

LC Paper No. CB(2)1220/18-19(03)**Press Releases**

CMAB expresses grave concern about Register of Electors case

In response to media enquiries on a case in which the Registration and Electoral Office (REO) has so far failed to locate a Register of Electors relating to the 2016 Legislative Council (LegCo) General Election, a spokesman for the Constitutional and Mainland Affairs Bureau (CMAB) today (April 5) gives the following response:

The CMAB recently learned that the REO had yet to recover a Register of Electors of a polling station in the Kwai Tsing District in respect of the 2016 LegCo General Election. The CMAB expressed grave concern about the incident, and tasked the REO to complete the relevant verification and search expeditiously within one week and give a full account of the findings immediately afterwards.

The CMAB also instructed the REO to give prior notice of the incident to the Office of the Privacy Commissioner for Personal Data (PCPD), and to confirm to PCPD that should the loss of the relevant register be ascertained, action would be taken promptly to notify all affected electors and to mitigate any possible damage.

Ends/Friday, April 5, 2019
Issued at HKT 20:16

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Press Releases

EAC expresses concern on Register of Electors case

The following is issued on behalf of the Electoral Affairs Commission:

The Electoral Affairs Commission (EAC) today (April 5) made the following statement on a case in which the Registration and Electoral Office (REO) has not located a Register of Electors of a polling station in Kwai Tsing in the 2016 Legislative Council General Election.

The EAC is very concerned about the incident. The EAC has instructed the REO to confirm as soon as possible whether that Register of Electors is missing, and to launch a comprehensive review on the handling of voter registration information, electoral materials during election, and the actual execution. A detailed report should be submitted to the EAC.

The EAC understands that whenever a public election is held by the REO, a lot of manpower and resources to be deployed in the process, including venues arrangement, training of polling staff, as well as transportation and storage of electoral materials. However, it should be very cautious when implementing details such as handling and storage of voter registration information, with security and honesty as the paramount principle.

Ends/Friday, April 5, 2019
Issued at HKT 20:02

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Press Releases

Registration and Electoral Office responds to media enquiries

In response to enquiries on today's (April 5) media report that the Registration and Electoral Office (REO) has not located a Register of Electors in relation to the 2016 Legislative Council General Election, the REO gives the following reply:

The REO is conducting a thorough search for the Register of Electors of a polling station in Kwai Tsing in the 2016 Legislative Council General Election. The case has also been filed to the Office of the Privacy Commissioner for Personal Data.

The Register of Electors contains the name, sex, address, Hong Kong Identity Card number, number of ballot papers entitled by individual elector of about 8 000 electors assigned to the polling station. If an elector casts his/her vote in that election, a line across his/her name and Hong Kong Identity card number was also placed.

"There has been no information so far showing any leakage of the relevant information. The REO apologises for the distress to concerned electors caused by the incident," a spokesman for the REO said.

"We are trying our best to look for the concerned Register of Electors and will make announcement of the result of search at once," the spokesman added.

According to the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation, election documents must be retained for at least six months from the date of the election to which they relate. The documents must be destroyed thereafter, unless directed by an order of court in proceedings relating to an election petition or criminal proceedings. The Registers of Electors for the 2016 Legislative Council General Election are kept for the on-going investigation by law enforcement agency, while ballot papers of that election have been destroyed in accordance with the above law.

