



香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

年報 Annual Report 2013-14



由符規
From Compliance...

躍升為問責

加強競爭優勢
Create a Competitive Edge



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使命

Mission Statement

致力推廣、監察及監管，促使各界人士遵從《個人資料（私隱）條例》，確保市民的個人資料私隱得到保障。

To secure the protection of privacy of the individual with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance.

公署策略與主要目標

Strategies and Key Goals of the PCPD

	執法 Enforcement	監察及監管符規 Monitoring and Supervising Compliance
策略 Strategies	<ul style="list-style-type: none"> • 確保公正、公平和具效率的運作 • 獨立、不偏不倚、無畏無懼地行事 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題 • Ensure equity, fairness and operational efficiency • Act independently, impartially and without fear or favour • Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • Partner with overseas data protection authorities for handling cross-border privacy issues 	<ul style="list-style-type: none"> • 主動調查私隱風險顯著的範疇 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題 • Proactively investigate into areas where the privacy risks are significant • Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • Partner with overseas data protection authorities for handling cross-border privacy issues
主要目標 Key Goals	<ul style="list-style-type: none"> • 調查投訴個案，具效率及持平地解決個案 • 專業而有效率地回應查詢 • 接納符合審批條件的法律協助申請，讓個人資料私隱受侵犯的申索人士獲得補償 • Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned • Enquiries are responded to professionally and efficiently • Meritorious applications for legal assistance are entertained and aggrieved individuals compensated 	<ul style="list-style-type: none"> • 促使機構履行保障個人資料的責任和採納良好的保障私隱行事方式 • Organisational data users meet their data protection obligations and adopt good privacy practices

推廣 Promotion

- 促進社會各界全面參與保障私隱
- 倡導機構不應止於法例最低要求，實踐最佳行事方式，提升水平
- 利用出版和傳媒，發揮廣泛的宣傳和教育效用
- 走進社區，特別多接觸年青人
- 藉調查個案所得的啟示，教育資料使用者和資料當事人
- Be proactive in seeking the holistic engagement of stakeholders
- Promote best practices among organisational data users on top of meeting minimum legal requirements
- Maximise publicity and education impact through publications and media exposure
- Engaging the community, in particular, young people
- Use lessons learnt from investigations as a means of educating data users and data subjects
- 公眾認識在條例下享有資料當事人的權利，以及如何行使有關權利
- 公、私營機構皆認識在法例下資料使用者的責任，並付諸實行
- 讓公眾和公、私營機構都認識公署的角色及可提供的支援
- Individuals are aware of their rights as data subjects under the Ordinance and how to exercise them
- Public and private sector organisations are aware of their obligations as data users under the Ordinance and how to meet them
- Individuals and public and private sector organisations are aware of the role of the PCPD and how we can assist them

機構管治 Corporate Governance

- 奉行具透明度和問責性的原則
- 善用資源以達致經濟效益、效率及效用
- 精簡工作程序
- 在訂立工作的優先次序方面，採取「選擇性而具成效」的方針，優先處理影響最廣泛的工作
- 建立及維持忠心和專業的團隊
- Adhere to the principles of transparency and accountability
- Maximise utilisation of resources to achieve economy, efficiency and effectiveness
- Make continuous efforts to streamline work procedures
- Apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact
- Build and maintain a loyal and professional team
- 達致高水平的管治
- Achieve high standards of corporate governance

私隱專員的話

Privacy Commissioner's Message

蔣任宏

個人資料私隱專員

Allan CHIANG

Privacy Commissioner
for Personal Data



樂見保障個人資料 成為企業管治一環

*Embrace Privacy and Data Protection as
part of Corporate Governance*

《個人資料（私隱）條例》（「條例」）在 1996 年，即大約 17 年前起便開始在港推行。然而，我認為多年來私隱及資料保障這課題，仍然未得到應有的重視。一直以來，私隱及資料保障在機構業務的優先次序中，都置於非常低的位置。但隨着時代轉變，這策略已經行不通了。

The Personal Data (Privacy) Ordinance ("the Ordinance") came into force some 17 years ago, in 1996. However, for many years thereafter, privacy and data protection, in my view, remained a subject that was not given the attention that it deserved. It was traditionally accorded a very low, if any, priority in an organisation's business agenda. This is no longer a viable strategy, as times have changed.

私隱保障形勢正在轉變

首先，當年香港是亞洲區首個司法管轄區，訂立專門的個人資料私隱法例。到了 2014 年，區內已經有其他 11 個司法管轄區有相類的法例，全球更是最少已有 104 個司法管轄區已經推行了保障資料的法例。這個趨勢反映公眾逐漸確認私隱是一項基本人權。

在現今的數碼紀元，資訊及通訊科技日新月異且應用極普及，即使是收集及使用龐大數量的個人資料，都可以在彈指之間完成，資料保障法例更需要應付這些新挑戰。

在私營機構方面，建基於個人資料的新商業模式不斷冒起。資訊及通訊科技的創新及應用，例如互聯網、社交網絡、物聯網、流動應用程式、大數據及雲端運算，無疑帶來了超乎我們想像的巨大經濟及社會價值，以及加強了企業的生產力及競爭力。

在公營機構方面，政府及很多公共機構同樣也利用資訊及通訊科技，更有效率地處理個人資料，從而執行職責或改善提供公共服務的能力。他們也越來越多使用互聯網、社交網絡平台及流動應用程式來向市民提供資訊，及與公眾溝通；與此同時，他們亦可以經由這些媒體收集個人資料。

斯諾登於 2013 年揭露了美國國家安全局的大規模監察群眾一事，更提高了公眾對保障個人私隱權利的意識，並且喚起了全球關注到國家及私營機構監察活動侵蝕個人私隱權利。

Changing privacy landscape

First, while Hong Kong was the first jurisdiction in Asia to have a dedicated piece of legislation on personal data privacy, by 2014, 11 other jurisdictions in the region had similar legislation. Globally, at least 104 jurisdictions have enacted data protection laws. This trend reflects the growing public recognition of privacy as a fundamental human right.

It also underpins the challenges generated by the pervasive use of new information and communications technologies (“ICTs”) in today’s digital society, which has enabled the collection and use of vast amounts of personal data with phenomenal ease and efficiency.

In the private sector, new business models built on personal data are on the rise. No doubt, ICT innovations and applications such as the internet, social networking, the internet of things, mobile apps, big data and cloud computing have been of great economic and societal value, and have enhanced the productivity and competitiveness of enterprises in ways we could never have imagined.

In the public sector, it is obvious that the government and many public bodies are also taking advantage of ICT to accomplish their mandates or improve their ability to deliver public services through more effective processing of personal data. They are increasingly using the internet, social networking sites and mobile apps to inform and engage the public, and in so doing, they have the potential to collect personal data via these media.

Importantly, Edward Snowden’s revelations in 2013 of mass surveillance by the United States National Security Agency have raised public awareness of individuals’ privacy rights and prompted worldwide concern about the erosion of such rights by state and private sector surveillance activities.

香港的機構在處理私隱及資料保障方面，該何去何從？我至少可以說，仍然是大有改善空間……只有被發現犯下錯誤時，才會正視私隱問題。最高領導層極少參與……

Where do organisations in Hong Kong stand in terms of managing privacy and data protection. To say the least, there is definite room for improvement... Privacy concerns were addressed seriously only when mistakes had been made and identified. Top management was seldom involved...

得過且過的取態不再可行

在這瞬息萬變的私隱保障形勢下，香港的機構在處理私隱及資料保障方面，該何去何從？我至少可以說，仍然是大有改善空間。

我在過去四年作為規管者的經驗，見到許多機構在保障私隱方面，都是傾向於採取被動。他們的處事方式是寧做回應不做主動，寧做補救不做預防；只有被發現犯下錯誤時，才會正視私隱問題。最高領導層極少參與，事件往往只是交由法律及循規職系人員處理，而後者多數會採取得過且過的取態，僅遵守條例下的最基本要求。

八達通事件

一個突出的例子，就是在 2010 年發生，公眾嘩然的八達通事件。該公司營運約 240 萬名顧客資料的顧客積分獎賞計劃時，違反了條例下的多項規定。特別是該公司未經顧客同意，收取金錢利益，把他們的個人資料轉移給多間夥伴機構作為推銷產品及服務之用，此舉引起了社會強烈抗議。八達通後來在媒體上登廣告，就事件作出總結，仍堅持他們出售個人資料是「於法有據，但於情不合」，承認未能符合社會的期望。我當然不同意八達通公司有關抗辯，但八達通學懂了顧客對私隱的期望可助其制訂業務策略，並且宣佈再不會從事類似的不當行為，我亦感到欣慰。

Minimalist approach to managing privacy and data protection no longer viable

Against this fast-evolving privacy landscape, where do organisations in Hong Kong stand in terms of managing privacy and data protection. To say the least, there is definite room for improvement.

My regulatory experience in the past four years has witnessed that many organisations tended to adopt a rather passive approach to privacy protection. They were reactive instead of proactive, and remedial instead of preventative. Privacy concerns were addressed seriously only when mistakes had been made and identified. Top management was seldom involved, if at all. The subject was delegated to the organisation's legal and compliance staff. More often than not, this led to the adoption of a minimalist approach, which was concerned just with meeting the legal requirements set out in the Ordinance.

Octopus incident

One prominent example was the infamous Octopus incident of 2010. In running its customer-loyalty programme with a database of 2.4 million subscribers, the company committed a number of contraventions under the Ordinance. In particular, without its customers' consent, it transferred their personal data to a number of partner companies for use in the marketing of the latter's products and services, and received monetary gains in return. Not surprisingly, this led to a public outcry. In its concluding remarks to the case, promulgated widely in media advertisements, Octopus maintained that its sale of personal data was legal, but admitted it had failed to meet the aspirations of the community. I certainly disagree with Octopus's legal defence. But I am glad that Octopus learnt that its customers' privacy expectations should be instrumental in formulating its business strategy and declared that it would not engage further in such malpractices.

百佳的「易賞錢計劃」

另一個明顯的例子，亦是來自一個顧客會員計劃－由百佳營運、坐擁大約 160 萬會員資料的「易賞錢計劃」。它犯上八達通同一個錯誤，收集顧客的部分身份證號碼以作核對會員身份之用，但其實顧客的其他聯絡資料已足以起核實作用。它還採用了八達通用過的籠統辭彙來說明何謂「資料承轉人」，例如「附屬公司」、「夥伴」、「聯營公司」、「第三方」及「向本公司負有保密責任的任何其他人士」。顧客看了這些辭彙，根本無從得知這些第三者的業務性質，更未能掌握足夠資訊，來決定是否接受自己的資料被轉移。

在調查過程中，整件事看來只是由該公司的法律職系員工來處理。而即使違規之處彰彰可據，他們仍未明白需要立即亡羊補牢。他們收到公署發出的違規決定後，第一反應是向行政上訴委員會上訴。直到公署在 2012 年 10 月發表調查報告，把個案曝光後，該公司的態度才有所改變，管理高層始警覺到事態嚴重而發表新聞稿，正面地表示想要積極主動保障客戶的資料。隨後亦即撤銷了有關上訴。

狗仔隊造成的侵犯私隱問題

另一個案例是關於我在 2012 年 3 月，就三名電視藝人對兩本娛樂雜誌《忽然一周》及《FACE》的投訴所作的裁決。有關雜誌社在三、四日內，有系統地監察及使用遠鏡頭攝影偷拍藝人家居的日常生活及親密行為。有關雜誌後來更刊登了這些照片，當中包括投訴人一張全身赤裸照。

我裁定在上述情形下偷拍這些照片，構成不公平收集個人資料，並指示有關雜誌社從其資料庫及網站刪除有關照片，及要就系統性監察、以隱蔽方式及／或遠距離拍攝來收集個人資料制訂私隱指引，要求員工知所遵從。

“MoneyBack Programme” by PARKnSHOP

Another notable example was the “MoneyBack Programme” operated by PARKnSHOP, another customer loyalty programme with about 1.6 million members. It repeated the Octopus mistake of collecting its customers’ partial identity card numbers for member authentication, when other contact information already sufficed for that purpose. Further, it continued to use the same vague terms that Octopus once adopted to define the third parties to whom the data would be transferred, such as “subsidiaries”, “partners”, “affiliates”, “third parties” and “any other persons under a duty of confidentiality to us”. These terms gave no clue to its customers as to the nature of the business of the third parties, and therefore did not allow them to make an informed choice on whether or not to accept such data transfers.

Throughout the investigation, it appeared to us that only the company’s legal staff was involved. Despite the blatancy of the privacy contraventions, the company did not see the need to take prompt remedial action to remedy the situation. Upon receipt of our determination that they had contravened the law, their immediate reaction was to file an appeal with the Administrative Appeals Board. Only when the investigation report was published in October 2012 and the case was put in the glare of the public spotlight was there a change in the company’s attitude. Their senior management, who seemed to have been alerted to the incident for the first time, issued a media statement sending a positive message that they “definitely want to be proactive in protecting (their) customers’ data ...” They dropped their appeal soon afterwards.

Privacy intrusion by paparazzi

A further example concerns a determination I made in March 2012 regarding complaints by three TV artistes against two gossip magazines, namely, Sudden Weekly and Face Magazine, concerning the use of systematic surveillance and telescopic lens photography to take clandestine photographs of the artistes’ daily lives and intimate acts within their private residences over a period of three to four days. These photos, including one showing one of the complainants in an undressed state, were published in the magazines.

I ruled that in the circumstances, taking the photos surreptitiously amounted to unfair collection of personal data, and directed the magazines to delete the photos from their databases and websites, and to establish privacy guidelines for compliance by their staff on the systematic monitoring of the collection of personal data by covert means

但這兩份雜誌激烈挑戰該項裁決，並向行政上訴委員會上訴；在被裁定敗訴後，現時正尋求司法覆核行政上訴委員會有關裁決。

他們的爭辯理據，全部在斟酌如何詮釋法例。例如我在法律上是否有權力要求他們為員工制定私隱指引。但有關雜誌社是否應把事件，當作純粹的法律問題處理？他們不是應該更關心他們的行事有否失德嗎？他們不是應該關注尊重個人私隱嗎？不論我在法律上是否有權要求他們為其職員制訂私隱指引，他們作為負責任的僱主及編輯，這不是他們應做的事嗎？

and/or long-distance photograph shooting. This determination has been vehemently challenged by the two magazines. They lodged an appeal with the Administrative Appeal Boards and failed. They are now seeking a judicial review of the decision of the Administrative Appeals Board.

Their arguments are all legalistic, concerning the interpretation of the law on, for example, whether I have the legal authority to require them to formulate privacy guidelines for compliance by their staff. But again, should the matter be managed by the magazines as a purely legal issue? Should they not be more concerned about whether they have been acting morally and ethically? Should they be concerned about respecting individuals' privacy rights? Irrespective of whether I have the legal authority to require them to formulate privacy guidelines for compliance by their staff, as responsible employers and editors, should they not do it anyway?

我在 2013-14 年度的首要工作之一，就是提倡機構作為負責任的企業公民，應該採取策略上的轉變，由循規守法轉向至以問責為本。

As a priority promotion task in 2013-14, I advocated that organisations, as responsible corporate citizens, should adopt a paradigm shift from compliance to accountability.

保障私隱並不止於守法

我的論點是，機構把私隱及資料保障純粹視為一個法律循規的問題，得過且過，只求滿足法律的基本要求，漠視客戶對私隱的期望，是不足夠的。

所以，我在 2013 至 14 年度的首要工作之一，就是提倡機構作為負責任的企業公民，應該採取策略上的轉變，由循規守法提升至問責為本。最高管理層應加以推動，把個人資料私隱保障納入為企業管治責任，由上而下在機構內貫徹執行。就此，公署呼籲機構制訂及維護全面的私隱管理系統。

Privacy is more than a legal compliance issue

My thesis is that it is not enough for organisations to treat privacy and data protection merely as a legal compliance issue, doing the least possible to comply with the legal requirements, but with little or no regard to customers' privacy expectations.

As a priority promotion task in 2013-14 therefore, I advocated that organisations, as responsible corporate citizens, should adopt a paradigm shift from compliance to accountability. Top management should provide the drive and embrace personal data privacy protection as part of their corporate governance responsibilities and apply it as a top-down business imperative throughout the organisation. This calls for the formulation and maintenance of comprehensive privacy management programmes.

私隱管理系統

私隱管理系統提供策略性工具，從多方面積極保障私隱及資料（不純粹視之為法律循規問題），特別聚焦於尊重顧客或客戶的需要、喜好、權利及期望。私隱管理系統包括制訂私隱政策、程序及措施；確保在設計所有項目、計劃或服務時已考慮保障私隱；及加入內部監察和檢討機制。除了確保法律循規，這系統應顯示機構作出良好企業管治的決心，有助與顧客或市民及僱員建立互信關係。

Privacy management programmes

Privacy management programmes provide strategic tools to proactively manage privacy and data protection as a multi-disciplinary issue, (not merely as a legal compliance issue), with a special focus on respect for customers' or clients' needs, wants, rights and expectations. They establish privacy policies, procedures and practices; ensure that privacy is built by design into all initiatives, programmes or services; and incorporate internal oversight and review mechanisms. In addition to ensuring legal compliance, the programmes demonstrate an organisation's commitment to good corporate governance and are conducive to building trustful relationships with customers or citizens, as well as employees.

這些機構一同建立及培養保障私隱的文化，在機構管理層、職員及所服務的市民或顧客之間締造三贏局面。

The privacy-assuring culture that these organisations are going to build and foster will lead to a win-win-win outcome for the organisations' management, their staff and the citizens or customers that they serve.

我非常高興地向大家報告，本港大部分最重要的資料使用者，都是私隱管理系統的擁護者。截至2014年2月，香港特區政府、25家保險業機構、九家電訊機構及五家來自其他行業的機構（包括八達通）都已承諾採取策略性方式，在其機構實施全面的私隱管理系統，以示體現問責。此外，香港銀行公會表示銀行界支持這問責性概念，個別銀行會採取所需步驟，落實私隱管理系統的原則。

I am very pleased to report that we have been able to secure the buy-in of the most important data users in Hong Kong. By February 2014, the HKSAR government, 25 companies from the insurance sector, nine companies from the telecommunications sector and five major organisations from other sectors (including Octopus) have all pledged to implement holistic and encompassing privacy management programmes in their respective organisations, as a strategic means to achieve accountability. Also, the Hong Kong Association of Banks indicated that the banking industry supported the accountability concept and that individual banks would take the necessary steps to implement the principles of privacy management programmes.

總而言之，這成就是一個里程碑。這些機構一同建立及培養保障私隱的文化，在機構管理層、職員及所服務的市民或顧客之間締造三贏局面。我希望未來有更多機構追隨他們樹立了的榜樣。

All in all, this is a milestone achievement. The privacy-assuring culture that these organisations are going to build and foster will lead to a win-win-win outcome for the organisations' management, their staff and the citizens or customers that they serve. I hope that many other organisations will follow their example.

公共領域的個人資料受條例保障

年內，我們完成了對智能電話應用程式「起你底」的調查，並借此機會在調查報告中申明公共領域的個人資料亦是受條例保障的。事件在資訊及通訊科技界引起了議論紛紛，就此我們亦分別透過公開聲明及與不同持份者會面，重申我們的立場。

Public domain personal data protected under the Ordinance

During the year, we completed an investigation into the operation of a smartphone application “Do No Evil” and took the opportunity to state our view in the investigation report that personal data in the public domain is still subject to protection under the Ordinance. This aroused a great deal of controversies in the ICT sector. We re-affirmed our position through public statements and a series of meetings with different stakeholders.

過往公眾普遍誤以為存在於公共領域的個人資料（並非從資料當事人直接收集的個人資料），就可以自由使用，但我們深信藉今次事件已釋除這個誤解。

We trust we have dispelled the common misunderstanding that personal data collected from the public domain, not from the data subjects direct, is open to unrestricted use.

個案中的智能電話應用程式容許用戶以某人性名搜尋其破產及訴訟記錄，並「一次過」閱覽經整合的資料。雖然這些編纂過的資料來源都是公共領域，但當資料再被用於有別於最初被公開時的用途時，資料的可靠性及有效性是沒有保證的；例如若根據該些資料來決定是否聘用當事人或查核其信貸能力，便有可能令資料當事人在毫不知情下蒙受損害。

The case involved a smartphone application which enabled subscribers to search bankruptcy and litigation records of individuals by name and view the combined data in one go. Such data was compiled based on data available in the public domain but there was no guarantee as regards the reliability and validity of the data when used for purposes other than that for which it was originally made public. For example, the target persons could be harmed unknowingly if the data was used, for example, for checking their employability or credit-worthiness.

這實在是一個重要的個案，突顯了公共領域中個人資料存在的私隱風險，因為這些資料如被毫無限制地使用和再使用，又缺乏適當保障，以致無法掌控資料的準確性、保留期限及保安措施，是會對資料當事人的利益構成損害的。科技日新月異，更令有關風險大增。現時要把從某一公開來源收集得來的個人資料，與另一個公開來源獲得的同一人的資料結合、配對和加工處理，來建立該人的個人資料檔案（profiling），可謂輕易而舉，並可隨時用於一些超出個人私隱期望的新用途。

This landmark case highlighted the privacy risk that personal data in the public domain, if used and re-used indiscriminately and without appropriate safeguards, would result in loss of control over the accuracy, retention and security of the data, thus jeopardising the interests of the data subjects. The risk would be aggravated by technological advances which support aggregation, matching and further processing of data in the public domain. Data of an individual collected from one public source could be combined with data of the same individual obtained from other public sources at phenomenal ease and efficiency to profile the individual and generate new uses of the data that far exceed the individual's privacy expectation.

過往公眾普遍誤以為存在於公共領域的個人資料（並非從資料當事人直接收集的個人資料），就可以自由使用，但我們深信藉今次事件已釋除這個誤解。那麼侵犯私隱的準則是什麼？大家或可以設想，一個合理的人若處於資料當事人的境況，會否因為其資料的「新用途」而感意外、不恰當或至反感。當然，不同的個案案情有別，必須考慮所有相關因素才可作出判決。公署亦已就使用公共領域的資料發出了指引，以供公眾參考。

結語

最後我要向個人資料（私隱）諮詢委員會、科技發展常務委員會，及私隱和資料保障範疇的眾多持份者的支持表示感謝。還有我盡責用心的團隊，在 2013-14 年度以驚人的效率處理了破紀錄的投訴及查詢個案（與 2012 至 13 年度相比，分別上升 53% 及 18%），我在此向他們表示謝意。

蔣任宏

個人資料私隱專員

We trust we have dispelled the common misunderstanding that personal data collected from the public domain, not from the data subjects direct, is open to unrestricted use. The test here is whether a reasonable person in the data subject's situation would find the re-use of the data unexpected, inappropriate or otherwise objectionable. Each case will have to be determined on its own merits, taking into account all relevant factors. In this regard, a guidance note for the use of public domain data was issued.

Closing remarks

In closing, I wish to acknowledge the support of the Personal Data (Privacy) Advisory Committee, the Standing Committee on Technological Developments, and many other stakeholders in the privacy and data protection community. My special thanks go to my team, which handled with amazing efficiency and the utmost dedication a record high volume of complaints and enquiries in 2013-14 (a 53% increase and a 18% increase respectively compared with the workload of 2012-13).

Allan CHIANG

Privacy Commissioner for Personal Data



全年活動一覽

One Year at A Glance

■ 施行規管直銷的新機制及推出法律協助

Started to implement New Direct Marketing Regulatory Regime and provide Legal Assistance



■ 啟播政府宣傳短片：「慎重保護個人資料 防止濫用作直銷」

Broadcast TV API on New Direct Marketing Regulatory Regime

■ 發表港鐵閉路電視系統視察報告

Published an Inspection Report on the MTR's CCTV System

■ 發表 Facebook 用戶私隱意識的調查結果，及印製新版《在網絡世界保障私隱——精明使用社交網》小冊子

Announced results of a privacy awareness survey on Facebook and published a new version of "Protecting Online Privacy – Be Smart on Social Networks" leaflet

■ 一年一度的「關注私隱運動」揭幕

The annual Privacy Awareness Week was launched



■ 保障私隱學生大使計劃 2013 暨中學生關注私隱專題研習比賽頒獎典禮

Held the award presentation ceremony of the Student Ambassador Privacy Protection Programme 2013 – Learning Project Competition

■ 保障資料主任聯會迎新會

Data Protection Officers' Club: New Members Welcome Reception

2013

四月 Apr

五月 May

■ 發表香港預防協會與翔滙保險策劃透過電話推廣活動不當收集市民個人資料的違規調查報告

Published an investigation report on wrongful collection of personal data from the public in a joint telemarketing programme by Hong Kong Preventive Association and Aegon Direct Marketing Services Insurance Broker



■ 在報刊及公署網站發表「接受直銷，由你作主！你有權隨時拒絕！」圖鑑

Published an infographic "To Receive or Not to Receive Direct Marketing Messages, It's Your Call – You have the Right to Opt-Out at all times" in newspapers, magazines and the PCPD's website



上私隱要自保
Think PRIVACY Be SMART Online

■ 以「網上私隱要自保」為題，利用巴士廣告、報紙及網上渠道推廣，並製作了一系列相關的教育短片。正式啟動專題網站「網上私隱要自保」

Launched a campaign "Be Smart Online" comprising bus advertising, newspapers and online promotion, as well as a series of educational videos. A thematic website "Think Privacy! Be Smart Online" was activated

■ 響應首次「全球私隱執法機關網絡」的聯合行動，宣佈抽查本地開發的智能手機應用程式私隱政策

Announced to join the first Global Enforcement Network Privacy Sweep and assess the privacy policy of local smartphone apps

■ 正式啟動青少年專題網站，為學生和老師提供一站式的保障私隱資訊

A thematic website "Youth Privacy" was launched to provide students and teachers one-stop tips and resources on privacy protection



- 與香港零售管理協會合作推行主題為「卓越零售，保障私隱」行業保障私隱活動

Launched the “Driving Retail Excellence through Privacy Assurance” campaign with the Hong Kong Retail Management Association



六月 Jun

七月 Jul

八月 Aug

九月 Sep

- 發出《擬備收集個人資料聲明及私隱政策聲明指引》

Issued a Guidance on Preparing Personal Information Collection Statement and Privacy Policy Statement

- 就有關「優化公司破產法例立法建議諮詢文件」提交的建議書

Made submission in response to Public Consultation on Improvement of Corporate Insolvency Law Legislative Proposals

- 啟播電視宣傳短片：網上私隱要自保
Broadcast TV API on “Think Privacy! Be Smart Online”

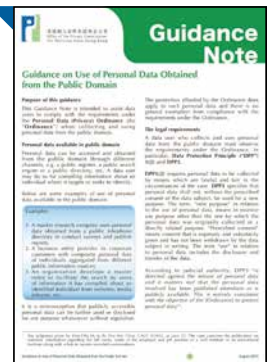


- 發表「起你底」的手機應用程式調查報告（該程式供用戶搜尋個人的訴訟案件及破產資料）

Published the investigation report on smartphone application “Do No Evil” which enabled search for target individuals’ litigation and bankruptcy data

- 發出《使用從公共領域取得的個人資料指引》

Issued a Guidance on Use of Personal Data Obtained from the Public Domain



- 與香港大學法律學院首次頒發「私隱及資料保障法律獎學金」

Presentation of the first Privacy Commissioner Prize in Privacy & Data Protection Law scholarship, jointly set up by the PCPD and Faculty of Law of The University of Hong Kong

- 發表本港所開發智能手機應用程式的私隱政策抽查報告

Published results of a survey on privacy policy of local smartphone applications

- 公佈其他 18 個國際私隱執法機關，各地檢視網上私隱政策透明度的結果
Announced the results from the first GPEN Privacy Sweep conducted by 18 global privacy enforcement authorities



- 三名新成員及五位現任委員分別獲委任及連任為個人資料（私隱）諮詢委員會成員

Three new members appointed and five incumbent members re-appointed to the Personal Data (Privacy) Advisory Committee



- 發表有關香港警務處遺失記事冊事故的調查報告

Published an investigation report on Hong Kong Police Force's loss of police notebook

- 就醫院管理局失當棄置載有病人紀錄的廢料事故，發表調查報告

Published an investigation report on Hospital Authority's improper disposal of hospital waste containing the personal data of patients



- 就有關「2014 數碼 21 資訊科技策略公眾諮詢」提交建議書

Made submission in response to Public Consultation on 2014 Digital 21 Strategy

- 公佈調查報告指 California Fitness 向申請入會或續會者收集超乎適度的個人資料，包括二十多萬張香港身份證副本，侵犯顧客個人資料私隱

Released an investigation report which revealed that California Fitness breached data privacy by collecting excessive personal data, including some 200,000 copies of Hong Kong Identity Card from persons who applied for or renewed membership



- 於港九新界七個地點開展公眾教育巡迴展覽

Commenced public education roadshow covering seven different locations in the territory

十月 Oct

十一月 Nov

十二月 Dec

- 就兩宗有關香港警務處涉嫌經 Foxy 共享軟件意外洩漏市民個人資料的事故，發表調查報告

Published an investigation report on two data breach incidents in the Hong Kong Police Force caused by Foxy

- 推出專員網誌，分享私隱專員對熱門私隱話題的意見

The Commissioner launched his blog to share his insights into hot privacy topics

- 展開大學保障私隱活動，於本港 10 間大專院校透過講座及互動遊戲介紹《個人資料（私隱）條例》

Launched a University Privacy Campaign and promoted personal data privacy protection in ten local universities through talks and interactive games



- 在 2013 年與政府、銀行業、保險業及電訊業舉行多次會議，尋求各界別支持推行私隱管理系統。活動的亮點為公署在 12 月舉行的 CEO 專題早餐會議，有超過 70 名行政總裁和高層行政人員出席，其中包括行政及立法會成員

Throughout 2013, a series of discussion meetings were held with the Government, banks, insurance companies and telecommunication service providers to seek their buy-in of Privacy Management Programme. The programme highlight was a CEO breakfast meeting held in December which was well attended by some 70 CEOs and senior executives from these sectors and members of the Executive Council and Legislative Council



- 發表 2013 年工作報告，發現該年錄得歷來最多的投訴數字，達 1,792 宗，反映公眾對個人資料私隱保障的關注日增

Released 2013 year ender which revealed that a record high of 1,792 complaints were received in 2013

- 私隱專員向政府政策局局長及部門首長推介私隱管理系統

The Commissioner briefed Bureau and Department Heads of the HKSAR Government on Privacy Management Programme

- 就有關「驗毒助康復計劃公眾諮詢」提交建議書

Made submission in response to Public Consultation on RESCUE Drug Testing Scheme



- 香港特別行政區政府與 39 間來自保險業、電訊業及其他行業的機構承諾推行私隱管理系統

The HKSAR Government and 39 organisations from the insurance, telecommunications and other sectors pledged to implement Privacy Management Programme

- 公署出版《私隱管理系統最佳行事方式指引》

Released the Privacy Management Programme: A Best Practice Guide

- 逾 250 名政府行政人員及本港企業的法律及符規專業人員，參與由公署舉辦的保障私隱與企業管治國際會議

The International Conference on Data Privacy in Corporate Governance was organised by PCPD and attended by over 250 government administrators as well as legal and compliance professionals from the private sector



2014

一月 Jan

二月 Feb

三月 Mar

- 行政上訴委員會駁回《忽然一週》和《FACE》的上訴個案，並確認私隱專員就有關偷拍藝人個案的裁決

Administrative Appeals Board dismissed the appeals from Sudden Weekly and Face Magazine, and re-affirmed the Commissioner's decision on their clandestine photo-taking of artistes

- 公佈有關學生資助辦事處四項學生資助計劃個人資料系統的視察報告

Released an inspection report on the Student Financial Assistance Agency's personal data system for four financial assistance schemes

- 首次推出「研發流動應用程式 顧及保障個人資料」講座

Launched the first seminar on "Developing Mobile Apps with Privacy Protection in Mind"

- 私隱專員與本地私隱保障專家及由資訊政策領導中心率領訪問的海外代表團會面，成員包括多家跨國企業的私隱保障專家

The Commissioner hosted a meeting between local privacy professionals and an overseas delegation of chief privacy officers from multinational corporations led by the Centre for Information Policy Leadership

- 在國際私隱專業人士協會首度舉辦的亞洲私隱論壇上，私隱專員擔任主題講者

The Commissioner delivered a keynote presentation at the inaugural Asia Privacy Forum of the International Association of Privacy Professionals



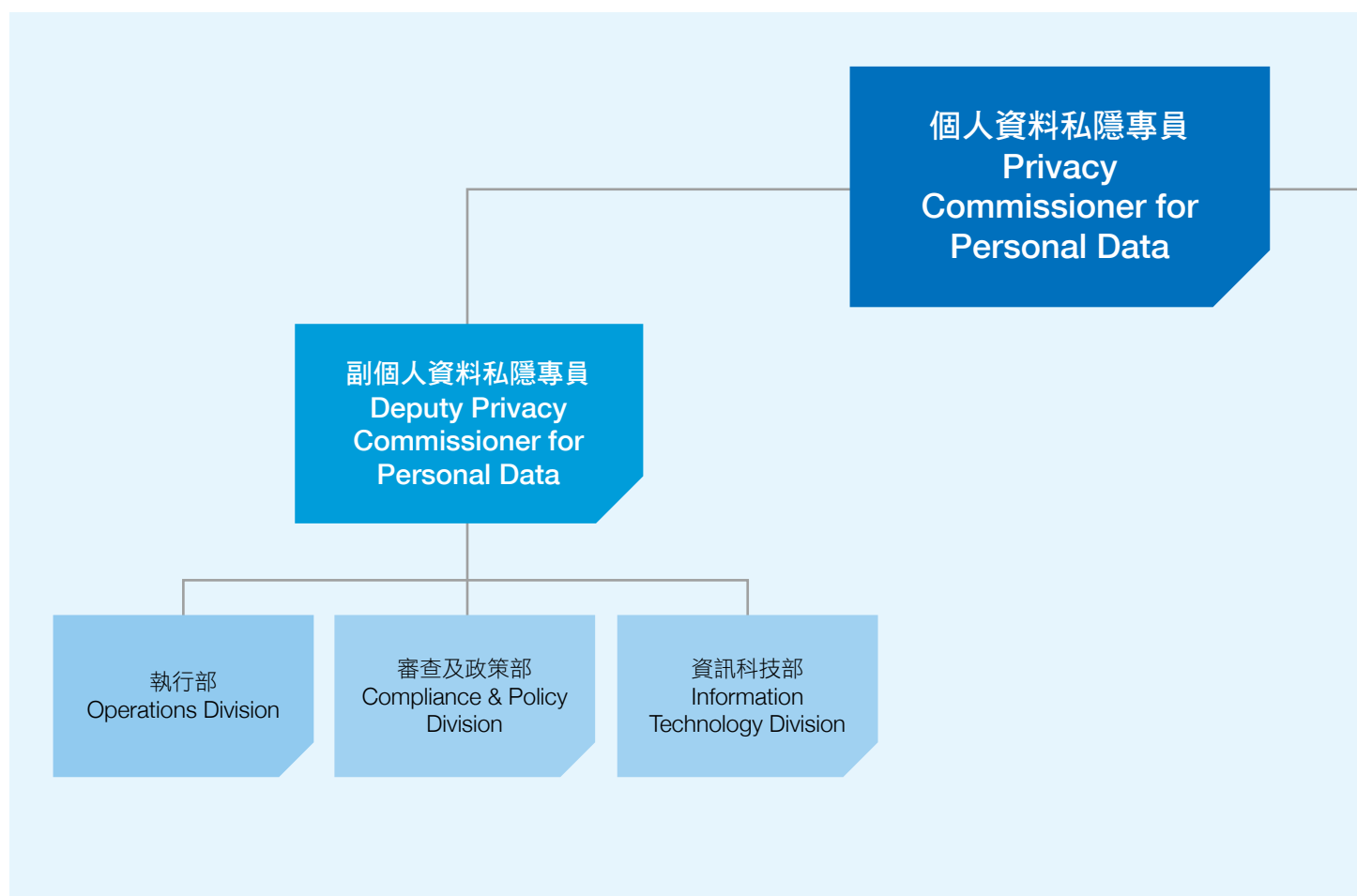
公署架構 Our Organisation

公署由私隱專員掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界遵從條例的規定。（詳見附錄一）

The PCPD is headed by the Commissioner, who has overall responsibilities for promoting, monitoring and supervising compliance with the Ordinance. (See Appendix 1 for details)

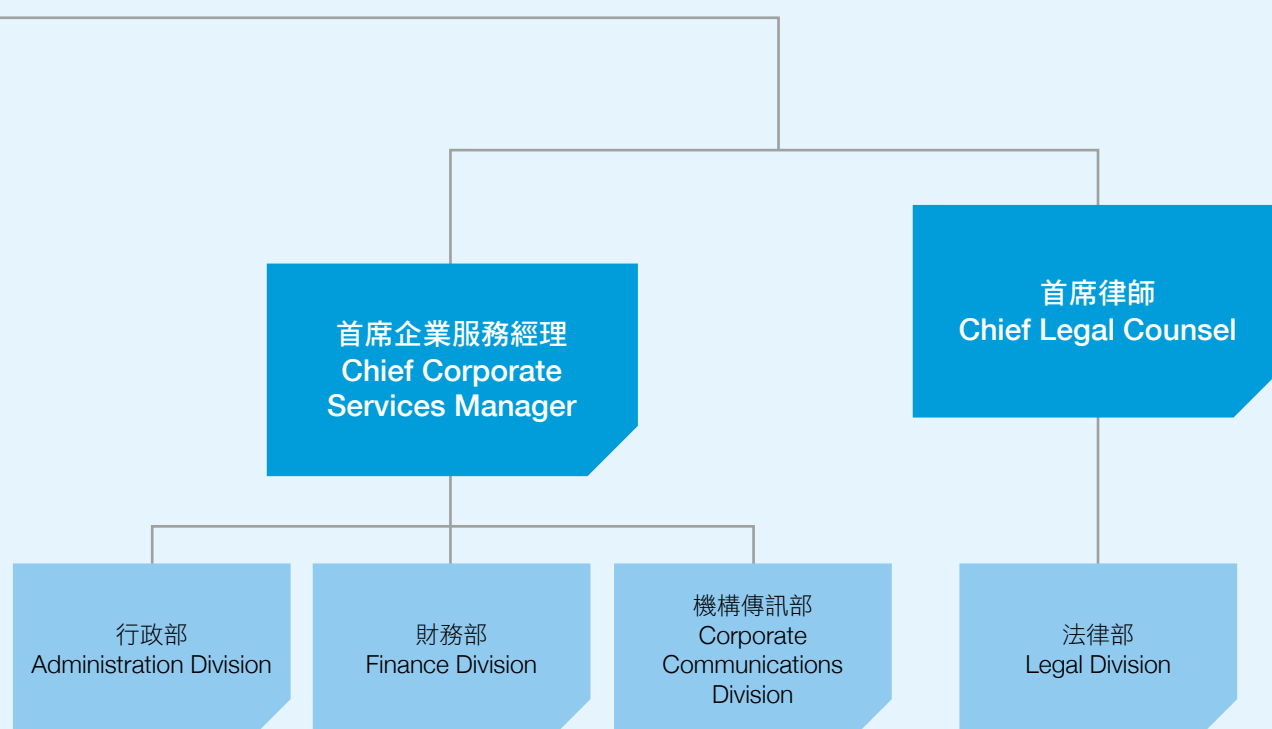
在本年報期完結時，公署的職員編制為81人，分別在七個部門工作。（詳見附錄二）

The PCPD had a total of 81 staff at the end of the period under review and was organised into seven divisions. (See Appendix 2 for details)





管理團隊
Senior Management Team



個人資料（私隱）諮詢委員會

諮詢委員會成員由政制及內地事務局局長委任，旨在就個人資料私隱保障和條例施行的相關事宜向私隱專員提供意見。

PERSONAL DATA (PRIVACY) ADVISORY COMMITTEE

The Advisory Committee members appointed by the Secretary for Constitutional and Mainland Affairs advise the Commissioner on matters relevant to the privacy of individuals in relation to personal data or the implementation of the Ordinance.



組成 (2013年10月1日至2015年9月30日)

Membership (from 1 October 2013 to 30 September 2015)

主席

1. 蔣任宏先生, SBS
個人資料私隱專員

CHAIRMAN

1. Mr Allan CHIANG, SBS
Privacy Commissioner for Personal Data

成員

2. 夏淑玲女士
數碼香港董事
(自2009年10月1日起)
3. 孔慶全先生
紹邦企業有限公司董事
(自2011年10月1日起)
4. 郭振華先生
永保化工(香港)有限公司董事總經理
(自2013年10月1日起)
5. 孫淑貞女士
香港中華煤氣有限公司資訊科技總監
(自2011年10月1日起)
6. 蕭世和先生
星島新聞集團有限公司行政總裁
(自2008年10月1日起)
7. 溫卓勳先生
渣打銀行(香港)有限公司合規及審核部主管
(自2013年10月1日起)
8. 楊長華女士
微軟香港有限公司法務及公司事務部總監
(自2013年10月1日起)
9. 梁松泰先生, JP
政制及內地事務局副秘書長

MEMBERS

2. Ms Shirley HA Suk-ling
Director, DIGITALHONGKONG.COM
(since 1 October 2009)
3. Mr Billy HUNG Hing-chuen
Director, Shiu Pong Enterprises Ltd.
(since 1 October 2011)
4. Mr Jimmy KWOK Chun-wah
Managing Director, Rambo Chemical (Hong Kong) Ltd.
(since 1 October 2013)
5. Ms Susanna SHEN Shuk-ching
Head, Information Technology, The Hong Kong and China Gas Co Ltd.
(since 1 October 2011)
6. Mr SIU Sai-wo
Chief Executive Officer, Sing Tao News Corporation Ltd.
(since 1 October 2008)
7. Mr David WAN Chuck-fan
Head, Compliance, Hong Kong Compliance Department,
Standard Chartered Bank (Hong Kong) Ltd.
(since 1 October 2013)
8. Ms Winnie YEUNG Cheung-wah
Director, Legal & Corporate Affairs, Microsoft Hong Kong Ltd.
(since 1 October 2013)
9. Mr Gordon LEUNG, JP
Deputy Secretary for Constitutional and Mainland Affairs



科技發展常務委員會

公署設立科技發展常務委員會，旨在就資料處理及電腦科技的發展情況對個人資料私隱的影響，向私隱專員提供意見。

STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

The Standing Committee was established to advise the Commissioner on the impact of the developments in the processing of data and computer technology on the privacy of individuals in relation to personal data.



聯合主席

1. 蔣任宏先生, SBS
個人資料私隱專員
2. 張如萌女士
副個人資料私隱專員

成員

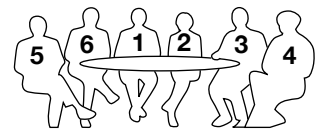
3. 白景崇教授
香港大學社會科學研究中心總監
4. 鄒錦沛博士
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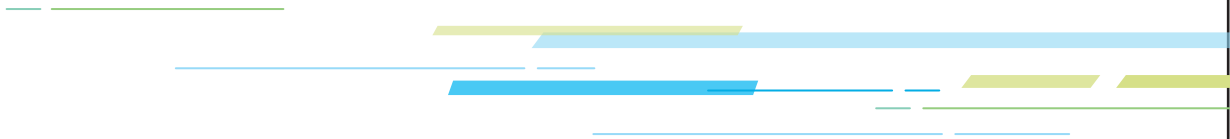
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提倡私隱保障 納入企業管治

Promoting Privacy Protection as Corporate Governance

從符規躍升為問責

From Compliance to Accountability

審查及政策部不只監察和推動資料使用者要循規以符合條例的規定，更鼓勵機構從符規躍升為問責，把資料保障納入為企業管治的重要一環。

The Compliance and Policy Division monitors and promotes compliance with the provisions of the Ordinance. We encourage organisations to take a step forward, making the shift from compliance to accountability, and to embrace personal data protection as an integral part of their corporate governance.

審查及政策部
Compliance & Policy Division



資訊科技部
Information Technology Division





私隱管理系統

鑑於公眾對保障個人資料私隱的期望與日俱增，而大數據帶來更高的潛在私隱風險，私隱專員提倡機構應把個人資料和私隱保障納入為企業管治責任不可或缺的一環，並且由上而下貫徹地在機構中執行，而不止於停留在依循法律規定的層次。這需要企業管治的概念由「符規」躍升為「問責」，並制定及實施全面的私隱管理系統。

在私隱及資料保障方面，普遍現象是欠缺機構最高管理層的參與。這方面的事宜一般只交由法律及循規人員負責，以致企業只管符合條例的最低要求。私隱專員認為作為負責任的企業，機構應從較宏觀的管理角度考慮私隱事宜，並考慮企業聲譽及尊重顧客或客戶基本權利這些因素。

公署在過去一年與香港特區政府、香港保險業協會、香港通訊業聯會及香港銀行公會等機構合作，倡導業界內的機構推行私隱管理系統。截至 2014 年 2 月 18 日為止，特區政府（包括所有決策局和部門）、25 間保險公司、九間電訊公司和五間其他行業的機構（名單見圖 2.1）承諾在機構內推行私隱管理系統。私隱專員期望推行私隱管理系統的機構履行承諾，為其他資料使用者樹立良好榜樣。

香港銀行公會雖然未有參與承諾，但表示銀行業支持以自願性質推展的私隱管理系統，個別銀行亦會因應其各自的私隱保障管理框架，採取所需措施以落實私隱管理系統的原則。

PRIVACY MANAGEMENT PROGRAMME

In response to rising public expectations for privacy protection, along with increased privacy risks brought about by the era of Big Data, the Commissioner has been advocating that organisations should make personal data protection part of their corporate governance responsibilities and implement it throughout their organisations using a top-down approach. This calls for a paradigm shift from compliance to accountability, and the formulation and maintenance of a comprehensive privacy management programme ("PMP").

On matters of privacy and data protection, it is not uncommon for top management to be seldom involved, if at all. The issue is often relegated to the legal and compliance staff. This often leads to the adoption of a minimalist approach focused on just meeting the basic legal requirements set out in the Ordinance. The Commissioner submits that organisations, as responsible corporate citizens, should consider privacy from a broader management perspective and take into account factors such as corporate reputation and respect for the basic rights of their customers or clients.

Over the past year, the PCPD has been working with the HKSAR Government, the Hong Kong Federation of Insurers, the Communications Association of Hong Kong, and the Hong Kong Association of Banks to advocate the implementation of an accountability-based PMP in the sectors concerned. As at 18 February 2014, the following organisations (figure 2.1) had pledged to implement a PMP: the HKSAR Government (including all bureaux and departments), 25 insurance companies, nine telecommunications companies and five organisations from other sectors. The Commissioner looks forward to these organisations fulfilling their pledges, thus setting an example of responsible privacy management for other data users to follow.

Although the Hong Kong Association of Banks did not join the pledge, it has indicated to the PCPD that the banking industry supported the voluntary PMP and that individual banks would take the necessary steps, having regard to their own privacy protection frameworks, to implement the PMP principles.

圖 2.1

承諾推行私隱管理系統的機構（按英文名稱順序排列）：

香港特別行政區政府 所有決策局及部門	
保險業	
安達人壽保險有限公司	
友邦保險（國際）有限公司	
安盛保險（百慕達）有限公司	
安盛保險有限公司	
中國太平保險（香港）有限公司	
信諾環球保險有限公司	
信諾環球人壽保險有限公司	
大新保險（1976）有限公司	
富衛保險有限公司	
富衛人壽保險（百慕達）有限公司	
豐隆保險（亞洲）有限公司	
利寶國際保險有限公司	
美國萬通保險亞洲有限公司	
民安財產保險有限公司香港分公司	
保誠保險有限公司	
保誠財險有限公司	
昆士蘭保險（香港）有限公司	
昆士蘭聯保保險有限公司	
昆士蘭按揭保險（亞洲）有限公司	
RGA 美國再保險公司	
皇家太陽聯合保險有限公司	
香港永明金融有限公司	
瑞士再保險有限公司（香港分公司）	
東京海上火災保險（香港）有限公司	
全美人壽百慕達	
電訊業	
中國移動香港有限公司	
潤迅通信（香港）有限公司	
香港移動通訊有限公司	
香港電訊有限公司	
和記電訊（香港）有限公司	
新世界傳動網有限公司	
數碼通電訊有限公司	
電訊數碼控股有限公司	
九倉電訊有限公司	
其他行業	
中電控股有限公司	
香港中華煤氣有限公司	
香港電燈有限公司	
醫院管理局	
八達通控股有限公司	

Figure 2.1

Organisations which have made the pledge to implement a PMP (listed in alphabetical order):

Hong Kong Special Administrative Region Government All bureaux and departments	
Insurance sector	
ACE Life Insurance Company Limited	
AIA International Limited	
AXA China Region Insurance Company (Bermuda) Limited	
AXA General Insurance Hong Kong Limited	
China Taiping Insurance (HK) Company Limited	
Cigna Worldwide General Insurance Company Limited	
Cigna Worldwide Life Insurance Company Limited	
Dah Sing Insurance Company (1976) Limited	
FWD General Insurance Company Limited	
FWD Life Insurance Company (Bermuda) Limited	
Hong Leong Insurance (Asia) Limited	
Liberty International Insurance Limited	
MassMutual Asia Limited	
Minan Property And Casualty Insurance Company Limited, Hong Kong Branch	
Prudential Hong Kong Limited	
Prudential General Insurance Hong Kong Limited	
QBE General Insurance (Hong Kong) Limited	
QBE Hongkong & Shanghai Insurance Limited	
QBE Mortgage Insurance (Asia) Limited	
RGA Reinsurance Company	
Royal & Sun Alliance Insurance plc	
Sun Life Hong Kong Limited	
Swiss Reinsurance Company Limited, Hong Kong Branch	
The Tokio Marine & Fire Insurance Company (HK) Limited	
Transamerica Life (Bermuda) Limited	
Telecommunications sector	
China Mobile Hong Kong Company Limited	
China Motion Telecom (HK) Limited	
CSL Limited	
Hong Kong Telecommunications (HKT) Limited	
Hutchison Telecommunications (Hong Kong) Limited	
New World Mobility Limited	
SmarTone Mobile Communications Limited	
Telecom Digital Holdings Limited	
Wharf T&T Limited	
Other sectors	
CLP Holdings Limited	
The Hong Kong and China Gas Company Limited	
The Hongkong Electric Company, Limited	
Hospital Authority	
Octopus Holdings Limited	



在 2014 年 2 月 18 日舉行的推展儀式上，香港特別行政區政府與 39 間來自保險業、電訊業及其他行業的機構承諾推行私隱管理系統。
The HKSAR Government and 39 organisations from the insurance, telecommunications and other sectors pledged to implement PMP at the Pledge Ceremony held on 18 February 2014.

私 隱 管 理 系 統

Privacy Management Programme

何謂私隱管理系統？

私隱管理系統本身並不是《個人資料（私隱）條例》（「條例」）下的規定。最低限度，私隱管理系統的策略框架有助機構達致符合法律要求和管理私隱風險的目標。更廣義來說，穩妥的私隱管理系統基建應具備以下特點：

- 得到機構最高管理層的決心支持，並成為機構管治架構不可或缺的一環；
- 視私隱和個人資料保障為跨部門的事務，並特別著眼於尊重客戶的需要、要求，權利和期望；
- 制定政策、程序和常規，以符合條例規定；
- 參照私隱風險評估的結果來制訂適當的防範措施；
- 確保所有措施、項目和服務都顧及保障私隱；
- 設立資料外洩或個人資料私隱事故的應變機制；
- 設立內部的監督和檢討機制；
- 能夠有效地回應私隱生態系統的迅速變化，保持實用，與時並進；及
- 有適當的資源配合和專責人員管理。

What is PMP?

PMP is not a legal requirement under the Personal Data (Privacy) Ordinance ("the Ordinance"). At the minimum, PMP serves as a strategic framework to assist an organisation in complying with legal requirements of the Ordinance, as well as privacy risk management. In a broader sense, PMP should be a robust privacy infrastructure that:-

- has top management commitment and is integrated into the organisation's governance structure;
- treats privacy and data protection as a multi-disciplinary issue, with a special focus on respect for customer or client needs, wants, rights and expectations;
- establishes policies, procedures and practices giving effect to the legal requirements under the Ordinance;
- provides for appropriate safeguards based on privacy risk assessment;
- ensures that privacy is built into all initiatives, programmes and services;
- includes contingency plans for responding to breaches and other incidents;
- includes internal oversight and review mechanisms;
- is kept current and relevant, and remains practical and effective in a rapidly changing privacy eco-system; and
- is appropriately resourced and managed by dedicated staff.

私隱管理系統最佳行事方式指引

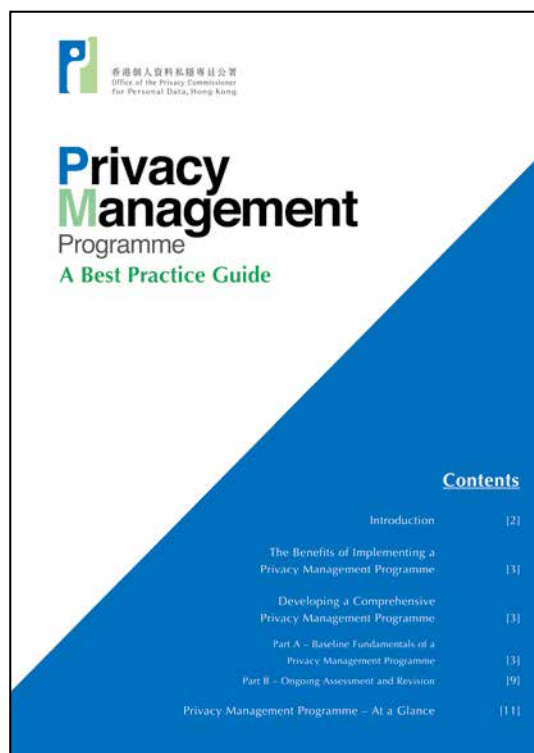
公署於 2014 年 2 月出版《私隱管理系統最佳行事方式指引》（「指引」）。指引扼述私隱管理系統的必需組件，並提供原則性及指導性的建議，協助機構因應各自的規模、業務性質，收集及處理個人資料的數量和敏感程度等，建立和優化其私隱管理系統。

這份指引扼述如何建立私隱專員所提倡的穩健私隱管理系統。機構的決心和系統監控都是必備元素。指引亦討論如何維繫及持續地改進私隱管理系統。機構不應視建立私隱管理系統為一勞永逸的工作；系統需要持續的評估及調整，以確保有效及與時並進。機構應定期監察、評估及更新系統的組件，以配合機構內外諸如科技、業務模式、法例及最佳行事方式等各方面的轉變。

PMP: A Best Practice Guide

In February 2014, the PCPD released a guide entitled *Privacy Management Programme: A Best Practice Guide* ("the Guide"). The Guide outlines the building blocks of a PMP. It provides guidance to organisations for developing and improving their own programmes according to their specific circumstances, such as organisation size, nature of business, and the amount and sensitivity of the personal data they collect and manage.

The Guide outlines what the Commissioner advocates as good approaches for developing a sound PMP, emphasising the importance of elements such as organisational commitment and programme controls. It also discusses how to maintain and improve a PMP on an ongoing basis. A PMP should never be considered a finished product; it requires ongoing assessment and revision in order to be effective and relevant. The components should be regularly monitored, assessed and updated as necessary to keep pace with changes both within and outside the organisation. This may encompass changes in such areas as technology, business models, law and best practices.



私隱管理系統的組件

Building blocks of PMP

機構的決心 Organisational Commitment			系統監控 Programme Controls			
最高層的支持 Buy-in from the top	保障資料主任 / 部門 Data protection officer/office	匯報機制 Reporting	個人資料庫存 Personal data inventory	保障個人資料的政策 Policies on data protection	風險評估工具 Risk-assessment tools	
			培訓及教育推廣 Training and education requirements	資料外洩事故的應變機制 Breach handling	對資料處理者的管理 Data-processing management	溝通 Communication
持續評估及修訂 Ongoing Assessment and Revision						
監督及檢討計劃 Oversight and review plan			按需要評估和修訂系統監控 Access and revise programme controls where necessary			

在機構建立私隱管理系統，需要慎密的策劃和跨部門、跨職能的考慮。員工應知悉和瞭解適用於其機構的私隱管理系統；機構應告知客戶及業務夥伴其私隱管理系統中有哪些部分與他們相關，並保證會付諸實行。機構在推出新產品或服務前，往往要制定業務模式及擬備技術和業務常規，過程中應確立和適當地考慮保障私隱方面的責任及風險。機構應設法減低資料外洩的可能；一旦外洩資料的事故發生，應把事故的影響減至最低。

Constructing a PMP within an organisation takes careful planning and consideration across all disciplines and job functions. Employees should be aware of and understand the applicable parts of the organisation's PMP. Customers and business partners should likewise be made aware of and given assurance, where appropriate, about the relevant aspects of the PMP. Privacy-related obligations and risks should be correctly identified and appropriately taken into account when developing business models, related technologies and business practices before new products or services are launched. Risks of data breaches should be minimised and the effects of any data breaches should be mitigated.

