



INDEPENDENT POLICE COMPLAINTS COUNCIL
"IPCC"
REPORT ON LEAKAGE OF PERSONAL DATA

8th April 2006

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1. **DISCOVERY OF THE LEAKAGE**

- 1.1 Two articles appeared in the 10th March, 2006 edition of the South China Morning Post. The articles referred to a computer user uncovering a database including the IPCC reference number, identity card number and the full name and address of each complainant whilst searching the internet with Google for a business address. The articles also reported that the computer user had notified the ICAC in relation to such leakage.
- 1.2 Prior to the publication of these two articles, the IPCC¹ had no knowledge that such data was accessible via the internet.
- 1.3 An account of its presence requires consideration of the arrangements between the IPCC, EDPS Systems Ltd. [“EDPS”] and Mr. Kirren Y.L. Heung [“Mr. Heung”]. For ease of understanding, a chronology is annexed hereto as Appendix I.

¹ References in this Report to the IPCC include the Council which is a non-statutory body, with its Chairman and members appointed by the Chief Executive, HKSAR, and the IPCC Secretariat which is staffed by civil servants and which provides administrative support to the Council.

2. **THE CONTRACTS BETWEEN THE IPCC AND EDPS**

- 2.1 There are 4 types of contracts between the IPCC and EDPS. They are :
- (a) Contract for the development of a new computer statistical system dated 24th December, 1998.
 - (b) Contract for the development of a computer programme for monitoring and verification of statistics on complaints against the Police dated 4th May, 2001.
 - (c) Contracts for the enhancement of the computer statistical system. The first of these contracts was approved by the then Secretary on 30th August, 1999 and the last was approved by the then Secretary on 9th January, 2004.
 - (d) Contracts for the maintenance of the computer statistical system. The first of these contracts was approved by the then Secretary on 2nd November, 1999 and the last was approved by the then Senior Assistant Secretary (Planning & Support) on 27th October, 2005.
- 2.2 In relation to the contract for the development of a new computer statistical system dated 24th December, 1998 [“the 1998 System Contract”] :
- (a) On 28th August, 1998, then Senior Assistant Secretary (Planning & Support) of the IPCC consulted the then Information Technology Services Department [“ITSD”] on a draft invitation letter to contractors for quotation for development of a new IPCC computer statistical

system. The IPCC was looking for a new system for better and faster management of the data and information of all complaint cases. The selected contractor was expected to convert and import old data from the then existing database (FoxBASE+database format) into the new database.

- (b) On 2nd September, 1998, the then ITSD suggested to the IPCC that more system background such as data volume and system usage should be provided to the proposed contractors and that reference to appropriate clauses in the Stores and Procurement Regulations [“SPR”] should be made.
- (c) By letter dated 30th September, 1998, the IPCC via its then Secretary invited EDPS to submit their proposals. The IPCC pointed out that the selected contractor was expected to convert and import old data from existing database into the new database. The selected contractor was further expected to provide on-going maintenance and support service. There was no express provision in this letter adverting to the confidentiality of the data in question.
- (d) EDPS submitted its proposal on 16th October, 1998. They proposed a new system using Visual Foxpro 5.0 running under Window 95 or above. EDPS was to provide data conversion programme to the IPCC to convert as much data as possible from the old system to the new system.

- (e) According to a file note retained by the IPCC, a meeting took place on 11th December, 1998 between Mr. Heung and the then Assistant Secretary of the IPCC. Mr. Heung was described as the “Project Manager”. The file note indicated that the background information of the IPCC and its user requirements were explained in detail to Mr. Heung.
- (f) The proposal of EDPS was eventually accepted by the IPCC via its letter dated 24th December, 1998. There was no express provision in the contract so concluded against any sub-contracting of the work in question.
- (g) The conclusion of this contract was in accordance with SPR 280(c) and 280(f) which are annexed hereto as Appendix II.

2.3 In relation to the contract for the development of a computer programme for monitoring and verification of statistics on complaints against the Police dated 4th May, 2001 [“the 2001 Matching Programme Contract”] :

- (a) By letter dated 12th April, 2001, the then Deputy Secretary of the IPCC wrote to EDPS inviting them to submit a proposal for the development of a computer programme to monitor and verify the complaint statistics kept by CAPO. CAPO and the IPCC each maintained a computerized system to manage statistics on complaints against the police and there were minor terminology and classification grouping differences in the respective system used. EDPS was invited to submit proposals for a

matching system for more efficient verification of the two sets of statistical data. EDPS duly submitted its proposals on 20th April, 2001. The IPCC accepted the same on 4th May, 2001. The conclusion of this contract was in accordance with SPR 280(i) which is annexed hereto as Appendix III.

