

LegCo Panel on Security

Statistics on the Provision of Registration of Persons (ROP) Records

INTRODUCTION

At the meeting on 14 February 2001, a Member stated that in the course of investigating a case of rape which occurred in Tuen Mun some years ago, the Police had obtained tens of thousands of Registration of Persons (ROP) records from the Immigration Department (ImmD). Members requested ImmD to provide information on release of ROP data in large quantities by ImmD in year 2000.

EXISTING PRACTICE

2. ImmD complies fully with the provisions of the Personal Data (Privacy) Ordinance (PDPO) on the use and disclosure of personal data. Under the existing practice, any request for disclosure of ROP data must be made and signed by an authorized officer of an appropriate rank. The officer will have to state clearly whether the request is for a legitimate purpose and whether the consent of the data subject has been obtained. If there is no such consent, he will have to cite the relevant exemption provision (sections 57 or 58) in the PDPO and give justifications for the request. ImmD will then examine carefully if the request is one that can be entertained under the law. In case of doubt, the Department of Justice and the Privacy Commissioner for Personal Data will be consulted. Under no circumstances will ImmD disclose any personal data if such disclosure constitutes a breach of the PDPO.

STATISTICS ON PROVISION OF ROP DATA IN LARGE QUANTITIES

3. Statistics on ROP data provided by ImmD in large quantities in 2000 are tabulated at Annex. For this purpose, "large quantities" is defined as records involving over 100 data subjects. In all cases, no ROP data would

have been provided if the requesting department was unable to give identifiable information, e.g. the identity card number or name of the data subject. Of all the requests made to ImmD in year 2000, only 20 cases involved over 100 data subjects. Nineteen of them were made by the Police (16 for serving summons in connection with traffic offences and 3 for investigation of crime), while one was made by the Marine Department (for contacting passengers who had witnessed a marine accident which caused the death of 4 persons). The largest number of data subjects involved in one single request was made by the Traffic Branch involving 354 persons. The data were sought to enable the Police to serve summons relating to a large number of traffic offences, i.e. not a single case.

RAPE CASE IN TUEN MUN

4. After repeated checking, the Hong Kong Police Force has confirmed that investigation of the Tuen Mun rapist case, which occurred in 1993, did not involve the use of any personal data maintained by the ImmD.

COMMENTS

5. A well established legal framework based on the PDPO is in place to guard against any misuse relating to the collection, retention, release and use of ROP data.

Security Bureau
21 February 2001

Number of ROP Records provided by Immigration Department in 2000 with over 100 data subject in one single request

Serial No.	Department	No. of data subject	Reasons for requesting the records
1.	Hong Kong Police Force	110	For serving summons in connection with traffic offences
2.	- " -	112	- " -
3.	- " -	121	- " -
4.	- " -	122	- " -
5.	- " -	145	- " -
6.	- " -	165	- " -
7.	- " -	174	- " -
8.	- " -	180	- " -
9.	- " -	208	- " -
10.	- " -	226	- " -
11.	- " -	247	- " -
12.	- " -	266	- " -
13.	- " -	284	- " -
14.	- " -	328	- " -
15.	- " -	331	- " -
16.	- " -	354	- " -
17.	- " -	127	For investigation of crime
18.	- " -	127	For investigation of crime
19.	- " -	128	For investigation of crime
20.	Marine Department	137	For contacting witnesses to a marine accident
	Total	3892	