure 5.9) on the following grounds:

- (i) remedial actions had been taken by the parties being complained against to resolve the problems raised by the complainants;
- (ii) the complainants withdrew their complaints after PCPD had explained the information in hand to them; or
- (iii) PCPD had conveyed the complainants' concerns to the parties being complained against for their follow-up actions.

125 complaints were found involving criminal nature (of which 115 were related to the disclosure of vehicle owners' personal data online). Those complaints were referred to the Police when *prima facie* evidence of contravention of the relevant requirements under the PDPO was established (e.g. offences for using personal data in direct marketing without consent from data subjects; or offences for disclosing personal data obtained without consent from data users) and the complainants' consent for referral was obtained.

Figure 5.9 – Complaints resolved by conciliation, referred to the Police and for investigation





餘下 43 宗的投訴因不適合或不能成功調停，而須展開調查，當中：

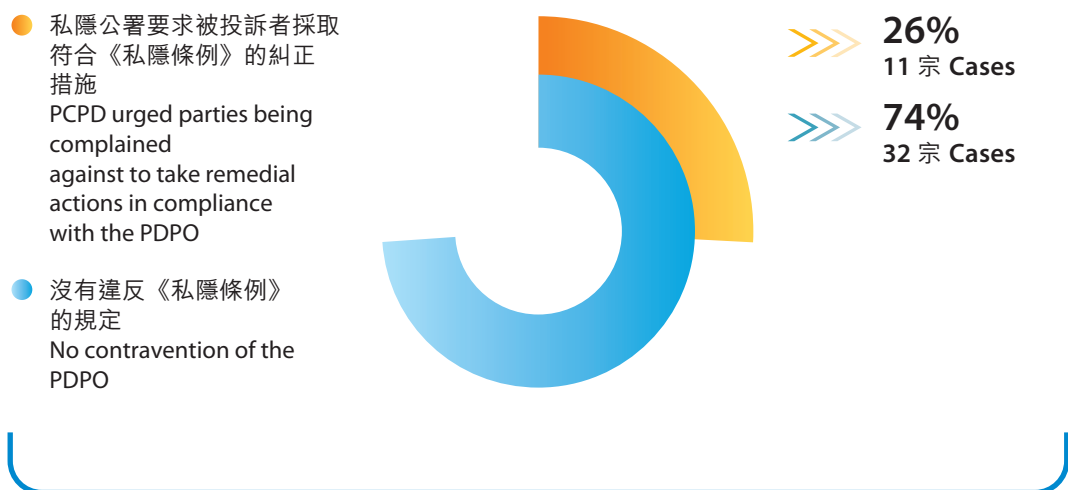
- 私隱公署要求 11 宗的被投訴者採取符合《私隱條例》規定的相應糾正措施，私隱公署並向部分被投訴者發出警告或執行通知。
- 餘下的 32 宗的被投訴者沒有違反《私隱條例》的規定，私隱公署給予部分被投訴者建議，鼓勵他們建立保障個人資料的良好行事方式。(圖 5.10)

Investigations were carried out for the remaining 43 complaints, which were unsuitable for conciliation or not conciliated:

- in 11 complaints, PCPD had urged the parties being complained against to take remedial actions in order to comply with the requirements of the PDPO. Some of them were issued with warnings and Enforcement Notices by PCPD;
- no contravention of the PDPO was found in the remaining 32 complaints. Recommendations were given to some of the parties being complained against to encourage them to establish good practices in data protection. (Figure 5.10)

圖 5.10 – 展開調查的個案結果分類

Figure 5.10 – Categorisation of investigation cases



私隱公署給予被投訴者的建議

私隱公署除了向涉及違反《私隱條例》的被投訴者發出警告或執行通知外，在調停或調查的過程中亦會視乎情況提示或建議被投訴者採取糾正措施，以免重蹈覆轍，或鼓勵他們建立保障個人資料的良好行事方式。在本報告年度中，公署曾向被投訴者發出超過 900 項建議，要求他們：

- 修訂與個人資料有關的政策和行事程序，以免再發生同類違規事件；
- 向職員發出指引，要求他們遵從有關的政策和行事程序；
- 依從投訴人的查閱/改正資料要求，提供/改正個人資料，或減低依從查閱資料要求的費用；
- 刪除不必要地收集或向第三者披露的個人資料；
- 承諾停止被投訴的不當行為；
- 依從投訴人的拒絕接收直銷訊息要求；及
- 跟進私隱公署轉達投訴人對其私隱的關注。

Recommendations given to the parties being complained against

Apart from issuing Enforcement Notices and warnings, PCPD also, in some cases, advised the parties being complained against to carry out remedial actions in the course of conciliation or investigation, with a view to preventing the recurrence of similar irregularities in future, or encourage them to establish good practices in personal data protection. During the reporting year, more than 900 recommendations were made to the parties being complained against to advise them to take the following actions:

- revising personal data-related policies and practices to prevent similar breaches in future;
- providing proper guidance to staff to require compliance with relevant policies and practices;
- supplying/correcting personal data to comply with the complainants' data access/correction requests, or reducing the fees for complying with the data access requests;
- deleting personal data that was collected or disclosed to third parties unnecessarily;
- undertaking to cease the malpractices leading to the complaints;
- complying with opt-out requests for not receiving direct marketing messages; and
- following up on the privacy-related concern of the complainants as referred by PCPD.



對「起底」個案的跟進行動

在4,707宗「起底」個案中，有1,402宗在公署進行初步調查後轉介警方跟進。公署運用《私隱條例》所賦予的權力跟進所有「起底」個案，並取得成果。跟進行動包括去信促請有關網上平台移除網絡連結，並把涉嫌違反法庭禁制令的個案轉介律政司跟進(44宗)。公署曾166次去信16個網上平台，促請它們移除2,867條非法的網絡連結。1,777條網絡連結(62%)其後被移除。

在本報告年度，公署已經完成審閱及調查約九成接獲的「起底」個案(4,232宗)。

私隱公署要求移除非法的網絡連結(共2,867條)的結果

- 已移除網絡連結
Web links removed
- 未移除網絡連結
Web links not yet moved



>>> 62%
1,777 已移除網絡連結 Web links removed

>>> 38%
1,090 未移除網絡連結 Web links not yet removed

Follow-up actions on doxxing cases

Of the 4,707 doxxing cases, 1,402 cases were referred to the Police to follow up after preliminary investigation by PCPD. PCPD followed up on all doxxing cases with the powers conferred by the PDPO and yielded results. Follow-up actions included writing to the online platforms concerned urging the removal of the web links, and referring cases of suspected violations of court injunction orders to the Department of Justice to follow up (44 cases). PCPD wrote 166 times to 16 online platforms, urging them to remove a total of 2,867 illegal web links. 1,777 web links (62%) were subsequently removed.

During the reporting year, PCPD completed screening and investigation of about 90% (4,232 cases) of the doxxing cases received.

Results of PCPD's removal requests on illegal web links (2,867 web links in total)

「起底」個案的審閱及調查 (截至2020年3月31日)

- 已完成
Completed
- 處理中
Ongoing



Progress of screening and investigation of doxxing cases as of 31 March 2020

>>> 90%
4,232 宗 Cases

>>> 10%
475 宗 Cases

個案選錄 · 以作借鑑

公司或機構在運用個人資料為業務或服務增值之餘，亦須有道德地顧及其作為對資料當事人所帶來的私隱影響。以下選錄中的一些個案，說明個人資料私隱一旦被侵犯，對當事人的尊嚴、權利或利益可造成損害。

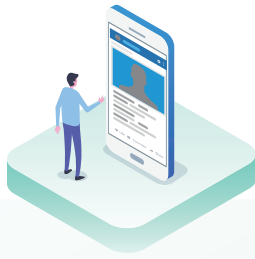
私隱公署如認為投訴有理據，會建議涉事公司或機構作出糾正或補救。由資料當事人提出的投訴，可以令不當處理個人資料的方式得以修正，繼而惠及他人。公署希望個案選錄可供資料使用者作為借鑑，提升企業尊重個人資料的意識，在日常業務中實踐數據道德，而市民可了解其個人資料私隱的權利。

SUMMARIES OF SELECTED CASES • LESSONS LEARNT

Companies and organisations are under ethical obligations to carefully consider the possible privacy impact on the data subjects when using personal data for their businesses or services. The following selected cases illustrate how individuals' dignity, right and interest might be affected by having their personal data privacy intruded.

If complaints are substantiated, PCPD would recommend the companies or organisations take corrective or remedial actions. The correction of malpractices in handling personal data by companies or organisations, as a result of the complaints raised by data subjects, can eventually benefiting the community at large. By publishing these case summaries, we wish to provide data users with good lessons to learn, raise the organisational awareness of respecting personal data and applying data ethics in daily businesses, and to enhance citizens' understanding of their personal data privacy rights.





個案一：法團在社交平台披露一名業主的姓名及住址 – 保障資料第3原則

投訴內容

投訴人是一屋苑單位業主。投訴人就其單位的滲水問題入稟小額錢債審裁處，向該屋苑的業主立案法團（「法團」）提出索償。法團為了通知其他業主此事，將投訴人向小額錢債審裁處提交的申索書副本張貼在屋苑大堂及上載到由該屋苑業主組成的網上社交平台群組。

由於該申索書載有投訴人的姓名及完整住址資料，投訴人向私隱公署投訴法團在未得他同意下公開披露他的個人資料。法團其後將張貼在屋苑大堂的該申索書移除，但仍在該網上社交平台群組披露該申索書。

法團在回覆私隱公署的查問時表示，法團是根據《建築物管理條例》第26A條的規定，通知全體業主法團將進入法律程序，而須公開訴訟各方的身份、案件編號、審理案件的法院、案件性質，及申索的金額或尋求的補救。

結果

私隱公署注意到，《建築物管理條例》只要求法團在相關的建築物展示載有法律程序的詳情的通知，當中並無明文規定法團須展示有關法律文件的全部內容。該條例亦無明文規定法團須在相關建築物以外的地方或平台（如網上社交平台）展示有關通知。再者，根據民政事務總署發出的《〈建築物管理條例〉（第344章）常見問題》的書刊，法團須展示的法律程序的詳情只包括涉及法律程序的各方的身分，當中並無要求法團須披露訴訟各方的姓名及其聯絡資料。

Case 1: An Incorporated Owners (IO) disclosed an owner's name and address on social network platform - DPP3

The complaint

The complainant was a flat owner of a private housing estate. The complainant made a claim to the Small Claims Tribunal against the IO of the estate in respect of a water seepage problem of his flat. In order to notify other owners of the case, the IO posted a copy of the complainant's claim form filed to the Small Claims Tribunal at the lobby of the estate and uploaded it onto an online social platform composing of the owners of the estate.

Since the claim form contained the complainant's name and full address, the IO's act had disclosed the complainant's personal data without his consent. The complainant then lodged a complaint with PCPD against the IO. The IO had subsequently removed the claim form posted at the lobby, but refused to remove the one posted on the online social platform.

In response to PCPD's inquiry, the IO stated that it had to notify all the owners of the legal proceedings to which the IO was a party in accordance with section 26A of the Building Management Ordinance (BMO). The IO insisted that information about the capacity of the parties of the proceedings, case number, the forum of the case, nature of the case and the amount claimed or remedies sought must be disclosed.

Outcome

PCPD noted that the BMO only requires the IO to display a notice containing particulars of the proceedings in the building. There is no provision requiring the IO to display all the content of the legal documents, nor any provision requiring the IO to display the notice in places outside the building (e.g. online social platform). Moreover, according to the publication "Frequently Asked Questions on Building Management Ordinance (Cap. 344)" issued by the Home Affairs Department, the particulars of proceedings that must be displayed include only the capacity of the parties of the proceedings but not the names and contact information of the parties.

私隱公署認為，就達致通知業主有關訴訟的目的而言，法團只須向各業主述明有一單位業主（即：投訴人的身分）入稟小額錢債審裁處向法團提出申索。就此，法團將載有投訴人的姓名及完整住址的該申索書上載到該網上社交平台群組，是不必要地披露了投訴人的個人資料，違反了保障資料第3原則的規定。

儘管私隱公署已作出勸喻，但法團仍未從該網上社交平台群組移除該申索書。因此，公署向法團發出執行通知，指令法團：(1)從該網上社交平台群組移除該申索書，或在該申索書中刪除所有與投訴人有關的個人資料；(2)制定相關政策、行事方式及/或指引，以規定法團及其委員會成員，除非事先得到資料當事人的同意，否則在公開披露法庭文件前，必須先將可識辨涉事當事人的個人資料從有關文件中刪除；(3)將上述政策、行事方式及/或指引發布給所有法團委員會成員；(4)採取適當措施，以確保法團新一屆的委員會成員獲悉有關政策、行事方式及/或指引。

借鑑

物業管理團體在履行物業管理職責時，必須保障及尊重住戶的個人資料。私隱公署發出的《物業管理指引》指出，雖然物業管理團體可能會公開張貼通告以通知業主有關大廈的管理事宜，但物業管理團體應仔細考慮及衡量公開個別人士的資料之必要性及程度。與張貼目的無關而非必需的個人資料應從通告上略去。過度披露個人資料或別有用心地將文件公開展示，可能會違反《私隱條例》保障資料第3原則的規定。

PCPD deemed that for the purpose of notifying the owners of the proceedings, the IO only needed to mention that an owner of a flat (i.e. the capacity of the complainant) had made a claim to the Small Claims Tribunal against the IO. Hence, the IO's act of uploading the claim form containing the complainant's name and full address to the online social platform was unnecessary disclosure of the complainant's personal data, contravening the requirements of DPP3.

PCPD had requested the IO to remove the claim form from the online social platform, but the IO did not accede to the request. An Enforcement Notice was eventually served on the IO, directing it to (1) remove the claim form from the online social platform, or delete the complainant's personal data on the claim form; (2) formulate policies, practices and/or guidelines requiring the IO and its committee members to delete information which could identify data subjects from any legal documents before disclosing the documents, unless prior consent of the data subject had been obtained; (3) disseminate the policies, practices and/or guidelines above to all the committee members of the IO; (4) adopt proper measures to ensure that future committee members of the IO know the policies, practices and/or guidelines.

Lesson learnt

When performing their duties, property management bodies must protect and respect residents' personal data. PCPD's Guidance on Property Management Practices pointed out that although property management bodies may have to inform owners of building management affairs by displaying notices in public, property management bodies should carefully consider and assess the necessity and extent of publishing individual's personal data. Personal data which is not necessary for the purpose of posting the notice must be edited out. Excessive disclosure of personal data or public display of a document with an ulterior motive may contravene DPP3 of the PDPO.



個案二：制服團體收集未成年人士的個人資料作招募團員之用 – 保障資料第 1(2) 原則

投訴內容

投訴人指稱一個制服團體在公開招募青少年團員的活動中，使用威嚇手法，迫使沒有成人陪同的青少年提供他們及父母的個人資料，強行為他們申請入團。

該團體向私隱公署強調，招募活動現場備有宣傳單張等物品，向在場人士解釋招募活動的用意，申請入隊必須出於申請人的意願。根據該團體的既定招募程序，如有 12 至 17 歲的青少年有意申請入隊，需要自行填寫申請書。申請人只需填寫本人的基本個人資料，以供該團體初步核實年齡資格，以及安排申請人與家長或監護人共同出席面試。在面試當日，申請人會在家長或監護人陪同下，補回表格上尚未填寫的資料及證明文件。該團體承認在招募時，他們不會主動向青少年解釋上述情況，故部分沒有家長或監護人陪同的青少年，或會在申請書上填寫家長或監護人的個人資料。

結果

私隱公署在審視該團體的上述招募方式後，不認為做法構成以不公平方式收集個人資料，而公署在個案中並無發現任何資料顯示該團體涉及強迫申請人提供個人資料，以致涉及違反保障資料第 1(2) 原則的規定。不過，公署認為，向青少年收集個人資料，涉及較重大的私隱關注。該團體有責任向青少年解釋清楚填寫表格的要求，避免青少年在入表階段，在家長或監護人不知情下填寫他們的個人資料。

Case 2: A uniform group collected minors' personal data for recruitment of group members - DPP1(2)

The complaint

The complainant alleged that in an activity organised by a uniform group, teenagers who were not accompanied by adults were forced to apply for admission to the group, and provide their and their parents' personal data in an application form.

In replying to PCPD, the group stated that recruitment leaflets distributed onsite emphasised that all applications should be made on the applicants' own will. The group stated that applicants between 12 and 17 of age only needed to fill in their own particulars for preliminary verification of their age and arrangement for interview with the applicants and their parents at a later stage. On the interview day, the applicants accompanied by their parents would then complete the remaining parts of the application form. The group admitted that they did not explain to the applicants this arrangement during the activity. They believed that some teenage applicants might have filled in the personal data of their parents in the application forms without consulting their parents.

Outcome

After examining the recruitment practices of the group, PCPD did not consider that the group had collected personal data in an unfair manner, and there was no evidence showing that the group had forced applicants to provide personal data, thereby contravening DPP1(2). However, PCPD was of the view that collection of personal data from teenagers involved great privacy concerns. It was the responsibility of the group to clearly explain the requirements of completing the application form to teenagers so that they would not provide the personal data of their parents without their knowledge.

經私隱公署介入後，該團體同意改善招募安排，向有意申請的青少年提供書面填表指示，清晰標示需填寫的項目。該團體已要求主管在招募活動前向當值隊員清晰講解，並透過加強巡查以確保新安排得以落實。

借鑑

在日常生活中，無論是成年人或青年人，都總有機會面對需要提供個人資料的處境。由申請成為商戶會員享受購物優惠，以至開設網上帳戶進行網上活動，都涉及提供個人資料。

社會有責任保護閱歷尚淺的青年人避開私隱陷阱。所有向青少年收集個人資料的資料使用者，應以此案為鑑，因應青少年的心智成熟程度，本著尊重、互惠和公平的價值觀，制定適切的收集個人資料安排，只收集足夠而不超乎適度的個人資料，同時以易於理解的方式向青少年解釋收集資料的原因。此外，前線人員在與青少年溝通時，亦必須謹言慎行，注意說話方式及內容，避免令青少年感到受壓及產生誤會，以確保青少年可自由自主地決定是否提供個人資料。

After PCPD's intervention, the group agreed to improve the recruitment arrangement by providing written instructions on the items that needed to be filled in at the initial application stage. The group had requested its supervisors to clearly brief duty officers before recruitment activities and increase the frequency of inspection to ensure the implementation of the new arrangement.

Lesson learnt

In our daily lives, there are many situations, from application for membership of loyalty programmes to application for online accounts, that require us, no matter adults or minors, to provide personal data.

The community has the duty to protect minor's privacy rights from being infringed on. All data users collecting personal data from minors should learn from this case. They should make appropriate arrangements for collecting personal data in a respectful, mutually beneficial and fair manner, the maturity of subjects considered. Only adequate (but not excessive) personal data should be collected and the purpose of collection should be explained in an easily understandable way. Moreover, when communicating with minors, frontline officers should be mindful of their presentation and choice of words to avoid leaving them under the impression that they are pressurised to provide their personal data.





個案三：僱員透過查閱資料要求向僱主查詢他是否被視為具潛質的員工 – 保障資料第6原則

Case 3: An employee made a data access request to his employer with an intention to find out whether he was considered having potential - DPP6

投訴內容

The complaint

為確保內部升遷交接暢順，一機構的管理層決定物色具潛質的員工，以專注培訓他們將來出任管理人員或其他重要職位。因此，該機構內部製備了一份具潛質的員工名單供管理層考慮，但該名單內容沒有對外公佈。

An organisation had conducted an exercise to identify staff having potential so that appropriate training would be provided to them to prepare them to assume management roles or other important positions in the future. A classified list of staff having potential was therefore compiled and passed to the organisation's management for consideration.

投訴人向該機構遞交一份查閱資料要求表格，要求該機構確認「他的姓名是否在該份具潛質的員工名單上」。由於該機構的政策是不會向員工披露他是否被管理層視為一名具潛質的員工，該機構沒有回覆投訴人的要求。投訴人遂向私隱公署投訴該機構未有依從其查閱資料要求。

The complainant submitted a data access request to the organisation requesting it to confirm "whether his name was on the list of the staff having potential". As the list was a classified document of the organisation, no reply was given to the complainant. The complainant then complained against the organisation for failing to comply with his data access request.

結果

Outcome

在司法覆核個案胡潔冰訴行政上訴委員會（法院案件編號HCAL 60/2007）中，法官表示《私隱條例》的原意為保障個人資料私隱，提供渠道以供資料當事人查閱資料使用者持有他的個人資料，以及在發現不準確時要求資料使用者作出更正。

In the judicial review case of *Wu Kit Ping v. Administrative Appeals Board* HCAL 60/2007, the Judge held that the purpose of the PDPO is to protect the personal data privacy of an individual, and to enable an individual to access, and correct the incorrect personal data held by a data user.



在本個案中，投訴人提出查閱資料要求的目的，並不是查閱該機構持有與他有關的僱傭紀錄（例如他的履歷資料、工作表現報告、培訓紀錄或申領假期/員工福利紀錄等），而是希望得悉他是否被管理層視為一名具潛質的員工。私隱公署認為，投訴人的要求與他的個人資料私隱無關。投訴人在《私隱條例》下只可查閱該機構是否準確地記錄他的個人資料，以及在發現不準確時要求僱主作出更正。該機構在《私隱條例》下沒有責任向投訴人確認「他的姓名是否在該份具潛質的員工名單上」。

借鑑

《私隱條例》賦予僱員向僱主查閱其個人資料的重要權利，而僱主作為資料使用者亦須按法例規定妥善處理僱員的查閱資料要求。然而，僱員可能會誤會《私隱條例》下賦予他們有關權利的用意，以為這權利等同於一項絕對的知情權，可用作要求僱主回答所有與僱員有關的問題，或為僱員編寫指定形式的報告或信件等（例如要求僱主提供離職證明信）。事實上，查閱個人資料的權利在於讓個人知悉某資料使用者是否持有他的個人資料，並在認為他的個人資料不準確時，有權向資料使用者提出改正資料要求。因此，僱員不應期望可透過行使查閱個人資料權利以找尋資料作檢視僱主的行政安排或管理決定，亦不應利用此權利解決僱傭糾紛。

In this case, the complainant's purpose for making the data access request was not to access his employment-related data held by the organisation (e.g. his resume, performance appraisals, training records or applications for leave/staff benefits records, etc.), but to find out whether he was considered as a staff member having potential. PCPD considered that the complainant's request was not related to his personal data. Under the PDPO, the complainant had the right to access his personal data held by the organisation to ascertain if it was accurate, and if it was inaccurate, he could request his employer to correct it. The organisation had no duty under the PDPO to confirm to the complainant "whether his name was on the list of staff having potential".

Lesson learnt

The PDPO provides an important right to employees to access their personal data, and employers as data users are obligated to handle data access requests in accordance with the PDPO. However, employees may misunderstand that the right given to them under the PDPO is an absolute right to information and they can use it to fish for answers in employment-related matters, or to obtain reports or letters in specified format (e.g. requesting employers to provide reference letters). In fact, the right to making data access requests is to provide a channel to a data subject to access his or her personal data held by a data user, and to request correction when inaccuracy is noted. Employees should not expect to obtain information for checking the employer's administrative arrangements or management decisions, or for resolving employment disputes by exercising their right of data access request.



個案四：透過具容貌識辨功能的攝影機作職員考勤及保安用途 – 保障資料第 1 原則

投訴內容

投訴人是一名教師。他不滿其學校在他不知情及未取得其同意的情況下，於校門位置安裝了一部具容貌識辨功能的攝影機，作職員考勤及保安之用。

結果

就收集生物辨識資料方面，私隱公署認為，鑑於生物辨識資料屬性質敏感的資料，資料使用者須首先考慮有關收集是否必需的。因此，資料使用者須考慮可否收集敏感性較低的資料，但仍能達致相同效果的做法。此外，收集資料的方法亦必須在公平的情況進行，故資料使用者須確保已給予資料當事人自主及知情的選擇。

在本個案中，私隱公署在了解事件後，得知校方在保安方面，已於校門裝有閉路電視系統，亦有安排保安員駐守。在考勤方面，校方亦要求教師以門禁卡進入。此外，校方看來並沒有就透過該攝影機收集僱員容貌資料一事給予僱員自主及知情的選擇。

Case 4: Use of camera with facial recognition function for attendance recording and security purpose - DPP1

The complaint

The complainant was a teacher. He was dissatisfied that his school installed a camera with facial recognition function at the school entrance for employee attendance recording and security purpose without notifying him and obtaining his consent.

Outcome

On collection of biometric data, PCPD is of the view that biometric data is sensitive data and data users must first consider the necessity of collecting such data. Data users must consider whether it is feasible to collect less sensitive data to achieve the same purpose. The means of collection must be fair in the circumstances, so data users have the obligations to ensure that data subjects are given a free and informed choice to choose whether to have their biometric data collected.

In this case, PCPD learnt that for security purpose, a closed-circuit television system had already been installed at the school entrance with a security guard stationed there. For attendance recording purpose, teachers were required to use access cards to enter and leave the school. PCPD also noted that the school had not given its employees a free and informed choice on the collection of their facial images by the camera.



雖然該校表示安裝該攝影機只屬測試性質，其後亦已移除該攝影機，惟私隱公署認為，即使有關的安裝只屬測試性質，校方仍須在處理收集生物辨識資料方面符合私隱保障的規定。就此，私隱公署促請該校日後如涉及收集僱員的生物辨識資料，必須三思此舉可否以其他較不侵犯私隱的方法取代，並制訂有關的私隱政策，以緊遵《私隱條例》的相關規定。

借鑑

在數碼世代下，以人工智能辨識被攝錄人士身份的技術日趨成熟，不少僱主希望將有關技術引入其業務，以達至加強保安及方便監察僱員考勤之用。然而，生物辨識資料（如DNA樣本、指紋、容貌等）是直接與個人有關，往往是獨一無二及不可改變。而當生物辨識資料與另一資料庫的個人資料連結，又或經整合和分析後，可直接或間接辨識個別人士的身份，屬《私隱條例》下的個人資料，受《私隱條例》所規管。

就如本個案，如僱主純粹希望加強保安及方便監察僱員考勤情況的話，僱主應先考慮採取其他私隱侵犯程度較低的方法來代替收集其生物辨識資料。僱主若不採取這些措施，他便須具備充分的理由方可如此收集僱員的生物辨識資料，亦應給予僱員機會選擇是否容許僱主收集或處理有關資料。僱主應以提高透明度及能理解性為大原則，以簡單易明的方式告知所有受影響僱員，才可與僱員建立信任。

科技及人工智能為市民大眾及機構帶來好處及便利是不用置疑的。然而，當相關技術涉及個人資料私隱的議題時，資料使用者便須在其帶來的好處及保障個人資料私隱之間取得平衡，在善用科技促進業務的同時，亦尊重他人的私隱權利。

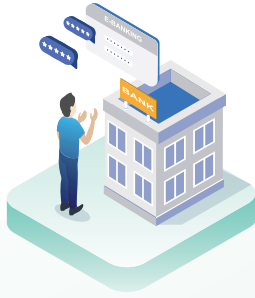
Although the school stated that the installation of the camera was just for trial testing and it had subsequently removed the camera, PCPD considered that the school still needed to comply with the privacy protection requirements on handling biometric data. PCPD strongly advised the school to consider whether there were any less privacy intrusive alternatives to the collection of employees' biometric data in future and to formulate privacy policies for compliance with the PDPO.

Lesson learnt

In the digital era, the technology of using artificial intelligence to identify individuals is getting more sophisticated. Many employers may wish to use the technology for enhancing security and facilitating staff monitoring. Biometric data (e.g. DNA samples, fingerprints, facial features, etc.) is unique and immutable, and when it is consolidated and analysed, a particular individual can be directly or indirectly identified, so it is personal data under the PDPO and is regulated by the PDPO.

In this case, if the employer simply wanted to enhance security and facilitate monitoring of employees' attendance, the employer should first consider adopting other less privacy intrusive alternatives to the collection of biometric data. If employers do not adopt these alternatives, they must have overriding reasons to justify the collection of biometric data and provide their employees with a choice to allow such collection or handling of their biometric data. Based on the principles of enhancing transparency and explainability, employers should inform all the affected employees of collection of biometric data in a simple and easily understandable way to gain trust from them.

Undoubtedly, technologies and artificial intelligence bring forth benefits and convenience. However, when the technologies involve collection or use of personal data, data users must carefully strike a balance between the benefits and protection of personal data privacy. While technologies are being used to facilitate businesses, individuals' privacy right should also be respected.



個案五：銀行改善網上更新個人資料的版面，採取尊重私隱的設定以確保銀行在取得客戶真正的同意下才使用其個人資料作直接促銷 – 《私隱條例》第 35C 條及第 35G 條

投訴內容

投訴人是某銀行的客戶，他透過網上銀行服務更新他的聯絡資料。投訴人在有關更新個人資料的版面上輸入他的新聯絡資料。該銀行在該版面上詢問客戶是否「不接受銀行使用客戶的個人資料作直接促銷」。由於投訴人早已書面向該銀行提出拒收直銷訊息要求，因此他認為沒有需要再於有關更新個人資料的版面上選取上述方格來向該銀行確認他不同意該銀行使用他的個人資料作直接促銷的意願。

由於投訴人在網上向該銀行遞交他的新聯絡資料時沒有同時選取「不接受銀行使用客戶的個人資料作直接促銷」的方格，因此該銀行當作他取消早前提交的拒收直銷訊息要求，並將投訴人視為同意該銀行使用其個人資料作直接促銷的客戶。該銀行其後向投訴人發出直接促銷電話，投訴人遂向私隱公署投訴該銀行未有依從他的拒收直銷訊息要求。

結果

私隱公署向該銀行重申投訴人不同意該銀行使用他的個人資料作直接促銷的意願，而該銀行亦確認不會再向投訴人發出直接促銷訊息。此外，公署促請該銀行檢視有關更新個人資料的版面設定，以確保客戶應獲清晰及真正的選擇，自行決定是否接受該銀行使用其個人資料作直接促銷。

Case 5: A bank improved its personal data update webpage by adopting a setting that respected privacy to ensure that the bank had obtained customers' valid consent before using their personal data for direct marketing - Sections 35C and 35G

The complaint

The complainant was a customer of a bank. He updated his contact information through its online banking service. When he input his new contact information on the personal data update webpage, he was asked whether he "do not accept the use of customer's personal data for direct marketing by the bank". As the complainant had previously made a written opt-out request to the bank, he believed that he did not need to tick the box to confirm that he did not consent to the use of his personal data for direct marketing by the bank.

As the complainant had not ticked the above-mentioned box, the bank considered that he had cancelled his previous opt-out request and regarded the complainant as a customer who consented to the use of his personal data for direct marketing. The bank later gave the complainant a direct marketing call. The complainant then complained to PCPD that the bank did not comply with his opt-out request.

Outcome

PCPD reiterated to the bank that the complainant did not consent to the use of his personal data for direct marketing by the bank, and the bank confirmed that no direct marketing message would be sent to the complainant anymore. Moreover, PCPD urged the bank to review its personal data update webpage to ensure that customers were given a clear and genuine choice to decide whether to accept the use of their personal data for direct marketing.

該銀行同意有關處理客戶拒收直銷訊息要求的流程設計應對客戶而言是公平及具透明度的。因此，該銀行改善了網上更新個人資料的版面，將本來供客戶選取「不接受銀行使用客戶的個人資料作直接促銷」的方格改為供客戶選取「接受銀行使用客戶的個人資料作直接促銷」的方格。如客戶未有選取「接受銀行使用客戶的個人資料作直接促銷」的方格，該銀行不會使用客戶的個人資料作直接促銷。

借鑑

雖然在《私隱條例》下，資料當事人「同意」資料使用者使用其個人資料作直接促銷的定義可包含資料當事人「表示不反對」，但要符合「表示不反對」的定義，資料當事人必須曾明確地表示他不反對資料使用者使用他的個人資料作直接促銷。換言之，對於早已向資料使用者提出拒收直銷訊息要求的客戶而言，即使他在資料使用者再次詢問他有關接受直接促銷的意願時選擇不回應，這亦不能隨便被推定為他「同意」銀行使用他的個人資料作直接促銷，或他希望取消早前的拒收直銷訊息要求。

機構透過網上或應用程式介面向客戶收集個人資料及讓他們選擇是否接受直接促銷訊息時，應採取「貫徹私隱的設計」，確保機構只會在已清晰通知客戶及取得真正的同意下，才收集和使用他們的個人資料作直接促銷之用。這不僅能贏取客戶的信任，更有助提升行業的專業形象及直銷的效用。

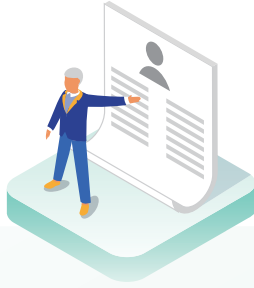
The bank agreed that the flow of handling customers' opt-out requests should be fair and transparent to the customers. Hence, the bank had improved the personal data update webpage by changing the wording of the box from "do not accept the use of customer's personal data for direct marketing by the bank" to "accept the use of customer's personal data for direct marketing by the bank". If customers did not tick the box of "accept the use of customer's personal data for direct marketing by the bank", the bank would not use their personal data for direct marketing.

Lesson learnt

Under the PDPO, a data subject's "consent" to the use of his personal data for direct marketing by data users can include the data subject's "indication of no objection". However, to satisfy the definition of "indication of no objection", the data subject must have expressly indicated that he does not object to the use of his personal data for direct marketing by data users. In other words, for a customer who has already made an opt-out request to the bank, even when the bank asks again if he would accept direct marketing and he does not respond, the bank cannot conveniently presume that he "consented" to the use of his personal data for direct marketing, or he wanted to cancel his previous opt-out request.

When collecting customers' personal data or allowing them to make an opt-in or opt-out choice online or through applications, organisations should adopt the Privacy-by-Design approach to ensure that organisations collect and use customers' personal data for direct marketing only when customers are clearly informed and their genuine consent is obtained. Thus, organisations not only win trust from customers, but also enhance their professional image in the industry, as well as the effectiveness of direct marketing.





個案六：僱主向全體員工披露獲考慮晉升的員工的詳細個人資料 – 保障資料第3原則

投訴內容

投訴人獲僱主考慮晉升。僱主除了成立遴選委員會以考慮投訴人是否適合晉升外，亦向全體員工徵詢他們對投訴人的工作表現的評價，並同時將投訴人的完整履歷資料及出生日期披露予全體員工作參考之用。

投訴人不滿僱主隨意披露他的個人資料，事前亦沒有取得他的同意，遂向私隱公署作出投訴。

結果

雖然該僱主聲稱向全體員工披露投訴人的個人資料是為了取得他們對投訴人的工作表現的評價，以考慮投訴人是否適合晉升，但就此目的而言，僱主可向與投訴人的工作崗位直接有關的員工（例如投訴人的上司及組員）了解投訴人的工作表現，而並沒有實際需要向全體員工披露投訴人的完整履歷資料及出生日期。因此，私隱公署認為，此舉涉及違反保障資料第3原則的規定。

Case 6: An employer disclosed to all staff the personal data of staff members who were considered for promotion - DPP3

The complaint

The complainant was considered for promotion by his employer. In addition to setting up a selection board for considering the suitability of the complainant, the employer also consulted all staff about the work performance of the complainant and disclosed the full resume and date of birth of the complainant to them for reference.

The complainant was dissatisfied that the employer carelessly disclosed his personal data without obtaining his prior consent. Hence, he made a complaint to PCPD.

Outcome

The employer claimed that the disclosure of the complainant's personal data to all staff was to seek their comments on the complainant's work performance to consider his suitability for promotion. However, the employer could have only consulted staff members who were directly related to the post of the complainant (e.g. the complainant's supervisor and teammates) to achieve such purpose. There was no practical need to disclose the complainant's full resume and date of birth to all staff. Hence, PCPD considered that such move was in contravention of DPP3.



