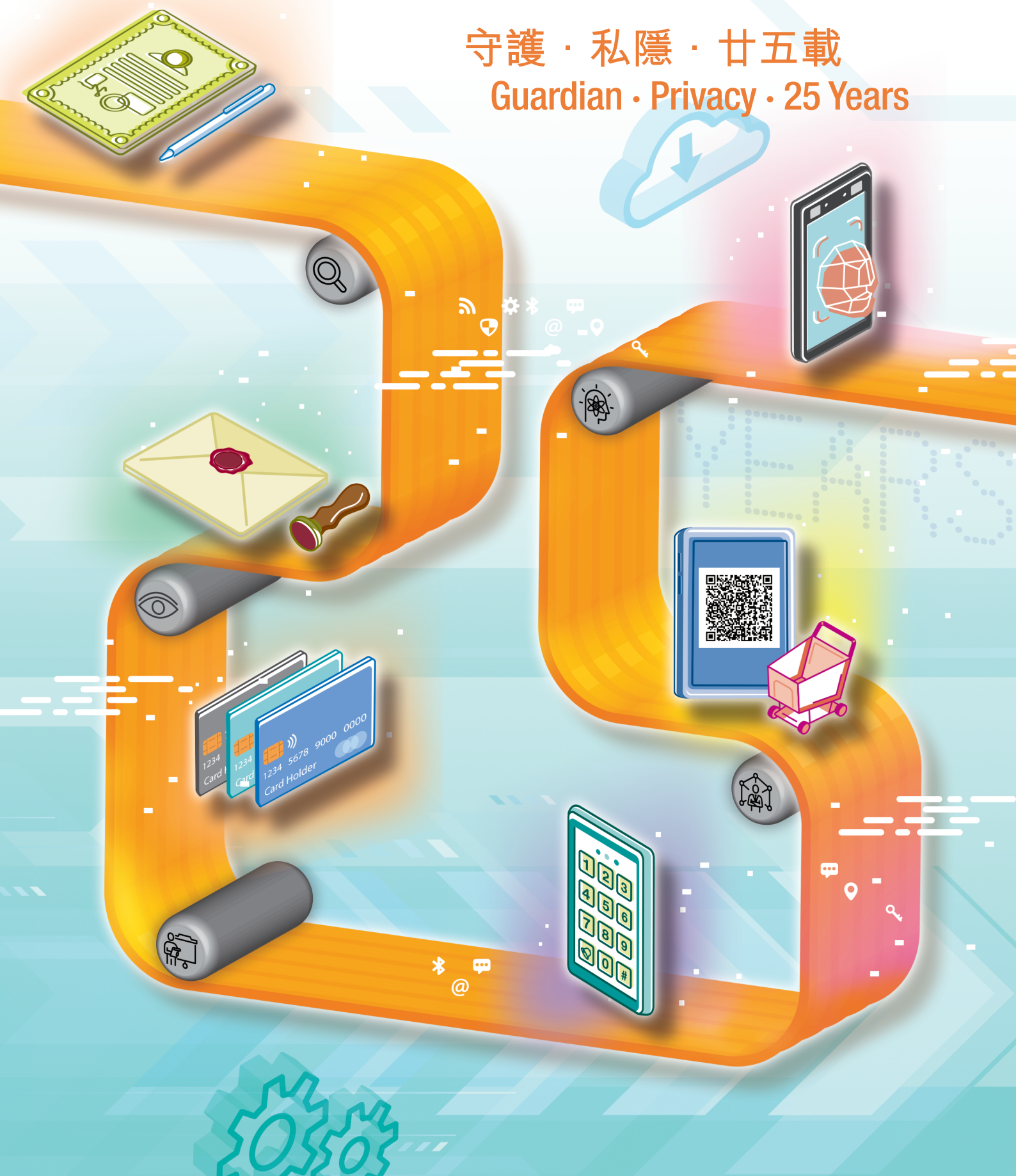
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香港個人資料私隱專員公署
Office of the Privacy Commissioner for Personal Data, Hong Kong

1996-2021
守護 · 私隱 · 廿五載
GUARDIAN · PRIVACY · 25 YEARS

2020-21 年報 Annual Report

守護 · 私隱 · 廿五載
Guardian · Privacy · 25 Years



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願景、使命及價值
Vision, Mission & Values

願景

培養及推廣保障與尊重個人資料私隱的文化。

Vision

To develop and promote a culture of protection and respect for individual's privacy in relation to personal data.



