

(譯 本)

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涂議員：

發放資料予海外機關

最近我們曾討論警方“電腦輔助掌紋及指紋鑑證系統”的撥款建議。閣下要求就規管向海外機關發放資料的警方指引的更多資料。正如我們以往曾解釋，有關情況已於我們在二零零五年五月十九日呈交保安事務委員會的補充資料內概述。鑑於閣下的關注，現隨信夾附更詳盡載述警方指引要點的摘錄，以供參考。

希望上文所述會對閣下有用。

保安局局長
(張少卿代行)

二零零五年五月二十七日

(只有英文版)

**Main Points of Police Internal Guidelines on
the Release of Information to Outside / Foreign Agencies**

- All requests for information must explain the reason of the request and it should contain sufficient details to satisfy the Police that the request arises from the prevention and detection of crimes.
- The Police are bound by the fundamental principles of Interpol in international police co-operation and information exchange. This is in addition to the bilateral agreements, international treaties and conventions on international co-operation for the prevention and suppression of transnational crimes that apply to the Hong Kong Special Administrative Region.
- The release of information should be carried out in line with the provisions of the Personal Data (Privacy) Ordinance. The exemption from data protection principle 3 under S.58(2) of the Ordinance shall be considered on a case-by-case basis and no law enforcement agency can be granted a blanket exemption. In case of doubt, advice is to be sought from the Department of Justice.
- Generally, information shall only be released to accredited agencies of Interpol member jurisdictions.
- All information to be released will be passed by way of written communication. Verbal release of information will only be made out of operational necessity and will have to be confirmed in writing within 48 hours.
- All written replies shall contain the following declaration –

“Confidential - Information contained herein is supplied for police/intelligence purposes only. It should not be disseminated to another agency or third party without the author’s express consent, and not be retained longer than is necessary for the fulfillment of the purpose for which the

information is to be used. All practicable steps shall be taken by the recipient to ensure that information is protected against unauthorized access or processing.”

- If a written reply contains personal data, it will also carry the chop of ‘PERSONAL DATA’.