



Your ref: CB(3)/PAC/R53
Our ref.: PCPD/CR(A)6/215

By Email

18 December 2009

Ms Miranda HON
Clerk to Public Accounts Committee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms HON,

**The Director of Audit's Report on the Results
of Value for Money Audits (Report No. 53)
Office of the Privacy Commissioner for Personal Data (Chapter 9)**

I refer to the public hearing of the above on 17 December 2009 at which the Hon Starry LEE Wai-king of the Committee requested the Office of the Privacy Commissioner for Personal Data to provide a summary of matters discussed at the meetings of the Personal Data (Privacy) Advisory Committee.

I attach the summary as requested for the use of the Committee at the hearing on 21 December.

Yours sincerely,

(Roderick B WOO)

Privacy Commissioner for Personal Data

Encl

c.c. Secretary for Financial Services and the Treasury
(Attn: Ms Bernadette LINN, JP)
Financial Services and the Treasury Bureau

Secretary for Constitutional and Mainland Affairs
(Attn: Mr Arthur HO, JP)
Constitutional and Mainland Affairs Bureau

Director of Audit
(Attn: Mr Paul LAM)
Audit Commission

To : Public Accounts Committee
Re : Hearing on 21 December 2009 on the “Value-for-Money” Audit of the Office of the Privacy Commissioner for Personal Data

Meetings of the Personal Data (Privacy) Advisory Committee (“PD(P)AC”)
(Since August 2005)

21st Meeting of the PD(P)AC held on 10 August 2005

Agenda Items

- (a) Youth Promotional Activities
- (b) Public concern engendered by media reports on the Commission, its application of public fund and internal system and expenditure vis-à-vis overseas trips, office entertainment allowance and others

Matters discussed

- i. Report on three current promotional activities targeting the young generation for their better awareness and understanding on personal data privacy.
- ii. Public concerns about use of internal welfare fund, expenditure on overseas duty visits were raised by the Privacy Commissioner for Personal Data and discussed by the Advisory Committee. The Privacy Commissioner considered it prudent to review the internal policies of the PCPD.
- iii. Matters arising from the promulgation of the Law Enforcement Order by the Chief Executive.

22nd Meeting of the PD(P)AC held on 15 June 2006

Agenda Items

- (a) Survey of Public Sector Organisations: Privacy Impact Assessment

- (b) Public Education Projects
- (c) Use of Biometric Authentication to Record School Attendance
- (d) Establishment of a Data User's Registration Scheme Pursuant to Sections 14-17 of the Personal Data (Privacy) Ordinance
- (e) Disclosure of Data of E-mail Subscribers

Matters discussed

- i. Report on key findings of the survey of public sector organizations on Privacy Impact Assessment.
- ii. Progress of the implementation of the Data Users Registration Scheme.
- iii. Report on the current public education projects for IT and the Hotel Privacy Campaign.
- iv. Matters relating to a newspaper report on the use of biometric authentication to record school attendance.
- v. Jurisdiction problem relating to disclosure of data of email subscribers.

23rd Meeting of the PD(P)AC held on 31 May 2007

Agenda Items

- (a) Privacy Awareness Week 2007
- (b) Guidance Note on Collection of Fingerprint Data
- (c) Electronic Patient Record
- (d) Data Users Registration Scheme
- (e) Yahoo! Case

Matters discussed

- i. Report on the activities organized for the Privacy Awareness Week 2007.
- ii. Progress of the implementation of the Data Users Registration Scheme.
- iii. Report on the PCPD's views on Electronic Patient Record System.
- iv. Briefing on the contents of the Guidance Note on Collection of Fingerprint Data to be published.
- v. Briefing on the progress and issues of the Yahoo! Case.
- vi. Report on the consultation paper on the amendments to the Code of Practice on Consumer Credit Data.