使命

- 透過宣傳和教育，推廣保障及尊重個人資料私隱
- 透過提供指引和最佳行事常規，促進合法及負責任地使用個人資料
- 透過有效執法，監察及監管循規情況
- 透過持續檢視和優化，並參考全球個人資料私隱保障的標準，維持監管機制的效能

Mission

- To promote the protection and respect for personal data privacy through publicity and education
- To facilitate lawful and responsible use of personal data by providing guidance and best practices
- To monitor and supervise compliance through effective enforcement
- To maintain the efficacy of the regulatory regime through continuous review and enhancement, taking into account global standards for the protection of personal data privacy



價值

尊重
- 尊重他人的個人資料私隱

誠信
- 行事公正專業

創新
- 緊貼科技、社會與經濟的發展

獨立
- 獨立於政府和其他機構

卓越
- 致力追求最佳成績及最高標準

Values

Respect
- Respect others' personal data privacy

Integrity
- Acting fairly and professionally

Innovation
- Embrace technological, social and economic developments

Independence
- Independent from the Government and other bodies

Excellence
- Striving for the best results and highest standards

私隱專員的話
Privacy Commissioner's Message

25周年

個人資料私隱專員公署(私隱公署)成立於1996年8月，是負責監察、監管、促進及確保香港法例第486章《個人資料(私隱)條例》(《私隱條例》)獲得遵從的獨立機構。今年是私隱公署慶祝成立25周年，我很高興在2020-21年度的年報介紹私隱公署多年來的發展里程和貢獻。這份亦是我自2020年9月出任個人資料私隱專員(私隱專員)以來的首份年報。

Our 25th Anniversary

Established as an independent body in August 1996, the Office of the Privacy Commissioner for Personal Data (PCPD) monitors, supervises, promotes and enforces compliance with the provisions of the Personal Data (Privacy) Ordinance (PDPO), Chapter 486 of the Laws of Hong Kong. As we celebrate our 25th Anniversary this year, I am pleased to present our 2020-21 Annual Report to showcase our milestones and achievements over the years. This is also my first report since I took office as the Privacy Commissioner for Personal Data (Privacy Commissioner) in September 2020.



鍾麗玲 Ada CHUNG Lai-ling
個人資料私隱專員
Privacy Commissioner for Personal Data

回顧1996年，香港當時是亞洲首個為個人資料私隱訂立全面法例的司法管轄區，而私隱公署是區內首個專責保障個人資料私隱的獨立監管機構。《私隱條例》是以《1980年經濟合作及發展組織私隱指引》和歐盟於1995年實行有關個人資料保障的指令為模範而制定的。

Back in 1996, Hong Kong was the first jurisdiction in Asia to have a comprehensive legislation on personal data privacy, and the PCPD was the first independent regulator dedicated to protect personal data privacy in the region. The PDPO was modelled on the 1980 Privacy Guidelines of the Organisation for Economic Co-operation and Development and the 1995 Directive adopted by the European Union (EU) on the protection of personal data.