經私隱公署介入後，該僱主修訂其考慮晉升員工的程序，承諾日後在考慮晉升員工時，除了遴選委員會外，不會將獲考慮晉升的員工的完整履歷資料及出生日期披露予其他員工。此外，該僱主就事件向投訴人致歉，並要求其他員工銷毀投訴人的個人資料。

借鑑

根據私隱公署發出的《人力資源管理實務守則》，僱主不應在未取得僱員的明示及自願同意下，向第三者披露僱員的僱傭資料，除非披露該資料的目的與僱傭直接有關，或是法律或法定主管機關規定必須披露該資料。此外，僱主向第三者轉移或披露僱傭資料時，應避免披露超越第三者的使用目的所需的資料。

企業需要使用個人資料以進行人力資源管理，期間必須遵守《私隱條例》及《人力資源管理實務守則》。除了客戶的個人資料外，企業亦有責任保障僱員的個人資料，締造一個保障個人資料私隱的工作環境及運作模式。

After PCPD's intervention, the employer amended the procedures for considering staff promotion and undertook that in future it would not disclose the full resume and date of birth of staff members being considered for promotion to all staff, except the selection board. Moreover, the employer apologised to the complainant and requested other staff members to destroy the complainant's personal data.

Lesson learnt

According to PCPD's Code of Practice on Human Resource Management, an employer should not disclose employment-related data of employees to a third party without first obtaining the employees' express and voluntary consent unless the disclosure is for purposes directly related to the employment, or such disclosure is required by law or by statutory authorities. Moreover, when employment-related data is transferred or disclosed to a third party, an employer should avoid disclosure of data in excess of what is necessary for the purpose of use by the third party.

While organisations need to use personal data for human resource management, they should comply with the PDPO and the Code of Practice on Human Resource Management. Apart from customers' personal data, organisations are also responsible for the protection of employees' personal data in order to create a working environment and operational model where personal data privacy is protected.





個案七：牙科診所 – 向病人展示其他病人的醫療紀錄 – 要求病人將醫療報告發送到其手機 – 保障資料第4原則

Case 7: Dental clinic - display of other patient's medical record to a patient - requesting a patient to send his medical record by mobile phone - DPP4

投訴內容

The complaint

投訴人到牙科診所求診。牙醫與投訴人商討治療方案期間，展示另一位病人的牙骨X光片，以輔助解說，但該X光片清晰顯示了該名病人的姓名。另一方面，由於投訴人要向牙醫提供早前的驗血報告，該牙醫的助理遂要求投訴人以手機即時通訊軟件傳送給她。投訴人認為由上述兩件事情可見，該診所對病人的個人資料保障不足，遂向私隱公署作出投訴。

The complainant went to a dental clinic for medical consultation. To illustrate his explanation when discussing the treatment plan with the complainant, the dentist showed an X-ray film of another patient's dental exostosis with the patient's name clearly shown. Moreover, as the complainant needed to provide the dentist with his earlier blood test results, the dentist's assistant requested the complainant to send the results through a mobile instant messaging application. The complainant considered that the two incidents showed the clinic's inadequate personal data protection for patients and made a complaint with PCPD.

結果

Outcome

就個人資料保安方面，私隱公署認為，牙科診所作為資料使用者，有責任確保員工在使用或處理個人資料（尤其涉及敏感的個人資料，如病歷資料、化驗報告等）時，須依從《私隱條例》附表1的保障資料第4原則，必須採取所有切實可行的步驟，以確保個人資料受保障而不受未獲准許的或意外的查閱、處理、刪除、喪失或使用所影響。

Regarding personal data protection, PCPD considered that the clinic as a data user was obliged to ensure staff's compliance with DPP4 of Schedule 1 to the PDPO when using or handling personal data (especially when sensitive personal data was involved, e.g. medical records, laboratory test results, etc). Staff must adopt all the practicable steps to ensure personal data was protected against unauthorised or accidental access, processing, erasure, loss or use.



無疑使用手機通訊軟件傳送文件日益普遍，但在傳送敏感的個人資料時，資料使用者應加倍提高警覺。私隱公署建議診所應採取其他較安全的傳送方式，例如加密電郵或親身送遞。作為良好的行事方式，即使要求病人以手機通訊軟件提交個人資料，診所職員亦應向病人說明這種傳送方式的風險，以及讓病人自行選擇提交方式。同時，診所亦應提醒職員，不可轉發經手機通訊軟件接收的病人資料，以及在完成使用有關文件的目的後，必須立即將文件刪除。

另一方面，在本個案中，雖然牙醫在向病人講解治療方案時，以類似個案的X光影像輔助，希望使病人易於理解，看來是出於好意。但如當中不慎披露了其他病人的個人資料，或有違《私隱條例》的相關規定，效果適得其反。私隱公署要求該診所敦促職員，日後在類似本案的情況下必須加倍謹慎小心。

借鑑

公眾對個人資料私隱保障的期望與日俱增，加上病歷資料屬性質敏感的個人資料，醫護從業員亦特別小心謹慎處理病人資料，提高個人資料的保安意識。醫療機構亦須因應資料性質的敏感程度，從而採取相應而均稱的資料保安措施，方能符合公眾的合理期望及履行數據道德責任。

Undoubtedly, the use of mobile communication applications in transmitting documents is becoming more common. But data users should exercise vigilance when transmitting sensitive personal data. PCPD recommended the clinic to adopt transmission means with higher security, e.g. encrypted email or delivery by-hand. As a good practice, the clinic staff should explain the risk to the patient when requesting the patient to submit his personal data through mobile communication applications, and allow the patient to choose the means of submission. Moreover, the clinic should also remind its staff that forwarding of patients' personal data received by mobile communication applications was not allowed, and the personal data must be deleted once the purposes of using the documents were achieved.

Besides, in this case, it appeared to be a goodwill of the dentist to refer to a similar X-ray film to help the patient understand the treatment plan. However, if other patient's personal data was inadvertently disclosed, the relevant requirements of the PDPO might be contravened. PCPD requested the clinic to urge its staff to be more careful when encountering similar situation in future.

Lesson learnt

Since public expectation on personal data privacy protection is rising and medical records are sensitive personal data, medical practitioners should be more vigilant in handling patients' data and be aware of personal data security. Medical institutions should also adopt proper and proportionate data security measures in accordance with the sensitivity of the data, in order to fulfil the reasonable expectation of the public and the duty of data ethics.





檢控及定罪個案

在本報告年度有五宗被檢控及被定罪的個案，全部涉及使用個人資料作直接促銷。



個案 1：一名保險代理人在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及未有告知該人她拒收直接促銷訊息的權利 – 《私隱條例》第 35C 及 35F 條

投訴內容

投訴人的手提電話收到一名保險代理人發出的即時通訊訊息，推廣其任職的保險公司的儲蓄計劃，訊息中有提及投訴人的姓氏。投訴人表示她並不認識被告，並曾查問被告從何得悉其姓氏及電話號碼，但被告未能提供滿意的答覆。該代理人亦未有告知投訴人她有權要求該顧問停止如此使用有關資料。

結果

該代理人被控 (1) 在使用他人的個人資料作直接促銷前，未有採取指明行動通知資料當事人，違反了《私隱條例》第 35C(2) 條，以及 (2) 在首次使用投訴人的個人資料作直接促銷時，未有告知她有權要求被告在不向其收費的情況下停止使用他的個人資料作促銷用途，違反了條例第 35F(1) 條。該代理人承認上述兩項控罪，每項控罪分別被判罰款 4,000 元，共被判罰款 8,000 元。

PROSECUTION AND CONVICTION CASES

In the reporting year, 5 cases had been prosecuted and convicted. They were all related to the use of personal data in direct marketing.

Case 1: An insurance agent of an insurance company convicted for using the complainant's personal data in direct marketing without taking specified actions and failing to notify the complainant of her opt-out right – sections 35C and 35F of the PDPO

The complaint

The complainant received an instant communication message on her mobile number, addressing her by her surname, from the insurance agent for promoting a saving plan of the insurance company that the agent worked for. The complainant said that she did not know the agent and questioned how he obtained her surname and telephone number. The agent failed to provide a satisfactory reply. Neither had the agent notified the complainant of her opt-out right.

Outcome

The agent was charged with the offence of (1) using the personal data of the complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the PDPO; and (2) failing to inform the complainant, when using her personal data in direct marketing for the first time, of her right to request not to use her personal data in direct marketing without charge, contrary to section 35F(1) of the PDPO. The agent pleaded guilty to both charges and was fined HK\$8,000 in total (HK\$4,000 in respect of each charge).



個案二：一間銀行被控沒有依從拒收直銷訊息要求 – 《私隱條例》第35G條

投訴內容

投訴人於2016年8月透過互聯網申請該銀行的信用卡時，選擇拒收該銀行的直接促銷資訊，但其後卻於同年10月收到該銀行推廣保險服務的來電。

結果

該銀行被控沒有依從投訴人的拒收直銷訊息要求，停止使用其個人資料作直接促銷，違反了《私隱條例》第35G(3)條的規定。該銀行承認控罪，被判罰款HK\$10,000。

Case 2: A bank convicted for failing to comply with an opt-out request – section 35G of the PDPO

The complaint

The complainant applied for the bank's credit card online in August 2016. He had opted out the use of his personal data in direct marketing during the application process. However, the complainant still received a direct marketing call from the Bank in October 2016 promoting its insurance services.

Outcome

The bank was charged with an offence under section 35G(3) of the PDPO for failing to comply with the requirement from a data subject to cease to use his personal data in direct marketing. The bank pleaded guilty to the charge and was fined HK\$10,000.





個案三：一間拍賣公司在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及未有告知該人她拒收直接促銷訊息的權利 – 《私隱條例》第35C及35F條

投訴內容

投訴人在2017年11月於其住址收到一間拍賣公司具名致她的拍賣小冊子。投訴人過去與該公司沒有往來，這是她首次收到該公司的直接促銷資料。該公司在有關的直銷資料中亦沒有告知投訴人她有權要求該公司停止如此使用有關資料。

結果

該公司被控(1)在使用他人的個人資料作直接促銷前，未有採取指明行動通知資料當事人，違反了《私隱條例》第35C(2)條；以及(2)在首次使用投訴人的個人資料作直接促銷時，未有告知她有權要求被告在不向其收費的情況下停止使用她的個人資料作促銷用途，違反了條例第35F(1)條。該公司承認上述兩項控罪，每項控罪分別被判罰款10,000元，共被判罰款20,000元。

Case 3: An auction company convicted for using the complainant's personal data in direct marketing without taking specified actions and failing to notify the complainant of her opt-out right – sections 35C and 35F of the PDPO

The complaint

In November 2017, the complainant received at her address an auction booklet of an auction company addressed to her by her full name. She had no previous dealing with the company and that was the first time she received direct marketing material from it. No opt-out clause was provided to her on the direct marketing material.

Outcome

The auction company was charged with the offence of (1) using the personal data of the complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the PDPO; and (2) failing to inform the complainant, when using her personal data in direct marketing for the first time, of her right to request not to use her personal data in direct marketing without charge, contrary to section 35F(1) of the PDPO. The company pleaded guilty to both charges and was fined HK\$20,000 in total (HK\$10,000 in respect of each charge).





**個案四：一間美容產品公司在使
用投訴人個人資料作直接促銷前
沒有採取指明的行動通知投訴人
–《私隱條例》第 35C 條**

投訴內容

投訴人於 2017 年 2 月透過互聯網申請成為一間美容產品公司的會員，並向該公司提供了包括她公司地址在內的聯絡資料，及選擇了拒收該公司的直接促銷資訊。投訴人於 2017 年 5 月 8 日收到寄往其公司地址的該公司產品推廣來件。

結果

該公司被控在使用投訴人的個人資料作直接促銷前，未有採取指明行動通知資料當事人，違反了《私隱條例》第 35C(2) 條。該公司承認控罪，被判罰款 HK\$8,000。

Case 4: A beauty product company convicted for using the complainant's personal data in direct marketing without taking specified actions – section 35C of the PDPO

The complaint

In February 2017, the complainant registered online as a member of a beauty product company, by filling in her contact information including office address. The complainant also opted out of receiving direct marketing materials from the company. On 8 May 2017, the complainant received a mail at her office address from the company about their products.

Outcome

The company was charged with an offence of using the personal data of the complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the PDPO. The company pleaded guilty to the charge and was fined HK\$8,000.





個案五：一間電訊公司被控沒有依從拒收直銷訊息要求 – 《私隱條例》第35G條

投訴內容

投訴人是一間電訊公司的客戶。2017年7月，投訴人曾透過電話向該公司提出拒收直銷訊息要求，但其後於2017年8月至12月（四個月內）收到該公司發出的23個直銷訊息或電郵。

結果

該公司被控違反23項《私隱條例》的罪行。所有23項控罪均指被告沒有依從資料當事人的拒收直銷訊息要求，而繼續使用其個人資料作直接促銷，違反了《私隱條例》第35G(3)條。該公司承認14項控罪，每項控罪分別被判罰款HK\$6,000元，合共被判罰款HK\$84,000。

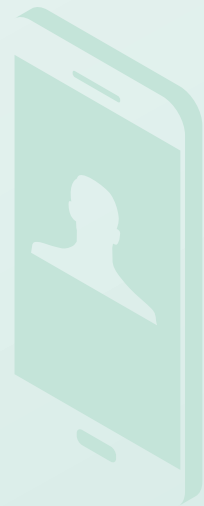
Case 5: A telecommunications company convicted for failing to comply with an opt-out request – section 35G of the PDPO

The complaint

The complainant was a customer of a telecommunications company. In July 2017, she made her opt-out request by phone to the company relating to cessation of using her personal data in direct marketing. However, the complainant subsequently received 23 direct marketing text messages or emails from the company between August and December 2017 (within four months).

Outcome

The company faced 23 charges under section 35G(3) of the PDPO for failing to comply with the requirement from a data subject to cease to use her personal data in direct marketing. The Company pleaded guilty to 14 charges, and was fined HK\$84,000 in total (HK\$6,000 in respect of each charge).





捍衛法律保障 UPHOLDING LEGAL PROTECTION



公平公正

私隱公署檢視任何可能影響個人資料私隱的現行及擬議法例和政府政策，並密切留意海外與公署工作相關的資料保障法律發展情況。公署亦提供法律協助計劃，以及跟進有關私隱專員決定的法庭或行政上訴委員會的聆訊。

FAIRNESS AND EQUITY

PCPD reviews existing and proposed legislation and government policies that may affect the privacy of individuals with respect to personal data. PCPD monitors developments in overseas data protection laws that are relevant to PCPD's work. PCPD also provides the Legal Assistance Scheme, and follows upon the hearings on Privacy Commissioner's decisions before the courts or the Administrative Appeals Board.





審視及更新《私隱條例》的建議

審視的需要

私隱專員有法定責任不時審視《私隱條例》。雖然《私隱條例》是科技中立及以原則性為本，惟在全球私隱發展的大前提下，時刻確保資訊科技發展與私隱保障取得適當平衡變得更加重要。

個人資料私隱的關注，由過往不當地收集個人資料、把個人資料用於直接促銷，到最近涉及網上平台的不當行為與資料保安，包括個人資料外洩、保安漏洞引致的黑客攻擊及在網上平台非法披露他人的個人資料。2018年發生了多宗資料外洩事故，及至2019年出現個人資料被「武器化」所造成的「起底」事件，均引起公眾就《私隱條例》在這數碼年代能否有效保障個人資料私隱的關注。

私隱專員的建議

私隱公署已於2019年6月向政府提交建議修訂《私隱條例》的研究報告，並已考慮以下主要因素為大前提：

- (i) 修訂的合法目的；
- (ii) 修訂的逼切性；
- (iii) 建議的修訂與達致合法目的是否符合相稱性；
- (iv) 除修訂《私隱條例》外，有否其他實際及有效的方法解決所面對的問題；
- (v) 保障資料私隱法律的環球趨勢；
- (vi) 本地的情況；
- (vii) 所有持份者的利益；及
- (viii) 社會的整體利益。

PROPOSALS FOR REVIEWING AND UPDATING THE PDPO

The need for review

The Privacy Commissioner has a statutory obligation to review the PDPO from time to time. Although the PDPO is principle-based and technology-neutral, it is important to review the effectiveness of implementation of the PDPO in order to keep up with the global privacy developments; and to strike a balance between the ICT development and personal data privacy protection.

Personal data privacy concerns have shifted from improper collection or misuse of personal data in direct marketing in the past, to irregularities related to online platforms and data security, such as personal data breaches, hacker attacks resulting from security loopholes and unlawful disclosure of personal data of others on online platforms. The spate of major personal data breach incidents that happened in 2018; as well as the “weaponisation” of personal data which led to doxxing incidents in 2019 have raised public concerns as to the adequacy of the PDPO in protecting personal data privacy in this digital era.

The Privacy Commissioner’s proposal

In June 2019, PCPD submitted to the Government a report containing the recommendation to amend the PDPO, having regard to the following imperative factors:

- (i) the legitimate purpose of the reform;
- (ii) the pressing need for the reform;
- (iii) the proportionality between the proposed change and the pursuance of the legitimate purpose;
- (iv) whether there are any other practical and effective means to address the problem (other than amending the PDPO);
- (v) the global data privacy landscape;
- (vi) the local circumstances;
- (vii) the interest of all stakeholders; and
- (viii) the interest of the community at large.



此外，私隱公署亦因應自2019年中旬起出現的大量「起底」事件，與政府就進一步修訂《私隱條例》交流意見及想法。公署建議的修訂《私隱條例》方向與政府於2020年1月20日在立法會政制事務委員會會議中所闡述的方向屬一致。修訂方向包括相關的涵蓋範圍（如「個人資料」的定義及直接規管資料處理者）、程序（如賦予私隱專員權力來處理「起底」的罪行）、阻嚇力（如建立強制資料外洩通報機制、賦予私隱專員判處行政罰款的權力及增加違反《私隱條例》刑事條文的最高罰款額）及優化個人的權利（如要求機構性資料使用者提供資料保留政策及就個人資料訂明最長的保存期限）。

保障個人資料

由保障個人資料私隱的角度看來，當網民將其他人的個人資料上載至社交平台，他們應考慮收集的方法是否合法及公平、披露他人的個人資料時若與當初收集的目的並不相同，應先根據保障資料原則取得有關人士的同意等。

將個人資料「武器化」

網絡欺凌極可能只屬違反資料保障原則，這與披露他人的個人資料的「起底」訊息截然不同；後者一般同時對個別的資料當事人帶有騷擾、威脅及恐嚇性。例如，某些討論區上的帖文煽動網民找尋某特定資料當事人的位置繼而威脅對他/她們採取非法行動。這些「起底」帖文的內容可引致資料當事人蒙受心理傷害並違反《私隱條例》第64(2)條的條文，構成刑事罪行。這正闡述了為何這類起底案件實際上是把個人資料「武器化」。

Subsequently, views were also exchanged with the Government on how the PDPO should be amended further in the wake of a large amount of doxxing incidents which occurred since mid-2019. PCPD's recommended directions for amendments to the PDPO are generally in line with that put forward by the Government in the meeting of the Panel on Constitutional Affairs of the Legislative Council on 20 January 2020. The proposed directions encompass issues relating to the scope (e.g. definition of personal data and direct regulation on data processors), the process (e.g. vesting enhanced powers with the Privacy Commissioner to deal with offences like "doxxing"), the deterrent effect (e.g. instituting a mandatory data breach notification system, empowering the Privacy Commissioner to administer administrative fines and increasing the maximum level of criminal fines) as well as enhancing the rights of individuals (e.g. requiring organisational data users for providing retention policy and maximum retention period for personal data).

Protecting personal data

From the perspective of protection of personal data privacy, when netizens upload other individuals' personal data on social media platforms, they should consider whether the means of collection is lawful and fair, whether the disclosure of others' personal data has the requisite consent for a purpose different from the one for which it is collected, etc. under the DPPs.

"Weaponisation" of personal data

Unlike cyber-bullying which may only lead to contravention of the DPPs, "doxxing" posts not only disclose an individual's personal data; but are usually coupled with harassing, threatening and intimidating messages targeted at the data subjects concerned. For instance, there were messages in discussion forum inciting others to locate the whereabouts of the data subjects concerned and threatening to carry out illegal actions against them. These "doxxing" posts containing elements which could result in psychological harm to the data subjects concerned might constitute a criminal offence under section 64(2) of the PDPO. That explains why this kind of doxxing cases is practically "weaponisation" of personal data.

在2019冠狀病毒病疫情中平衡私隱權和公眾利益

2019冠狀病毒病於超過200個國家和地區蔓延，全球受感染甚至死亡的人不計其數。在香港，2019冠狀病毒病已根據法例第599章《預防及控制疾病條例》被納入為其中一種須呈報的傳染病，並允許政府對受感染人士及其密切接觸者施以強制性的隔離令。

私隱權並非絕對的權利

個人資料在抵抗病毒蔓延過程中至關重要，當中包括健康資料的處理、預測病毒的傳播路徑、監察家居隔離人士的位置及追蹤接觸者等。私隱權受《基本法》第三十條保障，並受《香港人權法案條例》(第383章)第II部第8條之下的第十四條(即節錄自《公民權利和政治權利國際公約》第十七條第一款的內容)的普遍保障。

私隱權與生存的權利不同；根據聯合國人權委員會的一般性評論(於2018年11月發布)，生存的權利是一項至高無上的權利，較其他所有人權為先。私隱權並非絕對的權利，而是受到限制的。《公民權利和政治權利國際公約》第四條第一款規定，「在社會緊急狀態威脅到國家的生命並經正式宣佈時，本公約締約國得採取措施克減其在本公約下所承擔的義務，但克減的程度以緊急情勢所嚴格需要者為限。」《香港人權法案條例》第5條亦有類似的規定。

在危及生命安全的病毒蔓延期間，肯定比保障私隱更為重要。根據《私隱條例》第59(1)條，當個人資料的使用與保障資料當事人或任何其他人的健康有關，而若遵從《私隱條例》附表一的保障資料第3原則(資料的使用)的管限會對資料當事人或任何其他人的健康造成嚴重損害，該個人資料的使用可能獲豁免而不受此管限。換句話說，如能展示使用資料是出於保障個人及整體公共衛生，即使因未經同意而使用相關資料而出現違規的情況，亦可能得以免責。而《私隱條例》第59(2)條更指出，在相當可能會對資料當事人或任何其他人的身體或精神健康造成嚴重損害的情況下，資料使用者可毋須得到資料當事人的同意而向第三者披露關乎某資料當事人的身分或位置的個人資料。

BALANCING PRIVACY RIGHT AND PUBLIC INTEREST IN THE COVID-19 PANDEMIC

The COVID-19 pandemic has spread over 200 countries and territories, resulting in tens of thousands of infection and death cases worldwide. In Hong Kong, COVID-19 had been added as one of the notifiable infectious diseases under the Prevention and Control of Disease Ordinance (Cap 599) whereby the Government has been empowered to impose compulsory quarantine requirements on the infected people as well as their close contacts.

Privacy right is not absolute

Personal data have played an important role in combating the pandemic, such as processing of health data, predicting the trajectory of the spread of the virus, monitoring whereabouts of home confinees and contact tracing. Privacy right is a fundamental human right and is guaranteed by Article 30 of the Basic Law and protected generally under Article 14, section 8, Part II of the Hong Kong Bill of Rights Ordinance (Cap 383) ("BORO"). The latter is a mirror image of Article 17(1) of the International Covenant on Civil and Political Rights ("ICCPR").

Unlike the right to life, which according to the General Comments of the Human Rights Committee of the United Nations (published in November 2018) is a supreme right and a pre-requisite for the enjoyment of all other human rights, privacy right is not absolute but subject to restrictions. Article 4(1) of the ICCPR provides that "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation". Similar provisions are also found in section 5 of the BORO.

In times of a life-threatening pandemic, privacy right comes second to protecting public health. Section 59(1) of the PDPO provides for situations where the use of personal data relating to the health of the data subjects may be exempted from the application of DPP3 (use of data) if the application of such rule would cause serious harm to the health of the data subjects or any other individuals. In other words, any breach of the general rule on the use of data without consent may be defended by demonstrating that the use of the data is for protecting the health of individuals and public health at large. In particular, section 59(2) of the PDPO states that in circumstances where the application of the restrictions on the use of data would be likely to cause serious harm to the physical or mental health of the data subjects or any other individuals, personal data relating to the identity or location of the data subjects may be disclosed to a third party without the consent of the data subjects.



另一方面，根據《私隱條例》第60B條，如個人資料是由任何成文法則、法律規則所規定或授權使用的，該資料獲豁免而不受保障資料第3原則的條文所管限。根據《預防及控制疾病規例》第4條（第599A章），如任何醫生有理由懷疑有屬表列內的傳染病個案，他須立即通知衛生署署長。因此，有關醫護人員可引用《私隱條例》第60B條，毋須事先取得資料當事人的同意而向衛生署署長披露關乎某資料當事人的個人資料，以符合《預防及控制疾病規例》（第599A章）的要求，也切合公眾健康及公共利益的目的。同樣地，《預防及控制疾病（披露資料）規例》（第599D章）第3(1)條訂明如衛生主任合理地相信(a)某人知道、管有或控制任何資料；及(b)該資料攸關處理公共衛生緊急事態，則該衛生主任可要求該人提供該資料。因此，任何人如按照衛生主任的要求提供資料當事人的個人資料，該資料將獲豁免而不受保障資料第3原則的條文所管限。

合乎比例、透明度和可解釋性

雖然私隱權是一項有限制的權利，但根據《香港人權法案條例》第5條的規定，對這項基本人權的減免，只限於「在此種危急情勢絕對必要之限度內」。換言之，採取屬侵擾私隱的所有措施必需是為了達至合法目的而言是必要的，也是合乎適度的。終審法院在希慎興業有限公司訴城市規劃委員會一案(2016) 19 HKCFAR 372修訂了合乎適度的測試，規定公共機構須決定(i)侵擾性措施是否追求合法目的；(ii)若是，是否與推展該目的有合理關連；(iii)該措施是否不超乎該目的所需；及(iv)是否已在該措施帶來的社會利益與憲法保障的個人權利之間取得合理平衡，尤其是對社會利益的追求是否導致個人承擔過於嚴苛的負擔。

私隱專員已向多個政府部門，包括政府資訊科技總監辦公室、政策創新與統籌辦事處、衛生署及入境事務處等，就各部門抵抗2019冠狀病毒病，例如實施隔離及追蹤受感染人士及其緊密接觸者的所在等措施提供意見。當然，這些是在保障私隱和公眾健康之間取得適當平衡的經典例子，私隱專員亦強調政府仍須遵守其他保障個人資料的原則，包括收集最少量的資料、資料保留期不應超過實際所需，以及禁止未獲授權的披露，或遺失所收集和保存的個人資料。

Section 60B of the PDPO further exempts the use of personal data from the application of DPP3 when the use is required or authorised by or under any enactment. According to section 4 of the Prevention and Control of Disease Regulation (Cap 599A), if any medical practitioner has reason to suspect a case of a scheduled infectious disease, he must immediately notify the Director of Health. Therefore, relevant medical practitioners may rely on section 60B of the PDPO to disclose the personal data of a data subject to the Director of Health without obtaining the prior consent of the data subject, in order to comply with the requirements of the Prevention and Control of Disease Regulation (Cap 599A) as well as for the purpose of protecting public health and public interest. Similarly, section 3(1) of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap 599D) provides that a health officer may require a person to give any information that the health officer reasonably believes (a) is within the knowledge, in the possession or under the control of the person; and (b) is relevant to the handling of the public health emergency. Hence, any person providing personal data of a data subject pursuant to a request of a health officer would be exempt from the application of DPP3.

Proportionality, transparency and explainability

Although privacy is a qualified right, derogation from this fundamental human right shall only be “to the extent strictly required by the exigencies of the situation” as required by section 5 of the BORO. In other words, all privacy-intrusive measures shall be necessary for and proportionate to the legitimate purpose they seek to achieve. The Court of Final Appeal in *Hysan Development Company Limited v Town Planning Board* (2016) 19 HKCFAR 372 amended the proportionality test whereby public authorities would have to decide (i) whether the intrusive measure pursues a legitimate aim; (ii) if so, whether it is rationally connected with advancing that aim; (iii) whether the measure is no more than necessary for that purpose; and (iv) whether a reasonable balance has been struck between the societal benefits of the encroachment and the inroads made into the constitutionally protected rights of the individual, in that these measures or decisions do not, in all the circumstances of this case, impose an unacceptable harsh burden on the impacted individuals.

The Privacy Commissioner has since provided his observations to various government departments and/or bureaux including the Office of the Government Chief Information Officer, the Policy Innovation and Co-ordination Office, the Department of Health and the Immigration Department regarding their measures in combatting COVID-19, such as enforcing quarantine and tracing the whereabouts of the infected and their close contacts. While these are classic examples of demonstrating proportionality after striking a proper balance between privacy protection and public health, the Privacy Commissioner stresses that the Government shall comply with other personal data protection principles including minimum data collection, retention of which should not be longer than necessary and no unauthorised disclosure or loss of the personal data collected and kept.

我們毋須在個人資料私隱和保障及公眾衛生之間作出取捨。數據道德管理價值和模式可以幫助我們同時達成兩個目標。尊重、互惠及公平為其中的關鍵。為了消除疑慮和建立信任，機構應該對建議的措施保持透明度和能夠解釋該等措施，說明會否收集個人資料，以及會收集哪些個人資料，如何使用、分享和轉移個人資料，以及在對抗病毒時採取何種資料保護措施。無論如何，我們應該經常採取對私隱較少侵害的措施（例如以匿名或隱藏身分的方式處理資料）。

私隱公署就公眾諮詢所提交的意見書

本年度私隱專員就以下公眾諮詢提交保障個人資料私隱的意見：

徵詢意見的部門 Consulting Organisation	諮詢文件 Consultation Paper
律政司 Department of Justice	《2018年外國判決承認和執行公約草案》第2號諮詢文件 Consultation Paper No.2 on 2018 Draft Convention on the Recognition and Enforcement of Foreign Judgments
香港法律改革委員會 The Law Reform Commission of Hong Kong	《檔案法》的諮詢文件 Consultation Paper on Archives Law <hr/> 《公開資料》的諮詢文件 Consultation Paper on Access to Information <hr/> 《導致或任由兒童或易受傷害成年人死亡或受到嚴重傷害個案》的諮詢文件 Consultation Paper on Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult
保險業監管局 Insurance Authority	有關《持牌保險代理人操守守則》草擬本的諮詢文件 Consultation Paper on the Draft Code of Conduct for Licensed Insurance Agents <hr/> 有關《持牌保險經紀操守守則》草擬本的諮詢文件 Consultation Paper on the Draft Code of Conduct for Licensed Insurance Brokers

We do not need to commit to a trade-off between privacy and data protection from one side, and public health, on the other. Data ethics and accountability can help us achieve both at the same time. Being respectful, beneficial and fair are the key values. In order to dispel doubts and build trust, organisations should be transparent about and be able to explain the proposed measures, spelling out whether and what personal data will be collected, how the personal data will be used, shared and transferred, as well as adopting the kinds of data security measures in combating the virus. Less privacy-intrusive measures (such as handling data in an anonymised or de-identified way) shall always be preferred.

SUBMISSIONS MADE IN RESPECT OF PUBLIC CONSULTATIONS

During the reporting period, the Privacy Commissioner provided views on personal data privacy protection in response to the following public consultations :



私隱公署對建議中的法例及行政措施所作的評論

本年度私隱專員就以下的立法建議和行政措施建議提出意見：

COMMENTS MADE ON PROPOSED LEGISLATION AND ADMINISTRATIVE MEASURES

During the reporting year, the Privacy Commissioner provided comments on the following proposed legislation and administrative measures:

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
土木工程拓展署 Civil Engineering and Development Department	將軍澳 – 藍田隧道收費系統的私隱影響評估報告 (隧道服務供應商營運 – 帳戶管理和客戶服務) Privacy Impact Assessment Report for Toll Collection System for Tseung Kwan O – Lam Tin Tunnel (Toll Services Provider Operations – Account Management and Customer Services)
	有關在東涌新市鎮擴展 (東) 的實時交通管理系統的使用者要求 – 設計和施工評估報告 Review Report (Draft) on User Requirements for Real-Time Traffic Management System in Tung Chung New Town Extension (East) – Design and Construction
	在主要幹道上安裝交通探測器 – 系統設計的私隱影響評估報告 Privacy Impact Assessment Report – System Design – Installation of Traffic Detectors on Selected Strategic Routes
	使用人面識別系統辨別核准工人 Use of Facial Recognition System to Identify Certified Workers
商務及經濟發展局 Commerce and Economic Development Bureau	建議實施的數碼地面電視援助計劃之個人資料私隱相關的事宜 Request for Comment on Digital Terrestrial Television Assistance Programme
政制及內地事務局 Constitutional and Mainland Affairs Bureau	《2019年選舉法例 (雜項修訂) 條例草案》 Electoral Legislation (Miscellaneous Amendments) Bill 2019
懲教署 Correctional Services Department	於大潭峽懲教所安裝 (1) 在囚人士「影像分析及監察系統」及 (2) 在囚人士「移動及位置監察系統」的私隱影響評估 Privacy Impact Assessments on (1) "Video Analytic Monitoring System"; and (2) "Movement and Location Tracking System" in Tai Tam Gap Correctional Institution
衛生署 Department of Health	智能發燒偵測系統計劃 The Smart Fever Screening System Project
	在《預防及控制疾病規例》(第599A章) 下要求接受家居檢疫人士配戴定位裝置 Requiring Location Device to be Worn by Home Confinees under Prevention and Control of Disease Regulation (Cap 599A)
發展局 Development Bureau	以視頻分析科技執行有關道路交通罪行之準備工作的私隱影響評估報告 Privacy Impact Assessment Report on Preparatory Work for Traffic Offence Enforcement by Video Analytic Technology

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
教育局 Education Bureau	<p>建議對教育局數據庫內註冊教師的資料與死亡登記冊內所載的資料作定期比對可能引起的私隱議題</p> <p>Data Privacy Concerns Arising from Conducting a Regular Check of Registered Deaths Records against Database of Education Bureau</p>
選舉管理委員會 Electoral Affairs Commission	<p>選舉指引草擬</p> <p>Draft Guidelines on Election</p> <hr/> <p>移除放置在投票站內發票櫃枱上的紙板</p> <p>Removal of Cardboards Placed on Ballot Paper Issuing Desks inside Polling Stations</p>
環境保護署 Environmental Protection Department	<p>建議與其他政府部門分享及准予存取有關非法堆填及廢物棄置的監察錄影片段</p> <p>Proposed Sharing of and Authorising Access to Surveillance Video Footages Capturing of Illegal Land Filling and Dumping of Wastes among other Government Departments</p> <hr/> <p>建議透露被定罪個案的資料</p> <p>Proposed Disclosure of Conviction Data of the Environmental Protection Department</p>
食物環境衛生署 Food and Environmental Hygiene Department	<p>建議為根據《食品安全條例》獲豁免註冊的食物進口商和食物分銷商發行登記冊</p> <p>Proposed Publishing of a Register for Food Importers/Food Distributors who are Exempted from Registration under the Food Safety Ordinance</p> <hr/> <p>私隱影響評估 – 在沿海地帶安裝 360 度相機作為監察海岸垃圾及清潔承辦商的工作表現</p> <p>Privacy Impact Assessment – Installation of 360 degrees cameras in Selected Coastal Areas for Monitoring Marine Refuse and Performance of Cleansing Contractor</p> <hr/> <p>使用無人駕駛飛機在沿海地帶監察被沖上岸邊的海岸垃圾之累積情況及清潔承辦商的工作表現</p> <p>Use of Unmanned Aircraft Vehicles for Monitoring Accumulation of Marine Refuse Washed Ashore in Selected Coastal Areas and Performance of Cleansing Contractor</p>
民政事務總署 Home Affairs Department	<p>建議於屯門區議會會議室內外及屯門政府合署示威區設置閉路電視</p> <p>Proposed Installation of CCTVs inside and outside the Conference Room of the Tuen Mun District Council and in the Demonstration Areas of the Tuen Mun Government Offices</p> <hr/> <p>有關《前旺角行人專用區閉路電視系統操作指引》的草擬文本的意見</p> <p>Revised Operational Guidelines for CCTV Systems Overseeing former Mong Kok Pedestrian Precinct</p>