24th Meeting of the PD(P)AC held on 17 September 2008

Agenda Items

- (a) Privacy Awareness Week 2008
- (b) Real Estate Privacy Campaign
- (c) Updates on Ordinance Review Exercise
- (d) Cathay Pacific Case
- (e) Inspection and the Way Forward
- (f) Promoting Privacy Impact Assessment in Government Projects
- (g) Data Leakage by Immigration Department

Matters discussed

- i. Report on the activities organized for the Privacy Awareness Week 2008.

- ii. Report on the activities organized for the Real Estate Privacy Campaign.
- iii. Updates on Ordinance Review Exercise (It was brought to the Advisory Committee's notice of the proposal of giving the Privacy Commissioner a discretionary power to discontinue an investigation at any time, in view of the present situation that the Privacy Commissioner has no power to do so after 45 days upon receipt of a complaint).
- iv. Report on the progress of the Cathay Pacific Case.
- v. Report on the inspection of Hospital Authority (including the Privacy Commissioner's plan to establish an inspection team).
- vi. A proposal to introduce Privacy Impact Assessment as a risk management tool to ensure privacy-compliant solutions.
- vii. Report on the PCPD's actions following the data leakage by Immigration Department.
- viii. Warning of brain drain and backlog in view of the increasing workload in complaint handling, shortage of manpower and resources.

25th Meeting of the PD(P)AC held on 25 March 2009

Agenda Item

- (a) Updates on Ordinance Review Exercise

Matters discussed

- i. Specific issues arising from the Ordinance Review Proposals (It was again brought to the Advisory Committee's notice of the proposal of giving the Privacy Commissioner a discretionary power to discontinue an investigation at any time, in view of the present situation that the Privacy Commissioner has no power to do so after 45 days upon receipt of a complaint).

26th Meeting of the PD(P)AC held on 10 July 2009

Agenda Items

- (a) PCPD's Comments on CMAB's Draft Public Consultation Paper
- (b) PCPD's Proposals not included in CMAB's Draft Public Consultation Paper

Matters discussed

- i. Report on the PCPD's comments on the Draft Public Consultation Paper prepared by the CMAB (It was highlighted in the draft proposal: (i) the fact that no time limit for giving notice of refusal is prescribed in relation to the Equal Opportunities Commission, the Ombudsman and overseas privacy authorities was highlighted; and (ii) options on the removal of the 45-day requirement or giving the Privacy Commissioner a discretion to discontinue an investigation after 45 days upon receipt of the complaint.)
- ii. Report on amendment proposals not taken by the CMAB.

27th Meeting of the PD(P)AC held on 24 September 2009

Agenda Items

- (a) To consider a report on the latest position of the Memorandum of Administrative Arrangements with the CMAB concerning the Privacy Commissioner's overseas duty visits
- (b) To consider a Report on a "value for money" draft audit report by the Audit Commission on the Office of the Privacy Commissioner for Personal Data in relation to:-
 - (i) compilation of a set of formal rules to govern meeting procedure of the Advisory Committee;
 - (ii) risk assessment of the non-compliance with the 45-day requirement; and

- (iii) inclusion of the non-compliance with the 45-day requirement a standing agenda item of the Advisory Committee meetings
- (c) To discuss and consider endorsing (subject to any appropriate amendments) the responses of the Privacy Commissioner to paragraphs 2.13 and 3.24(d) to (f) of the draft audit report
- (d) To receive a report from the Privacy Commissioner on other issues covered by the draft audit report

Matters discussed

- i. Report on the amendment to the Memorandum of Administrative Arrangements in relation to overseas duty visit.
- ii. Audit's recommendations on compilation of formal meeting rules.
- iii. Issues relating to non-compliance of the 45-day requirement mentioned in the Audit Report.
- iv. Endorsement of the relevant responses drafted by the PCPD.
- v. Report on other matters raised by Audit and the constraint of manpower in the Operations Division.

Office of the Privacy Commissioner for Personal Data
18 December 2009