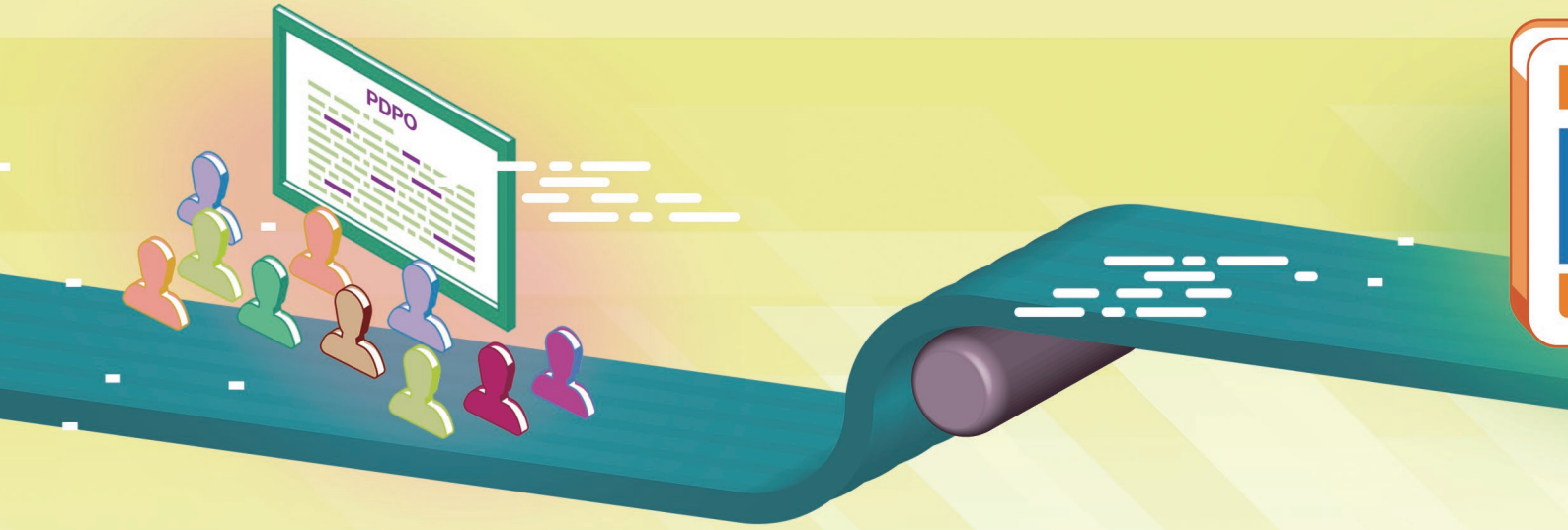
在過去25年，我們見證科技不斷急速發展，世界各地紛紛制定更嚴格的法律，以提高對個人資料的保障。歐盟於2018年以《通用數據保障條例》取代1995年的歐盟指令後，確立了一個新的黃金標準。這黃金標準接續引發世界各地私隱法律發展的浪潮，包括美國2018年的《加州消費者私隱法案》、印度2019年的《個人資料保護法草案》，以及內地於2020 年發佈的《個人信息保護法》草案。

In the past 25 years, the fast-flowing stream of technological developments brought along the mushrooming and introduction of more stringent laws to enhance the protection of personal data. When the EU replaced its 1995 Directive and adopted the General Data Protection Regulation (GDPR) in 2018, a new gold standard was established which led to waves of developments in privacy laws around the world, including the California Consumer Privacy Act 2018, India's Personal Data Protection Bill 2019, and the draft Personal Information Protection Law of the Mainland introduced in 2020.

《私隱條例》於2012年首次作出主要修訂，加入規管使用個人資料作直接促銷的新條文。而私隱公署自成立後的工作在數量、種類、難度、複雜程度及性質方面亦大幅增加。我們於1997-98年度接獲的投訴是253宗，而2020-21年度的數字飆升至3,157宗，在這期間增幅逾11倍。同樣地，資料外洩通報的數字亦由1997-98年度未有相關通報大增至2020-21年度的106宗，在一些近期的事故中，受影響的資料當事人數目更是數以百萬計。

The PDPO had its first amendment in 2012 with new requirements on the use of personal data in directing marketing. The volume, variety, difficulty, complexity and nature of work of the PCPD had grown significantly since our establishment. We received 253 complaints in 1997-98 and the number surged to 3,157 in 2020-21, an increase of over 1100%. Similarly, the data breach notification figure increased tremendously from nil in 1997-98 to 106 in 2020-21, with some recent incidents involving millions of affected data subjects.





2020-21年度的工作數字

在2020-21年度，我們繼續在各方面履行保障個人資料私隱的職責。在報告年度，我們：

- 接獲3,157宗投訴；
- 接獲18,253宗查詢；
- 進行356次循規審查及50次調查；
- 錄得25,999名人士參與私隱公署講座、研討會或工作坊；
- 發出64份新聞稿及350個社交媒體帖文；
- 回應220宗傳媒查詢；及
- 錄得每月平均158,073人次瀏覽私隱公署網站。

Figures of activities in 2020-21

We continued to discharge our duties on all fronts in 2020-21 to protect personal data privacy. During the reporting year, we:

- Received 3,157 complaints;
- Received 18,253 enquiries;
- Carried out 356 compliance checks and 50 investigations;
- Reached out to 25,999 individuals in our talks, seminars or workshops;
- Issued 64 media statements and 350 social media posts;
- Responded to 220 media enquiries; and
- Recorded a monthly average of 158,073 visits to our website.