- (b) There was no express provision in this contract as to the nature of the data which EDPS would encounter when discharging its duties thereunder. There was also no express provision prohibiting sub-contracting.

2.4 Regarding contracts for the enhancement of the computer statistical system :

- (a) The first of these contracts was approved by the then Secretary on 30th August, 1999. That contract was for provision of a print function and a search and print function to the computer statistical system.
- (b) The last of these contracts was approved by the then Secretary on 9th January, 2004 [“the 2004 Enhancement Contract”]. This was prompted by changes in the structure of CAPO’s computer system. Modification of the conversion programme of the IPCC’s system was required in order to accept the data from CAPO. The contract was for the sum of \$22,000. Ms. X, Assistant Secretary of the IPCC, signed the same on behalf of the IPCC in accordance with SPR280(i). The contract provided that programme modification was to be completed on 12th January, 2004 and user acceptance test was to be completed on 15th

February, 2004. There was no express provision in this contract as to the nature of the data which EDPS would encounter when discharging its duties thereunder. There was also no express provision prohibiting sub-contracting.

2.5 Regarding contracts for the maintenance of the computer statistical system :

- (a) The first of these contracts was approved by the then Secretary on 2nd November, 1999 and the last was approved by the then Senior Assistant Secretary (Planning & Support) on 27th October, 2005. The 27th October, 2005 contract [“the 2005 Maintenance Contract”] is the only subsisting contract between the IPCC and EDPS. It is for maintenance up to 31st October, 2006. EDPS was duly paid for such services on 27th October, 2005.

- (b) The services covered by the maintenance contracts include correction of programme errors; clarification of system operations; advisory on unexpected results; telephone hotline support; emergency on-site services and software updates through mail.

3. **HOW THE CONFIDENTIAL DATA WAS PARTED TO EDPS/MR. HEUNG**

- 3.1 Ms. X joined the IPCC Secretariat in January, 2000. One of her duties has been to oversee the computer system for the storage of complaint records and compilation of statistical reports.

- 3.2 Ms. X was interviewed by and provided various statements to the Task Force of the IPCC². According to Ms. X :
- (a) She was involved in the 2001 Matching Programme Contract; the 2004 Enhancement Contract and the maintenance contracts.
 - (b) She dealt with Mr. Heung as an employee of EDPS. She had no knowledge that Mr. Heung was providing services as a sub-contractor of EDPS.
 - (c) At no time did Mr. Heung request from her “dummy data” for the testing of various programmes which EDPS had agreed to provide. The programmes were tested with real data which Mr. Heung knew to be confidential data of the IPCC. She reported such testings to senior members of the Secretariat. The same is reflected in the minutes of senior staff members meetings of the IPCC.
 - (d) She did provide CD discs to Mr. Heung in the course of the 2001 Matching Programme Contract and the 2004 Enhancement Contract. She did make clear to Mr. Heung that such discs contained confidential data of the IPCC and she has no doubt that Mr. Heung was fully aware of the nature of such data.

² This was established by the IPCC on 11th March, 2006 to inquire into the leakage incident. Its membership includes the Chairman Mr. Ronny Wong S.C., Ms. Priscilla Wong, Dr. Charles Koo and Prof. Benjamin Tsou.

- (e) She did not, however, retain any record of the CD discs which she handed to Mr. Heung nor did she maintain any record in relation to their return.
- (f) She had no formal education or training in computer matters. She relied on the expertise of EDPS and Mr. Heung and had no reason to suspect that EDPS or Mr. Heung would render such data accessible to other internet users.
- (g) She was not at fault or to blame.

3.3 The IPCC received a written submission from Ms. X, through her legal representatives, on 6th April, 2006. In the submission, Ms. X takes issue with any suggestion that it was wrong for the IPCC Secretariat to provide access of confidential data to the contractor. The submission also states that the Secretariat had to rely upon the professional expertise, advice and recommendations of the specialist contractor.