推行得宜 加強競爭優勢

若機構只視個人資料私隱保障為循規的法律事宜，是不足夠的。面對大數據年代和公眾對私隱保障的期望與日俱增，機構應該採取積極進取及防患未然的措施，而非被動的回應或亡羊補牢。機構應把個人資料和私隱保障納入為企業管治責任不可或缺的一環，並且由上而下貫徹地在機構中執行。私隱保障策略必須由「符規」躍升為「問責」。

機構要做到問責，推動整體全面的私隱管理系統至為重要，確保機構有穩妥的政策和程序，應用在所有業務常規、操作程序、產品／服務設計、實體建築和基建網絡等各方面。機構積極推行私隱管理系統的好處，最起碼是展示機構有能力依從條例的法律規定。但好處不止於此，它有助在機構內培養尊重私隱的文化。如果執行得宜，系統有助機構與客戶／市民、員工、股東和規管者等建立互信的關係，提升機構的聲譽，從而加強其競爭優勢。

事實上，建立和維持客戶的信任是企業競爭優勢的基石。大眾逐漸意識到個人資料的價值；沒有妥善處理個人資料的機構會失去客戶的信任，甚至其惠顧。因此，很多大企業均積極採取尊重私隱的業務措施。坐言起行，實施健全的私隱管理系統，可贏取持份者（包括客戶）對機構的信任。穩健的私隱管理系統亦可提升機構的聲譽，加強競爭優勢。

有時失誤是難以避免的。但穩妥的私隱管理系統有助機構辨識己方在保障個人資料方面的弱點，從而鞏固良好的行事方式，展示機構作出應盡的最大努力，甚至提升保障個人資料的水平，而不是僅僅符合法律的最基本要求。

A PMP can create a competitive edge

Privacy and data protection cannot be managed effectively if they are treated merely as a legal compliance issue. A more effective response in this era of Big Data and rising public expectations for privacy protection is to be proactive and preventative, rather than reactive and remedial. Organisations should embrace personal data privacy protection as part of their corporate governance responsibilities and apply it as a top-down business imperative throughout the organisation. A strategic shift from compliance to accountability is required.

To achieve accountability, it is of paramount importance for organisations to adopt a holistic and encompassing PMP that ensures robust privacy policies and procedures are in place and implemented for all business practices, operational processes, product and service design, physical architecture and networked infrastructure. At the minimum, the outcome of this holistic approach should be a demonstrable capacity to comply with the legal requirements of the Ordinance. But it is more than that. It helps foster a privacy respectful culture throughout an organisation. When executed well, a PMP is conducive to building trustful relationships with customers or citizens, employees, shareholders and regulators, creating a competitive edge in the industry.

Indeed, building and maintaining customers' trust is the cornerstone of a business' competitive advantage. People are waking up to the value of their personal data, and organisations which fail to handle people's personal information properly will lose their trust and even their business. For this reason, many leading companies are proactively adopting privacy-friendly business practices. When an organisation "walks the talk" by implementing a robust PMP, enhanced trust from stakeholders, including customers, to engage with that organisation should follow. An organisation that has a strong PMP should enjoy an enhanced reputation that gives it a competitive edge.

There may be times when mistakes are made. However, with a solid PMP, organisations will be able to identify their weaknesses, strengthen their good practices, demonstrate due diligence, and potentially raise the protection of personal data that they hold to a higher level than the bare minimum needed to meet the legal requirements.

相反，若機構沒有周全地保障個人資料，會損害機構的信譽。機構一旦發生個人資料外洩事故，不論在善後及修補聲譽方面都可能要付上非常沉重的代價。對受影響的個人而言，資料外洩的代價可能亦相當大。

現時不少機構均持有大量的個人資料，資料的經濟價值又日增，公眾亦更為留意及關注侵犯私隱的事故，因此機構有必要採取步驟去制定及維持完善的私隱管理系統，以減低這類事故發生的風險，同時提高機構處理根本問題的能力，把事故所造成的損害減至最低。

Conversely, without strong personal data protection, trust may erode to an organisation's detriment. Personal data breaches can be expensive for organisations – both in terms of “clean up” and reputation repair. Breaches may also prove expensive for the affected individuals.

Given the vast amounts of personal data held by organisations and institutions, the increasing economic value of the data, and the heightened attention and concern regarding privacy breaches, it makes business sense for organisations to take steps to put in place and maintain a PMP to minimise the risks of such breaches, maximise the organisation's ability to address any underlying problems, and minimise the damage arising from breaches.



私隱專員寄語把私隱管理系統成為機構內的熱門詞語。

The Commissioner appeals to make Privacy Management Programmes the buzz word in all organisations.

回響

Feedback

「雖然遵從該指引（私隱管理系統最佳行事方式指引）所列的建議及意見並不是《個人資料（私隱）條例》的規定，但該指引就了解條例的保障資料責任提供了有用的建議。

該指引清楚顯示公署決心改變企業保障個人資料的文化。」

“Whilst it is not a legal requirement under the Personal Data (Privacy) Ordinance (PDPO) to comply with the recommendations and advice set out in the Guide (PMP: A Best Practice Guide), it provides useful recommendations for understanding how data protection obligations arise under the PDPO.

The release of the Guide is a clear signal of the PCPD's determination to change the corporate culture on personal data protection.”

Ms Michelle CHAN, Ms Clarice YUE and Mr Wilfred NG
Partner, Senior Associate and Associate respectively at Herbert Smith Freehills

摘自 *Quote: Privacy This Week, Cecile Park Publishing Ltd. (2014.03.03)*

「公署推廣在機構內建立私隱管理系統作為策略性架構，實在令人鼓舞。」

“It is particularly encouraging that the PCPD is promoting the adoption of PMPs within organisations as a strategic framework.”

劉嘉敏工程師，JP，香港電腦學會副會長（執行）
Ir Stephen LAU, JP, Vice President (Executive), Hong Kong Computer Society

摘自 *Quote: Computer World (2014.02.24)*

「……積極的規管者、違規者被點名的政策，及公眾日漸關注資料私隱事宜，這些都清楚顯示遵從《個人資料（私隱）條例》是香港企業的首要項目。」

“With... an activist regulator, a policy of "naming and shaming" those who fail to comply, and growing public interest in data privacy issues, it is clear that PDPO compliance has to be a priority for Hong Kong businesses.”

Hogan Lovells

「恭賀（公署）完成全面的私隱管理系統指引……六年前，問責是被大多數人忘記的經濟合作及發展組織的（私隱保障）原則。現在它有真正的牽引力……這是基金會的挑戰，同時是香港的挑戰。多謝……在香港所做的工作。」

“Congratulations on your (PCPD's) comprehensive privacy program guidance... Six years ago accountability was a mostly forgotten OECD (privacy protection) principle. It now has real traction... That is the Foundation's challenge, as well as (that) in Hong Kong. Thanks so much for the work... done in Hong Kong.”

Mr Martin ABRAMS, Executive Director and Chief Strategist, Information Accountability Foundation

諮詢工作

本年度，運輸署為回應審計處處長就改善現時執法攝錄系統效能的建議，設計了一套在交通燈旁加設前置鏡頭以記錄衝紅燈的車輛及駕駛者面貌的系統（「該系統」），並徵詢公署的意見。

首先，公署建議運輸署對該擬議系統進行私隱影響評估，以識別及減少在個人資料保障私隱方面任何實際及潛在的影響。

公署建議運輸署按照條例附表 1 的保障資料原則考慮下述事宜：個人資料的收集、準確性及保留、使用、保安，以及個人資料政策及措施的透明度。

保障資料第 1 原則：該系統似乎會影響所有駕駛者，甚至其他道路使用者。攝錄其他人士，例如有關車輛內前座乘客或其他道路使用者的影像，會被視為過度收集個人資料。公署建議運輸署考慮及尋找其他侵犯私隱程度較低的方法，以達致同樣或類似目的。

保障資料第 2 原則：由於這些資料會用來對有關人士作刑事檢控，運輸署必須採取所有切實可行的步驟，以確保資料的準確性。運輸署應制定資料保留政策，以確保在達致收集目的後，適時刪除個人資料。

CONSULTATION

During the year, the Transport Department sought our view on the proposed installation of additional front cameras beside the traffic lamps to record the images of vehicles and the faces of drivers jumping red lights ("the System"), which was designed to address the recommendation of the Director of Audit to improve the effectiveness of the present enforcement camera system.

First and foremost, the PCPD advised the Transport Department to conduct a Privacy Impact Assessment on the proposed System to identify and reduce any actual and potential privacy impact on personal data protection.

The PCPD recommended the Transport Department to consider the following issues in light of the Data Protection Principles ("DPP") in Schedule 1 of the Ordinance, in dealing with the collection, accuracy, retention, use and security of personal data, as well as the transparency of the System, in both policy and practice.

DPP1: It appeared that the System would affect all drivers and even other road users. The capturing of the images of other individuals, such as front seat passengers inside the relevant vehicle or even other road users, would be considered excessive collection of personal data. The Transport Department was advised to consider and explore other less privacy intrusive alternatives to achieve the same or similar purpose.

DPP2: All practicable steps must be taken to ensure data accuracy, since such data would be used for the purpose of assisting criminal prosecution against the individuals. A data-retention policy should be devised to ensure the timely erasure of personal data after the purpose of collection has been fulfilled.

保障資料第 3 原則：公署建議運輸署制定清晰的政策及指引，規管查閱及使用該系統所收集的個人資料，以防止「改變用途」的情況，即所收集的個人資料可能被用來追蹤有關人士的活動，與違反交通規則無關。

保障資料第 4 原則：在開發該系統時，應採取「貫徹私隱的設計」。查閱個人資料的權限須以「有需要知道」原則為規限，並須保存適當的審核追蹤記錄，以監察遵從內部政策、指引及程序的情況。

保障資料第 5 原則：公署建議運輸署在政府網站或以其他途徑公佈其私隱政策聲明，以增加該系統的個人資料政策及措施的透明度。在該系統實施初期，相信亦有需要舉行傳媒簡介會及進行其他宣傳工作，以回應公眾在私隱方面的關注。

DPP3: A clear policy and guidelines should be devised to govern access to and use of the personal data collected by the System to prevent “function creep”, i.e. the personal data collected may be used to track the activities of individuals for purposes other than the traffic offence.

DPP4: A privacy-by-design approach should be adopted in developing the System. Access to personal data must be on a need-to-know basis and a proper audit trail must be kept to monitor compliance with internal policies, guidelines and procedures.

DPP5: To make the personal data policy and practice of the System as transparent as possible, a Privacy Policy Statement should be published on the relevant Government website(s) or otherwise be made available to the public. A media briefing and other publicity work would be necessary to address any privacy concerns the public might have during the initial stage of implementation of the System.

處理查詢

公署在本年度共處理 23,459 宗查詢個案，比上年度增加 18 %；平均每個工作天處理 95 宗查詢（圖 2.2）。

HANDLING ENQUIRIES

A total of 23,459 enquiry cases were handled during the year, up 18 % from the number of the previous year. On average, 95 enquiry cases were handled per working day (Figure 2.2).

圖 2.2：全年查詢個案

Figure 2.2: Annual enquiry caseload

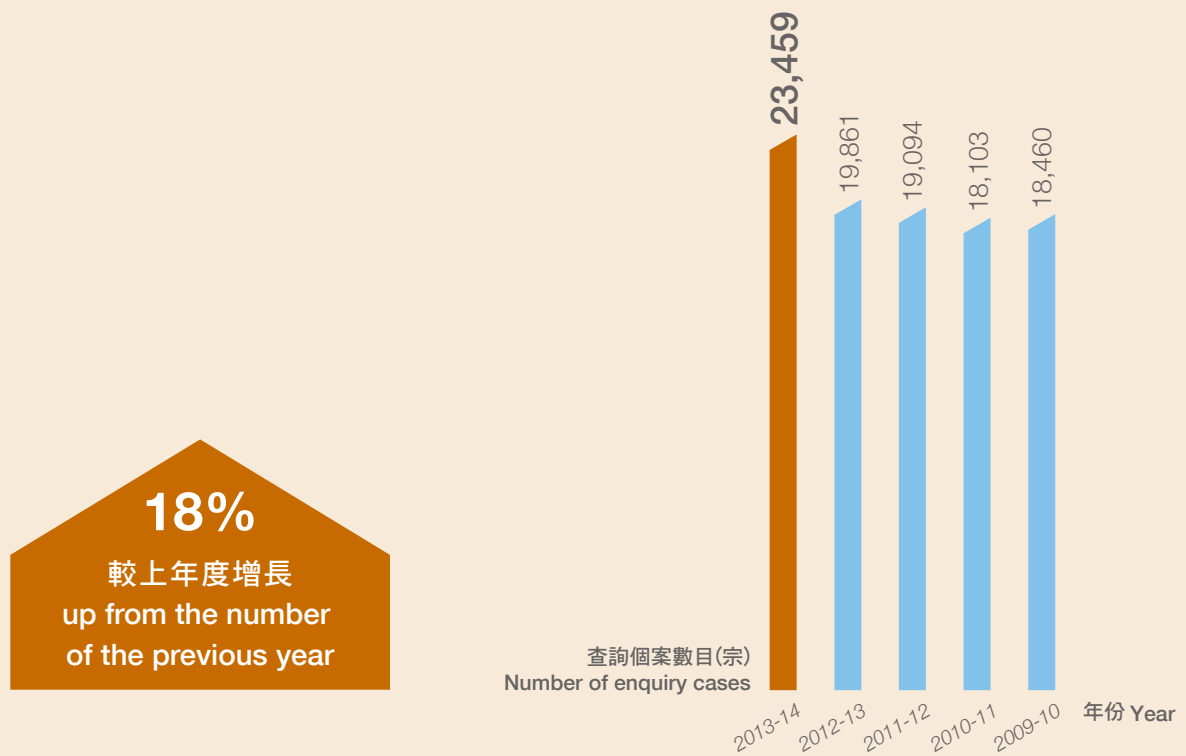
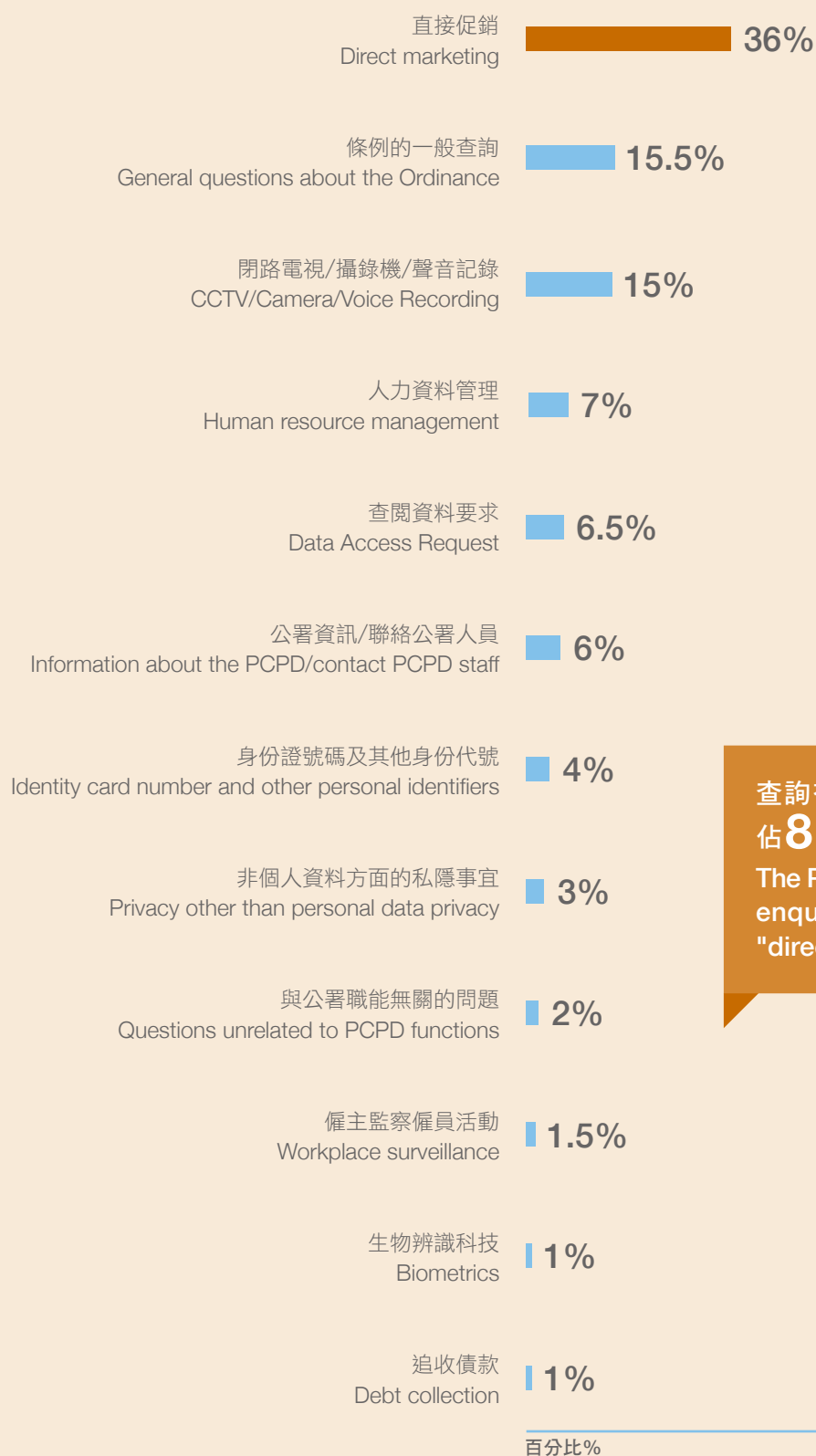


圖 2.3：查詢個案的性質

Figure 2.3: Nature of enquiry cases



查詢有關「直接促銷」
佔**8,445**宗

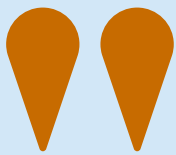
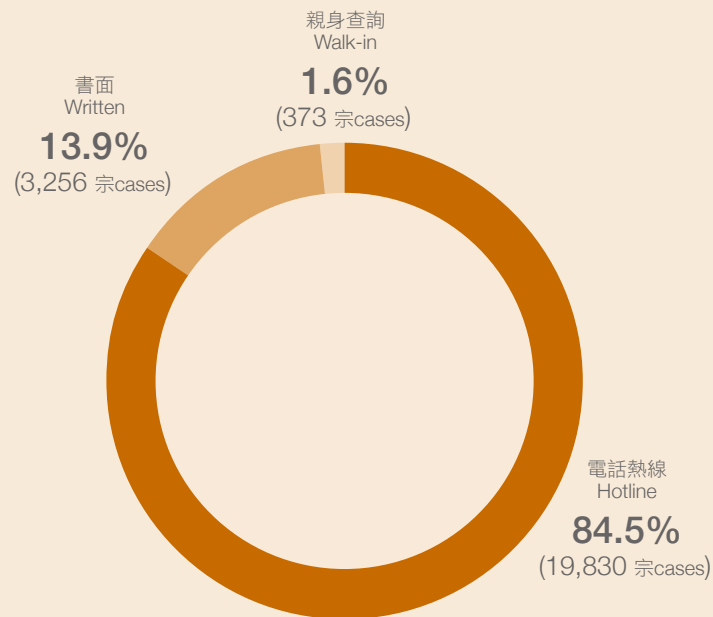
The PCPD received 8,445
enquiries in relation to
"direct marketing"

大部分（84.5%）查詢經由公署的電話熱線（2827 2827）提出（圖 2.4）。

The majority of the enquiries (84.5%) were made via the PCPD hotline (2827 2827). (Figure 2.4)

圖2.4：提出查詢的途徑

Figure 2.4: Means by which enquiries were made



我是負責處理公眾查詢及機構循規審查工作的。查詢者一般都會很迫切希望公署可幫忙解決他們各自遇到有關私隱的問題，而我和部門的同事都會盡力解答；當得到他們的讚賞時，我們都會感到很鼓舞。雖然我入職的時間很短，但感謝公署給我機會，於執行部至審查及政策部輪換工作，擴闊工作經驗，我亦期望為公署作出更多貢獻。

My duties are to handle enquiries from the general public and conduct compliance checks against organisations. The enquirers generally would be very eager to have their various privacy-related problems solved with the help of the PCPD, and my colleagues and I would strive to meet their expectations. We are greatly encouraged should we receive enquirers' compliments. Although I have joined this office only for a short period of time, I am thankful for the opportunities offered to broaden my work experience through job rotation from Operations Division to Compliance & Policy Division. I am looking forward to contribute more to this office.

霍靜怡 個人資料助理

Phoebe FOK Personal Data Assistant



循規審查

當某機構的行事方式與條例規定看來有不相符時，私隱專員會展開循規審查。在完成循規審查行動後，私隱專員會書面告知有關機構，指出與條例規定不符或不足之處，並促請有關機構採取適當的補救措施糾正可能違規的情況，以防止類似情況再發生。

在本年度，私隱專員共進行了 181 次循規審查行動。49% 的循規審查對象為私營機構，其餘 51% 則關乎公營機構，包括政府部門、法定機構、非政府機構及政府資助教育機構。

下文重點介紹在年內進行的部分循規審查行動。

巴士車廂安裝閉路電視

公署獲悉某巴士公司（「該巴士公司」）其中一個巴士車廂所安裝的閉路電視拍下視頻片段，並可以透過一個視像分享網站讓公眾查看，於是對該巴士公司展開循規審查。

該巴士公司在回應事件時解釋，有關視頻片段是一名巴士車長未經授權在車廂內安裝閉路電視拍攝及上載的。在事發後，該巴士公司已因該車長違反公司政策而對他採取紀律行動。此外，該巴士公司已向所有車長發出通告，重申不得未經授權在巴士車廂內安裝任何攝錄器材。車站主管及督察則會定期上車檢查情況。

COMPLIANCE CHECKS

The Commissioner conducts compliance checks into practices that appear to be inconsistent with the requirements under the Ordinance. Upon completion of a compliance check, the Commissioner alerts the organisation in writing, pointing out the apparent inconsistencies or deficiencies, and advising the organisation to take remedial action to correct the suspected breach and prevent further breaches.

During the year, the Commissioner carried out 181 compliance checks. Of these, 49% were conducted on private sector organisations, while the remaining 51% were on public sector organisations, including government departments, statutory bodies, non-government organisations and government-funded educational institutions.

Below are highlights of some of the compliance checks conducted during the year.

CCTV installation in bus compartments

It was brought to PCPD's attention that a video clip captured by a closed-circuit television ("CCTV") camera installed inside a bus compartment of a bus company (the "Bus Company") was found to be publicly accessible through a video-sharing website. The PCPD then initiated a compliance check on the Bus Company to look into the matter.

In response to the incident, the Bus Company explained that the video clip in question had been taken and uploaded by a bus captain who had installed the CCTV camera inside the bus compartment without authorisation. After the incident, the Bus Company took disciplinary action against the bus captain for having contravened the company's policy. Further, a notice was issued to all bus captains reminding them of the company's policy prohibiting the unauthorised installation of any recording equipment inside bus compartments. Also, terminus supervisors and inspectors were required to check regularly on board the buses to monitor the situation.

公署在查詢期間得悉該巴士公司為了保安及調查事件而正式在部分巴士車廂安裝閉路電視。為了確定有關安裝是否符合條例的規定，公署在該巴士公司的車廠進行視察，並留意到：

- (a) 閉路電視的鏡頭是瞄準巴士的前方、前門、駕駛盤、後門及上層；
- (b) 司機位上方安裝了顯示屏，為車長提供實時影像；
- (c) 該公司有政策及程序，規管查閱及保留由閉路電視所拍攝影像的事宜；
- (d) 閉路電視只會在引擎開動時操作，並鎖於巴士上的一個櫃內。只有獲授權人士才可開啟。因此巴士車長不能改動閉路電視的任何設定，亦不能存取任何記錄；及
- (e) 在巴士車廂內已張貼告示，通知乘客受閉路電視監察，但沒有提及可以向其提出個人資料私隱事宜的聯絡人。

循規審查結果認為，雖然該巴士公司可以合理地解釋，安裝閉路電視是為了保安及調查事件，但他們應加強與乘客及僱員的溝通，以減低有關使用閉路電視監察的疑慮或關注。在這方面，該巴士公司接納公署的建議，並採取下述改善措施：

- (a) 表明安裝閉路電視系統是為了保安及調查事件，而不是為了監察僱員；及
- (b) 修訂閉路電視的告示，加上客戶服務熱線，讓乘客可透過熱線提出有關個人資料私隱的事宜。

During the course of our inquiries, it was revealed that the Bus Company had officially installed CCTV cameras in some of their bus compartments for security and incident investigations. To ascertain whether the installation of the CCTV was in compliance with the requirements under the Ordinance, the PCPD conducted an inspection at the depot of the Bus Company and noticed that:-

- (a) CCTV cameras had been installed showing the driver's forward view, the entrance door, the steering wheel, the exit door, and the upper deck;
- (b) A monitor screen had been installed above the driver seat providing the bus captain with real time images;
- (c) The Bus Company had policy and procedures governing the access to and retention of the images captured by the CCTV cameras;
- (d) The CCTV would operate only when the engine was on, and the CCTV was locked in a cabinet inside the bus. Only authorised persons had access to it, so the bus captains were unable to alter any of its settings or retrieve any of the recordings; and
- (e) Notices were posted in the bus compartment informing the passengers that they were under CCTV surveillance, but there was no mention of a contact person with whom matters relating to personal data privacy issues could be raised.

The compliance check concluded that although the Bus Company could reasonably justify that the installation of the CCTV was for security and incident investigations, it should strengthen communication with passengers and employees to eliminate any doubt or concerns relating to the use of the CCTV surveillance recordings. In this regard, the Bus Company took the PCPD's advice and made the following improvements:-

- (a) It indicated explicitly its policy that the CCTV system was installed for security and incident investigation purposes, not for employee monitoring; and
- (b) It revised the CCTV notices to include a customer service hotline that passengers could call for matters relating to personal data privacy.

載有 64,786 名人士個人資料的網站 遭黑客入侵

一間環保機構（「該機構」）向公署通報發現其網站遭黑客入侵，因此懷疑約 64,786 名捐款者及參與活動者的個人資料已外洩。有關的個人資料涉及姓名、香港身份證號碼、性別、電話號碼、地址、電郵地址、出生日期、密碼、碳排放資料、捐贈／贊助的款額，及家庭成員資料。

該機構在回應公署的查詢時解釋，事件是因黑客利用其網站伺服器及網絡應用程式的漏洞，入侵並控制了該機構載有個人資料的資料庫。該機構補充，沒有證據顯示其網站內的個人資料受損。

該機構已在事發後立即採取多項加強系統措施，包括強化伺服器、重設密碼、提升軟件、伺服器修補及漏洞掃描。

在今次事件後，該機構又在技術及行政上實施連串補救行動，防止日後再發生類似事件，包括：

- (1) 提供防火牆保障，把資料庫伺服器與網絡伺服器分開，加強儲存的個人資料的保安；
- (2) 採用漏洞掃描軟件，定期識別及修補系統的保安漏洞；及
- (3) 向全體職員公佈政策，提高他們在建立網站及電子應用程式的私隱意識。

Websites containing personal data of 64,786 individuals hacked

An environmental protection organisation (the “Organisation”) reported to the PCPD that its websites were found to have been hacked, and as a result, the personal data of approximately 64,786 donors and participants of its campaign was suspected to have been leaked. The personal data involved names, Hong Kong identity card numbers, gender, telephone numbers, addresses, email addresses, date of birth, passwords, carbon footprint data, donation/sponsorship amount and family members’ information.

In response to PCPD’s enquiries, the Organisation explained that the incident had been caused by a hacker’s exploitation of vulnerabilities in their web server and web application programmes, which allowed the hacker to gain control over their database containing the personal data. The Organisation added that there was no evidence showing that personal data contained in their website had been compromised.

Immediately after the incident, the Organisation took various steps to strengthen its systems, which included server hardening, password reset, software upgrade, server patching and vulnerability scanning.

The Organisation also subsequently implemented a series of remedial actions, both technically and administratively, to prevent recurrence of similar incidents in the future, which included:-

- (1) Separating its database server from the web server by implementing firewall protection to strengthen the security of the personal data stored therein;
- (2) Deploying vulnerability scanning software to identify and fix the security vulnerabilities of its systems periodically; and
- (3) Disseminating a policy to all staff members to enhance their privacy awareness related to website building and digital applications.

371 名酒店客戶的資料經電郵外洩

一間酒店（「該酒店」）向公署通報，一名職員向 333 名客戶發出電郵提醒他們提取訂購的月餅時，不小心夾附一個載有 371 名客戶個人資料的試算表檔案（「該試算表檔案」）。該試算表檔案並沒有加密或以密碼保護。事件中外洩的個人資料包括客戶的姓名、地址、電郵地址、電話號碼、流動電話號碼、傳真號碼、付款方法、部分信用卡號碼及付款額（「該等資料」）。

該酒店在回應公署的查詢時解釋，一名僱員從銷售訂購軟件（「該軟件」）滙出該等資料到一個試算表，然後以電郵發給一名合約職員，以便該職員以電郵提醒客戶提取月餅。當該職員向客戶發信時，不小心夾附了該試算表檔案，因此該等資料被錯誤地披露予客戶。

該酒店因應事件採取了下述補救行動，防止日後再發生類似事件：

- (a) 檢討客戶資料的查閱權，規定所有合約或兼職員工不得查閱客戶資料，查閱權只授予經理級職員；
- (b) 只容許兩名高級職員有權從該軟件摘取 / 滙出客戶資料；
- (c) 把所有客戶資料檔案加密，並把儲存於共用驅動器的客戶資料檔案加上密碼保護；
- (d) 成立私隱小組制定政策及程序、監察培訓進度及循規事宜，並建議最佳行事方式；及
- (e) 向所有職員提供強制性的保障資料私隱培訓。

Data leakage via email involving 371 customers of a hotel

A hotel (the "Hotel") reported to the PCPD that a staff member had inadvertently attached an Excel file (the "Excel File") containing the data of 371 customers in an email to 333 customers reminding them to collect mooncakes they had ordered. The Excel File was neither encrypted nor password protected. The personal data leaked in the incident included customers' names, addresses, email addresses, telephone numbers, mobile telephone numbers, facsimile numbers, payment methods, partial credit card numbers and payment amounts (the "Data").

In response to the PCPD's enquiries, the Hotel explained that an employee had exported the Data from their sales ordering software (the "Software") into an Excel spreadsheet and passed this by email to a contract staff member for sending a reminder email to customers to collect their mooncakes. When sending the reminder to the customers on the list, the contract staff member inadvertently attached the Excel File. As a result, the Data was wrongfully disclosed to the customers.

The Hotel subsequently took the following remedial action to prevent similar incidents in the future:-

- (a) It reviewed the access right to its customers' data, denied access to all contract or part-time staff, and granted access to managerial staff only;
- (b) It allowed only two senior staff members to have the user right to extract/export customer data from the Software;
- (c) It encrypted all customer data files and added passwords to protect the customer data files stored in the common drive;
- (d) It set up a data privacy team to define policies and procedures, monitor training progress and compliance issues, recommend best practices, etc.; and
- (e) It provided compulsory data privacy protection training for all staff members.

主動調查

保障資料第4原則規定，資料使用者須採取所有合理地切實可行的步驟，以確保病人的個人資料受保障而免受未經准許或意外的查閱、遺失或使用所影響。

市民的個人資料若被不恰當使用，不論起因是意外遺失、被外洩或被偷竊，後果都可以很嚴重。特別是以下所載列牽涉市民病歷及警方文件的個案。



PCPD-INITIATED INVESTIGATIONS

Data Protection Principle 4 ("DPP4") requires data users to take all reasonably practicable steps to ensure personal data is protected against unauthorised or accidental access, loss or use.

The potential harm to individuals arising from the misuse of their personal data, whether accidentally lost, leaked or purposely stolen, could be significant, particularly in the cases described below which involve patients' medical records and police documents.

醫管局一處理棄用病人紀錄失當

載有病人資料的醫院廢料，包括用過的打印帶及病人預約回條，被發現棄置在密件處理服務有限公司（「密件處理公司」）的碎紙廠外。該公司是醫院管理局（「醫管局」）以合約（「該合約」）聘用的廢料處理服務供應商。

根據調查結果，私隱專員裁定醫管局違反條例的保障資料第4原則，理由如下：

該合約在打印帶處理上的疏漏 — 在該合約中，列明了對載有個人資料的廢紙的保安措施（如回收廢料袋須用有序列編號的安全裝置或規定廢紙應切碎成多闊），但對同樣地載有病人個人資料的棄置打印帶，卻沒有說明處理方法。該合約沒有列明由醫院運送資料往碎紙廠途中，需要點算裝有打印帶的

Hospital Authority – Improper disposal of hospital waste containing patient records

Hospital waste containing patients' data, namely a used printer ribbon and shredded strips of medical appointment slips, were found abandoned outside the shredding factory of Confidential Materials Destruction Service Limited ("CMDs"), the waste disposal service provider of the Hospital Authority ("HA"), appointed under a contract (the "Contract").

Based on the investigation findings, the Commissioner determined that HA had contravened DPP4 for the following reasons:

Contractual omission in the treatment of printer ribbons – Security measures (such as the use of a serialised sealing safety device or specifying the maximum width of shredding) were found in the Contract in relation to paper waste containing patients' personal data, but not in relation to printer ribbon waste, which also contains patients' personal data. There was no contractual requirement that the number of bags of printer ribbon waste be checked (during transit from the hospitals

回收袋數目，以防遺失；亦沒有訂明切碎至那個程度以保證當中的個人資料不能被識別或還原；及

密件處理公司監管不力 — 根據該合約，醫管局及其轄下的醫院均有權對密件處理公司的碎紙過程進行視察。視察行動若得以妥善協調和執行，並恰當地跟進，應可有效地監控資料處理者的表現，以及發現操作中的問題，適時作出改善。然而，醫管局總部否認他們有責任統籌監督轄下醫院進行視察。醫管局與轄下醫院之間就視察承辦商的次數、範圍或匯報全無指引和協調。再者，醫管局從未履行其權利進行審計，檢討或核實密件處理公司有否遵從該合約訂明的責任及條款。

私隱專員因而向醫管局發出執行通知，指令醫管局：(1) 採取合理的行動，取回在事故中棄置的醫院廢料，並予以銷毀；(2) 檢討和修訂醫院的廢料棄置程序，並實施改善措施。

私隱專員強調今次的違規事故帶出一個訊息：恒常保障個人資料是很重要的。即使機構持有的個人資料在機構範疇以外的地方或外判予第三者處理，機構保障個人資料的責任依然存在。密件處理公司作為醫管局的承辦商，處理載有病人個人資料的醫院廢料，表現實在極不理想。醫管局在合約和程序層面對密件處理公司的監督，及醫管局人員對該公司實地的監察，表現都強差人意。

調查報告：
www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_6740_c.pdf

to the shredding factory) to prevent accidental loss; and no guarantee that the waste would be shredded to the extent that the personal data contained therein could not be readily recognised or recovered; and

Inadequate supervision of CMDS – Under the Contract, the HA and its hospitals were entitled to inspect the shredding process at the CMDS factory. If the inspections were coordinated well, conducted thoroughly, and followed up properly, they would be an effective tool to check the performance of the shredding contractor and identify irregular practices for prompt rectification. However, the HA Head Office denied responsibility for centrally monitoring the inspections carried out by hospitals. There were no guidelines or coordination between the HA and its hospitals to define the frequency, scope or reporting requirement for such inspections. Furthermore, the HA did not carry out the audits it is entitled to under the Contract to review or verify if CMDS had complied with its obligations under the Contract and the requirements under the Ordinance.

The Commissioner therefore served an Enforcement Notice on the HA, directing it to: (i) make a reasonable endeavour to retrieve and destroy the abandoned hospital waste identified in the two incidents; and (ii) review and revise the hospital waste-disposal process, and implement improvement measures.

The Commissioner stressed that the breach illustrated the importance of keeping personal data secure at all times. An organisation's responsibility to keep personal data secure does not end when it is taken out of the building or outsourced. The unsatisfactory performance of CMDS, as the HA's contractor, in the treatment of hospital waste containing personal data was unacceptable, and the HA's oversight of its contractor's performance, in terms of contractual and procedural rigour, as well as physical supervision, was also far from satisfactory.

Investigation Report:
www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_6740_e.pdf

香港警務處—資料經 Foxy 外洩後患無窮

在 2008 至 09 年度完成對香港警務處（「警務處」）有關經 Foxy 外洩資料的調查後，前任私隱專員曾發出執行通知指令警務處予以糾正。警務處其後在 2009 年 8 月實施改善措施，包括 (i) 警隊電腦的 USB 接頭只容許使用經認可的 USB 記憶體；(ii) 制定資訊保安的規定及指引；(iii) 加強安全設施及支援，及 (iv) 提高警隊成員對資訊保安的認識。

傳媒在 2011 年 8 月及 2012 年 9 月先後報道兩宗懷疑警務處經 Foxy 外洩內部文件的事件後，私隱專員主動展開調查。

事故 1：有多份載有個人資料的警務處文件發現經 Foxy，於互聯網上可以搜尋得到；當中大部分文件在 2008 至 09 年度的調查中已涵蓋，今次只有一份外洩文件是新發現的，就是屬於警員職位申請者的回條，上面載有一名投考人士的姓名及身份證號碼等個人資料。外洩的原因相信是由於該投考人士在他的私人電腦安裝了 Foxy。換言之，在今次事件中警方並非洩密一方。

事故 2：多份證人口供、警務處內部備忘錄、表格及書信文件，涉及證人及被逮捕人士的姓名、香港身份證號碼、地址及檢控的內容等個人資料，經 Foxy 於互聯網上外洩。調查發現，事故中的警員從 2007 年起在未經上級批准的情況下，偶爾使用其私人 USB 記憶體從警隊電腦中下載文件至其私人電腦，並用該電腦處理公務。由於有關警員並沒有把其電腦連上互聯網，而且警務處確實沒有在該部門的電腦系統安裝任何分享軟件包括 Foxy，警務處認為有可能有人從該出售的電腦，把硬磁碟機內已清除的文件復原，令個人資料從而外洩。私隱專員裁定這宗事故起因在於有警務人員在未經授權的情況下，下載警方的文件，又在出售其電腦前未有用核准的軟件清除內裏載有的相關資料。而鑑於保障資料第 4 原則要求資料使用者確保個人資料保安並非一項絕對義務，私隱專員沒有發現警務處違反規定。

Hong Kong Police Force – The use of Foxy culminated in data leakage which got out of control

Upon the conclusion of a 2008-09 investigation of the Hong Kong Police Force (the “HKPF”) for data leakage via Foxy, the then Commissioner served an enforcement notice on the HKPF which led to the adoption in August 2009 of a series of improvement measures to safeguard personal data, which included: (i) configuring the USB ports of the HKPF's computers to accept only approved USB thumb drives; (ii) the formulation of information security instructions and guidelines; (iii) the strengthening of security measures and support; and (iv) the enhancement of police officers' knowledge of information security.

The Commissioner initiated an investigation into two incidents of alleged leakage of internal documents by the HKPF via Foxy after they were reported in the press in August 2011 and September 2012 respectively.

Incident 1: A reply slip containing the name and identity card number of an applicant for a position in the HKPF, together with other police documents covered by the 2008-09 investigation, was searchable by the general public via Foxy. It was found that Foxy was installed in the applicant's personal computer, which led to the leakage of the reply slip. The HKPF was not responsible for the leakage in this case.

Incident 2: A number of police documents, including witness statements, internal memoranda, forms and correspondence, were leaked on the internet via Foxy. It was revealed that a police officer, without the HKPF's approval, had occasionally transferred documents from the HKPF's computer system to his own computer via his private USB thumb drive for work purposes since 2007. Given that the police officer had not used his computer to connect to the internet, and that the HKPF had not installed any file-sharing software, including Foxy, in its computer system, the HKPF concluded that the leaked documents could have been recovered from the hard disk after the sale of the computer, and that the data was subsequently leaked. The Commissioner determined that this incident was attributed to the unauthorised downloading of Police documents by the police officer and his failure to use approved software to erase the data before sale of his computer. He found no contravention on the part of the HKPF as DPP4 does not impose an absolute obligation on data users to safeguard personal data.

考慮到該些文件所載的個人資料的重要性及敏感性，專員敦促警務處採取預防措施，(i) 向警務人員推廣使用警務處的電腦程式來檢查及清除其個人電腦所載有的個人資料／機密資料；(ii) 設立諮詢熱線，讓有需要的警務人員以不記名方式得到支援；(iii) 促進警務人員之間的個案分享及經驗交流，藉以加深警務人員對個人資料保護的認知，及警覺網上資訊外洩可能造成的嚴重後果等。

私隱專員警告，一旦資料檔案經過 Foxy 網絡外洩，基本上並無有效的方法可以將資料挽回。雖然 Foxy 的開發商經已結業，但迄今全球至少有 40 萬人的電腦仍啟動著 Foxy 軟件。任何人若需要下載這軟件，只能到非官方渠道下載，這是非常冒險的，因所得的版本有可能載有惡意程式，或遭改裝而招致無法控制的資料外洩事故。

調查報告：

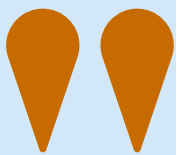
www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_15218_c.pdf

Considering the importance and sensitivity of the personal data contained in the police documents, the Commissioner urged the HKPF to take preventative measures to (i) promote the use of HKPF's computer programme by police officers to check and delete personal data/confidential data on their personal computers; (ii) set up an enquiry hotline so that police officers could seek assistance on IT-related matters on an anonymous basis; and (iii) promote case- and experience-sharing among police officers to enhance their awareness of personal data protection and the potentially serious consequences of data leakage on the Internet.

The Commissioner warned the public that there was practically no effective recovery means once a data file was leaked through the Foxy network. Though the developer of Foxy has ceased business, Foxy is still operating on 400,000 or more computers around the world. Whoever wants to download this software for use will have to resort to unofficial channels and may thus obtain a copy which contains malware or which has been altered, thus running the risk of uncontrollable data sharing.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_15218_e.pdf



加入公署的資訊科技部門，有別於我過往工作的範疇。於部門內日常接觸到的工作都與資訊科技有關，除了令我加深了對資訊科技的認識，更了解到在現今資訊科技急速發展的社會中，資訊科技與個人資料私隱有著密切的關係，例如安裝應用程式後，手機上的資料有機會在機主不知情下被讀取等，從而令我懂得保護個人資料私隱的重要性！



The work in the Information Technology (IT) Department of the PCPD is different from my past jobs. The daily routine in my department relates to IT. In addition to enhancing my IT knowledge, my work enables me to understand that IT has a close relationship with personal data privacy, e.g. after installation of an app, the data in the smartphone may be accessed without the user's knowledge. I have learnt of the importance of protecting personal data privacy from my work.

陳詩麗 資訊科技部 行政助理
Karmen CHAN

Administrative Assistant, Information Technology Division

香港警務處—接連遺失載有敏感個人資料的記事冊

私隱專員得悉發生了 11 宗警務人員遺失記事冊及定額罰款單的資料外洩事故後，主動展開調查。事故涉及的遺失物品共載有 285 名人士的個人資料，當中包括罪案受害人、證人及疑犯。

警務處在這兩類事故中違反了保障資料第 4 原則。警務處沒有採取所有切實可行的步驟，包括設立全面的程序及有效施行監督及監察制度，以確保載有個人資料的警方文件受保護。

私隱專員因此向警務處送達執行通知，指令警務處（a）訂立額外保安程序堵塞漏洞及（b）加強監督。

事故亦揭示 (i) 警務處有需要檢討警方的器材及制服設計，以及 (ii) 相關警務人員普遍對個人資料的保安風險意識不足，以致未能妥善保護載有個人資料的文件。私隱專員因此建議警務處 (i) 全面檢討用以盛載或運送警方記事冊及告票的器材及制服，以防止個人資料受未經准許的查閱或意外的遺失；及 (ii) 加強培訓、獎勵及紀律處分的項目，以促進警務人員遵從警務處保障私隱及個人資料的政策及程序。

私隱專員補充：「無可置疑，很多資料保安的事故，都是由人為錯失釀成，難以完全避免。即使是完備的私隱政策和嚴格的保安措施，都有可能因為個別員工的鹵莽或粗心大意而被削弱功效。機構應為員工提供全面的內部培訓和提高保障私隱的意識，這是至為重要的。建立一個尊重私隱的機構文化，則可確保推動機構整體投入，致力實踐保障私隱。」

調查報告：
www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_0407_c.pdf

Hong Kong Police Force – Repeated incidents of loss of notebooks containing sensitive personal data

The Commissioner initiated this investigation upon noticing 11 data-breach incidents concerning the loss of police notebooks or fixed penalty tickets by different police officers. The lost items contained the personal data of a total of 285 persons, including crime victims, witnesses and suspects.

The HKPF was found to have breached DPP4 in these two types of incidents. The HKPF failed to take all practicable steps, including putting in place a set of comprehensive procedures, as well as ensuring the effective implementation of its supervision and monitoring system, to safeguard the security of police documents containing personal data.

The Commissioner accordingly served an enforcement notice on the HKPF directing it to: (i) establish supplementary security procedures to plug the loopholes which were identified; and (ii) tighten up its supervision.

The incidents also revealed: (i) the need to review the police equipment and uniform design; and (ii) a general lack of awareness of the security risks associated with personal data among the police officers concerned. The Commissioner therefore advised the HKPF: (i) to undertake a general review of the HKPF's equipment and uniform used for holding or conveying police notebooks and fixed penalty tickets in order to safeguard personal data from unauthorised access or accidental loss; and (ii) to step up its training, incentive and disciplinary programmes to promote compliance with the HKPF's policies and procedures in relation to privacy and data protection.

The Commissioner added: “Admittedly, many security breaches are simply the result of human error, which cannot be totally eliminated. Recklessness or simple carelessness of a single employee can undermine sound privacy policies and robust security practices. This underlies the importance for organisations to institute comprehensive internal training and awareness programmes for their staff. To ensure an organisation-wide commitment, the building of a privacy-respectful and data-secure culture is imperative.”

Investigation Report:
www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_0407_e.pdf

視察行動

公署於 2013 年 4 至 8 月依據條例第 36 條，對學生資助辦事處（「學資處」）用作處理四項學生資助計劃的個人資料系統進行視察。

學資處是港府執行學生資助政策的機構。學資處於 2010 至 13 年三個學年內，每學年平均接獲逾 956,000 宗各項資助計劃的申請。

學資處為了處理申請而收集、持有及使用多種個人資料，包括申請人及其家庭成員的姓名、身份證號碼、出生日期、聯絡資料、就業狀況詳情、全年收入、銀行戶口資料及教育背景資料等。

視察結果認為，該系統的資料保障措施大致上令人滿意，惟某些方面仍需檢討和改善，例如：

- (1) 學資處目前永久保留的資料有 35 類，包括可識別個人身份的個人資料，例如所有申請人及其家庭成員的英文姓名、身份證號碼及出生日期。私隱專員建議檢討這種做法，並應適當地將存檔的資料匿名化。
- (2) 對於自稱為申請人的電話查詢者，學資處沒有向職員提供書面指引訂明可向來電者披露哪類有關申請的個人資料，職員只要求來電者提供其姓名及身份證號碼以核實其申請人身份。私隱專員建議學資處向職員提供清晰指引，並實施更嚴格的身份核實程序。
- (3) 學資處會把所有資訊科技系統的資料備份磁帶從一個辦事處送往另一個辦事處作保存。不過，這些磁帶所記錄的資料並無加密處理。專員建議學資處把備份磁帶送離辦公大樓往儲存地點前，先把磁帶資料加密。
- (4) 私隱專員建議學資處規定指定職位的職員，接受資訊科技保安意識的培訓（目前職員以自願性質參加）。

INSPECTION

The PCPD conducted an inspection of the personal data system of the Student Financial Assistance Agency ("SFAA") in respect of four of its financial assistance schemes for primary and secondary students, pursuant to section 36 of the Ordinance, in the period from April to August 2013.

The SFAA is the government agency responsible for the execution of the Hong Kong Government's policies on student financial assistance. It received on average some 956,000 applications for various financial assistance schemes in each of the three academic years from 2010 to 2013.

The SFAA collects, holds and uses a wide range of personal data, including the name, Hong Kong Identity Card (HKID Card) number, date of birth, contact information, employment details, annual income, bank account details and education background of applicants and their family members for the purpose of processing applications.

The inspection concluded that the data protection measures in the personal data system inspected were reasonably satisfactory. However, certain areas such as the following required review and improvement:

- (1) The SFAA retained permanently 35 types of data, including personally identifiable data, such as the name, HKID Card number and date of birth of all applicants and their family members. The Commissioner recommended a review of this practice and anonymisation of the retained data, where appropriate.
- (2) The SFAA provided no written guidelines for its staff as to which personal data in applications may be disclosed to callers representing themselves as applicants. Callers needed only to provide their full names and HKID Card Numbers for verification of their identity as applicants. The Commissioner recommended the promulgation of clear guidelines and implementation of a more stringent identity-verification procedure.
- (3) Backup tapes of all IT systems were regularly transported from one SFAA office to another for safe-keeping. However, the data on the tapes were not encrypted. The Commissioner recommended encryption of the data on all backup tapes required to be transported to offsite storage.
- (4) Staff attended IT security-awareness training on a voluntary basis. The Commissioner recommended that the SFAA provide mandatory IT security training for SFAA staff of designated posts.

(5) 學資處聘用承辦商將紙張形式的資料抄錄至光碟。學資處曾於 2010 年 3 月至 2013 年 3 月期間兩次視察資料準備承辦商的處所，但視察過程並無資訊科技技術人員提供支援。此外，學資處並無記錄視察結果，亦沒有檢查該承辦商完成抄錄過程後是否徹底刪除電腦系統上的資料。私隱專員建議學資處：(i) 日後的視察應加入資訊科技的技術人員；(ii) 記錄視察的結果；(iii) 隨機檢查以確保承辦商不會保留資料多於所需的時間；(iv) 制定政策訂明視察次數，以及 (v) 規定視察結果應由高級管理人員檢核。

視察報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/inspection_reports/files/R14_3771_c.pdf

(5) The SFAA engaged a contractor to transcribe the data provided in the application forms onto CDs. The SFAA conducted two inspections of the contractor's premises in the period from March 2010 to March 2013, without the involvement of staff from its IT technical support department. Moreover, the inspection results were not documented, and no check was conducted on whether the contractor had completely erased the electronic data after the transcription process. The Commissioner recommended: (i) that the SFAA involves IT technical support staff in future inspections; (ii) that the SFAA documents the inspection results; (iii) that it performs random checks to ensure data is not retained longer than necessary; (iv) that it establishes a policy on the frequency of inspections; and (v) that it requires a review of the inspection results by management staff of sufficient seniority.

Inspection Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/inspection_reports/files/R14_3771_e.pdf

資料外洩通報

資料外洩事故一般是指資料使用者懷疑其持有的個人資料保安不足，以致洩露資料，令資料可能被人未經授權或意外地查閱、處理、刪除、喪失或使用。資料外洩事故可能構成違反保障資料第 4 原則。公署敦請資料使用者一旦發生資料外洩事故，須通知受影響的資料當事人、私隱專員和其他相關人士。

公署在接獲資料外洩事故通報（可用公署的指定表格呈報）後，會評估有關資料，以考慮是否有需要對有關機構展開循規審查。若私隱專員決定進行循規審查，會書面通知相關的資料使用者，並向機構指出明顯的不足之處，建議他們採取補救措施防止同類事故重演。

DATA BREACH NOTIFICATION

A data breach is generally understood to mean a suspected breach of security of personal data held by a data user, which results in exposing the data to the risk of unauthorised or accidental access, processing, erasure, loss or use. The breach may amount to a contravention of Data Protection Principle 4. After a data breach occurs, data users are strongly advised to give formal data breach notification ("DBN") to the affected data subjects, the Commissioner, and any other relevant parties.

Upon receipt of a DBN from a data user (which can be submitted using the designated DBN form), the PCPD assesses the information provided in the DBN and decides whether a compliance check is warranted. For DBN cases where the Commissioner decides to conduct compliance checks, the Commissioner alerts the data users in writing, pointing out the apparent deficiency and inviting them, where appropriate, to take remedial action to prevent a recurrence of the incident or a similar one.

在本年度，公署共接獲 **76** 宗資料外洩事故通報（**54** 宗來自公營機構；**22** 宗來自私營機構，牽涉 **114,275** 人的個人資料。公署對肇事機構展開 **76** 項循規審查行動。）

During the year, the PCPD received 76 Data-Breach Notifications (54 from the public sector and 22 from the private sector), affecting 114,275 individuals. In response, the PCPD conducted 76 compliance checks.

個人資料的核對程序

在本年度，私隱專員共收到 28 宗個人資料核對程序申請，全部來自政府部門及公營機構。

經審閱後，私隱專員在有條件的情況下批准了 27 宗申請。截至 2014 年 3 月 31 日，私隱專員在考慮餘下的一宗申請。

以下是私隱專員核准進行個人資料核對程序的部分個案：

DATA MATCHING PROCEDURE

During the year, the Commissioner received a total of 28 applications for approval to carry out matching procedures. All of the applications came from government departments and public sector organisations.

Upon examination, 27 applications were approved, subject to conditions imposed by the Commissioner. As at 31 March 2014, one remaining application was under consideration by the Commissioner.

The following is some of the matching procedures approved by the Commissioner:

提出要求者 Requesting parties	核准的資料核對程序詳情 Details of the approved data matching procedures
社會福利署 Social Welfare Department	把綜合社會保障援助計劃租金津貼受助人的個人資料，與房屋署收集的公營房屋租賃人的資料互相比較，以避免向福利受助人提供超額津貼。 Comparing the personal data collected by the Social Welfare Department from the beneficiaries of rent allowance under the Comprehensive Social Security Assistance Scheme with the personal data collected by the Housing Department from public rental housing tenants, in order to prevent overpayments to welfare recipients.
民政事務局 Home Affairs Department	把民政事務局從村代表選舉參選人及選民登記申請人收集的個人資料，與選舉事務處從地方選區選民登記收集的個人資料互相比較，以確定申請人在村代表選舉的投票及被提名資格。 Comparing the personal data collected by the Home Affairs Department from applicants for elector and voter registration for the Village Representative Election with the personal data collected by the Registration and Electoral Office for voter registration for Geographical Constituencies, in order to determine the applicants' eligibility to vote and be nominated as candidates in the Village Representative Election.
香港房屋協會 Hong Kong Housing Society	把香港房屋協會從樓宇更新大行動長者自住業主津貼申請人收集的個人資料，與市區重建局從各類津貼及免息貸款計劃收集的個人資料互相比較，以避免有人獲得雙重津貼。 Comparing the personal data collected by the Hong Kong Housing Society from applicants of the scheme for Operation Building Bright Grant for Elderly Owner-Occupiers with the personal data collected by the Urban Renewal Authority from the applicants of various grant and interest-free loan schemes, in order to prevent double subsidies to applicants.
政府資訊科技總監辦公室 Office of the Government Chief Information Officer	把政府資訊科技總監辦公室從上網學習支援計劃申請人收集的個人資料，與社會福利署綜合社會保障援助計劃受助人的個人資料互相比較，以確定申請人的資格及避免公共資源濫用。 Comparing the personal data collected by the Office of the Government Chief Information Officer from applicants of the Internet Learning Support Programme with the personal data collected by the Social Welfare Department from the beneficiaries of the Comprehensive Social Security Assistance Scheme, in order to ascertain the eligibility of the applicants and prevent the abuse of public resources.