工作重點

自2019年中在香港湧現猖獗的「起底」行為，挑戰了道德和法律的極限。我們在年內繼續加強打擊「起底」的工作，共處理了957宗「起底」個案，並以多管齊下的方式打擊「起底」行為。我們去信相關網站、社交媒體平台及討論區的營運商，要求移除涉及「起底」內容的連結，以及就調查及轉介個案加強與其他規管機構的合作，我們亦加強教育、推廣及宣傳的工作，強調「起底」的禍害，又聯絡政府部門和行業協會，尋求協助，共同打擊「起底」。

Highlights of our work

Doxxing activities which has become rampant since mid-2019 has tested the limits of morality and the law. During the reporting year we continued to step up our efforts to combat doxxing. We handled a total of 957 doxxing cases and adopted a multi-pronged approach. We wrote to the operators of relevant websites, social media platforms and discussion forums to request the removal of web links involving doxxing contents. We strengthened our collaboration with other regulatory authorities in the investigation and referral of cases. In addition, we accentuated the harm of doxxing in our education, promotion and publicity efforts, and reached out to government departments and trade associations to enlist their assistance in combating doxxing.



為提高私隱公署遏止「起底」行為的能力，香港特區政府行政長官林鄭月娥女士於2021年2月宣佈會修訂《私隱條例》，將「起底」行為刑事化，並賦權私隱公署就有關罪行進行刑事調查及提出檢控。政府已於2021年7月把修訂條例草案提交立法會審議。

To enhance our capability to curb doxxing, the Chief Executive of the Government of the Hong Kong SAR, Mrs Carrie Lam, announced in February 2021 that legislative amendments would be made to the PDPO to criminalise doxxing acts and empower the PCPD to carry out criminal investigation and institute prosecution in respect of the offence. The Government already submitted the Amendment Bill to the Legislative Council in July 2021.

2019冠狀病毒病自2019年底爆發以來，對世界各地的資料保障機構帶來前所未有的挑戰。各地政府，包括香港特區政府，推出不同措施以遏制疫情和恢復經濟，當中涵蓋追查接觸者的措施、大規模為公眾檢測及接種疫苗、發出健康護照等，這些措施均對個人資料私隱帶來風險，香港的情況也不例外，亦因而成為私隱公署另一個優先的工作範疇。我們向政府、機構、學校及公眾提供建議或意見，以確保在制定及推出有關措施時，個人資料獲得適當的保障。

Since its outbreak towards the end of 2019, COVID-19 has brought unprecedented challenges to data protection authorities around the world when governments of different jurisdictions introduced a variety of initiatives to contain the pandemic and revive the economies. These initiatives included contact tracing measures, large-scale testing and vaccination for the public, health passports, and the likes. They all carried inherent risks to personal data privacy and the situation in Hong Kong was no exception. This became another priority area of work for us. We provided advisories or views to the Government, organisations, schools and the general public to ensure the proper protection of personal data in these initiatives.

除了向公眾發出指引外，我們於去年9月學校復課時發出《學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引》，並於去年11月以「在家工作安排下的個人資料保障」為主題，發出三份不同的指引。