Ends/Friday, April 5, 2019
Issued at HKT 18:23

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新聞稿

日期: **2019年4月5日**

私隱專員回應有關選舉事務處懷疑可能遺失一本選民登記冊事件

私隱專員今日就最近傳媒報道有關選舉事務處懷疑遺失一本選民登記冊事件作出以下回應：

公署昨晚（4月4日）已收到選舉事務處就可能遺失一本選民登記冊而作出的備案。私隱專員黃繼兒注意到：

- 選舉事務處仍未證實有關資料已遺失，故事件尚未確定為資料外洩事故。
- 若有關資料最後證實遺失，公署會立即就事件展開循規審查，以取得更多與事件有關的事實及詳細資料。選舉事務處亦已在備案中表示，若資料最後證實遺失，將採取措施盡快通知受影響選民及減低因資料外洩而可能造成的損失。
- 現行法例沒有規定機構就資料外洩作出通報，或就資料可能外洩向公署作出備案。有關機構縱使在有關資料尚未確定已遺失前，已就資料可能外洩備案，屬良好行事方式。以往公署亦曾收到其它機構就可能有資料外洩而先行備案，而資料最後亦尋回。
- 機構在確認資料外洩前，可先在合理時間內進行內部查找，所需時間視乎個別事件的情況。公署注意到新聞報道提及執法機關的調查，若報道屬實，這個外來因素可能影響合理時間的長短。
- 不論政府部門或公私營機構，都必須按《個人資料（私隱）條例》（《私隱條例》）的規定採取有效的保安措施，妥善保障客戶的個人資料不會未經准許或意外地被查閱、處理、刪除、喪失或使用，否則便有可能違反《私隱條例》下的資料保安原則。

—完—

Press Releases

Transcript of remarks by SCMA at media session on Register of Electors case

Following is the transcript of remarks made by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, at a media session today (April 9) at the Central Government Offices on the latest situation of the search by the Registration and Electoral Office (REO) for a Register of Electors relating to the 2016 Legislative Council (LegCo) General Election:

Reporter: Mr Secretary, over the weekend you called this incident unacceptable, so what steps are being taken now in going forward to address the situation? This is the second time electors' data have been lost in recent years. Do you have confidence in the leadership of the REO?

Secretary for Constitutional and Mainland Affairs: As I said, this incident is of course unacceptable so we have taken proactive ways to handle the matter and we will handle it in a very serious manner. So the follow-up actions we are going to do - as I said - the REO has already reported the incident to the Police, and also notified the Office of the Privacy Commissioner for Personal Data. The REO will also notify the affected electors about the incident and issue letters to government departments and organisations which have frequent contact or handling of personal data so that they are aware of the incident. Also, the REO will review the voter registration information of about 8,000 affected electors and if there were unusual changes to their registrations, the REO will take proactive steps to contact the concerned electors, verify the registrations and follow up as appropriate.

The REO will compile and submit a full report to my bureau and also to the Electoral Affairs Commission on the incident. If, arising from the investigation, there are deliberate cover-up or human errors involved, we would act in strict accordance with the established disciplinary mechanism. Apart from that, the Electoral Affairs Commission will also conduct an investigation on the incident and try to locate problems and loopholes related to the electoral arrangements and also the management within the REO, and would suggest improvement measures. We would take forward these various steps earnestly and also in a very serious manner.

(Please also refer to the Chinese portion of the transcript.)

Ends/Tuesday, April 9, 2019
Issued at HKT 19:38

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新聞公報

選舉事務處總選舉事務主任就選民登記冊事件會見傳媒開場發言（只有中文）

選舉事務處總選舉事務主任黃思文今日（四月九日）上午在政府總部，就選舉事務處搜尋一本與二〇一六年立法會換屆選舉相關的選民登記冊最新情況會見傳媒的開場發言：

就選舉事務處遺失一本與二〇一六年立法會換屆選舉相關的選民登記冊一事，我現向大家交代一下。

涉事的是二〇一六年立法會換屆選舉，葵青區聖公會青衣邨何澤芸小學投票站的選民登記冊。我們經過進一步全面搜尋，包括於六個倉庫檢視了約13 000個投票箱及約3 400個供投票站主任運送物資用的行李匣，至今早確定未能尋回該選民登記冊。有關選民登記冊載有約8 000名獲編配到該投票站的已登記選民的姓名、性別、地址及身分證號碼等個人資料。該選民登記冊亦顯示選民曾否到場領取選票及可獲選票數目，但並不顯示選民的投票選擇。