機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
入境事務處 Immigration Department	<p>新一代智能護照系統(第二階段)的私隱影響評估 Next Generation Electronic Passport System – Privacy Impact Assessment for Phase 2 Production Rollout</p> <hr/> <p>新一代智能身份證系統的私隱影響評估 Privacy Impact Assessment on the Implementation of the Next Generation Smart Identity Card System</p>
地政總署 Lands Department	<p>在公共領域披露租戶名稱的私隱議題 Data Privacy Concerns Arising from Disclosure of Tenants' Names in Public Domain</p> <hr/> <p>使用數碼計時器記錄員工出勤的私隱議題 Privacy Issue on Using Digital Time Recorder for Taking Staff Attendance</p>
康樂及文化事務署 Leisure and Cultural Services Department	<p>建議城市售票網以實名制方式出售門票可能涉及檢查及登記個人資料的安排 Proposal of Real-name Registration Arrangement involving Inspection and Registration of Personal Data of Patrons Using URBIX Ticketing Services</p> <hr/> <p>在公共游泳池使用遇溺檢測系統 Use of Drowning Detection System at Public Swimming Pools</p>
政府資訊科技總監辦公室 Office of the Government Chief Information Officer	<p>「多功能智慧燈柱」試驗計劃 – 資訊科技系統支援的私隱循規評估及私隱影響評估 Privacy Compliance Assessment and Privacy Impact Assessment on the IT Support System of the Pilot Multi-functional Smart Lampposts Scheme</p> <hr/> <p>由政府資訊科技總監辦公室籌辦的網上學習平台(網上購物課程) Web-based Learning Portal (Online Shopping Course) Organised by the OGCIO</p>

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
運輸署 Transport Department	<p>研究增強在連道 / 樂活道視頻行人檢測及試驗自動交通測量系統的私隱影響評估 Privacy Impact Assessment Report – Study on Enhancement Works for the Video Pedestrian Detection System at Link Road/ Broadwood Road and Pilot Automatic Traffic Survey System</p> <hr/> <p>在的士車廂內自願安裝閉路電視系統的指引(擬稿) Revised Draft Guidelines on Voluntary Installation of Closed Circuit Television Systems inside Taxi Compartment</p> <hr/> <p>專線小巴實時資訊系統技術研究的私隱影響評估報告 Privacy Impact Assessment Report on Technical Study on Real-time Arrival Information for Green Minibus</p> <hr/> <p>「採購連管理、營運及維修新一代停車收費錶系統」合約的私隱影響評估 Privacy Impact Assessment – Contracts for Procurement cum Management, Operation and Maintenance of New Generation of Parking Meter System</p> <hr/> <p>改善運輸署一站式流動應用程式「香港出行易」的私隱影響評估 Privacy Impact Assessment – Enhancements on Transport Department’s All-in-one Mobile Application “HKeMobility”</p> <hr/> <p>建議在駕駛執照加入二維碼的私隱議題 Privacy Issues on Insertion of QR Code on Driving Licence</p> <hr/> <p>自動偵測事故解決方案的私隱影響評估報告 Privacy Impact Assessment Report regarding Implementation of Automatic Incident Detection (AID) solution</p> <hr/> <p>研究車內感應器設計和應用的私隱影響評估 Privacy Impact Assessment on Design and Application of In-Vehicle Units</p> <hr/> <p>有關智能交通燈系統先導計劃的私隱影響評估 Privacy Impact Assessment Report on Pilot Intelligent Traffic Signal System</p>



向行政上訴委員會提出的上訴

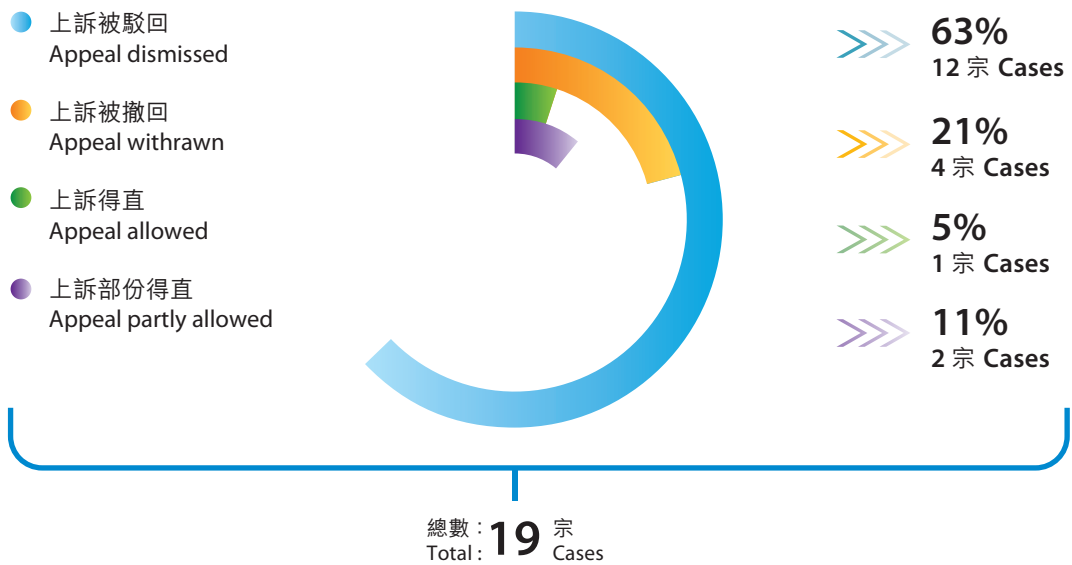
行政上訴委員會是根據《行政上訴委員會條例》(第442章)而設立的法定組織，負責聆訊投訴人或被投訴的資料使用者對私隱專員的決定而提出的上訴，並作出裁決。在報告年度內的有關上訴數字及部分選取的個案簡述列於下文。

在報告年度已完結的行政上訴案件的統計資料

本報告年度共有 19 宗上訴個案完結。

除三宗上訴案件之外，其餘 16 宗已完結的上訴案件最終都被委員會駁回或由上訴人自行撤回。(圖 1.1)

圖 1.1 – 上訴的結果



APPEALS LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

The Administrative Appeals Board (AAB), established under the Administrative Appeals Board Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Privacy Commissioner's decisions by complainants, or by relevant data users being complained of. The statistics and some notable case notes during the reporting year are found in the ensuing paragraphs.

Statistics of AAB cases concluded in the reporting year

A total of 19 appeals were concluded during the reporting year.

Except for three appeal cases, the remaining 16 appeal cases were eventually dismissed by the AAB or withdrawn by the appellants. (Figure 1.1)

Figure 1.1 – Results of appeal cases

在報告年度新接獲的及仍在處理中的行政上訴案件的統計資料

在本報告年度新接獲的20宗上訴的個案當中，17宗是上訴私隱專員根據《私隱條例》第39(2)條不進行或終止正式調查的決定。私隱專員作出該等決定可基於(i)沒有表面證據支持指稱的違反行為；(ii)被投訴者已採取補救行動糾正所指稱的違反行為；(iii)投訴的主要事項與個人資料私隱無關；及/或(iv)有關投訴或直接有關的爭端目前或快將由其他規管或執法機構進行調查。

兩宗是上訴私隱專員在作出調查後不送達執行通知的決定。

一宗是上訴私隱專員在作出調查後送達執行通知的決定。(圖1.2)

圖 1.2 – 上訴所涉的性質

- 針對私隱專員決定不進行調查或終止調查的上訴
Appeal against the Privacy Commissioner's decision not to carry out or terminate an investigation
- 針對私隱專員調查後決定不送達執行通知的上訴
Appeal against the Privacy Commissioner's decision not to serve an Enforcement Notice after investigation
- 針對私隱專員調查後決定送達執行通知的上訴
Appeal against the Privacy Commissioner's decision to serve an Enforcement Notice after investigation

總數：20 宗
Total: 20 Cases

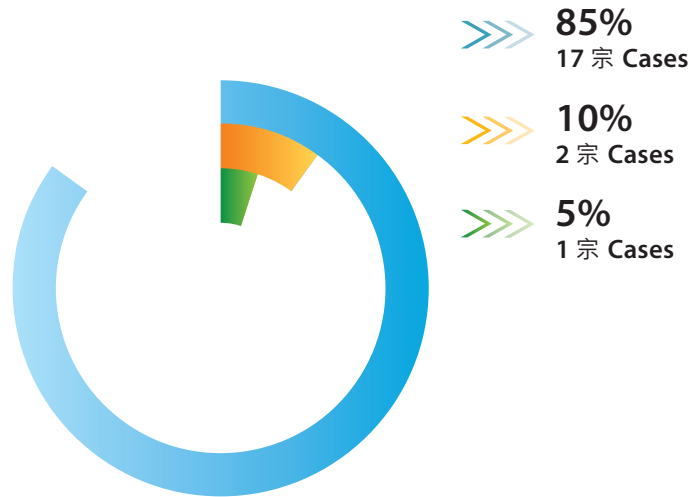
Statistics of AAB cases newly received/under processing in the reporting year

Of the 20 appeal cases received in the reporting year, 17 appealed against the Privacy Commissioner's decision not to carry out or terminate an investigation under section 39(2) of the PDPO. The Privacy Commissioner made these decisions on the grounds that: (i) there was no *prima facie* evidence to support the alleged contravention; (ii) the party being complained against had taken remedial action to rectify the alleged contraventions; (iii) the primary subject matter of the complaint was considered not to be related to personal data privacy; and/or (iv) the complaint in question or a directly related dispute was currently or soon to be under investigation by another regulatory or law enforcing body.

Two appeals were against the Privacy Commissioner's decision not to serve an Enforcement Notice after investigation.

One appeal was against the Privacy Commissioner's decision to serve an Enforcement Notice after investigation. (Figure 1.2)

Figure 1.2 – Nature of the appeals



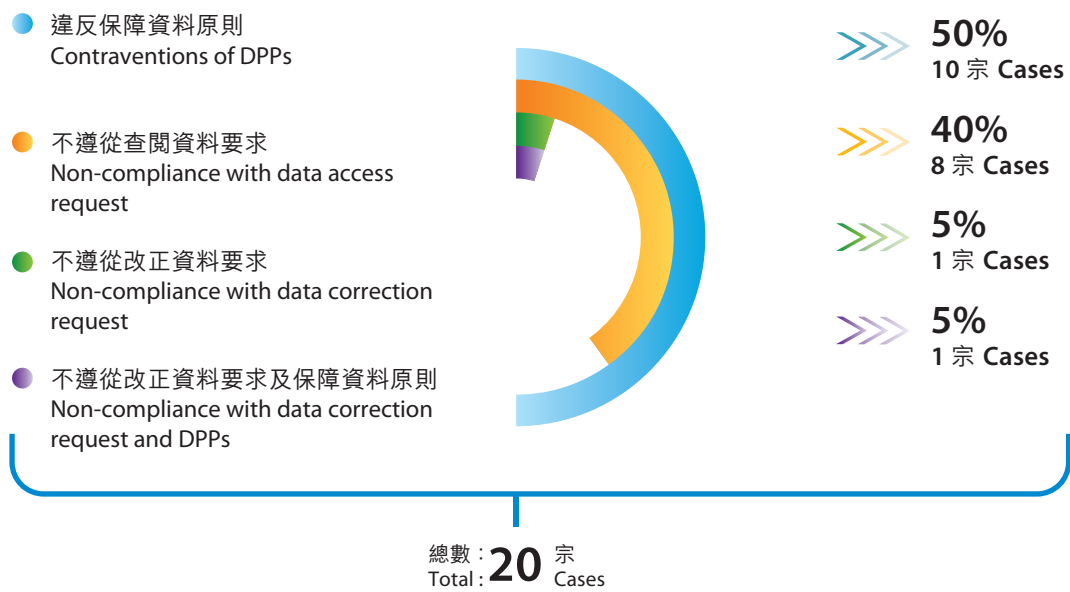


而在上述 20 宗新接獲的上訴個案當中，10 宗涉及指稱違反《私隱條例》的保障資料原則。八宗涉及指稱不遵從查閱資料要求、一宗涉及指稱不遵從改正資料要求，而其餘一宗則涉及同時指稱不遵從改正資料要求及保障資料原則。(圖 1.3)

Of these 20 appeal cases received, 10 cases involved alleged contraventions of the DPPs of the PDPO, eight cases involved alleged non-compliance with data access request(s), one case involved alleged non-compliance with data correction request(s) and the remaining one involved alleged non-compliance with both a data correction request and DPPs. (Figure 1.3)

圖 1.3 – 上訴所涉的《私隱條例》的規定

Figure 1.3 – The provisions of the PDPO involved in the appeals



有關指稱違反保障資料原則的上訴個案中（一宗個案可牽涉多於一項保障資料原則），四宗涉及超乎適度及/或不公平收集個人資料；三宗涉及個人資料的準確性及保留期間；六宗涉及未經資料當事人同意下使用及/或披露其個人資料；一宗涉及個人資料的保安及 10 宗涉及查閱個人資料。

Of those appeal cases involving the alleged contraventions of DPPs (one appeal might involve more than one DPP), four cases involved excessive and/or unfair collection of personal data; three cases involved accuracy and duration of retention of personal data; six cases involved the use and/or disclosure of personal data without the data subject's prior consent; one case involved security of personal data and 10 cases involved access to personal data.



上訴個案簡述一（行政上訴委員會上訴案件第 8/2018 號）

立法會議員 – 在立法會大樓內公眾地方執行通傳應變職務 – 政府確保法案及議案獲得通過涉及重大公眾利益（《基本法第 62 條》） – 被動地記錄立法會議員的行蹤不構成超乎適度或以不公平方式收集（保障資料第 1(1) 及 (2) 原則） – 通知的規定適用於自願性提供資料（保障資料第 1(3) 原則） – 向所有立法會議員傳達相關的政策和實務須具公開性和透明度（保障資料第 5 原則）。

聆訊委員會成員：林定國資深大律師（主席）
陳錦文先生（委員）
容慧慈女士（委員）

裁決理由書日期：2020 年 3 月 23 日

投訴內容

上訴人是一名香港特別行政區的立法會議員。上訴人留意到為了確保政府的議案獲得通過，公職人員會記錄立法會議員在立法會大樓內的行蹤（「通傳應變職務」）。上訴人認為政府的做法違反多項條例下保障資料原則的規定。

Appeal Case Note (1) (AAB Appeal No. 8 of 2018)

Legislative Council (LegCo) member – marshalling duties in the public areas of the LegCo Complex – vital public interest for the Government in ensuring the passing of bills and motions (Article 62, Basic Law) – no excessive or unfair collection for passive recording of the whereabouts of the LegCo members (DPP1(1), DPP1(2)) – notification requirement applies to consensual collection (DPP1(3)) – openness and transparency of the relevant policies and practices communicated to all LegCo members (DPP5).

Coram: Mr Paul LAM Ting-kwok, S.C. (Chairman)
Mr CHAN Kam-man (Member)
Ms Christine YUNG Wai-chi (Member)

Date of Decision : 23 March 2020

The Complaint

The Appellant was a member of the LegCo. The Appellant noticed that the public officers would record the whereabouts of the LegCo members in the LegCo Complex (“Marshalling Duties”) so as to ensure the Government’s motions could be passed. The Appellant believed that the acts of the Government contravened the requirements of the DPPs under the PDPO.



私隱專員的決定

根據條例第39(2)(d)條，私隱專員於2018年4月23日決定不對上訴人的投訴作進一步調查，是基於以下理由並無表面證據顯示通傳應變職務違反資料保障原則的任何規定：—

不違反保障資料第1原則

- 政府有責任促使立法會及時審議法案和議案，而通傳應變職務的目的是協助政府官員透過監督立法會的情況以履行該職責。這是一項正確和合法的目的。
- 由於公職人員僅在立法會大樓內的公眾地方觀察並記錄立法會議員的姓名和行蹤（這構成條例下各人士的「個人資料」），收集的方式既非不公平，亦不屬超乎適度。此外，保障資料第1(3)原則規定採取特定的步驟告知受影響的資料當事人（即立法會議員），私隱專員認為此原則不適用於以被動的觀察方式收集個人資料。

不違反保障資料第2原則

- 私隱專員並無發現任何資料顯示政府未有刪除收集到的個人資料。

不違反保障資料第3原則

- 使用資料與原有的收集目的一致，因為公職人員傳遞立法會議員行蹤的資料給相關政府各局/部門，在所有實質性時刻都是為了確保達到會議的法定人數。

不違反保障資料第4原則

- 沒有證據顯示政府政策局/部門未有遵循其既定的個人資料保安及資訊科技要求的準則。

The Privacy Commissioner's Decision

On 23 April 2018, the Privacy Commissioner decided not to investigate the Appellant's complaint further under section 39(2)(d) of the PDPO as there was no *prima facie* evidence indicating that the Marshalling Duties contravened any requirements of the DPPs for the following reasons:—

No breach of DPP1

- The Government was under a duty to procure the timely consideration of bills and motions by the LegCo and the purpose of the Marshalling Duties was to assist Government officials in monitoring the situation of the LegCo to discharge such duty. It was therefore a proper and lawful purpose.
- As public officers merely observed and recorded the names and the whereabouts of the LegCo members (which constituted respective "personal data" within the meaning of the PDPO) in the public areas of the LegCo Complex, the collection was neither unfair nor excessive. Further, such collection by way of passive observation would not trigger the application of DPP1(3), which required the taking of specified steps in informing the data subjects (i.e. the LegCo members) concerned.

No breach of DPP2

- There was no information before the Privacy Commissioner that the Government had failed to delete the personal data collected.

No breach of DPP3

- There was no change of use of the personal data against the original collection purpose as the information concerning the whereabouts of the LegCo members (passed by the public officers to the relevant Government bureaux/departments) was, at all material time, for securing the necessary quorum of the meeting.

No breach of DPP4

- There was no evidence suggesting that the Government bureaux/departments had failed to follow their established guidelines on data security and IT requirements.

不違反保障資料第5原則

- 私隱專員認為政府已透過律政司司長於2013年發佈的新聞稿，以及行政署於2017年向立法會行政管理委員會發出一系列信函，向立法會議員提供了資訊關於通傳應變職務的政策和實務。

不違反保障資料第6原則

- 沒有證據顯示上訴人曾向任何政府政策局/部門提交其查閱資料要求。即使任何立法會議員提出了這樣的要求，私隱專員也合理地相信從通傳應變職務中收集到的個人資料，已被即時刪除。

上訴人不服私隱專員的決定，遂向委員會提出上訴。

上訴

委員會駁回了上訴人的上訴，並確認通傳應變職務並沒有違反任何一項保障資料原則。委員會認為立法會大樓內行蹤的資料，就履行《基本法》第62條下處理立法會議事的憲法責任，對政府而言是重要的，亦涉及重大的公眾利益。該決定的重點如下。

條例的適用性

- 委員會認為公職人員執行通傳應變的職務涉及收集立法會議員的個人資料，因此受到條例所規管。收集的個人資料包括：(i) 個別立法會議員的姓名；及(ii) 他是否身在立法會大樓內某些公眾地方。這些都符合《私隱條例》第2條下「個人資料」的定義。

No breach of DPP5

- The Privacy Commissioner was satisfied that, by way of the press release issued by the Secretary for Justice in 2013 and the series of correspondences from the Administrative Wing to the Legislative Council Commission in 2017, the Government had already provided the relevant information to the LegCo members regarding the policies and practices of the Marshalling Duties.

No breach of DPP6

- There was no evidence suggesting that the Appellant had lodged a data access request with any of the Government bureaux/departments. Even if such a request had been made by any of the LegCo member, the Privacy Commissioner reasonably believed that the personal data collected by the Marshalling Duties would be erased immediately thereafter.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB dismissed the appeal and affirmed the Marshalling Duties to be compliant with the DPPs. In particular, the AAB opined that the updated information of the whereabouts of the LegCo members in the LegCo Complex would be important for the Government to discharge its constitutional duty under Article 62 of the Basic Law ("BL") for matters transacted in the LegCo, which was a matter of important public interest. The gist of the decision is summarised below.

Applicability of the PDPO

- The AAB opined that performance of Marshalling Duties by public officers involved collection of personal data of LegCo members and hence was governed by the PDPO. The information collected, which included:– (i) the names of individual LegCo members; and (ii) whether they were in certain public areas of the LegCo Complex, constituted the meaning of "personal data" under section 2 of the PDPO.



據稱違反保障資料第 1(1) 原則

- 委員會強調上述個人資料屬「基本必要」的訊息，用於確定立法會議員身在立法會大樓內公眾地方的行蹤，收集不屬超乎適度。此外，通傳應變職務讓政府能夠：(i) 獲取有關會議進度的一手資料；(ii) 監督投票的進行；及 (iii) 有效地掌握全體議員出席的情況，這最終達到政府履行其憲法責任的目的，即根據《基本法》第 62 條須確保通過法案或議案。收集的資料及有關行為是出自合法目的，與政府的職能直接相關並合乎重大的公眾利益。

據稱違反保障資料第 1(2) 原則

- 委員會重申條例並沒有規定在收集資料當事人（即立法會議員）的個人資料之前，必須事先徵得他們的同意。委員會指，並沒有任何跡象（更遑論證據）顯示在立法會大樓的限制區域內執行通傳應變職務時，立法會議員的個人活動必須是保密的，不容他人觀察。委員會認為被動地記錄個別立法會議員在公眾地方的行蹤，並不涉及收集具敏感性的個人資料，這種做法並非不公平。

據稱違反保障資料第 1(3) 原則

- 委員會不接納上訴人的指控，即根據保障資料第 1(3) 原則，在收集他的個人資料時或之前，他沒有獲告知關於收集的目的、受讓人類別等的資訊。委員會認為通知的規定，不適用於「非自願性」地提供資料，即本中公職人員被動地記錄立法會議員行蹤的情況。

Alleged contravention of DPP1(1)

- The AAB stressed that collection of the aforesaid personal data represented the “bare essential” information to ascertain the whereabouts of the LegCo members in the public areas within the LegCo Complex, which was not excessive. Further, the Marshalling Duties enabled the Government to:– (i) acquire first-hand information about the progress of the meeting; (ii) monitor the conduct of voting; and (iii) obtain a better grasp of members’ attendance as a whole, which ultimately served the legitimate purpose of the Government in discharging its constitutional duty to ensure the passing of a bill or motion under Article 62, BL. The act of collection and the data collected were for a lawful purpose directly related to the function of the Government in vital public interest.

Alleged contravention of DPP1(2)

- The AAB reiterated that there was no requirement under the PDPO requiring prior consent before collection of the personal data of the data subjects, i.e. the LegCo members. There was no suggestion, let alone evidence, that Marshalling Duties had been performed in restricted areas inside the LegCo Complex where the activities of individual LegCo members were meant to be kept confidential and not to be observed by others. The practice of passively recording the whereabouts of individual LegCo members in public areas with no sensitive personal information collected could not be unfair.

Alleged contravention of DPP1(3)

- The AAB also refused the Appellant’s allegation that he had received no notification regarding the purpose of the use of the personal data collected, the class of transferees etc. on or before collection of their personal data under DPP1(3). The AAB took the view that the notification requirement did not apply where public officers passively collected the whereabouts of LegCo members in a “non-consensual” manner.

據稱違反保障資料第2原則

- 委員會的結論是沒有任何資料或證據顯示政府未有遵從保障資料第2原則，即未有刪除已收集的個人資料，及/或在達到其目的後，保留資料超過所需的時間。相反地，政府確認在當天完成通傳應變的職務後，每天都會刪除收集到的資料。

據稱違反保障資料第5原則(及第6)原則

- 上訴人指政府沒有告知他有關通傳應變職務的政策及實務，違反了保障資料第5原則所訂須具公開性和透明度的規定。委員會不接納上訴人的指控，並認為第5原則並無要求須通知特定的人士。證據顯示在上訴人向私隱專員投訴之前，行政署已透過立法會行政管理委員會，多次向立法會議員提供了有關通傳應變職務的詳細訊息。
- 此外，委員會認為上訴人將保障資料第5及第6原則混為一談。無論如何，委員會認同私隱專員的調查結果，認為即使上訴人曾提出查閱資料要求，因鑒於政府每天刪除資料的政策，所要求的有關資料可能已不再存在，亦無法被查閱。

委員會的決定

委員會駁回本上訴。

梁嘉善大律師受屈漢驊事務所延聘代表上訴人應訊

莫樹聯資深大律師和孫靖乾資深大律師代表私隱專員應訊

梁衛民資深大律師由律政司延聘代表行政署署長(受約束人)

助理法律顧問盧志邦先生代表立法會秘書處(受約束人)

Alleged contravention of DPP2

- The AAB concluded that there was no information or evidence substantiating the allegation that the Government had failed to comply with DPP2 by failing to erase the data and/or retaining the data collected for longer than was necessary after fulfilment of the purpose. To the contrary, the Government confirmed that the data collected would be erased on a daily basis upon completion of Marshalling Duties for that particular day.

Alleged contravention of DPP5 (and DPP6)

- Regarding the Appellant's allegation that he had not been informed by the Government of the policies and practices regarding Marshalling Duties and that this was in breach of the requirement of openness and transparency, the AAB took the view that the principle was not about any notification to the individuals concerned. Evidence indicated that the Administration Wing had already provided detailed information on the Marshalling Duties on various occasions to LegCo members via the Legislative Council Commission prior to his complaint to the Privacy Commissioner.
- Besides, the AAB took the view that the Appellant could have conflated DPP5 and DPP6 (concerning data access requests). In any event, the AAB agreed to the Privacy Commissioner's findings and concluded that the requested data (even assuming the Appellant had lodged a data access request) could have no longer existed owing to the daily erasure policy of the Government and hence it could not have been accessed.

The AAB's Decision

The appeal was dismissed.

Ms Jessica LEUNG, barrister instructed by Messrs Wat & Co. for the Appellant

Mr Johnny MOK, S.C. and Mr Jenkin SUEN, S.C. for the Privacy Commissioner

Mr Raymond LEUNG, S.C. instructed by the Department of Justice for the Director for Administration (the Person bound by the decision)

Mr Bonny LOO, Assistant Legal Adviser for the Legislative Council Secretariat (the Person bound by the decision)



上訴個案簡述二（行政上訴委員會上訴案件第 20/2018 號）

向一名個人提出詢問並不同提出查閱資料要求 – 提出查閱者的身份 – 《私隱條例》第 18 條 – 上訴人以瑣屑無聊或無理取鬧的方式處理案件可能需要向私隱專員付訟費及費用

聆訊委員會成員：馮庭碩資深大律師（主席）
郭永聰先生（委員）
曾慕秋先生（委員）

裁決理由書日期：2019 年 8 月 21 日

投訴內容

上訴人為香港巴哈伊總會（下稱「該總會」）的前成員。自 2010 年起，上訴人已向私隱專員提出合共 44 宗投訴（不包括本上訴），背後的原因皆源於同一事件 – 該總會收到一位 SL 小姐的投訴指上訴人的行為不當並有違巴哈伊信仰（下稱「該事件」），故此該總會取消了上訴人在該總會的成員身份及其所持有的「行政權利」。

於 2018 年 3 月 13 日，上訴人致函 SL 小姐，當中指稱是根據萊索托的巴哈伊總會（National Spiritual Assembly of the Baha'is of Lesotho）的要求，向 SL 小姐提出下列的查閱資料要求：—

- (i) 披露該名曾向該總會舉報該事件之「家庭成員」的姓名及聯絡資料；
- (ii) 解釋有關該事件是如何在 2008 年 9 月提交到該總會；及
- (iii) 提供該總會曾就該事件擬備的筆記、意見或評論。

（下稱「上訴人的查閱資料要求」）

由於 SL 小姐沒有就上訴人的查閱資料要求作出回應，故上訴人向私隱專員作出投訴。

Appeal Case Note (2) (AAB Appeal No. 20 of 2018)

Making various enquires directed at a person does not necessarily equate to lodging data access requests (DARs) – identity of the person who lodged the DAR – section 18 of the PDPO – the Appellant conducting the appeal in a frivolous and vexatious manner may be liable to pay the costs of the Privacy Commissioner

Coram : Mr Eugene FUNG Ting-sek, S.C. (Chairman)
Mr Ronald KWOK Wing-chung (Member)
Mr TSANG Mo-chau (Member)

Date of Decision: 21 August 2019

The Complaint

The Appellant was once a member of the Spiritual Assembly of the Baha'is of Hong Kong ("Assembly"). Prior to the present complaint, the Appellant had lodged a total of 44 complaints with the Privacy Commissioner since 2010 as a result of the very same incident – the Appellant's membership and "administrative rights" in the Baha'is faith had been removed for reason that he had behaved inappropriately, contrary to the Baha'is faith, towards Miss SL ("Incident").

In the present complaint, the Appellant issued a letter to Miss SL on 13 March 2018, on request of the National Spiritual Assembly of the Baha'is of Lesotho, requesting Miss SL to:–

- (i) reveal the name and full contact details of the "family friend" who had reported the Incident to the Assembly;
- (ii) explain how the Incident was referred to the Assembly in September 2008; and
- (iii) supply any related notes, observations or comments from the Assembly related to the Incident.

(collectively the "DAR")

As Miss SL did not reply to the DAR, the Appellant complained to the Privacy Commissioner.

私隱專員的決定

私隱專員決定根據《私隱條例》第39(2)(c)、39(2)(ca)及39(2)(d)條的酌情權，決定不繼續處理上訴人的投訴，所持理由如下：-

第一項資料 – 「家庭成員」的姓名及聯絡資料

《私隱條例》第18條訂明提出查閱資料要求的人士必須是資料當事人本身或代表資料當事人的「有關人士」。由於上訴人並非該「家庭成員」或該「家庭成員」的「有關人士」，故並沒有權提出關於第三者個人資料的查閱資料要求。換言之，上訴人並不能根據《私隱條例》提出有效的查閱資料要求。

第二及第三項資料 – 解釋有關該事件是如何提交到該總會及該總會擬備的書面記錄

上訴人由此至終都未能提供充份的表面證據，又或從其他途徑提供支持，從而顯示所要求的有關「解釋」或「書面記錄」確實存在。縱使假設有確實證據證明它們曾經存在，但沒有證據表明這些書面記錄在該事件發生後約10年仍然存在。

此外，私隱專員認為上訴人投訴的主要標的事宜與個人資料私隱的保障無關，一切只是源於該事件而引起。另外，上訴人曾經向私隱專員提出共44宗投訴（不包括本上訴），全部均被私隱專員根據《私隱條例》第39(2)條決定不繼續處理，而是次投訴亦不例外。私隱專員認為上訴人的投訴不是真誠作出的，屬瑣屑無聊或無理取鬧的投訴。

上訴人不滿私隱專員不繼續處理上訴人投訴的決定，故向委員會提出上訴。

The Privacy Commissioner's Decision

The Privacy Commissioner exercised his discretion under sections 39(2)(c), 39(2)(ca) and 39(2)(d) of the PDPO not to further investigate the Appellant's complaint for the following reasons:-

1st category of requested information – name and full contact details of the "family friend"

Section 18(1) of the PDPO provides that a DAR must be lodged by the data subject himself or a "relevant person" acting on behalf of the data subject. Given that the Appellant was neither the individual who was the data subject (i.e. the "family friend") nor the relevant person acting on behalf of the "family friend", the Appellant did not have the *locus standi* to lodge a DAR concerning the personal data of a third party. In other words, the Appellant had not made a validly constituted DAR under the PDPO.

2nd and 3rd categories of requested information – explanation as to how the Incident was referred to the Assembly and documents from the Assembly

There was no *prima facie* evidence, whether demonstrated by the Appellant or otherwise, that the requested data (i.e. the "explanation" or "written records") ever existed in the first place. Even if there was positive evidence that they had existed, there was no evidence to establish that such written documents were still in existence about 10 years after the Incident.

Moreover, the Privacy Commissioner took the view that the subject matter of the complaint was unrelated to issues concerning protection of personal data privacy but arising out of the Incident. Besides, apart from the present complaint, all 44 prior complaints lodged by the Appellant were unable to be further investigated under section 39(2) of the PDPO. The present complaint was no exception. The Privacy Commissioner believed that the Appellant's complaint was not made in good faith; and the Appellant had conducted the case in a frivolous and vexatious manner.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.



上訴

委員會完全同意私隱專員對上訴人的查閱資料要求的詮釋，即上訴人從未向SL小姐提出有效的查閱資料要求，就此，委員會明確指出上訴本身欠缺事實及法理基礎，根本不能作出合理的論證。

委員會亦考慮了上訴人已就同一事件先後向私隱專員提出多達44宗投訴，而全部皆由於缺乏理據而遭私隱專員以《私隱條例》第39(2)條拒絕繼續進行調查。再者，上訴人對其中3宗（不包括本上訴）向委員會提出上訴（AAB Nos.12/2011、54/2011及74/2011），但全部都被委員會駁回。

故此，委員會認同私隱專員所指本上訴的主要標的事宜並非源於保障個人資料私隱為由，認為上訴人提出的上訴屬瑣屑無聊，亦確信上訴人以瑣屑無聊或無理取鬧的方式處理本上訴，故根據《行政上訴條例》（第442章）第21(1)(k)及22(1)(a)條，判處上訴人須向私隱專員繳付HK\$40,000，作為本上訴中私隱專員所耗用的訟費及費用。

行政上訴委員會的決定

委員會駁回本上訴。

上訴人缺席應訊

吳鎧楓高級律師代表私隱專員

香港巴哈伊總會（受約束人）缺席應訊

The Appeal

The AAB entirely agreed with the Privacy Commissioner's interpretation of the Appellant's entitlement to the DARs, i.e. no DARs had been validly made out by the Appellant vis-à-vis Miss SL. The AAB stressed that the Appellant's complaint against Miss SL lacked both factual and legal bases, and was not capable of reasoned argument.

The AAB also considered that the Appellant had lodged as many as 44 complaints concerning the same Incident; all of which lacked sufficient basis and hence could not be investigated further under section 39(2) of the PDPO. Furthermore, the Appellant had appealed against three out of them (excluding the present appeal) and had all been dismissed by the AAB (AAB Nos.12/2011, No.54/2011 and No.74/2011).

Hence, the AAB agreed with the Privacy Commissioner's conclusion that the subject matter of the present appeal did not arise out of the Appellant's concern for any infringement of this personal data privacy rights. The AAB found that the Appellant was frivolous in lodging the appeal, and conducted the present appeal in a frivolous and vexatious manner. The AAB made an Order that the Appellant pay to the Privacy Commissioner HK\$40,000 being the costs incurred by the Privacy Commissioner in the appeal under sections 21(1)(k) and 22(1)(a) of the Administrative Appeals Board Ordinance (Cap 442).

The AAB's Decision

The appeal was dismissed.

The Appellant was absent

Mr Dennis NG, Senior Legal Counsel representing the Privacy Commissioner

The Spiritual Assembly of the Baha'is of Hong Kong (the Person Bound by the decision) was absent

上訴個案簡述三（行政上訴委員會上訴案件第4/2019號）

在內部通訊中僅提述某人的名字並不構成該人的個人資料 – 不存在匯集已被資料使用者識辨或欲藉此識辨有關人士的個人資料 – 不構成Eastweek案例中所指的「收集」

聆訊委員會成員：彭耀鴻先生（主席）
陳詠琪女士（委員）
錢丞海先生（委員）

裁決日期：2019年12月4日

案情

上訴人是一宗在土地審裁處聆訊中的答辯人。上訴人在上述聆訊被判敗訴並欲申請上訴許可。他的上訴許可悉數被土地審裁處及上訴法庭駁回。他曾對上訴法庭拒絕給予上訴許可（讓他可提出司法覆核）的決定提出上訴，而有關的判案書隨後在官方的法律匯報《香港法律匯報與摘錄》（下稱「《匯報與摘錄》」）中匯報。

上訴人認為《匯報與摘錄》中出現的「案件摘錄」並不準確，遂向司法機構投訴。隨後，上訴人發現所有《匯報與摘錄》均由湯森路透香港（「出版商」）的匯報員首先擬備，而出版商在付印前會就所有《匯報與摘錄》內容的準確性尋求司法機構核實。上訴人要求司法機構披露與出版商之間的通訊往來複本（下稱「查閱資料要求」）。司法機構以有關資訊不構成上訴人個人資料為由，拒絕遵從上訴人的查閱資料要求。

私隱專員的決定

私隱專員認為，司法機構和出版商均無意透過通訊往來及/或判案書識辨上訴人。上訴人的個人資料並沒有被匯集，原因是資料使用者並未曾匯集任何關於上訴人作為一名已識辨身分人士之資料，或欲藉此識辨有關人士之資料。因

Appeal Case Note (3) (AAB Appeal No. 4 of 2019)

Mere reference to an individual's name appearing in internal correspondence does not amount to one's personal data – no compilation of personal data of an identified individual or a person whom the data user seeks to identify – no collection as defined per Eastweek case

Coram : Mr Robert PANG Yiu-hung, S.C. (Chairman)
Miss Winky CHAN Wing-ki (Member)
Mr CHIN Shing-hoi (Member)

Date of Decision: 4 December 2019

The Complaint

The Appellant was initially the respondent in the proceedings in the Lands Tribunal. He was not successful in the aforesaid proceedings and sought leave to appeal. His leave application was refused both at the Lands Tribunal and the Court of Appeal. He sought to appeal against the decision of the Court of Appeal in refusing to grant leave for him to commence judicial review, and the judgment was subsequently reported in the official law report, the Hong Kong Law Report & Digest ("HKLRD").