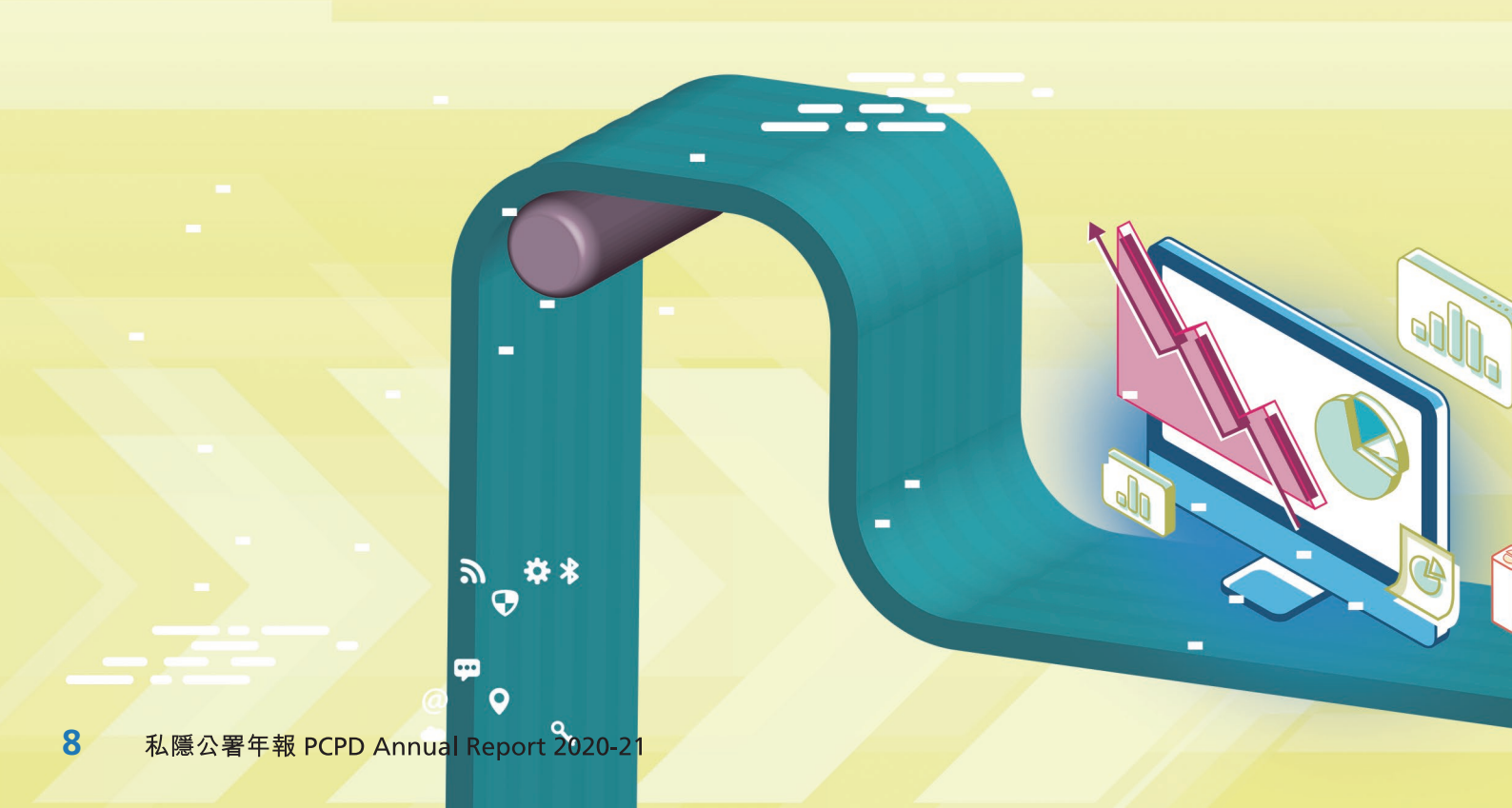
Apart from advisories issued to the public, the PCPD issued the "Guidance for Schools on the Collection and Use of Personal Data of Teachers, Staff and Students during the COVID-19 Pandemic" upon the resumption of classes in September 2020 and three Guidance Notes under the series of "Protecting Personal Data under Work-from-Home Arrangements" in November 2020.

我們於今年初舉行首屆「私隱之友嘉許獎」，作為私隱公署25周年的重點誌慶活動。嘉許獎是香港首個同類性質的獎項，得到各界踴躍回應。經評估參與機構在個人資料私隱保障方面的表現後，共有100間機構獲獎，包括政府部門、公營機構及從事不同業務的公司，當中69間機構獲頒金獎狀，31間機構獲頒銀獎狀，以表揚他們出色的表現。而五間在不同資料保障範疇有傑出表現的機構亦獲選為卓越的金獎狀得主。

As a signature event to mark the 25th Anniversary of the PCPD, the inaugural "Privacy-Friendly Awards" was launched early this year. The award was the first of its kind in Hong Kong and was met with an overwhelming response. After assessing the entrants' performance on personal data privacy protection, we awarded recognition to 100 organisations, including government departments, public bodies and companies engaged in different businesses, with 69 receiving Gold Certificates and 31 Silver Certificates, for their outstanding achievements. Five organisations with exemplary performance in different data protection areas were additionally named as outstanding Gold Certificate awardees.