3.4 The Task Force also interviewed Mr. Heung on 11th March, 2006. He informed the Task Force that :

- (a) Before 2003, the IPCC data was handed over to him in a zip drive which was returned to the IPCC for re-use upon completion of the assignment.

- (b) Since 2003 a compact disc containing the IPCC data was usually wrapped in a paper wrapper or in a government envelope for his collection for processing.
- (c) He recalled that the last conversion exercise was held in 2003/2004 but he could not remember the exact date.
- (d) He was aware that the discs contained confidential data of the IPCC and he expressed regret for his oversight.

3.5 By letter dated 13th March, 2006, Mr. Heung through his solicitors expressed willingness to furnish a written report to the IPCC. When the IPCC took up this offer by letter dated 22nd March, 2006, Mr. Heung's solicitors replied on 30th March, 2006 saying that the IPCC should direct enquiries to EDPS on the basis that he had no duty to supply the IPCC with any information.

3.6 The IPCC received a written submission from EDPS dated 22nd March, 2006. EDPS contend that :

- (a) Mr. Heung has never been its employee.
- (b) The 1998 System Contract, the 2001 Matching Programme Contract and the 2004 Enhancement Contract did not contain any prohibition against subcontracting, nor was there any requirement for notification to the IPCC of such.

- (c) As part of the development and testing process, test data was requested from the IPCC. "...unbeknown to us, the secured data was copied by an IPCC staff onto a CD which was left at the IPCC reception for our workers to pick up. There were no safeguards or warning whatsoever accompanying the CD, nor were there any requirements for acknowledgment of receipt by our worker or undertaking from us to handle such data with care".
- (d) "EDPS was never aware of the secured nature of the data in our possession. Otherwise, we would have simply returned the data to IPCC and requested another set of test data....EDPS had no 'need to know' those secured data".
- (e) "The cause of the present leakage is simply that the secured data was placed outside of the control of IPCC and unnecessarily into the testing environment without any warning or notification to the contractor and the necessary control procedures".
- (f) It was not at fault or to blame.

4. **HOW THE DATA BECAME ACCESSIBLE ON THE INTERNET THROUGH ACTS OF EDPS/MR. HEUNG**

4.1 At the interview with the Task Force on 11th March, 2006, Mr. Heung

informed the Task Force that :

- (a) He was the person responsible for writing the initial programme when working at EDPS. He then left EDPS. From 2002 he assisted EDPS as sub-contractor in the maintenance of the programme.

- (b) He placed the IPCC data in a folder on a FTP server under China2easy.com³ to facilitate his performing of the conversion work outside his office. He used a password in uploading the information onto the FTP server. It was an oversight on his part in failing to realise that no password was required in downloading the data. The data had been uploaded onto the net for over 2 years. He expressed his apology to the IPCC for such error.

4.2 In his solicitor's letter dated 13th March, 2006, Mr. Heung admitted that :

- (a) he did place the IPCC information on the server for maintenance/backup purpose and

- (b) he no longer possesses any information pertaining to the IPCC.

4.3 On 3rd April, 2006, Mr. Heung was invited to comment on the matters outlined above in relation to his stance. By letter dated 4th April, 2006 Mr. Heung

³ The server in question is maintained by China Motif Limited. The data was stored in a sub-directory under the root directory China2easy which has a webpage <http://www.china2easy.com>.

through his solicitors :

- (a) asserts that the meeting with the task force was not an “interview” but was “of an informal and friendly nature to enable IPCC to have an idea of what was then happening and circulating in the media”. He further asserted that “what was said in this meeting cannot be published even if accurately quoted”.
- (b) objects to any reference to Mr. Heung “regretted, apologized” for any “oversight, error”.
- (c) states that it was only “by then and not previous to 9 or 11 March 2006 did he become aware that the discs contained secret (statutorily-protected) data”.
- (d) further asserts that he employed user ID and password for both upload and download but it would appear that Google could freely access the server.

These remarks of Mr. Heung do not accord with the recollection of the Task Force. They constitute a drastic change in position since his last meeting with the Task Force. The legal advisors to the IPCC have advised that there is no legal foundation to Mr. Heung’s objection to disclosure of the contents of his meeting with the Task Force on 11th March, 2006.

