

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
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HONG KONG

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19 May 2006

Mrs Sharon Tong
Clerk to Panel on Security
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Tong,

**Panel on Security
Follow-up of the Meeting of 4 May 2006**

At the meeting of the Panel on Security on 4 May 2006, Members requested the Administration to set out the support provided by the Administration to the Independent Police Complaints Council (IPCC) in dealing with the incident of disclosure of the personal data of persons who have complained against the Police on the Internet.

At the outset, the Administration wishes to reiterate that it is highly appreciative of the important contribution by the IPCC to the integrity and credibility of the police complaints system. We attach the utmost importance to respecting the independence of the IPCC whilst seeking to ensure that the IPCC is given all the support that it requires to discharge its duties.

We are deeply appreciative of the prompt follow-up actions that the IPCC has taken since the disclosure incident has come to light, including conducting an investigation and publishing an investigation report, and undertaking various remedial measures. The Administration has provided the following support to the IPCC.

Staffing

Shortly after the discovery of the incident, we deployed additional temporary staff to the IPCC Secretariat to strengthen the administrative support to the IPCC in taking follow-up actions. For example, the staff have supported the two sub-committees set up by the IPCC to meet and understand from persons who have genuine concerns on the incident and to examine measures to address these concerns. The staff have also assisted in liaising with the Office of the Privacy Commissioner for Personal Data to facilitate its investigation of the incident under the Personal Data (Privacy) Ordinance (Cap. 486). We will continue to seek to provide additional staff to the IPCC Secretariat to follow up on the matter.

Credit monitoring

The Administration shares the IPCC's view that credit monitoring measures should be put in place to address the concern that the affected persons' data disclosed might be used fraudulently to obtain credit from financial institutions. We have therefore been in contact with the financial industry associations to seek their assistance to draw their members' attention to the incident and to take care in verifying the identity of any persons using the affected persons' names to obtain credit.

Legal support

The Administration fully recognizes that IPCC Members have given their time and contribution to the work of the IPCC as a public service. The Administration therefore considers that they should not be held financially liable for their work for the IPCC carried out in good faith. Nor should they be unnecessarily encumbered with handling claims arising from the performance of their public service.

Since the incident, we have arranged for and funded the IPCC to obtain legal advice on matters of legal concern. In addition, the Administration will take over all legal proceedings against IPCC Members and the IPCC Secretary, with the Department of Justice (DoJ) conducting the proceedings in the name of IPCC Members or the IPCC Secretary, as the case may be. Similarly, in the case of proceedings or claims brought against third parties, DoJ will handle such claims on behalf of IPCC Members and the IPCC Secretary.

Miscellaneous

The Administration has provided the IPCC with the necessary background in handling questions frequently raised by affected persons, for

example, the policy on changing Hong Kong identity card numbers and public housing assistance. We have also started processing specific requests in this regard that the IPCC has referred to us.

Way forward

The Administration will remain in close liaison with the IPCC and stands ready to provide other kinds of support to the IPCC in dealing with the incident as appropriate.

Yours sincerely,



(Miss Cheung Siu Hing)
for Secretary for Security

c.c. Secretary/IPCC

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