

Your Ref : CB1/BC/5/04

Our Ref : PCO(O)115/156 pt.10

13 May 2005

Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

(Attention : Ms. Anita Sit)

Dear Madam,

Banking (Amendment) Bill 2005

We thank you for your letter to us of 28 April 2005 in relation to the captioned Bill.

We acknowledge that the revised Bill has made amendments in view of our previous advice regarding collection of personal data by the Monetary Authority relating to chief executives and directors of bank holding companies in draft section 74G(3).

In relation to the proposed disclosure of information under draft sections 58A(4A) and 71C(7A), insofar as personal data may be involved, the general position of our office is that public disclosure of personal data is considered a kind of use and that data should only be used for the purpose of collection or a directly related purpose except with the prescribed consent of the data subject as required by DPP3 in Schedule 1 of the Personal Data (Privacy) Ordinance unless exempted.

Having said the above, we have no further comment on the captioned Bill.

Yours faithfully,

(Connie CHEUNG)

Legal Counsel

for Atg. Deputy Privacy Commissioner for Personal Data