4.4 EDPS, in its written submission dated 22nd March, 2006 contended that “As far as EDPS is concerned, no live data was ever taken outside of the IPCC or made accessible to the public. In the production environment with the live data, no leakage whatsoever took place”. EDPS does not accept the accuracy of the matters outlined in § 3.4(d) and § 4.1 above which they contend to be beyond the expertise of Mr. Heung. Subsequently EDPS further explained that :

- (a) the data in question was supposed and understood to be test data.

- (b) there was no “putting the data up on the Internet”. The website was simply a link or an access path to the IPCC test data file by reason of an unintentional and accidental placement of the directory of the IPCC test data file under that of the website. The website in itself is not a website presenting, or relating to, the IPCC test data file.

- (c) In the creation of the test data file from the CD, the engineer (referring presumably to Mr. Heung) used the FTP environment over the Internet and the user-id/password protection was established. For anybody to access the file in the same FTP environment the user has to provide the proper user-id and password. The access method through the “Internet/search engine/website” environment was obviously never intended to be possible, even though it accidentally happened in this case.

4.5 EDPS has made further submissions through its solicitors on 4th April and directly to IPCC on 5th April. These two further communications are largely

repetitive of the submission of 22nd March, 2006 and it is contended that no one from EDPS committed a deliberate act of putting the IPCC data on an internet server. The file directory of all the engineers' files, including the IPCC data file, was unintentionally and accidentally placed under the file directory of the relevant website and hence unwittingly made possible the access of the engineers' files through the internet.

4.6 In its letter of 5th April, EDPS explained that it has undertaken an analysis of the access logs from the server. From the FTP logs, EDPS concluded that the files under the IPCC file directory were transferred onto the server in early February 2004. The access of the files under the IPCC directory from February 2004 to September 2005 was not significant. From September 2005 up to March 2006, there were 2,016 accesses in total to the data files. Each log kept the unique and traceable IP address which would allow tracking of which computers accessed the data files. A review of most accesses is compatible with the view that most users did not understand the data and just ignored what they retrieved. The exceptions included Google and possibly one other internet search engine, the two of which accounted for 64% of the accesses to the data files on the server. EDPS have passed relevant information to the Hong Kong Police to follow up as necessary.

4.7 We would like to place on record that all interested parties have been given the opportunity to comment on the relevant extracts of the draft report, and all comments have been taken into account prior to finalising this report.

5. **IPCC SECRETARIAT INTERNAL CIRCULAR NO. 33/98 DATED 20TH AUGUST, 1998**

5.1 By this Circular staff members of the Secretariat were reminded of the sensitive nature of the files and investigation reports handled by the IPCC Secretariat. They were reminded that “it is imperative that the security of these documents/information should be fully protected to guard against unauthorised disclosure”. § 17 of this Circular expressly provided that :

“Every effort should be made to ensure that persons entering the office of the IPCC Secretariat will not be allowed sight of classified documents unless they are entitled to see them and have a definite ‘need to know’...”

5.2 A copy of the Circular is annexed hereto as Appendix IV. Whilst the Circular covers expressly the protection of “information”, the principal focus of that Circular is on the security of “documents”.

6. **THE LEAKAGE AND LESSONS LEARNED**

6.1 The IPCC refutes any suggestion of concealment of any material fact leading to the leakage. The IPCC further refutes any suggestion that it sought to shirk responsibility in relation to the leakage. The IPCC welcomes and supports full

disclosure of material facts to the public, which is what this Report seeks to do. The IPCC has provided to the Privacy Commissioner the substance of this Report to facilitate his statutory investigation into the incident under the Personal Data (Privacy) Ordinance. The IPCC will continue to cooperate fully with the Privacy Commissioner in his investigation, will study its findings when available, and follow up as appropriate.

6.2 At this juncture there is an outstanding dispute between Ms. X/the IPCC and EDPS in relation to the circumstances leading to the parting of confidential data from IPCC to Mr. Heung/EDPS and the reason why such data became accessible to the public. That dispute is likely to be the subject of litigation or disciplinary proceedings between the interested parties. It would not be appropriate for the IPCC to prejudge the dispute or to seek to allocate blame between the initial parting of data and the ultimate rendering of access to users of the internet.

6.3 Even giving every allowance to the case as advanced by Ms. X, we recommend as follows :

- (a) As far as possible no confidential data should be used in future IPCC contracts with IT contractors and, where test data are needed, dummy data should be used.
- (b) All future IPCC's contracts with its IT contractors should provide that access to its data is only on a "need to know" basis and should state

expressly the confidential nature of the data which the contractor might encounter in the execution of such contracts. A corresponding express duty to observe such confidentiality should also be imposed.

