

立法會
Legislative Council

LC Paper No. CB(1)2180/08-09(09)

Ref. : CB1/PL/ITB

Panel on Information Technology and Broadcasting

Meeting on 13 July 2009

Updated background brief on information security

Purpose

This paper gives a summary of views and concerns raised by Members during previous discussions on information security in relation to the series of personal data leakage incidents involving Government bureaux/departments and public bodies.

Background

2. In the wake of a series of incidents of the loss of USB memory sticks containing personal data held by Government bureaux/departments and public hospitals, Members expressed grave concern about the protection of personal data, safeguarding information security and the handling of sensitive personal data by the Government and public bodies.

Previous discussions

General

3. Members followed closely the data leakage incidents and related issues at Council meetings and panel meetings. Questions pertaining to the data leakage incidents, the protection of privacy, the remedial/improvement measures undertaken by the Administration to safeguard information security, strengthen the protection of personal data and reduce the risk of further leakage, the handling of personal data by the Government/public bodies and business corporations, as well as the review of the Personal Data (Privacy) Ordinance (PDPO) (Cap. 486) were raised at Council meetings on 21 May, 28 May and 11 June 2008. The Panel on Information Technology and Broadcasting (ITB Panel), the Panel on Home Affairs and the Panel on Constitutional Affairs had also discussed the relevant issues.

4. In general, Members were gravely concerned about the widespread leakage of sensitive personal data and urged for improvement measures to further enhance information security, safeguard privacy and forestall further leakage. They called for a tightening of information security regulations and policies to uphold a high standard of information security among the Government and public bodies to prevent the recurrence of similar incidents. Members were keen to ensure that an effective monitoring mechanism was in place to strengthen the protection of privacy and ensure compliance by staff handling personal data, thereby enhancing the public's confidence in the handling of personal data by the Government, public bodies and business corporations.

5. At its special meeting on 30 May 2008, the ITB Panel received a briefing by the Administration (including the Office of the Government Chief Information Officer, Civil Service Bureau, Hong Kong Police Force (HKPF), Immigration Department, Department of Health) and representatives of HA and the Privacy Commissioner for Personal Data (PCPD) on the background to the incidents, remedial measures undertaken by the Administration and the enhancement programmes to be pursued with a view to reducing the risk of further leakage. The Administration further updated members at the ITB Panel meeting on 8 December 2008 on progress of the follow-up actions taken and improvements made. Members' views and concerns raised at the two meetings were summarized in the ensuing paragraphs.

Measures to prevent further data leakage

6. Given the convenience and the popular use of the Internet and portable electronic storage devices, some Panel members urged the Administration to adopt advanced data protection technologies, such as advanced USB flash drives with encryption and password lockdown, and virtual private network notebook computer using a secure network with encryption and authentication features. Some members suggested that Government bureaux/departments should check whether any classified Government documents were circulating on the Internet through the use of Foxy or other peer-to-peer file sharing applications, and take immediate action to remove such documents from the Internet.

Staff taking work home

7. Panel members expressed concern that these data leakage incidents revealed the prevalence of staff taking confidential documents and sensitive data home for work as this posed risk of data leakage. Some members were of the view that the management should also be responsible, to a certain extent, for the data leakage. If taking work home was necessary for operational reasons, the Administration/management should set out clear guidelines, put in place measures to ensure safe transit of data between home and office, and provide a secure computing environment for staff authorized to work at home. Panel members considered that Government should ascertain the extent of staff taking sensitive

data to work at home and draw up quantifiable yardsticks as benchmarks to measure the level of staff awareness, so as to assess the effectiveness of the security enhancement measures. Staff should also be provided with technical support and advice and education to raise their awareness of security issues. Enforcement and internal management should be strengthened to ensure compliance with the relevant security regulations and guidelines. Some Panel members considered that disciplinary actions and a formal record in staff performance appraisal file would be effective deterrents for civil servants who had not exercised sufficient care and prudence in handling sensitive or personal data.

Power and functions of the Privacy Commissioner for Personal Data

8. The ITB Panel noted that all data users in the public and private sectors were subject to the PDPO governing privacy and personal data security, and were required to take every practicable steps to avoid unauthorized disclosure of all sensitive data, either in paper or electronic form. In this connection, Panel members considered that the PCPD should be provided with sufficient manpower and resources to discharge its statutory function of safeguarding and protecting personal data security. Panel members also urged that the PDPO should be reviewed as soon as practicable to ensure sufficient protection of personal data, and to make breaches of privacy a criminal offence.