The Appellant opined that the headnote that appeared in the HKLRD was inaccurate and complained to the Judiciary. Subsequently, the Appellant discovered that all HKLRD would first be prepared by the reporters of Thomson Reuters Hong Kong ("Publisher"), followed by an approval sought from the Judiciary regarding the accuracy of the content of all HKLRD before publication. Hence, the Appellant made a data access request to the Judiciary demanding it to disclose copies of the correspondence between the Judiciary and the Publisher ("DAR"). The Judiciary refused to comply with the Appellant's DAR on the ground that the material in question did not constitute personal data of the Appellant.

The Privacy Commissioner's Decision

The Privacy Commissioner took the view that neither the Judiciary nor the Publisher intended to identify the Appellant by way of the correspondence and/or the reported judgment. There was no compilation of the Appellant's personal data as the data user(s) did not compile any information about the Appellant as an identified individual or about a person whom



此，要求的通訊往來不曾構成上訴人的個人資料及不會受查閱資料要求規限。由於沒有表面證據證明司法機構違反《私隱條例》的任何規定，私隱專員根據《私隱條例》第39(2)(d)條行使酌情權，決定不進一步調查上訴人的投訴。

上訴

委員會認同私隱專員的決定，並認為司法機構和出版商之間就匯報判案書的任何通訊往來，均不直接或間接與個人有關；而判案書內所載關於各方的身分並不被視為一項重要的資訊。

委員會引用 *Eastweek Publisher Ltd & Anor v Privacy Commissioner for Personal Data* [2000] 2 HKLRD 83 的案例，並進一步認為《匯報與摘錄》中任何所匯報的案件純粹是法庭的判案書加上撮述該判案書的「案件摘錄」，當中只載有判案書內有關事實撮述、爭議點及法庭的決定。司法機構和出版商之間的通訊往來從不視任何個人的身分為一項重要資訊，重點只是「案件摘錄」的準確程度。

委員會亦引用 *Wu Kit Ping v Administrative Appeals Board* [2007] 4 HKLRD 849 的案例並指出即使通訊往來的確有提述上訴人的姓名，有關的通訊往來也不構成上訴人的個人資料，這是由於沒有任何一方欲確定上訴人的身分。委員會強調任何人在查閱資料要求下的權利僅是獲取他的個人資料的複本，而不是獲取所有曾提述他的所有文件的複本。

行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊

黎國榮助理律師代表私隱專員

政府律師莫介邦代表司法機構(受約束人)

the data user(s) intended or sought to identify. Hence, the requested correspondence did not amount to the Appellant's personal data and would not be subject to DAR. Given that there was no *prima facie* evidence of a contravention by the Judiciary, the Privacy Commissioner exercised his discretion under section 39(2)(d) of the PDPO not to further investigate the Appellant's complaint.

The Appeal

The AAB affirmed the Privacy Commissioner's decision and took the view that any correspondence between the Judiciary and the Publisher concerning the judgment to be reported did not relate directly or indirectly to an individual, in the sense that the identity of the parties in a judgment could not be considered as an important item of information.

The AAB applied the *Eastweek Publisher Limited & Another v Privacy Commissioner for Personal Data* [2000] 2 HKLRD 83 and further opined that any reported case that appeared in the HKLRD was simply the judgment of the Court with an added headnote which summarised the judgment. Correspondence between the Judiciary and the Publisher was not directed towards the identity of the individual as an important item of information, but instead to the correctness of the headnote, which simply summarised the facts, issues and decision of the Court as set out in the judgement.

The AAB also applied the case of *Wu Kit Ping v Administrative Appeals Board* [2007] 4 HKLRD 849 and opined that even if the requested correspondence referred to the Appellant's name, the correspondence did not constitute personal data of the Appellant as none of the parties intended to ascertain his identity. The AAB stressed that a person's entitlement under DAR was to obtain a copy of his data, as opposed to an entitlement to obtain a copy of every document which made a reference to the individual.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person

Mr Alex LAI, Assistant Legal Counsel representing the Privacy Commissioner

Mr Gilbert MOK, Government Counsel representing the Judiciary Administrator (the Person bound by the decision)

上訴個案簡述四 (行政上訴委員會上訴案件第 7/2019 號)

於公眾走廊安裝閉路電視 – 住宅大廈的保安 – 收集個人資料的用途及方式 – 不公平及超乎適度的收集 – 閉路電視影像的保存期限及保安 – 涉嫌違反保障資料第一及第四原則

聆訊委員會成員：羅沛然博士 (主席)
袁妙齡女士 (委員)
伍新華先生 M.H. (委員)

裁決理由書日期：2020 年 2 月 27 日

投訴內容

上訴人投訴其居住大廈的業主立案法團於大廈每層的公眾走廊都安裝了兩部閉路電視。上訴人指其中一部安裝在她居住樓層的閉路電視的位置鄰近她的單位。上訴人指業主立案法團：

- 1) 以不公平及超乎適度的方式收集其個人資料；
- 2) 應以其他方式來達致加強大廈安全及保安的目的；及
- 3) 未有採取充分的措施以防止閉路電視的影像受未經准許的查閱及外洩。

業主立案法團指出安裝閉路電視是因應過往曾發生的案件，故認為應藉此加強保障大廈安全及保安。安裝閉路電視的決定獲業主大會通過，並已於大廈大堂及各樓層公眾走廊的當眼位置貼出告示。閉路電視影像受密碼保護，只有獲授權的人士才可查閱。

Appeal Case Note (4) (AAB Appeal No. 7 of 2019)

Installation of CCTV in public corridors – security of a residential building – purpose and manner of collection of personal data – unfair and excessive collection – retention and security of CCTV footage – alleged contravention of DPP1 and DPP4

Coram : Dr LO Pui-yin (Chairman)
Ms Wendy YUEN Miu-ling (Member)
Mr Lawrence NG San-wa, M.H. (Member)

Date of Decision: 27 February 2020

The Complaint

The Appellant complained against the Incorporated Owners of a building (in which she was residing) for installation of two CCTVs in the public corridors of every floor of the building. One of the CCTVs on her storey was located in the proximity of her flat. The Appellant claimed that the Incorporated Owners:-

- 1) collected her personal data in a manner which was unfair and excessive;
- 2) should adopt other means to achieve the purpose of enhancing safety and security of the building; and
- 3) did not adopt sufficient measures to prevent the CCTV footage from unauthorised access and leakage.

The Incorporated Owners stated that the installation of CCTVs was a measure to enhance safety and security of the building after the happening of some criminal incidents. The decision to install CCTVs had been resolved at the owners' meeting and conspicuous notices were displayed at the lobby of the building and in the public corridors of each floor. The CCTV footage was password-protected and could only be accessed by authorised persons.



私隱專員的決定

根據上訴法庭於 *Eastweek Publisher Limited & Another v Privacy Commissioner for Personal Data* [2000] 2 HKLRD 83 的案例，私隱專員認為安裝閉路電視系統並不應視作收集上訴人的個人資料。當業主立案法團須觀看閉路電視影像藉以識辨個別人士及搜集有關懷疑罪案的證據或保安事項，便屬收集個人資料。即使在這種情況下，由於收集資料的行為與大廈法團執行屋苑的管理工作直接有關，故不會構成以不合法或不公平的方式收集個人資料。再者，經私隱專員的查詢，業主立案法團已發出安裝閉路電視的通告通知受影響的資料當事人，而閉路電視影像的保留期限亦非不合理，並且只有獲授權的人士才可查閱有關的影像。故此，私隱專員認為本案並沒有足夠的表面證據顯示有任何違反條例的規定。

上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

上訴

上訴委員會在考慮各方的陳詞及呈交的證據後，認同私隱專員不繼續調查上訴人所作出的投訴之決定。上訴委員會同意業主立案法團為保安理由安裝閉路電視系統，其意圖並非為了匯集上訴人或其他已被業主立案法團作為資料使用者確定身份的人士的個人資料。雖然上訴委員會認為閉路電視錄取的影像應該被視作有關資料當事人的個人資料，但根據《東周刊》案件，有關的行為並不構成「收集」個人資料，故《私隱條例》並不適用。

行政上訴委員會的決定

上訴被駁回。

上訴人親身應訊

黃嘉穎助理律師代表私隱專員

業主立案法團(受約束人)缺席應訊

The Privacy Commissioner's Decision

Relying on the Court of Appeal's judgment in *Eastweek Publisher Limited & Another v Privacy Commissioner for Personal Data* [2000] 2 HKLRD 83, the Privacy Commissioner took the view that installation of CCTVs should not be regarded as collection of the Appellant's personal data. When the Incorporated Owners had to review the CCTV footage for identifying a person and collecting evidence in case of suspected crimes or security matters, this would involve collection of personal data. In this situation, as the collection was related to the Incorporated Owner's managerial work, it would be unlikely to amount to unlawful or unfair collection. Further, after the Privacy Commissioner's enquiry, the notice of installation of CCTV had been given to the data subjects concerned. It was also noted that retention period of the CCTV footage was not unreasonable and only authorised persons could have access to the CCTV footage. The Privacy Commissioner therefore took the view that there was no *prima facie* evidence of any contravention of the requirements under the PDPO.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

Taking into account the parties' submissions and the available evidence, the AAB affirmed the Privacy Commissioner's decision not to proceed with the Appellant's complaint. The AAB agreed that the Incorporated Owners installed the CCTVs for security purpose and its intention was not to compile information about the Appellant or any other identified persons. Whilst the AAB took the view that images captured by the CCTV should be regarded as personal data of the respective data subjects, based on the *Eastweek* case, the act did not constitute collection of personal data. Hence the PDPO had no application.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person

Ms Clara WONG, Assistant Legal Counsel representing the Privacy Commissioner

The Incorporated Owners' (the Person bound by the decision) was absent

法律協助計劃

法律協助計劃於2013年4月1日開始。對於因資料使用者違反《私隱條例》規定而蒙受損害，並有意提出法律程序以尋求補償的個人，私隱公署可提供協助。本報告年度內，公署接獲11宗法律協助申請，其中10宗曾於事前向公署作出投訴。

這11宗申請當中共包含以下13項違規指稱：(i)收集個人資料；(ii)個人資料的保留期間；(iii)使用或披露個人資料；及(iv)個人資料的保安。

違規指控的性質

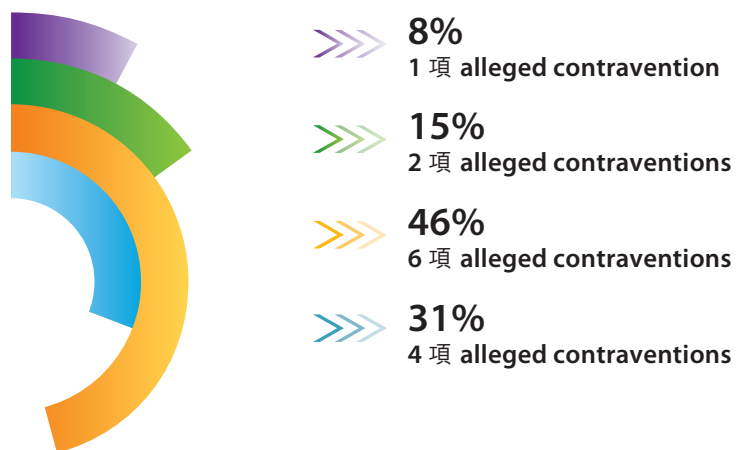
- 保障資料第1原則 - 收集個人資料
DPP1 - collection of personal data
- 保障資料第2原則 - 個人資料的保留期間
DPP2 - retention of personal data
- 保障資料第3原則 - 使用或披露個人資料
DPP3 - use or disclosure of personal data
- 保障資料第4原則 - 個人資料的保安
DPP4 - security of personal data

LEGAL ASSISTANCE SCHEME

The Legal Assistance Scheme ("Scheme") commenced on 1 April 2013. Under the Scheme, PCPD may provide assistance to a person who has suffered damage by reason of a contravention under the PDPO and intends to institute proceedings to seek compensation. In the reporting year, PCPD received 11 legal assistance applications, of which 10 cases were preceded by a complaint lodged with PCPD.

These 11 applications involved 13 alleged contraventions of the PDPO in respect of: (i) collection of personal data; (ii) retention of personal data; (iii) the use or disclosure of personal data; and (iv) security of personal data.

Nature of alleged contraventions in these applications



註：在以上的11宗申請中，其中兩宗個案牽涉多於一項違反保障資料原則的指稱，而以上顯示的百分比是使用違規指控的總數作為計算基準。

N.B.: Two out of 11 applications involved more than one alleged contravention. The percentages shown above are calculated using the total number of alleged contraventions as the base value.



本報告年度內私隱公署處理了16宗申請(包括上一個報告年度未完成的五宗)。在這些申請中，已完成的申請有14宗，其餘兩宗申請在年結時仍在考慮中。

在已完成的14宗審批個案中，一宗由申請人撤回、一宗獲給予法律協助及12宗被拒。申請被拒的主要因為不涉及法律原則及申請人未能舉出證據證明蒙受損害。

另外，私隱公署在本報告年度內接獲三個覆核拒絕給予法律協助決定的要求，公署已完成覆檢並維持該決定。

During the reporting year, PCPD handled 16 applications (including five brought forward from last year). Of these applications, 14 applications were completed and two applications were still under consideration as at the end of the reporting period.

Of the 14 applications completed, one was withdrawn by the applicant, one was granted legal assistance and 12 were refused. The main reasons for refusing applications were the absence of an issue concerning a legal principle as well as the applicant's failure to provide evidence to substantiate any damage suffered.

Three requests for review of refusal were received during the reporting year. Upon review, PCPD decided to maintain the decision to refuse the applications.



推廣資料保障和尊重 PROMOTING DATA PROTECTION AND RESPECT



教育及參與

私隱公署透過大眾傳媒、網上社交平台、互聯網、印刷刊物及公眾教育活動推廣私隱及資料保障和尊重，舉辦培訓以促進機構及個人認識《私隱條例》的規定，並與持份者建立工作關係。

EDUCATION AND ENGAGEMENT

PCPD promotes privacy and data protection and respect through mass media, online social media platforms, internet, publications and public education programmes; organises and conducts training for organisations and individuals on the requirements under the PDPO; and manages work relationship with stakeholders.



透過傳媒加強訊息傳播

傳媒

本報告年度私隱公署共發布了69篇新聞稿（詳見附錄二），是歷來最多，而回覆傳媒查詢的數量則是2011-12年度以來的新高，年內共回應了270宗與《私隱條例》和個人資料私隱時事議題相關的傳媒查詢。公署透過迅速回應傳媒查詢及發出新聞稿，把握社會當下對某些事件或議題的關注，發表與個人資料保障有關的資訊及觀察，令社會各界對《私隱條例》的規定有更深入的了解。

私隱專員年內曾就多項有關私隱的議題表達關注及主動作出跟進，以下是一些例子。



AMPLIFYING MESSAGES THROUGH THE MEDIA

Media

During the reporting year, PCPD issued 69 media statements (please refer to Appendix 2), which set a record high. The number of responses to media enquiries was also the highest since 2011/12, with 270 media enquiries about the PDPO and topical issues on personal data privacy responded to in the year. Through swift responses to media enquiries and issuing media statements on incidents or topical issues of social concern, PCPD disseminated information and observations on personal data protection at opportune times, thereby helping various sectors of society better understand the provisions of the PDPO.

Over the year, the Privacy Commissioner expressed concerns over privacy-related issues and followed up proactively. Some examples follow.



個人資料被「武器化」

2019年6月起在香港發生的社會事件，引發大量「起底」個案。個人資料被轉化成對資料當事人帶來心理傷害的「武器」，「起底」數字更是史無前例。私隱公署從不同途徑不斷向公眾進行宣傳教育的工作，務求從根源著手改變「起底」的歪風。

私隱專員特別於2019年8月28日舉行記者會，強烈譴責「起底」及欺凌情況，指出當中的恐嚇、騷擾等情況有越演越烈之勢，並強烈呼籲網民停止上載或轉載個人資料和具傷害性的言論，亦不可鼓吹其他人作出「起底」及欺凌行為。

Weaponisation of personal data

Social incidents from June 2019 in Hong Kong had given rise to a large number of doxxing cases. Personal data was “weaponised” to inflict psychological harm on data subjects. The number of doxxing cases was unprecedented. PCPD had carried out promotion and public education through different channels in order to tackle the problem at its roots.

The Privacy Commissioner held a media gathering on 28 August 2019, strongly condemning the acts of infringing personal data privacy, doxxing and bullying, which were associated with escalating intimidation and harassment. He also strongly appealed to netizens not to upload or forward relevant personal data and hurtful remarks, and should not incite doxxing and bullying.



截至2020年3月31日，私隱公署有關「起底」的宣傳和教育工作包括：

- 發出有關新聞稿共33份（首份相關的新聞稿於2019年6月14日發出）；
- 回應各傳媒相關查詢共74次；
- 所有回應媒體的稿件均上載至公署網頁；
- 私隱專員向傳媒或大眾解釋共97次；
- 私隱專員舉辦講座，吸引來自教育、社工、法律、醫護、人力資源等不同界別的人員出席；
- 致函全港中小學校長，向他們提供私隱公署製作的宣傳及教育資料。

As of 31 March 2020, PCPD's promotion and education work on doxxing included:

- PCPD had issued 33 related media statements (with the first one being issued on 14 June 2019);
- PCPD had given 74 responses to media enquiries;
- All the responses to the media were uploaded to PCPD's website;
- The Privacy Commissioner had explained to the media or the general public 97 times;
- A seminar was held and attended by practitioners from education, social work, legal, medical, human resources sectors, etc;
- Letters were sent to the principals of all primary and secondary schools in Hong Kong to provide them with PCPD's promotion and educational materials.



2019 冠狀病毒病引起的私隱議題

自2019冠狀病毒病疫情在2020年年初爆發，引起了不同範疇的私隱議題，私隱公署為此發出一系列指引，包括給僱主和僱員、學校和學生、視像會議使用者、政府的防疫措施等，從而提醒大眾和機構在對抗2019冠狀病毒病的同時，也不應在保障個人資料私隱上有所鬆懈。截至2020年3月31日，公署發出了以下指引：

1. 於2020年2月11日發出的新聞稿：涉及個人資料私隱的強制檢疫措施
對於政府推行的強制檢疫措施所涉及的私隱議題，私隱專員對相關措施作出觀察，並闡釋《私隱條例》的相關規定和豁免情況。

Privacy Issues Arising from COVID-19

The outbreak of COVID-19 in early 2020 had given rise to a number of privacy issues in different aspects. The Privacy Commissioner had issued a series of guidelines, including guidelines on employers and employees; schools and students; video-conferencing users; government's anti-epidemic measures etc. to remind members of the public and organisations not to lose sight of personal data privacy protection when combating COVID-19. As of 31 March, 2020, PCPD had issued the following guidelines:

1. Media statement dated 11 February 2020: Privacy issues arising from mandatory quarantine measures
Regarding the privacy issues involved in the mandatory quarantine measures implemented by the Government, the Privacy Commissioner made observations about the relevant measures and explained the relevant provisions and exemptions under the PDPO.



2. 於2020年2月26日發出的新聞稿：使用社交媒體上的資料以追蹤潛在的2019冠狀病毒病的帶病毒者
對於使用社交媒體上的資料以追蹤2019冠狀病毒病的病人或潛在帶病毒者，私隱專員解釋在生存權和公眾利益（當中包括公共衛生）的前提下，政府如何有充分的法律及正當合理的基礎去採取相應的防疫措施。

2. Media statement dated 26 February 2020: The use of information on social media for tracking potential carriers of COVID-19
Regarding the use of information on social media for tracking potential carriers or patients of COVID-19, the Privacy Commissioner explained that the Government had sufficient legal and justifiable bases to take corresponding anti-epidemic measures, on the premise of the right to life and public interests (including public health).

3. 於2020年3月21日回應傳媒查詢有關2019冠狀病毒病引起的私隱議題

此指引闡述機構在疫情期間收集個人資料的合法性，並透過不同的例子展示如何在私隱權與公共衛生之間取得平衡，亦提醒機構不應為抗疫而輕視他們妥善處理個人資料的責任。

3. Response dated 21 March 2020 to media enquiry on privacy issues arising from COVID-19

The guidelines explained the legitimacy of the collection of personal data during the pandemic and illustrated with examples how to strike a balance between privacy rights and public health. It also reminded organisations not to derogate their responsibilities of proper handling of personal data in the course of fighting the pandemic.



4. 於2020年3月30日發出的新聞稿：對抗2019冠狀病毒病大流行疫情

於大流行疫情期間，僱主關注是否可以收集僱員的健康數據，以幫助監察和預防在工作場所及社區傳播病毒。該指引以簡明的問答形式，提醒僱主收集僱員的健康數據時的重要原則。此外，許多機構都推行了在家工作安排，並在線進行商務會議，以減低社交接觸，這轉變意味著更多資料保安錯誤可能會發生，故該指引亦為僱主和僱員提供18項實用的安全措施，以減低個人資料外洩的風險。

4. Media statement dated 30 March 2020: Fight COVID-19 Pandemic Guidelines for Employers and Employees

With the outbreak of COVID-19, employers were concerned whether they were permitted to collect health data about their employees to help monitor and prevent the spread of the virus in the workplace and in the community. In a succinct Q&A format, the guidelines reminded employers of the key principles when collecting employees' health data. Besides, many organisations had made work-from-home arrangements and conducted business meetings online to reduce social contact. This transition would mean more scope for data security mistakes. The guidelines provided 18 practical security tips for employers and employees to minimise the risk of personal data breach.

環球私隱議會 (Global Privacy Assembly) 是全球私隱及資料保障機構的重要平台。該議會已把上述指引載於其「有關資料保障與2019冠狀病毒病的資源」網頁，有關網頁包括來自環球私隱議會不同成員及觀察員就資料保障與2019冠狀病毒病提供相關的最新指引和資訊：
<https://globalprivacyassembly.org/covid19/>

The Global Privacy Assembly (GPA), a global forum for data protection and privacy authorities, had published our guidelines above on its webpage "Data Protection and Coronavirus (COVID-19) Resources", alongside the latest advice and guidance on personal data protection and COVID-19 provided by other data protection authorities as GPA members and observers: <https://globalprivacyassembly.org/covid19/>



社交媒體及網站

社交媒體

為加強網上推廣，私隱公署在社交網絡呈現全新形象，以全新主題「陽光中的私隱 Privacy in Sunlight」於Instagram、LinkedIn、Twitter及微博開設帳戶，同時以新主題革新Facebook專頁及YouTube頻道，以更「貼地」、「入屋」的文字、插圖和錄像片段為大眾關心的最新私隱議題逐一拆解，全方位接觸不同領域及各年齡層群組的網民。

「陽光中的私隱 Privacy in Sunlight」希望能發放的訊息包括個人資料私隱權屬於每一個人；機構需要在充份透明度和解釋清晰的情況下遵守法律規定、實踐尊重私隱和私隱政策。另一方面，新主題亦與私隱公署所在的辦公大樓「陽光中心」互相呼應。

其中全新推出和革新的不同風格平台，針對青年人及愛好非傳統媒介人士、大中小微企業、專業人士及內地和海外的個人資料保障人員及機關等，第一時間向各目標群組提供有關私隱景觀的最新消息及動向。

Social Media and Websites

Social Media

To reinforce its online presence, PCPD presented a brand new image on social networks with newly created accounts on Instagram, LinkedIn, Twitter and Weibo, and revamped the Facebook page and YouTube channel, all under the new theme "Privacy in Sunlight". In simple language and with the help of visual illustrations and videos, the latest privacy issues of public concern were explained to netizens from diverse sectors and age groups.

"Privacy in Sunlight" is designed to send out the messages that personal data privacy right belongs to every individual and the need for organisations to be transparent and provide explanations when complying with the law, to be respectful and to put privacy policy into practice. In addition, the new theme also echoes the name of "Sunlight Tower" at which PCPD is located.

The newly launched and revamped accounts on the differently-styled platforms aim to target at the younger generation and those who prefer mobile devices to conventional media channels; micro, small, medium and large enterprises; professionals, and data protection personnel and authorities from the mainland of China and overseas, etc., enabling them to follow in a timely manner the latest news and updates of the privacy landscape.

在疫情期間，私隱公署為僱主和僱員、學校和學生、視像會議軟件使用者等提供一系列保障個人資料私隱的實用指引和貼士，並透過這六個平台把這些指引轉化成簡明、輕鬆的文字和圖像解釋《私隱條例》下的規定。此外，公署亦透過這些平台即時回應大眾最新關注的私隱議題。

以下是在不同平台上發佈的部分帖文：

在 Facebook 發佈有關保障學生個人資料私隱的帖文
A Facebook post about protection of students' personal data privacy



During the pandemic, PCPD issued a number of guidelines and tips for employers and employees; schools and students; users of video-conferencing software, etc. on personal data privacy protection. These guidelines were transformed into concise, readable texts and images explaining the provisions under the PDPO. In addition, PCPD also promptly responded to the latest privacy concerns of the public through these platforms.

Below are selected posts on the online social platforms:

在 LinkedIn 發佈有關使用視像會議軟件時保障個人資料的貼士
Tips posted on LinkedIn for online teaching and video-conferencing



在 Twitter 發佈有關給僱主和僱員在疫情期間的指引
Guidelines posted on Twitter for employers and employees during the pandemic





在 Instagram 發佈有關「刑事起底」的帖文
A Instagram post about “criminal doxing”



在微博發佈有關「查閱資料要求」的帖文
A Weibo post about “data access request”



網站

私隱公署一直致力透過網頁，向不同持份者有效發放有關個人資料私隱保障的資訊和最新發展。

Website

Via our website, PCPD has always been committed to effectively disseminating information and updating on developments regarding protection of personal data privacy.

▶ PCPD.org.hk



私隱公署的一站式入門網站向公眾提供有關個人資料保障的最新資訊和資源，其中較多人瀏覽的內容包括「新聞稿和傳媒回應」、「個案簡述」和「條例簡介」。公眾亦可透過此連絡網站進入公署其他專題網站。

Our website continues to be a one-stop portal to provide the latest information and resources of personal data protection to members of the public. The most popular sections include “Media Statements & Responses”, “Case Notes” and “The PDPO at a Glance”. Members of the public can also visit PCPD’s thematic websites via this portal.

年內私隱公署網站共錄得 1,520,779 瀏覽人次，比去年的 1,277,351 人次上升兩成。

During the reporting year, we recorded 1,520,779 visits to the website, representing an increase of 20% compared to 1,277,351 visits the year before.

私隱公署網站榮獲由香港互聯網註冊管理有限公司主辦的《2019最佳.hk網站獎》非商業－中小企銀獎，以嘉許及讚揚網站設計出眾、功能齊備。

Our website was awarded the Silver Award under the Non-Commercial SME Category of “Best.hk Website Awards 2019”. Organised by the Hong Kong Internet Corporation Registration Limited, the Award aimed to applaud and recognise websites with remarkable designs and comprehensive functionality.





兒童私隱

此專題網站為兒童提供一站式有關保障及尊重個人資料私隱的資訊，老師及家長可運用當中的建議和資源協助教導其學生和子女如何保障個人資料私隱。

私隱公署亦於「保障私隱學生大使計劃」的專題網頁中設立良好數碼公民教材資源中心，透過短片、單張/小冊子、簡報教材及報章/刊物專欄，講解人工智能的應用及其對私隱的影響、個人資料私隱的保障與網絡欺凌等議題。

Children Privacy

This thematic website is a one-stop portal for children to learn and understand personal data privacy. Teachers and parents can make use of the tips and resources provided to guide students and children how to protect their personal data privacy.

PCPD has also set up a teaching resource centre on the thematic website for “Student Ambassador for Privacy Protection Programme”, providing videos, leaflets/booklets, presentation materials and newspaper/publication columns on issues such as the application of AI and its privacy impact, protection of personal data privacy, cyberbullying, etc.



網上私隱要自保

此專題網站為公眾提供最新的網上私隱趨勢和實用貼士，以助公眾保障其智能裝置和互聯網上的個人資料，從而減低網上私隱受侵犯的風險。專題網站附有「老友記天地」和「網上私隱有法保」小型網站提供互動資訊和小測驗。

Be SMART Online

This thematic website serves as a resourceful platform to provide latest trends and practical tips for members of the public to protect personal data on their smart devices and the internet so as to reduce the risks of online privacy breach. Two mini-sites, namely “Elderly Corner” and “Think Privacy! Be SMART Online”, are within the portal to provide relevant interactive information and a quiz game.



出版刊物

私隱專員於本報告年度刊發及修訂了以下書籍及指引資料，協助各持份者了解相關法規及指引。

《內地民商事務所涉個人信息及網絡安全主要法規簡介》介紹內地針對個人信息保護方面的相關法規，旨在協助商界了解內地相關法規，從而令他們更順暢地進入大灣區拓展網絡市場，擴大商業效益。

私隱專員亦與新加坡個人資料保護委員會共同製作《資訊及通訊科技系統的貫徹數據保障設計指引》，協助機構於設計及建立資訊及通訊科技系統時採用貫徹數據保障設計的原則。該指引就系統開發過程提供提示及良好行事方式指引。

為協助中小型企業實踐「數據道德」和鼓勵中小型企業秉持『數據道德』三大管理價值（尊重、互惠和公平）處理個人資料，私隱公署出版了《中小企的數據倫理道德》資料單張，協助中小型企業進行自我評估，找出數據處理活動對各持份者權益的影響。

Publications

During the reporting year, the Privacy Commissioner published the following booklet and guidance notes to provide information on relevant regulations and useful guidance for stakeholders.

The booklet entitled “A Brief Summary on the Regulations in the Mainland of China Concerning Personal Information and Cybersecurity Involved in Civil and Commercial Affairs” provides an overview of related regulations regarding personal data protection in the mainland of China. The booklet aims to help the enterprises better understand the relevant regulatory regime, so that they could expand their online business more smoothly in the Greater Bay Area and maximise business benefits.

PCPD also released a jointly-developed “Guide to Data Protection by Design for ICT Systems” with the Personal Data Protection Commission, Singapore. The publication assists organisations that wish to apply Data Protection by Design when designing and building ICT systems. It provides tips and good practices for system development processes.

To assist Small and Medium Enterprises (SMEs) in putting data ethics into practice and encourage them to uphold the three Data Stewardship Values (respectful, beneficial and fair) in handling personal data, PCPD issued an information leaflet “*Data Ethics for Small and Medium Enterprises*” to help the SMEs conduct self-assessment to find out the impact of their data-driven activities on their stakeholders’ rights and interests.



上述刊物可於私隱公署網站www.PCPD.org.hk
下載。

The publications above are downloadable from our website at
www.PCPD.org.hk.

書籍

Book

《內地民商事務所涉個人信息
及網絡安全主要法規簡介》
(2019年12月)

A Brief Summary on the Regulations in the Mainland
of China Concerning Personal Information and
Cybersecurity Involved in Civil and Commercial Affairs
(Chinese version only)
(December 2019)

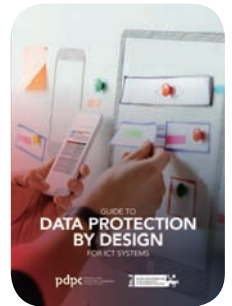


指引資料

Guidance Note

《資訊及通訊科技系統的貫徹
數據保障設計指引》(只提供
英文版本)
(2019年5月)

Guide to Data Protection by Design for ICT Systems
(May 2019)



資料單張

Information Leaflet

《中小企的數據倫理道德》
資料單張
(2019年4月)

Data Ethics for Small and Medium Enterprises
(April 2019)



推動機構保障資料

演講

專員及其團隊在本年度應邀出席演講、研討會、講座及持份者會議，分享在數碼年代資料私隱保障的演變、數據道德管理價值和模式等，向不同的持份者，特別是高層行政人員，發表了多次演講，鼓勵機構制訂全面的保障私隱策略。

ENGAGING ORGANISATIONS IN DATA PROTECTION

Speaking engagements

During the year, the Privacy Commissioner and his team, on invitation, spoke and shared views on the evolution of data privacy protection in the digital age, and data ethical values and models. They took the form of presentations, seminars, talks and meetings, engaging a broad range of stakeholders, in particular senior executives, and encouraging them to adopt a corporate-wide privacy strategy in their organisations.



講座

為了減低疫情的干擾，持續舉辦公眾教育活動，私隱公署改以網上模式為各持份者提供講座和專業研習班，並採取足夠的資料保安措施。

公開簡介講座

為提高各界人士對《私隱條例》的認識及理解，以保障其個人資料私隱，私隱公署定期為公眾舉辦有關保障個人資料私隱的免費講座。這些講座介紹《私隱條例》的內容，並以生活實例解釋六項保障資料原則的規定。在本報告年度，超過1,250人出席了《私隱條例》簡介公開講座。

為配合不同人士的需求，讓大眾可隨時免費重溫有關保障個人資料的資訊，私隱公署上載了全新製作的《個人資料(私隱)條例》網上講座(英文版)至YouTube頻道，簡介《私隱條例》的規定、以及與私隱有關的科技發展和數據道德等議題。



為個別機構提供講座

機構對資料保障培訓的需求與日俱增。為此，私隱公署代表為個別機構主持講座，為它們的員工講解《私隱條例》。公署在本報告年度共為91間機構提供了117場度身訂造的培訓講座。

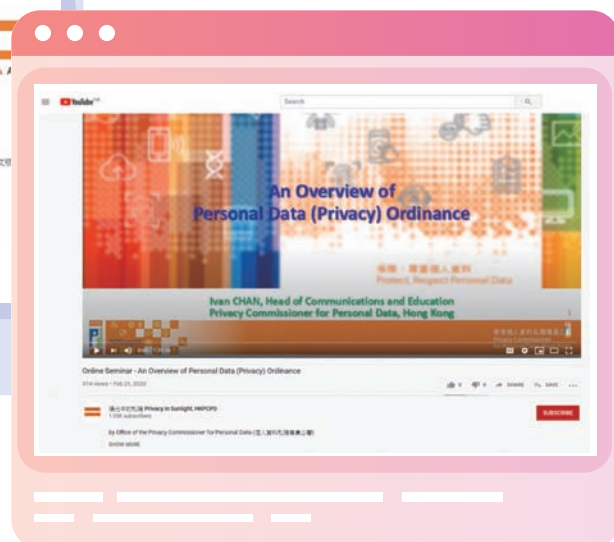
Seminars

To minimise the disruption by the pandemic to our ongoing public education initiatives, PCPD conducted seminars and professional workshops for stakeholders in online mode, with sufficient data security measures put in place.

Introductory seminars

Aiming to enhance public awareness and understanding of the PDPO to protect personal data privacy, PCPD regularly runs free introductory seminars on personal data protection for the general public. These seminars provide a general introduction to the PDPO and explain the requirements of the six data protection principles illustrated with real-life examples. During the reporting year, over 1,250 participants attended these seminars.

To cater for the needs of different stakeholders and enable the public to acquire knowledge about personal data protection anytime, PCPD produced a new free online seminar – An Overview of Personal Data (Privacy) Ordinance. Available on the YouTube channel, it introduces the requirements of the PDPO, and the privacy issues related to technology development and data ethics.



In-house seminars

To meet the growing demand for acquiring data protection training from various organisations, PCPD representatives conduct seminars for individual organisations to explain to their staff the requirements of the PDPO. During the reporting year, PCPD delivered 117 tailor-made training sessions for 91 organisations.