- (c) The Secretariat should keep track of the confidential data made available to contractors and ensure that the same is properly accounted for and protected. Only in the most exceptional circumstances and in compliance with the data protection principles should data be allowed to be moved outside the premises of the IPCC.
- (d) The Government should investigate whether any of the civil servants involved have misconducted themselves.
- (e) Circular No. 33/98 be reviewed to cater for the risks posed by the ever expanding IT culture.
- (f) The awareness of staff members of the IPCC Secretariat in data protection when using IT to process personal data should be enhanced.

6.4 Even giving every allowance to the case advanced by EDPS, we take the view that :

- (a) EDPS kept IPCC in the dark as to their real relationship with Mr. Heung. A name card of Mr. Heung is annexed hereto as Appendix V. It will be seen that Mr. Heung was held out as the Project Manager of EDPS. This is wholly contrary to any suggestion that Mr. Heung was

merely a third party sub-contractor engaged pursuant to the so-called “outsourcing” practice within the IT industry and never an employee of EDPS.

- (b) It is unacceptable that a contractor dealing with IPCC should, on its own case, assert that it had no knowledge of the nature of the data that it had been using in carrying out its contractual obligations.
- (c) EDPS/Mr. Heung was the immediate and proximate cause of the data being rendered accessible to the public.
- (d) IPCC should, after seeking legal advice, consider whether to continue the services of EDPS under the only outstanding contract between the parties, namely, the 2005 Maintenance Contract and to take such additional steps as may be advised.

7. **REDRESS**

7.1 **Apology to the persons affected**

- (a) The IPCC through its Chairman has made unreserved apology to the public on 11th March, 2006 and 17th March, 2006.
- (b) On the basis of the data retrieved to-date, the IPCC will send to each of the persons affected by the disclosure, a letter of apology.

- (c) The IPCC will also publish a written apology to the persons affected, in terms annexed hereto as Appendix VI in 2 Chinese and 2 English newspapers of wide circulation in Hong Kong.
- (d) The IPCC is in discussion with the Secretary of Security on an appropriate apology to be extended to the police officers affected.

7.2 **The Personal Data (Privacy) Ordinance (Cap. 486)**

- (a) Section 66 of the Personal Data (Privacy) Ordinance provides that an individual who suffers damage by reason of a contravention as defined therein shall be entitled to compensation from the data user for that damage. Section 66(2) of that Ordinance provides that damage may be or include injury to feelings.
- (b) The IPCC will consider any claim advanced and make recommendations to the Government in light of the merits as portrayed by the circumstances of each case.

7.3 **Monitoring abuse**

- (a) We recommend that the IPCC Secretariat should work closely with the Police in its cyber patrolling service and with the Office of the Privacy Commissioner for Personal Data to thwart any abuse. Approach will be made to various ISPs for posting reminders to their customers to respect other people's data privacy.

- (b) The IPCC has made recommendations to the Secretary of Security with the view of putting in place credit monitoring measures to prevent the data from being used to secure any gain to the prejudice of the data subjects.

8. **OTHER ACTIONS TAKEN**

- 8.1 The Task Force has recommended and the IPCC has adopted the following measures in light of the leakage.

- 8.2 The IPCC has contacted major web service providers in Hong Kong and overseas, requesting them to erase information pertaining to the exposed list including the cleaning and clearing up of the caches.

- 8.3 The IPCC will discuss with CAPO for the provision of the same software so as to avoid the need of conversion in accessing the relevant data.

- 8.4 The discs containing the data provided by CAPO are now locked up in a cabinet housed inside the office of a Senior Assistant Secretary.

- 8.5 The computer used for data processing is now placed in a separate room with locks rather than in the general registry. The computer is not linked to the internet.
- 8.6 Access to the IPCC's database is limited to the Secretary and to such persons with the express permission of the Secretary. A log book is now attached to the computer. Any person who wishes to utilize the database has to sign his/her name together with title, date, starting and completion time on accessing the database.
- 8.7 In relation to third party access, such access should only be on a 'need to know' basis and security requirements such as the recognition of the confidentiality of the information accessed; the agreement not to use or disclose any information accessed should be in place and reflected in a written document prior to access being granted. Such access must be in the presence of a staff member of the IPCC recording in full the data accessed.
- 8.8 Circular No. 33/98 is being reviewed and re-drafted in consultation with the Office of the Government Chief Information Officer and the Office of the Privacy Commissioner for Personal Data with the view of establishing clearly a baseline IT security policy consistent with the provisions in the Personal Data (Privacy) Ordinance.

