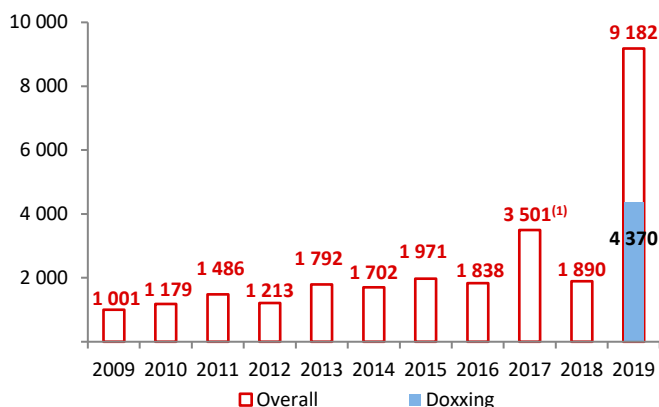




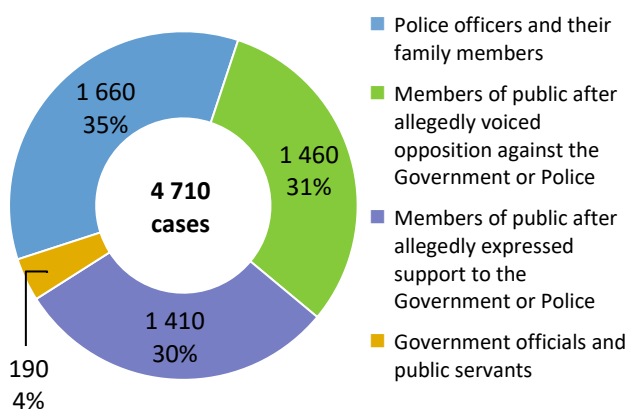
Doxxing and personal data protection

Figure 1 – Overall complaints on personal data protection



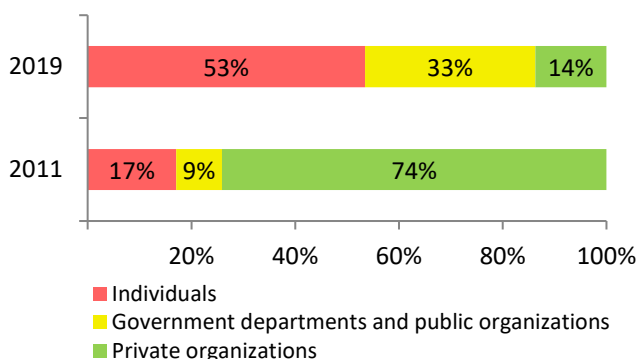
Note: (1) There was a spike in complaints in 2017, mostly due to 1 968 complaints on the loss of two laptops owned by the Registration and Electoral Office.

Figure 2 – Doxxing victims between June 2019 and September 2020⁽¹⁾



Note: (1) Numbers of cases rounded to the nearest ten.

Figure 3 – Complainees by sector in overall complaints



Highlights

- Over the past decade, the number of complaints lodged to the Office of the Privacy Commissioner for Personal Data ("PCPD") has increased by more than eight-fold to 9 182 cases in 2019 (**Figure 1**). The upsurge was most significant in 2019, upon widespread and serious leakage of personal data through internet-based platforms (e.g. doxxing and cyberbullying) after the outbreak of social incident in June 2019. According to PCPD, the first doxxing complaint was received on 14 June 2019 and totalled at 4 370 cases in 2019. For the first three quarters of 2020, PCPD received and handled another 344 doxxing cases.
- Between June 2019 and September 2020, PCPD received a total of 4 714 doxxing cases (**Figure 2**). Analysed by victims, "police officers and their family members" were the largest category, with a share of 35%. This was followed by "members of public after allegedly voiced opposition against the Government or Police" (31%) and "members of public after allegedly expressed support to the Government or Police" (30%).
- Analysed by complainees, the share of individuals in overall caseload more than tripled from 17% to 53% during 2011-2019, again due to doxxing incidents last year (**Figure 3**). For public bodies, its share almost quadrupled from 9% to 33% over the past eight years, mainly attributable to disclosure of the identity card of a reporter right in front of camera by a police officer during live broadcast in late 2019. This incident gave rise to some 2 500 complaints.
- In law enforcement, doxxers are subject to a maximum penalty of HK\$1 million and five-year imprisonment under the Personal Data (Privacy) Ordinance ("PDPO"), with the first conviction handed down to a doxxer in October 2020. In addition, PCPD asked online platforms to remove, on a voluntary basis, 3 461 web links over the past year or so. So far, only 67% of such links were removed. In January 2020, the Legislative Council considered a proposal to confer powers to PCPD to remove such doxxing contents. In November 2020, the Government undertook to work out a legislative proposal within a year.

