

Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU

Office of the Privacy Commissioner for Personal Data

Aim

48 The aim is to oversee the implementation of the Personal Data (Privacy) Ordinance which protects the individual's privacy with respect to personal data.

Brief Description

49 The Privacy Commissioner for Personal Data (the Privacy Commissioner) is an independent statutory authority established in 1996. The Privacy Commissioner has the following key functions and powers:

- monitoring and supervising compliance with the provisions of the Personal Data (Privacy) Ordinance;
- approving and issuing codes of practice to give practical guidance for compliance with the provisions of the Personal Data (Privacy) Ordinance;
- promoting awareness and understanding of the provisions of the Personal Data (Privacy) Ordinance;
- carrying out inspections of personal data systems, including those of government departments and statutory corporations; and
- investigating, upon receipt of complaints from data subjects or on his own initiative, suspected breaches of requirements of the Personal Data (Privacy) Ordinance.

50 The performance targets and indicators of the Privacy Commissioner's Office are as follows:

Targets

	Target	2007 (Actual)	2008 (Actual)	2009 (Plan)
handling public complaints				
acknowledgement of a complaint within two working days of receipt (% of cases)	95	97	99	95
closing a complaint case within 180 days of receipt (% of cases)....	92 Ω	94	96	92
handling public enquiries				
call back to a telephone enquiry within two working days of receipt (% of cases)	95	99	99	95
acknowledgement of a written enquiry within two working days of receipt (% of cases)	95	98	99	95
substantive reply to a written enquiry within 28 working days of receipt (% of cases)	95	93	94	95

Ω Target revised from 90 per cent to 92 per cent as from 2009.

Indicators

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
Public enquiries			
public enquiries received	13 170	13 112	14 000
Complaints			
complaints received	937	793	900
complaints brought forward	137	153	150
cases of complaints for disposal	1 074	946	1 050
investigations completed	921	796	900
investigations in progress@	153	150	150
Compliance			
matching procedure consent applications	15	16	16
inspections of personal data systems \ddagger	0	1	2
compliance checks \ddagger	86	96	110
self-initiated investigations \ddagger	0	8	8

@ Where investigation of "cases of complaints for disposal" in a year has not been completed, the outstanding cases will be reflected as "investigations in progress".

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‡ New indicators as from 2009.

Matters Requiring Special Attention in 2009–10

51 During 2009–10, the Privacy Commissioner will:

- step up proactive enforcement of the Ordinance for better protection of the individual's personal data privacy;
- continue to promote public awareness and understanding of the Ordinance and the functions of the Privacy Commissioner's Office; and
- continue to participate in regional privacy developments having impact on cross-border data protection, such as the Asia-Pacific Economic Co-operation Privacy Framework.