9. **REMAINING FOCUSED**

9.1 The terms of reference of the Council are as follows :

- (a) to monitor and, where it considers appropriate, to review the handling by the Police of complaints by the public;
- (b) to keep under review statistics of the types of conduct by police officers which lead to complaints by members of the public;
- (c) to identify any faults in Police procedures which lead or might lead to complaints; and
- (d) where and when it considers appropriate, to make recommendations to the Commissioner of Police or, if necessary, to the Chief Executive.

9.2 This Council will remain focused on our mandate and will continue to serve to the best of our ability.

8th April, 2006

Independent Police Complaints Council

CHRONOLOGY

- 20/08/1998 IPCC Internal Circular No. 33/98 issued (Appendix IV).
- 24/12/1998 The 1998 System Contract between IPCC and EDPS for the development of a new computer statistical system.
- 30/08/1999 First contract for the enhancement of the computer statistical system between IPCC and EDPS.
- 02/11/1999 First maintenance contract between IPCC and EDPS.
- 03/01/2000 Ms. X joined IPCC Secretariat.
- 04/05/2001 Contract for the development of a computer programme for monitoring and verification of statistics on complaints against the Police dated 4th May, 2001 between IPCC and EDPS.
- 09/01/2004 The last enhancement contract between IPCC and EDPS.
- 27/10/2005 The last maintenance contract between IPCC and EDPS.
- 10/03/2006 Articles in the South China Morning Post resulting in discovery of the leakage.

STORES AND PROCUREMENT REGULATIONS

280. (a) Departments should follow the provisions set out in (b) - (f) below in the procurement of services with a value not exceeding the financial limits stated in SPR 220(a) and consultancy services with a value not exceeding \$500,000, which cannot be undertaken by Government departments or for which a Government contract does not exist.
- (b) For procuring services with a value not exceeding \$20,000, departments must approach more than one contractor for quotations and accept the lowest offer to specification. A department may accept a higher offer provided that the Controlling Officer or an officer specially delegated by him to order the service considers that the rates quoted are reasonable, and certifies this on file.
- (c) For procuring services with a value exceeding \$20,000 but not exceeding \$1,000,000 in respect of construction and engineering works and \$500,000 in respect of consultancy and other services, departments must obtain written quotations from not less than five contractors and accept the lowest offer to specification. Departments should designate officers of not lower than the rank of Executive Officer II/Assistant Supplies Officer or equivalent to handle the selection of contractors and to contact them for written quotations, and to record on file the particulars such as the names of the contractors contacted and the reasons for their selection.
- (d) In cases where it is not possible to identify a sufficient number of contractors to obtain the minimum number of quotations required, an officer of not less than two ranks higher than an Executive Officer II/Assistant Supplies Officer or equivalent should approve the issue of invitations to contractors. The officer will then make a brief explanatory note on file for record purposes.

- (e) Where written quotations are invited, departments should ask contractors to return the quotations in sealed envelopes by a specified time. A quotation opening team comprising two members, with the team leader at a rank not lower than that of Executive Officer II/Assistant Supplies Officer or equivalent, will open the envelopes, date-stamp and initial the quotations.

- (f) In cases where a higher offer is to be accepted or less than the minimum number of quotations are received, the officer accepting the selected offer must be of a rank of D2 or above.

STORES AND PROCUREMENT REGULATIONS

280. (i) In cases where a higher offer is to be accepted or less than five written quotations are received, officers at the following levels should approve the acceptance of the offer —

Value of the Purchase	Approving Officer (not lower than the rank of)
(i) not exceeding 20% of the financial limits set out in	
SPR 220(a)(ii)	Senior Engineer or equivalent
SPR 220(a)(iii) and 222	Senior Supplies Officer/Senior Executive Officer or equivalent
(ii) not exceeding 50% of the financial limits set out in	
SPR 220(a)(ii)	Chief Engineer or equivalent
SPR 220(a)(iii) and 222	Chief Supplies Officer/Chief Executive Officer or equivalent
(iii) up to the financial limits set out in	
SPR 220(a)(ii)	Government Engineer or equivalent
SPR 220(a)(iii) and 222	D1 or equivalent