Doxxing and personal data protection (cont'd)

Figure 4 – Outcome of overall complaints in 2018-2019

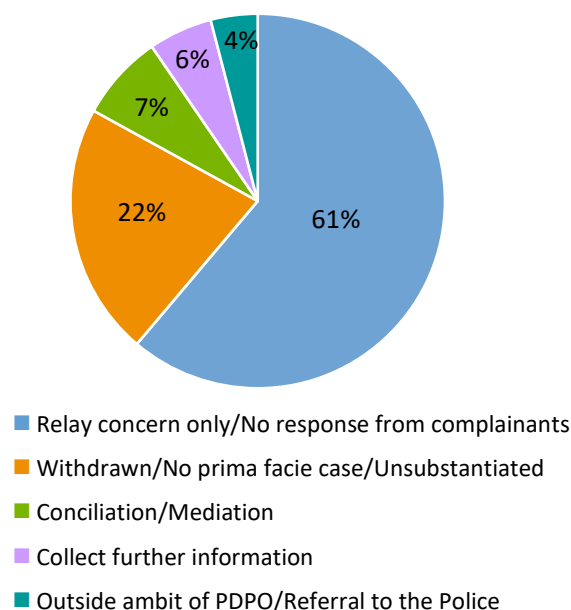


Figure 5 – Nature of allegations in breach of PDPO⁽¹⁾

Nature	2008-2009	2018-2019	Cumulative growth
(a) Improper use and disclosure	426	799	88%
(b) Improper collection	259	730	182%
(c) Inadequate security	172	500	191%
(d) Others	221	525	138%
Total	1 078	2 554	137%

Note: (1) One complaint may have more than one allegation.

Figure 6 – Major incidents of massive leakage of personal data in recent years

Time	Incident	Leaking party	Affected people (million)
Mar 2017	Loss of laptops containing personal data of electors	Registration and Electoral Office	3.8
Apr 2018	Intrusion into customer database	Local telecommunication company	0.4
Oct 2018	Unauthorized access to passenger database	Local airline	9.4
Nov 2018	Unauthorized access to credit reports	Credit reference agency	5.5

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Highlights

- Based on the most recent available statistics for 2018-2019, a large proportion of complaints (61%) were either completed by relaying concerns of complainants to complainees, or they could not proceed further for lack of response from complainants (Figure 4). This apart, 22% were closed due to withdrawal or non-substantiation of complaints. Only 7% of the complaints were resolved through conciliation or mediation.
- Turning to the nature of allegations in breach of personal data protection under PDPO, "improper use and disclosure" and "improper collection" were the most common during the past decade ending 2018-2019, accounting for three-fifths of the total number (Figure 5). However, "Inadequate security" registered the fastest growth of 191% within a decade, reflecting heightened concerns after the incidents of leakage of massive personal data from the corporate sector in late 2018.
- Data leakage arising from hacking, system misconfiguration or loss of portable devices could have severe implications for the data subjects. Taking the data leakage incident of a local airline in October 2018 as an example, it affected some 9.4 million customers globally (Figure 6). For the leakage from a credit reference agency in November 2018, it affected 5.5 million local customers. At present, there is no legal obligation for the leaking party to notify PCPD or the affected data subjects. There is also a suggestion to establish a mandatory data breach notification mechanism so that the affected individuals can take early precautions.

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

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