保障個人資料專業研習班

私隱公署設計了一系列有關保障個人資料的專業研習班，以配合在不同工作範疇處理個人資料的人士的需要。公署在本年度舉辦了27場專業研習班，吸引過千名人士參加。專業研習班得到三十個專業機構及行業協會支持，涵蓋下列主題：

Professional Workshops

PCPD has developed a series of professional workshops on data protection tailored to the needs of those dealing with personal data in different work contexts. During the reporting year, PCPD held 27 workshops attended by over 1,000 participants. The workshops, which were supported by 30 professional organisations and trade associations, covered the following topics:

資料保障法律研習班	Practical Workshop on Data Protection Law
資料保障與查閱資料要求	Data Protection and Data Access Requests
銀行/金融服務的資料保障	Data Protection in Banking/Financial Services
直接促銷活動的資料保障	Data Protection in Direct Marketing Activities
人力資源管理的資料保障	Data Protection in Human Resource Management
保險業的資料保障	Data Protection in Insurance
私隱管理系統	Privacy Management Programme
法院及行政上訴委員會近期的案例	Recent Court and Administrative Appeals Board Decisions
數據道德	Professional Workshop on Data Ethics
物業管理的資料保障	Data Protection in Property Management Practices





其他講座

網絡欺凌及「起底」講座

私隱公署在2019年9月16日主辦講座應對網絡欺凌及「起底」，從個人資料私隱角度探討網絡世界上的欺凌及「起底」行為，以及如何安全使用社交及通訊平台以保障網絡私隱。講座由私隱專員及公署科技發展常務委員會成員、香港資訊科技商會榮譽會長方保僑主講。

Other Seminars

Seminar on Cyberbullying and Doxxing

On 16 September 2019, PCPD held a seminar examining bullying and doxxing in the cyber space from a personal data privacy perspective, and explaining how to safely use social and messaging platforms to protect online privacy. Speaking at the seminar were the Privacy Commissioner and Mr Francis Po-kiu FONG, Member of the Standing Committee on Technological Developments of PCPD and Honorary President of Hong Kong Information Technology Federation.



中國網絡安全法 — 最新法例及法規 • 實際影響及挑戰」研討會

私隱公署在2019年12月11日舉行「中國網絡安全法 — 最新法例及法規 • 實際影響及挑戰」研討會，由國際私隱專業人員協會 (International Association of Privacy Professionals, IAPP) 香港地區負責人及聯合主席劉偉經教授擔任研討會司儀及論壇主持。私隱專員與英國諾頓羅氏律師事務所 (Norton Rose Fulbright) 北京辦公室合伙人李曉蓓律師擔任講者，並請來華為法律合規管理部高級律師丁家倫先生及SAP首席法律顧問—網絡安全陳志輝先生與兩位講者作深入交流，向在場超過100位來自銀行界、保險界、法律界等的來賓分享內地保障個人資料的最新發展概況和影響。

China Cybersecurity Law Conference – New Legal and Regulatory Updates, Practical Implications and Challenges

PCPD held “China Cybersecurity Law Conference – New Legal and Regulatory Updates, Practical Implications and Challenges” on 11 December 2019. Adjunct Professor Jason Lau, Regional Lead and Co-Chair of the International Association of Privacy Professionals (IAPP) was MC and moderator of the conference. The Privacy Commissioner and Attorney Barbara Li, Partner of the Beijing office of Norton Rose Fulbright, were keynote speakers. Mr Allen Ting, Senior Legal Counsel of Huawei, and Mr Bernard Tan, Chief Counsel, Cybersecurity of SAP took part in an in-depth panel discussion with the two keynote speakers. They shared the latest development and impact of personal data protection in the mainland of China with over 100 attendees from banking, insurance, legal and other sectors.

為政府部門而設的培訓

政府部門人員收集及使用大量市民的個人資料，故此需提高他們對資料保障的意識。

Training for government departments

Government departments collect and use a vast amount of citizens' personal data. So there is a need to raise their awareness of data protection.

私隱公署為入境事務處中高級職員舉辦《個人資料(私隱)條例》工作坊。在本報告年度，共舉辦了兩次工作坊，超過200名入境事務處人員參加。

此外，私隱公署亦曾為公務員培訓處安排講座，向不同職系的公務員介紹《私隱條例》的要求及如何在日常工作中保障市民的個人資料。

與持份者會面

為了解持份者對個人資料私隱保障的關注，私隱公署與不同政府部門、機構、團體進行會面。

PCPD worked with the Immigration Department to organise “Training Workshops on Personal Data (Privacy) Ordinance” for their officers of middle to senior ranks. During the reporting year, two workshops were held with over 200 officers having attended.

PCPD had also worked with the Civil Service Training and Development Institute to arrange seminars for civil servants of different grades, introducing the requirements of the PDPO and how to protect citizens’ personal data in their daily work.

Meeting with stakeholders

In order to understand stakeholders’ concerns about personal data protection, PCPD held meetings with various government departments, organisations and groups.



私隱管理系統

在2014年，政府與25間保險公司、九間電訊公司及五間其他行業的機構，均承諾推行私隱管理系統。香港銀行公會亦表示銀行業會支持私隱公署的項目。

繼去年協助政府決策局及部門擬備私隱管理系統操作手冊後，私隱公署在報告年度年內為私營機構擬備私隱管理系統操作手冊的範本，供他們參考。



Privacy Management Programme (PMP)

In 2014, the Government, together with 25 companies from the insurance sector, nine companies from the telecommunications sector and five organisations from other sectors, pledged to implement PMP. The Hong Kong Association of Banks also indicated that the banking industry would support PCPD's initiative.

Further to last reporting year's initiative to assist the government bureaux and departments in preparing their PMP manual, PCPD published in the reporting year the General Reference Guide – PMP Manual for organisations in the private sector for their reference.

保障資料主任聯會

保障資料主任聯會為機構的保障資料人員提供交流經驗和培訓平台，以促進知識增長和符規實踐。截至2020年3月底，聯會共有590名會員（包括個人及機構會員），會員來自公私營機構，並有多元背景，包括循規、法律事務、規管、執法 and 客戶服務。

私隱公署於本報告年度為保障資料主任聯會會員舉辦了四次講座，主題包括金融科技應用個人資料（私隱）條例、個人網絡信譽與方案、企業網絡防禦及中國網絡安全法。

Data Protection Officers' Club (DPOC)

DPOC provides data protection officers of organisations with a platform for advancing their knowledge and practice of data privacy compliance through experience sharing and training. DPOC membership stood at 590 by the end of March 2020. The individual and organisational members come from a wide range of backgrounds, including compliance, legal affairs, regulatory affairs, law enforcement and customer relations, in both the public and private sectors.

During the reporting year, PCPD held four seminars for DPOC members on fintech application of Personal Data (Privacy) Ordinance, personal cyber credibility and solutions, corporate cyber defence and China cybersecurity law.



行業保障私隱活動

私隱公署聯同物業管理業監管局及香港物業管理公司協會合辦以物業管理界別為對象的活動，以提高物業管理公司、業主立案法團和公眾對保障個人資料私隱的意識。公署特別製作廣播劇《私隱住客會所》，由著名播音員聲演，輕鬆帶出物業管理界別保障個人資料的訊息。私隱專員亦在電台節目講解公署就物業管理業保障私隱活動的推廣工作及數據道德在私隱保障方面的重要性。公署亦就物業管理的資料保障舉辦專業研習班及講座，協助物管人員了解《私隱條例》在其日常工作的應用情況，以及提供有關遵從《私隱條例》規定的實用指引。此外，亦舉辦了標語設計比賽，吸引多間物業管理公司的從業員參加。

Industry-specific Privacy Campaign

PCPD joined hands with the Property Management Services Authority and the Hong Kong Association of Property Management Companies to organise activities for the property management industry to raise awareness of personal data protection among property management practitioners, members of owners' corporations and the general public. A radio drama series titled "Privacy Clubhouse", voice-acted by well-known broadcasters, was produced to put across the messages on personal data protection in the property management sector in a light-hearted manner. On a current affairs radio programme, the Privacy Commissioner talked about the promotional work of the privacy campaign for property management as well as the importance of data ethics on privacy protection. Professional workshops and seminars on data protection in property management practices were held to assist the practitioners to understand the application of the PDPO in their daily work. Practical guidance on compliance with the PDPO was provided. Moreover, a slogan composition competition was held and practitioners from a number of property management companies took part in it.





走進社區

關注私隱運動

自2007年起，私隱公署每年均與亞太區私隱機構 (Asia Pacific Privacy Authorities) 各成員合辦的「關注私隱運動」，藉此加強區內對保障個人資料私隱的意識。在香港，「關注私隱運動2019」於5月6日至12日舉行，並以「履行私隱法例 實踐數據道德」為主題，希望提醒機構除遵從資料保障法律要求外，亦需恪守更高的數據道德標準，以符合客戶的期望及相關法例和監管的要求。

「關注私隱運動2019」的重點活動為「數據道德的實踐」研討會，該研討會亦是保障資料主任聯會2019-2020年度的迎新活動。

私隱公署於是次研討會邀請了香港科技園公司行政總裁黃克強先生、香港上海滙豐銀行有限公司香港區行政總裁施穎茵女士及八達通控股有限公司行政總裁張耀堂先生作主題演講，分享他們在實踐數據道德及與持份者在個人資料私隱方面建立互信的心得及經驗。三位主講嘉賓亦參與了小組討論環節，從企業營運和管治角度就如何透過政策和措施推廣數據道德進行交流。研討會吸引逾150名來自不同行業的保障資料主任聯會會員及機構代表參與。

PROMOTING AWARENESS IN THE COMMUNITY

Privacy Awareness Week

Since 2007, PCPD has jointly organised the “Privacy Awareness Week” (PAW) with members of the Asia Pacific Privacy Authorities (APPA) to enhance the awareness of privacy protection in the region. The PAW 2019 in Hong Kong was held on 6 – 12 May. With the theme of “Compliance with Privacy Law, Data Ethics in Action”, PAW 2019 aimed to remind organisations that apart from compliance with the requirements of data protection law, they should also strive to achieve a higher ethical standard that meets the stakeholders’ expectations.

The Symposium on “Data Ethics in Action” was the flagship event of the PAW 2019. It was also a welcome event for the DPOC’s membership year 2019-20.

At the Symposium, Mr Albert Hak-keung WONG, the Chief Executive Officer of Hong Kong Science & Technology Parks Corporation, Ms Diana CESAR, Chief Executive, Hong Kong, the Hongkong and Shanghai Banking Corporation Limited and Mr Sunny Yiu-tong CHEUNG, the Chief Executive Officer of Octopus Holdings Limited, shared their insights and experience on putting data ethics in action and building trust with stakeholders in relation to data privacy. The three speakers also exchanged views on policies and measures to promote data ethics in corporate operations and governance in the panel discussion. The Symposium was attended by over 150 DPOC members from different industries and sectors and organisation representatives.



保障私隱教育講座

私隱公署於「關注私隱運動2019」期間亦分別為中學生、長者及其他公眾人士安排多場講座，向他們簡介條例就個人資料私隱提供的保障，與他們分享保障網上私隱的妙法，並特別協助長者認識潛在的私隱風險，分享日常保障個人資料的錦囊，以免誤墮私隱陷阱。

Educational Talks on data protection

During the PAW 2019, PCPD also organised educational talks for secondary school students, senior citizens and members of the public. The participants were briefed on personal data protection provided by the PDPO and how to safeguard personal data online. In particular, senior citizens were provided with tips on identifying data piracy risks and preventing from falling prey to privacy traps.



此外，私隱公署亦透過連串的推廣和教育活動，將保障個人資料的訊息帶到整個社區，包括私隱專員透過電台節目《在晴朗的一天出發》推廣數據倫理道德的重要性、製作電台廣播劇《私隱住客會所》、在社交平台及以長者為對象的專題網站（長青網：www.e123.hk）播放宣傳教育短片。

To disseminate the message of data protection to the wider community, PCPD also organised a series of promotion and education activities, including the Privacy Commissioner's interview on the radio programme "On a Clear Day" to promote the importance of data ethics, a radio drama series entitled "Privacy Clubhouse" and the broadcast of educational videos on social media and the eElderly website (www.e123.hk).



由私隱公署設計的「關注私隱運動2019」海報。 Posters designed by PCPD for the PAW 2019.



大型宣傳活動

為了廣泛有效地宣傳私隱公署的形象及推廣有關保障個人資料私隱的訊息，公署在本報告年度進行了五項大型宣傳活動，提高大眾在資料保障方面的意識。

巴士車身廣告

多部雙層巴士車身繪上「網上和氣」「數據亨通」及資料保障訊息，化身為大型移動廣告媒介，於2020年1月14日至2月9日期間，穿梭主要商業地區及住宅區。



Mass promotional campaign

To widely and effectively promote PCPD's public image and disseminate messages of protection on personal data privacy, PCPD conducted five large-scale promotional initiatives to raise the general public's awareness of personal data privacy.

Advertisement on bus body

A number of double-decker buses carrying messages of "Peace Online" and "Data Prosperity" together with data protection messages became moving billboards travelling around prime commercial and residential areas from 14 January to 9 February 2020.

電台廣告

由私隱特使車淑梅聲演錄製的「網上和氣 數據亨通」廣告於1月20日至31日期間在本地電台播出。

Radio advertisement

A radio advertisement with the jingle “Peace Online, Data Prosperity” performed by Privacy Special Ambassador Ms Candy Chea was broadcast on a local radio station on 20-31 January 2020.

電視廣告

由私隱特使車淑梅配音的「網上和氣 數據亨通」賀年電視廣告由年三十除夕(2020年1月24日)起至2月6日於本地電視台播出。

TV advertisement

A Lunar New Year TV commercial with the jingle “Peace Online, Data Prosperity” performed by Privacy Special Ambassador Ms Candy Chea was broadcast on a local TV station from 24 January (Lunar New Year’s Eve) to 6 February 2020.



電車廣告

私隱公署於三月在電車車身貼上廣告，以「實踐數據道德 – 尊重、互惠、公平；構建智慧香港」為題，將宣傳訊息廣傳。

Advertisement on tramcars

In March, PCPD rolled out a tram advertising campaign with trams carrying the slogan “Practise Data Ethics – Respectful, Beneficial & Fair: for a Smart Hong Kong” to spread the promotional messages.





向長者推廣保障私隱教育活動

為提高長者對潛在的資料私隱風險的警覺性，以免成為受害者而蒙受金錢上的損失，私隱公署與多間社福機構合作，在各區舉辦了共18場講座，與長者分享日常生活中保障個人資料的小貼士，吸引超過一千名長者參與。

「私隱特使」車淑梅小姐更與私隱公署攜手推動個人資料私隱保障。除了主講保障私隱講座外，車淑梅小姐更透過宣傳教育短片向長者分享保障個人資料的小錦囊，以提高長者保護私隱的意識；宣傳教育短片於長青網(www.e123.hk)播出。

本年度私隱公署亦特別為長者製作宣傳教育海報，以提高他們保障個人資料私隱的意識。

Educational activities for senior citizens

To remind senior citizens to be vigilant about potential data privacy risks and becoming victims of financial losses, PCPD joined hands with non-government organisations to organise elderly talks to share tips on personal data protection in daily life. A total of 18 educational talks were organised, with over 1,000 senior citizens having attended the talks.

The Privacy Special Ambassador Ms Candy CHEA also worked with PCPD to promote the protection of personal data. In addition to delivering talk to senior citizens, Ms CHEA also shared tips on protecting personal data with the elderly through publicity and education video. The video was broadcast on the eElderly website (www.e123.hk).

PCPD also produced posters to raise the elderly's awareness of protecting personal data.



保障私隱學生大使計劃

私隱公署連續第九年舉辦「保障私隱學生大使・學校夥伴嘉許計劃」。透過這計劃，私隱公署希望鼓勵中學生身體力行，於校內舉辦活動向友儕傳遞保障個人資料私隱的訊息，締造尊重及保障私隱的校園環境。

參與「學校夥伴嘉許計劃」的中學須履行十項有關保障私隱及防治網絡欺凌的任務。計劃按完成任務的數目設鑽石、金、銀、銅章，本年度共有六間學校連續三年獲發金章，於是次計劃中榮獲最高殊榮的鑽石章，以表揚他們在校園內實踐推廣保障個人資料私隱所付出的努力。本年度共有129間中學參與這個計劃，創歷年新高，參與人數達六萬多人（詳見附錄三）。

Student Ambassador for Privacy Protection Programme

PCPD has run the “Student Ambassador for Privacy Protection Programme • Partnering Schools Recognition Scheme” for nine consecutive years. Through the Programme, PCPD aimed to encourage secondary school students to organise on-campus activities that disseminated the message of data protection to their peers and fostered a culture of respecting and protecting personal data privacy in the school environment.

Under the Partnering Schools Recognition Scheme, participating schools were required to complete ten missions related to privacy protection and anti-cyberbullying. The Partnering Schools Recognition Scheme offered Diamond, Gold, Silver and Bronze awards based on the number of privacy missions completed. Six participating schools that had won Gold Award in the Scheme for three consecutive years were awarded with the Diamond Award this year as commendation of their efforts in demonstrating good practice in promoting personal data privacy protection on campus. In total, a record high number of 129 secondary schools took part in the Scheme in 2019, with more than 60,000 participants (see Appendix 3 for details).





本年度「學校夥伴嘉許計劃」的十項保障私隱任務當中包括兩項特別任務，分別為「人工智能與保障私隱」策略設計比賽，以及以防止網絡欺凌為題的網上遊戲－「良好數碼公民逐個讚」。「人工智能與保障私隱」策略設計比賽以隊制形式進行，參賽隊伍須對人工智能作深入剖析，就其應用對私隱的影響作出評估並製作策略書，提出減低私隱風險的方案。是次比賽共吸引了約270名中學同學參與。

此外，私隱公署希望透過網上遊戲「良好數碼公民逐個讚」，向同學分享身處數碼世界中各項保障個人資料私隱的小貼士，防止網絡欺凌。同學對網上遊戲的反應熱烈，參與遊戲的學校共300間，人數更高達18,000人。

Among the ten privacy missions under the Partnering Schools Recognition Scheme, there were two core privacy missions – the “Artificial Intelligence and Privacy Protection” Proposal Competition and the online game aiming to prevent cyberbullying – “Awarding Likes to Good Digital Citizens”. For the Proposal Competition, participating teams were each required to thoroughly evaluate the privacy impact of one type of artificial intelligence and prepare a proposal to resolve the issues. About 270 secondary school students took part in the competition.

Moreover, the online game “Awarding Likes to Good Digital Citizens” aimed to provide tips to students on how to protect personal data online and how to stay away from cyberbullying. The response for the online game was overwhelming. Over 18,000 students from 300 schools participated in the online game.





加強對外聯繫 STRENGTHENING EXTERNAL CONNECTIONS





回應跨法域區的議題

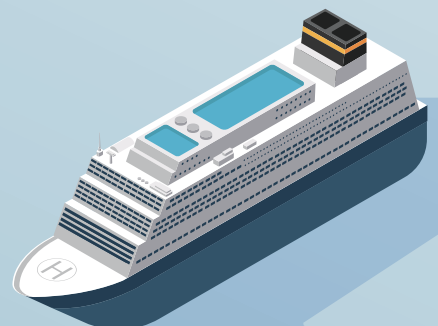
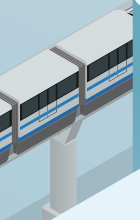
因應最新的本地及國際發展，私隱公署就有關個人資料保障的政策及議題進行研究及分析。

私隱保障跨越不同法域區，需要國際社會共同作出回應。公署與各地資料保障機構和私隱專家保持聯繫和工作關係，以緊貼全球私隱保障的發展和趨勢。

RESPONDING TO CROSS-JURISDICTION ISSUES

PCPD conducts research and analyses policy issues relating to personal data protection in the light of the latest local and international developments.

Privacy protection has become a cross-jurisdiction issue and thus calls for an international response. PCPD liaises and works with data protection authorities and privacy experts around the world to keep abreast of global developments and trends in privacy protection.



個人資料私隱保障的狀況無論在香港本地或全球各地都在不斷變化、發展。幾乎每天都有涉及私隱的新技術、計劃、產品和服務面世；不同司法管轄區也逐步引入加強個人資料保障的法規和指引。在此背景下，私隱公署必須通過進行研究以緊貼本地和全球的發展，確保我們的法律、指引和規管政策繼續是適用和恰當的，以滿足各持份者的期望和符合國際標準。以下是公署過去一年對全球個人資料保護領域一些重要發展的觀察。

在2019冠狀病毒病疫情中就追蹤接觸者與私隱的平衡

自2020年初，2019冠狀病毒病成為全球的焦點。世界衛生組織在2020年3月11日宣布2019冠狀病毒病全球大流行。鑒於此是新病毒、具傳染性和潛在致命性，疫情對全球公共衛生構成了嚴重威脅。世界各國的政府都採取了不同措施來監視和追蹤已確診和疑似的患者，以控制病毒的傳播。在不同的技術方案中，追蹤接觸者的應用程式在防範病毒傳播方面被認為起了關鍵作用。

追蹤接觸者的應用程式利用手提電話的藍牙信號以記錄近距離接觸過彼此的用戶。理論上此方法能使公共衛生官員可以迅速追蹤、通知和隔離與感染者有過密切接觸的人士。一些國家如澳洲、新加坡和英國利用或計劃利用中央處理的模式去收集和處理接觸者資料。同時，另一些國家如奧地利、冰島、印尼、西班牙和瑞士則傾向採用去中心化的模式，將大部分的接觸者資料儲存在用戶的手機上。

去中心化的模式似乎更保障私隱，但有不少衛生機關批評此模式將大大限制可從數據中獲得的洞見，從而阻礙了對抗疫情的措施。

The landscape of personal data privacy protection is dynamic and constantly evolving, locally and globally. New technologies, initiatives, products and services with privacy implications are launched almost every day. Regulations and guidelines for strengthening personal data protection are also introduced or revised in different jurisdictions steadily. Against this background, PCPD must keep abreast of the local and global developments by undertaking research in order to ensure that our own law, guidelines and regulatory policy stay relevant and appropriate, meeting the expectations of stakeholders and the international standard. The following are observations by PCPD in relation to some major developments in the global data protection landscape in the reporting year.

A BALANCING EXERCISE BETWEEN CONTACT TRACING AND PRIVACY AMIDST COVID-19 PANDEMIC

The world's attention was on COVID-19 since the beginning of 2020. The World Health Organisation characterised COVID-19 as a pandemic on 11 March 2020. Given its novel, contagious and potentially deadly nature, this pandemic posed a grave danger to global public health. Governments around the world implemented different measures to monitor and track confirmed and suspected patients in order to contain the spread of the virus. Amongst other technological solutions, contact-tracing mobile apps were thought to be crucial to containing the spread of the virus.

Contact tracing apps use the Bluetooth signals of mobile phones to keep records of individuals who came into close proximity with each other. This theoretically allows public health officials to quickly notify and quarantine people who have been in close contact with infected persons. Some countries such as Australia, Singapore and the UK used or planned to use a centralised approach for collecting and processing the contact data. Meanwhile, some other countries such as Austria, Iceland, Indonesia, Spain and Switzerland preferred a decentralised approach, under which the contact data would mostly be stored on users' mobile phones.

The decentralised approach would seem more privacy-friendly, but some health authorities criticised that it would significantly limit insights that could be gained from the data, in turn hindering the potential pandemic-fighting measures to be taken.



私隱是一項基本人權，但與生存權不同，它並非絕對的權利。包括私隱公署在內的全球大多數資料保障機構都認為，在面對公共衛生危機時，必須在個人私隱權和更大社會利益之間取得適當的平衡。誠然，如果出於保障資料當事人或其他人士的健康需要，許多資料保障法例包括香港《私隱條例》第59條都豁免了資料使用者遵從使用個人資料的限制。2019冠狀病毒病成為了許多政府如何平衡保障其人民的性命和私隱的嚴峻考驗。在這種特殊情況下，資料保障機構應靈活執法，以便利政府和衛生機關達成對公眾有益且合法的目的。

儘管如此，大多數資料保障機構之間的另一個共識是，應該避免任何被公眾視為極端的措施。所有侵犯私隱的措施對於其所追求的合法目的而言應是必要及合乎比例的，並且仍須遵守其他保障個人資料的原則（例如資料保安與資料最少化）。

為了消除公眾的疑慮及建立信任，政府、衛生機關和其他相關組織應該對建議的追蹤接觸者措施保持透明度和能夠解釋該等措施，說明會否收集個人資料、會收集哪些個人資料，如何使用、分享和轉移個人資料，採取必要的各種資料保安措施，以防止所收集和保存的個人資料在未獲授權下被披露或遺失，以及就疫情後如何處理個人資料訂立清晰政策。

Privacy is a fundamental human right. But unlike the right to life, it is not absolute. Most data protection authorities around the world, including PCPD, believed that individuals' privacy right must be balanced against larger societal interests during a public health crisis. Indeed, many data protection laws, like section 59 of the PDPO, exempt the use limitation requirement of personal data if such use is necessary for safeguarding the health of the data subjects or other individuals. COVID-19 came as an acid test of the "balance skills" of many governments in protecting the lives and privacy of their people. In these exceptional contingencies, data protection authorities should be flexible in law enforcement to facilitate governments and health authorities to pursue legitimate purposes in the interest of the public.

Nonetheless, another consensus among the majority of data protection authorities was that any measures that might seem extreme from the public's point of view should be avoided. All privacy-intrusive measures should be necessary for and proportionate to the legitimate purpose they sought to achieve, and other personal data protection principles (such as data security and data minimisation) should still be complied with.

In order to dispel doubts and build trust, governments, health authorities and other relevant organisations should be transparent about and be able to explain the proposed contact-tracing measures, spelling out whether and what personal data would be collected, how the personal data would be used, shared and transferred, adopting the kinds of data security measures necessary to prevent unauthorised disclosure or loss of the personal data collected and kept, and formulating a clear policy on handling of personal data post-pandemic.

個人資料保障的立法浪潮

過去一年，個人資料保障在世界各地發生了巨大的變化。歐盟通過了《通用數據保障條例》並在2018年5月25日實施，成為全球變革的主要催化劑。雖然《通用數據保障條例》並不一定適合所有地區，但其中許多資料保障原則和概念被其他司法管轄區的個人資料保護法例所採納。在美國，《加州消費者私隱保護法》於2020年1月1日生效後大大影響了有關處理個人資料的國際商業慣例。此法案的推出還推動了美國其他州分的監管行動，加速了關於在美國推出綜合私隱法例的討論。印度、印尼、巴西和泰國等一些國家亦首次推出了私隱法例或法案。其他國家如澳洲、新加坡和新西蘭也在更新其私隱法例。

在中國內地方面，儘管目前還沒有全面的個人資料保障法例，但是個人資料仍然受到各種法律和附屬法規的保障。自《網絡安全法》在2017年實施後，有許多保護個人資料的規例和指引在2019年起草、實施或修訂，例如《數據安全管理辦法》（徵求意見稿），《個人信息安全規範》（修訂本）和《兒童個人信息網絡保護規定》（已實施）。

《網絡安全法》的一項重要規定是對個人信息出境的限制，當中規定「關鍵信息基礎設施」的運營者在中國內地運營中收集和產生的個人信息和重要數據須在內地儲存。2019年發布的《個人信息出境安全評估辦法》（徵求意見稿）將個人信息的出境限制擴展至所有網絡運營者，當中包含了所有開發、擁有或使用信息網絡的企業和組織。

在香港，政府於2020年1月在立法會政制事務委員會上闡述了修訂《私隱條例》的六個初步方向。我們預期香港的資料保障水平在未來將會達到新高度。

LEGISLATIVE TSUNAMI ON PERSONAL DATA PROTECTION

Global personal data protection landscape underwent significant changes in the past year. The passage of the GDPR in the EU, which came into effect on 25 May 2018, was a major catalyst for changes worldwide. While the GDPR might not be one-size-fits-all, many of its principles and concepts on personal data protection have been adopted or adapted into the personal data protection laws by other jurisdictions. In the US, the California Consumer Privacy Act had a major impact on international business practices towards the handling of personal data when it came into effect on 1 January 2020. Its introduction also stirred other US States into regulatory action, and accelerated the dialogue towards an omnibus privacy legislation in the US. Some countries such as India, Indonesia, Brazil and Thailand also introduced privacy laws or bills for the first time. Others like Australia, Singapore and New Zealand were updating their privacy legislation.

For the mainland of China, although it does not yet have a comprehensive piece of personal data protection legislation, personal data is nevertheless protected by a robust assortment of laws and subordinate regulations. After the implementation of the Cybersecurity Law in 2017, a plethora of related regulations and guidelines on personal data protection were drafted, implemented or revised in 2019, such as the Measures for Data Security Management (Consultation Draft), the Personal Information Security Specification (revised) and the Provisions on Cyber Protection of Children's Personal Information (implemented).

An important requirement of the Cybersecurity Law is data localisation, which requires operators of "critical information infrastructure" to store the personal data and important data collected during their operations in the mainland locally. The Measures for Security Assessment for Cross-border Transfer of Personal Information (Consultation Draft) issued in 2019 extended the data localisation requirements to all "network operators", which include all businesses and organisations that develop, own or use information networks.

In Hong Kong, the Government elaborated on its six preliminary directions for the amendment of the PDPO at the Legislative Council Panel on Constitutional Affairs meeting in January 2020. We expect that the data protection standard in Hong Kong will reach new heights in the future.



由於各司法管轄區處於不同的發展階段以及有文化差異的存在，有關個人資料保障的法律要求可能會有所不同。儘管如此，一些新的資料保障概念或要求漸漸受到關注，例如強制性資料外洩事故通報、法例的境外效力、資料的可攜權（將在下面討論）以及資料保障機構可施加行政罰款的權力。全球的私隱法例顯然正共同邁向歐盟的《通用數據保障條例》所設定的新高水平。

人臉識別科技

人臉識別科技的應用在世界各地越來越普遍，並且用途廣泛。

人臉識別科技應用的增加引發了對此科技的私隱問題的關注，並促使了一些國家引入法規。在美國，數個州分和城市禁止了在某些情況下使用人臉識別。在中國內地，全國信息安全標準化技術委員會正與內地的科技巨企合作起草有關人臉識別科技的國家標準。在歐盟，歐盟委員會於2020年2月發表了一份有關人工智能的白皮書，當中呼籲歐洲各國就人臉識別科技展開討論以回應社會的關注。

在香港，《私隱條例》是科技中立的，亦非禁制性。隨著人臉識別科技變得越來越普遍，社會各界應多加討論有關使用此科技的適當規例或指引，以便在科技使用者和公眾之間建立信任。

Although the legal requirements in personal data protection may vary in different jurisdictions due to their different cultures and different stages of development, some new data protection concepts or requirements were gaining traction, such as mandatory data breach notification, extra-territorial application of the laws, data portability right (to be discussed below) and the power to impose administrative fines by data protection authorities. There was clearly a perceptible convergence in global privacy regulation towards a new high-water mark set by the GDPR of the EU.

FACIAL RECOGNITION TECHNOLOGY

Deployment of facial recognition technology is increasingly common around the world.

The increase in deployment of facial recognition technology gave rise to concerns about privacy and prompted regulation in some countries. In the US, several states and cities banned the use of facial recognition in certain situations. In the mainland of China, a national standard on the use of facial recognition technology was being drafted by the National Information Security Standardisation Technical Committee in collaboration with mainland technology companies. In the EU, the European Commission published a white paper on artificial intelligence in February 2020, in which a broad European debate on the use of facial recognition was called for in order to address the concerns of the society.

In Hong Kong, the PDPO is technology neutral and not prohibitive. As facial recognition technology becomes more common, society should have more discussion on the appropriate regulation or guidelines for its use in order to build trust among users of the technology and the general public.

資料可攜權日益受到關注

資料可攜權此私隱權在世界各地日益受到重視。自歐盟的《通用數據保障條例》引入資料可攜權為其中一項關鍵私隱權後，澳洲、美國加州、印度、新加坡和泰國等許多司法管轄區亦已經或計劃將此權利納入其法例中。

資料可攜權容許個人將其個人資料以機器可讀的格式從一個機構轉移到另一個機構。資料可攜權與傳統的資料查閱權類似。但是，資料查閱權的成效因為科技日新月異（尤其是電子儲存和處理大量資料的能力的提升）而受到侵蝕。例如，即使個人可以通過下載檔案查閱其個人資料，但這些檔案中的數據對他可能並無意義，加上如果有關數據並非以通用及機器可讀的格式提供，這些數據也可能無法被其他公司進一步使用。

從保障個人資料的角度來看，資料可攜權的目的是令個人對自己的個人資料有更大的控制，並幫助他們將資料轉到其他服務供應商。資料可攜權亦會通過促進數據經濟中的競爭和創新帶來更廣泛的經濟利益。

資料可攜權同時觸及資料保障、消費者保障和競爭事務的監管機構的職權範圍。此外，為了充分發揮資料可攜權的潛力和益處，還需要一套可互操作性的標準。因此，監管機構、標準制定機構和業務經營者有需要跨界別合作。有關這題目的政策討論有望帶來新的氣象，使個人獲得對其個人資料的更大控制，及使企業獲得更多有價值的數據以助創新。

DATA PORTABILITY RIGHT GAINING TRACTION

Data portability is a privacy right that has gained increasing momentum worldwide. It was one of the key privacy rights introduced in the GDPR of the EU. A number of other jurisdictions such as Australia, California of US, India, Singapore and Thailand have since proposed to incorporate or incorporated data portability right into their legislation.

Data portability right empowers an individual to direct his or her personal data to be transferred from one organisation to another in a machine-readable format. Data portability right is analogous to the traditional data access right. However, advances in technology – particularly improvements in the capacity to store and process vast quantities of data electronically – are eroding the effectiveness of the data access right. For example, even though an individual can access his personal data via a downloadable file, that data may not be meaningful to the individual, and probably cannot be further used by another company if it is not provided in a commonly-used and machine-readable format.

From a personal data protection perspective, the goal of data portability is to increase individuals' control over their own personal data, and to facilitate moving the data to other service providers. The wider economic benefit of data portability right is the promotion of competition and innovation in the data economy.

Data portability right touches on the remits of data protection, consumer protection and competition regulators. In addition, to reap the full potential and benefits of data portability, an interoperable standard for data transfer is needed. Therefore, interdisciplinary collaboration amongst regulators, standard-setting bodies and business operators is warranted. The ongoing policy dialogue on this subject will hopefully bring in a new paradigm in which individuals will gain greater control over their personal data and businesses will obtain more valuable data for innovation.



環球私隱議會

環球私隱議會(前稱國際資料保障及私隱專員會議)是全球私隱專員的一個領先平台。私隱專員於2019年10月出席於阿爾巴尼亞地拉那舉行的第四十一屆會議，大會的主題為「趨向一致與連通：在數據年代提升全球數據保障標準」。

私隱專員於大會上，聯同其他成員共同推動多項個人資料保障議題，包括會議組織的未來策略發展方向、打擊在社交媒體及網上涉及暴力、仇恨言論和極端主張內容等。該等議題全獲大會通過。

私隱專員自2018年起成為人工智能的道德與數據保障常設工作小組聯席主席。他於會議上以聯席主席的身份向大會報告最新的工作情況，包括提交就去年大會人工智能的道德與數據保障決議案中的原則及方向而進行的公眾諮詢的結果。

另一方面，私隱公署加入了新的國際執法合作常設小組，並成為亞洲地區的區域推動者，以促進、鼓勵和支持在其地區或語言網絡中的小組成員，並增強其地區或語言網絡成員的聲音和對小組的貢獻。

GLOBAL PRIVACY ASSEMBLY

Formerly known as the International Conference of Data Protection and Privacy Commissioners (ICDPPC), the Global Privacy Assembly (GPA) is the leading forum for privacy commissioners from around the world. The Privacy Commissioner attended the 41st conference in Tirana, Albania in October 2019. The theme of the conference was “Convergence and Connectivity: Raising Global Data Protection Standards in the Digital Age”.

The Privacy Commissioner, joining forces with other members, promoted a number of resolutions on various personal data protection issues, including ICDPPC’s policy strategy, and combating violent, hatred and extremist content on social media online, etc. All proposed resolutions were adopted at the conference.

The Privacy Commissioner has been a Co-chair of GPA Working Group on Ethics and Data Protection in Artificial Intelligence since 2018. He reported on the latest initiatives of the working group during the conference, including the public consultation results of the principles and directions on data ethics and data protection in artificial intelligence set out at last year’s conference.