「全球私隱執法機關網絡」的聯合行動 - 本地 60 款智慧手機應用程式的抽查結果

公署檢視本港智慧手機程式的私隱政策透明度

2013 年 5 月，公署抽查了 60 款由本港開發的智慧手機應用程式，結果顯示它們的私隱政策透明度普遍不足。

抽查的 60 個樣本（54 個為免費程式）當中，來自 Apple App Store 和 Google Play Store 的各佔一半，並分屬 16 個類別。

私隱政策透明度不足

智慧手機用戶常於手機儲存多種私人資料，即使未必所有資料均符合條例下「個人資料」的定義，開發商宜採納公署就擬備私隱政策聲明所建議的良好行事方式，向用戶說明如何處理個人資料和 / 或保障私隱的安排。程式開發商 / 供應者如要收集和使用程式用戶的個人資料，須依從私隱政策透明度的原則，為用戶提供方便瀏覽、易於閱讀和易於明白的收集個人資料聲明。

在抽查中，僅六成程式在其網站備有私隱政策聲明，但絕大部分都沒有解釋程式讀取手機上哪些資料以及目的。其他出現的問題，包括中文程式卻只提供英文版的聲明；有私隱政策聲明長達 292 行，但只能以每次八行的形式瀏覽。

手機應用程式私隱政策聲明出現的問題 Issues found in PPS of smartphone apps

私隱政策聲明出現的問題 Issues in PPSs	程式數目 No. of apps 總數 Total : 36 (百分比 %)
沒有解釋程式讀取每項資料的目的 No explanation of the purpose for accessing each type of data	35 (97)
並非為該程式而編寫 Not tailored for the specific app	33 (92)
與應用程式採用的語言不一致，或編排非易於閱讀 Couched in a language different from that used for the app, or not easily readable	4 (11)

INTERNET PRIVACY SWEEP EXERCISE – LOCAL SURVEY RESULTS OF 60 SMARTPHONE APPS

The PCPD Examined Privacy Policy Transparency for Local Smartphone Applications

In May 2013, the PCPD conducted a survey of the 60 most popular smartphone applications ("apps") developed by Hong Kong entities and found that their privacy policy transparency was generally inadequate.

The 60 apps, 54 of which were free, were evenly selected from the Apple App Store and Google Play Store and covered 16 app categories.

Inadequate transparency in privacy policy

Smartphone users often store private data on their smartphones. Even though not all such data may come under the meaning of "personal data" under the Ordinance, app developers are advised to adopt the PCPD's recommended practices on preparing a Privacy Policy Statement ("PPS") and state how they handle personal data and/or protect their users' privacy. If app developers/providers collect and/or use personal data, they should comply with the principle of transparency and make their relevant Personal Information Collection Statement ("PICS") available to their data subjects in a manner that is easily accessible, readable and understandable.

In the survey, only 60% of the apps were found to have provided a PPS on their websites, but most of these did not explain what smartphone data they would access and the purpose of the access. Other issues included providing an English-only PPS even for Chinese apps or showing a 292-line PPS in an eight-line window on the website.

潛在的私隱風險

結果亦發現，應用程式會查閱手機的私人資料種類各有不同，被抽查的 60 個程式，可查閱一至八項私人資料不等。可讀取不同種類資料的程式數目如下：

Potential privacy risks

The types of private data accessed by apps also varied, ranging from one to eight different types of private data. The number of apps accessing each type of data was as follows:

讀取資料種類 Types of data accessed	程式數目 No. of apps 總數 Total : 60 (百分比 %)
手機獨特識別碼 Unique phone identifier	44 (73)
定位位置 Location data	34 (57)
用戶登入不同程式的帳號 Account information stored on the phone	21 (35)
手機正在執行的應用程式 List of apps running on the phone	13 (22)
使用手機攝影功能或麥克風 Camera/microphone function	10 (17)
SMS/MMS 訊息 SMS/MMS messages	8 (13)
通話紀錄 Call logs	6 (10)
通訊錄 Address book	6 (10)
日誌內容 Calendar details	1 (2)

雖然有些人會認為讓程式讀取上述的資料無傷大雅，但用戶應留意，不同程式讀取零碎的資料後，資料可能會被整合，而經整合後的資料對個人私隱造成風險。舉例說，程式甲收集了某君的手機獨特識別碼和定位位置，程式乙則讀取了其手機獨特識別碼和手機內儲存某君的社交網帳號。即使某君沒有在社交網「打卡」，若兩個程式收集的資料經過整合和串連，便可得知其社交網帳號的行蹤。

While some smartphone users may consider access to the data mentioned above harmless, they should be aware that bits and pieces of private data gathered by different apps may give rise to privacy concerns. For example, App A collects User X's unique phone identifier (IMEI number) and location data from X's smartphone, while App B collects the same IMEI number and X's social network account stored on the phone. If the data collected by the two apps is combined and correlated using the IMEI number, the location data of X's social network account may become trackable by parties who have access to the data collected by both apps. This is done even if X has not "checked in" his/her social network account.

公署的建議

應用程式開發商應參閱公署發出的《保障個人資料私隱：流動應用程式開發商及其委託人須知》資料單張。他們只應讀取程式所需的資料種類，並確保其《收集個人資料聲明》是按其特定的程式而編寫。他們應清楚表明其程式會否讀取智能電話的資料；如會，會讀取哪類資料及其原因，以及如何進行，以便用戶就是否使用該程式作出知情決定。

智能電話用戶應在安裝程式前閱讀其私隱政策。他們應定期檢視權限設定（如其電話的操作系統有提供此項設定），以防止程式讀取不必要的資料，例如定位位置資料。他們亦應把可疑程式及不再需要的程式卸載，以減低資料外洩的風險。更多相關保障資料的建議，可瀏覽公署的專題網站「網上私隱要自保」www.pcpd.org.hk/besmartonline。

The PCPD's recommendations

App developers should refer to “*Personal Data Privacy Protection: What Mobile Apps Developers and Their Clients Should Know*” issued by the PCPD. They should only access the types of data necessary for the app, and ensure that their PPSs are tailored for their particular apps. They should state clearly whether the apps would access data on the smartphones and what types of data would be accessed, why and how such access would be carried out so that users may make an informed decision whether or not to use the app.

Smartphone users are recommended to read the privacy policy of an app before installing it. They should regularly review their permission settings, if available on their smartphone operating system, to prevent the app from accessing unnecessary data such as location data. They should also uninstall dubious apps and those no longer needed to minimise the risk of data leakage. They may visit the PCPD's thematic website www.pcpd.org.hk/besmartonline for more advice on this.





執法保障資料

Enforcing Data Protection



調查不偏不倚

Thorough and Impartial Investigations

執行部分為投訴審閱組和調查組，職責是制訂行動方針及程序來執行私隱條例的規定。對於市民的投訴，我們會作出具效率、公平公正的調查及處理。若發現有顯著私隱風險的情況存在，我們更會主動作出調查。

The Operation Division, comprising the Complaint Screening Team and the Investigation Team, formulates operational policies and procedures to implement the provisions of the Ordinance. We investigate and resolve complaints efficiently, in a manner that is fair to all parties concerned, and proactively investigate areas where privacy risks are significant.



調查組
Investigation Team



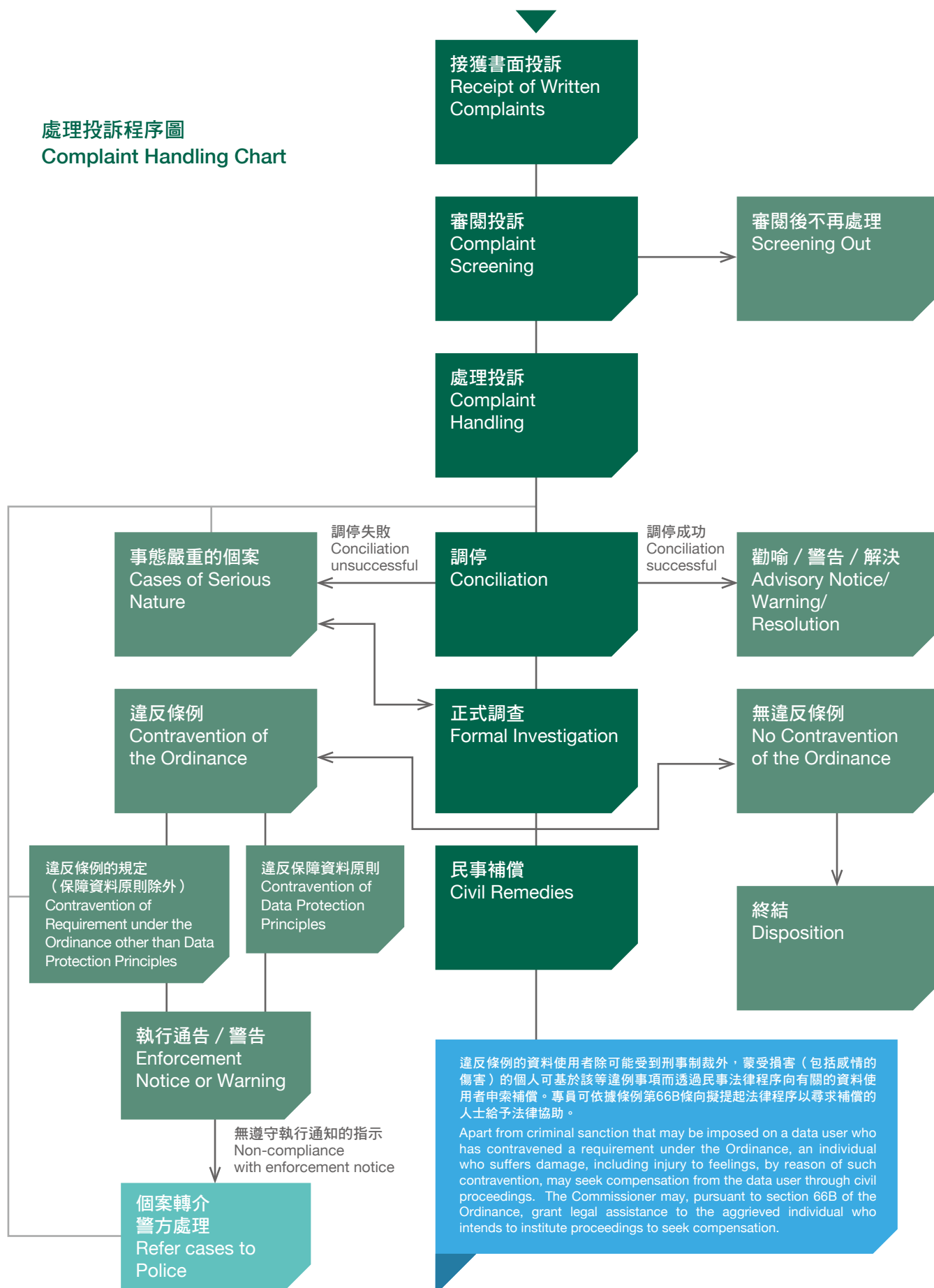
投訴審閱組
Complaint Screening Team



香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong



處理投訴程序圖
Complaint Handling Chart



調查投訴

接獲有關個人資料私隱的投訴

公署在 2013 至 14 年度共接獲 1,888 宗投訴個案，較上年度增加了 53%，原因是《2012 年個人資料（私隱）（修訂）條例》有關規管在直接促銷中使用個人資料的新條文自 2013 年 4 月 1 日生效後，投訴個案大幅增加。（圖 3.1）

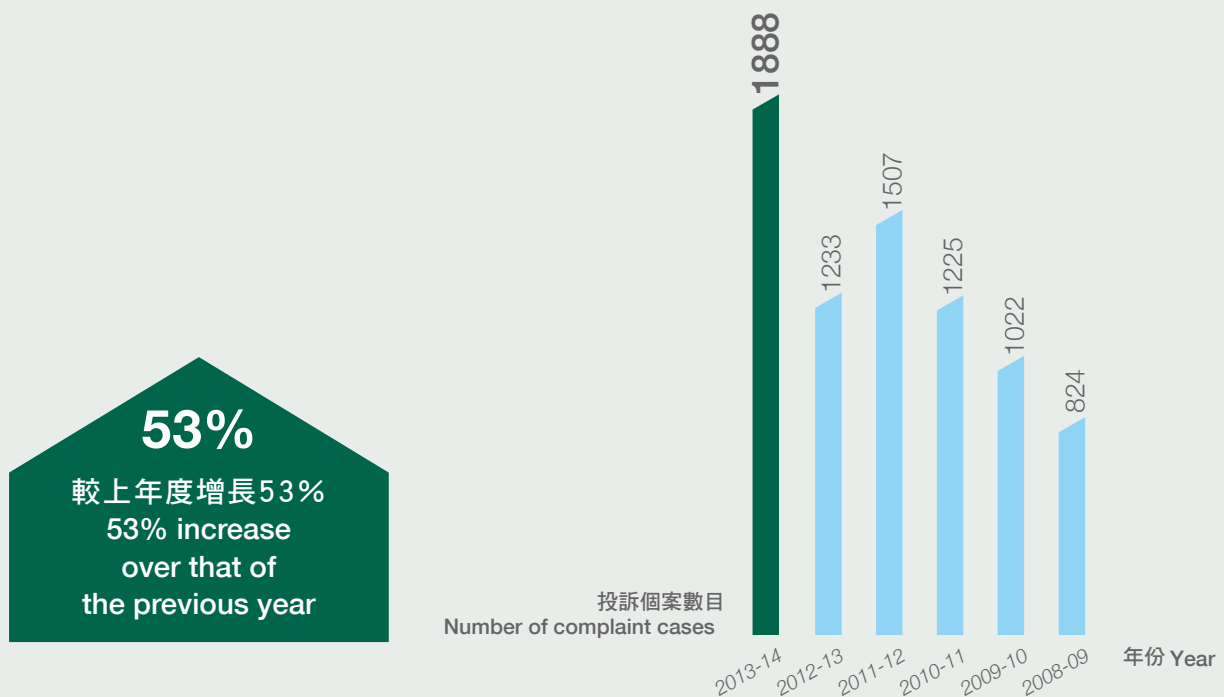
COMPLAINT INVESTIGATIONS

Data privacy complaints received

A total of 1,888 complaint cases were received in 2013-14, a 53% increase over that of the previous year. The upsurge can be explained by the substantial number of complaints related to the new provisions of the Personal Data (Privacy) (Amendment) Ordinance 2012 governing the use of personal data in direct marketing, which took effect on 1 April 2013. (Figure 3.1)

圖 3.1：投訴個案數字

Figure 3.1: Number of complaint cases received

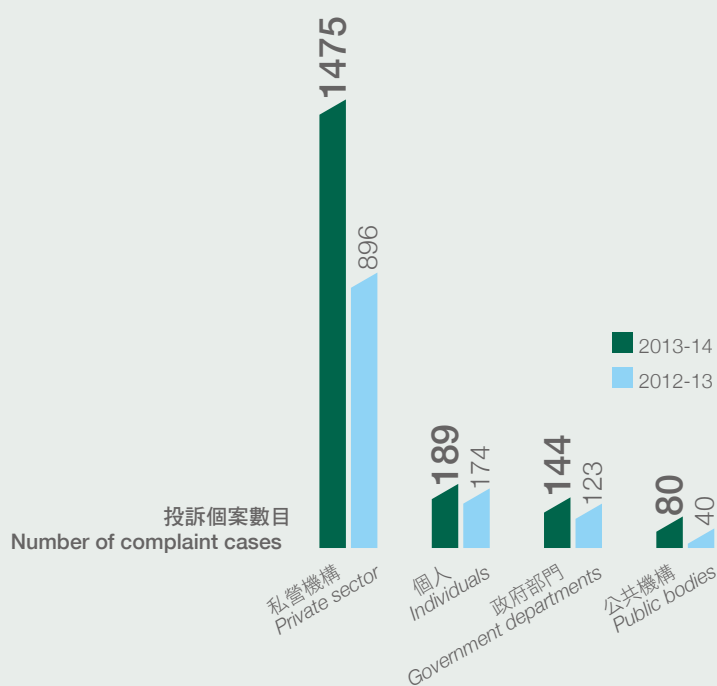


本年度大多數個案都是投訴私營機構，共有 1,475 宗，佔 78%；另有 224 宗個案投訴公營機構（即政府部門及公共機構），佔 12%；及 189 宗個案投訴個人，佔 10%。（圖 3.2）

During the year, the majority (78%) of the complaint cases were against private-sector organisations (1,475 cases); 12% were against public-sector organisations (224 cases), including government departments and public bodies; and 10% were against individuals (189 cases). (Figure 3.2)

圖 3.2：被投訴者類別

Figure 3.2: Types of parties complained against

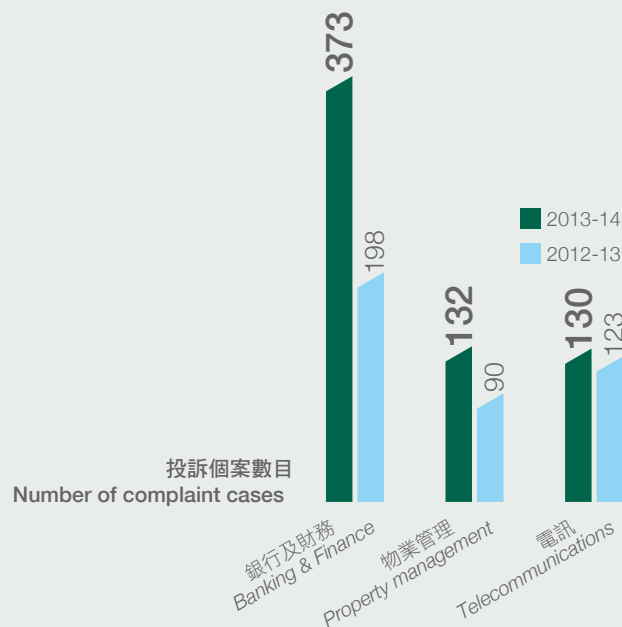


在私營機構方面，銀行及財務機構接獲最多投訴；其次是物業管理及電訊。而針對電訊及財務機構的投訴個案，**大部分都是涉及違反條例有關直接促銷新條文的指控。**（圖 3.3）

The private-sector organisations generating the most complaints were in banking and finance, followed by property management and telecommunications. **The majority of the complaints made against companies in the telecommunications and financial sectors were related to alleged breaches of the new direct marketing provisions of the Ordinance.** (Figure 3.3)

圖 3.3：對私營機構的投訴

Figure 3.3: Complaints against private-sector organisations



投訴公營機構的個案中，大部分涉及：

- 不符收集目的及未取得當事人同意而使用或披露個人資料（32%）；
- 過度或不公平收集個人資料（31%）；
- 未能遵守查閱資料要求或改正資料要求（19%）；或
- 欠缺保障個人資料的保安措施（12%）。

涉及醫院／醫療服務、警務及大學的投訴最多。（圖 3.4）

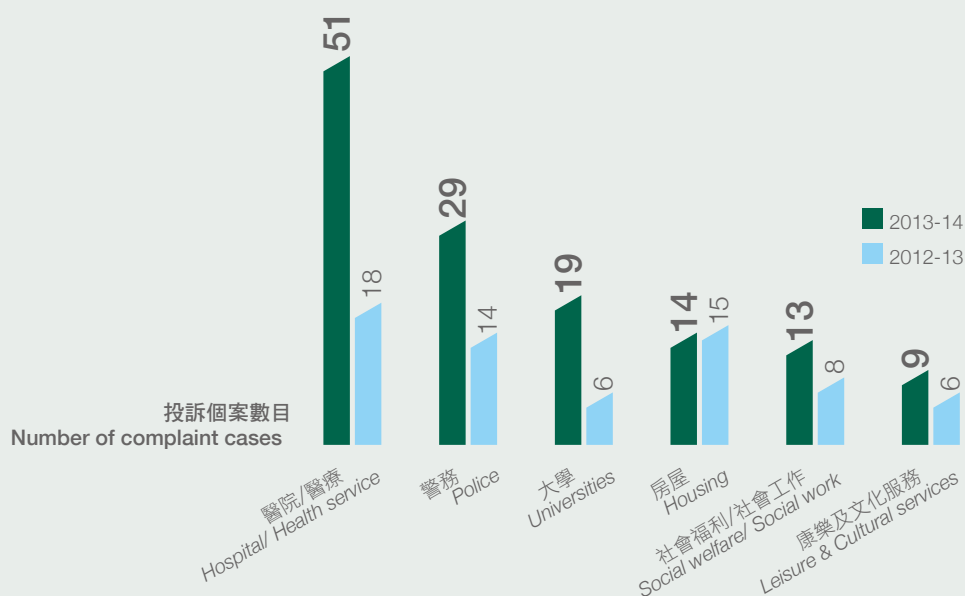
The majority of complaints made against public-sector organisations involved allegations of:

- use or disclosure of personal data beyond the scope of the collection purpose and without the consent of the individual (32%);
- excessive or unfair collection of personal data (31%);
- non-compliance with data access or correction requests (19%); or
- lack of security measures to protect personal data (12%).

Hospital/health service organisations, the police force and universities generated the most complaints. (Figure 3.4)

圖 3.4：對公營機構的投訴

Figure 3.4: Complaints against public-sector organisations



公署於 2013 至 14 年度接獲的 1,888 宗投訴個案，涉及 2,360 項違反條例規定的指稱。當中，1,697 項（72%）指稱違反保障資料原則（本身不構成刑事罪行），其餘 663 項（28%）則指稱違反條例的條文。

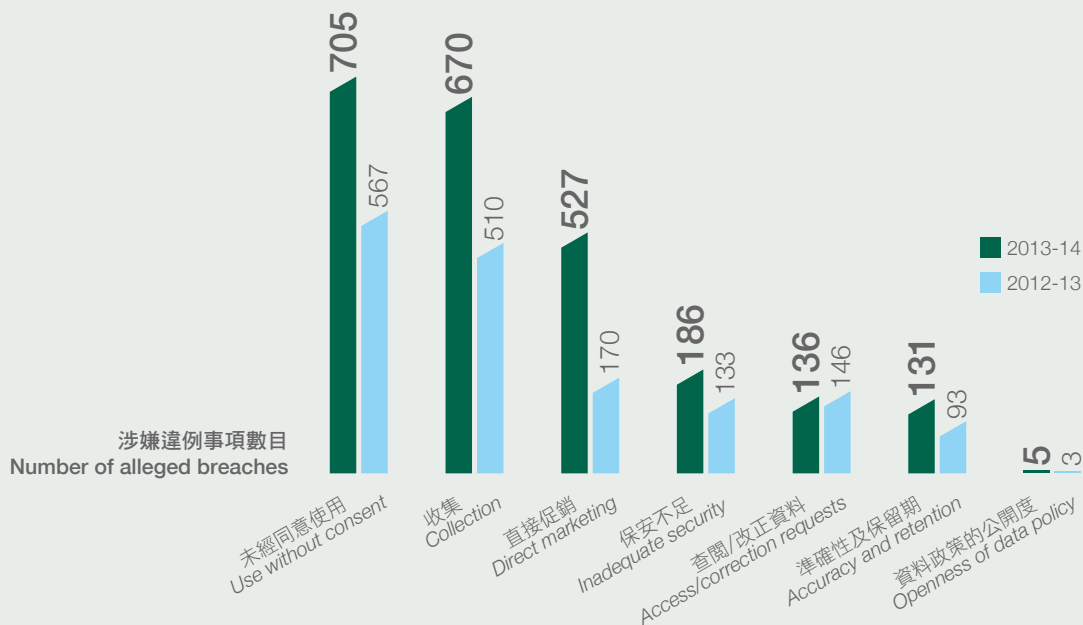
至於投訴性質方面，最多是有關指稱個人資料在未經同意的情況下遭使用，佔 705 項，其次是有關收集資料的目的及方式，有 670 項；直接促銷佔 527 項；資料保安有 186 項；依從查閱或改正資料要求有 136 項，以及 131 項有關資料準確性及保留期。（圖 3.5）

The 1,888 complaint cases received in 2013-14 involved a total of 2,360 alleged breaches of the requirements under the Ordinance. Of these, 1,697 (72%) were alleged breaches of the data protection principles (not a criminal offence) and 663 (28%) were alleged contraventions of the provisions of the Ordinance.

With regard to the nature of complaints, the cases involved mostly the use of personal data without the consent of the individual concerned (705 alleged breaches), followed by complaints about the purpose and manner of data collection (670 alleged breaches), direct marketing (527 alleged breaches), data security (186 alleged breaches), compliance with data access or correction requests (136 alleged breaches), and accuracy and period of data retention (131 alleged breaches). (Figure 3.5)

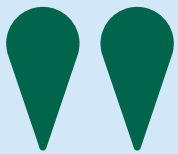
圖 3.5：投訴的性質

Figure 3.5: Nature of complaints



值得注意的是，投訴總數大幅增加主要是因為規管直接促銷的新條文開始實施。**公署於 2013 至 14 年度接獲有關直接促銷的投訴共 527 宗，較上年度增加 357 宗（210%），平均每月接獲 44 宗這類個案。**由於很多機構為應付有關直接促銷活動的新規定，於 2013 年 3 月底至 4 月初就使用個人資料作直接促銷向客戶發出大量通知，公署於 2013 年 4 月份更接獲創紀錄 109 宗有關直接促銷的投訴。隨著資料使用者與資料當事人對直接促銷新規管機制的認識提高，公署接獲的投訴數字自 2013 年 9 月開始穩定。其後的投訴集中於資料使用者進行的直接促銷活動。

It is worth noting that the substantial increase in the total number of complaints was attributable mainly to the implementation of the new provisions governing direct marketing. **A total of 527 complaints related to direct marketing were received in 2013-14, an increase of 357 cases (210%) over that of the previous year. On average, 44 such cases were received per month in 2013-14.** Specifically, in April 2013 the number of complaints related to direct marketing received hit a record 109 cases. This was largely a response to the massive number of customer notifications sent in late March 2013 and early April 2013 by many organisations on the use of personal data for direct marketing as part of the transitional arrangements to cope with the new direct marketing requirements. With enhanced familiarisation of the new direct marketing regime by both data users and data subjects, the number of incoming complaints began to level off starting in September 2013. Subsequent complaints focused on the direct marketing activities carried out by data users.



自從條例的修訂條文實施後，有關直接促銷的投訴個案大幅上升。作為個案主任，在處理投訴個案時，一方面需要向資料當事人清楚解釋新條文的規定，同時必須把握接觸資料使用者的機會，提高他們在直銷活動中保障客戶個人資料的意識。對於當時剛加入公署投訴審閱組的我，要應付隨條例修訂而增加的工作量，確是個巨大的挑戰。在這過程中，同事們之間的互助互勉，令我感到公署上下的團隊精神及迎难而上的決心。

Since the amendment of the Ordinance, the number of complaint cases about direct marketing has increased sharply. When handling complaint cases, on the one hand, I have to clearly explain the new provisions to the data subjects, and on the other hand, I have to use the opportunity to educate the data users on the importance and methods of protecting their customers' personal data in direct marketing activities. As I joined the PCPD's Complaint Screening team shortly after the amendments took effect, it was really a big challenge for me to handle the increase in workload that followed. However, through cooperation with my colleagues, I feel the PCPD team spirit and determination to overcome any difficulties along the way.

容潔瑩 助理個人資料主任
Natalie YUNG Assistant Personal Data Officer



在該 527 宗有關直接促銷的投訴中，289 宗（55%）關於資料使用者沒有依從拒絕直銷服務要求；178 宗（34%）關於資料使用者在使用資料當事人的個人資料作直接促銷前沒有採取指明行動；及 31 宗（6%）是投訴資料使用者未經資料當事人的書面同意，而提供其個人資料予另一人以供用於直接促銷。

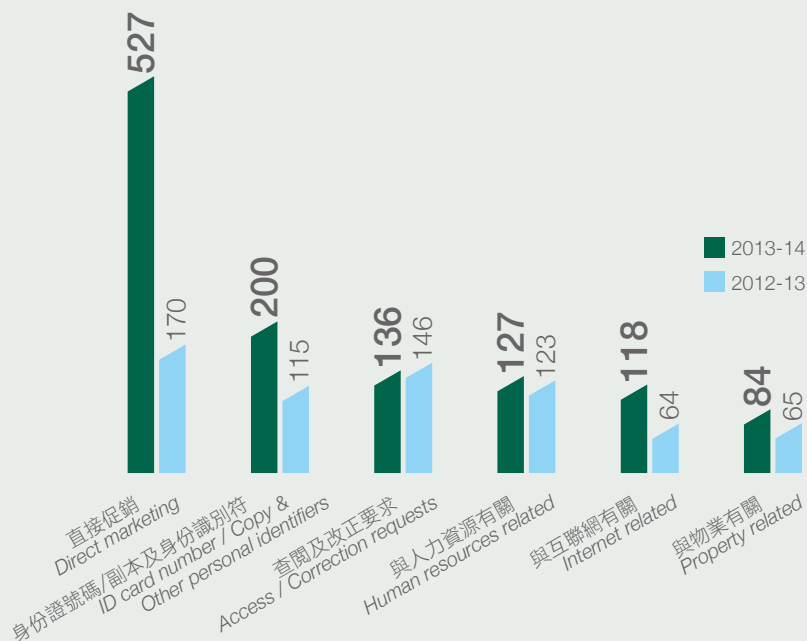
圖 3.6 顯示投訴涉及的範疇，尤其是隨著現今智能電話及互聯網的普及，2013 至 14 年度接獲 118 宗有關互聯網的投訴數字與上年度的 64 宗相比，進一步飆升 84%。在該 118 宗有關互聯網的投訴中，52 宗關於在互聯網上披露或洩漏個人資料；37 宗關於社交網絡；24 宗關於智能電話應用程式；三宗關於網絡欺凌，其餘二宗屬其他事項。

Of the 527 complaints related to direct marketing in 2013-14, 289 (55%) concerned data users' failure to comply with opt-out requests; 178 (34%) related to data users' failure to take specified action before using their data subjects' personal data for direct marketing, and 31 (6%) complained about data users' providing personal data to others for use in direct marketing without the data subjects' written consent.

Figure 3.6 shows the breakdown of complaints by topics. In particular, with the ubiquitous use of smartphones and the Internet nowadays, the number of Internet-related complaints in 2013-14 soared 84% (118 cases) over that of the previous year (64 cases). Of these Internet-related complaints, 52 concerned disclosure or leakage of personal data on the Internet, 37 related specifically to social networks, 24 were about smartphone applications, three involved cyber bullying and two related to other sub-topics.

圖 3.6：投訴涉及的範疇

Figure 3.6: Complaints by topics



在本年度，公署處理了 393 宗由上年度帶下來的投訴，加上新接獲的投訴，年內共需處理 2,281 宗投訴。在這些個案中，1,952（86%）在本年報期內已經完結，而餘下的 329 宗（14%）截至 2014 年 3 月 31 日，仍在處理中。

In addition to the new complaints received, the PCPD handled 393 complaints carried forward from the previous year, bringing the total number of complaints handled during the year to 2,281. Of these, 1,952 (86%) cases were completed during the reporting year, and 329 (14%) cases were in progress on 31 March 2014.

年度投訴摘要

Summary of complaints handled in the year

	2013-14	2012-13	2011-12	2010-11
上年轉來的投訴 Complaints carried forward	393	381	376	240
接獲的投訴 Complaints received	1888	1233	1507	1225
經處理的投訴 Total complaints processed	2281	1614	1883	1465
已完結的投訴 Complaints completed	1952	1221	1502	1089
未完結的投訴 Complaints outstanding	329	393	381	376

投訴結果

在本年報期內結案的 1,952 宗個案中，193 宗（10%）在初步查訊期間經公署調停而得到解決，被投訴者對投訴人提出的問題已作出適當的糾正，私隱專員並向其中 163 間機構提出勸喻及／或建議。另外 115 宗個案（6%）在正式調查後獲得解決（當中有 53 宗（46%）經公署調停後得到解決（見下文「正式調查結果」））；及 19 宗（1%）交由警方跟進。（圖 3.7）

有關被投訴者經公署調停後所採取的糾正行動分類，可參考圖 3.10。

不能展開調查的投訴個案：

- 797 宗（41%）個案大多經由公署把投訴人的關注轉達至被投訴一方後得到解決，或私隱專員要求投訴人提供證據支持其指稱，但投訴人未有回應；
- 262 宗（13%）沒有表面證據證明違規；
- 214 宗（11%）在初步查詢期間投訴人撤回投訴；
- 191 宗（10%）不在條例的管轄範圍；
- 161 宗（8%）在公署向被投訴者查詢後發現證據不足。

Outcome of complaint handling

Of the 1,952 cases completed during the reporting period, 193 (10%) were resolved through conciliation during preliminary enquiries, with the problems raised by the complainants remedied by the parties complained against, and the Commissioner provided advice and/or recommendations to 163 organisations involved in these cases; 115 (6%) were resolved after formal investigation (of which 53 (46%) were resolved through conciliation (see below “Results of formal investigations”)); and 19 (1%) were transferred or reported to the Hong Kong Police Force. (Figure 3.7)

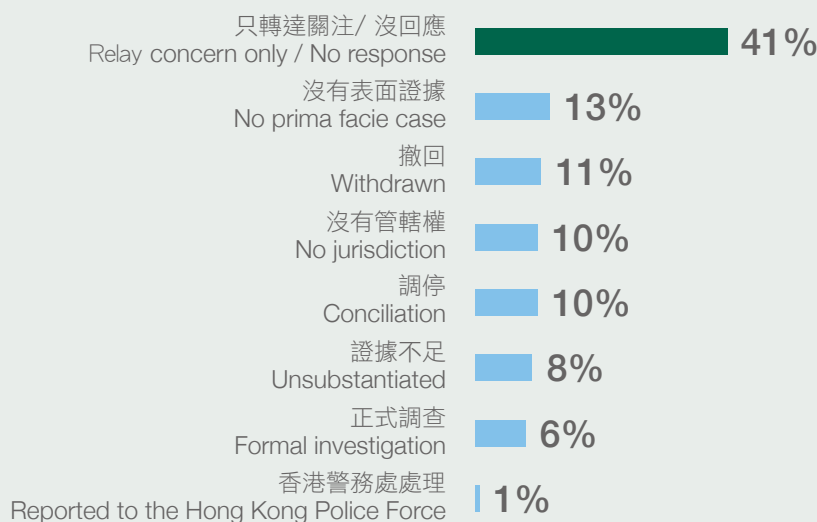
Please refer to Figure 3.10 for the breakdown and categorisation of remedial actions taken by the parties complained against in conciliation.

Among the other cases which were not investigated:

- 797 cases (41%) involved mostly complaints where the matter at issue had been dealt with by relaying the complainants' concern to the parties complained against, or the complainants did not respond to the Commissioner's inquiries after being invited to provide evidence to support the allegations;
- 262 cases (13%) were found to have no prima facie case of contravention;
- 214 cases (11%) were withdrawn by the complainants during the preliminary enquiries;
- 191 cases (10%) were outside the jurisdiction of the Ordinance; and
- 161 cases (8%) were found to be unsubstantiated after enquiries with the parties complained against.

圖 3.7：投訴結果

Figure 3.7: Outcome of complaint handling



百分比%

投訴個案的調查結果

正式調查結果

公署在本年報期內完成 115 宗正式調查，當中 30 宗 (26%) 有違反條例規定的情況 (包括違反保障資料原則及違反條例主體條文的規定)，八宗 (7%) 沒有違例或因證據不足而無法證明有違例情況。另外 53 宗 (46%) 則在調查期間因雙方經調停後解決糾紛 (被投訴者為調停而採取的糾正措施的歸類詳見圖 3.10)，其餘 24 宗 (21%) 因投訴人決定不再跟進事件等原因而終止調查 (圖 3.8)。

在該 53 宗經公署調停而得到解決的個案中，私隱專員對 27 宗個案的被投訴者發出警告。

RESULTS OF INVESTIGATIONS OF COMPLAINT CASES

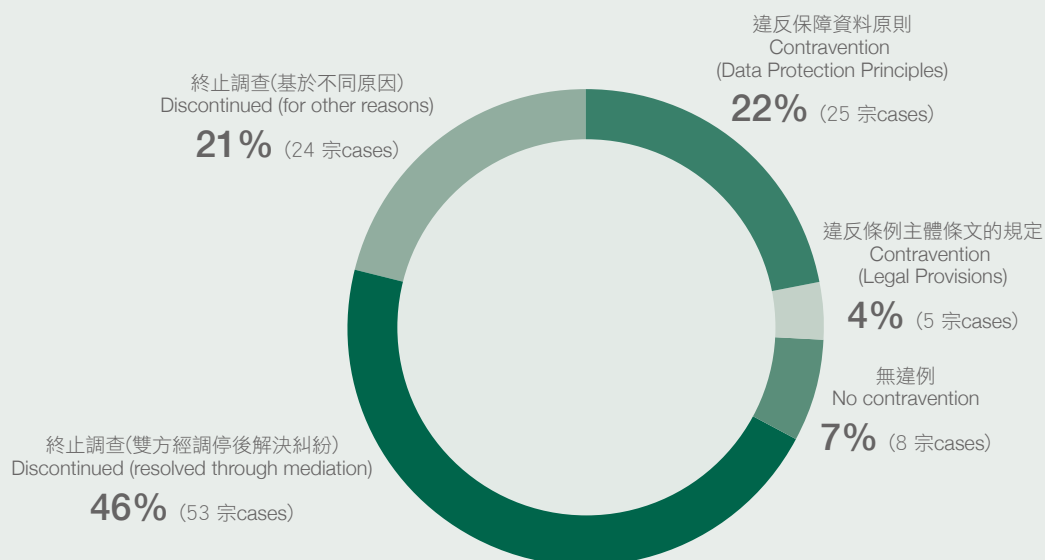
Results of formal investigations

The PCPD completed 115 formal investigations during the reporting period. In 30 cases (26%), it found a contravention of the requirements under the Ordinance (including contravention of Data Protection Principles and legal provisions); in eight cases (7%), either no contravention was found or no contravention was established due to insufficient evidence. 53 cases (46%) were resolved through conciliation during investigation (the remedial actions taken by the parties complained against are categorised in Figure 3.10), and the remaining 24 cases (21%) were discontinued for various reasons, such as the complainant having decided not to pursue the matter further during investigation (Figure 3.8).

Of the 53 formal investigations resolved through conciliation, the Commissioner issued warning notices to the parties complained against in 27 cases.

圖 3.8：正式調查結果

Figure 3.8: Results of formal investigations



違例事項的性質

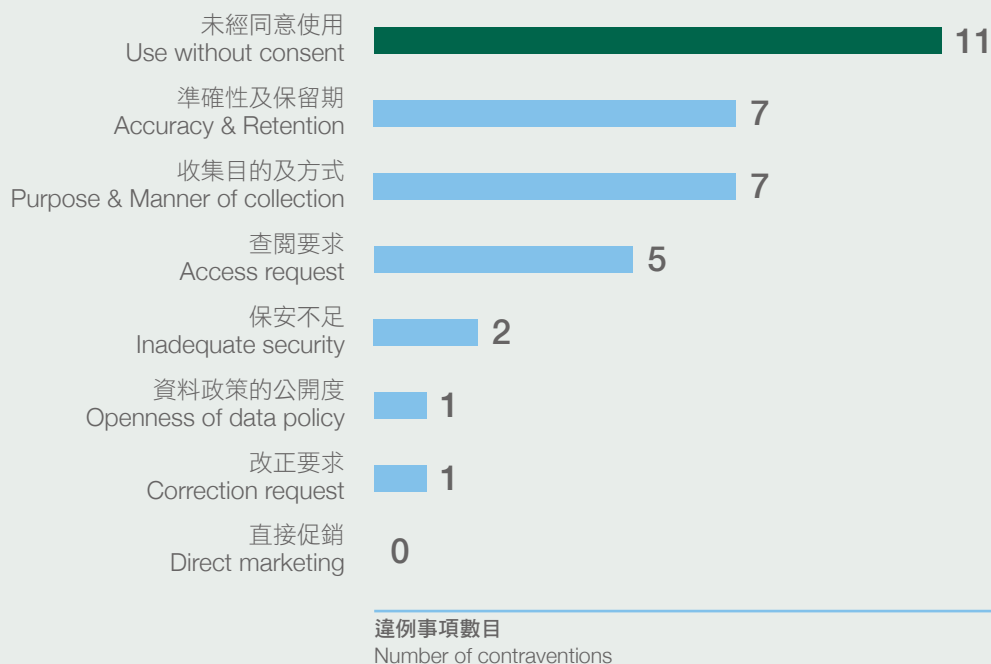
確定違例的 30 宗個案，共涉及 34 項違例事項。當中 24 宗個案違反一項或以上保障資料原則，一宗違反保障資料原則及條例有關依從改正資料要求的條文，五宗涉及違反條例中有關依從查閱資料要求的條文。至於有關個案所涉及各項違規性質的詳細分類，請見圖 3.9。

Nature of contravention

Of the 30 cases where the requirements under the Ordinance were found to have been contravened, a total of 34 contraventions were involved. Among these, 24 cases involved a contravention of one or more of the Data Protection Principles; one involved contravention of a Data Protection Principle and provisions about compliance with data-correction requests; and five involved contravention of the requirements under the main body of the Ordinance relating to compliance with data-access requests. The classification of the nature of all the contraventions involved in these cases could be found in Figure 3.9.

圖 3.9：違例事項的性質

Figure 3.9: Nature of contravention



執法行動

公署對違反條例規定的個案採取了執法行動。

在確定違反條例規定的 30 宗個案中，私隱專員就 18 宗向被投訴者發出執行通知，以制止或防止他們的違規行為。至於餘下的 12 宗個案，在被投訴者採取糾正措施後，私隱專員向他們發出警告信。

Enforcement action

The PCPD takes enforcement action in cases of contravention.

Of the 30 cases found to have contravened the requirements under the Ordinance, the Commissioner issued enforcement notices to the parties complained against in 18 cases to stop or prevent contraventions. In the remaining 12 cases, the Commissioner issued warning notices to the parties complained against after they had taken measures to remedy the contraventions.

經公署調停而得到解決的個案結果

在本年報期間，共有 246 宗個案於初步查訊或調查期間經公署調停而得到解決（當中包括 193 宗在初步查詢期間得到調解的個案，及 53 宗在調查期間得到調解的個案），被投訴者對投訴人提出的問題作出了適當的糾正。被投訴者所採取的糾正行動歸類如圖 3.10（在一宗個案中，被投訴者採取的糾正行動可能多於一項）：

- 被投訴者修訂運作措施，以免日後再發生同類違規事件（121 宗）；
- 被投訴者向有關職員發出適當指引，確保他們遵從條例規定（100 宗）；
- 刪除被投訴者不必要地收集或向第三者披露的個人資料（75 宗）；
- 被投訴者承諾停止被投訴的不當行為（59 宗）；
- 被投訴者按投訴人的查閱資料要求提供個人資料，或減低依從查閱資料要求的費用（26 宗）；
- 符合投訴人期望的其他糾正行動（15 宗）。

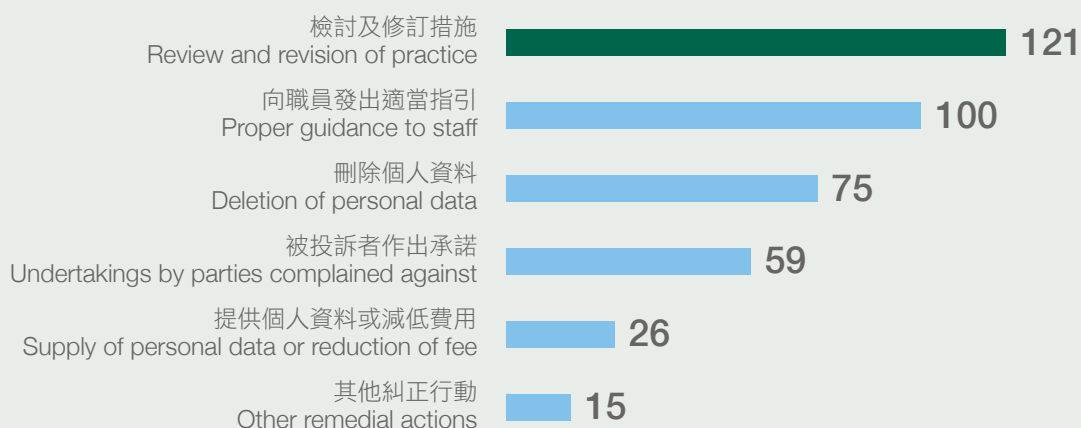
Outcome of cases resolved through conciliation

During the reporting period, 246 cases were resolved through conciliation (193 during the preliminary enquiries and 53 during formal investigations), with the problems raised by the complainants remedied by the parties complained against. The remedial action taken by the parties complained against are categorised as figure 3.10 (note that more than one type of remedial action may have been taken by the party complained against in some cases):

- Revision of operational practices by the parties complained against to prevent recurrence of a similar breach in the future (121);
- Proper guidance given by the parties complained against to the staff concerned to ensure their compliance with the Ordinance (100);
- Deletion of personal data unnecessarily collected by the parties complained against or disclosed to third parties (75);
- Undertakings made by the parties complained against to cease the malpractice leading to the complaint (59);
- The supply of personal data by the parties complained against as per the complainants' data access requests, or reduction in the fee for complying with the data access requests (26); or
- Other remedial action taken which met the complainants' expectations (15).

圖 3.10：經公署調停而得到解決的個案結果

Figure 3.10: Outcome of cases resolved through conciliation



投訴個案數目
Number of complaint cases

個案研究：指導資料使用者遵守條例規定

私隱專員可根據條例第 39 條拒絕對某投訴進行調查或決定終止調查。在這類個案中，私隱專員的決定及建議對資料保障仍可帶出正面的訊息，此有助資料使用者明白在實務上應如何提升個人資料的保障，以遵從條例的相關規定。

以下個案顯示資料使用者如何在私隱專員的指導下，採取適當措施改善其保障資料的做法。

CASE STUDY: GUIDING DATA USERS TOWARDS COMPLIANCE

The Commissioner may decline to investigate a complaint or decide to terminate an investigation under section 39 of the Ordinance. In such cases, the Commissioner's decision and recommendation can still have a positive impact by helping data users understand in practice how to enhance personal data protection in order to comply with the requirements of the Ordinance.

The following cases in the reporting year illustrate how the data user being complained against improved its data protection practices by taking appropriate measures under the Commissioner's guidance.

僱主不應公開家庭傭工的個人資料 以發表意見－保障資料第 3 原則

投訴內容

投訴人曾獲被投訴人（「該前僱主」）聘請為陪月員，其後該前僱主因不滿投訴人的工作表現而要求與投訴人提前解約。投訴人在離職後發現該前僱主在網上討論區（「該討論區」）就她的工作表現發表意見（「該些意見」），並披露了她的姓名及身份證號碼（「該些資料」）。就此，投訴人向公署投訴該前僱主在沒有取得她的同意下於網上披露她的個人資料。

在回應公署的查詢時，該前僱主確認曾在該討論區披露投訴人的該些資料。

結果

一般而言，僱主收集僱員的個人資料應與僱傭及人力資源管理的目的有關，故該前僱主在本案中於投訴人離職後在網上披露她的該些資料已超乎該些資料的原本收集目的。

在私隱專員的建議下，該前僱主已在該討論區刪除該些意見及該些資料，並書面要求該討論區刪除其他人士就該些意見作出回應時所顯示的該些資料。此外，該前僱主書面向公署承諾日後不會再任意公開他人（包括受其僱用人士）的個人資料。

An employer should not disclose the personal data of a domestic helper in a discussion forum – DPP3

The Complaint

The Complainant was once a post-natal care worker for the party complained against ("the Former Employer"), but her contract was terminated early as the Former Employer was not satisfied with her performance. The Complainant subsequently found that the Former Employer had expressed views ("the Views") in respect of her performance in an online discussion forum ("the Discussion Forum"). In the process, the Complainant's name and identity card number ("the Data") were disclosed. The Complainant therefore lodged a complaint against the Former Employer for disclosure of her personal data on the internet without her consent.

In response to the PCPD's enquiry, the Former Employer admitted disclosure of the Data of the Complainant in the Discussion Forum.

Outcome

Generally speaking, the collection of an employee's personal data by an employer should be related only to employment and human resource management. The disclosure of the Data on the internet after the Complainant had left the job exceeded the original purpose of the collection of the Data.

Under the recommendation of the Commissioner, the Former Employer deleted the Views and the Data, wrote to the administrator of the Discussion Forum to request deletion of the Data and the Views, and made an undertaking to the PCPD that there would be no further disclosure of the personal data of others (including persons employed by the Former Employer).





旅行社不應在沒有實際需要的情況下劃一收集所有報團人士的護照副本－保障資料第 1(1) 原則

投訴內容

投訴人向一家旅行社報名參加一個旅行團，報名過程中該旅行社要求投訴人必需提供護照給他們複印。投訴人認為該旅行社並無必要收集他的護照副本，因而向公署作出投訴。

該旅行社向私隱專員解釋，他們是應航空公司、酒店及某些外地旅遊景點的管理機構的要求而收集報團人士的旅行證件（例如身份證、回鄉卡或護照）副本。

結果

由於該旅行社未能向私隱專員解釋他們所提供的理據如何適用於投訴人的情況，而事實上他們根本無需要劃一收集所有報團人士的旅行證件副本，私隱專員因而認為該旅行社違反了保障資料第 1(1) 原則。

在回應公署的查訊過程中，該旅行社已停止劃一收集所有報團人士的旅行證件的行事方式，除非遇有下列情況則屬例外：(i) 旅行團行程安排乘搭的交通工具的相關營運部門有此特定要求（如內地高鐵）；(ii) 客戶欲享受某些服務提供者（如航空公司）的長者優惠；或 (iii) 客戶委託該旅行社代為辦理入境簽證。此外，該旅行社亦已銷毀過往從報團人士收集得的旅行證件副本或相關影像。私隱專員在完成查訊後決定向該旅行社發出警告，提醒他們在收集客戶資料時必須緊遵條例的規定。

A travel agency should not indiscriminately collect passport copies of its package tour customers – DPP1(1)

The Complaint

The Complainant joined a tour organised by a travel agency. In the course of registration, the travel agency required the Complainant to provide a copy of the complainant's passport. The Complainant considered it unnecessary for the travel agency to collect a copy of his passport, so he lodged a complaint with the PCPD.

The travel agency explained to the Commissioner that it collected copies of travel documents (e.g. identity card, Home Visit Permit or passport) from package tour customers to fulfil the requirements of airlines, hotels and administrative organisations of some overseas scenic spots.

Outcome

As the travel agency could not show how its justification applied to the Complainant's case, and as there was in fact no need to indiscriminately collect copies of the travel documents of all of its package tour customers, the Commissioner held that the travel agency had contravened DPP1(1).

In the course of responding to the PCPD's enquiry, the travel agency stopped the practice of indiscriminate collection of travel document copies of all package tour customers, except under the following circumstances: (i) for the operation units of certain modes of transport arranged in the tour (e.g. high-speed rail in the Mainland); (ii) for customers who want to enjoy special discounts offered to senior citizens by service providers (e.g. airlines); or (iii) for customers who want to authorise the travel agency to apply for entry visas for them. Moreover, the travel agency destroyed all travel document copies and images collected in the past. After the enquiry, the Commissioner decided to issue a warning to the travel agency to remind it to comply with the Ordinance in the collection of customer data.



一間攝錄服務公司不應播放客人結婚日的錄像，以作推廣—保障資料第 3 原則

投訴內容

投訴人聘請一間公司（「該公司」）提供婚禮攝影及錄影服務。投訴人後來得悉，該公司公開播放一段在他結婚當日拍攝及經剪輯的錄像（「該錄像」），內裏並有投訴人及賓客的容貌。就此，投訴人投訴該公司未經他同意透過該錄像披露其個人資料。

該公司解釋確曾收過投訴人就該錄像的內容作出的投訴。該公司的職員（「該職員」）於是把該錄像複製到一個 USB 裝置（「該 USB」），以觀看有關細節。不過，該職員之後忘記從該 USB 刪除該錄像。由於該公司會在店舖播放該 USB 內的錄像檔案作推廣用途，無意地該個複製至該 USB 的錄像也被播放。該公司確認在投訴人告知事件後，已立即從該 USB 刪除該錄像。此外，該公司向投訴人提供經最後剪輯的相片及錄像後，已把有關投訴人的婚禮相片及錄像全部銷毀。

結果

由於該公司收集該錄像內投訴人個人資料的原本目的，是處理向投訴人提供服務的事宜，私隱專員認為該公司其後未經投訴人的事先同意而公開播放該錄像，違反了保障資料第 3 原則。

該公司接納私隱專員的建議，並向職員發出指引，提醒他們不得為處理投訴而把任何相片或錄像複製至 USB 裝置，及在使用 / 播放該 USB 內的錄像檔案前檢查該 USB，以免同類事件重演。

A photography and video recording service company should not display a video of a client for promotional purposes without the client's consent – DPP3

The Complaint

The Complainant engaged a company ("the Company") to provide wedding photography and video recording services. The Complainant subsequently learnt that an edited video ("the Video"), which contained his images and those of his guests on his wedding day, was being displayed publicly in the Company's shop. The Complainant filed a complaint with the PCPD against the Company for disclosing his personal data through the display of the Video without his consent.

The Company explained that it had previously received a complaint ("the Complaint") from the Complainant in relation to the contents of the Video taken during his wedding ceremony. Its staff ("the Staff") then copied the Video to a USB device ("the USB") in order to examine the video. However, when the analysis was complete, the Staff forgot to remove the Video from the USB. Since this was also the USB the Company used to display video files at its shop for promotional purposes, the Video copied to the USB was inadvertently displayed. The Company confirmed that after having being informed by the Complainant of the matter, it had immediately deleted the Video from the USB. Moreover, the Company had destroyed all copies of the photographs and videos in its possession in relation to the Complainant's wedding after providing the Complainant with the final edited photographs and videos.

Outcome

Given that the Company's original purpose of collection of the Complainant's personal data contained in the Video was for handling matters related to its services provided to the Complainant, the Commissioner held that the subsequent public display of the Video by the Company without the Complainant's prior consent had violated DPP3.

The Company accepted the Commissioner's recommendations and issued guidelines to its staff reminding them not to copy any photographs or videos to USB devices for complaint-handling purposes, and to check the contents of USBs before using / displaying the video files therein in order to prevent the recurrence of a similar incident.

從調查投訴中學習

投訴個案 1

過度收集求職者的諮詢人個人資料－保障資料第 1(1) 原則

投訴內容

一間執法機構要求求職者在求職表格上提供兩位諮詢人的姓名及身份證號碼。身份證號碼在其後的會面中用來核實諮詢身份。

結果

私隱專員認為該機構透過申請人在申請表上所填寫的資料，已可聯絡諮詢人進行會面。實際上，該機構可在會面時檢視諮詢人的身份證及核對申請表上的資料，來核實諮詢人的身份。因此，該機構並無必要預先收集諮詢人的身份證號碼來核實諮詢人的身份。私隱專員裁定該執法機構因過度收集諮詢人的個人資料而違反條例的保障資料第 1(1) 原則，並向該機構送達執行通知，指令它停止有關做法，及銷毀以前所收集的資料。

LESSONS LEARNT FROM FORMAL INVESTIGATIONS INTO COMPLAINTS



Complaint Case 1

Excessive collection of personal data from job applicants' referees - DPP1(1)

The Complaint

In its job application form, a law enforcement agency required job applicants to provide the names of two referees and the referees' Hong Kong Identity Card ("HKID Card") numbers. The HKID Card numbers were to be used for identity verification during subsequent interviews with the referees.

Outcome

The Commissioner took the view that the referee's contact information was sufficient to contact the referee for an interview, and the agency could verify the identity of the referee by cross checking his details in the application form with his HKID Card during the interview. Therefore, it was not necessary for the agency to collect the referees' HKID Card numbers in advance to verify their identity. The Commissioner therefore found that the law enforcement body had contravened Data Protection Principle 1(1) of the Ordinance by collecting excessive personal data of the referee and issued an enforcement notice to the law enforcement body directing it to cease the malpractice and to destroy the data previously collected.