根據《選舉管理委員會（選舉程序）（立法會）規例》，與選舉相關的文件必須保存最少六個月，然後將其銷毀，但如法庭在關乎選舉呈請或在刑事法律程序中所作出的命令另有指示，則屬例外。為配合執法機關正在進行的調查工作，與二〇一六年立法會換屆選舉相關的選民登記冊仍然備存。

當我在上星期初獲悉可能遺失該本選民登記冊後，我立即指示相關人員進一步全面搜尋，並向個人資料私隱專員公署備案。過去數天，我們除了盡力搜尋該選民登記冊，亦翻查了不少處理選舉物資的紀錄，並向當時相關的負責人查詢，惟現階段未能確定該選民登記冊在甚麼情況下遺失。

根據現時所得的資料，執法機關在二〇一六年九月立法會換屆選舉完結後分階段要求選舉事務處將大部分選民登記冊讓其查閱。當中，執法機關在二〇一六年十月要求查閱葵青區聖公會青衣邨何澤芸小學投票站的選民登記冊，由於換屆選舉涉及大量投票站及相關的文件，選舉事務處需時搜尋，但在過程中一直未能尋獲該選民登記冊。未能尋獲該選民登記冊一事一直未有向我匯報，我必須承認選舉事務處的內部溝通可能出了問題，我們必須正視。

就今次事件，我們今早已正式向個人資料私隱專員公署報告及向警方報案。我們亦會盡快通知受影響選民，以減低事件可能造成的損失。選舉事務處會在兩天內完成覆核該登記冊上8 000多名選民的選民登記，查看由二〇一六年至今有沒有異常的改動。如發現有任何變動，選舉事務處會聯絡有關選民進行確認及跟進。

另一方面，我們會在今天開始致函有較多機會處理或接收個人資料的政府部門和不同界別的機構，包括金融、保險、電訊、零售、地產代理、資訊科技等，提醒他們有關事件。

我代表選舉事務處，向所有有關選民摯誠道歉。我們完全明白公眾對我們的期望，我亦為未能達到這個期望向公眾道歉。我承諾選舉事務處一定會全力配合警方及個人資料私隱專員公署的調查，並就是次事件向政制及內地事務局和選舉管理委員會提交詳細報告。另外，我們會全力配合選舉管理委員會的調查，並因應選舉管理委員會調查所提出的建議，改善選舉流程，以及選舉事務處的內部管理。

我們會深刻汲取教訓，嚴肅跟進事件，盡一切努力防止類似情況再次發生。

完

2019年4月9日（星期二）
香港時間14時01分



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Media Statements

Date: 9 April 2019

Privacy Commissioner Initiates Compliance Check on Registration & Electoral Office Regarding Loss of a Register of Electors

The Privacy Commissioner for Personal Data, Hong Kong (the Privacy Commissioner) Mr Stephen Kai-yi WONG has received a data breach notification from the Registration and Electoral Office (REO) regarding the loss of a register of electors, and has immediately initiated a compliance check in order to obtain more facts and details related to the incident.

The Privacy Commissioner is concerned about the incident as the said register contains electors' personal data, including the name, gender, residential address, Identity Card number, number of ballot papers entitled by individual elector and markers indicating who had cast their votes. Mr Wong said, "Apart from obtaining more important facts related to the incident, the compliance check will also assist the REO in taking measures to notify the affected parties as soon as possible and to reduce the possible damages that may be caused by the incident, as well as taking improvement measures to prevent recurrence of similar incidents."

Mr Wong reiterated that government departments, public or private organisations must adopt effective security measures in accordance with the provisions of the Personal Data (Privacy) Ordinance (the Ordinance) to properly safeguard their clients' personal data from unauthorised or accidental access, processing, erasure, loss or use. Failure to do so may amount to a contravention of the personal data security principle under the Ordinance.

The office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD) received the filing of the incident from REO in the evening of 4 April 2019, and issued a press release in response to it on the following day (5 April).

As of 5:00pm 8 April 2019, the PCPD received five complaint and enquiry cases related to this incident.

— End —



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