9. The Administration advised members that the review would go through the necessary consultation and legislative procedures. As regards members' suggestion that the PCPD and the data subjects affected by the leakage of sensitive and personal data should be notified of the leakage as soon as possible, the Administration advised that the bureau/department concerned was required to report the incident to both the PCPD and the Government Information Security Incident Response Office. Whether affected data subjects would be notified of the leakage would depend on individual circumstances.

Security risk assessment

10. Concerning about the series of data leakages in HKPF, the ITB Panel requested the Administration to provide information on the outcome and findings of the security risk assessment conducted on the security provisions for the staff of HKPF in handling personal or sensitive data, which should cover working outside of the office environment, and also the improvement programmes and follow-up actions implemented to mitigate risk factors identified. The Administration would brief the ITB Panel on these matters in due course.

Latest position

11. The Administration will update the ITB Panel on the progress of existing and planned security enhancement initiatives as well as actions taken/being taken in the recent data leakage incidents since the meeting held in December 2008. The

Privacy Commissioner for Personal Data is also asked to update members on actions taken/being taken in the recent data leakage cases that have been reported to the Office of the Privacy Commissioner for Personal Data through Government bureaux/departments since December 2008.

Reference

12. A list of relevant papers is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
7 July 2009

Appendix

List of relevant papers

Committee	Paper	LC Paper No.
Meeting of ITB Panel on 30 May 2008	Administration's paper on "Information Security" http://www.legco.gov.hk/yr07-08/english/panels/itb/papers/itb0530cb1-1679-1-e.pdf	CB(1)1679/07-08(01)
	Paper provided by the Hospital Authority http://www.legco.gov.hk/yr07-08/english/panels/itb/papers/itb0530cb1-1679-2-e.pdf	CB(1)1679/07-08(02)
	Minutes of meeting http://www.legco.gov.hk/yr07-08/english/panels/itb/minutes/itb080530.pdf	CB(1)2311/07-08
Special meeting of Home Affairs Panel on 4 July 2008	Administration's paper on "Review of the Personal Data (Privacy) Ordinance" http://www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha0704cb2-2488-1-e.pdf	CB(2)2488/07-08(01)
	Administration's paper on "Protection of personal data privacy" http://www.legco.gov.hk/yr07-08/english/panels/ha/papers/ha0704cb2-2454-1-e.pdf	CB(2)2454/07-08(01)
	Minutes of meeting http://www.legco.gov.hk/yr07-08/english/panels/ha/minutes/ha080704.pdf	CB(2)2850/07-08
Council meeting on 21 May 2008	Oral question no. 4 raised by Hon Audrey EU Yuet-mee on "Protection of personal data" and the Administration's reply http://www.legco.gov.hk/yr07-08/english/counmtg/hansard/cm0521-translate-e.pdf	Hansard
	Written question no. 15 raised by Hon Emily LAU on "Review of the Personal Data (Privacy) Ordinance" and the Administration's reply http://www.legco.gov.hk/yr07-08/english/panels/itb/papers/itb0530cb1-1679-4-e.pdf	CB(1)1679/07-08(04)

Committee	Paper	LC Paper No.
	<p>Written question no. 19 raised by Hon CHEUNG Hok-ming on "Loss of patient data stored in electronic devices" and the Administration's reply</p> <p>http://www.legco.gov.hk/yr07-08/english/panels/itb/papers/itb0530cb1-1679-5-e.pdf</p>	CB(1)1679/07-08(05)
Council meeting on 28 May 2008	<p>Oral question no. 1 raised by Hon Jasper TSANG Yok-sing on "Protection of personal data by government departments and public organizations" and the Administration's reply</p> <p>http://www.legco.gov.hk/yr07-08/english/panels/itb/papers/itb0530cb1-1692-1-e.pdf</p> <p>Written question no. 20 raised by Hon Emily LAU on "Loss of computer server containing personal data of customers by a bank" and the Administration's reply</p> <p>http://www.info.gov.hk/gia/general/200805/28/P200805270158.htm</p>	<p>CB(1)1692/07-08(01)</p> <p>Hansard</p>
Council meeting on 11 June 2008	<p>Oral question no. 3 raised by Hon Ronny TONG on "Government departments' handling of incidents of leakage of personal data " and the Administration's reply</p> <p>http://www.info.gov.hk/gia/general/200806/11/P200806110184.htm</p>	Hansard
Meeting of ITB Panel on 8 December 2008	<p>Administration's paper on "Information Security"</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/itb/papers/itb1208cb1-326-4-e.pdf</p> <p>Background brief prepared by the Legislative Council Secretariat</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/itb/papers/itb1208cb1-326-5-e.pdf</p> <p>Minutes of meeting</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/itb/minutes/itb20081208.pdf</p>	<p>CB(1)326/08-09(04)</p> <p>CB(1)326/08-09(05)</p> <p>CB(1)1269/08-09</p>