投訴個案 2

接聽市民電話投訴時收集對方的出生日期 — 保障資料第 1(1) 原則

投訴內容

投訴人向公署投訴某政府部門在接聽他的電話投訴時，要求他提供中英文姓名及出生日期等個人資料。投訴人質疑該部門收集其出生日期屬超乎適度。

該部門向私隱專員解釋，收集投訴者的出生日期，目的是確保與他的會面或所錄取的口供均合乎該部門程序手冊及其他有關規定：如投訴者未滿 16 歲，他的口供應在其家長或監護人在場的情況下錄取（下稱「該等規定」）。因此，該部門在登記投訴時便要確定投訴者是否已年滿 16 歲。此外，該部門的有關人員在收集投訴者的個人資料前，會告知投訴者可自願提供個人資料。若投訴者拒絕提供出生日期，該部門並不會立即中止處理或不接納其投訴。

結果

私隱專員認為，該等規定的重點是確定投訴者是否已年滿 16 歲，而不是投訴者的實際年齡及出生年、月及日。特別是對於已年滿 16 歲的投訴者，該等規定並不適用。此外，該部門根本無法在電話中核實投訴者所提供的出生日期是否真確。該部門的有關人員可在電話中簡單地向投訴者聲明他必須年滿 16 歲，否則必須由家長或監護人陪同下作出投訴。事實上，該部門在與投訴者會面錄取口供時，才須要求投訴者出示其身份証核實他是否已年滿 16 歲，以確保合乎該等規定。

私隱專員總結，該部門收集投訴者的出生日期屬超乎適度，違反了保障資料第 1(1) 原則。私隱專員向該部門送達執行通知，指令他們停止透過投訴熱線的電話對話收集投訴者的出生日期，並刪除以往透過該方式收集的出生日期紀錄。該部門已遵從執行通知的要求。

Complaint Case 2

Collection of callers' date of birth when answering public calls – DPP1(1)

The Complaint

The Complainant complained that a government department had required him to provide his Chinese and English name and date of birth when answering his complaint call. The Complainant alleged that the collection of his date of birth by the department was excessive.

The department explained to the Commissioner that the date of birth was collected to ensure that the interview with him or the statement taken from him was in compliance with the procedural manual and other requirements of the department; that is, if a complainant is aged under 16, his statement should be taken in the presence of his parents or guardian ("the Requirements"). Therefore, when the department receives a complaint, it has to ascertain whether the complainant is aged 16 or above. The department added that before collecting complainants' personal data, its staff would inform them that the provision of personal data is voluntary. Even if the complainant refuses to provide his date of birth, the department will not stop handling the complaint and will not reject it immediately.

Outcome

The Commissioner opined that the purpose of the Requirements was to ascertain whether the complainants were aged 16 or above, and that the focus was not on the actual age and date of birth. For complainants who were aged 16 or above, the Requirements were not applicable. Moreover, the department could not verify the correctness of the date of birth provided on the phone. Its staff could briefly tell complainants on the phone that they must be aged 16, otherwise they would have to make the complaint in the presence of a parent or guardian. In fact, in order to ensure compliance with the Requirements, the department could request the complainants to present their identity cards for verification when it took statement from them in an interview.

The Commissioner concluded that the collection of the Complainant's date of birth was excessive and that the department had contravened DPP1(1). The Commissioner served an enforcement notice on the department, directing it to cease collecting complainants' date of birth in hotline conversations and to destroy the records of date of birth previously collected by such means. The department complied with the enforcement notice.



投訴個案 3

一間信貸資料機構和一間銀行沒有確保客戶的信貸資料準確及依從其改正資料要求

投訴內容

投訴人從一間信貸資料機構取得其信貸報告（「該報告」）。他發現自己被錯誤標示為一間銀行（「該銀行」）的信用卡帳戶（「該帳戶」）的「主卡持卡人」，以及尚有一些欠款（「該等不準確資料」）。投訴人及其母親分別是該帳戶的附屬卡持卡人及主卡持卡人。他指稱，在該帳戶開立時，他未滿 18 歲，他不可能是該帳戶的主卡持卡人。其後，他向該信貸資料機構作出改正資料要求，要求後者改正該等不準確資料。

投訴人不滿 (a) 該信貸資料機構沒有確保從該銀行所收到的資料準確；(b) 該信貸資料機構沒有按條例第 23(1)(c) 條規定，向之前曾就他的信貸申請而向該信貸資料機構作出查詢的銀行（「該等查詢銀行」）提供已改正的資料；及 (c) 該銀行向該信貸資料機構提供該等不準確資料。

結果

該信貸資料機構

私隱專員認為，確保向該信貸資料機構提供準確資料的首要責任，肯定是在於每個信貸提供者身上；在本個案而言，就是該銀行。私隱專員得悉該信貸資料機構的信貸資料庫是設有自動篩選功能及識別異常情況的程序，因此裁定該信貸資料機構沒有違反保障資料第 2(1)(a) 及 (b) 原則。

不過，私隱專員認為該信貸資料機構仍要依從條例第 23(1)(c) 條及保障資料原則第 2(1)(c) 的規定。該信貸資料機構假設該等查詢銀行在考慮投訴人其後的信貸申請時只依賴最新的信貸報告，完全不理會他之前的申請結果，是不能令人接受的。該信貸資料機構不能說它沒有理由相信該等查

Complaint Case 3

A credit reference agency and a bank failed to ensure the accuracy of a customer's credit data and failed to comply with his data correction request

The Complaint

The Complainant obtained a copy of his credit report (the "Report") from a credit reference agency (the "CRA"). He found that he was erroneously shown as the "Principal" of a credit card account (the "Account") of a bank (the "Bank") with a certain past due amount (the "Inaccurate Data"). The Complainant and his mother were the supplementary and principal card holders of the Account, respectively. He alleged that he could not possibly be named as a Principal of the Account as he was under the age of 18 when the Account was opened. Later, he made a data correction request (the "DCR") to the CRA asking it to correct the Inaccurate Data.

The Complainant was dissatisfied that (a) the CRA had failed to ensure the accuracy of the data received from the Bank; (b) the CRA had not supplied a copy of the corrected data to the banks (the "Enquiring Banks") that had previously made enquiries with the CRA in relation to his credit applications, as required by section 23(1)(c) of the Ordinance; and (c) the Bank had provided the Inaccurate Data to the CRA.

Outcome

The CRA

The Commissioner considered that the primary responsibility for ensuring accuracy in the data provided to the CRA rested with each credit provider, i.e. the Bank in the present case. It was noted that the credit database of the CRA was equipped with automatic screening functions and procedures to identify abnormalities. He therefore found that the CRA had not contravened DPP2(1)(a) and (b).

However, the Commissioner was of the view that the CRA still had to comply with the requirements under section 23(1)(c) and DPP2(1)(c) of the Ordinance. It was not acceptable for the CRA to have assumed that the Enquiring Banks, in considering the Complainant's subsequent credit applications, would have relied solely on the most updated credit report and wholly disregarded the results in his previous applications. The CRA could not say it had no reason



詢銀行已停止使用該等不準確資料，又拒絕向該等查詢銀行提供已改正的資料。因此，該信貸資料機構違反了第 23(1)(c) 條及保障資料第 2(1)(c) 原則。私隱專員向該信貸資料機構送達執行通知，指令它向該等查詢銀行提供已改正的有關資料。該信貸資料機構已依從執行通知，並已提升其系統及修訂工作程序，每當依據改正資料要求改正個人資料後，即根據第 23(1)(c) 條發出通知。

該銀行

在調查過程中，該銀行認為即使投訴人是附屬卡持卡人，他在成年後亦須為他所作的交易指示的所有應付款額負責。由於在應付款項尚未清付時，投訴人已屆成年，該銀行把投訴人的負面信貸資料交予該信貸資料機構，方法是在該信貸資料機構訂明的提交形式中，選擇最適用的代碼。該銀行最後匯報的代碼顯示該帳戶是「個人帳戶」，完全由投訴人負責，而這代碼在該信貸資料機構的報告中被轉換為「主卡人」。

私隱專員認為投訴人作為附屬卡持卡人，不應完全負責該帳戶的欠款。事實上，該銀行所選的代碼不能準確地描述投訴人的狀況。如該信貸資料機構提供的代碼沒有一個能準確地描述投訴人的狀況，該銀行應聯絡該信貸資料機構，另訂新代碼或在找到適合解決辦法之前，避免把投訴人的信貸資料交予該信貸資料機構。因此，私隱專員裁定該銀行違反保障資料第 2(1)(a) 原則及《個人信貸資料實務守則》第 2.5 條。鑑於該信貸資料機構已從該報告刪除該等不準確資料，及根據現時行業做法，該銀行只把主卡持卡人的信貸資料交予該信貸資料機構，私隱專員認為該銀行的違規行為已停止，同類違規情況日後不太可能發生。因此，私隱專員決定不向該銀行送達執行通知，但發出警告。

to believe that the Enquiring Banks had ceased using the Inaccurate Data and thus refused to supply the Enquiring Banks with a copy of corrected data. Hence, the CRA contravened the requirements under section 23(1)(c) and DPP2(1)(c). An enforcement notice was served on the CRA directing it to supply the Enquiring Banks with a copy of the corrected data. The CRA complied with the enforcement notice accordingly and also upgraded its system and revised its working procedures by giving the notification under section 23(1)(c) whenever correction to personal data is made pursuant to a DCR.

The Bank

During the course of the investigation, the Bank submitted that even though the Complainant was a supplementary card holder, he would also be liable for all sums payable in respect of the transaction instructions given by him after he ceased to be a minor. As the Complainant was no longer a minor when the charges payable under the payment fell due and remained unsettled, the Bank contributed the negative credit data of the Complainant to the CRA by choosing the most applicable code pursuant to the contribution format prescribed by the CRA. The Bank eventually reported a code indicating that the Account was an “Individual Account” for which the Complainant was solely responsible, and it was translated into “Principal” in the Report by the CRA.

The Commissioner took the view that as a supplementary card holder, the Complainant was not solely responsible for the outstanding amount under the Account and that the code chosen by the Bank did not accurately describe the actual status of the Complainant. If no code provided by the CRA could accurately describe the status of the Complainant, the Bank should have either liaised with the CRA to create a new code or refrained from contributing the Complainant's credit data to the CRA until there was an appropriate solution. Hence, the Commissioner found that the Bank had contravened DPP2(1)(a) and clause 2.5 of the Code of Practice on Consumer Credit Data Code. Since the CRA had deleted the Inaccurate Data from the Report, and according to the current industry practice, the Bank contributed only the credit data of the principal card holder to the CRA, the Commissioner opined that the contravention on the part of the Bank had ceased and that similar contraventions would be unlikely in the future. Hence, the Commissioner decided not to serve an enforcement notice, but a warning was issued to the Bank.



投訴個案 4

獸醫診所劃一收集客戶的身份證號碼 — 保障資料第 1(1) 原則

投訴內容

投訴人帶其貓兒到一間獸醫診所（「該獸醫診所」）診治。投訴人到達該診所後被要求填寫登記表格，提供其身份證號碼，否則該診所不會提供服務。

該獸醫診所在回覆公署的查詢時解釋，收集寵物主人的身份證號碼除了確保所帶來寵物的醫療記錄正確外，亦為了依從《危險藥物規例》（第 134A 章）（「該等規例」）第 3(1)(d) 及 7 條的規定。該等規例規定註冊獸醫必須備存登記冊，指明獲交付處方危險藥物的人的姓名、身份證號碼及地址。

結果

私隱專員在調查過程中知悉根據該等規例，獸醫只須收集獲交付處方危險藥物的人的身份證號碼。然而，該獸醫診所在一開始，不管會否向寵物處方危險藥物，便收集投訴人的身份證號碼。因此，該獸醫診所違反保障資料第 1(1) 原則。

在調查過程中，該獸醫診所已停止收集寵物主人的身份證號碼，除非向其寵物處方危險藥物，並銷毀以前曾收集但其寵物沒有被處方危險藥物的寵物主人的身份證號碼。鑑於上述案情，私隱專員決定向該獸醫診所發出警告，而不是送達執行通知。

Complaint Case 4

No indiscriminate collection of clients' identity card numbers by a veterinary hospital – DPP1(1)

The Complaint

The Complainant brought his cat to a veterinary hospital ("the Vet Hospital") for a consultation. Upon his arrival, the Complainant was required to complete a registration form which required his Hong Kong Identity card number ("HKID Card Number") or no consultation would be provided.

In response to the PCPD's enquiry, the Vet Hospital explained that in addition to ensuring the correct attribution of medical records to the pet being brought for a consultation, it collected the pet owners' HKID card numbers to comply with the requirements under regulations 3(1)(d) and 7 of the Dangerous Drugs Regulations (Cap 134A) ("the Regulations"), which require a registered veterinary surgeon to keep a register specifying the name, HKID Card Number and address of any person to whom dangerous drugs are prescribed and delivered.

Outcome

It transpired in the course of the Commissioner's investigation that a registered veterinary surgeon is required under the Regulations only to collect the HKID Card Number of a person to whom dangerous drugs prescribed are to be delivered. However, the Vet Hospital collected the Complainant's HKID Card Number at the outset without knowing whether dangerous drugs would be prescribed for his pet. Therefore, the Vet Hospital contravened DPP1(1).

In the course of investigation, the Vet Hospital ceased the practice of collecting pet owners' HKID Card Numbers unless dangerous drugs were prescribed for their pets, and it destroyed the records of HKID Card Numbers previously collected from pet owners whose pets had not been prescribed any dangerous drugs. In the circumstances, the Commissioner decided to put the Vet Hospital on warning instead of serving an enforcement notice on it.

根據第 48(2) 條發表的調查報告

調查報告：智能手機應用程式容許用戶隨意搜尋個人的訴訟及破產資料，嚴重侵犯目標人士的私隱

PUBLICATION OF INVESTIGATION REPORTS UNDER SECTION 48(2)

Investigation Report: A smartphone application enabled its users to search the litigation and bankruptcy records of individuals at will, which seriously invaded the privacy of the target persons.



私隱專員就四宗投訴主動向匯煌投資有限公司及 Glorious Destiny Investments Limited 展開正式調查。

2012 年，匯煌投資有限公司（「匯煌」）推出一個名為「起你底」的智能手機應用程式（「該程式」）。該程式聲稱有二百萬宗民事、刑事訴訟及破產案件的紀錄供用戶搜尋。用戶只需輸入目標人士的姓名，便可搜索該人的紀錄。搜尋結果顯示該人的姓名、部分身份證號碼、地址、法庭類別、案件編號、案件性質、刑事案件等。該程式容許用戶為招聘員工、處理物業租務或商業交易而進行盡職審查及背景審查。

The Commissioner initiated a formal investigation against Brilliant United Investments Limited and Glorious Destiny Investments Limited in respect of four complaints.

In 2012, Brilliant United Investments Limited ("BUI") launched a smartphone application known as "Do No Evil" ("the App"). The App allowed users to search a database which claimed to have two million records of civil and criminal litigation, as well as bankruptcy cases. Users could search a target person's record simply by using the person's name as the search criterion. The search results could reveal the target person's name, partial identity card number, address, court type, action number, nature of case, and more. The App enabled users to carry out due diligence and background checks for decisions involving offering a job to a potential employee; signing a tenancy agreement with a potential tenant; or signing a contract with a business partner.

公署調查顯示，該程式推出後一年，有逾四萬人次下載，索閱資料次數超過 20 萬。事實上，匯煌並無擁有資料庫，而是從其業務夥伴 Glorious Destiny Investments Limited（「GDI」）取得紀錄的。GDI 收集訴訟及破產資料，建立資料庫，讓法律及會計行業的客戶對目標人士進行盡職審查及背景審查。為拓展業務至全港智能手機用戶，GDI 與匯煌簽訂了一份合作夥伴關係及以利潤分享形式合作的協議。根據協議，匯煌負責開發該程式及承擔開發成本，而 GDI 則負責從不同公共途徑，包括司法機構、憲報、破產管理署及公司註冊處收集訴訟、破產及公司董事資料，提供予匯煌。

由於有關紀錄是由 GDI 收集、編纂及控制，故 GDI 在本案中為條例下所指的「資料使用者」；而匯煌的角色只是智能手機程式的開發及管理商而不是條例下所指的「資料使用者」。

即使資料當事人的個人資料於公共領域供人查閱，但並不表示資料當事人已同意其個人資料可被毫無限制地使用於任何目的。使用從公共領域取得的個人資料時，必須遵從條例下的保障資料第 3 原則 [資料使用]。因此，GDI 使用從司法機構、破產管理署及公司註冊所收集的紀錄，必須與這些機構原初直接向資料當事人收集個人資料，並將該等資料公開的目的相符。例如，破產管理署在憲報刊登破產通知的主要原因，是讓公眾知悉被公開姓名的人士何時被法院頒令破產或解除破產令，及所有應付予破產人的債款在破產期間應付予信託人。因此，破產紀錄只可用於該些破產個案。然而，該程式沒有限制經該程式取得的破產資料的使用，容許任何人隨意為任何目的搜尋他人的破產紀錄。這做法與破產管理署披露破產人士的目的不相符，因此違反保障資料第 3 原則。

The PCPD's investigation revealed that the App had had more than 40,000 downloads and more than 200,000 search requests after one year of the launch of the App. In fact, BUI did not own the database, but obtained the records from its business partner, Glorious Destiny Investments Limited ("GDI"). The litigation and bankruptcy records were collected by GDI to build a database for performing due diligence reviews and background checks on target persons by its professional customers in the legal and accounting industries. In order to expand its business to include all smartphone users in Hong Kong, GDI entered into a profit-sharing partnership agreement with BUI. According to the agreement, BUI was responsible for developing the App and would bear the development costs involved, whereas GDI would provide and update the litigation, bankruptcy and company directors' records from different public sources, including the Judiciary, the Government Gazette, the Official Receiver's Office ("ORO") and the Companies Registry.

Since the records were collected, compiled and controlled by GDI, GDI was the "data user" in this case within the definition under the Ordinance. BUI, on the other hand, was no more than a smartphone application developer and administrator, and did not qualify as a "data user" under the Ordinance.

While an individual's personal data may be open for access or viewing in the public domain, this does not mean that the individual has given blanket consent for use of the information for other purposes. Anyone who uses the information in the public domain is required to follow the requirements of Data Protection Principle 3 ("DPP3") [on Data Use] under the Ordinance. Hence, the purpose of use of the records obtained by GDI from the Judiciary, the ORO and Companies Registry must be consistent with the original purpose of collection of the records by these organisations, as well as their purposes for making the records publicly available. For example, the main purpose of ORO in publishing a the specific bankruptcy notice in the Government Gazette is to let the public know when the named person was adjudicated bankrupt or discharged, and that all debts due to the bankrupt should be paid to the trustee during the bankruptcy period. Hence, bankruptcy records can be used only for the purposes of the specific bankruptcy cases concerned. However, the App did not restrict the use of the bankruptcy data obtained via the App from the relevant bankruptcy case. The App went far beyond the restriction by letting any person freely search the bankruptcy records of an individual for any purpose, a practice inconsistent with the purpose of disclosing the bankrupts' data by the ORO, thereby contravening DPP3.

該程式的運作明顯超乎當事人對訴訟和破產資料被公開的合理期望，引伸以下多項私隱風險：

- 該程式把法院的審訊案件資料及憲報刊登的破產案資料整合，公眾人士本應不會從單一途徑查閱得某人在不同資料來源的紀錄，但「起你底」的姓名索引讓用戶輸入目標人物姓名，便可對不同來源的紀錄一目了然。這些零碎的個人資料被整合之後，其侵犯個人私隱的程度增加。
- 該程式讓用戶隨時查閱他人所涉的訴訟和破產資料，而無須當事人同意或知道。
- GDI 與用戶之間就個人資料的使用幾乎全無規範，資料被查閱後有可能被濫用。
- 即使目標人物曾經牽涉訴訟，而最終獲判無罪或索償不成立，該程式資料庫的資料未必有相應的更新和澄清，用戶無從得知事實。另外，在同名同姓的情況下，搜尋結果可能會令用戶「馮京作馬涼」，誤以為為無辜人士是有官非或破產紀錄的人士。
- 根據《罪犯自新條例》，如犯事者的判刑不超過監禁 3 個月或罰款一萬元，三年內又沒有再被定罪，須被視為「沒有就該項罪行被定罪」。但該程式資料庫的紀錄不設保存期限和刪除失效資料的安排，其標籤化作用有礙當事人更生。

考慮到受影響人數眾多和侵犯私隱的嚴重程度，私隱專員發出執行通知，指令 GDI 停止向該程式的用戶披露其持有的訴訟及破產資料，而 GDI 其後遵從指令，停止向用戶披露有關資料。

私隱專員在公佈這項調查報告的同時，發出《使用從公共領域取得的個人資料指引》，讓資料使用者了解條例的規定。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_9744_c.pdf

The App obviously exceeded the reasonable expectation of the data subjects on the public disclosure of their litigation and bankruptcy data as it brought about the following privacy risks:

- The App aggregated the litigation information from different courts and the bankruptcy data published in the Government Gazette, allowing users of the App to view all this multi-sourced data of a target person in one go simply by entering the individual's name. The aggregation of such fragmented information increases the severity of the privacy intrusion.
- The App enabled users to access others' litigation and bankruptcy data at any time without the data subjects' consent or knowledge.
- GDI imposed hardly any restrictions on the use of the personal data, thus allowing the potential for misuse of the data accessed.
- Where the target person involved in litigation cases was finally acquitted or the claim was not substantiated, the App would not always update or clarify the situation, thus misleading users. Moreover, the search result inevitably returned all persons in the database with the same name, which could lead to an innocent person being mistaken as litigants or bankrupts with the same name as that of the innocent person.
- Under the Rehabilitation of Offenders Ordinance, an offender who is sentenced to imprisonment not exceeding three months or to a fine of less than \$10,000 is treated as not having been convicted of the offence, if that individual is not again convicted of an offence within three years. However, the App used a database with no prescribed retention period for the data and no arrangement for deletion of invalid data. This would adversely affect the rehabilitation of some data subjects.

Considering the large number of people affected and the severity of the privacy intrusion risk, the Commissioner served an enforcement notice on GDI directing it to cease disclosing to the App users the litigation and bankruptcy data it held. GDI subsequently complied with the enforcement notice by ceasing to disclose the data to the App users.

To help data users comply with the requirements of the Ordinance, the Commissioner published a guidance note entitled *Guidance on the Use of Personal Data Obtained from the Public Domain* concurrently with the publication of this investigation report.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_9744_e.pdf

調查報告：連鎖健身中心向會籍申請人收集過度的個人資料違反私隱條例規定

Investigation Report: A Fitness Centre Chain Collected Excessive Personal Data from Membership Applicants in Contravention of the Ordinance



私隱專員就投訴主動對 California Fitness（「CF」）展開正式調查，以確定為處理會籍及續會申請和相關合法的目的而收集申請人的完整出生日期（包括年月日）、身份證號碼及身份證副本，是否屬必需及不超乎適度。

本調查的源起是兩宗對 CF 會籍申請及續會政策和程序的投訴，涉及收集上述個人資料。在其中一宗投訴，投訴人拒絕提供其身份證副本，CF 以其回鄉證副本替代。

The Commissioner initiated a formal investigation in response to complaints against California Fitness ("CF") to ascertain whether the collection of personal data including the full date of birth particulars (year, month and date), Hong Kong Identity Card ("HKID Card") number and HKID Card copy from members was necessary and not excessive for the purpose of membership application/renewal and other lawful activities of CF.

The investigation stemmed from two complaints against CF's policies and procedures for membership application and renewal which involved the collection of the above personal data. In one of the complaints, the complainant refused to provide his HKID Card copy, so CF collected a copy of his Home Visit Permit instead.

調查結果

完整出生日期

CF 聲稱收集完整出生日期是必需的，以便在與申請人簽訂合約前確定其法定年齡。不過，CF 可以即場檢視其身份證以查證年齡。

CF 又以兩個例子證明收集完整出生日期是為了向會員設計和推廣產品及服務。一是為了提供適合某年齡層的健身課程，二是向會員在其生日月份內提供服務優惠。在此情況下，私隱專員認為收集會員的年齡範圍及出生月份已經足夠；收集會員的出生年份及日期屬超乎適度。

身份證號碼

CF 解釋以往曾有會員拖欠會費或損壞器材或設施。因此 CF 把會員的身份證號碼寫在會籍協議書內，以確立合約關係。鑑於會員須與 CF 簽訂正式會籍協議書，規範重要的權利及責任，私隱專員不反對 CF 收集會員的身份證號碼以加進協議書之中。

身份證及回鄉證副本

首先，CF 辯稱，由於會員可以在會員卡及會籍協議書中使用別名，該公司需要保留會員的身份證副本，以便在某些情況下（例如法律程序）可以確定會員的法定姓名（即身份證上的姓名）。但私隱專員認為 CF 當初可在會籍協議書中加入法定姓名。

其次，CF 指稱其審計人員需要以會員的身份證副本核實會籍收入，但 CF 不能確認這是法定規定或標準的會計及審計做法。然而，其他核實會籍收入的方法（例如審視銀行結單）亦同樣有效。

Findings of the investigation

Full Date of Birth Particulars

CF claimed that the collection of full date of birth particulars was necessary to establish the legal age of the applicant before signing the membership agreement. However, it should be noted that the applicant's age could be verified by checking the applicant's HKID Card on the spot.

CF provided two examples to show why collecting full date of birth particulars was necessary for designing and promoting its products and services to its members. The first example referred to age-specific classes. The second was a promotional offer which was provided in the birthday month of the member. Under the circumstances, the Commissioner considered that the collection of the members' age range and month of birth would suffice, and that the collection of the member's year and date of birth was excessive.

HKID Card Number

CF explained that it had experienced cases of unpaid fees or damage to equipment or facilities by members in the past. Therefore, CF inserted the members' HKID Card numbers in the membership contracts for contract enforcement. As members have to enter into a formal agreement with CF which entails significant rights and obligations, the Commissioner had no objection to collecting the members' HKID Card number for inclusion in the agreement.

Copies of HKID Card and Home Visit Permit

CF argued that since members were permitted to use pseudonyms on membership cards and membership agreements, it had to retain a copy of their HKID Card so that their legal names (the name appearing on the HKID Card) could be ascertained, as required in certain circumstances, such as legal proceedings. However, the Commissioner concluded that CF could include the legal names in the membership agreement at the outset.

Secondly, CF alleged that a HKID Card copy was required by its auditor to verify membership income, but it did not confirm whether this was a statutory requirement, or a standard accounting and audit practice. It was found that alternatives for verification of membership income, such as examination of bank statements, were equally effective.

第三，CF 解釋有需要收集會員的身份證副本，以配合職員的銷售獎賞制度。在該制度下，銷售職員達到的銷售目標越高，可獲的獎金便越多。由於達到較高銷售目標所得的額外獎金遠較入會成本為高，該制度提供極大誘因，誘使職員遞交虛假會籍申請。為杜絕這種詐騙的出現，CF 堅持銷售職員需要向會籍申請人索取身份證副本，作為交易的證明。不過，私隱專員認為例如致電申請人以查證會籍申請真偽等替代方法，同樣有效。

由於回鄉證副本載有類似的個人資料，同樣限制適用於回鄉證副本的收集。

私隱專員總結認為，CF 收集會員的完整出生日期及身份證副本的做法並非必需，構成超乎適度的個人資料收集，因而違反保障資料第 1(1) 原則。私隱專員同時認為 CF 收集身份證號碼並無違反規定。

執行通知及建議

私隱專員向 CF 送達執行通知，指令它採取步驟，對違規行為作出補救及防止事件重演。但 CF 就執行通知向行政上訴委員會提出上訴，但其後撤回上訴。

Thirdly, CF explained that HKID Card copies had to be collected from members to support its staff reward for achievement of sales targets. The system was tiered according to different levels of sales targets -- the higher the sales, the larger the bonus. As the bonus for reaching a higher sales target could far exceed the relevant membership fee payment, the system provides a great incentive for staff to submit bogus membership applications. To prevent such possible fraud, CF insisted that its sales staff had to obtain HKID Card copies from the membership applicants as proof of transaction. The Commissioner, however, considered that alternative measures, such as calling the applicants to verify the authenticity of the applications, could be equally, if not more, effective.

As Home Visit Permit copies contain personal data similar to that of HKID Cards, the same restrictions would apply to the collection of copies from CF members.

The Commissioner concluded that CF's collection of members' full date of birth particulars and copies of their HKID Cards was unnecessary and amounted to excessive collection of personal data, thus contravening the DPP1(1) on data collection.

Enforcement note and advice

An enforcement notice was served on CF directing it to take steps to remedy the contravention and prevent its recurrence. In response, CF lodged an appeal against the enforcement notice with the Administrative Appeals Board, but subsequently withdrew the appeal.

私隱專員建議，機構的客戶／會員認證程序，在設計和執行上都應該尊重私隱，確保個人資料在過程中的每個環節均獲保障。這涉及把個人資料的收集、使用、儲存、轉移及披露限於達致核實目的所需。核實的嚴密程度（即為認證過程而收集個人資料的量）應與交易的性質和價值相稱，並考慮資料的敏感度。

The Commissioner advised organisations engaged in the design or operation of an authentication process to respect personal privacy and ensure personal data protection at every stage of the process. This involves limiting the collection, use, storage, transfer and disclosure of personal data to the purposes deemed necessary for authentication. The level of authentication (and, by definition the amount of personal data collected for that authentication process) should be in proportion to the nature and value of the transaction, and take into account the sensitivity of the personal data.

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_12828_c.pdf

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_12828_e.pdf

回響 Feedback

「專員是次提醒香港人平日很少留意的事情，值得讚賞。」

“It is commendable that the Commissioner has alerted the public to things they seldom pay attention to.”

立法會議員涂謹申

The Honourable James TO, Legislative Council

摘自 Quote: 明報 *Ming Pao* (2013.12.06)

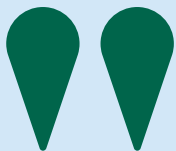
「是次個案將為部分設有會籍制的企業機構提供重要指引，『令有關機構意識到，替市民登記及續會時，不能再收取過多資料，亦不可再抱寧濫勿缺心態。』」

“The case provides important guidance to organisations which run membership schemes. They should be aware that in processing membership registrations and renewals, they cannot collect excessive information and should stop thinking that more is better.”

香港中文大學工商管理學院市場學系冼日明教授

Professor SIN Yat-ming, Leo, Department of Marketing, Faculty of Business Administration, The Chinese University of Hong Kong

摘自 Quote: 晴報 *Sky Post* (2013.12.06)



“隨著市民日漸重視私隱及了解條例的保障範圍，公署日常處理投訴的工作也愈富挑戰性。每個投訴個案俱有獨特的問題需要分析及拆解，成功緩解對立雙方的分歧往往給我無盡滿足感；而更重要的是，在調停過程中向機構及市民傳達正確的條例的釋義。我希望藉著處理投訴個案時與涉案雙方溝通，把個人資料私隱的理念植根到普羅市民的心中，從而令大眾提高在日常生活中保障其個人資料私隱權利的意識。”



“As the public come to value personal privacy more, the daily handling of complaints by the PCPD gets more challenging. Each complaint case has a unique issue that needs to be analysed and resolved. But success in the mediation of disputes always gives me enormous satisfaction. More importantly, in the course of mediation, organisations and individuals receive a proper interpretation of the Ordinance. I hope that both parties have a good understanding of the concept of personal data privacy, so that public awareness of the right to protection of personal data privacy is enhanced.”

黃駿霆 助理個人資料主任
Austin WONG Assistant Personal Data Officer



加強法律保障

Improving Legal Protection

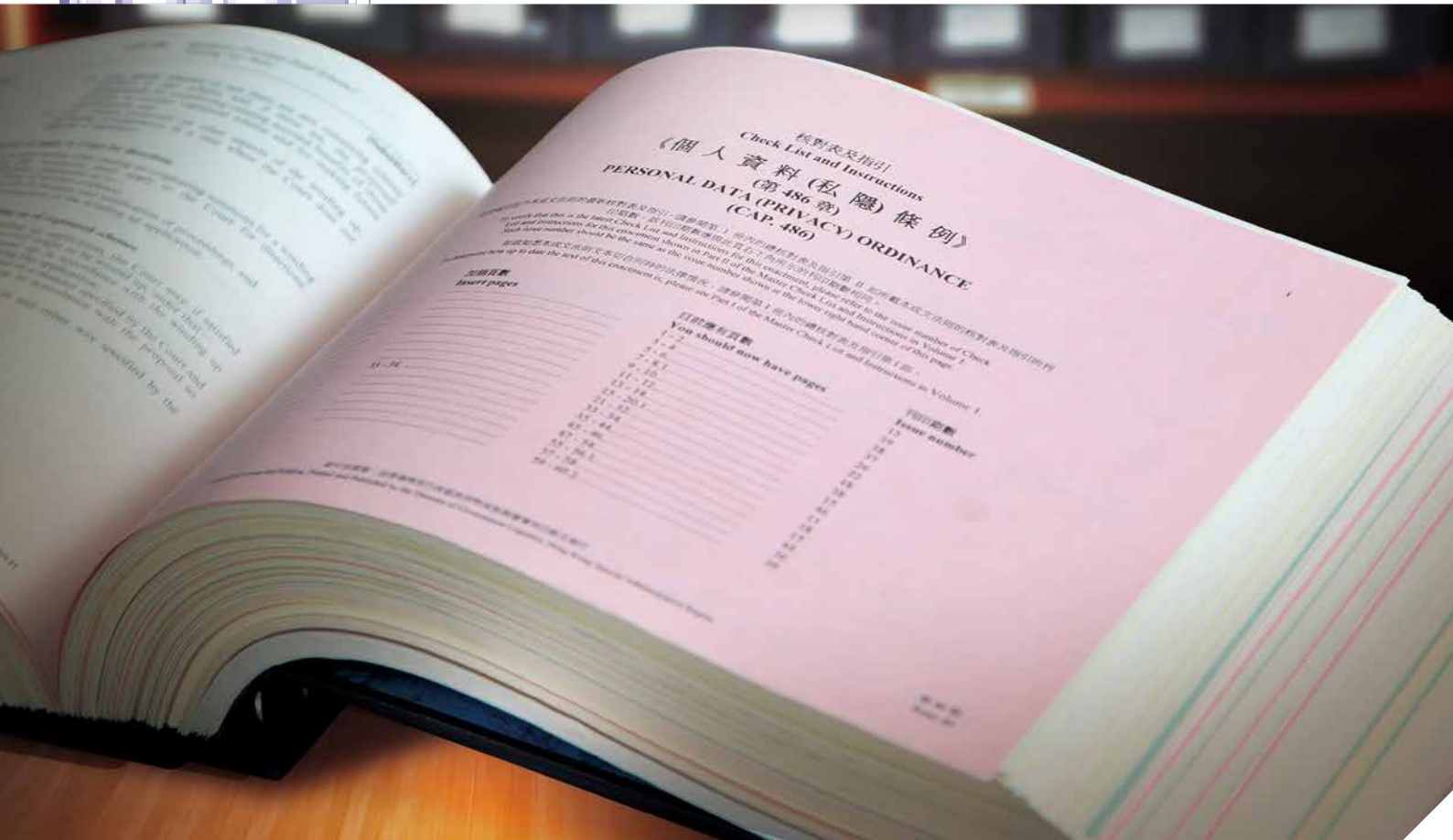
秉承公正持平 Equity and Fairness

法律部就公署各方面工作提供法律意見，檢討任何可能影響個人資料私隱的現行及擬議法例和政府政策。並密切留意海外與公署工作相關的資料保障法律發展情況。法律部亦執行法律協助計劃，及代表私隱專員出席法庭或行政上訴委員會的聆訊。

The Legal Division provides legal advice on all aspects of the work of the PCPD, and reviews existing and proposed legislation and government policies that may affect the privacy of individuals with respect to personal data. We also monitor developments in overseas data protection laws that are relevant to the PCPD's work. The Division also administers the Legal Assistance scheme, and represents the Commissioner in any hearings before the courts or the Administrative Appeals Board.



法律部
Legal Division



向行政上訴委員會提出的上訴

行政上訴委員會是根據《行政上訴委員會條例》（第 442 章）而設立的法定組織，負責聆訊投訴人或被投訴的資料使用者對私隱專員決定提出的上訴，並作出裁決。

在 2013 至 14 年度決定 / 接獲的行政上訴案件的統計資料

本年度共有 35 宗上訴個案完結，及接獲 32 宗新提出的上訴個案。

大部分上訴個案最終被行政上訴委員會駁回，或由上訴人撤回。（圖 4.1）

APPEAL LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

The Administrative Appeals Board ("AAB"), established under the Administrative Appeals Board Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Commissioner's decisions by a complainant, or the relevant data user complained of.

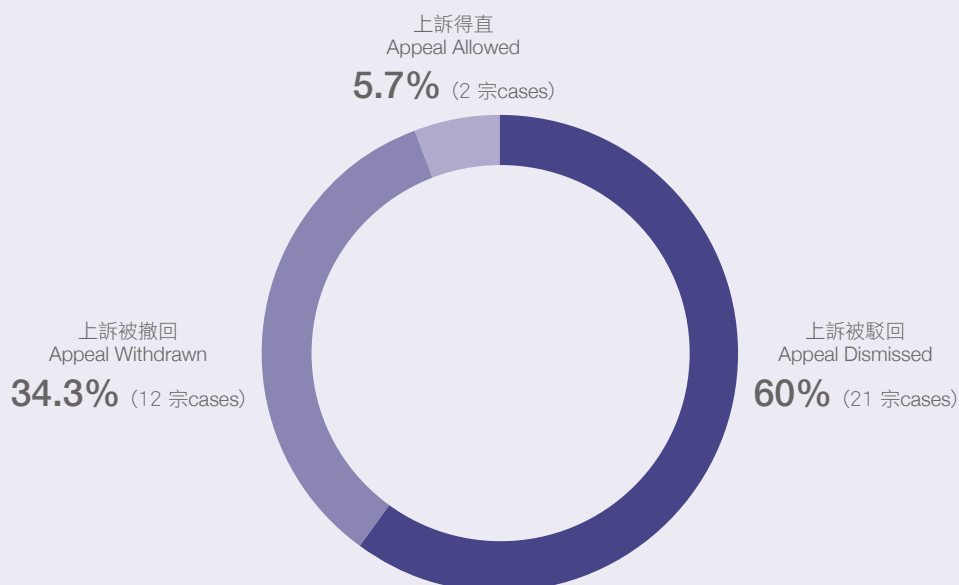
Statistics on AAB cases concluded/received in 2013-14

A total of 35 appeal cases were concluded, and 32 new appeal cases were received during the year.

Most of the appeal cases were eventually dismissed by the AAB or withdrawn by the appellants. (Figure 4.1)

圖4.1：上訴的結果

Figure 4.1: Results of the appeal cases



在本年度接獲的 32 宗上訴個案，其中 28 宗不作調查的決定，是基於沒有表面證據支持指稱的違反行為，及 / 或被投訴者已採取補救行動糾正所指稱的違反行為。

當中兩宗上訴個案是反對私隱專員在完成調查後不送達執行通知的決定。而其餘兩宗則是就私隱專員送達的執行通知提出上訴。(圖 4.2)

Of the 32 appeal cases received in the year, 28 were related to the Commissioner's decision not to carry out an investigation as there was no prima facie evidence to support the alleged contravention, and/or the party complained against had taken remedial action to rectify the alleged contraventions.

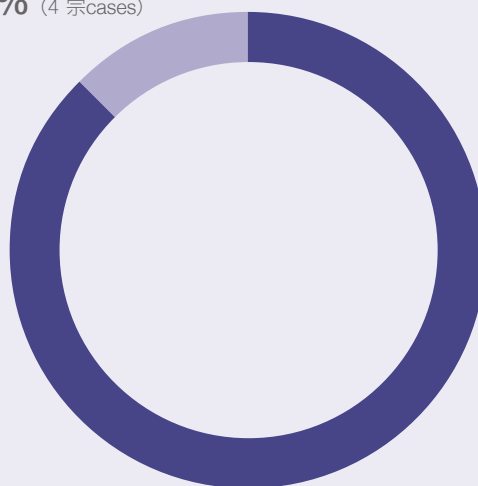
Two of the cases appealed against the Commissioner's decision not to serve an enforcement notice after the conclusion of an investigation, and the remaining two cases were appeals against the Commissioner's enforcement notice. (Figure 4.2)

圖4.2：上訴所涉的性質

Figure 4.2: Nature of the appeals

針對私隱專員調查後決定的上訴
Appeals against the Commissioner's
decision after conclusion of investigation

12.5% (4 宗cases)



針對私隱專員決定不進行調查的上訴
Appeals against the Commissioner's
decision not to carry out an investigation

87.5% (28 宗cases)

在 32 宗上訴個案中，21 宗涉及指稱違反條例附表 1 的保障資料原則。而其餘的 11 宗則涉及指稱不依從查閱資料及 / 或改正資料要求。(圖 4.3)

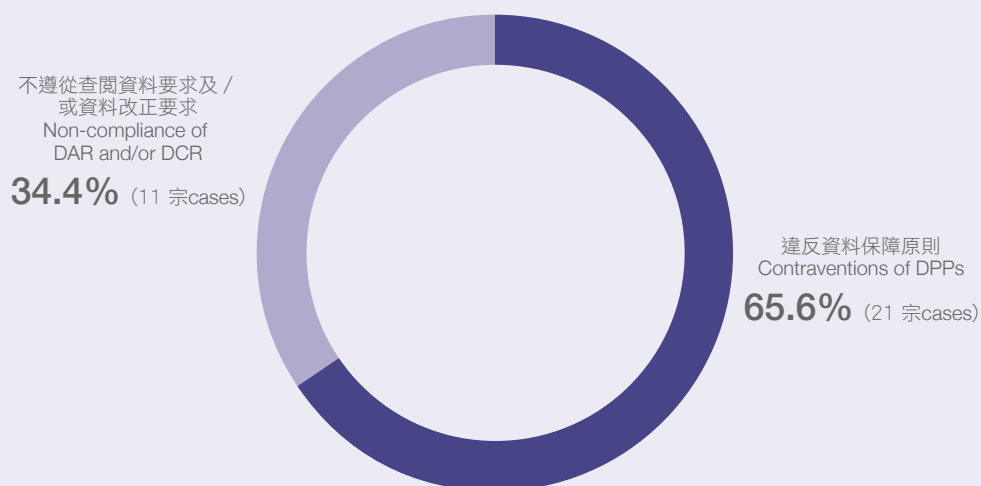
有關違反保障資料原則的上訴個案中，10 宗涉及超乎適度及 / 或不公平收集個人資料；四宗涉及個人資料的保留期；九宗涉及未經資料當事人事前同意而使用及 / 或披露其個人資料；一宗涉及個人資料的保安；一宗涉及公開資料使用者政策，及一宗涉及所有六項資料保障原則。

Of the 32 appeal cases, 21 involved alleged breaches of the Data Protection Principles (“DPP”) in Schedule 1 of the Ordinance, and the remaining 11 cases involved alleged non-compliance with data-access request (“DAR”) and/or data-correction request (“DCR”). (Figure 4.3)

Of the appeals involving DPP contraventions, 10 cases involved the excessive and/or unfair collection of personal data; four involved the duration of retention of personal data; nine involved the use and/or disclosure of personal data without the data subject’s prior consent; one involved the security of personal data; one involved the availability of the data user’s policy; and one involved all six DPPs.

圖4.3：上訴所涉及的條例規定

Figure 4.3: The provisions of the Ordinance involved in the appeals





上訴個案簡述 1（行政上訴委員會上訴案件第 5/2012 及 6/2012 號）

三名電視藝人投訴兩間傳媒機構通過有計劃的監察方法偷拍他們在家中的私人活動，並將有關照片刊登於旗下的雜誌。行政上訴委員會認為如此以不公平方式收集個人資料並不涉及公眾利益，因而違反保障資料第 1(2) 原則。

投訴內容

這兩宗上訴個案案情類似，均源於三名電視藝人向私隱專員對上訴人作出的投訴。

在行政上訴委員會上訴案件第 5/2012 號中，兩名投訴人發現上訴人的雜誌在未經其同意下刊登了他們在家中的日常生活及親密行為的照片及一篇相關報道。根據該報道，有關照片分別攝於兩個晚上和兩個下午。投訴人表示，有關照片只可能在其住宅外拍攝。

在行政上訴委員會上訴案件第 6/2012 號中，投訴人發現上訴人的雜誌在未經其同意下刊登了他在家中的照片及一篇相關報道。該些照片及報道分別顯示及描述赤裸的投訴人於淋浴前後在該單位內的活動，以及顯示一名女藝人出現在該單位內。投訴人認為，該住宅處於高層，其他建築物與其窗戶相距很遠，其他人理應不會看到他在住宅內的活動情形。

調查過程中蒐集的證據

上訴人確認有關照片是使用長焦距鏡及放大器所拍攝的。在行政上訴委員會上訴案件第 5/2012 號中，上訴人表示拍攝及刊登有關照片的目的是要證明兩名投訴人是

Appeal Case Note 1 (AAB Appeal Nos. 5 and 6 of 2012)

Three TV artistes lodged complaints against two media organisations for taking photographs of their personal activities at their private residences through systemic surveillance. These photos were published in the media organisations' magazines. The AAB considered that such collection of personal data by unfair means was not conducted in the public interest and was therefore in breach of DPP1(2).

The Complaints

The two appeal cases arose out of complaints made by three television artistes to the Commissioner against the Appellants. The facts of the two cases are similar.

In AAB Appeal No. 5 of 2012, the Complainants discovered that without their consent, photographs of their daily lives and intimate acts at a private residence and a relevant article were published in the Appellant's magazine. According to the article, the photographs were taken in two evenings and two afternoons. The Complainants stated that the photographs could only be taken at a place outside the residence.

In AAB Appeal No. 6 of 2012, the Complainant discovered that without his consent, photographs of him at his home and a relevant article were published in the Appellant's magazine. The photographs and the article showed and described the Complainant's activities inside the residence while he was naked before and after a shower. They also showed the presence of another female artiste inside the residence. The Complainant was of the view that other people should not be able to see his activities inside his residence located on high floor and other buildings are situated very far away from the windows of his residence.

Evidence gathered in the course of investigations

The Appellants confirmed that the photographs were taken by using telephoto lenses and magnifiers. With regard to the purpose of taking and publication of the photographs, in AAB Appeal No. 5 of 2012, the Appellant stated that it was to prove the Complainants were living



同居關係及他們之前所作的否認是謊話。在行政上訴委員會上訴案件第 6/2012 號中，上訴人表示要證明投訴人與照片中的女藝人同居。上訴人希望透過刊登有關照片及報道，向年青人證明其偶像所說的未必是真確的。上訴人聲稱是為了公眾利益而拍攝及刊登有關照片。上訴人亦確認在收集藝人私生活資料方面是沒有書面守則或指引，但有向其職員指示不應作出違法行為。

三名投訴人均確認從沒有主動向傳媒談及其同居事宜，只是在傳媒提問時才作出回應。

私隱專員的決定

私隱專員在考慮證據後，得出下述結論：

- (a) 在兩宗個案中上訴人拍攝有關照片屬收集投訴人的個人資料；
- (b) 不論任何人的社會地位及職業，其私隱應受保護而免受不合理干擾；該三名投訴人不應純粹因為是電視藝人而被剝奪私隱受保護的權利；
- (c) 在有關個案的情況下，投訴人在自己居所內對其私隱是有合理期望的，而在家中的活動會被人在屋外拍攝不會是他們的合理預期；
- (d) 上訴人在案中的行為嚴重侵犯了投訴人的私隱；
- (e) 刊登有關照片並不涉及公眾利益；

together and that their previous denial of cohabitation was not true. As for AAB Appeal No.6 of 2012, the Appellant stated that the purpose was to prove that the Complainant and the other female artiste whose photographs were taken were living together. By publishing the photographs and the articles, the Appellants hoped to show to the young people that what their idols said might not be true. They claimed that they took and published the photographs on the basis of public interest. They also confirmed that there were no written codes or guidelines on the collection of information of artistes' personal lives and the guidance for their staff was that no illegal acts should be committed.

All three Complainants confirmed that they had never talked to the media on their own initiative about the cohabitation and only responded when the media made enquires.

The Commissioner's Decision

Having considered the evidence, the Commissioner made the following findings:

- (a) the taking of the photographs in question by the Appellants amounted to the collection of the personal data of the Complainants.
- (b) the privacy of an individual should be protected against unjustifiable interference irrespective of his social status and occupation and the Complainants should not be deprived of their rights to privacy protection simply because they were television artistes;
- (c) in the circumstances of the cases, the Complainants had reasonable expectation of their privacy at their residences and did not reasonably expect to have their activities at the residences being photographed by persons outside;
- (d) the Appellants' acts in the cases seriously invaded the privacy of the Complainants;
- (e) the publication of the photographs in question did not involve public interest;



(f) 上訴人依賴其僱員自行詮釋條例的規定而沒有向僱員提供具體的收集資料指引，是不恰當的。

基於上述結論，私隱專員認為上訴人違反了保障資料第 1(2) 原則，並根據條例第 50 條向上訴人發出執行通知，指令上訴人 (i) 從雜誌社的資料庫及網站永久刪除有關照片；(ii) 就通過有系統的監察以隱蔽及 / 或遠距離攝影拍攝照片的方式收集個人資料，制訂令私隱專員滿意的私隱指引；及 (iii) 採取所有合理及切實可行的步驟，例如通過適當培訓、指導及監督（如有需要，紀律處分），以確保上訴人的職員遵從私隱指引。上訴人須在 21 日內依從執行通知。

上訴人不滿私隱專員的結論及發出執行通知的決定，遂向行政上訴委員會提出上訴。

上訴

兩宗上訴是連續審理的，而案中需要行政上訴委員會作出裁決的議題也是相同的。行政上訴委員會的裁決如下：

- (a) 照片影像構成條例下的「資料」，這點並無爭議。
- (b) 在一宗個案中，要決定收集個人資料是否公平，公眾利益是考慮因素之一。如有互相沖突的考慮因素，便要在收集個人資料的公平性與公眾知情權兩者之間取得平衡。

(f) it was improper for the Appellants to rely on their employees to interpret the requirements under the Ordinance without a specific guideline on data collection.

As a result of the above findings, the Commissioner concluded that the Appellants had contravened DPP1(2) and issued enforcement notices against the Appellants under section 50 of the Ordinance. The enforcement notices directed the Appellants to (i) permanently delete the photographs in question from the magazines' database and website; (ii) establish privacy guidelines on the systematic monitoring of the collection of personal data by covert and/or long-distance photograph shooting to the satisfaction of the Commissioner; and (iii) take all reasonable and practicable steps, e.g. proper training, instruction and supervision (disciplinary action if necessary), to ensure that the Appellants' staff complies with the privacy guidelines. The Appellants were required to comply with the enforcement notices within 21 days.

Dissatisfied with the Commissioner's findings and the issuance of the enforcement notices, the Appellants appealed to the AAB.

The Appeal

The appeals were heard consecutively one after another. The issues that required the AAB's determination were common to both. The AAB's findings were as follows:

- (a) there was no dispute that photographic images can constitute "data" for the purposes of the Ordinance.
- (b) Public interest is one of the factors to be considered in determining whether or not the collection of personal data in an individual case is fair. Where there are competing considerations, it is a question of balancing the fairness in collecting personal data against the public interest in knowing the truth.



- (c) 上訴人援引的兩宗英國案例 (*Woodward v Hutchins* [1977] 1 WLR 760 及 *Campbell v MGN Ltd* [2004] 2 AC 457) 並無助其上訴。在目前的上訴個案中，沒有證據顯示有關藝人曾主動宣傳其私人關係，這與兩宗英國案例中的名人不同。此外，上訴人要公開投訴人的私生活（即同居）與英國案例所涉及藏有及使用非法藥物一事的性質截然不同，後者屬刑事罪行並且公眾極為關注。
- (c) The two English authorities *Woodward v Hutchins* [1977] 1 WLR 760 and *Campbell v MGN Ltd* [2004] 2 AC 457 relied on by the Appellants did not advance their cases. In the instant appeal cases, there was nothing to suggest that any of the artistes, unlike the celebrities in the two English cases, actively sought publicity of his/her personal relationship at any time. Moreover, the fact that the Appellants sought to publicly disclose about the Complainants' private lives (namely cohabitation) is entirely different in nature to the possession and use of illegal drugs (in the English cases) which was a criminal offence and a matter of serious public concern.
- (d) 行政上訴委員會同意香港法律改革委員會在《侵犯私隱的民事責任報告書》（第 7.72 段）所作出的評述：「單憑某人是一個藝人或從事使他受到公眾注意的職業這一點，是不足以使他的私生活成為公眾關心的事情。」此外，行政上訴委員會援引 *Jameel (Mohammed) and another v Wall Street Journal Europe Sprl (No.3)* [2007] 1 AC 359 一案，認為上訴人拍攝及刊登有關藝人在家中的日常生活及親密行為的照片，並不涉及公眾利益。
- (d) The AAB agreed with the observation made by the Law Reform Commission of Hong Kong in its Report on Civil Liability for the Invasion of Privacy (paragraph 7.72) that the "*mere fact that a person is an artiste or is engaged in some occupation which brings him into public notice is not of itself enough to make his private life a matter of public interest*". Further, in reliance of *Jameel (Mohammed) and another v Wall Street Journal Europe Sprl (No.3)* [2007] 1 AC 359, the AAB considered that it was not in the public interest for the Appellants to take and publish photographs showing the artistes' daily life and intimate acts in their private premises.
- (e) 刊登的有關照片的內容及標題與上訴人所聲稱拍攝該些照片的目的並不相符（即是因為投訴人是年青人偶像，年青人會受其言行影響，所以要揭露投訴人的公眾形象是虛假的）。
- (e) The contents of, and captions to, some of the published photographs in question were inconsistent with the Appellants' asserted purpose for taking the photographs (i.e. to expose the falsity of the complainants' public images, because they were idols of young people who would be influenced by their words and deeds).
- (f) 行政上訴委員會認同私隱專員的決定，認為上訴人在個案的情況下收集投訴人的個人資料屬不公平，違反了保障資料第 1(2) 原則。行政上訴委員會亦認同私隱專員，認為有關違反行為會持續或重複發生。
- (f) The AAB agreed with the Commissioner that in the circumstances of the cases, the Appellants' collection of the personal data of the Complainants was unfair and contravened DPP1(2). The AAB further agreed with the Commissioner's findings that the contravention will continue or be repeated.



- (g) 行政上訴委員會認為條例第 61 條沒有豁免上訴人制訂由私隱專員在執行通知中要求的私隱指引。保障資料第 5 原則規定的資料使用者的個人資料政策及實務，例如私隱專員在執行通知中要求的私隱指引，是不獲任何豁免的。
- (h) 上訴人辯稱私隱專員在條例第 50 條下的權力只可指令資料使用者採取步驟，對已發生的事宜作補救，而不可指令資料使用者日後如何收集個人資料。行政上訴委員會不接納上訴人的辯稱。
- (i) 行政上訴委員會亦不接納上訴人的另一辯稱，指私隱專員違反分權原則，若上訴人沒有在 21 日內依從私隱專員的指令制訂私隱指引會引致條例第 64(7) 條的刑事責任，因此私隱專員就上訴人是否犯罪擔當了法官的角色。上訴委員會認為，私隱專員對上訴人的刑事責任沒有最終決定權。有關事宜一貫是受行政上訴委員會（以上訴的方式）或如適用，由法庭（以司法覆核的方式）監察。
- (j) 行政上訴委員會並不認為要上訴人在 21 日內制訂私隱指引是不合理的時限，而所草擬的私隱指引須令私隱專員滿意的規定也不是不合理或具壓迫性的。行政上訴委員會進一步表示，如上訴人已作出所有合理的努力在時限內擬備私隱指引，很難理解為什麼不可引用條例下的法定免責辯護，即資料使用者「已作出一切應作出的努力以遵從有關執行通知」。
- (g) The AAB considered that section 61 of the Ordinance does not exempt the Appellants from compiling the privacy guidelines sought by the Commissioner under the enforcement notices. DPP5, which provides for a data user's policies and practices in relation to personal data, such as the privacy guidelines sought by the Commissioner in the enforcement notices, is not subject to any exemption.
- (h) The AAB rejected the Appellants' argument that the Commissioner's powers under section 50 under the Ordinance are only to direct a data user to take steps to address what has happened, but not to direct how the data user should collect personal data in the future.
- (i) The AAB also rejected the Appellants' argument that the Commissioner has violated the principle of separation of powers because the failure to comply with the Commissioner's direction to establish the privacy guidelines to his satisfaction within 21 days would attract criminal liability under section 64(7) of the Ordinance and the Commissioner therefore has assumed the role of a judge as to whether the Appellant has committed an offence. The Commissioner does not have the final say on the Appellants' criminal liability. The matter is always subject to the scrutiny of the AAB on appeal or where appropriate, by the Court by way of judicial review.
- (j) The AAB did not consider 21 days to be an unreasonable time limit for the Appellants to produce a set of privacy guidelines. It did not believe the requirements that the Commissioner needs to be satisfied with the privacy guidelines drafted by the Appellants to be unreasonable or oppressive. The AAB further stated that if the Appellants have used all reasonable endeavours to prepare the privacy guidelines within the time limit, it was difficult to see why the statutory defence under the Ordinance where the data user has "*exercised all due diligence to comply with the enforcement notice concerned*" would not be available to the Appellants.