Moreover, PCPD had joined the International Enforcement Cooperation Permanent Working Group (IEWG) and become the regional booster of the Asian region, with a view to promoting, encouraging and supporting membership of the IEWG in their geographic region or linguistic network; and amplifying the views and contributions of members of their region or linguistic network to the rest of the group.



亞太區私隱機構

「亞太區私隱機構」是亞太區私隱機構建立伙伴關係的主要平台，並就有關私隱的法規、最新科技發展、處理查詢及投訴交流意見。亞太區私隱機構論壇每半年舉行一次。

私隱專員分別於2019年5月及12月，在日本東京及菲律賓宿霧出席第五十一屆及第五十二屆亞太區私隱機構論壇。

私隱專員在第五十一屆亞太區私隱機構論壇，與新加坡個人資料保護委員會副專員簽訂諒解備忘錄，進一步加強兩地就個人資料保障方面的合作關係。

私隱專員在第五十二屆亞太區私隱機構論壇解釋香港社會事件所觸發與個人資料有關的議題及其他事宜，並呼籲加強區域合作，建議建立雙邊或多邊援助機制，並採用國際認可的標準或認證，以減輕跨地區執法的挑戰。

ASIA PACIFIC PRIVACY AUTHORITIES (APPA)

The APPA is the principal forum for privacy authorities in the Asia Pacific region to form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy enquiries and complaints. APPA Forum is held twice a year.

The Privacy Commissioner attended the 51st and 52nd APPA Forums, held in Tokyo, Japan and Cebu, the Philippines in May and December 2019 respectively.

In the 51st APPA Forum, the Privacy Commissioner and the Deputy Commissioner of Singapore's Personal Data Protection Commission furthered their warm relations by signing a Memorandum of Understanding to strengthen cooperation in personal data protection in the two jurisdictions.

In the 52nd APPA Forum, the Privacy Commissioner explained the issues relating to personal data arising from social incidents in Hong Kong, and called for strengthening inter-regional collaboration and suggested to develop a bilateral or multilateral assistance mechanism and to adopt an internationally accepted standard or certification to mitigate challenges in cross-region enforcement.





全球私隱執法機關網絡

全球私隱執法機關網絡促進私隱執法機構的跨境合作。私隱公署於2019年5月與澳門個人資料保護辦公室聯席主持第三屆全球私隱執法機關網絡執法人員研討會，研討會的主題為「通力合作 應對數碼時代資料外洩事故新常態」，吸引了60名來自14個司法管轄區(包括澳洲、加拿大、德國、以色列、日本、摩洛哥、新西蘭、菲律賓、新加坡、英國、美國等)的代表團成員，以及消費者保障、司法和警察部隊專家的參與。公署亦有參與每月舉行的電話會議，以促進網絡成員之間的知識交流。

GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN)

The GPEN seeks to foster cross-border cooperation among privacy enforcement authorities. In May 2019, PCPD co-hosted 3rd GPEN Enforcement Practitioners' Workshop with the Office for Personal Data Protection (GPDP), Macao. The Workshop, themed on "Collaborate to Take on the New Norm of Data Breaches in the Digital Age", attracted 60 delegates from 14 jurisdictions (including those from Australia, Canada, Germany, Israel, Japan, Morocco, New Zealand, the Philippines, Singapore, the United Kingdom, the United States, etc.), as well as experts in consumer protection, judiciary and police force. PCPD has also participated monthly teleconference for knowledge sharing among GPEN members.

與海外及內地資料保障機構及私隱專家的交流

EXCHANGES WITH OVERSEAS AND MAINLAND DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

17-19.05.2019	<p>在杭州出席新興技術與數據治理國際研討會，發表「數字化時代的隱私保護問題」演講 Presentation on "Privacy Protection in the Digital Age" at the International Symposium on Data Governance and Emerging Technologies in Hangzhou, China</p>	
23.05.2019	<p>在韓國延世大學舉辦的亞洲私隱橋樑研討會發表「數碼革命中的資料保護」演講 Presentation on "Data Protection in Digital Revolution" at the Asia Privacy Bridge Forum organised by Yonsei University, Korea</p>	
27-28.06.2019	<p>於2019世界移動通訊大會(上海)中「數據信任與安全高峰論壇」主題環節上發表「數據安全，私隱與信任：數碼生態系統的三大基石」的演講 Presentation on "Data Security, Privacy & Trust: The Three Cornerstones of Digital Ecosystem" in "Data Trust & Security Summit" at the Mobile World Congress Shanghai 2019</p>	
15-16.07.2019	<p>出席由國際私隱專業人員協會於新加坡舉行的2019年亞洲私隱論壇並發表論壇主題演講 Delivered an opening keynote speech for the 2019 Asia Privacy Forum organised by the IAPP in Singapore</p>	



接待海外及內地訪客

RECEPTION OF OVERSEAS AND MAINLAND DELEGATIONS

在報告年度內，私隱公署曾接待以下代表團：

During the reporting year, PCPD received the following delegations:

24.05.2019	<p>接待香港城市大學司法教育與研究中心籌辦之第十四屆中國高級法官研修班課程的學員 Received a group of scholars from the 14th Advanced Programme for Chinese Senior Judges organised by the City University of Hong Kong</p>	
27.05.2019	<p>接待由律政司安排的「法律工作人員普通法訓練計劃」訪問團 Received a delegation of "Common Law Training Scheme" arranged by the Department of Justice</p>	
14.06.2019	<p>接待青海省官員訪問團 Received government officials from Qing Hai Province</p>	
16.10.2019	<p>接待來自國內的高級法官訪問團 Received a delegation of senior judges from the mainland of China</p>	
15.11.2019	<p>接待來自上海的法官訪問團 Received a delegation of judges from Shanghai</p>	



建立高質素的專業團隊 BUILDING A HIGH-QUALITY PROFESSIONAL TEAM



忠誠·效率及成本效益

私隱公署一直透過不同措施提升士氣和效率，提供相關培訓，對員工的努力作出嘉許，同時致力精簡程序，以建立團隊最高水平的忠誠和歸屬感，並加強工作成本效益。

LOYALTY, EFFICIENCY AND COST-EFFECTIVENESS

PCPD makes continuous efforts to enhance staff morale and efficiency, provide relevant training, promote staff recognition, and at the same time streamline work procedures. We aim to build the highest standards of loyalty and sense of belonging, and meanwhile enhance cost-effectiveness.





高水平的機構管治是私隱公署不可或缺的一環。我們奉行具透明度及問責的原則行事，致力善用資源以達致經濟效益、效率及效用，以維持良好的機構管治。

同心抗疫

隨着香港於2020年1月出現首宗確診2019冠狀病毒病個案後，私隱公署作出特別工作安排，務求在防疫抗疫的同時，維持合理的服務水平。

為減低2019冠狀病毒病在社區傳播風險，並考慮到政府採取的措施，私隱公署建議員工在家工作，並提供大致上接近正常的服務。此外，資訊科技部為公署提供穩定和安全的電腦支援，在疫情期間確保員工在家亦能順暢及高效工作。

另一方面，私隱公署亦積極採取防疫措施，包括為員工提供口罩及個人防疫物資、加強辦公室消毒及清潔服務，以及增添空氣淨化設備，確保辦公室工作環境的衛生。

內部管控

私隱公署一直沿用嚴格的內部管控制度、適當的申報機制及程序，確保公署的資源得到最恰當和具成本效益的運用。每年公署均對財務、人事和管理有關的事宜進行內部循規審查。2018/19年度的審查於2019年10月至12月期間進行。是次審查發現四個不符規情況，公署已作出改善及跟進行動，並將結果呈交個人資料(私隱)諮詢委員會。

High standard of corporate governance is indispensable to PCPD. While pursuing the principles of transparency and accountability, we are committed to making good use of resources to achieve economic effectiveness, efficiency and utility, and to maintain good corporate governance.

TOGETHER, WE FIGHT THE VIRUS

Subsequent to the first confirmed case of COVID-19 in Hong Kong in January 2020, PCPD made special work arrangements to maintain its services at a reasonable level during the anti-pandemic period.

To minimise the risk of COVID-19 spreading in the community and having regard to the Government's approach, PCPD advised its staff to work from home to provide overall close-to-normal services. Moreover, the Information Communications Technology Section rendered reliable and secure IT support enabling smooth and efficient operation of staff working from home.

Besides, active preventive measures had been taken, including provision of facial masks and personal hygiene items to staff, strengthening office disinfection and cleaning services, and addition of air purifiers to ensure good workplace hygiene.

INTERNAL CONTROL

Stringent internal control systems, appropriate reporting mechanism and procedures and processes are in place to ensure that PCPD utilises its resources in the most proper and cost-effective manner. Annual Internal Compliance Check (ICC) is conducted on areas related to finance, personnel and administration. 2018-19 ICC was conducted between October and December 2019. Four irregularities were identified and appropriate remedial or follow-up actions were taken. The findings were presented to the Personal Data (Privacy) Advisory Committee.



辦公地方

因應私隱公署計劃增聘人手，我們在擴充辦公室的面積時重新設計辦公室的間格，以容納更多員工和充分利用所有空間。公署從成本效益及運作需要的角度仔細考慮不同方案，並嚴格遵從2009年審計署署長報告書的建議，盡量採用開放式設計。開放式的設計除了增加同一空間內能容納的員工數目外，亦能減少同事間的隔膜。

提升服務質素

私隱公署於年內初期完成優化演講廳的設備，更換了更大及更清晰的顯示屏及音效設備，以有效向公署舉辦的講座及研習班的參加者提供保障個人資料的訊息。

碳排放管理

私隱公署致力減少溫室氣體排放，為保護環境作出貢獻。為此，公署實行一連串有效減少碳排放的措施，包括定期清洗冷氣系統、於窗戶貼上防紫外光隔熱膜、善用視像會議器材、購買含再造物料的打印紙、提供回收箱鼓勵回收，以及在可行時使用日光照明並關掉電燈。此等措施均令公署節省能源。在過去一年，公署的耗電量比上年同期減少4%。

OFFICE ACCOMMODATION

To cope with the plan to increase manpower, the office layout had to be re-designed to accommodate more employees and to maximise the use of all the space. PCPD took cost-effectiveness and operational needs into account when deliberating different options. The recommendations in the Director of Audit's Report of 2009 had also been strictly followed. Open floor plan with no partition was adopted as far as possible to accommodate a larger number of employees in the same area, and to minimise estrangement among colleagues.

SERVICE ENHANCEMENT

PCPD completed upgrading the equipment of the lecture room early in the reporting year. A larger screen and more sophisticated audio equipment were brought in for effective delivery of personal data protection information to participants of seminars and workshops.

CARBON EMISSION MANAGEMENT

We strive to reduce greenhouse gas (GHG) emissions for environmental protection. In this regard, a series of effective actions were taken to reduce GHG emissions, including regular cleaning of air-conditioning system, posting solar control window films, making good use of video-conferencing equipment, purchase of printing paper containing recycled material, provision of waste separation bins, and turning off lights when sufficient sunlight is available. In the reporting year, all these actions helped PCPD reduce electricity consumption by 4% year on year.

員工晉升及培訓

私隱公署透過工作表現評核，瞭解員工的潛能。公署根據公平及公正的工作表現評核和內部晉升階梯，在年內晉升了兩名員工，並對八名員工作出嘉許，以示公署對有出色表現的員工的認同。

另外，私隱公署透過崗位輪調，擴闊員工眼界，並鼓勵員工不斷學習，裝備自己。此外，公署為各級員工安排內部和外間培訓，當中包括：

- 亞太區私隱機構論壇
- 全球私隱執法機關網絡執法人員研討會
- 領導/管理課程
- 專家報告書寫技巧課程
- 調查技巧班
- 資訊安全高峰會
- 資訊科技的警覺性 – 網絡安全分享會
- 入職培訓



STAFF PROMOTION AND TRAINING

We explore staff members' potential through performance appraisal reviews. In accordance with our fair and just performance appraisal reviews and promotion pathway, two officers were promoted and eight officers were commended during the reporting year for their commendable performance.

In addition, job rotations are available to broaden exposure and staff members are encouraged to engage in ongoing learning to equip themselves. Moreover, both in-house and external training sessions were arranged for staff of different ranks. These included:

- Asia Pacific Privacy Authorities Forum
- GPEN Enforcement Practitioners' Workshop
- Leadership Development Programme/Management Development Programme
- The Expert's Report
- Investigation skills programme
- Information Security Summit
- IT Security Awareness – Cybersecurity
- New staff orientation



為使員工可更有效地履行其職責，凡獲私隱公署推薦或自發參與由外間機構舉辦、與工作有關的培訓課程之員工，均可獲全額或部分學費資助。

私隱公署今年再度榮獲僱員再培訓局嘉許為「政府部門、公營機構及非政府機構」類別的「人才企業」，這是公署繼2018年後再度獲得這項兩年一度的殊榮。

專業精神 再獲肯定

兩名私隱公署員工榮獲「2019年申訴專員嘉許獎」公職人員獎，以表揚他們在處理查詢和投訴時的卓越及專業表現。公署職員已連續第三年榮獲此獎項。

嘉許

年內，私隱公署接獲9封來自公眾人士及不同機構的感謝信和讚賞，我們會繼續堅定地以專業態度服務市民。

招聘

私隱公署在年內為不同職級進行多次公開招聘，吸納多方面人才。年內公署共聘請19名員工加入公署各部門，以應付公眾對我們的專業及優質服務的需求。

促進溝通

員工是私隱公署的重要資產，因此公署十分重視與員工的溝通，以及員工的工作環境和福利。私隱專員不時與各部門同事作深入對話，了解同事在工作上遇到的困難，和分享當得到市民支持時的喜悅。公署亦會透過電郵、內聯網和與全體員工會面，向各員工公布公署的最新動向，讓他們了解公署主要工作的進度。

此外，私隱公署設有職員協商委員會，委員會由管理層和各部門代表組成，員工可透過部門代表反映對福利方面的意見。

慈善活動

私隱公署對推動各類公益慈善活動不遺餘力。年內公署員工共參與五項慈善活動，包括「公益綠識日」、「愛牙日」、「公益金百萬行」、「公益金便服日」和「公益行善『折』食日」。

Staff members attending PCPD-initiated or self-initiated job-related training are sponsored on a full or partial reimbursement basis for honing their skills for more effective discharge of their duties.

This year, PCPD once again had been awarded “Manpower Developer” in the “Government Department, Public Body and NGO” category by the Employees Retraining Board. This status of achievement was first bestowed on PCPD in 2018.

PUBLIC MISSION WELL RECEIVED

Two PCPD staff members had been awarded the Individual Awards for Officers of Public Organisations in “The Ombudsman’s Awards 2019” for their exemplary performance and professionalism in handling enquiries and complaints. PCPD staff members had been bestowed the Awards for three consecutive years.

STAFF COMMENDATION

Nine appreciation letters were received from individuals and organisations during the reporting year to recognise our staff’s dedication. We would remain steadfast in our commitment to serving the public with professionalism.

RECRUITMENT

During the reporting year, PCPD conducted open recruitment exercises for various ranks to scout for talent. 19 new colleagues joined PCPD in various divisions to cope with the demand for professional and quality services.

FOSTERING COMMUNICATION

Staff is important asset of PCPD. Hence, we place great emphasis on communication with staff, as well as their work environment and well-being. The Privacy Commissioner maintains close dialogue with all staff to understand their difficulties in daily work and to share the joy of receiving public support. Staff members are updated about PCPD’s major work initiatives via emails, Intranet and meetings.

Moreover, the Staff Consultative Group, comprising the Management and staff representatives from different divisions, serves as a platform for staff members to express their opinions on matters concerning their well-being.

CHARITY EVENTS

We spare no effort to promote charity events. During the reporting year, we participated in five charity activities, namely Green Day, Love Teeth Day, Walk for Millions, Dress Casual Day, and Skip Lunch Day.



財務報表 FINANCIAL STATEMENTS



問責及透明度

私隱公署以問責及具透明度的原則理財。我們保持高水平的企業管治，善用資源，以符合效率及效益。

ACCOUNTABILITY AND TRANSPARENCY

Accountability and transparency are the foundation of PCPD's financial management. We maintain high standards of corporate governance and maximise the utilisation of resources to achieve efficiency and effectiveness.



獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

致：個人資料私隱專員

(依據《個人資料(私隱)條例》在香港成立的單一法團)

意見

本核數師(以下簡稱「我們」)已審核列載於第157至179頁個人資料私隱專員的財務報表，此財務報表包括於2020年3月31日的財務狀況表與截至該日止年度的全面收益表、資金變動表及現金流量表，以及財務報表附註(包括重要會計政策概要)。

我們認為，該等財務報表已根據香港會計師公會發出的《香港財務報告準則》真實而公平地反映個人資料私隱專員於2020年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

意見基準

我們已根據香港會計師公會頒佈的《香港核數準則》進行審核。我們於該等準則下的責任已於本報告的「核數師就審核財務報表須承擔的責任」一節進一步闡述。我們根據香港會計師公會制定的《專業會計師職業道德守則》(「守則」)獨立於個人資料私隱專員，我們亦已根據守則達致我們的其他道德責任。我們認為我們所獲得的審核憑證屬充足及適當以為我們的意見提供基準。

財務報表及其核數師報告以外的資料

個人資料私隱專員負責編製其他資料。其他資料包括年報所載的資料，但不包括財務報表及我們就此的核數師報告。

我們有關財務報表的意見並不涵蓋其他資料，我們並不會就此發表任何形式的核證結論。

就我們對財務報表的審核而言，我們的責任是閱讀其他資料，從而考慮其他資料是否與財務報表或我們在審核過程中獲悉的資料存在重大不符，或存在重大錯誤陳述。如我們基於已完成的工作認為其他資料出現重大錯誤陳述，我們須報告此一事實。我們就此並無報告事項。

THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A CORPORATION SOLE IN HONG KONG ESTABLISHED UNDER THE PERSONAL DATA (PRIVACY) ORDINANCE)

OPINION

We have audited the financial statements of The Privacy Commissioner for Personal Data (PCPD) set out on pages 157 to 179, which comprise the statement of financial position as at 31 March 2020, the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of PCPD as at 31 March 2020, and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

BASIS FOR OPINION

We conducted our audit in accordance with Hong Kong Standards on Auditing ("HKSA") issued by the HKICPA. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of PCPD in accordance with the HKICPA's Code of Ethics for Professional Accountants ("the Code"), and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

INFORMATION OTHER THAN THE FINANCIAL STATEMENTS AND AUDITOR'S REPORT THEREON

The Privacy Commissioner is responsible for the other information. The other information comprises the information included in the annual report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

個人資料私隱專員及管治層就財務報表須承擔的責任

個人資料私隱專員須負責根據香港會計師公會頒佈的《香港財務報告準則》編製真實而公平的財務報表，及落實其認為編製財務報表所必要的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

在編製財務報表時，個人資料私隱專員須負責評估其持續經營的能力，並披露與持續經營有關的事項（如適用）。除非個人資料私隱專員有意清盤，或停止營運，或除此之外並無其他實際可行的辦法，否則個人資料私隱專員須採用以持續經營為基礎的會計法。

管治層須負責監督個人資料私隱專員的財務報告流程。

核數師就審核財務報表須承擔的責任

我們的目標，是對整體財務報表是否不存在由於欺詐或錯誤而導致的重大錯誤陳述取得合理保證，並作出包括我們意見的核數師報告。本報告是根據協定的委聘條款僅向個人資料私隱專員作出，除此之外別無其他目的。我們不會就本報告的內容向任何其他人士負上或承擔任何責任。合理保證是高水平的保證，但不能保證按照《香港核數準則》進行的審核在某一重大錯誤陳述存在時總能發現。錯誤陳述可以由欺詐或錯誤引起，如合理預期它們個別或匯總起來可能影響財務報表的使用者所作出的經濟決定，則有關的錯誤陳述可被視作重大。

我們根據《香港核數準則》進行審核的工作之一，是運用專業判斷，在整個審核過程中保持專業懷疑態度。我們亦：

- 識別和評估由於欺詐或錯誤而導致財務報表存在重大錯誤陳述的風險，設計及執行審核程序以應對該等風險，以及取得充足和適當的審核憑證，作為我們意見的基礎。由於欺詐可能涉及串謀、偽造、蓄意遺漏、虛假陳述，或凌駕於內部控制之上，因此未能發現因欺詐而導致的重大錯誤陳述的風險高於因錯誤而導致的重大錯誤陳述的風險。

RESPONSIBILITIES OF THE PRIVACY COMMISSIONER AND THOSE CHARGED WITH GOVERNANCE FOR THE FINANCIAL STATEMENTS

The Privacy Commissioner is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA, and for such internal control as the Privacy Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Privacy Commissioner is responsible for assessing PCPD's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Privacy Commissioner either intends to liquidate PCPD or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing PCPD's financial reporting process.

AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with the agreed terms of engagement, and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.



獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

- 了解與審核相關的內部控制，以設計適當的審核程序，但目的並非對個人資料私隱專員內部控制的效能發表意見。
- 評價個人資料私隱專員所採用會計政策的恰當性及所作出會計估計和相關披露資料的合理性。
- 對個人資料私隱專員採用持續經營會計基礎的恰當性作出結論。根據所得的審核憑證，決定是否存在與事件或情況有關的重大不確定性，而可能對個人資料私隱專員持續經營的能力構成重大疑慮。如我們認為存在重大不確定性，則有必要在核數師報告中提請使用者對財務報表中的相關披露資料的關注。如有關的披露資料不足，則修訂我們的意見。我們的結論是基於截至核數師報告日期所取得的審核憑證。然而，未來事件或情況可能導致個人資料私隱專員不能繼續持續經營。
- 評價財務報表(包括披露資料)的整體列報方式、結構及內容，以及財務報表是否公允反映有關交易和事項。
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of PCPD's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Privacy Commissioner.
- Conclude on the appropriateness of the Privacy Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on PCPD's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause PCPD to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

我們與管治層就不同事項進行溝通，當中包括計劃的審核範圍、時間安排、重大審核發現，包括我們在審核期間識別出內部控制的任何重大缺陷。

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

黃龍德會計師事務所有限公司

執業會計師

曾卓鋒
FCPA (Practising), MSCA
香港執業資深會計師

執業證書號碼: P06369

香港，2020年7月17日

PATRICK WONG C.P.A. LIMITED

Certified Public Accountants

TSANG CHEUK FUNG ANDY
FCPA (Practising), MSCA
Certified Public Accountant (Practising), Hong Kong

Practising Certificate Number: P06369

Hong Kong, 17 July 2020

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至2020年3月31日止年度 Year ended 31 March 2020

	附註 Notes	2020 \$	2019 \$
收入	Income		
政府補助金	Government subventions 6	83,976,872	78,325,974
顧問費收入	Consultancy fee income	–	2,016,000
有關電子健康紀錄 互通系統執法工作的 政府資助金	Government funding for enforcement work related to the Electronic Health Record Sharing System	–	2,305,625
銀行利息	Bank interest	655,231	531,873
講座收費	Seminar fees	1,558,530	1,458,310
會員費	Membership fees	125,400	118,700
刊物銷售	Sales of publications	2,500	2,500
處置物業、機器及 設備的收益	Gain on disposal of property, plant and equipment	–	1,000
雜項收入	Miscellaneous income	24,893	30,352
		86,343,426	84,790,334
支出	Expenditure		
核數師酬金	Auditor's remuneration	55,000	58,000
行政費用	Administrative expenses	1,672,443	1,417,517
顧問服務	Consultancy services	1,050,000	2,507,163
物業、機器及 設備的折舊	Depreciation of property, plant and equipment		
– 由資本補助金支付	– financed by capital subvention fund 10	282,198	160,400
– 由其他資金來源支付	– financed by other sources of funds 10	10,703,873	1,625,330
僱員薪俸	Staff emoluments 7	64,668,500	60,714,445
辦公室的營運 租賃租金	Operating lease rentals in respect of office premises 4	194,080	7,878,877
海外訪問/會議支出	Overseas visit/conference	491,543	528,994
宣傳推廣及教育支出	Promotion and education expenses	2,002,028	1,965,617
法律協助計劃	Legal assistance scheme	39,973	32,430
處置物業、機器及 設備的損失	Loss on disposal of property, plant and equipment	6,473	4,705
其他營運費用	Other operating expenses	3,477,154	4,570,997
租賃負債利息	Interest on lease liabilities 19	269,889	–
		84,913,154	81,464,475
年內盈餘及 全面收益總額	Surplus and total comprehensive income for the year	1,430,272	3,325,859

第161至179頁的附註屬本財務報表的組成部分。

The notes on pages 161 to 179 are an integral part of these financial statements.



財務狀況表 STATEMENT OF FINANCIAL POSITION

於2020年3月31日 At 31 March 2020

	附註 Notes	2020 \$	2019 \$
非流動資產	Non-current asset		
物業、機器及設備	Property, plant and equipment 10	14,024,287	7,564,616
流動資產	Current assets		
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments	867,547	292,698
銀行結存及現金	Bank balances and cash 11	36,422,183	31,797,008
		37,289,730	32,089,706
流動負債	Current liabilities		
應付款項及應計費用	Accounts payable and accruals	1,075,776	2,014,188
職員約滿酬金撥備	Provision for staff gratuity 12	4,406,609	4,542,647
未放取年假撥備	Provision for unutilised annual leave	1,323,015	1,726,150
預收政府補助金	Government subvention received in advance 13	9,729,933	5,819,933
租賃負債	Lease liabilities 14, 19	6,662,876	–
		23,198,209	14,102,918
流動資產淨值	Net current assets	14,091,521	17,986,788
資產總額減流動負債	Total assets less current liabilities	28,115,808	25,551,404
非流動負債	Non-current liabilities		
政府的約滿酬金補助款	Government subvention for gratuity 15	3,390,921	3,386,003
職員約滿酬金撥備	Provision for staff gratuity 12	1,625,657	2,403,129
資本補助金	Capital subvention fund 16	2,315,779	409,093
		7,332,357	6,198,225
資產淨值	Net assets	20,783,451	19,353,179
資金	Funds		
一般儲備	General reserve 17	20,783,451	19,353,179

本財務報表已於2020年7月17日獲私隱專員批准及授權刊發

Approved and authorised for issue by the Privacy Commissioner on 17 July 2020

黃繼兒

香港個人資料私隱專員

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

第161至179頁的附註屬本財務報表的組成部分。

The notes on pages 161 to 179 are an integral part of these financial statements.

資金變動表 STATEMENT OF CHANGES IN FUNDS

截至 2020 年 3 月 31 日止年度 Year ended 31 March 2020

		全面收益表 Statement of comprehensive income \$	一般儲備 General reserve \$	總計 Total \$
於 2018 年 4 月 1 日的結餘	Balance at 1 April 2018	–	18,647,320	18,647,320
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	3,325,859	–	3,325,859
調撥	Transfer	(3,325,859)	3,325,859	–
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(2,620,000)	(2,620,000)
於 2019 年 3 月 31 日及 2019 年 4 月 1 日的結餘	Balances at 31 March 2019 and at 1 April 2019	–	19,353,179	19,353,179
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	1,430,272	–	1,430,272
調撥	Transfer	(1,430,272)	1,430,272	–
於 2020 年 3 月 31 日的結餘	Balance at 31 March 2020	–	20,783,451	20,783,451

第 161 至 179 頁的附註屬本財務報表的組成部分。

The notes on pages 161 to 179 are an integral part of these financial statements.



現金流量表 STATEMENT OF CASH FLOWS

截至2020年3月31日止年度 Year ended 31 March 2020

	附註 Notes	2020 \$	2019 \$
營運活動	Operating activities		
年內盈餘	Surplus for the year	1,430,272	3,325,859
調整：	Adjustments for:-		
- 折舊支出	- Depreciation expense	10,986,071	1,785,730
- 處置物業、機器及設備的損失	- Loss on disposal of property, plant and equipment	6,473	4,705
- 利息收入	- Interest income	(655,231)	(531,873)
- 租賃負債利息	- Interest on lease liabilities	269,889	-
- 政府收回上年盈餘	- Previous year's surplus recovered by Government	-	(2,620,000)
營運資本變動前的營運盈餘	Operating surplus before working capital changes	12,037,474	1,964,421
應收款項、按金及預付款項(增加)/減少	(Increase)/decrease in accounts receivable, deposits and prepayments	(545,869)	254,422
應付款項及應計費用(減少)/增加	(Decrease)/increase in accounts payable and accruals	(938,412)	1,613,029
職員約滿酬金撥備(減少)/增加	(Decrease)/increase in provision for staff gratuity	(913,510)	1,443,715
未放取年假撥備(減少)/增加	(Decrease)/increase in provision for unutilised annual leave	(403,135)	157,367
預收政府補助金增加	Increase in government subvention received in advance	3,910,000	1,419,933
預收政府費用減少	Decrease in government fee received in advance	-	(2,016,000)
政府的約滿酬金補助款增加	Increase in government subvention for gratuity	4,918	33,493
資本補助金增加/(減少)	Increase/(decrease) in capital subvention fund	1,906,686	(160,400)
營運活動所得現金淨額	Net cash generated from operating activities	15,058,152	4,709,980
投資活動	Investing activities		
收取利息	Interest received	626,251	511,609
三個月以上之短期銀行存款增加	Increase in short-term bank deposits with maturity more than three months	(214,994)	(163,907)
購置物業、機器及設備的付款	Payments for property, plant and equipment	(3,052,950)	(6,597,889)
投資活動所用現金淨額	Net cash used in investing activities	(2,641,693)	(6,250,187)
融資活動	Financing activities		
已付租賃負債本金	Capital element of lease rentals paid	(7,736,389)	-
已付租賃負債利息	Interest element of lease rentals paid	(269,889)	-
融資活動所用現金淨額	Net cash used in financing activities	(8,006,278)	-
現金及現金等值的增加/(減少)	Net increase/(decrease) in cash and cash equivalents	4,410,181	(1,540,207)
年初的現金及現金等值	Cash and cash equivalents at the beginning of year	22,186,926	23,727,133
年底的現金及現金等值	Cash and cash equivalents at the end of year	26,597,107	22,186,926
現金及現金等值結存分析	Analysis of balances of cash and cash equivalents		
銀行結存及現金	Bank balances and cash	36,422,183	31,797,008
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months	(9,825,076)	(9,610,082)
年底的現金及現金等值	Cash and cash equivalents at the end of the year	26,597,107	22,186,926

第161至179頁的附註屬本財務報表的組成部分。

The notes on pages 161 to 179 are an integral part of these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

1. 一般資料

個人資料私隱專員是根據1995年8月3日制定的《個人資料(私隱)條例》而於香港設立的單一法團，目的是要在個人資料方面保障個人的私隱，並就附帶及相關事宜訂定條文。註冊辦事處地址為香港灣仔皇后大道東248號陽光中心12樓。

2. 遵從《香港財務報告準則》的聲明

個人資料私隱專員的財務報表是按照香港會計師公會頒佈的所有適用的《香港財務報告準則》(包含所有適用的個別《香港財務報告準則》、《香港會計準則》和詮釋)以及香港公認會計原則的規定編製。重要會計政策概要載列於附註3。

3. 重要會計政策概要

- (a) 財務報表的編製基準
編製本財務報表時是以歷史成本作為計量基礎。
- (b) 物業、機器及設備
物業、機器及設備於財務狀況表按成本扣除累積折舊和其後的減值虧損(如有)列帳。

折舊是以直線法在以下估計可使用年內沖銷其成本(已扣除剩餘價值)而予以確認：

擁有資產

汽車	3年
電腦及軟件	3年
辦公室設備	5年
家具及固定裝置	5年
租賃物業裝修工程	3年

使用權資產

租賃土地及樓宇	按租賃期
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估計可使用年期、剩餘價值及折舊方法會於各報告期末檢討，而任何估計變動的影響以預期基準列帳。

1. GENERAL INFORMATION

The Privacy Commissioner for Personal Data (PCPD) is a corporation sole established in Hong Kong under the Personal Data (Privacy) Ordinance 1995 enacted on 3 August 1995 for the purpose of protecting the privacy of individuals in relation to personal data and to provide for matters incidental thereto or connected therewith. The address of its registered office is 12/F, Sunlight Tower, 248 Queen's Road East, Wanchai, Hong Kong.

2. STATEMENT OF COMPLIANCE WITH HONG KONG FINANCIAL REPORTING STANDARDS

PCPD's financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA") and accounting principles generally accepted in Hong Kong. A summary of significant accounting policies is set out in note 3.

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

- (a) Basis of preparation of the financial statements
The measurement basis used in preparing the financial statement is historical cost.
- (b) Property, plant and equipment
Property, plant and equipment are stated in the statement of financial position at cost less accumulated depreciation and subsequent impairment losses, if any.

Depreciation is recognised so as to write off the cost of assets less their residual values over their estimated useful lives, using the straight-line method, as follows:-

Owned assets

Motor vehicle	3 years
Computers and software	3 years
Office equipment	5 years
Furniture and fixtures	5 years
Leasehold improvements	3 years

Right-of-use asset

Leasehold land and building	Over the lease term
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The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate accounted for on a prospective basis.



財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

3. 重要會計政策概要(續)

- (b) 物業、機器及設備(續)
物業、機器及設備項目於出售或當預期持續使用該資產不再帶來未來經濟利益時終止確認。出售或廢棄物業、機器及設備項目產生之任何收益或虧損按出售所得款項與資產帳面值間之差額計算，並於全面收益表內確認。

- (c) 確認及終止確認金融工具
金融資產及金融負債於個人資料私隱專員成為工具合約條文的訂約方時，於財務狀況表確認。

當從資產收取現金流量的合約權利屆滿；個人資料私隱專員實質上轉移資產擁有權的所有風險及回報；或個人資料私隱專員沒有實質上轉移或保留資產擁有權的所有風險及回報但亦無保留資產的控制權時，金融資產會被終止確認。在終止確認金融資產時，資產帳面值與已收代價之差額於損益確認。

當有關合約的特定責任獲解除、取消或屆滿時，金融負債會被終止確認。終止確認的金融負債帳面值與已付代價之差額於損益確認。

- (d) 金融資產
金融資產按交易日基準確認及終止確認(其中金融資產的買賣所根據的合約條款規定須於有關市場設定的時限內交付金融資產)，並初步按公平值加直接應佔交易成本計量，惟按公平值計入損益的投資則除外。收購按公平值計入損益的投資之直接應佔交易成本即時於損益確認。

按攤銷成本計量的金融資產
撥歸此類的金融資產(包括貿易及其他應收款項)須同時符合下列兩項條件：

- 持有資產的業務模式是以收取合約現金流量為目標；及
- 資產的合約條款於特定日期產生僅為支付本金及未償還本金利息的現金流量。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- (b) Property, plant and equipment (continued)
An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on the disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in the statement of comprehensive income.

- (c) Recognition and derecognition of financial instruments
Financial assets and financial liabilities are recognised in the statement of financial position when PCPD becomes a party to the contractual provisions of the instruments.

Financial assets are derecognised when the contractual rights to receive cash flows from the assets expire; PCPD transfers substantially all the risks and rewards of ownership of the assets; or PCPD neither transfers nor retains substantially all the risks and rewards of ownership of the assets but has not retained control on the assets. On derecognition of a financial asset, the difference between the assets' carrying amount and the sum of the consideration received is recognised in profit or loss.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expired. The difference between the carrying amount of the financial liability derecognised and the consideration paid is recognised in profit or loss.

- (d) Financial assets
Financial assets are recognised and derecognised on a trade date basis where the purchase or sale of an asset is under a contract whose terms require delivery of the asset within the timeframe established by the market concerned, and are initially measured at fair value, plus directly attributable transaction costs except in the case of investments at fair value through profit or loss. Transaction costs directly attributable to the acquisition of investments at fair value through profit or loss are recognised immediately in profit or loss.

