

LC Paper No. CB(1)202/08-09(08)

(English version only)



香港個人資料私隱專員公署  
Office of the Privacy Commissioner  
for Personal Data, Hong Kong

Our ref.: PCPD(O)125/115/85 pt.2

**By Fax**  
(Fax No.: 2185 7845)

13 November 2008

Ms YUE Tin-po  
Clerk to Panel on Information Technology  
and Broadcasting  
Legislative Council  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Ms YUE,

**Panel on Information Technology and Broadcasting**  
**Meeting on Thursday, 20 November 2008**

I am directed by the Privacy Commissioner for Personal Data to reply to your letter of 28 October 2008 on the captioned topic.

2. The review of the Control of Obscene and Indecent Articles Ordinance proposes, *inter alia*, a requirement for Internet users to input credit card data before accessing webpage containing indecent materials and for Internet service providers to provide filtering software.

**Information Free Flow**

3. I was asked for my comments on whether the proposed requirement will have implications on the free flow of information. Given that the role of the Privacy Commissioner for Personal Data is to protect personal data privacy, I have no comment on this specific issue.

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### Filtering Software

4. Insofar as personal data privacy is concerned, I have no objection if Internet service providers were to provide filtering software. Obscene and indecent photographs of individuals may constitute personal data. I support any proposal to accord better protection on the same.

### Credit Card Data

5. As for the question of requiring Internet users to input credit card data, the Consultation Paper (p.43) does not specify what and how much "credit card data" are required of the browsers. It is unknown whether only credit card numbers are required under the proposal.

6. Credit card number consists of major industry identifier (e.g. Visa, Master etc.), issuer identification number (e.g. which bank), account number and a check digit.

7. Credit card number seems to relate to a credit card account only. Since the holder of the account may or may not be an individual, and from which it may not be reasonably practicable to ascertain the identity of the holder, it may be arguable that credit card number alone is not personal data.

8. However, a number provided by a browser could not enable the ISP to ascertain that the browser is an adult unless the ISP is also allowed to verify, at least, that the number is a valid credit card number. In doing so, the ISP may need to consult its subscribers' database and/or the issuer of the credit card, and the identity of the holder may then be revealed.

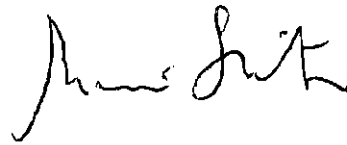
9. In the absence of more details, it is uncertain at this stage to determine whether the proposal to require browsers to provide their credit card numbers would definitely infringe personal data privacy.

10. In any event, I do not see the use of credit card numbers provided by a web browser as adequate proof that he is the card holder; neither does it prove that the web browser has attained the age of 18.

11. I am of the opinion that the use of one's credit card numbers for an in-futile purpose poses an unnecessary risk of his personal data being compromised.

12. I trust that I have made my position clear in this written submission. In the circumstances, I do not see the need to attend the panel meeting.

Yours sincerely,



( Bonnie Y L Smith )  
Deputy Privacy Commissioner  
for Personal Data