



政府總部
香港下亞厘畢道

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URGENT

27 May 2005

Hon James TO
4/F, Hanley House
778 Nathan Road
Kowloon
Hong Kong

Dear Mr TO,

Release of Information to Overseas Agencies

I refer to our recent discussion about the funding proposal for the "Computer Assisted Palmprint and Fingerprint Identification System" of the Police. You asked for more information on the guidelines of the Police governing release of information to their overseas counterparts. As explained, the position is summarized in the supplementary note that we issued to the Panel on Security on 19 May 2005. In view of your interest, I am pleased to attach a more detailed note capturing the main points of the Police guidelines for your reference.

I hope that the above is useful.

Yours sincerely,

(Miss Cheung Siu Hing)
for Secretary for Security

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'.