

**Legislative Council Panel on Home Affairs
Protection of Personal Data Privacy**

Purpose

This paper informs Members of the follow-up actions taken by the Office of the Privacy Commissioner for Personal Data (PCPD) with respect to the recent personal data leakage cases and how the resource requirements of the PCPD are handled by the Administration.

Follow-up Actions by the PCPD

2. The follow-up actions taken by the PCPD in response to the recent personal data leakage cases are set out at the Annex.

Resource Requirements of the PCPD

3. In 2008-09, the Administration has provided the PCPD with a subvention of \$39.1M, representing an increase of \$2.8M (or about 8%) over the revised estimates for 2007-08. Of the extra provision of \$2.8M, \$1.8M is for the creation of three posts to strengthen the enforcement team of the PCPD. The remaining \$1M is for stepping up the promotion and educational work to promote public awareness on protection of personal data.

4. There is an established resource allocation mechanism in the Government for regularly reviewing resource requirements. If the Privacy Commissioner for Personal Data (PC) needs extra resources, he may submit his proposals to the Government in accordance with the existing procedures. The Bureau will discuss the proposals with the PC and actively consider the proposals under the resource allocation mechanism.

Views Sought

5. Members are invited to note the content of this paper.

Constitutional and Mainland Affairs Bureau
June 2008

Annex

I. Follow-up actions on individual personal data leakage case :

Incident	Actions by the PCPD	Progress
1. Loss of a USB flash drive by an employee of the United Christian Hospital (PCPD received complaint about the incident).	The PCPD commenced an investigation on the Hospital Authority (HA) in accordance with Section 38(a) of the Personal Data (Privacy) Ordinance (PDPO).	PCPD is gathering and considering related information pertaining to this case. Witnesses summoned.
2. Nine cases of data leakage cases involving Kowloon Hospital, Pamela Youde Nethersole Eastern Hospital, Tuen Mun Hospital, Prince of Wales Hospital and Sai Ying Pun Jockey Club General Outpatient Clinic (PCPD did not receive any complaints about the incidents).	The PCPD initiated an investigation into HA in accordance with Section 38(b) of PDPO.	Investigation in Progress.
3. Loss of a USB flash drive by staff of the Tuen Mun Child Assessment Centre (No complaint received).	The PCPD initiated an investigation on the Department of Health in accordance with Section 38(b) of PDPO.	Investigation in progress.

Incident	Actions by the PCPD	Progress
4. A USB flash drive of the Civil Service Bureau found missing (No complaint received).	Compliance check	Check in progress.
5. Information held by Immigration Department was found on the Internet through the use of FOXY (No complaint received).	Compliance check	The Director of Immigration signed an undertaking with the PC on 5 June to strengthen the security measures for the personal data held by the Department in accordance with the requirements of the PDPO. In the circumstances, the PCPD decided not to take any further enforcement action.
6. A computer server containing personal data of customers of the Hong Kong and Shanghai Banking Corporation Limited found missing (No complaint received).	Compliance check	Check in progress.

Incident	Actions by the PCPD	Progress
7. Information held by the Police was found on the Internet through the use of FOXY (No complaint received).	Compliance check	Check in progress.
8. Work log relating to recipients of assistance of the Social Welfare Department found missing (No complaint received).	Compliance check	Check in progress.
9. A staff member of the Food and Environmental Hygiene Department (FEHD) has, by mistake, e-mailed information relating to sick leave of FEHD staff to a complainant (No complaint received).	Compliance check	Check in progress.
10. Information about staff of the Civil Aid Service was found on the Internet through the use of FOXY (No complaint received).	Compliance check	Check in progress.

Incident	Actions by the PCPD	Progress
11.Loss of personal data of patients by Tseung Kwan O Hospital (No complaint received).	Compliance check	Check in progress.
12.Statements given by staff of the Customs and Excise Department, which contain the Hong Kong Identity Card numbers of suspects and case particulars, were found on the Internet through the use of FOXY (No complaint received).	Compliance check	Check in progress.

Note: As the 11 personal data leakage cases covered under Items 1, 2 and 3 came to light at about the same time and there are similarities in the circumstances known to the PC, the PC decided to commence formal investigations into HA and the Department of Health by invoking the power conferred upon him under Section 38 of the PDPO. As regards the cases under Items 4 to 12, it appeared to the PC that those were circumstances likely to be on an one-off basis. The PC decided to conduct compliance checks into the cases so that prompt action could be taken to prevent recurrence of similar cases. The conduct of compliance checks does not debar the PC from commencing formal investigations into these cases if serious issues come to light later.

II. Inspection of the Patients Personal Data System of HA

The spate of personal data leakage incidents suggests that there may be inadequacies in HA's security arrangements for the protection of patients' personal data system. The PCPD saw an urgent need to inspect the related data security system to prevent recurrence of similar incidents in future. In the public interest, the PC has decided to invoke, for the first time, the power conferred on him by Section 36 of the PDPO to inspect the patients' personal data system of HA. The personal data systems of Tang Shiu Kin Hospital and Ruttonjee Hospital have been selected for inspection, and on-site inspections were conducted on 23 and 26 of May. The PCPD has completed the inspections and is preparing the inspection reports. It will put forth recommendations to the HA on security measures to protect patients' personal data in order to promote compliance with the PDPO by HA.

Office of the Privacy Commissioner for Personal Data
June 2008