Ref : (95) in IPCC/CR/3/515/87

Independent Police
Complaints Council

20 August 1998

IPCC Secretariat Internal Circular No. 33/98

Departmental Security Instructions

In view of the large number of CAPO case files and investigation reports, which are generally of a sensitive nature, handled by the IPCC Secretariat, it is imperative that the security of these documents/information should be duly protected to guard against unauthorised disclosure. This circular sets out for information and compliance the security arrangements for the IPCC Secretariat, and the procedures to be followed by staff who are required to handle classified documents. For the purpose of this circular, the word "classified" is used to describe information which is graded Restricted and Confidential, as the bulk of documents handled by the IPCC Secretariat are of a Restricted or Confidential nature. In the event that Secret or Top Secret documents need to be handled, the relevant provisions in the Security Regulations are to be observed.

Personal Responsibility

2. It is an offence under the Official Secrets Ordinance for a Government-servant to fail to take reasonable care of, or to conduct himself so as to endanger the security of any document or information, classified or unclassified, entrusted to his care.

3. All officers should take reasonable care to safeguard at all times the security of the office and any office property and documents in their care. They are advised not to leave their personal belongings unattended even during office hours. As far as possible, personal belongings should be locked in the pedestals.

Opening and Closing of the Office

4. The Office Assistants are assigned to perform, among others, the following duties :-

- a) To open the office doors at 0800 hrs. and to lock them up at 1830 hrs during weekdays, and at 0830 hrs and 1230 hrs respectively on Saturdays, or earlier/later as necessary;
- b) To open the roller shutters at 0845 hrs and to close them at 1715 hrs during weekdays, and at 0900 hrs and 1200 hrs respectively on Saturdays, or earlier/later as necessary;
- c) to perform reception duties at the Reception Counter and to answer simple enquiries; and
- d) before locking up the office doors, to inspect the whole office to ensure that the exit doors have been locked, all lights and electrical appliances (except for refrigerators, servers and facsimile machines) have been switched off, and all filing cabinets or rooms have been locked.

Departmental Security Officer

5. Senior Assistant Secretary (Planning and Support) (Tel : 2862 8208) is designated as the Departmental Security Officer to assist Secretary/IPCC in overseeing the security arrangements for the protection of personnel, properties, documents and information, in particular the classified documents and information, kept by the IPCC Secretariat.

Incoming Classified Documents

6. Other than personal documents addressed by name in an officer's private capacity which will be handed directly to the addressees, all incoming classified document/letters will be opened and inserted on relevant files as quickly as possible by the Clerical Officer or Personal Secretary II for transmission to the subject officers concerned for action/information. All incoming classified documents must be date-stamped on receipt.

7. When a document classified Confidential or above is received, the Clerical Officer or Personal Secretary II will examine the envelope and check that the seals are intact before the receipt is signed. If there are any signs that the envelope has been tampered with, he or she must report at once to the Executive Officer (Administration), who will inform the Departmental Security Officer for his further action/instruction.

8. Personal Secretary II will maintain a register recording the receipt of all documents classified Confidential and above, the subject matters, date and office of origin, and reference numbers of the subject files. She will also maintain an up-to-date record of the whereabouts of all files which contain documents classified Confidential and above.

Regrading of Documents

9. On receipt of an incoming document, the subject officer(s) should scrutinise its contents to assess whether the classification is appropriate. If necessary, the subject officer(s) will upgrade or downgrade the classification. In case of doubt, they should consult their supervisors.

10. When regrading a document, the old classification must be deleted in ink and the new one marked on the document. The amendment must be signed and dated by the responsible officer.

11. Conversely, with the passage of time, information may cease to warrant a high classification. The responsible officers should downgrade the related files/documents to avoid over-classification. If it is intended that information will be classified only for a short period of time, the 'Temporary' classification should be used.

Transmission of Classified Documents within the IPCC Secretariat

12. Restricted documents are despatched by the Office Assistants while Confidential documents may only be despatched by the Personal Secretary II, the Clerical Officer/respective Assistant Clerical Officer and the subject officers concerned.

Outgoing Classified Documents

13. All classified documents will be typed by Personal Secretary II or Clerical Assistants, as appropriate. The Personal Secretary II or Clerical Officer/Assistant Clerical Officers will seal the envelopes in accordance with Security Regulations 213 and arrange for the despatch of such correspondence.