(k) 行政上訴委員會在審閱私隱專員向上訴人發出的指令後，認為該等指令是規定上訴人採取所有可以在執行通知發出後的 21 日內合理地及切實可行地完成的步驟，而不是要求上訴人須在時限內完成所有步驟以確保上訴人的職員依從私隱指引。

(l) 行政上訴委員會進一步認為執行通知沒有對上訴人施加「無限的責任」以確保私隱指引被遵從，而只是要求上訴人確保有關指引的制訂及實施。行政上訴委員會亦不接納上訴人的辯稱，指實施私隱指引等同在上訴人與其職員的僱傭合約中加入條款。行政上訴委員會認為私隱指引只是確保上訴人及其職員遵從法律規定及收集資料的原則。

行政上訴委員會的決定

行政上訴委員會維持私隱專員在兩宗個案的決定，駁回上訴。

（上訴人不滿行政上訴委員會的決定，已在高等法院申請司法覆核。）

(k) The AAB found that on a proper reading of the Commissioner's direction against the Appellants, it was not intended that the Appellants have to complete all the steps to ensure that the Appellants' staff complies with the privacy guidelines within 21 days from the issuance of the enforcement notices. The direction only required the Appellants to take all those steps that could reasonably and practicably be completed within the time limit.

(l) The AAB further found that the enforcement notices did not impose an "open ended obligation" on the Appellants to ensure compliance with the privacy guidelines but only to ensure that the privacy guidelines to be drawn up are put in place and followed by the Appellants. The AAB also rejected the Appellants' argument that the implementation of the privacy guidelines to be drawn up by the Appellants is tantamount to adding terms to the employment contract entered into between the Appellants and their staff. The AAB considered that the privacy guidelines are no more than means to ensure that the legal requirements and the principles of data collection are observed by the Appellants and their staff.

The AAB's Decision

The AAB affirmed the decisions of the Commissioner in both cases and dismissed the appeals accordingly.

(Dissatisfied with the decision of the AAB, the Appellants have applied for a judicial review in the High Court.)



上訴個案簡述 2（行政上訴委員會上訴案件第 16/2012 號）

上訴人的丈夫在勞資審裁處向前僱主展開訴訟。行政上訴委員會裁定該前僱主向勞資審裁處及法律援助處披露上訴人的個人資料，沒有違反條例的保障資料第 3 原則。行政上訴委員會駁回上訴時判私隱專員獲得訟費，理由是上訴人以無理取鬧及瑣碎無聊的方式處理上訴。

投訴內容

上訴人的丈夫在勞資審裁處對其前僱主（「該公司」）提出申索（「該申索」）但被駁回及判罰訟費。於是他申請擱置訟費令。該公司去信勞資審裁處反對此申請，並引述上訴人早前發給該公司的信件所載關於上訴人夫婦的財務狀況及生活模式的內容（「內容 1」）。

上訴人的丈夫之後就其擱置訟費令申請提出法律援助申請。該公司去信法律援助處反對該申請，並引述上訴人之前分別與該公司的職員和司法機構政務長的通訊內容。該些內容提及上訴人夫婦的財務狀況以及她享受不斷玩「法律遊戲」，並正教導其丈夫一起參與（「內容 2」）。

上訴人向私隱專員投訴，該公司違反條例的規定使用了她在內容 1 及 2 的個人資料。

私隱專員的決定

私隱專員認為內容 1 是經上訴人的信件發給該公司，以影響該申索的法律程序。該公司使用內容 1 來反對上訴人的丈夫擱置訟費令的申請，這是該申索的法律程序的一部分。內容 2 亦是經上訴人的信件發出，以影響該申索的法律程序。該公司使用內容 2 來反對上訴人的丈夫申請法律援助，

Appeal Case Note 2 (AAB Appeal No. 16 of 2012)

The Appellant's husband commenced proceedings against his ex-employer at the Labour Tribunal. The AAB decided that the disclosure of the Appellant's personal data by the ex-employer to the Labour Tribunal and the Legal Aid Department was not in breach of DPP3 of the Ordinance. In dismissing the appeal, the AAB awarded costs to the Commissioner on the ground that the Appellant has conducted the appeal in a frivolous and vexatious manner.

The Complaint

The Appellant's husband made a claim (the "Claim") against his former employer (the "Company") at the Labour Tribunal, but the Claim was dismissed with costs awarded to the Company. He applied for a stay of the costs order. The Company wrote to the Labour Tribunal objecting to the application, quoting some of the contents of a letter previously sent from the Appellant to the Company in relation to the financial standing and lifestyle of the Appellant and her husband ("Contents 1").

The Appellant's husband then applied for legal aid in relation to his stay application. The Company wrote to the Legal Aid Department objecting to the application. In the letter, the Company quoted the contents of the Appellant's previous communications with the Company's staff and her letter to the Judiciary Administrator in relation to the financial circumstances of the Appellant and her husband, and the fact that she enjoyed playing her endless "legal games", which she was training her husband to play ("Contents 2").

The Appellant complained to the Commissioner that the Company's use of her personal data in Contents 1 and 2 (the "Data") was in breach of the Ordinance.

The Commissioner's Decision

The Commissioner took the view that Contents 1 were sent to the Company through the Appellant's letters to influence the legal proceedings in the Claim. The Company's use of Contents 1 was to oppose the application for stay lodged by the Appellant's husband, which was part and parcel of the legal proceedings in the Claim. Contents 2 were also sent through the Appellant's communications to influence the conduct of the legal proceedings in the Claim. The



這亦是該申索的法律程序的一部分。私隱專員認為內容 1 及 2 明顯地是用於與當初收集該些資料目的直接有關的目的上，因此沒有違反條例的保障資料第 3 原則，並決定不再進一步跟進這兩宗投訴。

上訴人不滿私隱專員的決定，向行政上訴委員會提出上訴。

上訴

(1) 是否違反條例的規定

行政上訴委員會同意私隱專員的看法，認為案中沒有違反條例的保障資料第 3 原則的情況，並裁定私隱專員拒絕繼續處理這兩項投訴的決定是正確的。

此外，行政上訴委員會認為有兩個其他理由，可駁回有關投訴使用內容 1 的上訴。首先，行政上訴委員會認為就條例的恰當釋義及考慮到立法目的，不應對條例第 4 條及保障資料第 3 原則施加嚴格及狹義的詮釋，否則便會防止法庭或審裁處使用所收集的資料以確保法律程序公平，這正是《人權法案條例》第 10 條所要保障公平審訊的權利。

另外，行政上訴委員會認為使用內容 1 是可以獲得豁免而不受保障資料第 3 原則所管限，因為是屬於條例第 60B(b) 條下所述「在與於香港進行的法律程序有關連的情況下被規定而使用的」。縱使被投訴的行為發生在這條文生效之前，行政上訴委員會認為第 60B 條應有追溯效力。行政上訴委員會是經考慮立法意圖、公平原則及 Lord Mustill 在 *L'Office Cherifien des Phosphates and another v. Yamashita-Shinnihon Steamship Co. Ltd.; The Boucraa* [1994] 1 AC 486 一案中就決定新修訂或法例應否詮釋為有追溯效力而需考慮的因素分析後，才採納這觀點。

Company's use of Contents 2 was to oppose the application for legal aid submitted by the Appellant's husband, which was also part and parcel of the same legal proceedings in the Claim. The Commissioner therefore found Contents 1 and 2 to be clearly used for a purpose directly related to the purpose for which they were collected, and decided not to pursue these two complaints further as there was no breach of DPP3 under the Ordinance.

Dissatisfied with the Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

(1) Whether there was any breach of the Ordinance

The AAB agreed with the Commissioner that there was no breach of DPP3 and held that the Commissioner was plainly correct in refusing to proceed with the two complaints.

There were two further reasons for dismissal of the appeal in relation to the complaint against the use of Contents 1. Firstly, on a proper construction of the Ordinance, and considering the legislative purpose of the Ordinance, the AAB opined that section 4 and DPP3 of the Ordinance should not receive a strict and narrow interpretation as to prevent the collected data from being used in a court or tribunal to ensure fair proceedings therein, when Article 10 of the Bills of Right Ordinance guarantees the right to a fair trial.

Alternatively, the AAB was of the view that the use of Contents 1 by the Company was exempt from DPP3, as being “*required in connection with any legal proceedings in Hong Kong*” under section 60B(b) of the Ordinance. Even though the acts complained of occurred prior to the effective date of the provision, the AAB opined that section 60B should have retrospective effect. This view was taken by the AAB after considering the legislative intent, the principal of fairness and Lord Mustill's analysis on the factors to be considered in determining whether a new amendment or legislation should be construed as having retrospective effect in *L'Office Cherifien des Phosphates and another v. Yamashita-Shinnihon Steamship Co. Ltd.; The Boucraa* [1994] 1 AC 486.



(2) 私隱專員是否應獲判訟費

根據《行政上訴委員會條例》第22(1)條，如行政上訴委員會確信上訴人以瑣碎無聊或無理取鬧的方式處理其案件時，行政上訴委員會可判上訴人付訟費及費用。

(a) 無理取鬧

在本案中，行政上訴委員會認為上訴人提出上訴的意圖是對私隱專員、該公司及代表該公司的人士製造滋擾。行政上訴委員會認為上訴人利用這宗上訴對私隱專員施加不當壓力，以求盡快解決另一宗投訴個案。此外，上訴人申請向該公司六名人士及代表該公司的律師行的一名人士發出傳票，以及對該公司人士作出無根據的貶損言語，都是有力證據證明上訴人對該公司、其董事及人員，以及代表該公司的人士作出個人報復。上訴人的行為已超越了普通訴訟中的對抗。她惡意地利用上訴而令她不喜歡的人形象受損。

(b) 瑣碎無聊

上訴人沒有嘗試以上訴理據反駁私隱專員的決定。她的主要論點是上訴聆訊應在另一宗投訴個案有結果後才進行。行政上訴委員會認為該另一個案的結果與私隱專員的決定並不相關，亦與上訴的理據無關，因此她的論據完全站不住腳。

(2) Whether the costs of the appeal should be awarded to the Commissioner

Under section 22(1) of the AAB Ordinance, the AAB shall make an award of costs against an appellant only if it is satisfied that the appellant conducted his case in a *frivolous or vexatious manner*.

(a) Vexatious manner

In this case, the AAB found that the appeal had been brought by the Appellant with the intention of causing nuisance to the Commissioner, the Company and those representing the Company. The AAB found that the Appellant was using the appeal to exert inappropriate pressure on the Commissioner to resolve another complaint case expeditiously. In addition, the AAB took the view that the Appellant's application to subpoena six individuals of the Company and one individual from the solicitors' firm representing the Company, along with the unwarranted derogatory remarks about the individuals in the Company, were strong evidence that the Appellant was launching a personal vendetta against the Company, its directors and officers, and those representing it. The Appellant's conduct was way beyond hostility in an ordinary litigation sense. She was maliciously using the appeal to tarnish the image of those who incurred her disliking.

(b) Frivolous manner

The Appellant made no attempt to address the reasoning of the Commissioner, pertaining to the merits of the appeal. The gist of her contention was that the appeal ought to be heard after the outcome of another complaint case was known. The AAB considered that the outcome of that other case could not be relevant to the decision of the Commissioner nor relevant to the merits of the appeal, and thus her contention was wholly untenable.



上訴人缺席聆訊亦顯示她沒有意圖按事實真相進行上訴。上訴人最初申請更改上訴聆訊日期，行政上訴委員會批准其申請。不過，在另訂的聆訊日期前，上訴人去信行政上訴委員會表示她當日亦須出席高等法院另一訴訟的聆訊。最後，上訴聆訊在上訴人缺席下進行。她其後被發現當日亦缺席該高院訴訟的聆訊。不過，上訴人沒有就為何缺席這兩個聆訊向行政上訴委員會提供充分理由。

行政上訴委員會認為，上訴人在這上訴中作出多次延期申請或未足以構成瑣碎無聊或無理取鬧行為，以致頒令她支付訟費，但在考慮到上訴人的整體行為下，她沒有真正意圖據是非曲直進行上訴是頗明顯的。上訴只是她的手段，最終目的是對私隱專員、該公司、其人員及其代表造成滋擾。

行政上訴委員會的決定

行政上訴委員會駁回上訴，並命令上訴人向私隱專員繳付上訴訟費港幣 22,240.30 元。

The Appellant's absence from the appeal hearing also shows her lack of intention to prosecute the appeal on its merits. The Appellant initially applied to reschedule the appeal hearing, and her application was duly approved by the AAB. Prior to the rescheduled hearing, however, the Appellant wrote to the AAB stating, among other things, that she was also required to attend a hearing on another action in the High Court on the same day. Consequently, the appeal was heard in her absence. It subsequently transpired that the Appellant had not attended the High Court hearing on that day either. However, the Appellant did not provide adequate explanation to the AAB as to why she had failed to attend both hearings.

The AAB took the view that the various applications made by the Appellant for extensions of time in the appeal might or might not alone be sufficient to constitute frivolous or vexatious conduct warranting a cost order against her, but having regard to the Appellant's overall course of conduct, it was quite clear that she had no genuine intention of prosecuting her appeal on its merits. The appeal was only a means to achieve her ulterior motive of causing nuisance to the Commissioner, the Company, its officers and its representatives.

The AAB's Decision

Accordingly, the AAB dismissed the appeal and ordered the Appellant to pay the Commissioner's costs of the appeal in the sum of HK\$22,240.30.



上訴個案簡述 3（行政上訴委員會上訴案件第 10/2013 號）

上訴人向一間銀行就其外匯孖展帳戶提出查閱資料要求。行政上訴委員會裁定交易詳情（包括斬倉率）不屬上訴人的個人資料。該銀行受《銀行條例》的保密條文約束，不能披露該銀行在香港金融管理局調查過程中得知的資料。

投訴內容

上訴人在一間銀行（「該銀行」）持有外匯孖展帳戶。於 2011 年 8 月 10 日，該銀行代上訴人執行買入指示，結清其帳戶，並於同日告知他。上訴人認為這些指示並非真誠地執行，並懷疑該銀行早前曾阻止他在網上作出保護自己的交易。他就此事向香港金融管理局（「金管局」）作出投訴。他亦向該銀行提出查閱資料要求，但後來撤回。其後，上訴人向該銀行提出另一個查閱資料要求，要求索取：(1) 上訴人與該銀行外匯交易熱線在不同日期的所有電話對話記錄及有關職員的身份；(2) 該銀行的外匯孖展兌換率、補倉百分比及詳細計算方式；及 (3) 該銀行曾向金管局及私隱專員所提供有關上訴人外匯孖展交易帳戶所有相關資料的副本。由於該銀行沒有向他提供所有要求的資料。上訴人因而向私隱專員作出投訴。

私隱專員的決定

私隱專員在考慮個案的所有情況後，決定不再繼續處理該投訴，理據如下：

- (a) 該銀行在法律上必須向上訴人提供載有其個人資料的電話談話記錄複本，而該銀行已如此做了。但有關銀行職員的身份，例如姓名、職員編號及在金管局的登記號碼，屬有關職員的個人資料，不是上訴人的個人資料。
- (b) 外匯孖展兌換率不是上訴人的個人資料。
- (c) 補倉百分比及該銀行的計算方式並不是上訴人的個人資料，因為上訴人的身份不能從這些資料予以確定。

Appeal Case Note 3 (AAB Appeal No. 10 of 2013)

The Appellant lodged a data access request with a bank in relation to his foreign exchange margin account. The AAB decided that transaction details including cut off rates were not the personal data of the Appellant. The Bank was bound by the secrecy provisions under the Banking Ordinance not to disclose information that the Bank came to know in the course of investigation by the Hong Kong Monetary Authority.

The Complaint

The Appellant had a foreign exchange margin trading account with a bank ("the Bank"). On 10 August 2011, the Bank executed buy orders on behalf of the Appellant to close out his account and informed the Appellant on the same day. The Appellant did not think these orders were executed in good faith and suspected that the Bank had earlier on blocked his attempt to make a deal online to protect his position. On this matter, he lodged a complaint with the Hong Kong Monetary Authority ("HKMA"). He also made a data access request to the Bank, which he later withdrew. Subsequently, the Appellant made another data access request to the Bank for: (1) all telephone conversation records between the Appellant and the Bank's FX Trading Hotline on various dates and the identities of those staff; (2) the Bank's FX Margin trading rates, margin call percentage and details of calculations; and (3) copies of all related information about the Appellant's FX Margin Trading account, which the Bank had provided to the HKMA and the Commissioner. The Bank did not provide him with all the data he requested. The Appellant therefore made a complaint to the Commissioner.

The Commissioner's Decision

Having considered all circumstances of the case, the Commissioner decided not to pursue the complaint further on the following grounds:

- (a) The Bank was legally required to provide to the Appellant copies of those telephone conversation records containing personal data of the Appellant, which the Bank did. However, the identities of the Bank staff involved, such as the names, staff numbers and their registration numbers with the HKMA were personal data of those persons and not personal data of the Appellant.
- (b) FX Margin trading rates were not personal data of the Appellant.
- (c) The Margin call percentage and the Bank's calculation were not the personal data of the Appellant, as the Appellant's identity could not be ascertained from those items.



(d) 該銀行受《銀行條例》（第 155 章）的保密條文約束，不能向上訴人提供該銀行已提供予金管局的資料。

(e) 上訴人看來是試圖收集資料，以對該銀行作出法律行動。本個案的真正重點不是個人資料私隱，應以其他補救機制處理較為適合。

上訴人不滿私隱專員的決定，向行政上訴委員會提出上訴。

上訴

行政上訴委員會認為：

(a) 《銀行條例》的保密條文並不涵蓋源自該銀行本身的資料，因為這些資料不是它在調查過程中得知或持有或取得的。

(b) 上訴人要求索取指明時段的交易詳情（包括斬倉率）。但上訴人沒有解釋這些關於市場動態的資料及該銀行的相關計算方式，既然沒有在實際交易中被使用，為何會構成上訴人的個人資料。因此，該銀行沒有責任向上訴人披露這些資料。

(c) 除了上訴人大膽和空泛的一面之辭外，沒有證據顯示該銀行曾隱藏或偽造任何電話錄音。私隱專員的整體觀點是正確的，上訴人明顯地試圖搜集證據以支持他向該銀行採取法律行動。私隱專員有理由認為上訴人這宗投訴的核心並非關於私隱。他拒絕進一步跟進該投訴的決定並沒有錯誤。

行政上訴委員會的決定

行政上訴委員會因此維持私隱專員的決定，駁回上訴。

(d) The Bank was duty bound by the secrecy provision of the Banking Ordinance, Cap 155, not to provide to the Appellant the information that it had provided to HKMA.

(e) It appeared that the Appellant was trying to gather information for the purpose of instituting legal action against the Bank. The real issue in the case was not personal data privacy, but one for which some other redress mechanism would be more appropriate.

Dissatisfied with the Commissioner's decision, the Appellant appealed to the AAB.

The Appeal

The AAB's findings in the appeal were as follows:

(a) The secrecy provisions under the Banking Ordinance does not cover information which was originated from the Bank itself as it was not something it came to know or possess or obtained in the course of investigation.

(b) The Appellant asked for transaction details including cut off rates at the time intervals specified. The Appellant had failed to explain how those data about market movements and the Bank's relevant calculations, which were not used in actual transactions, could be personal data of the Appellant. Therefore, the Bank was not under a duty to disclose the data to the Appellant.

(c) There was nothing to suggest that the Bank was withholding any telephone recordings or fabricating them apart from bold and vague assertion of the Appellant. The overall view taken by the Commissioner was correct in that the Appellant was clearly attempting to gather evidence to substantiate his case against the Bank. The Commissioner was justified to opine that the primary subject matter of the Appellant's complaint was not about privacy. His decision to refuse to pursue the complaint any further could not be faulted.

The AAB's Decision

The AAB therefore affirmed the decision of the Commissioner and dismissed the appeal accordingly.



上訴個案簡述 4（行政上訴委員會 上訴案件第 22/2013 號）

上訴人投訴某法定機構拒絕依從其查閱資料要求。行政上訴委員會決定該法定機構可依據條例第 20(3)(d) 條拒絕向上訴人提供屬保密條款下須保密的資料。

投訴內容

上訴人參加由一間法定機構所委託的專業發展中心舉辦的資訊科技助理證書課程。該中心曾向學生表示會於課程完結後的 7 天內聯絡不合格的學生通知補考的安排。不過，由於該中心安排失誤，上訴人未能及時收到補考通知。

上訴人不滿該中心就有關其安排失誤的回覆，要求該機構就事件作出調查。其後，上訴人向該機構提出兩個查閱資料要求，要求索取在調查過程中所產生及收集的資料。該機構同意向上訴人提供部分資料的複本，惟須刪除或不披露其他人士的姓名或可識辨其他人士身份的資料。該機構並簡略解釋，不發放由該中心向其提供的改善方案措施及其他資料（包括調查報告）（「該些資料」），是由於該機構與該中心所簽立協議（「該協議」）內的保密條款所限，並建議上訴人可直接向該中心提出要求查閱有關資料。上訴人不滿該機構的回覆，遂向私隱專員作出投訴。

Appeal Case Note 4 (AAB Appeal No.22 of 2013)

The Appellant complained that a statutory organisation refused to comply with her data access requests. The AAB decided that pursuant to section 20(3)(d) of the Ordinance, the organisation was entitled to refuse to disclose the information protected under a confidentiality provision.

The Complaint

The Appellant was enrolled in an IT Assistant Certificate course ("the Course") which was organised by a training centre ("the Centre") appointed by a statutory organisation ("the Organisation"). The Centre informed its students that it would contact those who failed the examination within seven days after completion of the Course in relation to retaking the examination. However, there was an oversight on the part of the Centre, and as a result, the Appellant did not receive a notice for retaking the examination within the stipulated time.

The Appellant was not satisfied with the explanations provided by the Centre and requested the Organisation to investigate the matter. Subsequently, the Appellant made two data access requests ("DARs") to the Organisation requesting them to provide the information collected and arising from the investigation. The Organisation agreed to provide the Appellant with copies of some of the information requested, but redacted the identities of the third parties or the particulars which could reveal their identities. The Organisation briefly explained to the Appellant that the improvement measures and other information (including the investigation report) (collectively "the Information") could not be provided to her due to a confidentiality clause contained in an agreement ("the Agreement") entered into between the Organisation and the Centre. The Organisation suggested the Appellant submit a DAR directly to the Centre instead. Dissatisfied with the Organisation's reply, the Appellant lodged a complaint with the Commissioner.



私隱專員的決定

私隱專員認為該機構是可基於該協議的保密條款及其他理由，拒絕向上訴人提供該些資料。此外，上訴人亦沒有提供足夠證據支持其投訴，因此私隱專員決定依據條例第 39(2)(d) 條不進一步跟進上訴人的投訴。上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

上訴

上訴人缺席聆訊。行政上訴委員會就上訴通知書所提出的五項上訴理由作出以下裁決：

第一項上訴理由 — 上訴人指私隱專員錯誤地裁定第三者的電郵地址不是上訴人的個人資料

行政上訴委員會同意私隱專員的決定，認為第三者的電郵地址不是與上訴人直接或間接地有關的資料，因此不屬上訴人的個人資料。行政上訴委員會認為，條例的立法原意是讓資料當事人查閱及更正他的個人資料，而不是容許資料當事人無約束地索取任何有提及他的文件。正因如此，第三者的電郵地址並不是條例第 2(1) 條所定義的個人資料是明顯不過的，該機構只須向上訴人提供她的個人資料複本。因此，行政上訴委員會認同私隱專員在決定書的意見，該機構在依從該些查閱資料要求前刪除該些電郵地址是一個合理的做法。

The Commissioner's Decision

The Commissioner found that based on the confidentiality clause in the Agreement and other reasons, the Organisation was entitled to refuse to disclose the Information to the Appellant. In addition, as there was insufficient evidence to support the Appellant's complaint, the Commissioner decided not to pursue the complaint further pursuant to section 39(2)(d) of the Ordinance. Dissatisfied with the Commissioner's decision, the Appellant appealed to the AAB.

The Appeal

The Appellant did not attend the hearing. The AAB made the following determination in respect of the five grounds of appeal stated in the Appellant's appeal notice:

1st ground of appeal - the Appellant argued that the Commissioner had erred in deciding that the email address of a third party was not the Appellant's personal data.

The AAB agreed with the Commissioner that the email address of a third party did not relate directly or indirectly to the Appellant and was not the Appellant's personal data. The AAB took the view that the legislative intent of the Ordinance is to allow a data subject to access and correct his personal data, but not to allow the data subject to unrestrictedly obtain any document which mentions his name. Hence, it was apparent that the email address of a third party was not the Appellant's "personal data" under section 2(1) of the Ordinance, and the Organisation was only required to provide the Appellant with a copy of her personal data. The AAB agreed with the Commissioner that it was reasonable for the Organisation to redact the email addresses of third parties before complying with the Appellant's DARs.



第二項上訴理由 — 私隱專員不當地考慮該協議的保密條款

根據條例第 20(3)(d) 條，資料使用者可拒絕依從查閱資料要求，如被查閱的資料由另一資料使用者控制此等資料的使用，而控制的方式是禁止持有資料的資料使用者依從查閱資料要求。該保密協議訂明該機構必須把任何從該中心得到之資料、繪圖或設計保密，並且在未獲得該中心主管的事前書面批准下，不得向任何第三者予以披露。行政上訴委員會認同該機構拒絕向上訴人提供關於該中心向該機構提交的改善方案及其他由該中心提交的資料（包括調查報告）均屬保密條款下須保密的資料。在該中心不同意發放該些資料的情況下，該機構可向上訴人提供聯絡該中心的方法，以便上訴人可直接向該中心提出查閱資料要求，行政上訴委員會認同私隱專員的決定，該機構可依據條例第 20(3)(d) 條拒絕向上訴人提供該些資料。

第三項上訴理由 — 私隱專員沒有處理該機構沒有通知上訴人否持有其所要求查閱資料的事宜

行政上訴委員會認為該機構已向上訴人解釋未能發放部分資料的原因，又向其提供該中心的聯絡方法，以便上訴人循其他途徑查閱資料。基於這個理由，行政上訴委員會認為這項上訴理由缺乏理據。

2nd ground of appeal - the Commissioner had inappropriately taken into account the confidentiality clause in the Agreement.

Under section 20(3)(d) of the Ordinance, a data user may refuse to comply with a DAR if any other data user controls the use of the data in such a way as to prohibit the first-mentioned data user from complying with the DAR. The Agreement stipulated that the Organisation must keep any information, drawings and designs obtained from the Centre confidential, and that no disclosure of such information could be made to any third party without prior written approval of the Centre's manager. The AAB agreed that the improvement measures and other information (including the investigation report) that the Organisation refused to supply to the Appellant were confidential information protected by the confidentiality clause of the Agreement. On the basis that the Centre did not agree to the disclosure of such information, the Organisation could simply provide the Appellant with the contact details of the Centre so that the Appellant could make a DAR to the Centre directly. The AAB agreed with the Commissioner that the Organisation was entitled to refuse to supply the Information to the Appellant pursuant to section 20(3)(d) of the Ordinance.

3rd ground of appeal - the Commissioner failed to deal with the matter relating to the Organisation's failure to inform the Appellant as to whether it held the data requested under her DARs.

The AAB considered that this ground of appeal was unsubstantiated as the Organisation had explained to the Appellant about the reasons for not disclosing some of the information requested and provided her with the contact details of the Centre to facilitate her making a DAR to the Centre direct.



第四項上訴理由 — 私隱專員沒有處理該機構未有提供該事件的調查報告的事宜

由於該調查報告只載有該機構職員與五位考生就補考通知安排的電話對話，當中並沒有提及上訴人對該中心的投訴。因此，雖然該調查報告是由上訴人所作出的投訴而衍生的，行政上訴委員會認同私隱專員的看法，認為該調查報告並不屬於上訴人的個人資料。

第五項上訴理由 — 上訴人認為有證據顯示該機構提供的電子郵件記錄並不完整，但私隱專員沒有就此提出任何疑問或查詢，反而拒絕調查此項投訴

行政上訴委員會曾參閱該機構向上訴人所提供的信件及電郵通訊副本、該機構內部電郵文件副本、該機構向該中心發出的書信及電郵文件副本，並不察覺該機構發放給上訴人的電子郵件記錄不完整。行政上訴委員會認同私隱專員的看法，上訴人沒有提供任何實質證據以支持她對該機構的這項指控。

行政上訴委員會的決定

上訴被駁回。

4th ground of appeal - the Commissioner failed to deal with the matter relating to the Organisation's failure to provide the Appellant with the investigation report of the incident.

As the investigation report contained only records relating to the telephone conversations between the staff of the Organisation and five students about retaking the examination which did not mention the Appellant's complaint against the Centre, the AAB agreed with the Commissioner that the investigation report was not the personal data of the Appellant though it arose out of the Appellant's complaint.

5th ground of appeal - the Appellant believed that there was evidence showing that the email records were incomplete but the Commissioner did not make any queries or enquiries in this regard and refused to investigate such complaint.

Having reviewed copies of the letters and emails provided to the Appellant by the Organisation, copies of internal emails of the Organisation, and copies of letters and emails provided to the Centre by the Organisation, the AAB did not find that the email records provided to the Appellant by the Organisation were incomplete. The AAB agreed with the Commissioner's finding that the Appellant did not produce concrete evidence in support of her allegation against the Organisation.

The AAB's Decision

The Appeal was dismissed.

公署就公眾諮詢所提交的意見書

SUBMISSIONS MADE IN RESPONSE TO PUBLIC CONSULTATIONS

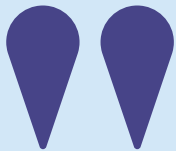
本年度私隱專員回應以下公眾諮詢而提交意見書：

During the year, the Commissioner made submissions in response to the following public consultations:

徵詢意見的部門 Consulting Organisation	事宜 Issue
禁毒常務委員會 Action Committee Against Narcotics	驗毒助康復計劃的諮詢 Consultation on the RESCUE Drug Testing Scheme
財經事務及庫務局 Financial Services and Treasury Bureau	2014 數碼 21 資訊科技策略的諮詢 Consultation on the 2014 Digital 21 Strategy
	優化公司破產法例的諮詢 Consultation on the Improvement of Corporate Insolvency Law

(意見書全文可於公署網站瀏覽 www.pcpd.org.hk/tc_chi/enforcement/response/legco_consulting_org.html)

(The full submissions can be found on the PCPD's website www.pcpd.org.hk/english/enforcement/response/legco_consulting_org.html)



我加入公署擔任律師已經有一年了，但從未感到一刻沉悶。我的主要職責包括處理那些反對私隱專員的決定而向行政上訴委員會提出的上訴個案，以及向公署其他部門提供法律支援。與一班專業同事共事，實在樂趣無窮，他們的熱誠與幹勁都深深感染我。毋庸置疑，隨著公署舉行各類活動，公眾對私隱條例的認識正不斷提升。我相信在私隱專員的領導下，公署會繼續致力推廣及保障個人資料私隱權利。

One year has elapsed since I joined the PCPD as legal counsel, and there has never been a dull moment. As a legal counsel, my main responsibilities include handling appeals lodged with the Administrative Appeals Board against the decisions of the Commissioner, and providing internal legal support from time to time. It has been a great pleasure for me to work with a team of professional colleagues whose enthusiasm and dedication have inspired me deeply. No doubt, public awareness about the provisions of the Ordinance is ever increasing in the wake of various campaigns held by the PCPD. I believe that under the leadership of the Commissioner, the PCPD will continue to strive to promote and safeguard the personal data privacy rights of individuals.

吳穎儀 律師
Winnie Ng Legal Counsel



公署對建議中的法例及行政措施所作的評論

《2013 年稅務（修訂）條例草案》 法案委員會

私隱專員就《2013 年稅務（修訂）條例草案》向立法會法案委員會提供意見（立法會 CB(1)1260/12-13(01) 號文件）。草案旨在修訂《稅務條例》（第 112 章），讓香港特別行政區可與其他司法管轄區簽訂稅務資料交換協定（「交換協定」），並優化現行全面性避免雙重徵稅協定（「全面性協定」）的資料交換安排。

根據交換協定機制，如雙方（即香港及提出請求一方）的法例容許，而稅務局局長又同意的話，稅務局局長披露的稅務資料可能會用作「其他非稅務用途」。私隱專員關注「非稅務用途」一詞模糊不清，而主要關注是，提出請求一方會如何使用被披露的資料及用於甚麼用途。

私隱專員亦指出，實施草案會令香港納稅人的個人資料可能會因海外罪行而被稅務局局長轉移予香港以外地方的執法機構。但有關罪行是否一定與香港和該海外管轄區的法律合作或執法合作有關連（以符合條例第 58(6) 條「罪行」的定義），就不太清晰。私隱專員促請，如立法會法案委員會認為有足夠理據給予稅務局局長這項擴闊的豁免，必須有保障措施確保在建議的交換協定機制下稅務局局長授權的「非稅務用途」是有合理理由，例如是公眾利益。

當局告知法案委員會，當局會採取措施確保被披露資料的使用會受條例保護，及屬於條例第 58 條有關罪行的豁免條文範圍之內（立法會 CB(1)1285/12-13(02) 號文件）。草案於年內已獲通過。

COMMENTS MADE ON PROPOSED LEGISLATION AND ADMINISTRATIVE MEASURES

Bills Committee on Inland Revenue (Amendment) Bill 2013

The Commissioner provided his comments on the Inland Revenue (Amendment) Bill 2013 to the Legislative Council Bills Committee (LC Paper No. CB(1)1260/12-13(01)). The Bill sought to amend the Inland Revenue Ordinance (Cap 112) ("IRO") to enable the Hong Kong SAR to enter into tax information exchange agreements ("TIEA") with other jurisdictions and also to enhance the exchange of information arrangement under the comprehensive avoidance of double taxation agreement ("CDTA"), which is already in place under the current IRO.

Under the TIEA regime, the information disclosed by the Commissioner of Inland Revenue ("CIR") may be used for such "*other non-tax related purposes*" as are specified under the laws of both sides (i.e. Hong Kong and the requesting party), and the CIR authorises such use. The Commissioner raised concern about the vagueness of the term "*non-tax related purposes*". The primary concern was how the information disclosed would be used by the requesting party and for what purposes.

The Commissioner also pointed out that the application of the Bill could result in the personal data of Hong Kong taxpayers being transferred by the CIR outside Hong Kong for use by law enforcement agencies in relation to an overseas offence. It is not clear under the Bill if the overseas offence is invariably connected with legal or law enforcement cooperation between Hong Kong and the overseas jurisdiction (so as to accord with the definition of "crime" under section 58(6) of the Ordinance). The Commissioner suggested that if the Legislative Council Bills Committee took the view that there was sufficient justification to grant the widened exemption to the CIR, safeguards must be included to ensure the CIR's authorised "*non-tax related purposes*" under the proposed TIEA regime would be justified on legitimate grounds such as serving public interest.

The Administration informed the Bills Committee that measures would be taken to ensure that the use of the information disclosed would be protected by the Ordinance and fall within the exemption provision under section 58 of the Ordinance in relation to crime (LC Paper No. CB(1)1285/12-13(02)). The Bill was passed during the year.

法律改革委員會就纏擾行為提出的建議

私隱專員亦就當局的《外地實施反纏擾行為法例的經驗》文件（立法會 CB(2)471/13-14(03) 號文件）提供意見。在該文件中，當局的顧問建議把特定類別的活動豁免於新的纏擾罪行。私隱專員雖然支持就新聞採訪提供特定的豁免，但認為該顧問建議的豁免過於寬鬆，令人懷疑有關情況下會否達不到規管纏擾活動的目的。

該顧問建議的特定豁免，聚焦於這些活動是否依據適當權限或合法目的而進行。私隱專員認為，這實際上意味只要這些活動是由傳媒機構所聘的自僱人士或獲適當授權的僱員進行，一般會落入該顧問建議的豁免範圍。因此，這方法未必能有效規管無理的纏擾活動。

私隱專員以公署所接獲三名藝人的投訴為例，他們指稱被雜誌偷拍家中私生活，照片被刊登。有關照片明顯是在他們不知情下，被人透過有系統監察及特別攝影器材，在家居遠處拍攝的。私隱專員認為這類由雜誌進行的活動應受日後的纏擾法例規管。不過，該顧問建議的豁免會給予雜誌社免責辯護，因為有關活動是受僱於雜誌社的攝影師進行的。私隱專員向當局重申，新聞活動的豁免應只限於「合法新聞採訪活動」，而不是所有形式的新聞採訪活動，以便在新聞自由與個人私隱之間取得平衡。

其後，當局向立法會匯報，在實施反纏擾法例的不同方案方面，意見明顯仍然嚴重分歧，沒有一個方案獲得大多數人的支持。當局總結表示，現時未有合適的條件讓他們就此再作跟進就纏擾行為立法。

The Law Reform Commission's proposal on stalking

The Commissioner also commented on the Administration's paper on "Overseas Experience in Implementing Anti-Stalking Legislation (LC Paper No. CB(2)471/13-14(03)). In the paper, the Administration's consultant proposed that specific categories of activities be exempted from the new stalking offence. While supporting the idea of providing specific news gathering exemptions, the Commissioner considered the consultant's proposed exemptions to be too wide and questioned whether it would defeat the purpose of regulating stalking activities under the relevant circumstances.

The consultant's proposed specific exemptions focused on whether such activities were conducted pursuant to proper authority or legitimate purposes. The Commissioner considered that, in effect, it meant that as long as the activities were carried out either by freelancers engaged by a media organisation or its employees with proper authority, they would generally fall within the consultant's proposed exemptions, so the approach might not effectively regulate unjustified stalking activities.

The Commissioner cited the complaints received by his Office from three artistes who alleged that photos of their private life at home were taken surreptitiously and published in magazines. The photos were apparently taken from a considerable distance outside their premises, without their knowledge, through systematic surveillance and using special photographic equipment. The Commissioner took the view that these types of activities carried out by the magazines should be regulated under the future stalking legislation, but that the proposed exemptions by the consultant would give the magazines a defence, as the activities would be carried out by the photographers under the employment of the magazines. The Commissioner reiterated to the Administration that the exemption for news activities should be restricted to "legitimate news-gathering activities", not all forms of news-gathering activities, in order to strike a proper balance between press freedom and the privacy of individuals.

Subsequently, the Administration reported to the Legislative Council that there were clearly still very divergent views on the different approaches for enacting anti-stalking legislation, and none of the approaches seemed to be supported by a majority. The Administration concluded that there were no favourable conditions for them to pursue legislating against stalking.

本年度私隱專員亦就以下的立法建議和行政措施建議提出意見：

During the year, the Commissioner also made submissions on the following proposed legislation and administrative measures:

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/ administrative measures
商務及經濟發展局 Commerce and Economic Development Bureau	建議在有關成立旅遊業監管局的新條例草案下，就旅行代理商設立公共登記冊 Setting up public registers on travel agents under the proposed Travel Industry Bill 《玩具及兒童產品安全（附加安全標準或規定）規例》 Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation
環境保護署 Environmental Protection Department	《2013 年廢物處置（修訂）條例草案》 Waste Disposal (Amendment) Bill 2013
財經事務及庫務局 Financial Services and Treasury Bureau	建議根據《2013 年證券及期貨（修訂）條例草案》就「系統重要參與者」設立公共登記冊 Setting up a public register on "Systemically Important Participants" under the Security and Futures (Amendment) Bill 2013 《2014 保險公司（修訂）條例草案》 Insurance Companies (Amendment) Bill 2014
保安局 Security Bureau	檢討《截取通訊及監察條例》 Review of the Interception of Communication and Surveillance Ordinance
運輸及房屋局 Transport and Housing Bureau	《2013 年商船（海員）（修訂）條例草案》 Merchant Shipping (Seafarers) (Amendment) Bill 2013

法律協助計劃

條例第 66 條規定，任何人如因資料使用者違反條例的規定而蒙受損害，則該名個人有權向有關的資料使用者申索補償。私隱專員可依據條例第 66B 條（於 2013 年 4 月 1 日生效的新條文）向有意提起法律程序以尋求補償的人給予法律協助。公署提供法律協助的形式包括提供法律意見、調解，及由私隱專員的法律人員或外聘的律師為受助人在法庭作為法律代表行事。私隱專員的根據《個人資料（私隱）條例》提出民事申索的法律協助資料單張闡述申請法律協助的程序，及私隱專員處理申請時所考慮的因素。

在計劃推出第一年，私隱專員接獲 17 宗申請，其中 15 宗（88%）曾經在事前向公署作出投訴。

這些申請涉及下述違規指稱：(i) 過度及不公平收集個人資料，(ii) 使用或披露個人資料，(iii) 使用個人資料作直接促銷活動，及 (iv) 查閱及改正資料要求。（圖 4.4）

LEGAL ASSISTANCE SCHEME

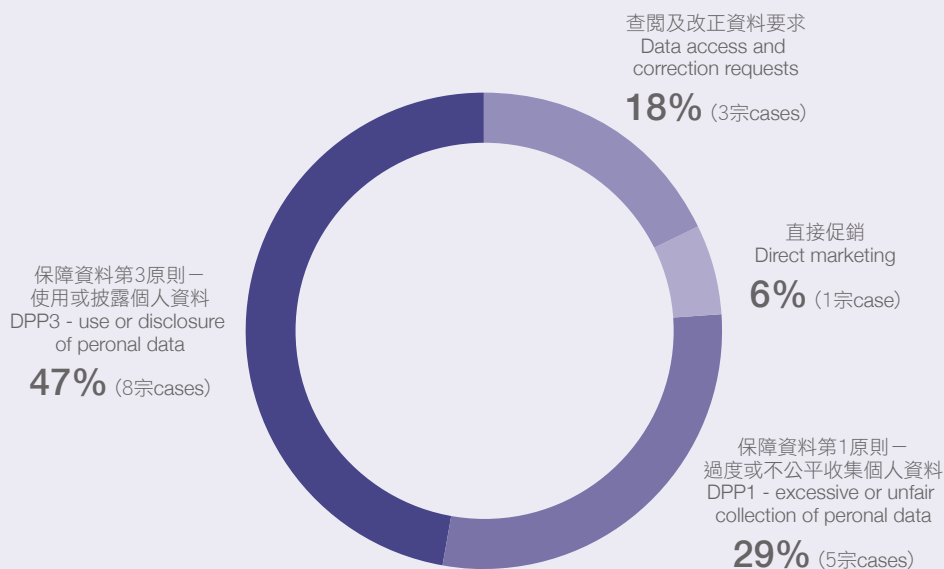
Section 66 of the Ordinance provides that an individual who suffers damage by reason of a contravention of a requirement under the Ordinance by a data user may be entitled to compensation from that data user for that damage. The Commissioner may, pursuant to section 66B of the Ordinance (a new provision which took effect on 1 April 2013), grant legal assistance to the aggrieved individual who intends to institute proceedings to seek compensation. Legal assistance may be granted in the form of legal advice, mediation or legal representation to the assisted person in court by the Commissioner's legal staff or external lawyers engaged by the Commissioner. The Commissioner's Information Leaflet entitled *Legal assistance for civil claims under the Personal Data (Privacy) Ordinance* explains the procedure for applying for legal assistance and the factors that the Commissioner considers in processing the applications.

During the first year of launching the scheme, 17 applications were received, of which 15 (88%) were preceded by a complaint lodged with the PCPD.

These applications involved alleged contraventions under the Ordinance in respect of (i) excessive or unfair collection of personal data, (ii) use or disclosure of personal data, (iii) use of personal data for direct marketing activities, and (iv) data access and correction requests. (Figure 4.4)

圖4.4：違規指控的性質

Figure 4.4: Nature of alleged contraventions

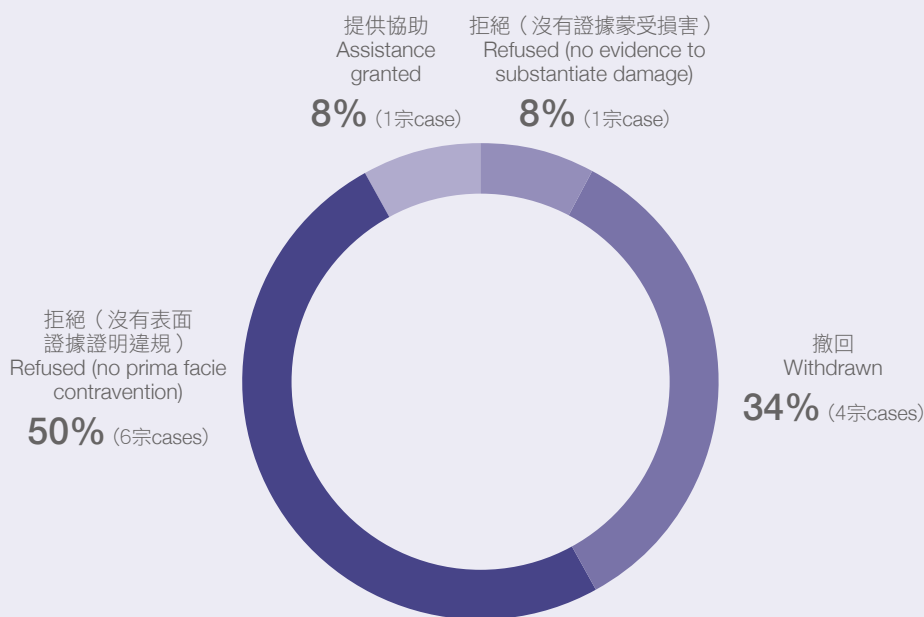


本年內公署已完成處理 12 宗申請，五宗申請在年結時仍在考慮中。在已完成的 12 宗個案中，一宗獲給予法律協助，四宗由申請人撤回，七宗被拒。申請被拒的主要原因包括沒有表面證據證明違反條例，及未能舉出證據證明蒙受損害。撤回申請的主要原因是重複申請及證據不足。

Twelve applications were completed by the PCPD during the year, and five applications were still under consideration as at the year end. Of the 12 cases completed, one was granted legal assistance, four were withdrawn by the applicants and seven were refused. The main reasons for refusing applications were the absence of prima facie evidence of contravention of the Ordinance and failure to adduce evidence to substantiate any damage suffered. The reasons for withdrawal were mainly duplication of applications and insufficient evidence.

圖4.5：法律協助申請的結果

Figure 4.5: Outcome of legal assistance applications



至於已獲批法律協助的個案，在年結時尚沒有申索補償的結果，亦未展開法庭程序。

In respect of the case where legal assistance was granted, no outcome as regards compensation had been reached and no court proceedings had commenced as at the end of the reporting year.



提升資料保障意識

Promoting Data Protection Awareness

教育及推動參與

Education and Engagement

機構傳訊部運用傳媒、刊物及公眾教育宣傳推廣條例，舉辦培訓以促進機構認識條例的規定，與傳媒及持份者建立夥伴關係。

The Corporate Communications Division promotes the Ordinance through the media, PCPD publications, and public-education programmes; organises and conducts training for organisations on the requirements under the Ordinance; and manages media and stakeholder relationships.



機構傳訊部
Corporate Communications Division



推動機構保障私隱

公署倡導私隱管理系統的工作

公署為推廣私隱管理系統及表揚承諾推行的機構，在 2013 年 12 月至 2014 年 2 月期間舉行了一系列活動。

2013 年 12 月 17 日 - 個人資料及私隱保障 CEO 專題早餐會議

前英國個人資料專員 Richard THOMAS 來港分享個人資料保障對企業管治的重要性，有近 70 名來自政府部門、銀行、保險、電訊、公共事業、商會、專業團體的行政總裁和高層行政人員出席，其中包括行政及立法會成員。

ENGAGING ORGANISATIONS IN PRIVACY PROTECTION

What the PCPD has done to promote Privacy Management Programme “PMP”

To promote PMP and to acknowledge the support of the pledging organisations, the PCPD organised a series of activities between December 2013 and February 2014.

17 December 2013 – CEO Breakfast Meeting on Privacy and Data Protection

Mr Richard THOMAS, the former UK Information Commissioner, was invited to share his views on the importance of data protection from a corporate-governance perspective. The talk was well attended by some 70 CEOs and senior executives of local organisations in different sectors, such as government, banking, insurance, telecommunications, public utilities, chambers of commerce and professional bodies. Also among them were members of the Executive Council and Legislative Council.



Richard Thomas（右）與一眾行政總裁和高層行政人員分享其在企業管治及資料保障方面的經驗。

Mr Richard Thomas (right) shared with CEOs and senior executives his experience in privacy protection in corporate governance.



行政會議成員陳智思先生和立法會政制事務委員會主席譚耀宗先生均有出席。

Among the attendees were Executive Council member the Honourable Bernard Chan and Chairman of the Legislative Council Panel on Constitutional Affairs the Honourable Tam Yiu-chung.

2014 年 1 月 17 日 - 向政府部門首長作簡報

私隱專員應邀出席由政務司司長主持的政府部門首長會議，簡介公署這方面的工作。

17 January 2014 – Briefing to Department Heads of the HKSAR Government

The Commissioner delivered a presentation at a meeting of Government's Department Heads chaired by the Chief Secretary.

2014 年 2 月 11 日 - 保障私隱與企業管治國際會議

會議邀請了多位本地和海外私隱保障專家和顧問在會上分享如何推行以問責為本的私隱管理系統，並提供了專業而實用的工具和範本。本地及跨國企業主管私隱保障的專業人員均分享了推行成功私隱管理系統的心得和經驗。逾 250 名政府行政人員及本港企業的法律及符規專業人員就如何在各自的機構內建立及推行私隱管理系統向講者汲取實際經驗。

11 February 2014 – International Conference on Privacy Protection in Corporate Governance

Local and international privacy practitioners and consultants spoke at the Conference and provided the best-in-class tools and templates for implementing PMP using the accountability-based approach. Insights and experience on implementing successful PMPs were also shared by representatives of local and multinational corporations. Over 250 government administrators, as well as legal and compliance professionals, picked up practical advice from speakers on how to build and maintain PMPs in their organisations.



會議吸引了逾 250 名不同行業的行政人員、資料保障主任和顧問出席。

The conference attracted the participation of over 250 administrators, data protection officers and consultants from various sectors.

會議主持 Moderator

Mr Malcolm CROMPTON, Managing Director, Information Integrity Solutions Pty Ltd, Australia and Former Australian Privacy Commissioner

大會講者 Speakers

Ms Bojana BELLAMY, President, Centre for Information Policy Leadership at Hunton & Williams, UK

香港電訊集團 高級法律顧問 鄭衛賓先生

Mr Chris CHENG, Senior Group Legal Adviser, HKT Group, Hong Kong

八達通控股有限公司 行政總裁 張耀堂先生

Mr Sunny CHEUNG, Chief Executive Officer, Octopus Holdings Limited, Hong Kong

中華電力香港有限公司 法律總顧問 (香港) 鍾王穎婷女士

Mrs Elaine CHONG, General Counsel-Hong Kong, CLP Power Hong Kong Limited, Hong Kong

Mr J Trevor HUGHES, President and CEO, International Association of Privacy Professionals (IAPP), US

Ms Karinna NEUMANN, Certified Privacy Professional, Nymity, Canada

討論會講者 Panel Speakers

Mr Mikko NIVA, Director, Privacy, Nokia Corporation, Finland

Ms JoAnn STONIER, Executive Vice President, Chief Information Governance and Privacy Officer, MasterCard Worldwide, US

Mr Scott TAYLOR, Vice President and Chief Privacy Officer, Hewlett-Packard Company, US



本地及海外私隱保障專家交流如何在機構內建立及推行私隱管理系統。

Local and overseas privacy professionals exchanged views on how to build and maintain a PMP in organisations.

回響

Feedback

「感謝私隱專員籌辦這個精彩會議……會議的質素、安排及參加者的踴躍，都令我印象深刻。」

“Let me add my thanks to the Commissioner for the wonderful event... I was very impressed with the quality of the programme, the organisation, and the strong attendance.”

Mr J Trevor HUGHES, President and CEO, International Association of Privacy Professionals (IAPP), US

「……我們互相學習、交流在資料私隱管理及循規方面的最佳行事方式，藉此建立聯繫，實在是難得的盛會。」

這次會議令我們獲益良多，而且籌辦水準一流，本地和外地講者演講內容精彩……」

“... These are all invaluable moments of sharing and mutual learning, that really do build bridges and common best practices in data privacy management and compliance.

We all thoroughly enjoyed the conference and thought it was superbly organised and executed, with excellent content both from local and foreign speakers...”

Ms Bojana BELLAMY, President, Centre for Information Policy Leadership at Hunton & Williams, UK

「我們在香港期間，多謝公署的接待。我很高興得悉會議成功舉辦，而我們的環節亦深受好評。」

“Thank you for being such a wonderful host while we were in Hong Kong. I am very happy to hear that the conference was a success and that our session was well received.”

Ms JoAnn STONIER, Executive Vice President and Chief Information Governance and Privacy Officer, MasterCard Worldwide, US

「會議內容豐富，非常有用，安排妥善。」

“(The meeting) It’s very informative, useful and well-organised.”

孖士打律師行資深顧問黃錦山先生

Mr Kenny WONG, Senior Consultant, Mayer Brown JSM

「你（私隱專員）領導企業和社會的影響力、活動的規模、對消費者的重視以及熱誠的團隊，都令我留下深刻的印象……」

“I was very impressed by so many things – your (the Commissioner's) influence amongst the business and political leadership, the scope of your activities, the emphasis on consumer satisfaction, the enthusiasm of your staff...”

Mr Richard THOMAS, Former Information Commissioner, UK

2014 年 2 月 12 日 - 私隱影響評估專業研習班

由個人資料私隱策略顧問、前任澳洲私隱專員 Malcolm CROMPTON 講授兩節研習班，逾 120 人參加。

12 February 2014 – Professional Workshops on Privacy Impact Assessment (“PIA”)

More than 120 people attended two workshops delivered by Mr Malcolm CROMPTON, a data privacy strategies consultant and former Australian Privacy Commissioner.



參加者在研習班中分析私隱影響評估個案。
Participants analysed PIA cases in the workshop.

2014 年 2 月 18 日 - 私隱管理系統推展儀式

在特區政府、香港保險業協會和香港通訊業聯會的協力提倡下，香港特別行政區政府與 25 間保險公司、九間電訊公司及五間其他行業的機構，均承諾推行保障私隱系統。私隱管理系統推展儀式由政制及內地事務局副局長劉江華擔任主禮嘉賓。

18 February 2014 – Privacy Management Programme Pledge Ceremony

With the tremendous support of the HKSAR Government, the Hong Kong Federation of Insurers, and the Communications Association of Hong Kong, pledges to implement PMPs were made by the HKSAR Government bureaux and departments, 25 companies from the insurance sector, nine companies from the telecommunications sector and five organisations from other sectors. The pledge ceremony was officiated by Mr LAU Kong-wah, Under Secretary for Constitutional and Mainland Affairs.



私隱專員感謝特區政府、香港保險業協會和香港通訊業聯會協力提倡推行私隱管理系統。

The Commissioner acknowledged the help and support provided by HKSAR Government, the Hong Kong Federation of Insurers and Communications Association of Hong Kong in advocating the implementation of PMP.



推行私隱管理系統得到保險業界總裁和高層行政人員的大力支持。

CEOs and senior executives from the insurance industry showed unstinting support for the implementation of PMPs.





香港保險業協會和香港通訊業聯會的代表出席儀式，以表支持。

Representatives from the Hong Kong Federation of Insurers and the Communications Association of Hong Kong attended the ceremony to show their support.



