

**Speech of the Privacy Commissioner for Personal Data,
Mr. Roderick B. Woo at the Public Accounts Committee
of the Legislative Council on 17 December 2009**

The Office of the Privacy Commissioner for Personal Data (“PCPD”) is the statutory body responsible for the protection of personal data privacy of all living individuals. Although the PCPD’s operating resources are funded by the Government, the PCPD is not a government department. It is outside the government framework and does not enjoy the privileges of the Government. This is clearly stated in the Ordinance, “the Commissioner shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.”

The functions of the PCPD can be described by the metaphor “the sparrow may be small but it has all the vital organs”. Apart from the administrative routine, the functions of the Commissioner include promotion, education, guidance, complaint handling, investigation, regulation, enforcement, conducting appeals and litigation related to the PCPD, legislative amendment, and liaising with overseas counterparts. Such a variety of work has been handled by an average of less than 30 persons over the past 13 years.

The operation of the PCPD has to rely on its distribution of funds. It does not have the support from the Civil Service Bureau as other government departments in administration works. In utilizing resources, I have to adopt a flexible policy in order to handle many sudden incidents which have significant privacy impact on the society.

In examining whether the PCPD has reasonably used the resources in a value-for-money way, apart from the approach adopted by the Audit Report, I also hope that the Councillors and the public could judge it from another perspective by way of assessing the performance of the PCPD from the limited resources allocated to it to protect personal data privacy right in meeting the expectation of the society. In other words, whether the taxpayers think that they are paying money for what it is worth.

Regardless of the amount of resources at my disposal, I reiterate that the Commissioner performs his functions under the principles of prudent financial management, accountability, and transparency. Whenever there is significant issue involving the protection of personal data privacy, I often give priority to it to protect personal data privacy. Even though there were no resources at that time, it did not stop me from conducting the Ordinance review exercise, setting up the Compliance Division to initiate investigation of suspected contravention, and carrying out the inspection of the Hospital Authority's patients' data system due to leakage of patients' data.

I welcome the recommendations on administrative and financial management made by the Director of Audit in his report. I accept all his recommendations, and will follow up actively and strive to improve. For the administration faults, human errors or deviation in decision making mentioned in the report, some of them happened before I assumed office. I rectified them once I had assumed office. My approach is that once I notice any error, I will rectify and review the problem as soon as possible, amend or update the related policies, procedures and guidelines for staff's compliance to avoid recurrence of similar cases. For the matters that deserve better judgment calls, I hope the Councillors could understand that I have to be forward-looking in some decision making processes. Even if a decision is imperfect, it was motivated by my overall objective to serve the public wholeheartedly with no personal interest being involved.

I have endeavoured to economize and make continuous improvements on the operation of the PCPD. My efforts in the past four odd years did not go unnoticed as positive comments were given in the Audit Report. I will continue to follow the "moderate and conservative" principle in using public money.

Lastly, I hope that with the support of the Government, the public and the Councillors, the PCPD can continue to play the role of a unique and effective personal data privacy regulator in Asia. In my Work Report published recently, I referred to some testimonials from overseas privacy commissioners, Mr. David Loukidelis, Privacy Commissioner for British Columbia, Canada had this to say, "Hong Kong is fortunate to have an oversight agency that is active, innovative and highly respected internationally for its leadership in privacy enforcement." I do hope the Hong Kong taxpayers will also understand and recognize the work my Office has been doing and consider it is value for their money. Thank you.