

Our Ref : PCO/8/2 pt.5
Your Ref : CB2/BC/4/00

23 November 2000

Ms Doris Chan
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, HK

Dear Ms Chan,

**Bills Committee on Drug Dependent Persons Treatment
And Rehabilitation Centres (Licensing) Bill**

We refer to your letter to us dated 20 November 2000.

Apart from our comments on clause 23 of the captioned Bill, by our letter to the Narcotics Division dated 2 November 2000, we have also commented on clauses 6(6) and 8(5) of the said Bill.

In particular, we noted that under the said clauses, the Director of Social Welfare is empowered to require an applicant for a certificate of exemption to furnish particulars relating to such applicant. In the case of the applicant being an individual, such particulars may therefore amount to personal data of such individual. Since it is not specified in the Bill what particulars may be required, we expressed our concern about the possible collection of excessive personal data by the Director contrary to data protection principle 1(1)(c) of the Personal Data (Privacy) Ordinance.

As a safeguard, we therefore proposed to the Narcotics Division that the particulars to be required under clauses 6(6) and 8(5) should be expressly stated. These should be confined, in particular, only to those items of personal data considered to be potentially relevant to the making of the decision in question by the Director.

Subject to the above, we are of the view that the Bill otherwise gives adequate protection to the privacy of inmates and applicants regarding their personal data.

Yours sincerely,

(Eric PUN)
Legal Director
for Privacy Commissioner for Personal Data

(with Chinese translation)