私隱專員與主禮嘉賓政制及內地事務局副局長劉江華先生、莫乃光議員、香港通訊業聯會代表及承諾推行私隱管理系統的電訊公司代表合照。

Group photo of the Commissioner; officiating guest Mr. Lau Kong-wah, Under Secretary for Constitutional and Mainland Affairs; the Honourable Charles Mok; Representatives from the Communications Association of Hong Kong; and the pledging companies in the telecommunications industry.



五間來自其他界別的大型機構均承諾推行私隱管理系統。

Five major organisations from other sectors also pledged to implement PMPs.



2014 年 2 月 - 推出私隱管理系統網站 (www.pcpd.org.hk/pmp)

公署透過新推出的私隱管理系統網站，表揚承諾推行或支持私隱管理系統的機構，並提供一系列資源協助機構建立其私隱管理系統。

February 2014 – Launch of the Privacy Management Programme Website (www.pcpd.org.hk/pmp)

The PCPD established an online platform to acknowledge the organisations which have pledged to support or implement PMPs. Organisations are also welcome to refer to the resources on the website when formulating their PMPs.



今年度參與籌備的多項「私隱管理系統」系列活動中，以「保障私隱與企業管治國際會議」令我特別難忘。我們很榮幸，邀請到來自世界各地的專家出席，與超過 250 名與會人士分享經驗。今次會議這樣成功，關鍵實有賴同事間的緊密合作。會議在社會上帶起了尊重私隱的文化，證明這年來我們的努力是沒有白費的，亦是對我們團隊的肯定。

Among the various activities related to the PMP organised this year, the preparation for the International

Conference on Data Privacy in Corporate Governance deeply impressed me. We were proud to have invited experts from all over the world to share their experience in implementing PMP with over 250 participants. In retrospect, close cooperation among my colleagues was the key to the success of the event. The Conference helped foster a culture of respect for privacy in the community, which proved that our efforts during the year were worth it, and our hard work was recognised.



張釗文 機構傳訊部 行政助理

Kavin CHEUNG

Administrative Assistant, Corporate Communications Division

推廣規管直銷活動機制的新規定

規管直銷活動機制的新條文於 2013 年 4 月 1 日生效。為促進各方依從規管直銷活動的機制，公署夥拍下列商會舉行了八場研討會：

- 香港中華廠商聯合會
- 香港總商會
- 香港資訊科技商會及香港互動市務商會（連同立法會（資訊科技）莫乃光議員）
- 香港生產力促進局中小企一站通
- 香港零售管理協會
- 香港貿發局中小企服務中心

（詳見附錄三）

Promoting understanding of the new requirements of the regulatory regime on direct marketing activities

The new provisions on the regulation of direct marketing activities came into force on 1 April 2013. To facilitate compliance with the new requirements in relation to direct marketing activities, eight seminars were conducted in partnership with the following organisations:

- Chinese Manufacturers' Association of Hong Kong
- Hong Kong General Chamber of Commerce
- Hong Kong Information Technology Federation and the Hong Kong Association of Interactive Marketing (in conjunction with Legislative Councillor (IT) Honourable Charles Mok)
- Hong Kong Productivity Council SME One
- Hong Kong Retail Management Association
- Hong Kong Trade Development Council SME Centre

(See Appendix 3 for details)

直接促銷的專業研習班場次
Number of Workshops on
Direct Marketing **26**
參加人數
Number of Participants **1,079**

公署並舉辦了 26 場有關直接促銷的專業研習班，其中包括兩個行政工作坊，由法律界從業員擔任講者。參加者主要來自銀行、保險、電訊及零售業的保障資料主任、循規人員、法律人員及市場推廣從業員，也有個別公眾人士和商業機構代表參加。

26 professional workshops on direct marketing were also held including two executive workshops on the topic from a legal practitioner's perspective. Participants included data protection officers, compliance officers, legal practitioners, marketing practitioners and personnel from the banking, insurance, telecommunications and retail industries, as well as members of the public and other private sector firms.



夥拍不同商會舉行研討會推廣規管直銷機制的新規定。

Seminars were conducted in partnership with various organisations to promote understanding of the new requirements of the regulatory regime on direct marketing.

回響

Feedback

「衷心感謝你（機構傳訊經理陳培玲女士）的精彩演講。會員對這新例的了解肯定增加不少。你與參加者的交流有助澄清他們對新規定的疑慮及疑問。」

“Please accept our heartfelt gratitude for your (Ms Carol Chan, Corporate Communications Manager) inspiring presentation. Our members have definitely learnt a lot about the new law from you. The exchange between you and seminar participants is believed to help clarify worries and queries regarding the new regulation.”

香港總商會政策及中國商務副總裁陳利華先生

Mr Watson CHAN, Senior Director, Policy & China Business, Hong Kong General Chamber of Commerce

「你（機構傳訊經理陳培玲女士）的演講資料豐富，甚具啟發性。參加者從你的智慧之言肯定獲益良多，並對直接促銷的資料收集及使用獲得寶貴的見解。」

“Your (Ms Carol Chan, Corporate Communications Manager) speech was most informative and enlightening. The participants have no doubt benefited immensely from your words of wisdom and gained valuable insight into data collection and use for direct marketing.”

香港中華廠商聯合會經理顏紅曉先生

Mr Hilson YAN, General Manager, The Chinese Manufacturers' Association of Hong Kong

「研發流動應用程式 顧及保障個人資料」講座

鑑於流動應用程式普及，2013年5月公署抽查60款應用程式，結果顯示它們的私隱政策透明度普遍不足。公署於是加強教育工作，在2014年1月起，為應用程式開發商舉辦「研發流動應用程式 顧及保障個人資料」講座，這講座獲得十個專業機構支持。

- 香港通訊業聯會
- 香港電腦學會
- 香港互動市務商會
- 香港資訊科技商會
- 香港無線科技商會
- 互聯網專業協會
- 香港互聯網協會
- 香港專業資訊保安協會
- 國際信息系統審計協會（中國香港分會）
- 香港工程師學會 - 資訊科技分部

Seminar on Developing Mobile Apps with Privacy Protection in Mind

Mobile apps have become ubiquitous and have transformed business operations and our lives. As revealed in the Hong Kong Sweep of 60 apps in May 2013, transparency, in terms of privacy policy, was generally inadequate. The PCPD has stepped up its educational efforts by conducting seminars entitled "Developing Mobile Apps with Privacy Protection in Mind", targeting app developers since January 2014. The initiative was supported by 10 professional associations.

- Communications Association of Hong Kong
- The Hong Kong Computer Society
- Hong Kong Association of Interactive Marketing
- Hong Kong Information Technology Federation
- Hong Kong Wireless Technology Industry Association
- Internet Professional Association
- Internet Society Hong Kong
- Professional Information Security Association
- Information Systems Audit and Control Association (ISACA), China Hong Kong Chapter Limited
- Hong Kong Institution of Engineers - IT Division

保障個人資料專業研習班

公署自 2011 年 4 月起定期舉辦專業研習班，讓機構深入了解如何遵從條例的要求。去年度共舉辦 89 場次的專業研習班，參加人數超過 2,810 人。我們邀請了 28 個專業團體和行業協會成為支持機構，研習班題目計有：

- 資料保障法律研習班
- 資料保障與查閱資料要求
- 銀行 / 金融服務的資料保障
- 直接促銷活動的資料保障
- 人力資源管理的資料保障
- 保險業的資料保障
- 內部資訊科技管理的資料保障
- 最新的資訊及通訊科技與資料保障

18%

專業研習班參加人數增多
Workshops participants increased

Professional compliance workshops

To provide in-depth knowledge on how to comply with the Ordinance, the PCPD has been conducting professional compliance workshops on a regular basis since April 2011. During the year, 89 workshops were held with over 2,810 participants. The workshops were supported by 28 professional organisations and trade associations, and featured the following topics:

- Legal Workshop on Data Protection
- Data Protection and Data Access Requests
- Data Protection in Banking/Financial Services
- Data Protection in Direct Marketing Activities
- Data Protection in Human Resource Management
- Data Protection in Insurance
- Data Protection in Internal IT Management
- The Latest ICT and Data Protection



為個別機構提供講座

公署在本年度為 61 間公私營機構提供了 85 場度身訂造的培訓講座，講解修訂條例實施的情況。

(公署曾提供講座的機構可參考附錄四)

In-house seminars

To meet the growing demand resulting from the commencement of the new requirements under the Amendment Ordinance, the PCPD delivered 85 tailor-made training sessions for 61 organisations in the public and business sectors during the year.

(See Appendix 4 for details of organisations to which PCPD delivered talks)

18%

為個別機構提供講座
場次上升
Number of in-house seminars increased



保障資料主任聯會

公署於 2000 年創立保障資料主任聯會，為機構的保障資料人員提供一個交流經驗和培訓的平台，促進知識的增長和符規的實踐。

本年度，公署為保障資料主任聯會會員安排了四次簡佈會，介紹私隱保障事宜及修訂條例實施的新知。

截至 2014 年 3 月底，聯會有 557 名會員（包括個人及機構會員），較上年度增加 60%。會員來自公、私營機構，他們分別具循規、法律事務、規管、執法 and 客戶服務方面的背景。

Data Protection Officers' Club ("DPOC")

The PCPD established the DPOC in 2000 to provide practising data protection officers with a platform for advancing the knowledge and practice of data privacy compliance through experience sharing and training.

During the year, PCPD held four briefing sessions for DPOC members in relation to the latest privacy protection issues and the implementation of the Amendment Ordinance.

DPOC membership reached 557 by the end of March 2014 with a 60% increase compared to that of last year. The individual and organisational members have backgrounds in compliance, legal affairs, regulatory fields, law enforcement and customer relations, in both the public and private sectors.

聯會會員
較上年度增加
DPOC
membership
with a
60%
increase



保障資料主任聯會歡迎會。
Welcome reception for DPOC members.



私隱專員在 2013 年 5 月 2 日舉行的保障資料主任聯會歡迎會上致辭。
The Commissioner delivered a welcome speech to the DPOC members at the welcome reception on 2 May 2013.



會員在「擬備收集個人資料聲明及私隱政策聲明工作坊」中進行討論。
Discussion at the "Workshop on Preparing Personal Information Collection Statements and Privacy Policy Statements".

行業保障私隱活動

零售業前線人員在日常工作中，經常會接觸到客戶和員工的個人資料。有見及此，公署與香港零售管理協會自2013年六月合作推展主題為「卓越零售，保障私隱」的行業保障私隱活動，目標是增進業界對條例的認識，提倡良好行事方式。活動更成立了工作小組，分享零售商在營運上會涉及個人資料的業務範疇和業界關注的事項，參與是次工作小組的成員包括香港零售管理協會經理樊麗儀女士、利亞零售有限公司人才管理及發展高級經理潘寶珍女士、香港必勝客管理有限公司市務經理廖婷英女士及美心食品有限公司法律顧問戴敬慈女士。

零售商在許多情況下均會收集及處理個人資料（例如會員計劃、推廣活動等），工作小組因而建議以這些實際運作為基礎，編制了「零售業保障私隱面面觀」講座，並為切合不同工作性質的需要，制定了一系列的培訓課程，務求提昇從業員對個人資料私隱保障的意識。活動於本年度舉辦了19場講座及專業研習班。

零售服務業保障私隱活動吸引

來自超過 **110** 間公司約
1,245 名從業員參加

During the "Privacy Campaign for the Retail Industry", the PCPD attracted 1,245 practitioners from over 110 organisations

公署亦製作了一套網上評估測試工具，就零售業前線人員涉及處理個人資料的常見場景，解釋條例的規定，並提供實用貼士，以助從業員在遵從條例要求的前提下，有效地完成相關工作。

Industry-specific privacy campaign

Frontline retailers are frequently required to handle the personal data of their customers and co-workers in their daily duties. In view of this, the PCPD collaborated with the Hong Kong Retail Management Association ("HKRMA") in June 2013 to launch an industry-specific campaign, called "Driving Retail Excellence through Privacy Assurance". The purpose of the campaign was to promote understanding of data-protection requirements under the Ordinance and share good privacy practices among industry members. Also, a working group was set up for retailers to discuss compliance issues in various business environments and other concerns. Members of the working group included Ms Veronica FAN, Manager of the HKRMA; Ms Carol POON, Senior Manager-Talent Management & Development of the HRA Division of Convenience Retail Asia Ltd; Ms Liane LIU, Marketing Manager of Pizza Hut Hong Kong Management Ltd; and Ms Rachel DAI, Legal Counsel of Maxim's Caterers Ltd.

Since retailers in their business operations collect and handle personal data for various purposes (e.g. membership applications and promotional activities), the working group suggested focusing on these data practices. The collaborative effort resulted in the organisation of a "Retail Operation Seminar". The working group also planned a series of training programmes to enhance compliance among retail workers with different job types. During the year the PCPD organised 19 seminars and professional workshops.



在2013年6月25日舉行的「零售業保障私隱活動」開展儀式。

The kick-off ceremony of the "Privacy Campaign for the Retail Industry" was held on 25 June 2013.

Aiming to help frontline staff in the retail sector do their job efficiently without violating the Ordinance, the PCPD has also developed an online assessment tool to explain the stipulations set out in the Ordinance, together with some useful tips, using common scenarios involving personal data processing by retailers.



私隱專員與香港零售管理協會主席麥瑞琮女士（右）為「零售業保障私隱活動」揭開序幕。

The Commissioner and Chairman of the Hong Kong Retail Management Association Ms Caroline Mak (right) officiated at the kick-off ceremony of the "Privacy Campaign for the Retail Industry".



業界代表中華電力有限公司法律總顧問鍾王穎婷女士（右）及公署機構傳訊部經理陳培玲女士即場解答問題。

Industry representative Mrs Elaine Chong, General Counsel, CLP, and Ms Carol Chan (right), Corporate Communications Manager of the PCPD, responded to questions on the spot.



這套網上評估工具為零售業前線人員解釋條例的規定，並提供實用的應對貼士。

The PCPD developed an online assessment tool to explain the stipulations set out in the Ordinance, together with some practical tips, useful for frontline retail practitioners.



公署為零售服務業界舉行不同的講座，令從事不同範疇工作的零售業從業員了解條例的規定。

The PCPD organised a series of training programmes to enhance compliance among the retail workers with different job types.

回響

Feedback

「我們的同事很欣賞經驗分享、實例應用及播放的短片。這講座肯定提高了他們對條例的了解，有助他們履行職責。」

"Our participants enjoyed the sharing, application examples as well as the videos played. The seminar definitely increased their understanding on the Ordinance and facilitated their exercise on job role responsibility."

牛奶有限公司培訓及發展部陳啟珊女士

Ms Anna CHAN, Learning & Development Team, The Dairy Farm Company, Limited

演講

為推動機構建立尊重私隱的文化，私隱專員與公署人員在本年度向不同持份者，特別是高層行政人員發表了 26* 次演講，鼓勵機構制訂全面的保障私隱策略。公署相信機構在策略上尊重私隱，有助機構做到真正以客為本，業務持續成功。

* (包括在 2013 年的行業保障私隱活動致辭)

Speaking engagements

To foster the inculcation of a privacy-respectful culture in organisations, the Commissioner and his team delivered 26* speeches during the year, engaging a broad range of stakeholders, in particular senior executives, to encourage them to incorporate a corporate-wide privacy strategy in their organisations. The PCPD believes that the strategic importance of privacy-friendliness is that it helps an organisation to be truly customer-centric, and achieve an enduring and higher level of business success.

* (including a speech for the industry specific campaign 2013)

私隱專員蔣任宏的演講：

Speaking engagements by the Commissioner Mr Allan Chiang:

2013.04.11	為香港浸會大學新聞學系講座主講「如何在私隱保障及新聞自由之間取得平衡」	Guest lecture to journalism students on the topic How to Strike a Balance between Privacy Protection and Press Freedom , organised by Hong Kong Baptist University
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2013.05.24	在香港僱主聯合會的週年午餐會分享「資料保障：6 項原則與 10 個迷思」	Talk on Data Protection: 6 Principles and 10 Myths , at the Annual General Meeting luncheon of the Employer Federation of Hong Kong
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2013.05.27	在物業管理業保障私隱活動閉幕典禮上致辭	Delivered speech at the closing ceremony of the Privacy Campaign for the Property Management Industry
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2013.06.06	在香港優質顧客服務協會舉辦的「服務臻善 跨越新世代 由欣賞服務開始」高管領導論壇暨起動儀式中，私隱專員呼籲高級管理人員及協會的幹事把私隱及資料保障納入企業管治責任之中	The Commissioner appealed to senior executives and the Hong Kong Association for Customer Service Excellence ("HKACE") Executive Committee to embrace privacy and data protection as part of corporate governance responsibility at the HKACE Executive Leaders Forum cum Launch Ceremony "Excel Beyond Limits – Starts with Service Appreciation"
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|------------|--|--|
| 2013.06.21 | 在澳門個人資料保護辦公室及澳門刑事法研究會主辦的兩岸三地個人資料保護論壇主講「香港個人資料保護制度現狀與展望」 | Talk on the Current State and Future Development of the Personal Data Protection System in Hong Kong at a forum on "Cross-strait Personal Data Protection" organised by Office of Personal Data Protection, Macao and the Associação de Estudo de Direito Criminal de Macao |
| 2013.06.22 | 在香港新聞行政人員協會舉辦的「私隱法對傳媒的衝擊研討會」剖析私隱新例的執行 | Discussion of the Amendment Ordinance at a seminar entitled Privacy Law's Impact on the Mass Media , organised by Hong Kong News Executives' Association |
| 2013.07.08 | 在香港大學法律學院舉辦的第三屆亞洲私隱學術會議上發表專題演說，題目為「查閱公共領域資料與保障個人資料之間的平衡」 | Keynote presentation on the Balance Between Access to Public Domain Information and the Protection of Personal Data at the Third Asian Privacy Scholars Network Conference, organised by the Faculty of Law, The University of Hong Kong |
| 2013.07.11 | 在德勤關黃陳方會計師行舉辦的「你認為網絡保安是最可怕的噩夢嗎」活動上發表演講 | Speech at the Deloitte Touche Tohmatsu Networking Event "Would Cybersecurity be Your Worst Nightmare" |
| 2013.09.12 | 在英商會的午餐會主講「私隱及資料保障的迷思」 | Talk on Myths about Privacy and Data Protection at a British Chamber of Commerce luncheon |
| 2013.11.11 | 在快活谷扶輪會的聚會主講「私隱及資料保障的迷思」 | Talk on Myths about Privacy and Data Protection at a Rotary Club of Happy Valley dinner gathering |



- | | | |
|------------|---|--|
| 2014.01.17 | 在政府部門首長例會上向決策局秘書長及部門首長主講「私隱和資料保障：企業管治不可或缺的一環」 | Talk on Embrace Privacy and Data Protection as part of Corporate Governance at a Government Heads of Department Meeting (attended by Bureau Secretaries and Heads of Departments) |
| 2014.03.31 | 在 2014 國際私隱專業人員協會私隱論壇上主講「私隱和資料保障：企業管治不可或缺的一環」 | Talk on Embrace Privacy and Data Protection as part of Corporate Governance at the International Association of Privacy Professionals Asia Privacy Forum 2014 |



其他演講：

Other occasions:

2013.04.11	資訊科技顧問張宗頤博士在香港電腦保安事故協調中心、政府資訊科技總監辦公室與香港警務處舉辦的共建安全網絡 2013 - 「企業如何應對資訊保安威脅」研討會主講「保障私隱 防止資料外洩」	IT Advisor Dr Henry Chang delivered a talk on Protecting Data Privacy and Preventing Data Leakage at Build a Secure Cyberspace 2013 - "Secure Your Business Against Security Threats" Seminar, organised by Hong Kong Computer Emergency Response Team Coordination Centre, the Office of the Government Chief Information Officer and Hong Kong Police Force
2013.04.24	資訊科技顧問張宗頤博士在香港數碼分析協會主辦的第 30 次 Web Analytics Wednesday 活動上演講「私隱保障你要知」	IT Advisor Dr Henry Chang delivered a talk on What You Need to Know about Privacy at the 30th Web Analytics Wednesday, organised by Hong Kong Digital Analytics Association
2013.05.28	資訊科技顧問張宗頤博士在香港資訊科技商會舉辦的中小企 2.4 「融入資訊科技 連向無限商機」座談會主講「私隱與流動應用程式的發展」	IT Advisor Dr Henry Chang delivered a talk on Issues of Privacy & Mobile Apps Development at the SME 2.4 Conference Going Social, Mobile & Cloud for Business Success, organised by Hong Kong Information Technology Federation
 <p>A photograph of Dr Henry Chang, IT Advisor, speaking at a podium. The podium has a sign that reads 'Henry Chang Technology Advisor for Personal Data Privacy 28 May 2013' and the HKITF logo. The background shows a presentation slide with the word 'opment'.</p>		
2013.06.04	資訊科技顧問張宗頤博士在香港互動市務商會舉辦的 2013 eCMO 會議上演講「電子商貿－由策劃到實踐」	IT Advisor Dr Henry Chang delivered a talk on eCommerce - from Policies to Practices at eCMO Conference 2013, organised by the Hong Kong Association of Interactive Marketing
2013.06.05	高級律師廖以欣女士向批發及零售業工作小組演講「個人資料和直接促銷的新規管機制」	Senior Legal Counsel Ms Sandra Liu gave a briefing on New Regime on Data Protection in Direct Marketing to the Wholesale and Retail Task Force
2013.07.06	資訊科技顧問張宗頤博士在香港大學法律學院資訊科技及法律研究中心舉辦的有關雲端運算的會議演講「站在雲端上：從規管者角度看雲端運算的循規事宜」	IT Advisor Dr Henry Chang delivered a talk on Keeping on top of the Cloud - Compliance from a Regulator's Perspective at Up in the Cloud: Conference on Legal and Privacy Challenges in Cloud Computing, organised by the Law and Technology Centre of the Faculty of Law, The University of Hong Kong
2013.08.12	高級律師廖以欣女士向香港科技資訊商會及香港互動市務商會講解「《2012 年個人資料(私隱)修訂條例》」	Senior Legal Counsel Ms Sandra Liu gave a seminar on the Personal Data (Privacy) (Amendment) Ordinance 2012 to the Hong Kong Information Technology Federation and the Hong Kong Association of Interactive Marketing
2013.08.30	資訊科技顧問張宗頤博士聯同律師趙世芳女士在立法會議員莫乃光議員辦事處安排的研討會上講解「智能手機應用程式的私隱政策透明度」	Dr Henry Chang, IT Advisor, together with Legal Counsel Ms Margaret Chiu spoke at a seminar on Privacy Policy Transparency for Smartphone Apps , organised by the Office of the Honorable Charles Mok, Legislative Councillor (IT)

2013.09.27 高級律師廖以欣女士應民主黨邀請向該黨講解「《2012年個人資料(私隱)(修訂)條例》」

Senior Legal Counsel Ms Sandra Liu was invited by the Democratic Party to give a seminar on the **Personal Data (Privacy) (Amendment) Ordinance 2012**



2013.10.09 高級律師廖以欣女士在 InnoXcell 舉辦的會議上主講「使用個人資料作直銷活動的新規定」

Senior Legal Counsel Ms Sandra Liu spoke at the 3rd Asia Annual Counsel-to-Counsel Exchange on **The New Requirements on Use of Personal Data in Direct Marketing**, organised by InnoXcell Limited

2013.11.05 資訊科技顧問張宗頤博士出席企業信息技術籌辦的「第四屆財經創新論壇－2013 香港」演講「資料私隱的挑戰」

IT Advisor Dr Henry Chang delivered a talk on **The Data Privacy Challenge** at the 4th Finance Innovation Forum 2013 Hong Kong, organised by Enterprise Innovation

2013.11.19 資訊科技顧問張宗頤博士在香港資訊科技商會舉辦的中小企 2.5「融入資訊科技 連向無限商機」座談會主講「私隱與流動應用程式的發展」

IT Advisor Dr Henry Chang delivered a talk on **Issues of Privacy & Mobile Apps Development** at the SME 2.5 Conference "Going Social, Mobile & Cloud for Business Success", organised by the Hong Kong Information Technology Federation

2013.12.05 資訊科技顧問張宗頤博士在澳門個人資料保護辦公室主辦的「建立公共部門個人資料保護專責人員網絡」說明會上主講「網站外洩個人資料簡報」

IT Advisor Dr Henry Chang delivered a talk on **Notification of data leakage on website** at a conference on data protection in the public sector, organised by the Office for Personal Data Protection, Macao

2014.01.22 資訊科技顧問張宗頤博士為 Computer World 及 Komerstone 合辦的有關雲端運算保安的論壇上演講「你控制到那雲端嗎－有什麼問題需注意」

IT Advisor Dr Henry Chang delivered a talk on **Are you keeping on top of the Cloud - What are the right questions to ask** at Cloud Security Forum 2014, organised by Computer World & Komerstone



走進社區

關注私隱運動

公署繼續與亞太區私隱機構的成員協作，在2013年4月28日至5月4日期間舉辦「2013年關注私隱運動」，在區內推廣保障個人資料私隱。「2013年關注私隱運動」在香港的主題為「網上私隱要自保」，得到44間夥伴中學和保障資料主任聯會逾四百名來自不同機構的會員支持。隨著社交網和智能手機的使用日趨普及，公署接獲相關的侵犯個人資料私隱的投訴近年顯著增加。使用社交網和智能手機固然帶來生活上很大的方便，但同時令個人資料私隱受侵犯的風險增加，要避免在網上泄露個人資料而招致不必要的滋擾和損害，市民要懂得自保。公署呼籲市民從不同層面響應「關注私隱運動」，坐言起行，保障個人資料私隱。

REACHING OUT TO THE COMMUNITY

Privacy Awareness Week

The PCPD continued to promote privacy awareness in the region, together with members of the Asia Pacific Privacy Authorities, by organising Privacy Awareness Week 2013 ("PAW 2013") from 28 April to 4 May. The theme of PAW 2013 in Hong Kong was "Think Privacy! Be Smart Online". It was supported by 44 partner secondary schools and over 400 members of the Data Protection Officers' Club. With the growing popularity of social networks and smartphones, there has been a significant rise in the number of complaints related to privacy intrusion in this area. The use of social networks and smartphones has no doubt transformed our lives and generated immense personal convenience, but the downside of this is the risk of privacy intrusion online. Data subjects should take care to protect their personal data to avoid exposing themselves to potential nuisance and harm. The PCPD appealed to people from all walks of life to support PAW 2013 and take action to protect their personal data online.

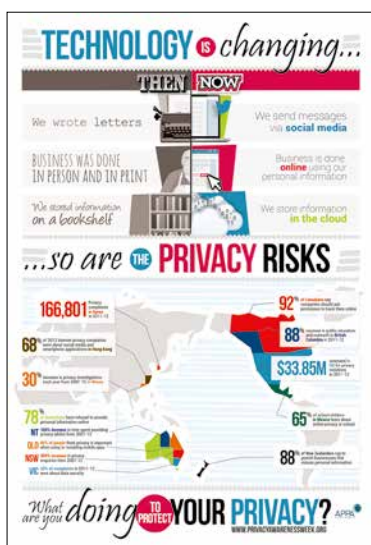


私隱專員蔣任宏與政制及內地事務局副局長劉江華在2013年4月28日舉行的開展儀式上帶領一百五十名學生為「關注私隱運動2013」揭開序幕。

Mr Allan Chiang, the Commissioner and Mr Lau Kong-wah, Under Secretary for Constitutional and Mainland Affairs, along with 150 students, launched Privacy Awareness Week 2013 at the Inauguration Ceremony held on 28 April 2013.

公署鼓勵機構響應關注私隱運動，自發地在機構內宣揚保障私隱的信息。保障資料主任聯會的新會員在5月2日的迎新會中掌握有關遵從條例規定的最新資訊，與不同行業和機構的同儕就實踐保障個人資料交流經驗和心得。

Businesses were encouraged to organise privacy awareness activities in the workplace during PAW 2013. New members of the PCPD's Data Protection Officers' Club had the opportunity at the Welcome Reception on 2 May 2013 to get updated information on legal compliance and share their experience in personal data protection with members from other industries and organisations.



亞太區私隱機構合力製作圖鑑，提醒市民在資訊科技日行千里的時代，關注私隱風險。Asia Pacific Privacy Authorities jointly produced this infographic to raise awareness of privacy risks in the digital age, with the rapid advancement of information technology.



在關注私隱運動 2013 期間，恒益物業管理有限公司是其中一間於內部積極推廣保障個人資料的企業。Hang Yick Properties Management Limited was one of the companies which proactively promoted personal data protection during PAW2013.



公署邀請香港互動市務商會會長方保儒先生（左）講解機構使用社交網路方面的私隱問題。

Mr Francis Fong, Chairman of the Hong Kong Association of Interactive Marketing Limited (left), was invited to address the topic "Using Social Networks for Business".



該次座談會吸引了多名來自不同機構的人士踴躍參予。

The seminar was well received by participants from different organisations.

保障私隱學生大使計劃

公署連續第三年舉行保障私隱學生大使計劃。該計劃在 2013 年設中學生專題研習比賽，共有來自 44 間中學逾四百名一至中六學生，組隊參加，探討「個人資料與直接促銷」、「資訊科技與私隱」和「公眾利益與私隱」三個課題。此外，公署亦走訪中學進行講座，近三千名學生參與。

Student Ambassador for Privacy Protection Programme

The PCPD has run the Student Ambassador for Privacy Protection Programme for three consecutive years. A Learning Project Competition was held in 2013 under the Programme. Over 400 from one to form six students from 44 secondary schools participated in the competition in teams to study the topics "Personal Data and Direct Marketing", "IT and Privacy" and "Public Interest and Privacy". To support the competition, staff of the PCPD visited schools and delivered talks to almost 3,000 students.

50%
參與學生人數增加
Number of students
increased



所有入圍的參賽隊伍應邀出席比賽頒獎典禮。
All the finalists were invited to attend the award-presentation ceremony.



保障私隱學生大使計劃 2013- 中學生關注私隱專題研習比賽的海報。
Poster of the Student Ambassador for Privacy Protection Programme 2013 – Learning Project Competition.



公署邀請浸會大學李子昂博士（中）擔任比賽評審，並指導學生撰寫專題研習報告。
Dr Lee Tsz-ngong of the Baptist University of Hong Kong (middle) was invited to judge the competition and to share with students the skills of report writing.



評審團認真地審視每一份參賽作品。
The Panel of Judges examined the entries.



公署安排兩支冠軍隊伍學習編輯及排版技巧，讓他們把得獎作品製作成頭版新聞故事。

The two champion teams were offered training in editing and typesetting to turn their winning entries into front-page news.



學生大使在校園內宣傳保障私隱的重要訊息。

Student Ambassadors shared with their peers on their school campuses or in classes the important message of privacy protection.

大學保障私隱活動

以大學生為對象的校園推廣私隱活動於 2013 年 10 月展開，公署走訪本港十間大專院校，舉行巡迴講座及有獎攤位遊戲，以互動形式介紹條例如何保障個人資料私隱，以及分享保障網上私隱的實用資訊。公署亦藉此機會向教職員講解資料使用者在條例下應履行的責任，妥善處理學生和員工的個人資料。超過 22,500 名學生及職員參與。

University Privacy Campaign

The PCPD organised educational programmes for university students in October 2013, visiting the campuses of ten local universities. The campaign explained how personal data privacy is protected under the Ordinance, and shared practical tips for online privacy protection through a series of talks and interactive booth games. The PCPD also took the opportunity to explain to university staff what obligations they had as data users under the Ordinance, and how to properly handle the personal data of students and staff. Over 22,500 students and staff members participated in the campaign.



60%
學生及教職員參與
人數增加
Students and staff
members participated in
the campaign increased

大學生透過互動遊戲了解更多使用智能手機時保障個人資料的貼士。
University students get tips on protecting personal data on smartphones through an interactive game.

舉辦公眾講座提升意識

公署積極推展社區教育，向市民講解資料當事人在條例之下享有的權利和如何行使有關權利。為此，公署全年舉辦了 29 場免費的條例入門簡介講座。

Public awareness seminars

The PCPD proactively reached out to the community to ensure that individuals were aware of their rights under the Ordinance as data subjects and how to exercise those rights. The PCPD organised 29 free introductory seminars on personal data protection for the general public during the year.

鑑於科技的迅速發展，智能電話和平板電腦等流動裝置的普及使到網上瀏覽更輕易，我們與互聯網專業協會、國際信息系統審計協會（中國香港分會）及網上服務供應商聯盟等協辦機構，每月在港島、九龍、新界舉行公眾講座，分享如何在日常生活中善用科技，同時保障個人資料私隱。

Rapidly changing technologies and increasing access to the Internet with mobile devices such as smartphones and tablet computers present particular challenges. Monthly seminars were held in public libraries across Hong Kong, Kowloon and the New Territories, with the support of the Internet Professional Association, Information Systems Audit and Control Association China Hong Kong Chapter Limited, and Online Service Providers Alliance, to educate the public on the proper use of communication technologies in daily life.



公眾教育巡迴展覽

公署於2013年12月至2014年3月舉辦公眾教育巡迴展覽，協助市民認識條例所保障的個人資料私隱權，以及了解條例經修訂後對日常生活的影響。市民參觀展覽可掌握切身的保障個人資料貼士，包括如何回應直接促銷活動，和使用智能電話和社交網絡。展覽在七個地點包括政府合署、商場和港鐵站舉行，共吸引了超過64,000人參觀。

Public education roadshow

The PCPD hosted a data privacy exhibition roadshow from December 2013 to March 2014 to enhance public awareness and understanding of individuals' privacy rights under the Ordinance and explain the impact recent amendments to the Ordinance have on everyday life. It provided practical tips for data protection in daily activities, such as responding to direct marketing approaches, and using smartphones and social networks. The roadshow attracted over 64,000 visitors in seven locations, including government offices, shopping centres and MTR stations.

100%

展覽參觀人數增加
Roadshow visitors
increased



展覽在七個地點包括政府合署、商場和港鐵站舉行，涵蓋港九新界。The exhibitions took place in seven locations, including government offices, shopping centres and MTR stations in Hong Kong, Kowloon, the New Territories.

社交網站 Facebook 的私隱意識研究調查

有鑑於社交網站 Facebook 的廣泛使用，公署訪問了 1,016 名 15 至 70 歲的社交網站 Facebook 用戶，以了解本港市民使用 Facebook 的習慣及他們對保護個人資料私隱的認知程度的概況。研究結果反映市民普遍對社交網上的私隱保障知而不行，重點如下：

- 55% 受訪者表示擔心使用 Facebook 會導致私隱外洩問題，但只有部份受訪者會採取措施限制資訊分享，例如開設不同的 Facebook 帳戶及設置不同的朋友群組等；
- 多達 85% 受訪者表示知道上載資訊時可以選定分享給那些朋友；但實際上只有少於一半（37% 受）訪者表示有使用 Facebook 的私隱設定；
- 只有 39% 的用戶表示會（或有時會）先徵求朋友同意才上載朋友的相片。

被問及使用 Facebook 的私隱外洩問題時，有五成半受訪用戶表示擔心，15 至 20 歲組別中表示擔心的比率最低，反映 15 至 20 歲的青年人對社交網上外洩私隱的危機意識最低。

為加強這方面的宣傳教育，公署出版新版的《在網絡世界保障私隱——精明使用社交網》小冊子向市民介紹在登記社交網、使用私隱設定、張貼個人資料和保障個人資料私隱方面應採取的步驟，並提供其他實用貼士。

Privacy awareness survey of Facebook users

In view of the wide use of Facebook, the PCPD interviewed 1,016 Hong Kong Facebook users aged from 15 to 70 to find out their experience in using Facebook and their awareness of the privacy risks associated with using the social network. The findings showed that Facebook users are generally aware of the need of privacy protection in social networks, but few take action:

- 55% of the respondents expressed concern over whether the use of Facebook could lead to privacy intrusion, yet only a small proportion of them took action (such as creating multiple accounts or friend groups) to limit the extent of information sharing.
- While the majority of respondents (85%) knew that they could control access rights to their posted information, less than half of them (37%) made use of this privacy setting.
- Only 39% of respondents who upload photos to Facebook sought permission from friends before uploading their friends' photos.

When asked about privacy risks when using Facebook, 55% of the respondents expressed concern, but the age group from 15 to 20 showed the least concern, revealing that young people from 15 to 20 had the lowest level of awareness of the risk of losing control over their personal data on social networking sites.

To step up promotion and education in this regard, the PCPD published a new version of its "Protecting Online Privacy – Be Smart on Social Networks" leaflet to explain to the public how to protect their personal data, when registering for social networking sites, using privacy settings, and posting personal data, as well as other practical tips.



透過大眾媒體 發揮最大成效

MAXIMISING IMPACT THROUGH THE MASS MEDIA

新聞發佈會及訪問

本年度內，公署發出了 27 篇新聞稿（詳見附錄五），回應了 182 個關於條例和個人資料私隱事宜的傳媒查詢。

私隱專員與他的團隊接受了 39 次傳媒的專訪。另外，公署在年內舉行了五次新聞發佈會，公佈循規審查和調查結果，以及匯報年結工作報告。

Press conferences and interviews

During the year, the PCPD issued 27 media statements (see Appendix 5) and responded to 182 media enquiries about the Ordinance and other data privacy issues.

The Commissioner and his team gave 39 media interviews. In addition, the PCPD hosted five press conferences to announce compliance and investigation reports, as well as the year-end work report.

報刊、電台、電視及
網上媒體的報道共錄得
Published in newspapers
and magazines, or
broadcast on radio,
television and the Internet

910
則 stories



透過新聞發佈會及訪問廣泛報道個案。

Press conferences and interviews were used to broadcast about cases and amplify reach.

新聞發佈會

Press conferences

2013.04.09

公署就香港預防協會與翔滙保險策劃以儼如欺詐手法收集市民個人資料作直接促銷發表調查報告，同時發表港鐵閉路電視系統視察報告。

The PCPD released an investigation report on Hong Kong Preventive Association and Aegon Direct Marketing Services Insurance Broker regarding collecting personal data for use in direct marketing by arguably deceitful means and an inspection report on the MTR's CCTV system.

2013.08.13

公署發表「Glorious Destiny Investments Limited 與匯煌投資有限公司，通過智能手機程式『起你底』向用戶披露從公共領域所收集的公眾人士的訴訟及破產資料」調查報告，及響應「全球私隱執法機關網絡」全球調查行動，公佈 60 款由本港開發的智能手機應用程式的私隱政策透明度調查結果。

The PCPD released an investigation report "Glorious Destiny Investments and Brilliant United Investments Limited Publicly Disclosed Litigation and Bankruptcy Information Collected from the Public Domain to Their Customers Via Smartphone Application 'Do No Evil'", and published survey results on the transparency of privacy policies of 60 smartphone apps developed by Hong Kong entities as part of the Sweep.

2013.10.24

公署向警務處發出執行通知，指警務處在兩宗資料外洩事故（分別牽涉警務處人員遺失警察記事冊及「涉嫌犯定額罰款交通罪行的通知書」）中違反條例，未有確保個人資料受保障以避免意外地遺失。公署又指醫院管理局處理棄置載有病人記錄的廢料失當違反條例，向醫管局發出執行通知，指令其採取糾正措施。另外，公署公佈兩宗有關香港警務處涉嫌經 Foxy 共享軟件意外洩漏市民個人資料事故的調查結果，確定事件屬於人為錯失，而警務處作為資料使用者，未有違反條例。

The PCPD served an enforcement notice on the Hong Kong Police Force ("HKPF") following its breach of the Ordinance relating to protection of personal data against accidental loss in two incidents which involved loss of police notebook and loss of fixed penalty ticket respectively. The PCPD also served an enforcement notice on Hospital Authority following its breach of the Ordinance for improper disposal of hospital waste containing the personal data of patients. Moreover, the PCPD publicized an investigation report of two data breach incidents caused by Foxy and concluded that they were attributed to human error and did not constitute a contravention of the Ordinance on the part of the data user, the HKPF.

2013.12.05

公署發表有關 California Fitness 向會籍申請人收集過度的個人資料的調查報告。

The PCPD released an investigation report on the excessive collection of personal Data from membership applicants by California Fitness.

2014.01.23

公署舉行年結記者會，同時發表「學生資助辦事處個人資料系統視察報告」。

The PCPD hosted the year-end press conference and released an inspection report: Personal Data System of the Student Financial Assistance Agency.



透過爭議性議題加強公眾教育

公署在年度發表多項報告，其中引起最多公眾關注及討論的是資料庫營運商從法庭及其他公共資源取得個人訴訟及破產資料，再提供予「起你底」手機應用程式。公署向營運商送達執行通知，並藉這事件加強公眾教育，以及與資訊科技界的溝通包括：



圖片由 Harbour Times 提供。
Photo courtesy of Harbour Times.

Public education enhanced over controversial issue

Listed among all the PCPD's messages conveyed throughout the year that aroused the most public attention and debate was the Commissioner's decision to serve an enforcement notice on a database operator for supplying individuals' litigation and bankruptcy data it had obtained from the courts and other public resources to the smartphone application "Do No Evil" ("the App"). In response, we enhanced our efforts in public education and communicating with the IT industry through the following activities:



圖片由蘋果日報提供。
Photo courtesy of Apple Daily.



私隱專員向傳媒及資訊業界傳遞由「起你底」個案的教訓：取自公共領域的個人資料仍然受《個人資料（私隱）條例》的規管。
The Commissioner conveyed the main lesson drawn from the "Do No Evil" case to the media and IT industry that personal data obtained from the public domain is still subject to the regulations by the Ordinance.

日期 / 活動 Date/ Activity	內容 Content
2013.08.13 新聞發佈會 Press conference	發出《調查報告：手機程式「起你底」嚴重侵犯個人資料私隱》。 The PCPD released the Investigation Report “Smartphone Application ‘Do No Evil’ Seriously Intruded on Personal Data Privacy”.
2013.08.13 發出指引 Issue of Guidance Notes	公署發出《使用從公共領域取得的個人資料指引》。 The PCPD published “Guidance on the Use of Personal Data Obtained from the Public Domain”.
2013.08.14 刊登文章 Article	私隱專員的特稿《查閱公共領域資料與保障個人資料之間的平衡》刊登於信報。 An op-ed article by the Commissioner entitled “Safeguard balance between access to public domain information & the protection of personal data” was published in the <i>Hong Kong Economic Journal</i> .
2013.08.15 刊登文章 Article	私隱專員的特稿《保障公共領域的個人資料以防濫用》刊登於南華早報。 An op-ed by the Commissioner entitled “Guarding against abuse of personal data in the public domain” was published in the <i>SCMP</i> .
2013.08.22 刊登文章 Article	私隱專員致編輯的信《透過手機程式不當地披露個人資料不可取》刊登於南華早報。 A letter to the editor from the Commissioner entitled “Phone app should not exploit disclosure of personal information” was published in the <i>SCMP</i> .
2013.08.24 刊登傳媒專訪 Media interviews	私隱專員、莫乃光議員與信報的對談，刊登於信報。 A dialogue between the Commissioner and Legislator Councillor (IT) Honourable Charles Mok was published in the <i>Hong Kong Economic Journal</i> .
2013.08.30 參與資訊科技界的講座 Seminar with the IT industry	公署代表出席立法會議員（資訊科技）莫乃光為其界別從業員安排的講座，解釋個案中的法律要求，並回答與會者的提問。 PCPD representatives attended a seminar arranged by Legislative Councillor (IT) Honourable Charles Mok for practitioners in his constituency to explain the legal requirements highlighted in the case and answer queries raised by the participants.
2013.10.18 新聞稿 Media statement	回應傳媒查詢：有關公署處理「起你底」事件的意見調查。 The PCPD provided a response to media enquiries regarding the PCPD’s investigation into the “Do No Evil Case”.
2013.10 刊登文章 Article	私隱專員的文章刊登於 <i>Hong Kong Lawyer</i> (2013 年 10 月版)。 An article by the Commissioner entitled “Drawing the line: Differentiating between access to public domain information and protection of personal data” was published in the October 2013 issue of <i>Hong Kong Lawyer</i> .
2013.11.06 提交立法會的文件 Paper submitted to the Legislative Council	書面回應莫乃光議員於 2013 年 10 月 18 日信中建議在《個人資料（私隱）條例》引入公共領域的豁免（公署的文件提交予立法會政制事務委員會）。 A paper was submitted to the Legislative Council’s Panel on Constitution Affairs in response to Legislator Councillor (IT) Honourable Charles Mok’s letter, dated 18 October 2013, proposing to introduce a public domain exemption under the Personal Data (Privacy) Ordinance.
2014.01.03 講座 Seminars	舉行了兩次題為「研發流動應用程式 顧及保障個人資料」講座，獲 10 個資訊科技界團體支持。 Two seminars on “Developing Mobile Apps with Privacy Protection in Mind” were held with the support of 10 professional associations in the IT sector.

大眾媒體宣傳

「網上私隱要自保」宣傳活動於 2013 年 4 月底展開，提高公眾對網上資料私隱風險的意識。這項活動包羅電視廣告、報章廣告、網站及流動應用程式橫額廣告，目的是鼓勵市民瀏覽公署的專題網站（www.pcpd.org.hk/besmartonline），獲取最新資訊及有用資料，以協助他們在進行網上活動時保護自己的個人資料及私隱。同題的電視宣傳短片在 2013 年 7 月啟播。

電視廣告在 2014 年 3 月於地鐵列車內重播。



Mass media campaign

A “Think Privacy! Be Smart Online” advertising campaign was launched in late April 2013 as a public-education exercise to enhance public awareness of online data privacy risks. The campaign, which encompassed TV commercials, print ads in newspaper, web banners on websites, and mobile apps, aimed to encourage people to visit the PCPD's thematic site (www.pcpd.org.hk/besmartonline) for up-to-date information and useful resources, which were provided to help people protect their personal data and privacy when engaged in online activities. A TV API was broadcast on the same theme in July 2013.

The TV commercial was re-run on MTR trains in March 2014.



報章的平面廣告。
Print advertisement for newspapers.



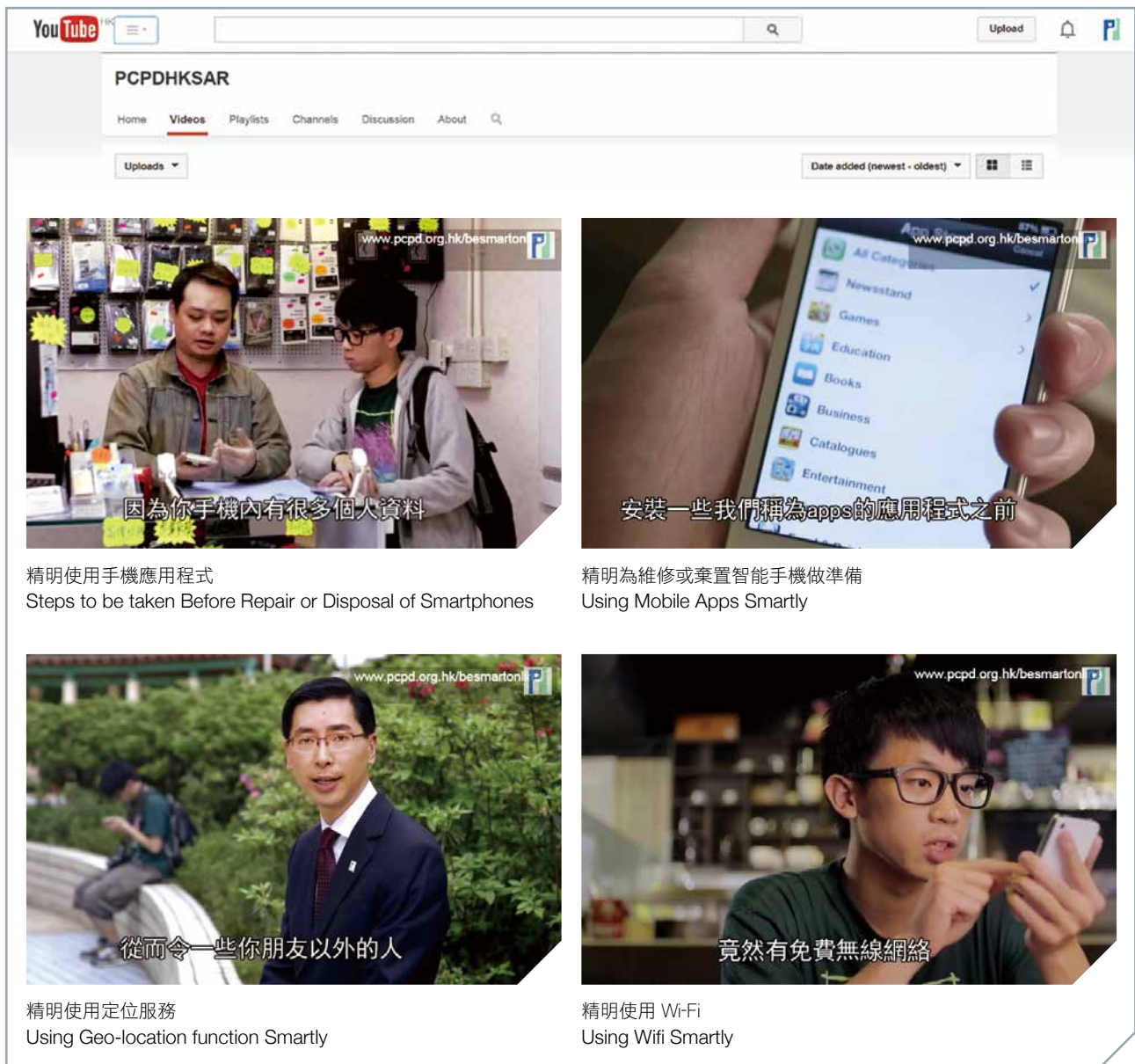
公署製作短片：「不慎使用智能手機，形同自揭私隱！？」
The PCPD launched a video entitled “Using a Smartphone Carelessly May Compromise Your Privacy.”



該活動的電視廣告在九巴路訊通播放。
TV commercial for the campaign launched on KMB Roadshow.



電視廣告在地鐵列車內重播。
TV commercial re-run on MTR trains.



The screenshot shows the YouTube channel for PCPDHKSAR. The channel name is at the top, followed by navigation tabs: Home, Videos, Playlists, Channels, Discussion, and About. Below the tabs are filters for 'Uploads' and 'Date added (newest - oldest)'. Four video thumbnails are displayed in a 2x2 grid, each with a subtitle and a title below it.

Thumbnail Description	Subtitle	Title
Two men looking at a smartphone in a shop.	因為你手機內有很多個人資料	精明使用手機應用程式 Steps to be taken Before Repair or Disposal of Smartphones
A hand holding a smartphone displaying app categories.	安裝一些我們稱為apps的應用程式之前	精明為維修或棄置智能手機做準備 Using Mobile Apps Smartly
A man in a suit speaking outdoors.	從而令一些你朋友以外的人	精明使用定位服務 Using Geo-location function Smartly
A young man looking at a smartphone.	竟然有免費無線網絡	精明使用 Wi-Fi Using Wifi Smartly

公署採取多個渠道向公眾傳達教育訊息，包括首次開設了 YouTube 視頻。

The PCPD engaged the public through multiple channels, including for the first time in 2013, a dedicated YouTube Channel.

回響

Feedback

「我很喜歡有關下載程式的短片。非常真實！」

“I loved the short video on downloading apps. It was so realistic!”

Mr David TAYLOR, Director Privacy Awareness, Office of the Victorian Privacy Commissioner, Australia

專員網誌

私隱專員首次透過網誌向持份者及公眾談述熱門私隱議題。

The Commissioner's Blog

For the first time, the Commissioner added blogging as a convenient channel to talk to the many stakeholders and the general public on hot privacy topics.



日期 Date	主題 Subject
2013.10.04	回應手機「應用程式生活化」的國際宣言 The Warsaw Declaration on the "appification" of society
2013.10.25	回應有關「起你底」個案的疑慮 Response to some queries about the Do No Evil Case
2014.01.22	瞬息萬變的私隱保障形勢 The Fast Evolving Privacy Landscape

回響

Feedback

「你（私隱專員）的網誌真棒！我想你在作新嘗試…… 我將會追看香港私隱專員的網誌，並且確保我們的會員都知道有這麼一個途徑，可以得知有關香港私隱事宜的最新消息。」

“Your (the Commissioner's) blog is just fabulous! ... I will be an ardent HK PCPD blog follower and will make sure all our members know that it is where to go for cutting edge news on HK privacy.”

Ms Emma HOSSACK

President, The International Association of Privacy Professionals - Australia and New Zealand (“iappANZ”)

網站

公署網站

這年內，網站錄得 907,085 人次，平均每月到訪次數為七萬五千次。高瀏覽量說明公眾人士對私隱課題的興趣日增，而網站是方便他們獲取私隱資訊和其他網上資源的平台。

48%

公署網站到訪人次較
上年度增加
Website visits up
from the previous year

推出兩個新的專題網站

除了公署的官方網站（www.pcpd.org.hk）外，公署於 2013 年 4 月額外推出兩個專題網站，以配合香港的「關注私隱運動 2013」的主題：「網上私隱要自保」。

這運動是特別針對科技日新月異及社交媒體的使用日增對私隱所帶來的挑戰。這兩個專題網站「網上私隱要自保」及「青少年專題網站」分別提供保障網上私隱（包括社交網站）的實用資訊，及探討年青人關注的私隱議題。

在年內，「網上私隱要自保」錄得 40,870 人次到訪，而「青少年專題網站」更錄得 117,982 人次到訪。

Website

PCPD's main website

During the year, the site attracted 907,085 visits, or an average of around 75,000 visits a month. The high traffic shows that there is growing interest in privacy issues and that people find the website a convenient platform to obtain privacy information and other online resources.

Launch of two new additional thematic websites

Apart from the PCPD's main website (www.pcpd.org.hk), in April 2013 we launched two additional thematic websites to tie in with the theme of PAW 2013 -- "Think Privacy! Be Smart Online".

The campaign's specific objective was to address the privacy challenges posed by rapidly changing technologies and the increasing use of social media. These two additional websites – "Think Privacy! Be Smart Online" and "Youth Privacy Portal" – provide practical tips on privacy protection online (including social networks), and explore privacy issues that are of concern to young people, respectively.

During the year, "Think Privacy! Be Smart Online" recorded 40,870 views, and "Youth Privacy Portal" attracted an even higher 117,982 views.

www.pcpd.org.hk/besmartonline



「網上私隱要自保」網站提供許多實用貼士，教導市民精明使用流動應用程式及 Wi-Fi。

“Think Privacy! Be Smart Online” provides tips on the smart use of mobile apps and Wi-Fi.

www.pcpd.org.hk/youthprivacy



青少年專題網站為年青人提供一站式的平台了解如何保障個人資料私隱，亦有助教師準備相關教材。

“Youth Privacy Portal” is a one-stop portal for youngsters to learn about personal data privacy and for teachers to prepare related teaching materials.

回響

Feedback

「豐富的雙語資源！青年網頁十分吸引。」

“Some great bilingual resources there! The youth website looks great.”