14. Restricted documents can be sent by fax if the sender notifies the receiver beforehand and ensures that the documents are not diverted on the way. For Confidential documents, transmission by fax must be made through a special equipment (encryption equipment). However, as the IPCC Secretariat does not have such an equipment, government R & D service or personal delivery should be used.

15. Any officer delivering a document classified Confidential or above must obtain a signed receipt from the recipient.

Safe Keeping of Classified Documents

16. Prior to leaving the office, all officers should check that classified documents in their care are properly stored. They should also comply with the following :-

- a) confidential documents must be kept in a steel filing cabinet fitted with a locking bar and padlock;
- b) restricted documents must be kept either in a locked steel filing cabinet, or in an office which is locked up after office hours and to which members of the public do not have access; and
- c) classified documents and the keys to cabinets in which classified documents are kept must NOT be left in pedestals, even if the pedestals are locked.

17. Every effort should be made to ensure that persons entering the office of the IPCC Secretariat will not be allowed sight of classified documents unless they are entitled to see them and have a definite "need to know". Particular care should be taken when messengers, cleaners etc. enter the office.

18. All materials used in the production of a confidential document, from which the contents of such document could be obtained must receive the same degree of protection as the document itself. Examples are shorthand books, carbon paper, typewriter ribbons, floppy disks, etc. Officers concerned should dispose of them in a proper manner and arrange for them to be shredded or stored under secure conditions as appropriate.

19. Where classified correspondence is typed using the computer or with the aid of memory function of an electronic typewriter, Personal Secretary II or Clerical Assistants should arrange to clear the correspondence from the memory of the machines as soon as possible, or keep the floppy disks in a proper place.

Security Inspection

20. The Departmental Security Officer will check the confidential files at least once every six months on the first working day in January and July each year. Records of the results of these inspections should be maintained

Taking Documents Out of the Office

21. Staff are advised not to take classified documents home since it involves the risk that the documents may be mislaid or lost. Where an officer is required to take classified documents home, he should consult the Departmental Security Officer.

Copying of Classified Documents

22. Officers handling classified documents are reminded that copying of classified documents should be kept to the minimum.

23. If an officer wishes to reproduce a document classified Confidential and above, he should approach the Clerical Officer or Personal Secretary II for assistance. A register will be maintained near the photocopier giving details of the reproduction of such documents. The original document will also be endorsed with the number of copies made and the signature of the authorising officer. The Departmental Security Officer will inspect the register during the regular security inspection.

24. Reproduced copies of classified documents must be clearly stamped top and bottom with the appropriate classification.

Destruction

25. To make good use of the paper shredder for destruction of classified waste material suitable for shredding, such waste material should be handed to the Executive Officer (Administration) for disposal, as and when necessary.

Security keys

26. Keys to the various key locks used for the protection of documents classified Confidential and above must be safeguarded at all times. They must not be left in the lock where an unauthorised person might have access to them. Officers are personally responsible for the safe custody of such keys and must take all necessary precaution to prevent them from being stolen or copied.

27. If any key is lost or stolen, this must be reported immediately to the Executive Officer (Administration) who will arrange for the replacement of the lock and advise the Departmental Security Officer for his further action. Keys must not be marked or labelled in such a way that they can be identified, as this increases the risk of the thief or finder making use of the key before the theft is discovered.

28. Any enquiries arising from this circular should be addressed to the Departmental Security Officer in the first instance.

29. This circular will be re-circulated to you every other six months.

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Secretary,
Independent Police Complaints Council

Circulation

All IPCC Secretariat staff

c.c. IPCC5/13 (III)

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APOLOGY

BY THE INDEPENDENT POLICE COMPLAINTS COUNCIL [“The IPCC”]

TO ALL INDIVIDUALS

WHOSE PERSONAL DATA HAD BEEN DISCLOSED

AS A RESULT OF LEAKAGE OF IPCC’S DATA ON THE INTERNET

The IPCC deeply regrets the recent leakage of its data and any resultant inconvenience which might have been caused to you.

To the extent that any such inconvenience is attributable to the part of the IPCC, the IPCC sincerely and unreservedly apologises.

The IPCC is closely monitoring the situation and will take reasonable measures to prevent abuse.

The Independent Police Complaints Council

10th April, 2006