

**Legislative Council Panel on  
Information Technology and Broadcasting  
Meeting on 13 July 2009**

**Purpose**

This paper informs Members of the follow-up actions taken by the Office of the Privacy Commissioner for Personal Data (“PCPD”) with respect to the data leakage cases that have been brought to the attention of PCPD from December 2008 to June 2009.

**Actions by PCPD**

The actions taken / being taken by PCPD in response to the data breach incidents concerning government bureaux / departments are set out at the Annex.

**Views sought**

Members are invited to note the content of this paper.

*Office of the Privacy Commissioner for Personal Data  
July 2009*

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No.	Summary of the incident	Affected data subjects	Informed affected data subjects	Informed Privacy Commissioner	Actions taken / being taken by PCPD
<b>Census &amp; Statistics Department (C&amp;SD)</b>					
Case 1	In January 2009, a local newspaper reported that C&SD had lost a USB flash drive containing personal & corporate information.	N/A	N/A	No	Preliminary inquiry revealed that the USB flash drive did not contain any personal data. Case closed.
Case 2	In April 2009, C&SD reported that an officer had wrongfully mailed two letters and two demand notes containing personal data to an unintended recipient.	2	Yes	Yes	After an enquiry, PCPD checked C&SD's new control measures to ensure that future outgoing letters are correctly addressed.
<b>Customs &amp; Excise Department (C&amp;ED)</b>					
Case 3	In April 2009, a local newspaper reported that a USB flash drive containing personal data held by C&ED was picked up by a pedestrian.	N/A	N/A	No	Preliminary inquiry did not reveal that any C&ED officer had lost any USB flash drive. Case closed.
Case 4	In June 2009, a local newspaper reported that some confidential documents relating to C&ED operations were picked up by a pedestrian.	N/A	N/A	No	PCPD checks with C&ED which is conducting an investigation into the incident. PCPD will keep monitoring the situation.

Summary of data breach incidents (government bureaux / departments) between 8 December 2008 and 30 June 2009

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<b>Education Bureau (EDB)</b>					
Case 5	In March 2009, EDB reported that an EDB officer's briefcase was stolen during a car burglary on 5 September 2008. The lost items included documents and things containing personal data.	66	Yes	Yes	Matter referred to the Police. PCPD is examining EDB's investigation report and other information.
<b>Efficiency Unit (EU)</b>					
Case 6	In April 2009, EU reported that some Replacement Demand Notes ("RDN") for Rates and/or Government Rent were wrongfully mailed to unintended recipients.	12	Yes	Yes	PCPD is examining EU's representation that the incident was caused by technical problems of printing RDN from a new computer workstation.
<b>Hong Kong Examinations &amp; Assessment Authority (HKEAA)</b>					
Case 7	In June 2009, HKEAA reported that 57 marked examination scripts were left in a taxi by a marker. ( <i>Remarks : the scripts were found and returned to HKEAA on 16 June 2009.</i> )	57	N/A	Yes	Inquiry revealed that the scripts are only identified by randomly assigned candidate numbers. PCPD is now examining the incident report provided by HKEAA.

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<b>Food &amp; Environmental Hygiene Department (FEHD)</b>					
Case 8	In January 2009, a local newspaper reported that a USB flash drive containing personal data held by FEHD was picked up by a bus passenger.	103	Yes	No	PCPD conducted an inquiry. The remedial actions taken by FEHD, which included warning the officer and educating its staff in data protection, proved satisfactory to PCPD. Case closed.
<b>Fire Service Department (FSD)</b>					
Case 9	In February 2009, a local newspaper reported that the personal data of some FSD officers were accessible on the Internet by "Foxy" users.	58	Yes	No	The Police to whom the matter was referred decided that no criminal element was involved. PCPD is in close contact with FSD which is conducting an investigation.

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<b>Labour Department (LD)</b>					
Case 10	In March 2009, LD reported the loss of a case file. It contains personal data in connection with a prosecution case.	2	No	Yes	Inquiry being carried out. PCPD expects to be advised of LD's investigation.
<b>The Police</b>					
Case 11	In January 2009, a local newspaper reported that a pedestrian in Tsuen Wan had found a file folder containing Police reports & statements.	10	Yes	No	Inquiry conducted by PCPD. On recommendation by PCPD, the Police is reviewing its data protection guidelines.
Case 12	In March 2009, it was widely reported by the media that 69 police files containing personal data had been downloaded by a "Foxy" user.	96	Yes	N/A	Formal investigation has been carried out and is continuing.

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No.	Summary of the incident	Affected data subjects	Informed affected data subjects	Informed Privacy Commissioner	Actions taken / being taken by PCPD
Case 13	In April 2009, the Police reported that 7 items of documents containing the personal data of a prisoner were found missing.	1	No	Yes	PCPD has commenced an inquiry and is in contact with the Police which is investigating into the matter and keeping PCPD informed.
Case 14	In June 2009, the Police reported that a statement relating to a traffic accident was found uploaded to the Internet.	N/A	Yes	Yes	PCPD has commenced an inquiry and the Police is required to furnish more information.
<b>Total</b>	<b>14 Cases</b>	<b>407</b>			

**Office of the Privacy Commissioner for Personal Data  
July 2009**