Mr Charles MABBETT, Communications Adviser, Office of the Privacy Commissioner - Te Mana Matapono Matatapu, New Zealand

出版刊物

公署為不同界別的持份者出版了刊物，提供指引及建議包括：

Our Publications

To provide our sector stakeholders with guidance and advice, the PCPD published a range of publications during the year, including:

資料指引 Guidance Notes

擬備收集個人資料聲明及私隱政策聲明指引（2013年7月）

Guidance on Preparing Personal Information Collection Statement and Privacy Policy Statement (July 2013)

使用從公共領域取得的個人資料指引（2013年8月）

Guidance on Use of Personal Data Obtained from the Public Domain (August 2013)

最佳行事方式指引 Best Practice Guide

私隱管理系統最佳行事方式指引（2014年2月）

Privacy Management Programme: A Best Practice Guide (February 2014)

以資料當事人資料為對象的單張 Leaflets for Data Subjects

在網絡世界保障私隱—精明使用社交網（2013年4月）

Protecting Online Privacy – Be Smart on Social Networks (April 2013)

個人資料私隱 自己作主話事（2013年12月）

Have My Say on Personal Data Privacy (December 2013)



圖鑑 Infographic

「接受直銷，由你作主！你有權隨時拒絕！」圖鑑（2013年4月）

An infographic: It is Your Choice to Accept Direct Marketing. You Can Opt Out Anytime (April 2013)

公署通訊新面貌

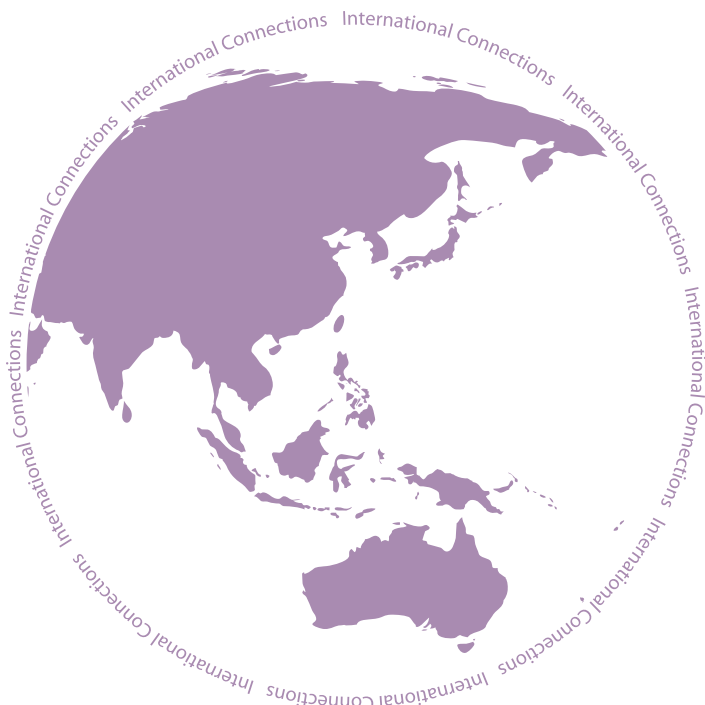
每年兩期的《私隱專員通訊》是另一有效途徑讓公眾了解公署在保障私隱方面的工作。公署根據在 2013 年進行的讀者調查結果之改革，不單為通訊帶來新設計，亦增添豐富的內容，希望藉此為讀者介紹公署的最新報告、建議及資源。這本雙語通訊的電子版可在公署網站瀏覽，印刷本的發行量為 2,500 份，另有約 2,000 人訂閱網上版。

Revamped newsletter

The semi-annual *PCPD News* is another effective channel we employ to keep the public abreast of our privacy-protection efforts. Based on the results of a readers' survey we conducted in 2013, we launched a new and improved *PCPD News*, with both a new design and richer content. Our goal was to produce a useful, informative magazine and provide readers with up-to-date reports, recommendations and resources from the PCPD. The e-edition of the bilingual newsletter is available on the PCPD's website. The newsletter has a circulation of 2,500 in print and about 2,000 online subscribers.



《私隱專員通訊》採用了新版面設計並增強內容。
The *PCPD News* improved with a new design and richer content.



建立國際聯繫

Establishing International Connections



回應跨國界的議題

Response to Borderless Issues

保障私隱跨越國界，需要國際社會共同作出回應。公署與海外的資料保障機關和私隱專家保持聯系，洞悉國際間私隱保障的發展和趨勢，及建立跨國界的執法網絡。

Privacy protection has become a borderless issue, requiring an international response. We liaise with overseas data protection authorities and privacy experts to keep abreast of international developments and trends in privacy protection, and establish cross-border enforcement networks.

國際資料保障及私隱專員研討會

在 2013 年 9 月 23 至 26 日，私隱專員與來自 68 個司法管轄區的代表參加了在波蘭華沙舉行的第 35 屆「國際資料保障及私隱專員研討會」。一如以往，這會議是世界各地私隱專員每年的盛事。

今次華沙會議通過了一項宣言和七項決議案，履行了大會的宗旨，推動和提升國際間的個人資料保障和私隱權。

華沙宣言指出，智能手機應用程式無處不在，而應用程式的使用愈頻繁，隨之而來的私隱和個人資料保障挑戰也就愈多，各地的私隱專員都承諾會就此作出積極回應。

各地的私隱專員認為應用程式開發商及相關持份者均有責任，為用戶提供較佳的私隱保障。簡言之，用戶應爭取掌控自己的個人資料。程式開發商應重視私隱，以建立用戶的信任和提升競爭優勢。操作系統供應商則有責任，確保應用程式平台上的私隱保障。

會議的七項決議關於 (1) 設立個人資料檔案，(2) 會議的策略性方向，(3) 執法統籌，(4) 把資料保障及私隱保障納入國際法，(5) 個人資料措施的公開性，(6) 數碼教育，及 (7) 網絡追蹤。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

The Commissioner attended the 35th International Conference of Data Protection and Privacy Commissioners, held on 23-26 September 2013 in Warsaw, Poland, where a total of 68 jurisdictions were represented. As usual, the conference was the mega-event of the year for Privacy Commissioners from around the world.

In line with the conference's objective to promote and enhance personal data protection and privacy rights internationally, it concluded with a declaration and seven resolutions on various subjects.

The Warsaw Declaration noted the ubiquitous nature of mobile applications (apps), recognised the privacy and data protection challenges posed by the increased use of these apps, and expressed a clear commitment on the part of the privacy commissioners to address them.

Among other things, the Privacy Commissioners defined the roles and responsibilities of various actors -- users, app developers, and providers of operating systems -- in ensuring a better privacy experience in the use of apps. In short, users should remain in charge of their own data; app developers should embrace privacy to build user trust and gain a competitive advantage, and providers of operating systems should bear responsibility for building privacy protection into the platforms on which apps are used.

The seven resolutions of the conference related to (1) profiling, (2) the strategic direction of the conference, (3) enforcement coordination, (4) anchoring data protection and the protection of privacy in international law, (5) openness of personal data practices, (6) digital education, and (7) webtracking.



私隱專員（左）與公署資訊科技顧問張宗頤出席在波蘭華沙舉行的第 35 屆「國際資料保障及私隱專員研討會」。
The Commissioner (left) and Henry Chang, Information Technology Advisor of the PCPD attended the 35th International Conference of Data Protection and Privacy Commissioners, held in Warsaw, Poland.

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署分別派員於 2013 年 6 月及 2014 年 2 月出席在印尼棉蘭舉行的第 28 屆，及在中國寧波舉行的第 29 屆亞太經合組織資料私隱分組會議。會議聚焦於「跨境私隱規則機制」的實施。美國和墨西哥兩個成員國繼續參與該機制，而日本正式表明有興趣參與。TRUSTe 成為跨境私隱規則機制下首個認可的責任代理。

亞太經合組織資料私隱分組與歐盟的代表一同合作，最終敲定「提交歐盟國家資料保障機構的企業約束規則要求及提交亞太經合組織跨境私隱規則認可責任代理的跨境私隱規則要求的指南」文件。該參考文件列出「跨境私隱規則機制」與「約束企業規則」的共通元素，以及兩個機制各自獨有的要求，從而方便遵從有關機制及規則的機構，各自制訂和實施保障個人資料的政策。

該指南於 2014 年 2 月 27 至 28 日的會議上由亞太經合組織高級官員核准，並於 2014 年 2 月 27 日獲歐盟第 29 條工作小組採納。

在年內，有兩個新的私隱執法機構加入了亞太經合組織跨境私隱執法安排（CPEA），令成員總數增至 24 個。公署自 2010 年起已參加該項安排。在年內，公署接獲由同是 CPEA 參與者的加拿大私隱專員公署轉介的一個投訴，並已順利解決。

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 28th and 29th meetings of the APEC Data Privacy Subgroup, which took place, respectively, in June 2013, in Medan, Indonesia, and in February 2014, in Ningbo, China. The meetings focused on the implementation of the Cross-Border Privacy Rules (“CBPR”) System. The United States and Mexico continued to participate in the CBPR System, while Japan expressed its official interest in participating. TRUSTe became the first accountability agent recognised under the CBPR System.

Working jointly with representatives from the European Union (“EU”), the Subgroup finalised a document entitled “Referential on Requirements for Binding Corporate Rules Submitted to National Data Protection Authorities in the EU and Cross Border Privacy Rules Submitted to APEC CBPR Recognized Accountability Agents”. The referential contains elements common to the CBPR System and Binding Corporate Rules, as well as additional blocks of requirements unique to each. It thereby facilitates the design and adoption of personal data protection policies by organisations compliant with each of the systems.

The referential was endorsed by APEC Senior Officials at their meeting on 27-28 February 2014. The Article 29 Working Party of the EU also adopted an opinion on it on 27 February 2014.

Two new privacy enforcement authorities were added to the APEC Cross-Border Privacy Enforcement Arrangement (“CPEA”) during the year, making a total of 24 participants. The PCPD has participated in the CPEA since 2010. During the year, the PCPD received a complaint referred by the Office of the Privacy Commissioner of Canada, a CPEA participant, and resolved amicably the privacy concerns raised by the complainant.



公署首席律師郭美玲出席在中國寧波舉行的第 29 屆亞太區經濟合作組織分組會議。

Brenda Kwok, Chief Legal Counsel of the PCPD, attended the 29th APEC subgroup meeting in Ningbo, China.

亞太區私隱機構

亞太區私隱機構是亞太區內私隱機構主要的平台組織，夥拍區內的私隱機構就私隱規例、新科技及私隱查詢和投訴管理等事宜交流合作。

私隱專員於 2013 年 7 月 15 至 16 日出席在新西蘭奧克蘭舉行的第 39 屆亞太區私隱機構論壇。他帶領了兩個討論環節：其中討論私隱及科技的環節談到亞太區私隱機構的資料庫的最新情況及合作事宜，並且探討了 Google 私隱政策的轉變，以及流動應用程式的私隱政策事宜。另一個討論環節，則是討論公共登記冊方面的保障資料事宜。會議亦討論了一系列的私隱議題，包括全球及地區的最新發展、兒童私隱、私隱影響評估、數據中介行業、大數據、道德問題及歐洲與亞太經合組織互通私隱規則的可能性。

亞太經合組織私隱執法工作坊於 2013 年 7 月 17 至 18 日舉行，為亞太區私隱機構會議的周邊活動。在工作坊中私隱專員亦分享其經驗，講述如何利用宣傳來加強執法行動的阻嚇作用。

ASIA PACIFIC PRIVACY AUTHORITIES

The Asia Pacific Privacy Authorities ("APPA") is the principal forum for privacy authorities in the Asia Pacific region to form partnerships and exchange ideas about privacy regulations, new technologies, and the management of privacy enquiries and complaints.

The Commissioner attended the 39th Asia Pacific Privacy Authorities Forum on 15-16 July 2013 in Auckland, New Zealand. He led two discussion sessions, one on the Privacy and Technology with an update on APPA's Information Repository and Collaboration and a discussion on Google's Privacy Policy Change and the transparency of mobile apps' privacy policies; and the other on the protection of data in public registers. The meeting also discussed a wide range of privacy topics including updates on global and regional developments, children's privacy, privacy impact assessment, the data brokerage industry, Big Data, ethical issues, and the potential for interoperability between Europe and APEC's privacy rules.

As a side-event to the APPA meeting, the APEC Privacy Enforcement Workshop was held on 17-18 July 2013. The Commissioner delivered a presentation to explain his experience of using publicity to maximise the deterrent effect of enforcement.



在新西蘭奧克蘭舉行的亞太經合組織私隱執法工作坊。
The APEC Privacy Enforcement Workshop in Auckland, New Zealand.



在澳洲悉尼舉行的第 40 屆亞太區私隱機構論壇。

The 40th Asia Pacific Privacy Authorities Forum in Sydney, Australia.

私隱專員亦於 2013 年 11 月 26 至 27 日期間，出席在澳洲悉尼舉行的第 40 屆亞太區私隱機構論壇。

各地代表於兩日會期內討論的私隱議題涵蓋範圍廣泛，包括跨境轉移個人資料、跨境執法、規管工具、教育及推廣活動。會議亦討論了一些特別議題，例如國家監察、航拍器、「私隱工程」及「貫徹私隱的設計」。私隱專員作為科技工作小組的召集人，匯報了小組過去六個月的工作，並且報告了公署抽查香港智能手機應用程式的私隱政策透明度的調查結果。此外，蘋果公司及 Facebook 的代表亦有在會議上簡介他們處理個人資料的措施。

The Commissioner also took part in the 40th Asia Pacific Privacy Authorities Forum in Sydney, Australia from 26 to 27 November 2013.

Delegates discussed a wide range of common privacy issues over the two days, including cross-border transfer of personal information, cross-border enforcement, regulatory tools, education and awareness campaigns. The meeting also covered special topics such as state surveillance, drones, 'privacy engineering' and 'privacy by design'. As convener of the Technology Working Group, the Commissioner reported on the work of the group for the past six months and drew the attention of the meeting to the results of the survey in Hong Kong on the transparency of privacy practices of smartphone apps. The meeting was also briefed by representatives from Apple Inc. and Facebook on their personal information handling practices.

亞太區私隱機構成員（按英文名稱順序排列）

APPA members (listed in alphabetical order)

國家 / 地區 Country/region	私隱機構 Privacy authorities
澳洲 Australia	澳洲資訊專員公署 Office of the Australian Information Commissioner, Australia
	澳洲新南威爾斯省資訊及私隱公署 Information and Privacy Commission, New South Wales
	澳洲北領地省資訊專員公署 Office of the Northern Territory Information Commissioner
	澳洲昆士蘭省資訊專員公署 Office of the Information Commissioner, Queensland
	澳洲維多利亞省私隱專員公署 Office of the Victorian Privacy Commissioner
加拿大 Canada	加拿大私隱專員公署 Office of the Privacy Commissioner, Canada
	加拿大卑斯省資訊及私隱專員公署 Office of the Information and Privacy Commissioner, British Columbia
哥倫比亞 Colombia	哥倫比亞工商部 Superintendence of Industry and Commerce of Colombia
香港 Hong Kong	香港個人資料私隱專員公署 Office of the Privacy Commissioner for Personal Data, Hong Kong
韓國 Korea	韓國網絡安全局 Korea Internet & Security Agency
	韓國個人資料保護公署 Korea Personal Information Protection Commission
澳門 Macao	澳門個人資料保護辦公室 Office for Personal Data Protection, Macao
墨西哥 Mexico	墨西哥資訊公開及信息保護局 Federal Institute for Access to Information and Data Protection, Mexico
秘魯 Peru	秘魯個人資料保障委員會 National Authority for Data Protection, Peru
新加坡 Singapore	新加坡私隱專員公署 Personal Data Protection Commission, Singapore
新西蘭 New Zealand	新西蘭私隱專員公署 Office of the Privacy Commissioner, New Zealand
美國 United States	美國聯邦貿易委員會 Federal Trade Commission, United States

兩岸四地個人資料保護論壇

私隱專員於 2013 年 6 月 21 日在澳門出席由澳門個人資料保護辦公室及澳門刑事法研究會主辦的兩岸四地個人資料保護論壇。內地、台灣、澳門及香港的規管和執法機構代表及學者獲邀演講。私隱專員以「香港個人資料保護制度現狀與展望」為題，重點講述私隱條例的最新修訂。

CROSS-STRAIT QUAD-REGIONAL FORUM ON PERSONAL DATA PROTECTION

The Commissioner attended the Cross-strait Quad-regional Forum on Personal Data Protection hosted by the Office for Personal Data Protection, Macao and the Associação de Estudo de Direito Criminal de Macau on 21 June 2013 in Macao. Representatives from the regulatory and enforcement bodies as well as the academia from the Mainland, Taiwan, Macao and Hong Kong were invited to speak. The Commissioner delivered a presentation entitled “Current State and Future Development of the Personal Data Protection System in Hong Kong” with an emphasis on the latest amendments to the Ordinance.



在澳門舉行的兩岸四地個人資料保護論壇。

Cross-Straits Quad-Regional Forum on Personal Data Protection, Macao.

第三屆亞洲私隱學術會議

由香港大學主辦的第三屆亞洲私隱學術會議於 2013 年 7 月 8 至 9 日舉行，出席者包括澳洲、孟加拉、比利時、中國、香港特別行政區、印尼、日本、澳門特別行政區、新西蘭、新加坡、瑞士、台北、泰國、美國及英國的法律人士及大學學者，以及英國組織 Privacy International。私隱專員在會上發表專題演說，題目為「查閱公共領域資料與保障個人資料之間的平衡」，嘗試釋除公眾以為從公共領域收集的個人資料是可以無限制地使用的誤解。

THE THIRD ASIAN PRIVACY SCHOLARS NETWORK CONFERENCE

The Third Asian Privacy Scholars Network Conference was hosted by the University of Hong Kong in Hong Kong on 8-9 July 2013. It was attended by legal professionals and university scholars from Australia, Bangladesh, Belgium, China, Hong Kong S.A.R., Indonesia, Japan, Macao S.A.R., New Zealand, Singapore, Switzerland, Taipei, Thailand, the United States and United Kingdom, as well as Privacy International (United Kingdom). The Commissioner delivered a keynote speech entitled “Balance between Access to Public Sector Information and the Protection of Personal Data”, in an attempt to dispel the myth that personal data collected from the public domain is open to unrestricted use.



第三屆亞洲私隱學術會議。
The Third Asian Privacy Scholars Network Conference.

「全球私隱執法機關」網絡私隱抽查行動

全球性抽查行動的結果

公署聯同其他 18 個私隱執法機關進行網絡私隱抽查行動，檢視網站和智能手機應用程式在收集及使用用戶個人資料的做法，是否符合基本私隱保障原則，具足夠的透明度。

這項全球性的抽查行動由「全球私隱執法機關網絡」（該網絡由各地的私隱執法機關組成，宗旨是透過國際合作維護個人資料的私隱權。）發起，於 2013 年 5 月在各自的管轄地區抽查網站或智能手機應用程式的私隱政策聲明，並模擬用戶在瀏覽網站或下載智能手機應用程式的形式，依據一套協定的準則，包括是否備有私隱政策聲明；如有，是否容易查閱和閱讀；聲明是否與網站或程式的宗旨一致等。各地合共抽查了 2,186 個網站及智能手機應用程式的私隱政策聲明。

關注重點

抽查結果發現的不足之處：

- 網站和智能手機應用程式未有提供私隱政策聲明的佔 23%。
- 部分網站的私隱政策聲明過分概括，沒有交代如何收集、使用及披露用戶個人資料方面的做法。
- 33% 私隱政策都是難以閱讀，大部分只抄襲相關的法律用語。

GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN) INTERNET PRIVACY SWEEP EXERCISE

Global results of the Sweep

The PCPD, together with 18 other privacy enforcement authorities, took part in an international Internet Privacy Sweep exercise ("Sweep") to assess privacy issues related to the fundamental principle of privacy practice transparency in websites and smartphone applications ("apps").

The Sweep was coordinated by the Global Privacy Enforcement Network ("GPEN"), a network of privacy enforcement authorities from around the globe working together to protect the privacy rights of individuals. The Sweep took place in May 2013 and replicated the consumer experience by checking 2,186 selected websites and apps against a set of criteria, including availability, accessibility, readability and relevancy of their privacy policy statements ("PPS").

Common concerns

The global Sweep identified significant shortcomings:

- 23% of the websites and mobile apps surveyed displayed no privacy policy.
- Some websites provided brief over-generalised statements about privacy, while offering no details on how the organisations were collecting, using or disclosing customer information.
- 33% of the privacy policies raised concerns with respect to relevance and readability, and many of them simply quoted verbatim from the applicable legislation.

抽查結果顯示，智能手機應用程式的私隱政策相比傳統網站更是強差人意：

- 92% 的智能手機應用程式的私隱政策在介紹資訊方式上出現一項或以上問題。
- 54% 的個案完全未有提供私隱政策。
- 部分智能手機應用程式只是提供超連結，引領用戶瀏覽其適用於網站的私隱政策聲明，該些聲明並沒有交代手機應用程式收集及使用用戶個人資料的安排。

私隱專員指出：「上網及使用智能手機應用程式的私隱保障已成為國際關注議題，涉及的問題不限於本地，而是需要與國際社會一起尋求改善的方法。這次抽查行動令網上私隱保障成為熱門話題，亦再敦促了各機構應確保收集和使用個人資料的做法公開和具透明度。用戶是應該可以在知情的情況下，對自己的資料行使控制權，尤其是在個人資料的應用可以超越用戶期望的網上虛擬世界。」

The privacy policies of apps lagged behind those on websites:

- 92% of app privacy policies reviewed in the Sweep raised one or more concerns with respect to how they present information about their privacy practices.
- 54% displayed no privacy policy at all.
- Some organisations simply provided links to privacy policies for their websites, which did not specifically address the collection and use of information for their apps.

The Commissioner commented on the results, “Privacy has become an international issue in the Internet and mobile world, and requires an international response. The challenges are global, so the solutions need to be global as well. The Sweep brought the issue of online privacy transparency to the forefront. It shone a spotlight on the importance for organisations to be open and transparent about how they collect, use and disclose personal data, so that individual users can make meaningful decisions in exercising control over their personal data. Transparency is especially important in the online environment, where personal data is sometimes used in ways in which individuals may not expect.”

接待海外 / 內地訪客

RECEPTION OF OVERSEAS/MAINLAND DELEGATIONS

在 2013 至 14 年度，公署曾接待以下代表團：

In 2013-14, the PCPD received the following delegations:-



2014 年 2 月 10 日 — 與資訊政策領導中心的企業代表團會晤。

10 February 2014 – Privacy dialogue with the Centre for Information Policy Leadership.



在 2014 年 2 月公署與白景崇教授聯合主持了一場有關私隱保障的交流會，讓本地的私隱保障專家，與一個國際私隱及資訊保安智庫「資訊政策領導中心」訪港代表團會面。交流觸及廣泛的私隱議題，包括大數據分析、最新科技發展、個人資料匿名化、私隱風險管理和物聯網。

A privacy dialogue co-chaired by the Commissioner and Professor John BACON-SHONE took place in Hong Kong in February 2014 between the Hong Kong privacy community and an overseas delegation of privacy professionals led by the Centre for Information Policy Leadership: a global privacy and information security think tank. Views were exchanged on a variety of privacy issues such as Big Data and analytics, the latest technological developments, the de-identification of personal data, privacy risk management, and the Internet of Things.

會議參與者

Meeting participants

海外

Overseas

- Ms Bojana BELLAMY, President, Centre for Information Policy Leadership, UK
- Mr Manuel MAISOG, Partner, Hunton & Williams, UK
- Ms Laura Juanes MICAS, Director of International Privacy, Yahoo!, US
- Mr Mikko NIVA, Director of Privacy, Nokia, Finland
- Ms Christina PETERS, Chief Privacy Officer, IBM, US
- Mr Luca PROBST, Attorney, Asia Pacific Legal, UPS, US
- Ms JoAnn STONIER, Chief Information Governance & Privacy Officer, MasterCard, US
- Mr Huey TAN, APAC Privacy and Compliance, Accenture, UK
- Mr Scott TAYLOR, Vice President and Chief Privacy Officer, Hewlett-Packard, US

香港及澳門

Hong Kong and Macao

- 香港個人資料私隱專員蔣任宏先生
Mr Allan CHIANG, Privacy Commissioner for Personal Data, Hong Kong
- 香港大學社會科學研究中心總監及公署科技發展常務委員會成員白景崇教授
Prof John BACON-SHONE, Director, Social Sciences Research Centre, The University of Hong Kong, and Member of the Standing Committee on Technological Developments, the PCPD
- 公署資訊科技顧問張宗頤博士
Dr Henry CHANG, Information Technology Advisor, the PCPD
- 香港大學法律學院教授張善喻教授
Prof Anne S Y CHEUNG, Professor, Faculty of Law, The University of Hong Kong
- 香港大學計算機科學系副教授及公署科技發展常務委員會成員鄧錦沛博士
Dr K P CHOW, Associate Professor, Department of Computer Science, The University of Hong Kong, and Member of the Standing Committee on Technological Developments, the PCPD
- 香港中文大學法律學院助理教授 Prof Stuart HARGREAVES
Prof Stuart HARGREAVES, Assistant Professor, Faculty of Law, The Chinese University of Hong Kong
- 香港特別行政區政制及內地事務局首席助理秘書長梁何綺文女士
Mrs Philomena LEUNG, Principal Assistant Secretary, Constitutional and Mainland Affairs Bureau, Hong Kong SAR Government
- 香港大學法律學院法律及資訊科技研究中心助理教授 Dr Marcelo THOMPSON
Dr Marcelo THOMPSON, Assistant Professor of Law, Deputy Director, Law and Technology Centre, Faculty of Law, The University of Hong Kong
- 孖士打律師行資深顧問黃錦山先生
Mr Kenny WONG, Senior Consultant, Mayer Brown JSM
- 澳門特別行政區個人資料保護辦公室副主任楊崇蔚先生
Mr Ken YANG, Deputy Coordinator of the Office for Personal Data Protection, Macao SAR Government



本地及海外私隱保障專家在 2014 年 2 月 10 日的會議上交流和討論多項與科技新發展相關的私隱議題。

Local and overseas privacy experts exchanged views on a variety of privacy issues relating to the latest technological developments on 10 February 2014.



2013年7月10日一由香港大律師公會率領的一群北京大學法律系學生到訪公署。公署人員向他們介紹公署的工作及私隱條例。

10 July 2013 – A group of law students from Peking University, led by the Hong Kong Bar Association, visited the PCPD. PCPD staff gave them an account of the PCPD's work and a briefing on the Ordinance.

2013年10月2日一亞洲法律資源中心率領一個由中國內地法律系學生、法律專業人員及非政府機構組成的代表團到訪公署。機構傳訊部人員向他們介紹公署的工作及私隱條例。

2 October 2013 – The Asian Legal Resource Centre organised a visit to the PCPD by a delegation of law students, legal professionals and NGO personnel from the Mainland. The Corporate Communications team briefed the delegation on the PCPD's work and the Ordinance.



2013年11月22日一韓國網絡安全局的代表訪港與公署職員討論資訊科技方面的私隱議題。

22 November 2013 – Korea Internet & Security Agency visited Hong Kong to discuss with PCPD staff privacy issues relating to information technologies.



2013年12月4日一私隱專員及公署首席企業服務經理（左一），與新加坡個人資料保護委員會主席（右二）及政策司長（右）分享規管經驗。

4 December 2013 – The Commissioner and the Chief Corporate Services Manager of the PCPD (far left) met the Chairman (second from right) and Policy Director (far right) of Singapore's Personal Data Protection Commission to share their regulatory experience.

建立專業團隊

Building a Professional Team

人和及嘉許

Our People and Commendations

行政部致力精簡工序，採取措施提升士氣和效率，對員工的努力，作出嘉許。並建立及保持團隊最高的忠誠。

The Administration Division makes continuous efforts to streamline work procedures; and to put in place measures to enhance staff morale, productivity and recognition. We aim to build and maintain the highest standards of loyalty and integrity.



行政部及財務部
Administration and Finance Division



職員晉升及培訓

公署透過晉升及培訓，致力為員工提供事業發展機會。在 2013 至 14 年度，共有六名員工獲得晉升。

公署繼續提供不同類型的內部培訓課程，裝備不同職級的人員應付新挑戰及轉變所需的專業技能。培訓課程包括：

- 入職培訓
- 資訊科技與私隱講座
- 強積金講座
- 初級急救課程
- 《使用從公共領域取得的個人資料指引》簡介會
- 防止賄賂及收受利益簡介會
- 跨境資料流動簡介會
- 與平等機會委員會分享調解經驗的分享會
- 調解工作坊
- 存檔技巧工作坊
- 英語工作坊
- 激勵下屬的培訓
- 撰寫工作評核報告的培訓
- 處理難纏的投訴人的培訓

在 2014 年 3 月 8 日 60 名員工於沙田突破青年村參加主題為「我們上下一心」的一日團隊建立課程，以互動的活動體現眾志成城的精神。

STAFF PROMOTION AND TRAINING

The PCPD strives to offer career development through promotion and training for all serving staff. In 2013-14, six staff members were promoted.

To ensure that staff at different levels are equipped with the necessary knowledge and skills to meet new challenges and changing needs, the PCPD continued to provide a wide range of in-house training programmes in the year under review. The training courses included the following:

- Induction programmes for new recruits
- IT and privacy seminars
- MPF seminar
- Elementary first aid course
- Briefing session on *Guidance on Use of Personal Data Obtained from the Public Domain*
- Briefing session on anti-bribery and the acceptance of advantages
- Briefing session on trans-border data flows
- Sharing session on the Equal Opportunity Commission's experience in mediation
- Workshop on conducting mediation
- Workshop on filing skills
- Workshop on English language
- Training on positive reinforcement to motivate subordinates
- Training on writing performance-appraisal reports
- Training on handling difficult complainants

On 8 March 2014, 60 staff participated in a one-day team-building programme on the theme "We are one team" at Breakthrough Youth Village in Shatin. Through the interactive activities in the programme, staff members demonstrated that a team works best when all members contribute their efforts in a coordinated manner.



員工參與互動的課程，體現眾志成城的精神。

The team building programme provided a good opportunity for all staff members to demonstrate the spirit "We Are One Team".

招聘

公署在 2013 至 14 年度增聘了人手，為不同職系進行了八次公開招聘，以應付不斷增加的工作量。年內共有 15 名新職員加入各部門包括法律、執行、審查及政策、機構傳訊及行政部。

RECRUITMENT

To cope with the continued increase in the PCPD caseload, we increased our workforce and conducted eight open-recruitment exercises for various grades during the year. As a result, 15 new staff were brought in to work in the Legal, Operations, Compliance & Policy, Corporate Communications and Administration Divisions.

內部循規查察

公署致力改善以提高企業管治水平，在 2013 年進行內部循規查察以：

- (a) 確定會計、財務、採購及行政方面的既定管控程序是否獲得適當遵從；
- (b) 識別不正常及沒有遵從規定的情況；及
- (c) 就改善內部的管控作出建議。

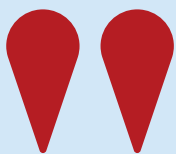
來自不同部門的四名員工獲委任為查核人員，對 2012 至 13 年度的相關紀錄進行循規審查，然後直接向私隱專員匯報結果。審查發現些微的不正常情況，公署已作出或將會作出適當的改善或跟進行動，以提高內部管理及企業管治。

INTERNAL COMPLIANCE CHECK

As part of a package of improvement measures to enhance corporate governance, the PCPD conducted an Internal Compliance Check in 2013:

- (a) to confirm whether established control procedures for the accounting, finance, procurement and administrative functions were being properly followed;
- (b) to identify irregularities or cases of non-compliance; and
- (c) to make recommendations on the improvement of internal controls.

Four officers from different divisions were appointed to conduct the compliance checks of the 2012-13 records and report their findings directly to the Commissioner. Some minor irregularities were spotted and appropriate remedial or follow-up action was taken or planned to enhance the PCPD's internal management and corporate governance.



“社會大眾對公共機構的管治水平要求不斷提升，為與時並進，公署近年推行的內部循規查察正好回應此訴求。內部循規查察所得出的結論和建議，對財務部及其他相關部門人員在工作上避免遺漏、加強內部監控，以至改良工作流程都有幫助。我們在檢討有關財務規則時，亦有參考以往內部循規查察所得出的結論和建議，希望能完善整套管治系統。”



"With the public's rising expectation on the corporate governance of public bodies, the PCPD has conducted Internal Compliance Check ("ICC") in this regard in recent years. The findings and recommendations of ICC enable colleagues of the Finance Division and other relevant divisions to avoid omission, enhance internal controls and improve work flow. In reviewing the financial regulations, we have also made reference to the findings and recommendations of past ICCs in order to perfect the overall governance."

許健聰 會計師
Kenny HUI Accountant

長期服務員工獎

我們每年舉辦長期服務員工嘉許禮，以示對同事多年來付出的服務、熱誠和努力的肯定。

LONG SERVICE AWARDS FOR STAFF MEMBERS

The Long Service Award presentation is held annually to recognise staff members for their loyal service, commitment and diligence.

2013-14

服務年期 Years of Service: 15

陳美儀女士 Ms Amy CHAN

服務年期 Years of Service: 10

胡美麗女士 Ms Vanessa WU

服務年期 Years of Service: 7

黎智敏女士 Ms Joyce LAI

羅美琪女士 Ms Maggie LO

陳培玲女士 Ms Carol CHAN

郭正熙先生 Mr Brad KWOK

盧迪凡先生 Mr DF LO

石家兒女士 Ms Kathy SHEK

張蘭詩女士 Ms Nancy CHEUNG

李雪婷女士 Ms Hilda LEE



陳美儀女士接受獎狀時表示，多年來與公署一同成長，感到自豪。

Ms Amy Chan feels proud as she grows with the PCPD. She received the award from the Commissioner for her long service with the PCPD.



儘管公署的歷史相對尚淺，但已經有 17 位在職同事服務公署七年以上。公署每年嘉許長期服務的職員，以肯定和表揚他們對機構的盡責及忠誠的服務。今年十位同事獲頒長期服務獎。

Although the PCPD is a relatively young organisation, there are 17 existing staff who have served the PCPD over seven years. The PCPD honors long-service staff at an annual ceremony in recognition of their dedicated and loyal services. This year 10 of our staff members were presented the award.

員工活動

公署在 2013 至 14 年度舉辦了不同的活動鼓勵同事間建立和諧的工作關係，包括迎新聚會、鄰舍輔導會義工服務、晚餐聚會、中秋燒烤及聖誕聯歡會。

STAFF ACTIVITIES

The PCPD encourages the building of harmonious working relationships among its staff. In 2013-14, a wide variety of activities were organised, including a welcome reception for new staff, volunteer services in the Neighbourhood Advice-Action Council, a dinner gathering, a barbeque party for the Mid-autumn Festival and a Christmas Party.



員工活動讓同事輕鬆地交流，也建立了友誼。
Staff members enjoyed informal exchanges and developed stronger bonds with each other at these activities.

回響（來自查詢者、投訴人及持份者）

Feedback (from enquirers, complainants and stakeholders)

「我希望向貴署的熱線人員表達謝意。他們專業、細心、非常樂意協助來電者了解相關條例。

他們有耐性、知識豐富，非常樂意協助我這位來電者。

此外，貴署的網站亦非常有用及方便使用。」

“I am writing to express my appreciation to your hotline staff. I found that they are professional, detailed-oriented and very willing to help the callers to understand the respective Ordinance(s).

They are patient, equipped with thorough knowledge and very helpful to a caller like me.

Furthermore, your organisation website is also very useful and user-friendly.”

黃先生 Mr WONG
查詢者 Enquirer

「我感謝貴機構以專業及真誠的態度處理我的投訴……我亦衷心感謝貴署職員盧迪凡先生非常盡心及專業地處理我的投訴……」

“I appreciated your organisation in taking a professional and genuine interest in my complaint... I would also like to express my sincere thanks to the officer concerned (Mr LO Dik-fan) who was extremely diligent and professional in dealing with complaint...”

Mr BURDETT
投訴人 Complainant

「我執筆是為向貴署協助我母親的職員致謝。

熱線查詢小組負責人及其職員處事專業、盡責有禮，是值得表揚的。」

“I am writing to express my gratitude to your staff who provided assistance to my mother.

I believe that the officer concerned and her fellows (hotline enquiry team) deserve recognition for their professionalism, dedication and courtesy.”

譚小姐及卓女士 Miss TAM and Ms CHEUK
投訴人 Complainants

「我和家人再次多謝私隱專員公署及調查主任……你們是這個大都會市民之福……」

“My family and I thank the PCPD and investigation officers once again... you are a blessing for the citizens in this metropolis...”

陳先生及家人 Mr CHAN and family
投訴人 Complainant

「……你（私隱專員）和你的團隊成功保障香港市民的個人資料私隱權，備受讚譽，謹此恭賀……」

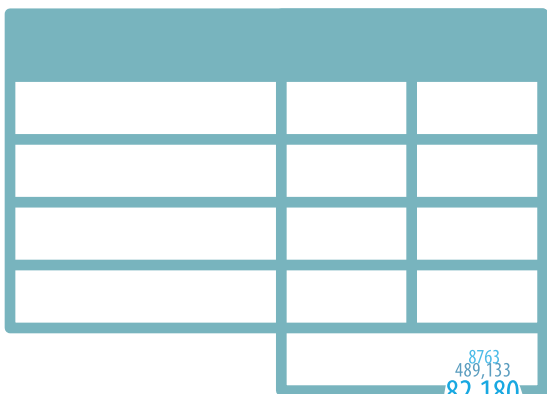
"...congratulations to you (the Commissioner) and your team for the acclaimed success in protecting the privacy rights of the people in Hong Kong in relation to their personal data..."

香港法律改革委員會前秘書長黃繼兒先生
Mr Stephen WONG, former Secretary of The Law Reform Commission of Hong Kong

「……感謝你（私隱專員）的團隊在保障個人資料私隱政策方面的有效工作，願你在未來的挑戰中取得更佳成績……」

"...thank your team for the effective work for the protection for personal data policy, and wish you (the Commissioner) greater achievements in facing all future challenges..."

香港各界婦女聯合協進會主席林貝聿嘉教授，GBS, OBE, JP
Professor Peggy LAM, GBS, OBE, JP, Chairperson, Hong Kong Federation of Women



財務報表

Financial Statements

問責及具透明度

Accountability and Transparency

每年度公佈的財務報表顯示公署是本着問責及具透明度的原則理財。我們保持高水平的企業管治，善用資源，以符合經濟、效率及效益。

The publication of the annual financial statements is a manifestation that accountability and transparency are the foundation of our financial management. We maintain high standards of corporate governance and maximize the utilisation of resources to achieve economy, efficiency and effectiveness.

獨立核數師報告 INDEPENDENT AUDITORS' REPORT

致：個人資料私隱專員

(依據《個人資料(私隱)條例》在香港成立的單一法團)

本核數師(以下簡稱「我們」)已審核列載於第 180 至 201 頁個人資料私隱專員的財務報表，此財務報表包括於 2014 年 3 月 31 日的財務狀況表與截至該日止年度的全面收益表、資金變動表及現金流量表，以及主要會計政策概要及其他附註解釋資料。

個人資料私隱專員就財務報表須承擔的責任

個人資料私隱專員須負責根據香港會計師公會頒布的《香港財務報告準則》編製財務報表，以令財務報表作出真實而公平的反映，及落實其認為編製財務報表所必要的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

核數師的責任

我們的責任是根據我們的審核對該等財務報表作出意見，並根據雙方同意的條款僅向個人資料私隱專員報告，除此之外本報告別無其他目的。我們不會就本報告的內容向任何其他人士負上或承擔任何責任。我們已根據香港會計師公會頒布的《香港審計準則》進行審核。該等準則要求我們遵守道德規範，並規劃及執行審核，以合理確定此等財務報表是否不存在任何重大錯誤陳述。

審核涉及執执行程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的程序取決於核數師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，核數師考慮與該機

TO THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A corporation sole in Hong Kong established under the Personal Data (Privacy) Ordinance)

We have audited the financial statements of The Privacy Commissioner for Personal Data (the "PCPD") set out on pages 180 to 201, which comprise the statement of financial position as at 31 March 2014, and the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

The Privacy Commissioner's responsibility for the financial statements

The Privacy Commissioner is responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants, and for such internal control as the Privacy Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' responsibility

Our responsibility is to express an opinion on these financial statements based on our audit and to report our opinion solely to you in accordance with our agreed terms of engagement, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report. We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk

構編製財務報表以作出真實而公平的反映相關的內部控制，以設計適當的審核程序，但目的並非為對其內部控制的有效性發表意見。審核亦包括評價個人資料私隱專員所採用的會計政策的合適性及作出會計估計的合理性，以及評價財務報表的整體列報方式。

我們相信，我們所獲得的審核憑證能充足和適當地為我們的審核意見提供基礎。

意見

我們認為，該等財務報表已根據《香港財務報告準則》真實而公平地反映個人資料私隱專員於 2014 年 3 月 31 日的事務狀況及截至該日止年度的盈餘及現金流量。

國衛會計師事務所有限公司
香港執業會計師

許振強
執業證書號碼：P05447

香港 2014 年 8 月 28 日

assessments, the auditors consider internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Privacy Commissioner, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the state of affairs of the PCPD as at 31 March 2014, and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

HLB Hodgson Impey Cheng Limited
Certified Public Accountants

Hui Chun Keung, David
Practising Certificate Number: P05447

Hong Kong, 28 August 2014

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

	附註 Notes	2014	2013
收入	Income		
政府補助金	Government subventions 5	66,583,403	64,859,976
銀行利息	Bank interest	221,238	241,474
講座收費	Seminar fees	1,517,475	1,154,850
會員費	Membership fees	117,000	70,500
光碟及刊物銷售	Sales of compact discs and publications	1,060	4,250
會議收入	Conference income	220,560	286,680
雜項收入	Miscellaneous income	5,657	30,195
		68,666,393	66,647,925
支出	Expenditure		
核數師酬金	Auditors' remuneration	60,000	60,000
行政費用	Administrative expenses	1,661,172	1,618,819
顧問服務	Consultancy services	1,113,400	125,000
出售存貨成本	Cost of inventories sold	-	4,200
物業、機器及設備的折舊	Depreciation of property, plant and equipment		
• 由其他資金來源支付	• financed by other sources of funds 9	267,637	301,605
• 由資本補助金支付	• financed by capital subvention fund 9	561,690	578,767
僱員福利支出	Employee benefit expenses 6	51,931,903	46,206,553
辦公室的營運租賃租金	Operating lease rentals in respect of office premises	6,017,706	5,601,805
海外訪問 / 會議支出	Overseas visit/conference	231,694	305,143
宣傳推廣及教育支出	Promotion and education expenses	2,769,481	5,177,326
法律協助計劃	Legal assistance scheme	54,383	47,984
其他營運費用	Other operating expenses	2,713,813	2,719,559
		67,382,879	62,746,761
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	1,283,514	3,901,164

附註屬本財務報表的組成部分。

The accompanying notes form an integral part of these financial statements.

財務狀況表 STATEMENT OF FINANCIAL POSITION

於 2014 年 3 月 31 日 (以港元計算) At 31 March 2014 (in HK dollars)

	附註 Notes	2014	2013
資產	Assets		
非流動資產	Non-current assets		
物業、機器及設備	Property, plant and equipment 9	1,371,028	1,696,508
流動資產	Current assets		
存貨	Inventories 11	15,800	15,800
其他應收款項、按金及預付款項	Other receivables, deposits and prepayments	259,055	299,772
銀行結存及現金	Bank balances and cash 12	23,847,767	31,129,508
		24,122,622	31,445,080
資產總額	Total assets	25,493,650	33,141,588
資金	Funds		
一般儲備	General reserve 13	13,269,558	15,118,044
負債	Liabilities		
非流動負債	Non-current liabilities		
政府的約滿酬金補助款	Government subvention for gratuity 14	3,623,715	3,708,178
職員約滿酬金撥備	Provision for staff gratuity 15	1,481,611	708,523
資本補助金	Capital subvention fund 16	498,162	5,584,566
預收政府補助金	Government subvention received in advance 17	1,166,960	-
		6,770,448	10,001,267
流動負債	Current liabilities		
其他應付款項及應計費用	Other payables and accruals	676,159	2,019,503
職員約滿酬金撥備	Provision for staff gratuity 15	1,583,140	3,471,799
未放取年假撥備	Provision for unutilised annual leave	1,100,155	1,125,725
預收政府補助金	Government subvention received in advance 17	2,094,190	1,405,250
		5,453,644	8,022,277
負債總額	Total liabilities	12,224,092	18,023,544
資金及負債總額	Total funds and liabilities	25,493,650	33,141,588

本財務報表已於 2014 年 8 月 28 日獲個人資料私隱專員批准及授權刊發。

The financial statements were approved and authorised for issue by the Privacy Commissioner on 28 August 2014.

蔣任宏

個人資料私隱專員

Allan CHIANG

Privacy Commissioner for Personal Data

附註屬本財務報表的組成部分。

The accompanying notes form an integral part of these financial statements.

資金變動表 STATEMENT OF CHANGES IN FUNDS

截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

		全面收益表 Statement of comprehensive income	一般儲備 General reserve (附註 Note 13)	資金總計 Total funds
於 2012 年 4 月 1 日	At 1 April 2012	-	11,216,880	11,216,880
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	3,901,164	-	3,901,164
調撥	Transfer	(3,901,164)	3,901,164	-
於 2013 年 3 月 31 日及 2013 年 4 月 1 日	At 31 March 2013 and 1 April 2013	-	15,118,044	15,118,044
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	1,283,514	-	1,283,514
調撥	Transfer	(1,283,514)	1,283,514	-
政府收回上年盈餘	Previous year's surplus recovered by Government	-	(3,132,000)	(3,132,000)
於 2014 年 3 月 31 日	At 31 March 2014	-	13,269,558	13,269,558

附註屬本財務報表的組成部分。

The accompanying notes form an integral part of these financial statements.

現金流量表 STATEMENT OF CASH FLOWS

截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

	附註 Notes	2014	2013
營運活動的現金流量	Cash flows from operating activities		
年內盈餘	Surplus for the year	1,283,514	3,901,164
調整：	Adjustments for:		
• 折舊支出	• Depreciation expense	829,327	880,372
• 利息收入	• Interest income	(221,238)	(241,474)
• 政府收回上年盈餘	• Previous year's surplus recovered by Government	(3,132,000)	-
營運資本變動：	Changes in working capital:		
• 存貨	• Inventories	-	15,159
• 其他應收款項、按金及預付款項	• Other receivables, deposits and prepayments	98,734	495,288
• 政府的約滿酬金補助款	• Government subvention for gratuity	(84,463)	268,792
• 職員約滿酬金撥備	• Provision for staff gratuity	(1,115,571)	1,200,912
• 資本補助金	• Capital subvention fund	(5,086,404)	(116,470)
• 其他應付款項及應計費用	• Other payables and accruals	(1,343,344)	(24,013)
• 未放取年假撥備	• Provision for unutilised annual leave	(25,570)	221,514
• 預收政府補助金	• Government subvention received in advance	1,855,900	(2,400,000)
營運活動（所用）/ 所得現金淨額	Net cash (used in)/generated from operating activities	(6,941,115)	4,201,244
投資活動的現金流量	Cash flows from investing activities		
收取利息	Interest received	163,221	226,811
三個月以上之短期銀行存款增加	Increase in short-term bank deposits with maturity more than three months	(13,210,301)	(8,478,904)
購置物業、機器及設備	Purchases of property, plant and equipment	(503,847)	(887,150)
投資活動所用現金淨額	Net cash used in investing activities	(13,550,927)	(9,139,243)
現金及現金等值的減少淨額	Net decrease in cash and cash equivalents	(20,492,042)	(4,937,999)
年初的現金及現金等值	Cash and cash equivalents at beginning of the year	22,650,604	27,588,603
年底的現金及現金等值	Cash and cash equivalents at end of the year	2,158,562	22,650,604
現金及現金等值結存分析：	Analysis of balances of cash and cash equivalents		
銀行結存及現金	Bank balances and cash	23,847,767	31,129,508
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months	(21,689,205)	(8,478,904)
年底的現金及現金等值	Cash and cash equivalents at end of the year	2,158,562	22,650,604

附註屬本財務報表的組成部分。

The accompanying notes form an integral part of these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

1. 一般資料

個人資料私隱專員是根據 1995 年 8 月 3 日制定的《個人資料（私隱）條例》而於香港設立的單一法團，目的是要在個人資料方面保障個人的私隱，並就附帶及相關事宜訂定條文。註冊辦事處地址為香港灣仔皇后大道東 248 號 12 樓。

本財務報表的金額是以港元呈列，而港元同樣是個人資料私隱專員的功能貨幣。

2. 重要會計政策概要

編製本財務報表時應用的主要會計政策載於下文。除另有註明外，該等政策已貫徹地應用於所有年度。

2.1 編製基準

個人資料私隱專員的財務報表是依據香港會計師公會頒布的《香港財務報告準則》編製。除下述會計政策另有指定外，本財務報表是以歷史成本常規法編製。

遵照《香港財務報告準則》編製本財務報表時，需要作出若干關鍵的會計估計。管理層亦需要在應用個人資料私隱專員的會計政策時作出判斷。本財務報表所涉及的重要判斷或高度複雜的範疇，或所作假設及估計對本財務報表有重大影響的範疇於附註 4 披露。

香港會計師公會頒布了多項《香港財務報告準則》的修訂，這些修訂在個人資料私隱專員的本會計期間首次生效。採納這些《香港財務報告準則》的修訂對個人資料私隱專員在本財務報表所應用的會計政策無重大變更。

1. GENERAL INFORMATION

The Privacy Commissioner for Personal Data (the "PCPD") is a corporation sole established in Hong Kong under the Personal Data (Privacy) Ordinance 1995 enacted on 3 August 1995 for the purpose of protecting the privacy of individuals in relation to personal data and to provide for matters incidental thereto or connected therewith. The address of its registered office is 12/F, 248 Queen's Road East, Wanchai, Hong Kong.

These financial statements are presented in Hong Kong dollars ("HK\$"), which is the same as the functional currency of the PCPD.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

2.1 Basis of preparation

The financial statements of the PCPD have been prepared in accordance with Hong Kong Financial Reporting Standards ("HKFRS") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA"). The financial statements have been prepared under the historical cost convention except as otherwise stated in the accounting policies set out below.

The preparation of financial statements in conformity with HKFRS requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the PCPD's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are disclosed in note 4.

The HKICPA has issued several amendments to HKFRSs that are first effective for the current accounting period of the PCPD. The adoption of these amendments to HKFRSs did not result in significant changes to the PCPD's accounting policies applied in these financial statements for the years presented.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

2. 重要會計政策概要（續）

2.1 編製基準（續）

截至本財務報表刊發日，香港會計師公會頒布了多項截至 2014 年 3 月 31 日止的年度尚未生效，亦沒有在本財務報表採用之修訂及新準則。

個人資料私隱專員正在評估這些修訂及新準則的影響，但在完成詳細檢討之前，仍未能確定這些修訂及新準則會否對財務報表有重大影響。

2.2 物業、機器及設備

物業、機器及設備按歷史成本扣除累積折舊和減值虧損列帳。歷史成本包括收購有關項目直接應佔的開支。

租約物業裝修的折舊是按租約年期或其估計可供個人資料私隱專員使用的年期（取其較短者），將其成本扣除累積折舊及減值虧損撇銷。

其他物業、機器及設備的折舊按以下的估計可用年期，以直線法將成本分攤至剩餘價值計算：

汽車	3 年
電腦及軟件	3 年
辦公室設備	5 年
家具及固定裝置	5 年

資產的剩餘價值及可用年期在每個報告期末進行檢討，並在適當時調整。

如資產的帳面值高於估計的可收回金額，資產的帳面值會立即撇減至可收回金額（附註 2.3）。

出售之盈虧是透過比較銷售所得款項與帳面值而釐定，並於全面收益表中確認。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.1 Basis of preparation (continued)

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments and new standards which are not yet effective for the year ended 31 March 2014 and which have not been adopted in these financial statements.

The PCPD is in the process of making an assessment of the impact of these amendments and new standards but is not yet in a position to state whether these amendments and new standards would have significant impact on the financial statements until a detailed review has been completed.

2.2 Property, plant and equipment

Property, plant and equipment are stated at historical cost less accumulated depreciation and impairment losses. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Depreciation of leasehold improvements is calculated to write-off their costs less accumulated depreciation and impairment losses over the periods of the leases or their expected useful lives to the PCPD, whichever is shorter.

Depreciation of other property, plant and equipment is calculated using the straight-line method to allocate their costs to their residual values over their estimated useful lives, as follows:

Motor vehicles	3 years
Computers and software	3 years
Office equipment	5 years
Furniture and fixtures	5 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount (Note 2.3).

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in the statement of comprehensive income.

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2. 重要會計政策概要（續）

2.3 非金融資產減值

當發生事情或情況變動，顯示帳面值未必能收回時，資產會就減值進行檢討。減值虧損按資產帳面值超出其可收回金額之差額確認入帳。可收回金額為資產公平值扣除出售成本或使用價值（取較高者）。為減值評估時，資產按獨立可識別現金流量（現金產生單位）的最低水平歸類。出現減值的非金融資產於每個報告日期檢討減值撥回的可能性。

2.4 金融資產

2.4.1 分類

個人資料私隱專員將其金融資產分為貸款及應收款項。分類視乎取得有關金融資產的目的而定，個人資料私隱專員會於首次確認金融資產時釐定其所屬類別。

貸款及應收款項

貸款及應收款項是指具有固定或可以確定付款額，但在活躍市場沒有報價的非衍生金融資產。這些資產會列入流動資產內，惟於報告期末十二個月以後結算或預算結算的資產，則列作非流動資產。個人資料私隱專員的貸款及應收款項包括財務狀況表中的其他應收款項及按金和銀行結存及現金。

2.4.2 確認和計量

按慣例買賣金融資產是於交易日（即個人資料私隱專員承諾買賣資產的日期）入帳。所有非按公平值列入溢利或虧損之金融資產的投資最初按公平值加交易成本確認。當從投資所得的現金流入之權利已過或已轉讓，而個人資料私隱專員已將擁有權的所有風險和回報實際轉讓時，金融資產即終止確認。貸款及應收款項其後以實際利率法按攤銷成本列帳。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.3 Impairment of non-financial assets

Assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs of disposal and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

2.4 Financial assets

2.4.1 Classification

The PCPD classifies its financial assets in the category of loans and receivables. The classification depends on the purpose for which the financial assets were acquired. The PCPD determines the classification of its financial assets at initial recognition.

Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for the amounts that are settled or expected to be settled more than 12 months after the end of the reporting period. These are classified as non-current assets. The PCPD's loans and receivables comprise other receivables and deposits and bank balances and cash in the statement of financial position.

2.4.2 Recognition and measurement

Regular way purchases and sales of financial assets are recognised on the trade-date - the date on which the PCPD commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets are derecognised when the rights to receive cash flows from the investments have expired or have been transferred and the PCPD has transferred substantially all risks and rewards of ownership. Loans and receivables are subsequently carried at amortised cost using the effective interest method.

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2. 重要會計政策概要（續）

2.5 金融資產減值

按攤銷成本列帳的資產

個人資料私隱專員會於每個報告期末評估是否存在客觀證據證明某項金融資產或一組金融資產出現減值。惟當有客觀證據證明於首次確認資產後發生一宗或多宗事件導致減值出現（「虧損事件」），而該宗（或該等）虧損事件對該項或該組金融資產之估計未來現金流量構成可合理估計的影響，有關的金融資產才算出現減值及產生減值虧損。

減值證據可包括債務人或一組債務人出現重大財政困難、逾期支付或拖欠利息或本金、可能破產或進行其他財務重組，以及有明顯的資料顯示估計之未來現金流量出現可計算的跌幅，例如欠款變動或與拖欠相關聯的經濟狀況。

貸款及應收款的虧損金額是以資產的帳面值與按金融資產原來的實際利率折算估計之未來現金流量（不包括未產生的日後信貸虧損）所得的現值兩者間之差額計量。資產的帳面值被銷減，虧損金額則於全面收益表內確認。倘貸款或持至到期投資按浮動利率計息，計量任何減值虧損之折現率則為合約下釐定的即期實際利率。作為可行的權宜之計，個人資料私隱專員可按某工具可觀察得到之市價為公平值之基礎計算其減值。

如於繼後期間，減值虧損金額減少，同時客觀地與減值獲確認後發生的事項相關（例如債務人的信貸評級改善），則將過往確認的減值虧損撥回，於全面收益表中確認。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.5 Impairment of financial assets

Assets carried at amortised cost

The PCPD assesses at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired. A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a "loss event") and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

Evidence of impairment may include indications that the debtors or group of debtors is experiencing significant financial difficulty, default or delinquency in interest or principal payments, the probability that they will enter bankruptcy or other financial reorganisation, and where observable data indicate that there is a measurable decrease in the estimated future cash flows, such as changes in arrears or economic conditions that correlate with defaults.

For loans and receivables category, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in the statement of comprehensive income. If a loan or held-to-maturity investment has a variable interest rate, the discount rate for measuring any impairment loss is the current effective interest rate determined under the contract. As a practical expedient, the PCPD may measure impairment on the basis of an instrument's fair value using an observable market price.

If, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised (such as an improvement in the debtor's credit rating), the reversal of the previously recognised impairment loss is recognised in the statement of comprehensive income.

