

政制及內地事務局
政府總部



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Miss Flora Tai
Clerk to Legislative Council Panel on Constitutional Affairs
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(By fax: 2509 9055)

28 February 2011

Dear Miss Tai,

**Legislative Council Panel on Constitutional Affairs
Enforcement of the Personal Data (Privacy) Ordinance**


At the meeting of the Legislative Council Panel on Constitutional Affairs on 20 December 2010, Members enquired about the co-operation between the Office of the Privacy Commissioner for Personal Data (the Privacy Commissioner's Office) and the Hong Kong Police Force (the Police) in enforcing the Personal Data (Privacy) Ordinance (PDPO) (Cap. 486). Relevant information is provided below.

The Privacy Commissioner's Office is an independent statutory authority responsible for monitoring, supervising and promoting compliance with the provisions of the PDPO. It may, among other things, investigate suspected breaches of requirements under the PDPO upon receipt of complaints from data subjects or on its own initiative, and may serve an enforcement notice on the data user concerned, directing him to take such steps as are specified in the notice within a specified period to remedy the contravention. In addition, for any suspected offence under the PDPO, the Privacy Commissioner's Office may refer the case to the Police for criminal investigation. Prosecution will be instituted by the Department of Justice.

In handling cases referred by the Privacy Commissioner's Office, the Police have issued guidelines to frontline officers setting out relevant handling procedures. A designated officer at Senior Superintendent level in every police region will handle the referred cases in person and assign them to appropriate crime investigation unit for investigation.

During investigation, the Police will in general consult the Department of Justice and if necessary, also seek professional advice from the Privacy Commissioner for Personal Data. The Privacy Commissioner's Office and the Police will continue to maintain liaison and cooperation in handling cases involving contravention of the PDPO.

Yours sincerely,


(Philomena Leung)

for Secretary for Constitutional and Mainland Affairs