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15 October 2005

Yahoo! Holdings (Hong Kong) Limited
(Attn. Ms Pauline WONG, Head of Marketing)
Rm 2802, Sunning Plaza
10 Hysan Road
Causeway Bay
Hong Kong

Dear Ms WONG,

**Panel on Information Technology and Broadcasting
Special meeting to be held on 1 November 2005**

On behalf of Hon SIN Chung-kai, Panel Chairman, I write to invite representative(s) of Yahoo! Holdings (Hong Kong) Limited and/or Yahoo! Hong Kong to attend a special Panel meeting to be held on **Tuesday, 1 November 2005, at 2:30 pm in Conference Room A of the Legislative Council Building**. The tentative agenda for the meeting is attached for your information.

On **Agenda item I**, members have noted with concern the recently reported incident in which it was alleged that Yahoo's Hong Kong affiliate provided information regarding the personal emails of Mr Shi Tao, a journalist, to the Chinese authorities. Subsequently, the journalist was arrested and convicted in the Mainland.

As the incident has aroused considerable public concern, the Panel would like to meet with your corporation to seek clarification on the role, if any, of Yahoo! Hong Kong and Yahoo! Holdings (Hong Kong) Ltd in the incident. The Panel would also like to exchange views with your corporation in greater detail on how e-mail subscribers' personal information can be safeguarded.

Hon SIN Chung-kai, Panel Chairman, has well received your letter dated 13 October 2005 in reply to his earlier enquiry. To allay some of the concerns, your corporation is kindly invited to advise further on the following :

- (a) What personal information is collected from clients when they register with Yahoo! for free e-mail accounts? Does the information being collected from e-mail users differs from country to country or from place to place?

- (b) Under what circumstances would Yahoo! disclose information on personal e-mails of their subscribers? Before e-mail users register with Yahoo!, are they informed or aware that their personal information may be disclosed without their knowledge or consent?
- (c) In respect of Mr Shi Tao's case, according to the verdict (a copy of which can be browsed at http://cyber.law.harvard.edu/globalvoices/wp-content/ShiTao_verdict.pdf), it was reported, inter alia, that Yahoo! Holdings (Hong Kong) Ltd had furnished certain account holder information. What information had been furnished and under what circumstances had such information been furnished? If account holder information had been provided to the Mainland authorities, whether and how far had Yahoo! Holdings (Hong Kong) Ltd, a data user as defined in the Personal Data (Privacy) Ordinance (Cap. 486), taken into account the requirements of that Ordinance before providing the relevant information to the Mainland authorities?

To facilitate the Panel's consideration, we should be most grateful if you would let us have the aforesaid information in both Chinese and English and with softcopy to slchan@legco.gov.hk **on or before 26 October 2005** for timely circulation to members. In line with our usual practice, the written information provided will be made available to the media and the public, and uploaded to the Website of this Council on the Internet, unless you have advised otherwise.

To facilitate meeting arrangements, kindly confirm whether your representative(s) will be attending the special meeting **on or before 26 October 2005**.

In this connection, kindly note that when addressing the Panel at the meeting, your representatives are not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). The written information provided by your corporation will also not be covered by the aforesaid Ordinance.

Meanwhile, if there is any question, please feel free to contact me or Ms Debbie YAU at 2509 4602.

Looking forward to your early reply and with best regards,

Yours sincerely,

(Miss Polly YEUNG)
Clerk to Panel

Encl.

c.c. Hon SIN Chung-kai, JP, Panel Chairman

Assistant Legal Adviser 3