Financial assets at amortised cost
Financial assets (including trade and other receivables) are classified under this category if they satisfy both of the following conditions:

- the assets are held within a business model whose objective is to hold assets in order to collect contractual cash flows; and
- the contractual terms of the assets give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

3. 重要會計政策概要 (續)

- (d) 金融資產 (續)
按攤銷成本計量的金融資產其後以實際利率方式按攤銷成本減預期信貸虧損的虧損撥備計算。
- (e) 預期信貸虧損的虧損撥備
個人資料私隱專員就按攤銷成本計量的金融資產的預期信貸虧損確認虧損撥備。預期信貸虧損為加權平均信貸虧損，以發生違約風險的金額作為加權數值。

在各報告期末，如金融工具的信貸風險自初始確認以來大幅增加，個人資料私隱專員會就貿易應收款項按金融工具的預計有效期內，所有可能違約事件產生的預期信貸虧損（「全期預期信貸虧損」），計算該金融工具的虧損撥備。

如在報告期末，金融工具（貿易應收款項除外）的信貸風險自初始確認以來並無大幅增加，則個人資料私隱專員會按全期預期信貸虧損的部分，即報告期後12個月內，因可能發生的違約事件而預期產生的虧損，計算該金融工具的虧損撥備。

預期信貸虧損金額或為調整報告期末虧損撥備至所需金額所作撥回金額是於損益確認為減值收益或虧損。

- (f) 合約資產及合約負債
合約資產於個人資料私隱專員根據合約所載付款條款，於無條件享有該代價前確認收入時確認。合約資產根據附註3(e)所載政策評估預計信貸虧損，並於收取代價權利成為無條件時重新分類至應收款項。合約負債於客戶支付代價或在對代價具有無條件的權利（在此情況下，相應應收款項已確認）時，而在個人資料私隱專員確認相關收入前予以確認。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- (d) Financial assets (continued)
Financial assets at amortised cost are subsequently measured at amortised cost using the effective interest method less loss allowances for expected credit losses.
- (e) Loss allowances for expected credit losses
PCPD recognises loss allowances for expected credit losses on financial assets at amortised cost. Expected credit losses are the weighted average of credit losses with the respective risks of a default occurring as the weights.

At the end of each reporting period, PCPD measures the loss allowance for a financial instrument at an amount equal to the expected credit losses that result from all possible default events over the expected life of that financial instrument (“lifetime expected credit losses”) for trade receivables, or if the credit risk on that financial instrument has increased significantly since initial recognition.

If, at the end of the reporting period, the credit risk on a financial instrument (other than trade receivables) has not increased significantly since initial recognition, PCPD measures the loss allowance for that financial instrument at an amount equal to the portion of lifetime expected credit losses that represents the expected credit losses that result from default events on that financial instrument that are possible within 12 months after the reporting period.

The amount of expected credit losses or reversal to adjust the loss allowance at the end of the reporting period to the required amount is recognised in profit or loss as an impairment gain or loss.

- (f) Contract assets and contract liabilities
A contract asset is recognised when PCPD recognises revenue before being unconditionally entitled to the consideration under the payment terms set out in the contract. Contract assets are assessed for expected credit losses in accordance with the policy set out in note 3(e) and are reclassified to receivables when the right to the consideration has become unconditional. A contract liability is recognised when the customer pays consideration, or has an unconditional right to consideration (in such case, a corresponding receivable is recognised), before PCPD recognises the related revenue.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

3. 重要會計政策概要(續)

(g) 租賃

- (i) 租賃的定義(根據附註4所述之過渡安排而應用《香港財務報告準則》第16號後)
倘合約為換取代價而給予在一段時間內控制可識別資產使用的權利，則該合約屬於或包含租賃。

就於首次應用日期或之後訂立或修改而簽訂的合約而言，個人資料私隱專員根據《香港財務報告準則》第16號的定義於開始或修訂日期(視何者合適而定)評估該合約是否屬於或包含租賃。除非合約的條款及條件其後出現變動，否則有關合約將不予重新評估。

- (ii) 個人資料私隱專員作為承租人(根據附註4所述之過渡安排而應用《香港財務報告準則》第16號後)
短期租賃及低價值資產租賃
個人資料私隱專員將短期租賃確認豁免應用於租期自開始日期起計為期12個月或以下並且不包括購買選擇權的租賃。個人資料私隱專員亦對低價值資產租賃應用確認豁免。短期租賃及低價值資產租賃的租賃付款按直線法於租賃期內確認為開支。

使用權資產

使用權資產的成本包括：

- (a) 初始計量租賃負債的金額；
(b) 於開始日期或之前支付的任何租賃付款減去任何已收的租賃優惠；及
(c) 個人資料私隱專員產生的任何初始直接成本。

使用權資產按成本減任何累計折舊及減值虧損計量，並就租賃負債的任何重新計量作出調整。

如個人資料私隱專員合理確定會於租賃期限屆滿時取得相關租賃資產擁有權的使用權資產，該資產自開始日期至可使用年期結束計算折舊，否則使用權資產於估計可使用年期與租賃期限兩者的較短者以直線法折舊。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Leases

- (i) Definition of a lease (upon application of HKFRS 16 in accordance with transitions in note 4)

A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

For contracts entered into or modified on or after the date of initial application, PCPD assesses whether a contract is or contains a lease based on the definition under HKFRS 16 at inception or modification date as appropriate. Such contract will not be reassessed unless the terms and conditions of the contract are subsequently changed.

- (ii) PCPD as a lessee (upon application of HKFRS 16 in accordance with transitions in note 4)

Short-term leases and leases of low-value assets

PCPD applies the short-term lease recognition exemption to leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option. It also applies the recognition exemption for lease of low-value assets. Lease payments on short-term leases and leases of low-value assets are recognised as expense on a straight-line basis over the lease term.

Right-of-use assets

The cost of right-of-use asset includes:

- (a) the amount of the initial measurement of the lease liability;
(b) any lease payments made at or before the commencement date, less any lease incentives received; and
(c) any initial direct costs incurred by PCPD.

Right-of-use assets are measured at cost, less any accumulated depreciation and impairment losses, and adjusted for any remeasurement of lease liabilities.

Right-of-use assets in which PCPD is reasonably certain to obtain ownership of the underlying leased assets at the end of the lease term is depreciated from commencement date to the end of the useful life. Otherwise, right-of-use assets are depreciated on a straight-line basis over the shorter of its estimated useful life and the lease term.

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3. 重要會計政策概要 (續)

(g) 租賃 (續)

- (ii) 個人資料私隱專員作為承租人 (根據附註4所述之過渡安排而應用《香港財務報告準則》第16號後) (續)

租賃負債

於租賃開始日期，個人資料私隱專員按該日未支付的租賃付款現值確認及計量租賃負債。計算租賃付款現值時，倘租賃內含的利率難以釐定，則個人資料私隱專員會使用租賃開始日期的遞增借貸利率計算。

租賃付款包括固定付款 (包括實質固定付款) 減任何應收租賃優惠。

開始日期後，租賃負債是透過利息增長及租賃付款調整。

當出現以下情況，個人資料私隱專員會重新計量租賃負債 (並對相關使用權資產作出相應調整)：

- (a) 租賃期已更改或對行使購買選擇權的評估有變，在該情況下，相關租賃負債於重新評估日期透過使用經修訂折現率折現經修訂租賃付款而重新計量。
- (b) 租賃付款因檢討市場租金後市場租金有變而出現變動，在該情況下，相關租賃負債透過使用初始折現率折現經修訂租賃付款而重新計量。

個人資料私隱專員於財務狀況表內將租賃負債呈列為單獨項目。

- (iii) 個人資料私隱專員作為承租人 (於2019年4月1日前)

當租賃條款將擁有權的絕大部分風險及回報轉移至承租人時，租賃即分類為融資租賃。所有其他租賃則分類為經營租賃。

經營租賃付款按租賃期以直線法確認為支出。經營租賃所產生之或然租金會於產生期間確認為支出。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Leases (continued)

- (ii) PCPD as a lessee (upon application of HKFRS 16 in accordance with transitions in note 4) (continued)

Lease liabilities

At the commencement date of a lease, PCPD recognises and measures the lease liability at the present value of lease payments that are unpaid at that date. In calculating the present value of lease payments, PCPD uses the incremental borrowing rate at the lease commencement date if the interest rate implicit in the lease is not readily determinable.

The lease payments include fixed payments (including in-substance fixed payments) less any lease incentives receivable.

After the commencement date, lease liabilities are adjusted by interest accretion and lease payments.

PCPD remeasures lease liabilities (and makes a corresponding adjustment to the related right-of-use assets) whenever:

- (a) the lease term has changed or there is a change in the assessment of exercise of a purchase option, in which case the related lease liability is remeasured by discounting the revised lease payments using a revised discount rate at the date of reassessment.
- (b) the lease payments change due to changes in market rental rates following a market rent review, in which cases the related lease liability is remeasured by discounting the revised lease payments using the initial discount rate.

PCPD presents lease liabilities as a separate line item on the statement of financial position.

- (iii) PCPD as a lessee (prior to 1 April 2019)

Leases are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership to the lessee. All other leases are classified as operating leases.

Operating lease payments are recognised as an expense on a straight-line basis over the lease term. Contingent rentals arising under operating leases are recognised as an expense in the period in which they are incurred.

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3. 重要會計政策概要(續)

- (h) 現金及現金等值
現金包括銀行及手頭現金。現金等值是短期及高流動性的投資，這些投資可以隨時轉換為已知數額的現金，價值變動的風險不大。
- (i) 應付款項
應付款項於初期按公平值確認，其後按攤銷成本列帳，但若短期應付款的折現影響並不重大，則按成本列帳。

- (j) 撥備及或然負債
如果個人資料私隱專員須就已發生的事件承擔法律或推定責任，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，個人資料私隱專員便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計履行責任所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該責任披露為或然負債，但經濟利益流出的可能性極低則除外。如果個人資料私隱專員的責任須視乎某項或多項未來事件是否發生才能確定是否存在，除非經濟利益流出的可能性極低，該責任亦會被披露為或然負債。

- (k) 收入確認
- (i) 政府補助及資助金
如有合理保證可取得政府補助，而且個人資料私隱專員可以符合所有附帶條件，則會按補助金額的公平值確認政府補助。

與指定計劃方案有關的政府補助金包括在資本補助金內，並且延遲至須與擬補償的成本產生時，才在全面收益表內確認。

與購置物業、機器及設備有關的政府補助金包括在資本補助金內，並按有關資產的預計年限，以直線法記入全面收益表內。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- (h) Cash and cash equivalents
Cash comprises cash on hand and at bank. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.
- (i) Accounts and other payables
Accounts and other payables are initially measured at fair value and, after initial recognition, at amortised cost, except for short-term payables with no stated interest rate and the effect of discounting being immaterial, that are measured at their original invoice amount.

- (j) Provisions and contingent liabilities
Provisions are recognised for liabilities of uncertain timing or amount when PCPD has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

- (k) Income recognition
- (i) Government subventions and funding
Government subventions are recognised at their fair value where there is a reasonable assurance that the grant will be received and PCPD will comply with all attached conditions.

Government subventions relating to specific projects are included in the capital subvention fund and are deferred and recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

Government subventions relating to the purchase of property, plant and equipment are included in the capital subvention fund and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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3. 重要會計政策概要(續)

- (k) 收入確認(續)
- (i) 政府補助及資助金(續)
用於彌補個人資料私隱專員已產生支出的政府補助金，會在支出產生的期間有系統地在全面收益表確認為收入。
- 有關電子健康紀錄互通系統執法工作的政府資助金是在須與擬補償的成本產生時，在全面收益表確認。
- (ii) 銀行利息收入
銀行利息收入以實際利率方式計算。
- (iii) 講座收費及會員費收入
講座收費及會員費收入按應計制確認。
- (iv) 刊物銷售
刊物銷售收入在該等貨品交付予買方，而買方接受貨品，以及有關應收款項可合理地確定收到時確認。
- (v) 顧問費收入
顧問費收入是在提供服務的期間在全面收益表確認。
- (l) 僱員薪俸
- (i) 僱員可享有的假期及約滿酬金
僱員可享有的年假及約滿酬金在該等假期累計予僱員時確認。個人資料私隱專員已為僱員在計至年結日止所提供的服務而在年假及約滿酬金方面預計引致的責任作出撥備。
- 僱員可享有的病假及分娩假或待產假不作確認，直至僱員放取該等假期時才予以確認。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- (k) Income recognition (continued)
- (i) Government subventions and funding (continued)
Government subventions that compensate PCPD for expenses incurred are recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.
- Government funding for enforcement work related to the Electronic Health Record Sharing System is recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.
- (ii) Bank interest income
Bank interest income is recognised using the effective interest method.
- (iii) Seminar and membership fees income
Seminar and membership fees income are recognised on an accrual basis.
- (iv) Sales of publications
Income from the sales of publications is recognised when PCPD has delivered products to the customer, the customer has accepted the products and collectability of the related receivables is reasonably assured.
- (v) Consultancy fee income
Consultancy fee income is recognised in the statement of comprehensive income in the same periods in which the services are provided.
- (l) Staff emoluments
- (i) Employee leave and gratuity entitlements
Employee entitlements to annual leave and gratuities are recognised when they accrue to employees. A provision is made for the estimated liability for annual leave and gratuities as a result of services rendered by employees up to the year-end date.
- Employee entitlements to sick leave and maternity or paternity leave are not recognised until the time of leave.

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3. 重要會計政策概要(續)

(l) 僱員薪俸(續)

(ii) 退休福利成本

個人資料私隱專員已經加入《強制性公積金條例》下成立的強制性公積金計劃(「強積金計劃」)。僱主的供款額為僱員有關入息的5%至強制性供款上限。該計劃的資產與個人資料私隱專員的資產分開持有，並由信託人以基金託管。向強積金計劃支付的供款於到期日列作支出。

(m) 資產減值

在報告期末，個人資料私隱專員會檢討具有限可使用年期的資產的帳面值，以判斷該資產是否出現減值虧損。當顯示可能出現減值虧損時，該資產的可收回值會被評估以計算其虧損幅度。如該資產的可收回值並不可能被評估，個人資料私隱專員會評估該資產所屬的現金產生單位可收回值。當確定了一個合理及一致的分類基礎時，企業資產會被分類為獨立現金產生單位或現金產生單位的最小組別。

(n) 關聯方

a) 一名人士或其近親被視為個人資料私隱專員的關聯方，如果該人士：

- (i) 能控制或共同控制個人資料私隱專員；
- (ii) 能對個人資料私隱專員構成重大影響力；或
- (iii) 為個人資料私隱專員的關鍵管理人員。

b) 一個實體可視為個人資料私隱專員的關聯方，如果該實體符合以下任何情況：

- (i) 該實體是為個人資料私隱專員或個人資料私隱專員關聯方的僱員福利而設的離職後福利計劃。
- (ii) 該實體由(a)中描述的人士控制或共同控制。
- (iii) (a)(i)中描述的一名人士對該實體構成重大影響，或為該實體的關鍵管理人員。
- (iv) 該實體，或屬該實體一部分的任何集團成員公司，向個人資料私隱專員提供關鍵管理人員服務。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) Staff emoluments (continued)

(ii) Retirement benefit costs

PCPD has joined the Mandatory Provident Fund Scheme (the MPF Scheme) established under the Mandatory Provident Fund Schemes Ordinance for its employees. PCPD contributes 5% of the relevant income of staff members up to the maximum mandatory contributions under the MPF Scheme. The assets of the Scheme are held separately from those of PCPD, in funds under the control of trustee. Payments to the MPF Scheme are charged as an expense as they fall due.

(m) Impairment of assets

At the end of reporting period, PCPD reviews the carrying amounts of its assets with finite useful lives to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss, if any. When it is not possible to estimate the recoverable amount of an individual asset, PCPD estimates the recoverable amount of the cash-generating unit to which the asset belongs. When a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

(n) Related parties

a) A person or a close member of that person's family is related to PCPD if that person:

- (i) has control or joint control over PCPD;
- (ii) has significant influence over PCPD; or
- (iii) is a member of the key management personnel of PCPD.

b) An entity is related to PCPD if any of the following conditions applies:

- (i) The entity is a post-employment benefit plan for the benefit of employees of either PCPD or an entity related to PCPD.
- (ii) The entity is controlled or jointly controlled by a person identified in (a).
- (iii) A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity.
- (iv) The entity, or any member of a group of which it is a part, provides key management personnel services to PCPD.

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4. 會計政策的變更

個人資料私隱專員已首次應用由香港會計師公會頒佈於2019年4月1日或之後開始之年度期間開始生效的新訂及修訂《香港財務報告準則》，當中包括：

《香港財務報告準則》第16號：租賃
 《香港財務報告準則》第9號（修訂本）：具有負補償的提前還款特性
 《香港會計準則》第19號（修訂本）：計劃修訂、縮減或清償
 《香港會計準則》第28號（修訂本）：於聯營企業及合營企業的長期權益
 《香港財務報告準則》（修訂本）：《香港財務報告準則》2015年至2017年周期的年度改進
 香港（國際財務報告詮釋委員會）－詮釋第23號：所得稅處理的不確定性

除《香港財務報告準則》第16號：租賃外，於本年度應用新訂《香港財務報告準則》及其修訂本對個人資料私隱專員於本年度及過往年度的財務狀況及表現及/或載於財務報表的披露並無重大影響。

香港財務報告準則第16號：租賃
 個人資料私隱專員於本年度首次應用《香港財務報告準則》第16號。《香港財務報告準則》第16號取代《香港會計準則》第17號「租賃」（「《香港會計準則》第17號」）及相關詮釋。

租賃的定義

個人資料私隱專員已選擇可行權宜的方法，就先前應用《香港會計準則》第17號及香港（國際財務報告詮釋委員會）－詮釋第4號「釐定安排是否包括租賃」識別為租賃的合約應用《香港財務報告準則》第16號，而並無對先前並未識別為包括租賃的合約應用該準則。因此，個人資料私隱專員並無重新評估於首次應用日期前已存在的合約。

對於2019年4月1日或之後訂立或修訂的合約，個人資料私隱專員根據《香港財務報告準則》第16號所載的規定應用租賃的定義評估該合約是否包含租賃。

作為承租人

個人資料私隱專員已追溯應用《香港財務報告準則》第16號，並於首次應用日期（即2019年4月1日）確認累計影響。

於2019年4月1日，個人資料私隱專員透過應用《香港財務報告準則》第16號的過渡安排確認額外租賃負債及使用權資產，金額相等於相關租賃負債。於首次應用日期之任何差額會於期初儲備結餘確認，比較資料並無重列。

4. CHANGES IN ACCOUNTING POLICIES

PCPD has initially applied the new and revised HKFRSs issued by the HKICPA that are first effective for accounting periods beginning on or after 1 April 2019, including:

HKFRS 16, *Leases*
 Amendments to HKFRS 9, *Prepayment Features with Negative Compensation*
 Amendments to HKAS 19, *Plan Amendment, Curtailment or Settlement*
 Amendments to HKAS 28, *Long-term Interests in Associates and Joint Ventures*
 Amendments to HKFRSs, *Annual Improvements to HKFRSs 2015 – 2017 Cycle*
 HK(IFRIC) – Int 23, *Uncertainty over Income Tax Treatments*

Except for HKFRS 16, *Leases*, the application of other new and amendments to HKFRSs in the current year has had no material impact on PCPD's financial positions and performance for the current and prior years and/or on the disclosures set out in these financial statements.

HKFRS 16, *Leases*
 PCPD has applied HKFRS 16 for the first time in the current year. HKFRS 16 superseded HKAS 17 "Leases" ("HKAS 17"), and the related interpretations.

Definition of a lease

PCPD has elected the practical expedient to apply HKFRS 16 to contracts that were previously identified as leases applying HKAS 17 and HK(IFRIC) - Int 4 "Determining whether an Arrangement contains a Lease" and not apply this standard to contracts that were not previously identified as containing a lease. Therefore, PCPD has not reassessed contracts which already existed prior to the date of initial application.

For contracts entered into or modified on or after 1 April 2019, PCPD applies the definition of a lease in accordance with the requirements set out in HKFRS 16 in assessing whether a contract contains a lease.

As a lessee

PCPD has applied HKFRS 16 retrospectively with the cumulative effect recognised at the date of initial application, 1 April 2019.

As at 1 April 2019, PCPD recognised additional lease liabilities and right-of-use assets at amounts equal to the related lease liabilities by applying HKFRS 16 transition. Any difference at the date of initial application is recognised in the opening reserve balance and comparative information has not been restated.



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4. 會計政策的變更(續)

香港財務報告準則第16號：租賃(續)

於過渡期間根據《香港財務報告準則》第16號應用經修改追溯方法時，個人資料私隱專員已在與各別租賃合約相關的情況下，按逐項租賃基準對先前根據《香港會計準則》第17號分類為經營租賃的租賃應用下列可行權宜的方法：

- (i) 選擇不就租賃期於首次應用日期起計12個月內結束的租賃或低價值租賃確認使用權資產及租賃負債；
- (ii) 首次應用日期的使用權資產計量撇除初步直接成本；及
- (iii) 根據於首次應用日期的事實及情況釐定個人資料私隱專員帶有續租及終止選擇權的租賃的租期。

就先前分類為經營租賃的租賃確認租賃負債時，個人資料私隱專員已應用於首次應用日期相關實體的遞增借貸利率。所應用的加權平均遞增借貸利率為2.5%。

4. CHANGES IN ACCOUNTING POLICIES (CONTINUED)

HKFRS 16, *Leases* (continued)

When applying the modified retrospective approach under HKFRS 16 at transition, PCPD applied the following practical expedients to leases previously classified as operating leases under HKAS 17, on lease-by-lease basis, to the extent relevant to the respective lease contracts:

- (i) elected not to recognise right-of-use assets and lease liabilities for leases with lease term ends within 12 months of the date of initial application or leases with low value;
- (ii) excluded initial direct costs from measuring the right-of-use assets at the date of initial application; and
- (iii) used hindsight based on facts and circumstances as at date of initial application in determining the lease term for PCPD's leases with extension and termination options.

When recognising the lease liabilities for leases previously classified as operating leases, PCPD has applied incremental borrowing rates of the relevant group entities at the date of initial application. The weighted average incremental borrowing rate applied is 2.50%.

於2019年4月1日
At 01/04/2019
\$

於2019年3月31日 的經營租賃承擔	Operating lease commitments as at 31 March 2019	14,745,738
於2019年4月1日 的加權平均遞增借貸利率	Weighted average incremental borrowing rate as at 1 April 2019	2.50%
於2019年4月1日 的折現租賃負債	Lease liabilities discounted as at 1 April 2019	14,399,265

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4. 會計政策的變更(續)

香港財務報告準則第16號：租賃(續)
下表概呈列因採用《香港財務報告準則》第16號而產生的過渡影響：

4. CHANGES IN ACCOUNTING POLICIES (CONTINUED)

HKFRS 16, *Leases* (continued)
The transition effects arising from the adoption of HKFRS 16 are presented below:

		於2019年4月1日 At 01/04/2019 \$
使用權資產	Right-of-use assets	
於2019年3月31日根據 《香港會計準則》第17號的期末結餘	Closing balance under HKAS 17 at 31 March 2019	-
- 根據《香港財務報告準則》第16號 確認的使用權資產	- Recognition of right-of-use assets under HKFRS 16	14,399,265
於2019年4月1日根據 《香港財務準則》第16號的期初結餘	Opening balance under HKFRS 16 at 1 April 2019	14,399,265
租賃負債	Lease liabilities	
於2019年3月31日根據 《香港會計準則》第17號的期末結餘	Closing balance under HKAS 17 at 31 March 2019	-
- 根據《香港財務報告準則》第16號 確認的租賃負債	- Recognition of lease liabilities under HKFRS 16	14,399,265
於2019年4月1日根據 《香港財務準則》第16號的期初結餘	Opening balance under HKFRS 16 at 1 April 2019	14,399,265

在2020年3月31日年度因採用《香港財務報告準則》第16號對辦公室的營運租賃租金所產生的影響對帳呈列如下：

The reconciliation of effects on operating lease rentals in respect of office premises arising from the adoption of HKFRS 16 for the year end 31 March 2020 are presented below:

		2020 \$
未採用《香港財務報告準則》第16號前	Before adoption of HKFRS 16	
辦公室的營運租賃租金 總付款	Total payments for operating lease rentals in respect of office premises	8,200,358
採用《香港財務報告準則》第16號後	After adoption of HKFRS 16	
重列為：	Reclassified as:	
- 已付租賃負債本金	- Capital element of lease rentals paid	(7,736,389)
- 已付租賃負債利息	- Interest element of lease rentals paid	(269,889)
在全面收益表所報 辦公室的營運租賃租金	Operating lease rentals in respect of office premises reported in the statement of comprehensive income	194,080

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5. 重要會計推算及判斷

按照《香港財務報告準則》編制財務報表時，個人資料私隱專員管理層會為影響到資產、負債、收入及開支的會計政策的應用作出判斷、估計及假設。這些判斷、估計及假設是以過往經驗及多項其他於有關情況下視作合理的因素為基準。儘管管理層對這些判斷、估計及假設作出持續檢討，實際結果可能有別於此等估計。

有關財務風險管理的某些主要假設及風險因素載列於附註20。對於本財務報表所作出的估計及假設，預期不會構成重大風險，導致下一財政年度資產及負債的帳面值需作大幅修訂。

6. 政府補助金

		2020 \$	2019 \$
經常性及非經常性	Recurrent and non-recurrent	83,255,082	78,165,574
資本補助金(附註16)	Capital subvention fund (Note 16)	721,790	160,400
		83,976,872	78,325,974

7. 僱員薪俸

		2020 \$	2019 \$
薪酬	Salaries	54,474,173	50,849,025
約滿酬金及其他津貼	Gratuities and other allowances	9,347,877	8,506,438
強積金計劃供款	Contributions to MPF Scheme	1,249,585	1,201,615
未放取年假撥備	Provision for unutilised annual leave	(403,135)	157,367
		64,668,500	60,714,445

8. 主要管理人員的報酬

		2020 \$	2019 \$
短期僱員薪俸	Short-term staff emoluments	13,637,912	14,912,356
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	1,612,032	2,029,637
		15,249,944	16,941,993

9. 稅項

根據《個人資料(私隱)條例》附表2第6條的規定，個人資料私隱專員獲豁免課稅，因此個人資料私隱專員無須在本財務報表計提香港利得稅撥備。

5. CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENT

PCPD's management makes assumptions, estimates and judgements in the process of applying PCPD's accounting policies that affect the assets, liabilities, income and expenses in the financial statements prepared in accordance with HKFRSs. The assumptions, estimates and judgements are based on historical experience and other factors that are believed to be reasonable under the circumstances. While the management reviews their judgements, estimates and assumptions continuously, the actual results will seldom equal to the estimates.

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 20. There are no other key sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amounts of asset and liabilities within the next financial year.

6. GOVERNMENT SUBVENTIONS

7. STAFF EMOLUMENTS

8. KEY MANAGEMENT COMPENSATION

9. TAXATION

No provision for Hong Kong Profits Tax has been made in the financial statements as PCPD is exempted from taxation in respect of the Inland Revenue Ordinance by virtue of Schedule 2 Section 6 of the Personal Data (Privacy) Ordinance.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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10. 物業、機器及設備

10. PROPERTY, PLANT AND EQUIPMENT

		擁有資產 Owned assets						使用權資產 Right-of-use assets (附註3(g)(ii) 及19) (Note 3(g)(ii) and 19)	租賃土地 及樓宇 Leasehold land and buildings	總計 Total
		汽車 Motor vehicle \$	電腦及軟件 Computer and software \$	辦公室設備 Office equipment \$	家具及 固定裝置 Furniture and fixtures \$	租賃物業 裝修工程 Leasehold improvements \$	小計 Sub-total \$			
成本	Cost									
於2019年4月1日	At 1 April 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194	-	18,161,194	
採納《香港財務報告 準則》第16號	Adoption of HKFRS 16	-	-	-	-	-	-	14,399,265	14,399,265	
於2019年4月1日 調整	Adjusted as at 1 April 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194	14,399,265	32,560,459	
增加	Additions	-	2,273,990	196,781	18,654	563,525	3,052,950	-	3,052,950	
處置	Disposals	-	(411,639)	(58,420)	(61,755)	-	(531,814)	-	(531,814)	
於2020年3月31日	At 31 March 2020	468,900	7,869,002	1,926,452	709,430	9,708,546	20,682,330	14,399,265	35,081,595	
累積折舊	Accumulated depreciation									
於2019年4月1日	At 1 April 2019	468,900	4,601,736	415,274	351,527	4,759,141	10,596,578	-	10,596,578	
年內折舊	Charge for the year	-	721,649	341,020	106,660	1,999,188	3,168,517	7,817,554	10,986,071	
處置核銷	Write back on disposals	-	(411,639)	(51,947)	(61,755)	-	(525,341)	-	(525,341)	
於2020年3月31日	At 31 March 2020	468,900	4,911,746	704,347	396,432	6,758,329	13,239,754	7,817,554	21,057,308	
帳面淨值	Net book value									
於2020年3月31日	At 31 March 2020	-	2,957,256	1,222,105	312,998	2,950,217	7,442,576	6,581,711	14,024,287	
成本	Cost									
於2018年4月1日	At 1 April 2018	468,900	4,709,311	964,111	434,853	5,130,704	11,707,879	-	11,707,879	
增加	Additions	-	1,354,414	893,928	335,230	4,014,317	6,597,889	-	6,597,889	
處置	Disposals	-	(57,074)	(69,948)	(17,552)	-	(144,574)	-	(144,574)	
於2019年3月31日	At 31 March 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194	-	18,161,194	
累積折舊	Accumulated depreciation									
於2018年4月1日	At 1 April 2018	468,900	4,431,922	279,829	282,282	3,487,784	8,950,717	-	8,950,717	
年內折舊	Charge for the year	-	226,888	205,393	82,092	1,271,357	1,785,730	-	1,785,730	
處置核銷	Write back on disposals	-	(57,074)	(69,948)	(12,847)	-	(139,869)	-	(139,869)	
於2019年3月31日	At 31 March 2019	468,900	4,601,736	415,274	351,527	4,759,141	10,596,578	-	10,596,578	
帳面淨值	Net book value									
於2019年3月31日	At 31 March 2019	-	1,404,915	1,372,817	401,004	4,385,880	7,564,616	-	7,564,616	

11. 銀行結存及現金

11. BANK BALANCES AND CASH

		2020 \$	2019 \$
銀行及手頭現金	Cash at banks and on hand	6,588,530	2,333,408
短期銀行存款	Short-term bank deposits	29,833,653	29,463,600
財務狀況表及現金流量表 的銀行結存及現金	Bank balances and cash in the statement of financial position and the statement of cash flows	36,422,183	31,797,008

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12. 職員約滿酬金撥備

12. PROVISION FOR STAFF GRATUITY

		2020 \$	2019 \$
於4月1日的結餘	Balance as at 1 April	6,945,776	5,502,061
已作出的撥備	Provision made	6,739,484	6,188,660
未動用款項撥回	Unused amounts reversed	(312,402)	(772,153)
年內支付的數額	Amount paid during the year	(7,340,592)	(3,972,792)
於3月31日的結餘	Balance as at 31 March	6,032,266	6,945,776
減：流動部分	Less: current portion	(4,406,609)	(4,542,647)
非流動部分	Non-current portion	1,625,657	2,403,129

約滿酬金撥備是為了支付由受聘日起計已完
成合約的職員的約滿酬金而設立的。

Provision for staff gratuity is established for gratuity payments
which become payable to those employees of PCPD who complete
their contracts commencing from the date of their employment.

13. 預收政府補助金

13. GOVERNMENT SUBVENTION RECEIVED IN
ADVANCE

		2020 \$	2019 \$
於4月1日的結餘	Balance as at 1 April	5,819,933	4,400,000
已收補助金	Subvention received	5,410,000	1,500,000
年內確認為收入的數額	Recognised as income in the year	(1,500,000)	(80,067)
於3月31日的結餘	Balance as at 31 March	9,729,933	5,819,933

預收政府補助金是關於年結日後才提供的各
項服務而收取的補助金，會遞延入帳及在支
出產生的期間有系統地在全面收益表確認為
收入。

Government subvention received in advance represents
subvention received in connection with various services to be
provided after year end and is deferred and recognised as income
in the statement of comprehensive income on a systematic basis
in the same periods in which the expenses are incurred.

14. 租賃負債

14. LEASE LIABILITIES

		2020 \$	2019 \$
到期最低租賃付款額	Minimum lease payments due		
– 1年內	– Within 1 year	6,739,460	–
減：未來財務費用	Less: future finance charges	(76,584)	–
租賃負債的現值	Present value of lease liabilities	6,662,876	–
分析為：	Analysed as:		
流動部分	Current portion	6,662,876	–

未來財務費用所應用的加權平均遞增借貸利
率為2.5%。

The weighted average incremental borrowing rate applied for
future finance charges is 2.5%.

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15. 政府的約滿酬金補助款

15. GOVERNMENT SUBVENTION FOR GRATUITY

		2020 \$	2019 \$
於4月1日的結餘	Balance as at 1 April	3,386,003	3,352,510
年內確認的補助金	Subventions recognised for the year	(6,739,484)	(6,188,660)
沒收款	Forfeiture	312,402	772,153
已收政府的約滿酬金補助款	Gratuity subvention received from Government	6,432,000	5,450,000
於3月31日的結餘	Balance as at 31 March	3,390,921	3,386,003

這代表就個人資料私隱專員從政府收取的職員約滿酬金款項。

This represents funds received from the Government in respect of gratuity payments to staff of PCPD.

16. 資本補助金

16. CAPITAL SUBVENTION FUND

		更換汽車 Replacement of motor vehicle \$	資訊科技基礎 設施檢修項目 IT Infrastructure Overhaul Project \$	提升 電腦系統 Upgrading of computer system \$	更換 電話系統 Replacement of telephone system \$	總計 Total \$
於2018年4月1日	At 1 April 2018	-	-	110,276	459,217	569,493
撥入全面收益表為收入， 以配對：	Transfer to the statement of comprehensive income as income to match with:					
- 折舊支出	- Depreciation expense	-	-	(67,000)	(93,400)	(160,400)
於2019年3月31日 及2019年4月1日	At 31 March 2019 and 1 April 2019	-	-	43,276	365,817	409,093
政府資本補助金	Government capital subvention	332,400	2,296,076	-	-	2,628,476
撥入全面收益表為收入， 以配對：	Transfer to the statement of comprehensive income as income to match with:					
- 折舊支出	- Depreciation expense	-	(145,522)	(43,276)	(93,400)	(282,198)
- 其他營運費用	- Other operating expenses	-	(439,592)	-	-	(439,592)
於2020年3月31日	At 31 March 2020	332,400	1,710,962	-	272,417	2,315,779

資本補助金為就特定計劃方案已收取但未應用的非經常性政府資本補助金的餘額。有關款項撥入全面收益表為收入，以配對相關費用。

The capital subvention fund represents the unutilised balance of non-recurrent capital subvention from the Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.

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17. 一般儲備

17. GENERAL RESERVE

		2020 \$	2019 \$
於4月1日	At 1 April	19,353,179	18,647,320
由全面收益表撥入	Transfer from statement of comprehensive income	1,430,272	3,325,859
政府收回上年盈餘	Previous year's surplus recovered by Government	-	(2,620,000)
於3月31日	At 31 March	20,783,451	19,353,179

設立一般儲備的目的是用來應付營運上的突發事項。一般儲備由全面收益表撥入，最高限額為個人資料私隱專員年度經常補助金的百分之二十。一般儲備是用作一般用途，個人資料私隱專員有權自行運用。盈餘如超逾儲備的協定上限，超額之數應退還政府（扣減下年度的補助金以抵銷）。

The general reserve is established to meet operational contingencies and is transferred from the statement of comprehensive income with a ceiling at 20% of PCPD's annual recurrent subvention. The general reserve is available for general use and can be spent at the discretion of PCPD. Any surplus in excess of the agreed reserve ceiling should be returned to the Government by way of offsetting from next year's subvention.

18. 承擔

18. COMMITMENTS

於2020年3月31日，根據不可取消的營運租賃在日後應付的物業最低租賃付款總額如下：

At 31 March 2020, the total future minimum lease payments under non-cancellable operating leases in respect of office premises are payable as follows:

		2020 \$	2019 \$
一年內	Within 1 year	-	8,006,278
一年後但五年內	After 1 year but within 5 years	-	6,739,460
		-	14,745,738

在採納《香港財務報告準則》第16號後，未來租賃付款的現值會被確認為使用權資產，不會再如上述般披露為承擔。比較資料並無重列。

Upon adoption of HKFRS 16, the present value of future minimum lease payment, which is no longer disclosed as commitments as shown above, is recognised as right-of-use asset. The comparative information has not been restated.

