

立法會
Legislative Council

LC Paper No. CB(2)435/10-11(05)

Ref : CB2/PL/SE

Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 7 December 2010**

**Privacy Compliance Assessment Report
for the Smart Identity Card System**

The Government of the Hong Kong Special Administrative Region has been issuing smart identity cards through the Immigration Department ("ImmD") since 2003. In the course of system design and initial implementation, ImmD had engaged outside consultants and conducted four privacy impact assessments. The relevant recommended privacy protection measures were fully implemented. To ensure that all personal data held by ImmD are handled in compliance with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"), the Administration has requested the Privacy Commissioner for Personal Data ("the Commissioner") to conduct a Privacy Compliance Assessment ("PCA") on ImmD's Smart Identity Card System ("SMARTICS") introduced in 2003.

2. According to the Office of the Privacy Commissioner for Personal Data ("PCO"), the purpose of the PCA is to assess ImmD's level of compliance with the requirements of PDPO, to identify potential weaknesses in ImmD's data protection system, and to provide recommendations to ImmD for a review of its data protection system.

3. To ensure that the PCA was conducted in an independent manner and to delineate clearly the role of the Commissioner, the Director of Immigration and the Commissioner had entered into a Memorandum of Understanding to set out the work relationship between ImmD and PCO.

4. According to the homepage of PCO, the Commissioner had, during the PCA, studied the procedures of the operation of SMARTICS, and his officers had examined ImmD's documents, visited ImmD's offices and control points,

interviewed smart identity card applicants, and obtained information from ImmD officers ranking from Assistant Director to Immigration Assistants. An on-site questionnaire survey was also conducted in the course of the PCA.

5. The PCA, which commenced in July 2009, had been completed. PCO has presented the PCA Report to the Administration with its observations, findings, recommendations and conclusion. The report was also released to the public in July 2010 and circulated to members vide LC Paper No. CB(2)2137/09-10 on 2 August 2010.

Council Business Division 2
Legislative Council Secretariat
1 December 2010