



Personal data protection

Figure 1 — Trend of personal data protection complaints

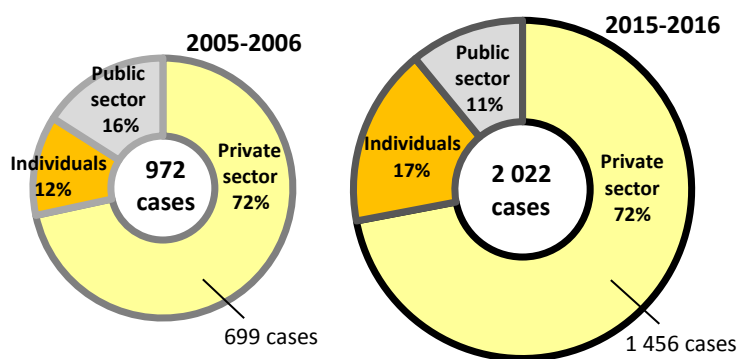


Figure 2 — The share of the most complained segments in the complaints against the private sector

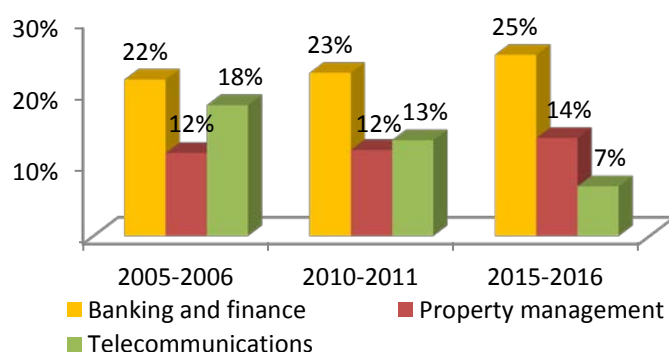
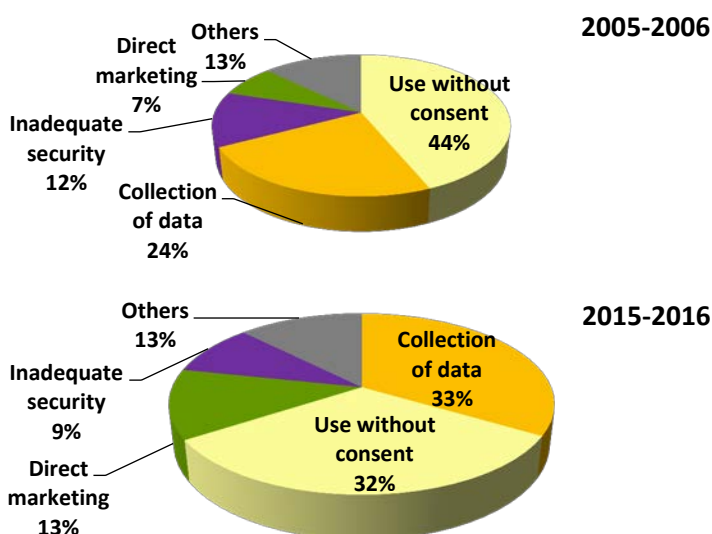


Figure 3 — Nature of personal data protection complaints



Note: Others include data accuracy and retention, openness of data policy, and access or correction. A complaint may also involve more than one breach of the privacy principles or provisions.

Highlights

- Personal data protection is an emerging public concern in the information age. This is no exception to Hong Kong which has seen the number of personal data protection complaints filed to the Office of the Privacy Commissioner for Personal Data ("the Commissioner Office") more than doubled from 972 in 2005-2006 to 2,022 in 2015-2016. The most complained sector is the private sector, followed by individuals (Figure 1).

- In 2015-2016, the most complained segment of the private sector was banking and finance sector, accounting for about 25% of all complaints against the private sector. The property management sector was the second most complained segment (14%), followed by the telecommunications sector (7%) (Figure 2).

- "Collection of data" has replaced "use without consent" as the most common alleged breach in the complaints over the past decade. The share of alleged breach related to "direct marketing" has also risen from 7% of the total to 13% of the total during the same period (Figure 3).

Personal data protection (cont'd)

Figure 4 — Results of formal complaint investigations

	Cases of complaints handled	Cases with formal investigation launched	Cases with breach found	Discontinued cases	Cases with no breach found
2011-2012	1 766	87	24	44	19
2012-2013	1 221	80	11	57	12
2013-2014	1 952	115	30	77	8
2014-2015	1 766	42	7	34	1
2015-2016	2 013	74	10	62	2

Note: Many complaints did not require formal investigation as they were dealt with by relaying the concerns of the complainants to the parties complained against. Some complainants also did not respond to invitation to provide evidence.

Figure 5 — Number of enforcement actions taken

	Warning	Enforcement notice	Referral to police	Conviction
2010	18	10	12	0
2011	32	1	12	4
2012	27	11	15	2
2013	32	25	20	0
2014	20	90	20	1
2015	17	67	30	4

Note: The enforcement actions also include actions taken against breaches separately found in its probe into recruitment ads.

Figure 6 — Operation of the legal assistance scheme

	New application	Application processed	Granted	Rejected	Withdrawn
2013-14	17	12	1	7	4
2014-15	6	11	1	10	0
2015-16	15	14	1	9	4

Highlights

- The workload of the Commissioner Office has continued to grow, with more complaints it handled in the past five years. Of those cases with formal investigations launched, a majority of them were discontinued during investigation as they were resolved through reconciliation, mediation or due to other reasons. (Figure 4).
- The number of enforcement notice and referral to police in the past six years has been on a rising trend. (Figure 5). That was partly attributed to tightened regulation on direct marketing since 2013, and the Commissioner Office's self-initiated actions against recruitment advertisements in which the employer could not be identified.
- Since April 2013, the Commissioner Office has launched the legal assistance scheme to provide legal advice or representation to help victims seek compensation for suffering resulted from damage from personal data breaches. One case was granted in each of the past three years while most were rejected for no prima facie evidence of contravention or lack of evidence to substantiate the claims (Figure 6).

Data sources: Latest figures from the Office of the Privacy Commissioner for Personal Data.

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