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19. 融資活動產生的負債對帳

下表詳述個人資料私隱專員來自融資活動的負債變動，包括現金及非現金變動。融資活動所產生的負債為現金流量或未來現金流量將於個人資料私隱專員的現金流量表中分類為融資活動的現金流量。租賃負債所應用的加權平均遞增借貸利率為2.5%。

19. RECONCILIATION OF LIABILITIES ARISING FROM FINANCING ACTIVITIES

The table below details changes in PCPD's liabilities from financing activities, including both cash and non-cash changes. Liabilities arising from financing activities are liabilities for which cash flows were, or future cash flows will be, classified in PCPD's statement of cash flows as cash flows from financing activities. The weighted average incremental borrowing rate applied for lease liabilities is 2.5%.

		租賃負債 Lease liabilities	
		2020 \$	2019 \$
於年初	At beginning of the year	-	-
採納《香港財務報告準則》 第16號	Adoption of HKFRS 16	14,399,265	-
於年初的調整	Adjusted as at beginning of the year	14,399,265	-
融資現金流的變動：	Changes from financing cash flows:		
已付租賃負債本金	Capital element of lease rentals paid	(7,736,389)	-
已付租賃負債利息	Interest element of lease rentals paid	(269,889)	-
融資現金流的變動總額	Total changes from financing cash flows	(8,006,278)	-
		6,392,987	-
其他變動：	Other changes:		
租賃負債利息	Interest on lease liabilities	269,889	-
於年末	At end of the year	6,662,876	-

20. 金融工具

個人資料私隱專員將其金融資產分為以下類別：

20. FINANCIAL INSTRUMENTS

PCPD has classified its financial assets in the following categories:

		2020 \$	2019 \$
按攤銷成本計量的金融資產	Financial assets at amortised cost		
應收款項及按金	Accounts receivable and deposits	802,923	220,502
銀行結存及現金	Bank balances and cash	36,422,183	31,797,008
		37,225,106	32,017,510

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

20. 金融工具(續)

個人資料私隱專員將其金融負債分為以下類別：

20. FINANCIAL INSTRUMENTS (CONTINUED)

PCPD has classified its financial liabilities in the following categories:-

	2020 \$	2019 \$
按攤銷成本計量的金融負債 Financial liabilities at amortised cost		
應付款項及應計費用 Accounts payable and accruals	1,075,776	2,014,188
政府的約滿酬金補助款 Government subvention for gratuity	3,390,921	3,386,003
租賃負債 Lease liabilities	6,662,876	-
	11,129,573	5,400,191

所有金融工具的帳面值相對2019年及2020年3月31日時的公平值均沒有重大差別。

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2020 and 2019.

個人資料私隱專員透過以下政策管理信貸風險、流動資金風險及市場風險，以減低該等風險對個人資料私隱專員的財務表現及狀況的潛在不利影響。

PCPD's risk management objectives, policies and processes mainly focus on minimising the potential adverse effects of credit risk, liquidity risk and market risk on its financial performance and position by closely monitoring the individual exposure.

(a) 信貸風險

個人資料私隱專員並無信貸風險相當集中的情況，而最高信貸風險相等於金融資產所載有關帳面值。銀行存款的信貸風險是有限，因接受存款的銀行均為受香港《銀行業條例》規管的財務機構。

(a) Credit risk

PCPD has no significant concentration of credit risk. The maximum exposure to credit risk is represented by the carrying amount of the financial assets. The credit risk on bank deposits is limited because the counterparties are authorised financial institutions regulated under the Hong Kong Banking Ordinance.

(b) 流動資金風險

個人資料私隱專員的流動資金風險是金融負債。個人資料私隱專員對資金作出謹慎管理，維持充裕的現金及現金等值，以滿足持續運作的需要。除了政府的約滿酬金補助款被歸類為非流動負債外，個人資料私隱專員的所有其他金融負債須於一年內或於要求時償還的。

(b) Liquidity risk

PCPD is exposed to liquidity risk on financial liabilities. It manages its funds conservatively by maintaining a comfortable level of cash and cash equivalents in order to meet continuous operational need. PCPD ensures that it maintains sufficient cash which is available to meet its liquidity. Except for government subvention for gratuity which is classified as non-current liability, all other financial liabilities of PCPD are repayable within one year or on demand.

(c) 市場風險

利率風險

個人資料私隱專員的利率風險主要來自銀行存款。個人資料私隱專員沒有對所產生的利率風險作敏感性分析，因為管理層評估此風險對個人資料私隱專員的財務狀況不會產生重大影響。

(c) Market risk

Interest rate risk

PCPD's exposure on interest rate risk mainly arises from its cash deposits with bank. No sensitivity analysis for PCPD's exposure to interest rate risk arising from deposits with bank is prepared since based on the management's assessment the exposure is considered not significant.

(d) 以公平值計量的金融工具

在報告期末，個人資料私隱專員並沒有金融工具以公平值列帳。

(d) Financial instrument at fair value

At the end of reporting period, there were no financial instruments stated at fair value.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2020年3月31日 31 March 2020

21. 已頒佈但於年內尚未生效的《香港財務報告準則》

以下是已頒佈但於年內尚未生效的《香港財務報告準則》，這些準則或與個人資料私隱專員的營運及財務報表有關：

21. HONG KONG FINANCIAL REPORTING STANDARDS ISSUED BUT NOT YET EFFECTIVE FOR THE YEAR

HKFRSs that have been issued but are not yet effective for the year include the following HKFRSs which may be relevant to PCPD's operations and financial statements:

	於以下年度開始或以後生效 Effective for annual periods beginning on or after
《香港財務報告準則》第17號：保險合約 HKFRS 17, <i>Insurance Contracts</i>	2021年1月1日 1 January 2021
《香港財務報告準則》第3號(修訂本)：業務的定義 Amendments to HKFRS 3, <i>Definition of a business</i>	2020年1月1日 1 January 2020
《香港財務報告準則》第10號及《香港會計準則》第28號(修訂本)： 投資者與其聯營企業或合資企業之間的資產出售或投入 Amendments to HKFRS 10 and HKAS 28, <i>Sales or Contribution of Assets between an Investor and its Associate or Joint Venture</i>	尚未釐定 To be determined
《香港會計準則》第1號及《香港會計準則》第8號(修訂本)：重大的定義 Amendments to HKAS 1 and HKAS 8, <i>Definition of material</i>	2020年1月1日 1 January 2020
《香港財務報告準則》第9號、《香港會計準則》第39號 及《香港財務報告準則》第7號(修訂本)：利率基準改革 Amendments to HKFRS 9, HKAS 39 and HKFRS 7, <i>Interest Rate Benchmark Reform</i>	2020年1月1日 1 January 2020

個人資料私隱專員在本年內並未採納該等《香港財務報告準則》。初步評估顯示採納該等《香港財務報告準則》不會對個人資料私隱專員首次採納年度的財務報表產生重大影響。個人資料私隱專員將繼續評估該等《香港財務報告準則》及其他就此識別的重大變動的影響。

PCPD has not early adopted these HKFRSs. Initial assessment has indicated that the adoption of these HKFRSs would not have a significant impact on PCPD's financial statements in the year of initial application. PCPD will be continuing with the assessment of the impact of these HKFRSs and other significant changes may be identified as a result.

22. 批准財務報表

本財務報表已於2020年7月17日獲個人資料私隱專員授權刊發。

22. APPROVAL OF FINANCIAL STATEMENTS

These financial statements were authorised for issue by PCPD on 17 July 2020.

附錄一 APPENDIX 1

保障資料原則

DATA PROTECTION PRINCIPLES



《私隱條例》旨在保障我們(作為資料當事人)在個人資料方面的私隱權。所有使用個人資料的人士(資料使用者)須依從《私隱條例》核心的六項保障資料原則，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命週期。

The objective of the PDPO is to protect the privacy rights of a person in relation to his or her personal data (Data Subject). A person who collects, holds, processes or uses the data (Data User) has to follow the six Data Protection Principles (DPPs). The DPPs represent the normative core of the PDPO and cover the entire life cycle of a piece of personal data.

第1原則 – 收集資料原則

DPP 1 – DATA COLLECTION PRINCIPLE

- 資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。
- 須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。
- 收集的資料是有實際需要的，而不超乎適度。
- Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.
- All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.
- Data collected should be necessary but not excessive.

第2原則 – 資料準確及保留原則

DPP 2 – ACCURACY & RETENTION PRINCIPLE

- 資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。
- Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

第3原則 – 使用資料原則

DPP 3 – DATA USE PRINCIPLE

- 個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。
- Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

個人資料

(1)是關乎一名在世人士，並可識別該人士身份的資料；(2)資料存在的形式令資料可讓人切實可行地查閱或處理。

資料使用者

是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

PERSONAL DATA

(1) is the information which relates to a living person and can be used to identify that person, (2) exists in a form in which access to or processing is practicable.

DATA USER

is a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The data user is liable as the principal for the wrongful act of its authorised data processor.

第4原則 – 資料保安原則 DPP 4 – DATA SECURITY PRINCIPLE

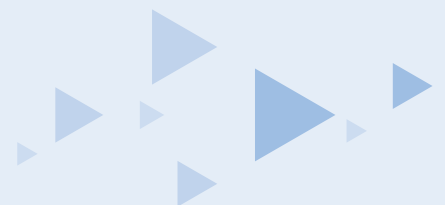
- 資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。
- A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

第6原則 – 查閱及改正原則 DPP 6 – DATA ACCESS & CORRECTION PRINCIPLE

- 資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。
- A data subject has the right to request access to his or her personal data and to make corrections where the data is inaccurate.

第5原則 – 公開政策原則 DPP 5 – OPENNESS PRINCIPLE

- 資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。
- A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.



附錄二 APPENDIX 2

私隱公署發出的新聞稿

MEDIA STATEMENTS ISSUED BY THE PCPD

- 03.04.2019** 保險代理人未得同意下使用個人資料作直接促銷罪名成立
An Insurance Agent Convicted of Using Personal Data in Direct Marketing without Consent
- 05.04.2019** 私隱專員回應有關選舉事務處懷疑可能遺失一本選民登記冊事件
Privacy Commissioner's Response to the Suspected Loss of Register of Electors
- 07.04.2019** 以數據道德輔助公平執法 解決金融科技相關的私隱風險 – 私隱專員向銀行界發表「在數碼世代使用個人資料」演講
Privacy Risks Associated with Fintech to be Addressed by Data Ethics Complementing Fair Enforcement – Privacy Commissioner Speaks to Banking Industry on Use of Personal Data in Digital Era
- 07.04.2019** 「私隱演進中的法律改革與數據道德」私隱專員於美國華盛頓舉行的第67屆美國律師協會2019年春季反壟斷法會議中的「重塑私隱規例-合規與結果」小組專題研討環節演講及參與聯邦貿易委員會舉行的「21世紀的競爭與消費者保障」國際公聽會
“Grooving Privacy Evolution with Law Reform and Data Ethics” – Privacy Commissioner Delivered a Presentation in Panel Session at 67th American Bar Association Antitrust Law Spring Meeting 2019 and Participated in International Hearings by FTC in the US
- 09.04.2019** 有關選舉事務處遺失一本選民登記冊事件私隱專員展開循規審查
Privacy Commissioner Initiates Compliance Check on Registration & Electoral Office Regarding Loss of a Register of Electors
- 21.04.2019** 私隱專員回應有關藝人懷疑在的士車廂被偷拍事件
Privacy Commissioner's Response to the Suspected Clandestine Video-shooting of Artistes inside Taxi
- 25.04.2019** 本港商場會員計劃的循規審查
Hong Kong Shopping Mall Membership Programmes Compliance Checks
- 09.05.2019** 「關注私隱運動」2019：履行私隱法例 實踐數據道德 私隱專員公署舉辦「數據道德」研討會及教育推廣活動
“Compliance with Privacy Law, Data Ethics in Action” – “Privacy Awareness Week” 2019 PCPD organises “Data Ethics” Symposium and Education & Promotion Activities

續 (continued)

- 21.05.2019** 銀行承認控罪：違法直接促銷被判罰一萬元
Direct Marketing Offence Admitted: Bank Fined HK\$10,000
- 25.05.2019** 私隱專員聯席主持全球私隱執法機關網絡執法人員研討會 加強國際間在個人資料保障領域的合作和經驗分享
Privacy Commissioner Co-Hosts GPEN Enforcement Practitioners' Workshop to Strengthen International Collaboration and Experience Sharing in Personal Data Protection
- 27.05.2019** 拍賣行承認控罪：違法直接促銷被判罰款二萬元
Direct Marketing Offence Admitted: Auction Company Fined HK\$20,000
- 31.05.2019** 香港與新加坡就加強合作保障個人資料簽訂諒解備忘錄
Hong Kong and Singapore Sign MOU to Strengthen Cooperation in Personal Data Protection
- 06.06.2019** 國泰資料外洩事故 • 個人資料保安及保留 – 違規 • 數據管治 – 掉以輕心
Cathay Data Breach Incident • Personal Data Security & Retention Principles Contravened • Lax Data Governance
- 14.06.2019** 公開表達意見自由仍需尊重他人私隱和公共利益
Respect Others' Privacy and Public Interest While Having Freedom of Expression
- 17.06.2019** 私隱專員回應有關懷疑醫院管理局醫院急症室內電腦系統在未經登入的情況下可取覽部分病人的詳細資料
Privacy Commissioner's Response to Suspected Unauthorised Access to Hospital Authority's Accident and Emergency Information System
- 18.06.2019** 美容產品公司承認控罪：違法直接促銷被判罰款八千元
Direct Marketing Offence Admitted: Beauty Product Company Fined HK\$8,000

續 (continued)

- 23.06.2019** 私隱：禁作欺凌恫嚇之門；莫為任意執法之矛；不作蓄意違法之盾
Privacy: Not a Door for Bullying and Intimidation, Nor a Sword for Arbitrary Law Enforcement; Not a Shield for Unlawful Acts
- 11.07.2019** 私隱專員回應有警務人員的個人資料被張貼在公眾地方
Privacy Commissioner's Response to the Display of Police Officers' Personal Data in Public Places
- 15.07.2019** 秉持「一國兩制」特殊和不可取代的優勢 提倡私隱管理問責和數據道德 私隱專員於新加坡舉行的亞洲私隱論壇發表演說
Uphold Unique and Irreplaceable Attributes of "One Country, Two Systems" Advocate Privacy Accountability and Data Ethics Privacy Commissioner Speaks at IAPP Asia Privacy Forum in Singapore
- 19.07.2019** 私隱專員回應有關疑似政府官員、議員及警務人員的個人資料流傳於網上討論區及即時通訊平台
Privacy Commissioner's Response to Suspected Disclosure of Personal Data of Government Officials, Legislators and Police Officers at Online Discussion Forums and Instant Messaging Platforms
- 24.07.2019** 私隱專員公署正檢視相關網站 籲網民尊重他人私隱
Privacy Commissioner Has Started Reviewing Related Websites and Urges Netizens to Respect Others' Privacy
- 26.07.2019** 430宗網上披露個人資料 依法展開刑事調查程序
Criminal Investigation Procedures Commenced on 430 Cases of Online Disclosure of Personal Data in Accordance with the Law
- 14.08.2019** 私隱專員回應有關疑似公署職員聯合公開信的報導
Privacy Commissioner Responds to Media Reports on Open Letter Issued by Purported PCPD Staff
- 28.08.2019** 私隱專員強烈譴責網絡「起底」及欺凌行為 正開始作出拘捕行動 新學年加強校園宣傳教育
Privacy Commissioner Strongly Condemns Doxxing and Bullying Arrest Already Made Promotion and Education in Schools Strengthened

續 (continued)

29.08.2019	選舉事務處遺失選民登記冊事件 天不時、地不利、人不和，敏感資料不翼而飛 Registration and Electoral Office's Loss of Register of Electors Incident Sensitive Data Lost Amidst Unfavourable Timings, Localities and Human Factors
30.08.2019	示威者及持不同政見人士被「起底」人數上升 私隱專員再次強烈譴責一切網絡「起底」及欺凌行為；強調執法一視同仁 Upward Trend of Doxing Cases Related to Protesters, etc. Privacy Commissioner Again Strongly Condemns Doxing and Bullying; and Emphasises Impartial Enforcement of the Law
01.09.2019	私隱專員回應今日無綫電視新聞專題節目《講清講楚》嘉賓就公署應對近月個人資料在網上公開散布的言論 Privacy Commissioner Responds to Interviewee's Comments in Today's TVB News Programme "On the Record" in Relation to PCPD's Follow-up Actions on Online Disclosure of Personal Data in Recent Months
04.09.2019	私隱專員回應傳媒查詢有關利用外地註冊的網站或即時通訊平台發布「起底」所得的個人資料 Privacy Commissioner Responds to Media Enquiries regarding Disclosure of Personal Data for Doxing Purposes on Websites or Instant Messaging Platforms Registered Outside Hong Kong
12.09.2019	電訊公司承認控罪：違法直接促銷被判罰款八萬四千元 Direct Marketing Offence Admitted: Telecommunications Company Fined HK\$84,000
16.09.2019	私隱專員回應有傳媒機構員工於網上遭「起底」事件 Privacy Commissioner Responds to Doxing of Staff of a Media Organisation
16.09.2019	私隱專員主辦講座應對網絡欺凌及「起底」 Privacy Commissioner Holds Seminar on Cyberbullying and Doxing
18.09.2019	私隱專員回應有傳媒機構員工及其他人士於網上遭「起底」事件 Privacy Commissioner Responds to Doxing of Staff of a Media Organisation and Other Individuals

續 (continued)

27.09.2019	私隱專員公署再回應有傳媒機構員工及其他人士於網上遭「起底」事件 Privacy Commissioner Responds Again to Doxxing of Staff of a Media Organisation and Other Individuals
28.09.2019	私隱專員公署回應出席「社區對話」人士於網上遭「起底」事件 警告有關行為屬刑事罪行 PCPD Responds to Doxxing of Participants in “Community Dialogue” and Warns that It is a Criminal Offence
30.09.2019	私隱專員公署就近月「起底」及網絡欺凌行為的最新報告 重申有關行為屬刑事罪行 可判罰款或入獄 PCPD’s Updates on Doxxing and Cyberbullying Such Acts are Criminal Offences Subject to Fine or Imprisonment
02.10.2019	私隱專員公署回應有關在職家庭津貼辦事處懷疑可能遺失「關愛共享計劃」申請表事件 PCPD Responds to Suspected Loss of Application Forms for Caring and Sharing Scheme by Working Family Allowance Office
03.10.2019	私隱專員公署回應有傳媒機構員工及其他人士的個人資料於網上遭「起底」及個人資料被張貼在公眾地方的事件 PCPD Responds to Doxxing of Staff of a Media Organisation and Other Individuals and Posting of Their Personal Data in Public Places
04.10.2019	私隱專員公署回應即將訂立的《禁止蒙面規例》 個人資料私隱權利不會凌駕於社會的整體利益 PCPD Responds to the Upcoming Prohibition on Face Covering Regulation Personal Data Privacy Right Should Not Override the Overall Interest of the Society
08.10.2019	私隱專員公署就近月「起底」及網絡欺凌行為的最新報告 重申有關刑事罪行後果嚴重 可判罰款或入獄 PCPD’s Updates on Doxxing and Cyberbullying Such Acts are Criminal Offences with Serious Consequences Subject to Fine or Imprisonment
14.10.2019	私隱專員公署就近月「起底」及網絡欺凌行為的最新報告 重申有關刑事罪行後果嚴重 可判罰款或入獄 PCPD’s Updates on Doxxing and Cyberbullying Such Acts are Criminal Offences with Serious Consequences Subject to Fine or Imprisonment

續 (continued)

15.10.2019	<p>區議會選舉將至「起底」、網絡欺凌涉觸犯法律 私隱專員提醒候選人、政府部門及民意調查組織須遵從私隱條例規定</p> <p>District Council Election Upcoming: Doxxing, Cyber-bullying Will Break the Law Privacy Commissioner Reminds Candidates, Government Departments and Public Opinion Research Organisations to Comply with the Privacy Ordinance</p>
15.10.2019	<p>私隱專員回應查詢有關某專上院校應否公開閉路電視錄像片段</p> <p>Privacy Commissioner's Response on Whether the CCTV Footage of a Tertiary Institution Should Be Disclosed</p>
18.10.2019	<p>私隱專員回應傳媒查詢有關行政長官指政府需修例應對「起底」</p> <p>Privacy Commissioner's Response to Media Enquiries about Chief Executive's Suggestion of the Need for Legislative Amendment to Tackle Doxxing</p>
21.10.2019	<p>私隱專員公署就近月「起底」及網絡欺凌行為的最新報告</p> <p>PCPD's Updates on Doxxing and Cyberbullying</p>
24.10.2019	<p>私隱專員出席國際私隱大會 倡議打擊在社交媒體及網上涉及暴力、仇恨言論 加強跨境執法和規管的互助</p> <p>Privacy Commissioner Advocates Combatting Violent Content and Hate Speech on Social Media and Strengthening Collaboration in Law Enforcement and Regulation at International Privacy Conference</p>
08.11.2019	<p>私隱專員公署兩名員工榮獲「2019年申訴專員嘉許獎」公職人員獎</p> <p>Two PCPD Staff Members Receive Individual Awards of The Ombudsman's Awards 2019</p>
27.11.2019	<p>香港個人資料私隱專員2018-19年工作報告：公營機構比私營機構較為願意主動通報資料外洩</p> <p>Privacy Commissioner for Personal Data, Hong Kong 2018-19 Annual Report: Public Authorities Were More Willing Than Private Enterprises to Give Data Breach Notifications</p>
05.12.2019	<p>私隱專員出席第五十二屆亞太區私隱機構論壇 倡議全球趨同及相互協作以保障資料</p> <p>向國際個人資料保障組織闡述內地私隱領域的最新變遷</p> <p>Privacy Commissioner Calls for Global Convergence and Interoperability on Data Protection at the 52nd Asia Pacific Privacy Authorities Forum and Outlines Recent Privacy Landscape Changes in China to International Data Protection Communities</p>

續 (continued)

- 09.12.2019** 環聯資料外洩事故 網上認證程序存在漏洞 – 違反資料保安原則
TransUnion Data Breach Incident Vulnerabilities in Its Online Authentication Procedures – Personal Data Security Principle Contravened
- 11.12.2019** 私隱專員出版全新《內地民商事務所涉個人信息及網絡安全主要法規簡介》
冀商界加深內地個人信息保護法規的認識 搶佔大灣區龐大網絡市場先機
Privacy Commissioner Publishes “A Brief Summary on the Regulations in the Mainland of China Concerning Personal Information and Cybersecurity Involved in Civil and Commercial Affairs” To Promote Understanding of Personal Data Protection Regulations in the Mainland of China for Business Sector to Grab Business Opportunity in Greater Bay Area’s Massive Online Market
- 19.12.2019** 科技發展常務委員會新成員名單公布
New Membership of Standing Committee on Technological Development
- 23.12.2019** 私隱專員就「起底」及網絡欺凌行為的最新報告：重申「起底」者和協助的平台需負刑事和社會責任
Privacy Commissioner Provides Updates on Doxxing and Cyberbullying: Reiterating Criminal and Social Liability of Doxxers and Assisting Platforms
- 08.01.2020** 私隱專員回應各界關注一記者身份證資料被公開一事
12.01.2020 Privacy Commissioner Responds to Public Concern about Disclosure of a Reporter’s Personal Data
- 19.01.2020** 私隱專員回應有關金鐘道一名警員截查記者身份證的事件
Privacy Commissioner Responds to the Incident of a Police Officer Checking a Reporter’s Identity Card on Queensway
- 26.01.2020** 私隱專員譴責對前線各級醫護人員「起底」
Privacy Commissioner Condemns Doxxing of Frontline Medical Personnel
- 04.02.2020** 醫護人員被起底 法律道德所不容
Doxxing of Medical Personnel is Illegal and Unethical
- 08.02.2020** 2020年2月10日至16日特別工作安排(更新)
Special Work Arrangements 10-16 Feb 2020 (updated)
- 11.02.2020** 私隱專員回應涉及個人資料私隱的強制檢疫措施
Privacy Commissioner Responds to Privacy Issues Arising from Mandatory Quarantine Measures

續 (continued)

14.02.2020	2020年2月17日至23日特別工作安排(更新) Special Work Arrangements 17-23 Feb 2020 (updated)
14.02.2020	口罩及警務人員車牌號碼 Masks and Police Officers' Car Registration Numbers
19.02.2020	政府資訊科技總監辦公室手提電話懷疑失竊 Suspected Theft of OGCIO Mobile Phones
21.02.2020	2020年2月24日至3月1日特別工作安排(更新) Special Work Arrangements 24 February – 1 March 2020 (updated)
27.02.2020	使用社交媒體上的資料以追蹤潛在的2019冠狀病毒病(COVID-19)的帶病毒者 The Use of Information on Social Media for Tracking Potential Carriers of COVID-19
28.02.2020	特別工作安排由2020年3月2日起生效至另行通知(更新) Special Work Arrangements from 2 March 2020 Until Further Notice (updated)
05.03.2020	私隱專員公署回應傳媒查詢有關英國資訊專員辦公室向國泰航空罰款50萬英鎊 Privacy Commissioner Responds to Media Enquiries about Cathay Pacific Being Fined £500,000 by UK Information Commissioner's Office
05.03.2020	私隱專員公署回應傳媒查詢有人向康樂及文化事務署索取閉路電視片段 Privacy Commissioner Responds to Media Enquiry about an Individual's Request to LCSD for CCTV Footage
22.03.2020	特別工作安排由2020年3月23日起生效至另行通知(更新) Special Work Arrangements from 23 March 2020 Until Further Notice (updated)
25.03.2020	行政上訴委員會就早前有關政府的通傳應變職務 駁回許智峯議員的上訴 Administrative Appeals Board Dismisses Appeal Relating to the Government's Marshalling Duties
30.03.2020	對抗2019冠狀病毒病大流行疫情 給僱主和僱員的指引 Fight COVID-19 Pandemic Guidelines for Employers and Employees

附錄三 APPENDIX 3

保障私隱學生大使 – 學校夥伴嘉許名單*

STUDENT AMBASSADOR PROGRAMME – PARTNERING SCHOOLS OF THE RECOGNITION SCHEME*

學校名稱	Name of School
1 博愛醫院歷屆總理聯誼會梁省德中學	AD&FD POHL Leung Sing Tak College
2 庇理羅士女子中學	Belilios Public School
3 伯特利中學	Bethel High School
4 佛教茂峰法師紀念中學	Buddhist Mau Fung Memorial College
5 佛教善德英文中學	Buddhist Sin Tak College
6 佛教沈香林紀念中學	Buddhist Sum Heung Lam Memorial College
7 佛教大光慈航中學	Buddhist Tai Kwong Chi Hong College
8 佛教慧因法師紀念中學	Buddhist Wai Yan Memorial College
9 佛教黃允畝中學	Buddhist Wong Wan Tin College
10 佛教葉紀南紀念中學	Buddhist Yip Kei Nam Memorial College
11 明愛莊月明中學	Caritas Chong Yuet Ming Secondary School
12 明愛粉嶺陳震夏中學	Caritas Fanling Chan Chun Ha Secondary School
13 明愛馬鞍山中學	Caritas Ma On Shan Secondary School
14 明愛元朗陳震夏中學	Caritas Yuen Long Chan Chun Ha Secondary School
15 迦密柏雨中學	Carmel Pak U Secondary School
16 中華基督教會基智中學	CCC Kei Chi Secondary School
17 中華基督教會基新中學	CCC Kei San Secondary School
18 中華基督教會銘賢書院	CCC Ming Yin College
19 新界西貢坑口區鄭植之中學	Cheng Chek Chee Secondary School of Sai Kung & Hang Hau District, N.T.

* 學校按英文名稱順序排列
Schools listed in alphabetical order

續 (continued)

學校名稱	Name of School
20 長洲官立中學	Cheung Chau Government Secondary School
21 張祝珊英文中學	Cheung Chuk Shan College
22 趙聿修紀念中學	Chiu Lut Sau Memorial Secondary School
23 張振興伉儷書院	Chong Gene Hang College
24 基督書院	Christ College
25 宣道中學	Christian Alliance College
26 宣道會陳朱素華紀念中學	Christian Alliance S W Chan Memorial College
27 金文泰中學	Clementi Secondary School
28 中華傳道會安柱中學	CNEC Christian College
29 路德會協同中學	Concordia Lutheran School
30 棉紡會中學	Cotton Spinners Association Secondary School
31 香港中文大學校友會聯會張煊昌中學	CUHK FAA Thomas Cheung Secondary School
32 天主教母佑會蕭明中學	Daughters of Mary Help of Christians Siu Ming Catholic Secondary School
33 基督教中國佈道會聖道迦南書院	ECF Saint Too Canaan College
34 粉嶺官立中學	Fanling Government Secondary School
35 福建中學	Fukien Secondary School
36 鳳溪第一中學	Fung Kai No.1 Secondary School
37 路德會西門英才中學	Gertrude Simon Lutheran College

續 (continued)

學校名稱	Name of School
38 德望學校	Good Hope School
39 天水圍香島中學	Heung To Middle School (Tin Shui Wai)
40 香海正覺蓮社佛教梁植偉中學	HHCKLA Buddhist Leung Chik Wai College
41 港九潮州公會中學	Hong Kong and Kowloon Chiu Chow Public Association Secondary School
42 香港四邑商工總會陳南昌紀念中學	HKSYC&IA Chan Nam Chong Memorial College
43 可風中學(齋色園主辦)	Ho Fung College (Sponsored by Sik Sik Yuen)
44 可立中學(齋色園主辦)	Ho Lap College (Sponsored by Sik Sik Yuen)
45 齋色園主辦可譽中學暨可譽小學	Ho Yu College And Primary School (Sponsored by Sik Sik Yuen)
46 香港紅卍字會大埔卍慈中學	Hong Kong Red Swastika Society Tai Po Secondary School
47 香港道教聯合會圓玄學院第二中學	Hong Kong Taoist Association The Yuen Yuen Institute No.2 Secondary School
48 香港教師會李興貴中學	Hong Kong Teachers' Association Lee Heng Kwei Secondary School
49 香港真光書院	Hong Kong True Light College
50 何東中學	Hotung Secondary School
51 聖母無玷聖心書院	Immaculate Heart of Mary College
52 賽馬會體藝中學	Jockey Club Ti-I College
53 裘錦秋中學(葵涌)	Ju Ching Chu Secondary School (Kwai Chung)
54 葵涌蘇浙公學	Kiangsu-Chekiang College (Kwai Chung)
55 英皇書院	King's College

續 (continued)

學校名稱	Name of School
56 九龍三育中學 (初中部)	Kowloon Sam Yuk Secondary School
57 九龍塘學校 (中學部)	Kowloon Tong School (Secondary Section)
58 九龍真光中學	Kowloon True Light School
59 觀塘瑪利諾書院	Kwun Tong Maryknoll College
60 荔景天主教中學	Lai King Catholic Secondary School
61 梁式芝書院	Leung Shek Chee College
62 嶺南衡怡紀念中學	Lingnan Hang Yee Memorial Secondary School
63 嶺南中學	Lingnan Secondary School
64 樂道中學	Lock Tao Secondary School
65 路德會呂明才中學	Lui Ming Choi Lutheran College
66 馬鞍山崇真中學	Ma On Shan Tsung Tsin Secondary School
67 閩僑中學	Man Kiu College
68 慕光英文書院	Mu Kuang English School
69 新界鄉議局大埔區中學	N.T.H.Y.K Tai Po District Secondary School
70 天主教新民書院	Newman Catholic College
71 寧波第二中學	Ning Po No.2 College
72 新生命教育協會呂郭碧鳳中學	NLSI Lui Kwok Pat Fong College
73 五旬節中學	Pentecostal School

續 (continued)

學校名稱	Name of School
74 五旬節聖潔會永光書院	PHC Wing Kwong College
75 天主教普照中學	Po Chiu Catholic Secondary School
76 保良局百周年李兆忠紀念中學	Po Leung Kuk Centenary Li Shiu Chung Memorial College
77 保良局馬錦明中學	Po Leung Kuk Ma Kam Ming College
78 保良局馬錦明夫人章馥仙中學	Po Leung Kuk Mrs. Ma Kam Ming-Cheung Fook Sien College
79 保良局第一張永慶中學	Po Leung Kuk No.1 W.H.Cheung College
80 保良局莊啟程預科書院	Po Leung Kuk Vicwood K.T.Chong Sixth Form College
81 保良局姚連生中學	Po Leung Kuk Yao Ling Sun College
82 香港培道中學	Pooi To Middle School
83 培僑中學	Pui Kiu Middle School
84 天主教培聖中學	Pui Shing Catholic Secondary School
85 培英中學	Pui Ying Secondary School
86 伊利沙伯中學	Queen Elizabeth School
87 伊利沙伯中學舊生會中學	Queen Elizabeth School Old Students' Association Secondary School
88 皇仁書院	Queen's College
89 皇仁舊生會中學	Queen's College Old Boys' Association Secondary School
90 聖公會諸聖中學	S.K.H. All Saints' Middle School
91 聖公會聖三一堂中學	S.K.H. Holy Trinity Church Secondary School
92 聖公會梁季彝中學	S.K.H. Leung Kwai Yee Secondary School
93 聖公會聖馬利亞堂莫慶堯中學	S.K.H. St. Mary's Church Mok Hing Yiu College

續 (continued)

學校名稱	Name of School
94 慈幼英文學校	Salesian English School
95 新會商會中學	San Wui Commercial Society Secondary School
96 沙田循道衛理中學	Sha Tin Methodist College
97 順德聯誼總會鄭裕彤中學	Shun Tak Fraternal Association Cheng Yu Tung Secondary School
98 順德聯誼總會翁祐中學	Shun Tak Fraternal Association Yung Yau College
99 聖公會莫壽增會督中學	SKH Bishop Mok Sau Tseng Secondary School
100 聖公會聖匠中學	SKH Holy Carpenter Secondary School
101 聖公會基孝中學	SKH Kei Hau Secondary School
102 聖公會李福慶中學	SKH Li Fook Hing Secondary School
103 聖公會呂明才中學	SKH Lui Ming Choi Secondary School
104 十八鄉鄉事委員會公益社中學	SPHRC Kung Yik She Secondary School
105 荃灣聖芳濟中學	St. Francis Xavier's School, Tsuen Wan
106 聖若瑟書院	St. Joseph's College
107 聖類斯中學	St. Louis School
108 聖保羅男女中學	St. Paul's Co-educational College
109 聖伯多祿中學	St. Peter's Secondary School
110 大埔三育中學	Tai Po Sam Yuk Secondary School
111 德雅中學	Tak Nga Secondary School
112 衛理中學	The Methodist Church HK Wesley College
113 救世軍卜維廉中學	The Salvation Army William Booth Secondary School

續 (continued)

學校名稱	Name of School
114 香港扶幼會許仲繩紀念學校	The Society of Boys' Centres Hui Chung Sing Memorial School
115 圓玄學院妙法寺內明陳呂重德紀念中學	The Yuen Yuen Institute MFBM Nei Ming Chan Lui Chung Tak Memorial College
116 東華三院盧幹庭紀念中學	Tung Wah Group of Hospitals Lo Kon Ting Memorial College
117 東華三院馮黃鳳亭中學	Tung Wah Group of Hospitals Mrs Fung Wong Fung Ting College
118 東華三院陳兆民中學	TWGHs Chen Zao Men College
119 東華三院李嘉誠中學	TWGHs Li Ka Shing College
120 東華三院辛亥年總理中學	TWGHs Sun Hoi Directors' College
121 東華三院鄺錫坤伉儷中學	TWGHs Mr & Mrs Kwong Sik Kwan College
122 恩主教書院	Valtorta College
123 惠僑英文中學	Wai Kiu College
124 仁濟醫院林百欣中學	Yan Chai Hospital Lim Por Yen Secondary School
125 仁濟醫院第二中學	Yan Chai Hospital No.2 Secondary School
126 英華女學校	Ying Wa Girls' School
127 余振強紀念中學	Yu Chun Keung Memorial College
128 元朗天主教中學	Yuen Long Catholic Secondary School
129 元朗商會中學	Yuen Long Merchants Association Secondary School



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