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2. 重要會計政策概要（續）

2.6 存貨

存貨以成本值和可變現淨值之較低者入帳。成本值以先進先出法釐定。可變現淨值是按正常營運過程中的估計售價，減去適用的變動銷售開支計算。

2.7 其他應收款項

如其他應收款項預期將在一年或一年以內收回（或如屬更長期間，則在個人資料私隱專員的正常營運週期內），則分類為流動資產。否則，則呈列為非流動資產。

其他應收款項最初按公平值確認，其後則採用實際利率法按已攤銷成本扣除減值撥備計算。

2.8 現金及現金等值

在現金流量表中，現金及現金等值包括手頭現金、銀行通知存款和原本到期日在三個月內的短期高流動性投資。

2.9 其他應付款項

如其他應付款項的付款到期日在一年或一年以內（或如屬更長期間，則在個人資料私隱專員的正常營運週期內），則分類為流動負債。否則，則呈列為非流動負債。

其他應付款項最初按公平值確認，其後則採用實際利率法按攤銷成本計算。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.6 Inventories

Inventories are stated at the lower of cost and net realisable value. Cost is determined using the first-in, first-out method. Net realisable value is the estimated selling price in the ordinary course of operations, less applicable variable selling expenses.

2.7 Other receivables

If collection of other receivables is expected in one year or less (or in the normal operating cycle of the PCPD if longer), they are classified as current assets. If not, they are presented as non-current assets.

Other receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment.

2.8 Cash and cash equivalents

In the statement of cash flows, cash and cash equivalents include cash in hand, deposits held at call with banks and other short-term highly liquid investments with original maturities of three months or less.

2.9 Other payables

Other payables are classified as current liabilities if payment is due within one year or less (or in the normal operating cycle of the PCPD if longer). If not, they are presented as non-current liabilities.

Other payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

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截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

2. 重要會計政策概要（續）

2.10 僱員福利

- (a) 僱員可享有的假期及約滿酬金
僱員可享用的年假及約滿酬金在該等假期累計予僱員時確認。個人資料私隱專員已為僱員在計至年結日止所提供的服務而在年假及約滿酬金方面預計引致的責任作出撥備。

僱員可享用的病假及分娩假不作確認，直至僱員放取該等假期時才予以確認。

- (b) 退休金責任
個人資料私隱專員已在香港設立強制性公積金計劃（「強積金計劃」）。強積金計劃內的資產分開存放在由信託人管理的基金內。個人資料私隱專員於供款後，便再沒有其他付款的責任。該等供款於到期時確認為僱員福利支出。預付供款按照現金退款或可扣減未來供款而確認為資產。

2.11 撥備

個人資料私隱專員因過往事件而須履行法律或推定責任，而較可能需要有資源流出以償付責任，以及金額已經可靠估計時，須作撥備。未來的營運損失不會作撥備。

如有多項類似責任，償付責任而引致資源流出的可能性，是根據責任的類別作整體考慮。即使相同類別責任中任何一個項目引致資源流出的可能性不大，仍須作出撥備。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.10 Employee benefits

- (a) Employee leave and gratuity entitlements
Employee entitlements to annual leave and gratuities are recognised when they accrue to employees. A provision is made for the estimated liability for annual leave and gratuities as a result of services rendered by employees up to the year-end date.

Employee entitlements to sick leave and maternity leave are not recognised until the time of leave.

- (b) Pension obligations
The PCPD has established a mandatory provident fund scheme ("MPF Scheme") in Hong Kong. The assets of the MPF Scheme are held in separate trustee-administered funds. The PCPD has no further payment obligations once the contributions have been paid. The contributions are recognised as employee benefit expense when they are due. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

2.11 Provisions

Provisions are recognised when the PCPD has a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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2. 重要會計政策概要（續）

2.12 收入確認

(a) 政府補助金

如有合理保證可取得政府補助，而且個人資料私隱專員可以符合所有附帶條件，則會按補助金額的公平值確認政府補助。

與指定計劃方案有關的政府補助金包括在資本補助金內，並且延遲至須與擬補償的成本產生時，才在全面收益表內確認。

與購置物業、機器及設備有關的政府補助金包括在資本補助金內，並按有關資產的預計年限，以直線法記入全面收益表內。

用於彌補個人資料私隱專員已產生支出的政府補助金，會在支出產生的期間有系統地在全面收益表確認為收入。

(b) 銀行利息收入

銀行利息收入以實際利率方式按時間比例計算。

(c) 講座和會議收費及會員費收入

講座和會議收費及會員費收入按應計制確認。

(d) 光碟及刊物銷售

光碟及刊物銷售收入在該等貨品交付予買方，而買方接受貨品，以及有關應收款項可合理地確定收到時確認。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.12 Income recognition

(a) Government subventions

Subventions from the government are recognised at their fair value where there is a reasonable assurance that the grant will be received and the PCPD will comply with all attached conditions.

Government subventions relating to specific projects are included in the capital subvention fund and are deferred and recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

Government subventions relating to the purchase of property, plant and equipment are included in the capital subvention fund and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

Government subventions that compensate the PCPD for expenses incurred are recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

(b) Bank interest income

Bank interest income is recognised on a time proportion basis using the effective interest method.

(c) Seminar, conference and membership fees income

Seminar, conference and membership fees income are recognised on an accrual basis.

(d) Sales of compact discs and publications

Income from the sales of compact discs and publications is recognised when the PCPD has delivered products to the customer, the customer has accepted the products and collectibility of the related receivables is reasonably assured.

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2. 重要會計政策概要（續）

2.13 營運租賃

擁有權的大部分風險及得益由出租人保留的租約屬於營運租賃。根據營運租賃繳付的款額（扣除自出租人收取的任何獎勵後），均按租賃期在全面收益表中以直線法支銷。

3. 財務風險管理

3.1 財務風險因素

風險管理是由個人資料私隱專員的財務部根據個人資料私隱專員核准的政策進行。財務部識別及評估財務風險，並為全面的風險管理提供程序指引。

個人資料私隱專員的活動不會承受外匯風險、信貸風險及流動資金風險。關於利率風險，除了以市場利率計息的短期銀行存款外，個人資料私隱專員並無其他重大的計息資產及負債。因此，個人資料私隱專員的收入和營運現金流量大致上不受市場利率波動的影響，而涉及的現金流量及公平值利率的風險亦較低。

(a) 信貸風險

個人資料私隱專員並無信貸風險相當集中的情況。有關個人資料私隱專員金融資產的最高信貸風險程度為財務狀況表內現金及現金等值和其他應收款項及按金的帳面值。

關於銀行現金存款，財務部主要將存款存放於具信譽的銀行，以管理信貸風險。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.13 Operating leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the statement of comprehensive income on a straight-line basis over the period of the lease.

3. FINANCIAL RISK MANAGEMENT

3.1 Financial risk factors

Risk management is carried out by the finance department of the PCPD under policies approved by the PCPD. The finance department identifies and evaluates financial risks and provides procedural guidelines for overall risk management.

The PCPD's activities do not expose it to foreign exchange risk, credit risk and liquidity risk. For interest-rate risk, except for the short-term bank deposits which bear interest at market rates, the PCPD has no other significant interest-bearing assets and liabilities. Accordingly, the PCPD's income and operating cash flows are substantially independent of changes in market interest rates and the exposure to cash flow and fair value interest rate risk is low.

(a) Credit risk

The PCPD has no significant concentration of credit risk. The carrying amounts of cash and cash equivalents and other receivables and deposits included in the statement of financial position represent the PCPD's maximum exposure to credit risk in relation to its financial assets.

For cash deposits with banks, the finance department manages the credit risk by placing mainly the deposits with reputable banks.

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3. 財務風險管理（續）

3.1 財務風險因素（續）

(b) 流動資金風險

審慎的流動資金風險管理包括保持充足的現金。

下表按有關到期日組別分析個人資料私隱專員的金融負債，是根據於每個報告期至合約到期日的餘下期間計算。該表所披露的金額為合約未貼現現金流量。

3. FINANCIAL RISK MANAGEMENT (CONTINUED)

3.1 Financial risk factors (continued)

(b) Liquidity risk

Prudent liquidity risk management includes maintaining sufficient cash.

The table below analyses the PCPD's financial liabilities into relevant maturity groupings based on the remaining period at each reporting period to the contractual maturity date. The amounts disclosed in the table are the contractual undiscounted cash flows.

		即時到期 或一年以下 On demand or less than 1 year	一年以上 More than 1 year	總計 Total
2014				
政府的約滿酬金補助款	Government subvention for gratuity	-	3,623,715	3,623,715
其他應付款項及應計費用	Other payables and accruals	664,559	-	664,559
		664,559	3,623,715	4,288,274
2013				
政府的約滿酬金補助款	Government subvention for gratuity	-	3,708,178	3,708,178
其他應付款項及應計費用	Other payables and accruals	1,990,613	-	1,990,613
		1,990,613	3,708,178	5,698,791

3.2 資本管理

個人資料私隱專員的資本管理目標是為確保個人資料私隱專員的持續運作能力，以維持理想的資本架構。個人資料私隱專員由 2013 年至今整體策略維持不變。

3.2 Capital management

The PCPD's objectives when managing capital are to safeguard the PCPD's ability to continue as a going concern in order to maintain an optimal fund structure. The PCPD's overall strategy remains unchanged from 2013.

3.3 公平值估計

應收款項及應付款項的帳面值扣除減值撥備的金額，是其公平值的合理約數。所有金融工具入帳之金額，與 2014 年及 2013 年 3 月 31 日的公平值並無重大差異。

3.3 Fair value estimation

The carrying values less impairment provision of receivables and payables are a reasonable approximation of their fair values. All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2014 and 2013.

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4. 重要會計估計及判斷

估計及判斷是根據過往經驗及其他因素（包括在相關情況下對未來事件的合理預測）持續地作出評估。

個人資料私隱專員會對將來作出估計及假設。嚴格而言，所產生的會計估計甚少與有關的實際結果完全相同。不過，對於本財務報表所作出的估計及假設，個人資料私隱專員預期不會構成重大風險，導致下一財政年度資產及負債的帳面值需作大幅修訂。

4. CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENTS

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

The PCPD makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. However, there are no estimates or assumptions used on these financial statements that the Privacy Commissioner expects will have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

5. 政府補助金

5. GOVERNMENT SUBVENTIONS

		2014	2013
經常性及非經常性	Recurrent and non-recurrent	65,999,963	64,281,209
資本補助金（附註 16）	Capital subvention fund (Note 16)	583,440	578,767
		66,583,403	64,859,976

6. 僱員福利支出

6. EMPLOYEE BENEFIT EXPENSES

		2014	2013
薪酬	Salaries	44,322,517	38,672,241
約滿酬金及其他津貼	Gratuities and other allowances	6,556,064	6,376,041
強積金計劃供款	Contributions to MPF Scheme	1,078,892	936,757
未放取年假撥備	Provision for unutilised annual leave	(25,570)	221,514
		51,931,903	46,206,553

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7. 主要管理人員的報酬

7. KEY MANAGEMENT COMPENSATION

		2014	2013
短期僱員福利	Short-term employee benefits	13,340,443	11,053,088
離職後福利	Post-employment benefits	1,692,089	1,224,982
		15,032,532	12,278,070

8. 所得稅支出

根據《個人資料（私隱）條例》附表 2 第 6 條，個人資料私隱專員獲豁免《稅務條例》下的徵稅。

8. INCOME TAX EXPENSE

The PCPD is exempt from taxation in respect of the Inland Revenue Ordinance by virtue of Schedule 2 Section 6 of the Personal Data (Privacy) Ordinance.

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截至 2014 年 3 月 31 日止年度 (以港元計算) For the year ended 31 March 2014 (in HK dollars)

9. 物業、機器及設備

9. PROPERTY, PLANT AND EQUIPMENT

		汽車 Motor vehicles	電腦及 軟件 Computers and software	辦公室 設備 Office equipment	家具及 固定裝置 Furniture and fixtures	租賃物業 裝修 Leasehold improvements	總計 Total
於 2012 年 4 月 1 日	At 1 April 2012						
成本	Cost	306,789	5,086,814	1,279,612	965,089	2,990,271	10,628,575
累積折舊	Accumulated depreciation	(306,788)	(3,748,550)	(999,877)	(919,378)	(2,964,252)	(8,938,845)
帳面淨值	Net book amount	1	1,338,264	279,735	45,711	26,019	1,689,730
截至 2013 年 3 月 31 日 止年度	Year ended 31 March 2013						
期初帳面淨值	Opening net book amount	1	1,338,264	279,735	45,711	26,019	1,689,730
增加	Additions	-	209,774	133,831	227,195	316,350	887,150
處置	Disposals						
• 成本	• cost	-	-	(49,579)	(25,960)	-	(75,539)
• 累積折舊	• accumulated depreciation	-	-	49,579	25,960	-	75,539
折舊	Depreciation	-	(658,452)	(104,071)	(39,308)	(78,541)	(880,372)
期末帳面淨值	Closing net book amount	1	889,586	309,495	233,598	263,828	1,696,508
於 2013 年 3 月 31 日	At 31 March 2013						
成本	Cost	306,789	5,296,588	1,363,864	1,166,324	3,306,621	11,440,186
累積折舊	Accumulated depreciation	(306,788)	(4,407,002)	(1,054,369)	(932,726)	(3,042,793)	(9,743,678)
帳面淨值	Net book amount	1	889,586	309,495	233,598	263,828	1,696,508
截至 2014 年 3 月 31 日 止年度	Year ended 31 March 2014						
期初帳面淨值	Opening net book amount	1	889,586	309,495	233,598	263,828	1,696,508
增加	Additions	-	420,731	69,216	13,900	-	503,847
處置	Disposals						
• 成本	• cost	-	(805,968)	(8,773)	(3,756)	-	(818,497)
• 累積折舊	• accumulated depreciation	-	805,968	8,773	3,756	-	818,497
折舊	Depreciation	-	(546,963)	(106,935)	(59,212)	(116,217)	(829,327)
期末帳面淨值	Closing net book amount	1	763,354	271,776	188,286	147,611	1,371,028
於 2014 年 3 月 31 日	At 31 March 2014						
成本	Cost	306,789	4,911,351	1,424,307	1,176,468	3,306,621	11,125,536
累積折舊	Accumulated depreciation	(306,788)	(4,147,997)	(1,152,531)	(988,182)	(3,159,010)	(9,754,508)
帳面淨值	Net book amount	1	763,354	271,776	188,286	147,611	1,371,028

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截至 2014 年 3 月 31 日止年度（以港元計算）For the year ended 31 March 2014 (in HK dollars)

10. 按類別劃分的金融工具

10. FINANCIAL INSTRUMENTS BY CATEGORY

	附註 Notes	2014	2013
金融資產	Financial assets		
貸款及應收款項：	Loans and receivables:		
包括於其他應收款項、按金及預付款項的金融資產	Financial assets included in other receivables, deposits and prepayments	138,884	36,629
銀行結存及現金	Bank balances and cash	23,847,767	31,129,508
金融負債	Financial liabilities		
按攤銷成本計算的金融負債：	Financial liabilities at amortised cost:		
政府的約滿酬金補助款	Government subvention for gratuity	3,623,715	3,708,178
其他應付款項及應計費用	Other payables and accruals	664,559	1,990,613

11. 存貨

11. INVENTORIES

	2014	2013
培訓教材	15,800	15,800

12. 銀行結存及現金

12. BANK BALANCES AND CASH

	2014	2013
銀行及手頭現金	2,158,562	8,036,398
短期銀行存款	21,689,205	23,093,110
	23,847,767	31,129,508

銀行現金按每日銀行存款利率計息。短期銀行存款的存款期在 186 天內不等（2013 年：93 天），視乎個人資料私隱專員當時的現金需要而定，並按有關的短期定期存款利率計息。

Cash at bank earns interest at floating rates based on daily bank deposit rates. Short-term bank deposits are made for varying periods within 186 days (2013: within 93 days) depending on the immediate cash requirements of the PCPD, and earn interest at the respective short-term time deposit rates.

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13. 一般儲備

13. GENERAL RESERVE

		2014	2013
於 4 月 1 日	At 1 April	15,118,044	11,216,880
由全面收益表撥入	Transfer from statement of comprehensive income	1,283,514	3,901,164
政府收回上年盈餘	Previous year's surplus recovered by Government	(3,132,000)	-
於 3 月 31 日	At 31 March	13,269,558	15,118,044

設立一般儲備的目的是用來應付營運上的突發事項。一般儲備由全面收益表撥入，最高限額為個人資料私隱專員年度經常補助金的百分之二十。一般儲備是用作一般用途，個人資料私隱專員有權自行運用。盈餘如超逾儲備的協定上限，超額之數應退還政府（扣減下年度的補助金以抵銷）。

The general reserve is established to meet operational contingencies and is transferred from the statement of comprehensive income with a ceiling at 20% of the PCPD's annual recurrent subvention. The general reserve is available for general use and can be spent at the discretion of the PCPD. Any surplus in excess of the agreed reserve ceiling should be returned to the Government by way of offsetting from next year's subvention.

年內，香港特別行政區政府（「政府」）從個人資料私隱專員收回 3,132,000 元，及在個人資料私隱專員的要求下，額外將 2,917,400 元補助金撥給個人資料私隱專員（附註 17）。

During the year, the Government of the Hong Kong Special Administrative Region (the "Government") recovered a sum of \$3,132,000 from the PCPD and, at the request of the PCPD, allocated an additional subvention of \$2,917,400 to the PCPD (Note 17).

14. 政府的約滿酬金補助款

14. GOVERNMENT SUBVENTION FOR GRATUITY

		2014	2013
於 4 月 1 日	At 1 April	3,708,178	3,439,386
年內確認的補助金	Subventions recognised for the year	(4,225,394)	(3,592,426)
沒收款	Forfeiture	290,931	261,218
已收政府的約滿酬金補助款	Gratuity subvention received from Government	3,850,000	3,600,000
於 3 月 31 日	At 31 March	3,623,715	3,708,178

這代表就個人資料私隱專員的職員約滿酬金從政府收取的款項。

This represents funds received from the Government in respect of gratuity payments to staff of the PCPD.

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15. 職員約滿酬金撥備

15. PROVISION FOR STAFF GRATUITY

		2014	2013
於 4 月 1 日	At 1 April	4,180,322	2,979,410
已作出的撥備	Provision made	4,225,394	3,592,426
未動用款項撥回	Unused amounts reversed	(290,931)	(261,218)
年內支付的數額	Amount paid during the year	(5,050,034)	(2,130,296)
於 3 月 31 日	At 31 March	3,064,751	4,180,322
減：流動部分	Less: current portion	(1,583,140)	(3,471,799)
非流動部分	Non-current portion	1,481,611	708,523

約滿酬金撥備是為了支付由受聘日起計已完成合約的職員的約滿酬金而設立的。

Provision for staff gratuity is established for gratuity payments which become payable to those employees of the PCPD who complete their contracts commencing from the date of their employment.

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16. 資本補助金

16. CAPITAL SUBVENTION FUND

		安裝電腦 計劃 Computer installation project	電話系統 項目 Telephone system project	電腦設備 項目 Computer equipment projects	會計 系統 Accounting system	裝修 工程 Fitting-out works	總計 Total
於 2012 年 4 月 1 日	At 1 April 2012	4,497,097	113,854	865,279	224,806	-	5,701,036
政府資本補助金	Government capital subvention	-	-	-	-	472,000	472,000
撥入全面收益表為收入， 以配對：	Transfer to the statement of comprehensive income as income to match with:						
• 折舊支出	• Depreciation expense	-	(38,950)	(391,613)	(62,333)	(85,871)	(578,767)
退回政府款項	Refund to the Government	-	-	(9,168)	-	(535)	(9,703)
於 2013 年 3 月 31 日 及 2013 年 4 月 1 日	At 31 March 2013 and 1 April 2013	4,497,097	74,904	464,498	162,473	385,594	5,584,566
撥入全面收益表為收入， 以配對：	Transfer to the statement of comprehensive income as income to match with:						
• 折舊支出	• Depreciation expense	-	(38,950)	(317,553)	(68,714)	(136,473)	(561,690)
• 系統培訓支出	• System training expense	-	-	-	(21,750)	-	(21,750)
退回政府款項	Refund to the Government	(4,497,097)	-	-	(5,867)	-	(4,502,964)
於 2014 年 3 月 31 日	At 31 March 2014	-	35,954	146,945	66,142	249,121	498,162

資本補助金為就特定計劃方案已收取但未應用的非經常性政府資本補助金的餘額。有關款項撥入全面收益表為收入，以配對相關費用。

The capital subvention fund represents the unutilised balance of non-recurrent capital subvention from Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.

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17. 預收政府補助金

17. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

		2014	2013
於 4 月 1 日	At 1 April	1,405,250	3,805,250
已收政府的額外補助金	Additional subvention received from Government	2,917,400	-
確認為收入的補助金	Subvention recognised as income	(1,061,500)	(2,400,000)
於 3 月 31 日	At 31 March	3,261,150	1,405,250
減：流動部分	Less: current portion	(2,094,190)	(1,405,250)
非流動部分	Non-current portion	1,166,960	-

預收政府補助金是關於年結日後才提供的各項服務而收取的補助金，會遞延入帳及在支出產生的期間有系統地在全面收益表確認為收入。

Government subvention received in advance represents subvention received in connection with various services to be provided after year end and are deferred and recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

18. 營運租賃承擔

截至報告期末，個人資料私隱專員根據不可取消的營運租賃，在辦公室方面的未來最低租金付款總額如下：

18. COMMITMENTS UNDER OPERATING LEASES

At the end of the reporting period, the PCPD had future aggregate minimum lease payments under non-cancellable operating leases in respect of office premises as follows:

		2014	2013
不超過一年	No later than one year	7,232,000	4,761,600
一年以上至五年內	Later than one year and no later than five years	6,027,000	-
		13,259,000	4,761,600

辦公室的營運租賃為期 2 年 (2013 年：20 個月至 3 年)。

Operating leases relate to office premises with lease term 2 years (2013: 20 months to 3 years).

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19. 訴訟

2012 年 2 月，個人資料私隱專員因兩間機構違反《個人資料（私隱）條例》的規定而向該兩間機構發出執行通知。該兩間機構不滿個人資料私隱專員的決定，向行政上訴委員會作出上訴。2014 年 1 月，行政上訴委員會駁回上訴，維持個人資料私隱專員發出執行通知的決定。

該兩間機構於是申請在高等法院進行司法覆核，以推翻個人資料私隱專員及行政上訴委員會的決定，而有關申請於 2014 年 5 月獲批。在本財務報表批准之日期，有關司法覆核的聆訊日期尚未定，結果還未知。個人資料私隱專員在司法覆核程序中抗辯將招致訟費。訟費數目會視乎聆訊（包括相關的準備）日期的長短及案件的進行，在有結果之前，這些全是未知之數。因此本財務報表在報告期末沒有就上述案件作任何訟費及其他費用的撥備。

19. LITIGATION

In February 2012, the Privacy Commissioner issued enforcement notices against two organisations in connection with allegation of the breach of a requirement of the Personal Data (Privacy) Ordinance. Being dissatisfied with the Privacy Commissioner's decisions, the two organisations appealed to the Administrative Appeals Board ("AAB"). In January 2014, the AAB dismissed the appeals and upheld the enforcement notices issued by the Privacy Commissioner.

The two organisations then applied and were granted leave in May 2014 to take out judicial review proceedings in the High Court to quash the respective decisions of the Privacy Commissioner and the AAB. As of the date of approval of these financial statements, the hearing for the judicial review proceedings has not yet been fixed and the outcome is not yet known. Legal costs will be incurred by the PCPD in defending the judicial review proceedings. The amount of legal costs to be incurred will depend on the length of hearing (including preparation thereto) and the conduct of the case, all of which are not yet known until conclusion of the matter. Accordingly, the financial statements have not provided for any legal and other costs in respect of the above cases as at the end of the reporting period.

附錄一

Appendix 1

保障資料原則

Data Protection Principles

收集
Collection



《個人資料（私隱）條例》旨在保障我們（作為資料當事人）在個人資料方面的私隱權。所有使用個人資料的人士（資料使用者）須依從條例核心的**六項保障資料原則**，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命週期。

The objective of the Personal Data (Privacy) Ordinance is to protect the privacy rights of a person in relation to his/her personal data (Data Subject). A person who collects, holds, processes or uses the data (Data User) has to follow the **6 Data Protection Principles (DPPs)**. The DPPs represent the normative core of the Ordinance and cover the entire life cycle of a piece of personal data:

個人資料

（1）是關乎一名在世人士，並可識別該人士身份的資料，（2）資料存在的形式令資料可讓人切實可行地查閱或處理。個人的姓名、電話號碼、地址、身份證號碼、相片、病歷和受僱紀錄等都是條例保護的個人資料。

PERSONAL DATA

(1) is information which relates to a living person and can identify that person, (2) exists in a form in which access to or processing is practicable. Examples of personal data protected by the Ordinance include names, phone numbers, addresses, identity card numbers, photos, medical records and employment records.

資料使用者

是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

DATA USER

is a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The Data User is liable as the principal for the wrongful act of its authorised data processor.

保存
Retention



使用
Use
(包括披露和轉移)
(including disclosure
and transfer)



銷毀
Deletion



DPP
第1原則

收集資料原則 Data Collection Principle

資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。

須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。

收集的資料是有實際需要的，而不超乎適度。

Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.

All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.

Data collected should be necessary but not excessive.

DPP
第2原則

資料準確及保留原則 Accuracy & Retention Principle

資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。

Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

DPP
第3原則

使用資料原則 Data Use Principle

個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。

Personal data is used for the purpose for which the data is collected or a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

DPP
第4原則

資料保安原則 Data Security Principle

資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。

A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

DPP
第5原則

公開政策原則 Openness Principle

資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。

A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.

DPP
第6原則

查閱及改正原則 Data Access & Correction Principle

資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。

A data subject must be given access to his/her personal data and to make corrections where the data is inaccurate.

附錄二

Appendix 2

公署組織架構 ORGANISATIONAL STRUCTURE

執行部 Operations Division

- 接受市民向私隱專員提出的投訴，並且就投訴採取行動；
- 就涉嫌違反條例規定的事宜進行調查，並且採取適當的跟進行動，以確保違例者遵守條例的規定；
- 就可能對個人資料私隱有所影響的事宜提供意見。
- receiving and taking action on complaints lodged with the Commissioner;
- conducting investigations of suspected breaches of the Ordinance and taking appropriate follow-up actions to ensure compliance with its provisions;
- providing advice on matters that may affect the privacy of individuals in relation to personal data.

審查及政策部 Compliance and Policy Division

- 處理市民及機構就條例提出的查詢；
- 對資料使用者被指違反條例規定的行事方式進行循規查察及主動調查；
- 處理資料使用者提出的自動核對資料程序申請；
- 就個人資料系統進行有關視察工作，以及就如何進一步遵守條例規定，向資料使用者提出建議；
- 就個人資料私隱問題制定政策立場；
- 就私隱專員擬發表意見的問題，進行比較研究及擬備立場書；
- 協助草擬實務守則。
- dealing with general enquiries from members of the public and organisations concerning the provisions of the Ordinance;
- carrying out compliance checks and self-initiated investigations in relation to practices of data users that might be inconsistent with the requirements under the Ordinance;
- handling applications from data users for approval of automated data matching procedures;
- undertaking inspections of personal data systems and making recommendations to the data users concerned for improved compliance with the provisions of the Ordinance;
- developing policy positions on issues with respect to privacy in relation to personal data;
- undertaking comparative research and drafting position papers on such issues for publication by the Commissioner;
- assisting in the preparation of codes of practices.

法律部 Legal Division

- 為公署各方面的工作提供法律意見並處理一切法律事宜；
- 監察與公署工作有關的海外資料保障法律的發展；
- 檢討可能對個人資料私隱構成影響的現行及建議中的香港法例；
- 協助政府檢討《個人資料（私隱）條例》；
- 代表私隱專員出席法庭或行政上訴委員會的聆訊；
- 執行法律協助計劃。
- providing legal advice in respect of all aspects of the work of the PCPD and dealing with all legal matters;
- monitoring developments in overseas data protection laws insofar as they are relevant to the work of the PCPD;
- reviewing existing and proposed Hong Kong legislation that may affect the privacy of the individual with respect to personal data;
- assisting the Government in the review of the Personal Data (Privacy) Ordinance;
- representing the Commissioner in any relevant court or Administrative Appeals Board hearings;
- administering the Legal Assistance Scheme.

資訊科技部 Information Technology Division

- 就資訊科技發展對個人資料私隱的影響進行研究及提供建議；
- 為資料使用者及資料當事人制定有關使用資訊及通訊科技的一般指引及提供培訓；
- 參與調查、循規查察和視察，以及就個人資料資訊系統的設計及保安提供建議；
- 統籌科技發展常務委員會會議，並提供秘書支援服務；
- 管理公署內部的資訊系統。
- undertaking research into and advising on information technology developments that impact on personal data privacy;
- developing general guidelines and providing training for data users and data subjects in relation to the use of information and communication technologies;
- participating in investigations, compliance checks and inspections, and advising on the design and security of information systems that hold personal data;
- coordinating and providing secretarial support to the Standing Committee on Technological Development;
- managing the internal PCPD information systems.

機構傳訊部 Corporate Communications Division

- 策劃及推廣公眾教育；
- 為機構舉辦有關認識條例規定的研討會及講座；
- 與傳媒及持份者建立良好關係及促進交流；
- 處理新聞界的查詢並安排記者會。
- developing and implementing promotion and public education programmes;
- organising seminars and presentations for organisations to educate them on the requirements under the Ordinance;
- building and developing media and stakeholders relationship;
- handling media enquiries and arranging media briefings.

行政部 Administration Division

- 制定並落實人力資源計劃；
- 提供辦公室管理及翻譯支援服務；
- 作為人力資源管理職能的一部分，就根據《公開資料守則》提出的查閱資料要求，及根據《個人資料（私隱）條例》提出的查閱資料要求，統籌公署的回覆；
- 為個人資料（私隱）諮詢委員會提供統籌及秘書支援服務。
- strategic planning and management of human resources;
- providing office administration and translation support;
- coordinating the office's responses to requests for access to information under the Code on Access to Information and data access requests under the Personal Data (Privacy) Ordinance as part of the human resource management function;
- coordinating and providing secretarial support to the Personal Data (Privacy) Advisory Committee.

財務部 Finance Division

- 管理會計、工資及採購系統；
- 提供財務支援，確保財務政策有效制定及施行。
- maintaining the accounting, payroll and procurement systems;
- providing financial support by ensuring that financial policies are developed and administered effectively.

附錄三

Appendix 3

《個人資料（私隱）（修訂）條例》的推廣及公眾教育活動（2013 至 14 年度） PROMOTIONAL AND PUBLIC EDUCATION ACTIVITIES in 2013-14 FOR INTRODUCING THE PERSONAL DATA (PRIVACY) (AMENDMENT) ORDINANCE (THE “AMENDMENT ORDINANCE”)

- A. 修訂條文概覽（除法律協助和直接促銷的相關條文外，大部分修訂條文於 2012 年 10 月 1 日實施）
Overview of the Amendment Ordinance (Implemented on 1 October 2012, except the provisions regarding legal assistance and direct marketing regulation)

對象 Target audience	活動 Activities
公眾 General public	於公署網站播放短片，介紹主要修訂內容。（2013-14 年度瀏覽人次：15,994） A short video introducing the major amendments was broadcast on PCPD's website. (Views in 2013-14: 15,994)
	在定期舉辦的條例簡介公眾講座（每月平均二場）中介紹有關修訂。 The amendments were introduced in the introductory seminars organised for the public (average two seminars a month).
所有資料使用者 All data users	在香港僱主聯合會 2013 年 8 月份的通訊撰文介紹修例內容。 An article featuring the amendments was contributed to the newsletter of Employers' Federation of Hong Kong in August 2013.
	應個別機構及政府部門的邀請安排 85 個培訓工作坊，重點介紹有關修訂。 Highlights of the Amendment Ordinance were incorporated in the 85 in-house seminars conducted in response to requests from individual organisations and government departments.

B. 重整直接促銷的規管機制 (2013 年 4 月 1 日起實施)

Revamping of direct marketing regime (Implemented from 1 April 2013)

對象 Target audience	活動 Activities
<p>涉及收集及使用個人資料作直接促銷活動的資料使用者</p> <p>Data users involved in the collection and use of personal data for direct marketing activities</p>	<p>私隱專員於 2013 年 10 月 2 日為由政務司司長主持的國際商務委員會演講，簡介修訂後更嚴格的直銷活動規管機制。</p> <p>The enhanced regulations on Direct Marketing were introduced in the talk delivered by the Commissioner to International Business Committee chaired by the Chief Secretary for Administration on 2 October 2013.</p>
	<p>在 2013 年 4 月於香港零售管理協會的季刊刊登廣告。</p> <p>Advertisement was placed in newsletter of the Hong Kong Retail Management Association in April 2013.</p>
	<p>在 2013-14 年度舉辦了共 24 次直接促銷專業研習班。</p> <p>公署邀請了兩位法律專業人士分別在 2013 年 6 月 28 日及 12 月 13 日主講行政人員工作坊「直接促銷活動 — 新條例下的最佳行事方式及指引」。</p> <p>24 professional workshops on Direct Marketing were held.</p> <p>Two executive workshops titled “Direct Marketing Activities – Best Practices and Guidance on the New Law” were delivered by two external legal professionals on 28 June and 13 December 2013 respectively.</p>
	<p>2013 年 4 月 24 日與香港貿易發展局及工業貿易署合作舉辦以中小企為對象的講座，約 200 人參與。</p> <p>In conjunction with Hong Kong Trade Development Council and Trade and Industry Department, a seminar was held targeting SMEs on 24 April 2013. About 200 people attended.</p>
	<p>2013 年 5 月 6 日聯同香港生產力促進局舉辦以本地商會及中小企為對象的講座，超過 140 人出席。</p> <p>In conjunction with Hong Kong Productivity Council, an open seminar was held on 6 May 2013 targeting at local trade associations and SMEs. Over 140 people attended.</p>
	<p>聯同香港零售管理協會合作推展「零售業保障私隱活動」，在 2013 年 6 月 25 日的啟動儀式上簡介修訂如何加強規管直銷活動，超過 150 人出席。</p> <p>In conjunction with Hong Kong Retail Management Association, an industry-specific campaign was launched on 25 June 2013. A presentation on the highlights of the enhanced regulations on direct marketing was delivered at the Kick-off Ceremony to over 150 attendees.</p>
	<p>2013 年 7 月 16 日聯同香港總商會舉辦公開講座，超過 90 人出席。</p> <p>In conjunction with the Hong Kong General Chamber of Commerce, one open seminar was held on 16 July 2013. Over 90 people attended.</p>
	<p>2013 年 8 月 12 日聯同立法會（資訊科技）莫乃光議員，為香港資訊科技商會及香港互動市務商會的會員舉行簡介會，38 人出席。</p> <p>In conjunction with Legislative Councillor (IT) Honourable Charles Mok, one dedicated briefing session was held on 12 August 2013 for members of the Hong Kong Information Technology Federation and the Hong Kong Association of Interactive Marketing. 38 people attended.</p>

(續 continued)

對象 Target audience	活動 Activities
<p>涉及收集及使用個人資料作直接促銷活動的資料使用者 Data users involved in the collection and use of personal data for direct marketing activities</p>	<p>2013 年 8 月 15 日聯同香港中華廠商聯合會舉辦公開講座，共 52 人出席。 In conjunction with the Chinese Manufacturers' Association of Hong Kong, one open seminar was held on 15 August 2013. 52 people attended.</p> <p>為民主黨的職員、立法會議員及區議員在 2013 年 9 月 27 日舉辦講座，共 30 人出席。 In conjunction with the Democratic Party, one dedicated briefing session was held on 27 September 2013 for their staff, legislators and district councillors. 30 people attended.</p> <p>「零售業保障私隱活動」期間，就直接促銷活動加強規管為題，在 2013 年 10 月 3 日舉行了一場研討會，有 39 人出席。另在 2013 年 11 月 22 日舉行了一次專業研習班，有 12 人出席。並在 2014 年 2 月 26 日舉行「零售業保障私隱面面觀」培訓講座，有 35 人出席。 Several training programmes were conducted during the Privacy Campaign for Retail Industry relating to the enhanced regulations on direct marketing. One seminar was held on 3 October 2013, attended by 39 people. A professional compliance workshop was held on 22 November 2013, attended by 12 people. One seminar on retail operation was held on 26 February 2014, attended by 35 people.</p>
<p>資料當事人 (一般公眾) Data subjects (General public)</p>	<p>公署網站播放有關直接促銷的短片。(2013-14 年度瀏覽人次:2,728) A short video on Direct Marketing was broadcast at PCPD's website. (Views in 2013-14: 2,728)</p> <p>私隱專員及公署高級人員以專訪或撰文形式在大眾傳媒介紹有關直接促銷的新條文：</p> <ul style="list-style-type: none"> • 香港零售管理協會季刊 (2013 年春季號) • 無線電視「都市閒情」(2013 年 4 月 1 日) • 商業電台「左右大局」(2013 年 4 月 4 日) • NOW TV「時事全方位」(2013 年 4 月 10 日) • 香港電台「千禧年代」(2013 年 4 月 10 日) • 無線電視「講清講楚」(2013 年 4 月 13 日) • 無線電視「東張西望」(2013 年 4 月 14 日) • 無線電視「明珠檔案」(2013 年 4 月 29 日) • 香港美國商會期刊 (2013 年 4 月) • 明光社通訊 (2013 年 5 月 13 日) • 經濟日報 (2013 年 6 月 26 日) • 地產代理監管局通訊 (2013 年 6 月) <p>The Commissioner and his senior staff gave interviews/contributed articles on the subject and extensive coverage has been generated in the mass media:</p> <ul style="list-style-type: none"> • Hong Kong Retail Management Association Newsletter (Spring Issue 2013) • TVB "Pleasure & Leisure" (1 April 2013) • Commercial Radio "The Tipping Point" (4 April 2013) • NOW TV "News Magazine" (10 April 2013) • RTHK "Talkabout" (10 April 2013) • TVB "On the Record" (13 April 2013) • TVB "Scoop" (14 April 2013) • TVB Pearl Report (29 April 2013) • Journal of the American Chamber of Commerce (April 2013) • The Society for Truth and Light Newsletter (13 May 2013) • Hong Kong Economic Times (26 June 2013) • Estate Agents Authority Newsletter (June 2013)

(續 continued)

對象 Target audience	活動 Activities
資料當事人 (一般公眾) Data subjects (General public)	在條例簡介講座(每月兩場)介紹新的規管條文。 The new regulatory requirements were introduced in the introductory seminars. (held approximately twice a month)
	政制及內地事務局推出電視及電台的宣傳片，於2013年3月21日至9月20日播放。 An API was released by the Constitutional and Mainland Affairs Bureau for broadcasting on TV and Radio from 21 March to 20 September 2013.
	2013年4月24日及5月初先後於《蘋果日報》及《東方日報》、《東周刊》及《壹周刊》刊登圖鑑，講解如何應用規管直銷活動新條文。中英文版皆在公署網站刊登。 An infographic was published in two Chinese newspapers, <i>Apple Daily</i> and <i>Oriental Daily</i> , on 24 April 2013 and two weekly magazines, <i>East Week</i> and <i>Next Magazine</i> , in first week of May 2013, to illustrate how to apply the new rules on direct marketing to protect personal data. Both English and Chinese versions are available on PCPD's website.
	2013年12月至2014年3月於港九新界七個地點舉辦公眾教育巡迴展覽，超過64,000人次參觀，期間於主要地鐵站展覽及派發46,000本新出版的「個人資料私隱：自己作主話事」小冊子，協助市民了解條例經修訂後對日常生活的影響，及如何回應直接促銷活動。 A public education roadshow was held from December 2013 to March 2014 covering seven locations in Hong Kong attracting over 64,000 visitors. 46,000 copies of a newly-published handbook " <i>Have My Say On Personal Data Privacy</i> " were distributed during the roadshow at major MTR stations. They were aimed to enhance the understanding of individuals' privacy rights brought by the amendments to the Ordinance. These provided practical tips for data protection in daily chores such as responding to direct marketing approaches.

C. 法律協助(2013年4月1日起實施)

Legal assistance (Implemented from 1 April 2013)

對象 Target audience	活動 Activities
資料當事人 (一般公眾) Data subjects (General public)	在公署網站播放介紹條例修訂的短片中提及法律協助計劃。(2013-14年度瀏覽人次：715) The scheme was introduced in the short video featuring the Amendment Ordinance broadcast at PCPD's website. (Views in 2013-14: 715)

附錄四

Appendix 4

公署曾提供講座的機構*

ORGANISATIONS* TO WHICH PCPD DELIVERED TALKS

政府及公營機構 Government and Public Bodies

	機構	Organisation	日期 Date
1	民眾安全服務隊	Civil Aid Service	2013.06.15
2	建造業議會	Construction Industry Council	2013.08.26
3	香港海關	Customs and Excise Department	2013.05.24 2013.10.28
4	衛生署	Department of Health	2014.02.19
5	教育局	Education Bureau	2013.05.10 2013.12.11
6	平等機會委員會	Equal Opportunities Commission	2013.08.21
7	地產代理監管局	Estate Agents Authority	2013.09.06
8	香港懲教署	Hong Kong Correctional Services Department	2013.04.12
9	香港交易及結算所有限公司	Hong Kong Exchanges and Clearing Limited	2013.09.26
10	香港房屋委員會	Hong Kong Housing Authority	2014.03.07
11	香港房屋協會	Hong Kong Housing Society	2014.03.04
12	司法機構	Hong Kong Judiciary	2014.03.05
13	香港生產力促進局	Hong Kong Productivity Council	2013.05.06
14	醫管局港島東聯網	Hospital Authority - Hong Kong East Cluster	2014.01.21
15	勞工處	Labour Department	2013.06.14 2013.06.17 2013.06.26 2013.12.05 2014.03.19
16	地政總署	Lands Department	2013.08.13 2013.09.16
17	保安局禁毒處	Narcotics Division, Security Bureau	2013.10.02 2013.10.07
18	職業安全健康局	Occupational Safety & Health Council	2013.10.21
19	肺塵埃沉着病補償基金委員會	Pneumoconiosis Compensation Fund Board	2013.11.12
20	學生資助辦事處	Student Financial Assistance Agency	2013.04.12
21	香港貿易發展局	The Hong Kong Trade Development Council	2013.04.24
22	澳門個人資料保護辦公室	The Office for Personal Data Protection, Macao	2013.12.05
23	香港旅遊業議會	Travel Industry Council of Hong Kong	2013.04.18 2013.05.21 2013.09.12
24	市區重建局	Urban Renewal Authority	2014.02.25
25	香港職業訓練局	Vocational Training Council	2013.05.27

私營機構 Private Sector Organisations

	機構	Organisation	日期 Date
1	友邦保險（國際）有限公司	AIA International Limited	2013.11.05
2	藍十字（亞太）保險有限公司	Blue Cross (Asia-Pacific) Insurance Limited	2013.06.18
3	國泰航空服務有限公司	Cathay Pacific Services Limited	2013.04.17
4	招商銀行香港分行	China Merchants Bank Hong Kong Branch	2013.07.08
5	中信泰富有限公司	CITIC Pacific Limited	2013.11.27
6	敦豪國際速遞（香港）有限公司	DHL Express (HK) Limited	2013.05.09
			2014.03.26
7	溢達集團	Esquel Enterprises Limited	2014.01.09
8	富邦銀行（香港）有限公司	Fubon Bank (Hong Kong) Limited	2013.05.15
9	廣域理念有限公司	GR8 Leisure Concept Limited	2013.06.24
10	香港浸信會醫院	Hong Kong Baptist Hospital	2013.06.21
			2013.06.27
			2014.03.13
11	香港寬頻網絡有限公司	Hong Kong Broadband Network Limited	2013.06.28
12	香港數碼港管理有限公司	Hong Kong Cyberport Management Company Limited	2013.07.03
13	香港經濟日報有限公司	Hong Kong Economic Times Limited	2013.06.24
14	合和實業有限公司	Hopewell Holdings Limited	2013.10.28
15	香港太古集團有限公司	John Swire & Sons (H.K.) Limited	2013.09.03
16	啟勝管理服務有限公司	Kai Shing Management Services Limited	2013.08.28
			2013.11.26
17	金佰利（香港）有限公司	Kimberly-Clark (Hong Kong) Limited	2014.01.23
18	柯尼卡美能達商業系統（香港）有限公司	Konica Minolta Business Solutions (HK) Limited	2014.01.07
19		MGB METRO Group Buying HK Limited	2013.12.05
20	三菱電機（香港）有限公司	Mitsubishi Electric (Hong Kong) Limited	2013.05.23
21	三井住友海上火災保險（香港）有限公司	MSIG Insurance (Hong Kong) Limited	2013.09.09
22	邦民日本財務（香港）有限公司	Promise (Hong Kong) Company Limited	2013.11.26
23	三星電子香港有限公司	Samsung Electronics Hong Kong Company Limited	2013.08.05
			2013.08.06
24	上海商業銀行有限公司	Shanghai Commercial Bank Limited	2014.02.18
25	上海浦東發展銀行股份有限公司	Shanghai Pudong Development Bank Company Limited	2013.06.05
			2013.06.20
26	數碼通電訊有限公司	Smartone Mobile Communications Limited	2014.03.21
27	新鴻基地產發展有限公司	Sun Hung Kai Properties Limited	2013.07.09
28	香港永明金融有限公司	Sun Life Hong Kong Limited	2013.06.13
29	牛奶有限公司	The Dairy Farm Company Limited	2013.04.09
			2013.07.10
			2013.10.17
30	大眾汽車集團香港有限公司	Volkswagen Group Hong Kong Limited	2013.04.08
			2013.10.08

專業團體及社團 Professional Bodies and Community Groups

	機構	Organisation	日期 Date
1	浸信會愛羣社會服務處	Baptist Oi Kwan Social Service	2013.12.30
2	旺角街坊會陳慶社會服務中心	Mongkok Kai-Fong Association Limited Chan Hing Social Service Centre	2013.09.11
3	聖雅各福群會	St. James' Settlement	2014.03.12
4	香港中華廠商聯合會	The Chinese Manufacturers' Association of Hong Kong	2013.08.15
5	中華基督教禮賢會香港區會	The Chinese Rhenish Church Hong Kong Synod	2013.11.12
6	香港總商會	The Hong Kong General Chamber of Commerce	2013.07.16
7	香港盲人輔導會	The Hong Kong Society for the Blind	2014.03.31

教育機構 Educational Organisations

	機構	Organisation	日期 Date
1	佛教何南金中學	Buddhist Ho Nam Kam College	2013.11.01
2	中華基督教會銘賢書院	CCC Ming Yin College	2014.02.28 2014.03.14
3	廠商會蔡章閣中學	CMA Choi Cheung Kok Secondary School	2013.05.02
4	香港大學專業進修學院	HKU School of Professional and Continuing Education	2013.08.02 2014.03.13
5	香港浸會大學	Hong Kong Baptist University	2013.04.21 2014.01.28 2014.03.20
6	香港教育城有限公司	Hong Kong Education City Limited	2013.07.31
7	香港鄧鏡波書院	Hong Kong Tang King Po College	2013.05.02 2013.10.03
8	香港理工大學企業發展院	Institute for Entrepreneurship, The Hong Kong Polytechnic University	2014.01.29
9	香港專業教育學院（青衣分校）	Institute of Vocational Education - Tsing Yi	2013.05.07
10	嶺南大學	Lingnam University	2014.03.24
11	瑪利曼中學	Marymount Secondary School	2013.05.03
12	慕光英文書院	Mu Kuang English School	2013.11.01

教育機構 Educational Organisations (續 continued)

	機構	Organisation	日期 Date
13	天主教普照中學	Po Chiu Catholic Secondary School	2013.11.01
14	順利天主教中學	Shun Lee Catholic Secondary School	2013.11.01
15	官立嘉道理爵士中學(西九龍)	Sir Ellis Kadoorie Secondary School (West School)	2013.04.30
16	聖公會諸聖中學	SKH All Saints' Middle School	2013.07.02 2013.07.04
17	聖保祿學校	St. Paul's Convent School	2013.07.03
18	香港高等科技教育學院	Technological and Higher Education Institute of Hong Kong	2013.11.29
19	香港中文大學學生事務處	The Chinese University of Hong Kong - Office of Student Affairs	2013.06.13 2014.01.27
20	香港中文大學	The Chinese University of Hong Kong	2014.03.21
21	中華基督教會桂華山中學	The Church of Christ in China Kwei Wah Shan College	2013.05.03
22	香港教育學院	The Hong Kong Institute of Education	2013.10.24
23	香港理工大學	The Hong Kong Polytechnic University	2013.09.24 2014.02.21
24	香港科技大學	The Hong Kong University of Science and Technology	2014.02.14
25	香港公開大學	The Open University of Hong Kong	2013.11.13
26	香港大學	The University of Hong Kong	2014.03.27
27	將軍澳官立中學	Tseung Kwan O Government Secondary School	2013.04.19
28	荃灣官立中學	Tsuen Wan Government Secondary School	2014.02.27
29	屯門官立中學	Tuen Mun Government Secondary School	2014.02.26
30	東華三院陳兆民中學	TWGHs Chen Zao Men College	2013.05.03
31	香港職業訓練局青年學院	Vocational Training Council - Youth College	2013.04.30

* 機構按英文名稱順序排列

Organisations listed in alphabetical order

附錄五

Appendix 5

公署發出的新聞稿及專員網誌

MEDIA STATEMENTS AND THE COMMISSIONER'S BLOGS RELEASED BY THE PCPD

日期 Date	新聞稿 / 專員網誌 Media statement/The Commissioner's blog
2013.04.02	私隱專員對政府決定暫緩公司董事查冊新安排表示失望 The Privacy Commissioner disappointed with shelving of legislative proposals to control access to company directors' personal data
2013.04.09	私隱專員發表港鐵閉路電視系統視察報告 The Privacy Commissioner releases Inspection Report on the MTR's CCTV system
2013.04.09	調查報告：體檢服務公司聯同保險顧問公司以儼如欺詐手法收集市民個人資料作直接促銷 Investigation Report: A Body Check Service Company and an Insurance Broker Collected Personal Data for Use in Direct Marketing by Arguably Deceitful Means
2013.04.23	私隱專員公署製作圖鑑講解如何應用規管直銷活動新條文 PCPD published An Infographic to Illustrates How to Apply New Rules on Direct Marketing to Protect Personal Data
2013.04.25	調查顯示 Facebook 用戶對保障私隱知而不行公署出版小冊子分享精明使用社交網貼士 Survey: Few Facebook Users Act on Privacy Protection PCPD published Leaflet on Smart Use of Social Networks
2013.04.28	由「關注私隱運動」做起 網上私隱要自保 Privacy Awareness Week: Think Privacy! Be Smart Online
2013.05.07	私隱專員公署抽查本地開發的智能手機應用程式私隱政策 The PCPD Commences to Study Privacy Policy of Local Smartphone Apps
2013.06.25	零售業展開保障個人資料私隱活動 Retail Industry Campaign Launched for Protecting Consumers' Personal Information
2013.07.29	個人資料私隱專員公署出版擬備私隱政策的指引 The PCPD issued a Guidance on Preparing Privacy Notices
2013.08.13	調查報告：手機程式「起你底」嚴重侵犯個人資料私隱 Investigation Report: Smartphone Application "Do No Evil" Seriously Intruded Personal Data Privacy
2013.08.13	回應傳媒查詢：公署正檢視 GDI 經營的背景審查服務是否符合規 Response to media enquiries: Compliance Check on GDI's litigation record search services
2013.08.13	個人資料私隱專員公署出版從公共領域取用個人資料的指引 The PCPD issued a Guidance on Use of Personal Data Obtained from the Public Domain
2013.08.13	本港智能手機程式私隱政策透明度普遍不足 Inadequate Transparency in Privacy Policy for Local Smartphone Applications

(續 continued)

日期 Date	新聞稿 / 專員網誌 Media statement/The Commissioner's blog
2013.08.14	「全球私隱執法機關網絡」聯合公佈各地網上私隱政策透明度檢視結果 Global Results from the first GPEN Internet Privacy Sweep
2013.09.27	個人資料（私隱）諮詢委員會新成員名單公布 New members of Personal Data (Privacy) Advisory Committee appointed
2013.10.03	在校園推廣保障個人資料 Promoting Personal Data Privacy Protection on Campuses
2013.10.04	專員網誌：回應手機「應用程式生活化」的國際宣言 The Commissioner's Blog: The Warsaw Declaration on the "appification" of society
2013.10.18	回應傳媒查詢：有關公署處理「起你底」事件的意見調查 Response to Media Enquiries: A survey on the PCPD's investigation into the "Do No Evil" case
2013.10.24	警務處接連遺失載有敏感個人資料的記事冊 The Police Force Warned after Repeated Incidents of Loss of Notebooks containing Sensitive Personal Data
2013.10.24	資料經 Foxy 外洩後患無窮 Use of Foxy culminated in Data Leakage which got Out of Control
2013.10.24	醫管局處理棄用病人紀錄失當 私隱專員發執行通知指令糾正 Enforcement Notice served on Hospital Authority for Data Breach arising from Disposal of Hospital Wastes containing Patient Records
2013.10.25	專員網誌：回應有關「起你底」個案的疑慮 The Commissioner's Blog: Response to some queries about the Do No Evil Case
2013.11.29	保障個人資料巡迴展覽 把知識帶到社區 Roadshow Brings Data Privacy Rights Discussion in the Community
2013.12.05	California Fitness 向會籍申請人收集過度的個人資料違反私隱條例規定 California Fitness Collected Excessive Personal Data from Membership Applicants in Contravention of the Privacy Law
2014.01.06	行政上訴委員會確立雜誌偷拍藝人案屬不公平收集個人資料 Administrative Appeal Board Affirms Privacy Commissioner's Decision on Clandestine Photo-taking of Artistes by Media Organisations
2014.01.22	專員網誌：瞬息萬變的私隱保障形勢 The Commissioner's Blog: The Fast Evolving Privacy Landscape
2014.01.23	公署於 2013 年接獲的私隱投訴增加 48% The Year 2013 saw a 48% Increase in Privacy Complaints
2014.01.23	私隱專員視察報告 助學生資助辦事處改進個人資料系統 Inspection Report to Help Improve Personal Data System of Student Financial Assistance Agency
2014.02.12	保障私隱與企業管治國際會議 推動本港機構實行私隱管理 International Conference Highlights the Role of Privacy Management Programme in Good Corporate Governance
2014.02.18	主要機構承諾推行私隱管理系統 保障個人資料私隱 Major Organisations Pledge to Implement Privacy Management Protect Personal Data Privacy

2013-14年度：數字回顧

2013-14: A Year in Numbers

公署在這年度內的工作成果摘要

Highlights of the PCPD's achievements in the year



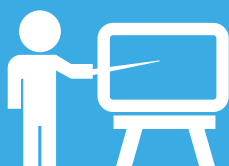
1,888 宗
Cases

接獲投訴
Complaint cases received

53% 增長
Increased by

16,851 人次
people

參加公署的講座、研習班及工作坊，
了解條例要求
Attended our talks, seminars and
workshops to learn about the requirements
under the
Ordinance



60%

保障資料主任聯會會員
人數增加
Data Protection Officers' Club
membership numbers
increased



23,459 個
Cases

答覆查詢
Enquiry cases handled

18% 增長
Increased by

18



發出執行通知，指令機構停止
或防止違規

Enforcement notices issued to direct
organisations to stop or prevent
contraventions

181

主動展開循規審查行動
Compliance checks initiated
against organisations



115 宗
Cases

完成投訴個案的正式調查
Formal investigations completed

13 主動調查
Self-initiated investigations
conducted



110

行業保障私隱活動的
參與機構
Organisations took part in
the Industry-Specific
Privacy Campaign



25,500 人次
people

大專及中學生參與校園
保障個人資料推廣活動
University and secondary school
students participated in our education
programmes

6

就重要個案編撰
調查報告
Investigation reports
on significant cases
were compiled for
publication



64,000 人次
people



參觀公署舉辦的私隱
權利巡迴展覽
Visitors attracted to our
roadshow on privacy
rights



75,000 人次
visits

每月平均有人次瀏覽公署網站
An average of visits to our website
per month



香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

香港灣仔皇后大道東248號12樓
12/F, 248 Queen's Road East, Wanchai, Hong Kong
電話 Tel : 2827 2827
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www.pcpd.org.hk

網上私隱要自保專題網站
Think Privacy! BeSmartOnline



www.pcpd.org.hk/besmartonline

青少年專題網站
YOUTH PRIVACY
www.pcpd.org.hk/youthprivacy



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