在國際方面，我們繼續透過環球私隱議會、亞太區私隱機構網絡以及全球私隱執法機關網絡，積極參與國際和地區論壇。年內，我們領導環球私隱議會2019冠狀病毒病專責小組的一個分組，主責彙編了《應對2019冠狀病毒病的最佳行事常規概要》。我作為環球私隱議會人工智能的道德與數據保障工作小組聯席主席，在報告年度倡議並草擬了《開發及應用人工智能的體現問責決議》，提出12項在開發及應用人工智能的過程中實現和展示問責性的措施。該決議於去年10月在環球私隱議會的周年會議中獲得通過。

On the international front, we continued to take an active role in international and regional forums through our participation in the Global Privacy Assembly (GPA), Asia Pacific Privacy Authorities (APPA) network and Global Privacy Enforcement Network (GPEN). In the year, we led a subgroup of the COVID-19 Taskforce of the GPA and we spearheaded the compilation of the "Compendium of Best Practices in Response to COVID-19". In my role as the co-chair of the GPA's Working Group on Ethics and Data Protection in Artificial Intelligence, the PCPD sponsored and drafted the "Resolution on Accountability in the Development and Use of Artificial Intelligence" in the reporting year, which advocated 12 measures for effectuating and demonstrating accountability in the development and use of artificial intelligence, among others. The Resolution was adopted at the GPA annual conference in October 2020.



感謝之言

最後，藉此機會我衷心感謝政府、私隱公署兩個諮詢委員會（個人資料（私隱）諮詢委員會和科技發展常務委員會）的前任和現任委員，以及我們的持份者在過去25年給予我們寶貴的意見和堅定的支持。我亦感謝歷任專員和所有同事的敬業精神、專業態度和努力付出。沒有各方的齊心協力，我們決不能在穩固的基礎上，成功擔當個人資料私隱的守護者。

我相信在監察、監管、促進及確保私隱法例獲得遵從方面，私隱公署在過去25年一直克盡己任。25年來，私隱公署與大家一起成長，寫下輝煌的歷史。

鍾麗玲
大律師
個人資料私隱專員
2021年8月

A word of thanks

Last but not least, I must also take the opportunity to express my heartfelt gratitude to the Government, past and present members of our two advisory committees, the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Developments, and our stakeholders for their invaluable advice and staunch support over the past 25 years. In the same vein, I also wish to thank my predecessors and my colleagues, past and current, for their dedication, professionalism and hard work, without which we would not have been able to build and flourish upon this strong foundation to act as a guardian of privacy in relation to personal data.

I believe that we have dutifully discharged our statutory functions in monitoring, supervising, promoting and enforcing compliance with the provisions of the privacy law for the past 25 years. The history of the PCPD is one that we shared with the community at large, and is one that we can all be proud of.

Ada CHUNG Lai-ling
Barrister
Privacy Commissioner for Personal Data
August 2021



25年回顧
Years On

私隱公署作為私隱的守護者

私隱公署於1996年8月成立，是亞洲首個專責保障個人資料私隱的監管機構。《個人資料（私隱）條例》於1995年制定，亦是區內首項保障個人資料私隱的法例。《私隱條例》以經濟合作暨發展組織的1980年私隱指引及歐盟於1995年採納的資料保障指令為藍本。

The PCPD as the guardian of privacy

Established in August 1996, the PCPD was the first independent regulator in Asia dedicated to the protection of personal data privacy. The PDPO, enacted in 1995, was the first piece of legislation introduced in the region to protect the privacy of individuals in relation to personal data. The PDPO was modelled on the 1980 Privacy Guidelines of the Organisation for Economic Co-operation and Development and the 1995 Directive adopted by the EU on the protection of personal data.

資料保障法例在科技急速發展下湧現

私隱公署在過去25年見證了資訊科技的急速發展，各地亦同時發展及制定更嚴格的法例，加強保障個人資料。至今有超過130個司法管轄區制定了私隱或個人資料相關的保障法例，有些地區更作出了修訂，擴闊原先法例的覆蓋範圍。《私隱條例》於2012年進行了首次重大修訂，落實新規定針對使用個人資料作直接促銷。歐盟於2018年採納了《通用數據保障條例》以取代1995年的歐盟指令，為私隱保障訂立了一套新黃金標準。這標準引發了世界各地私隱法例新一浪的發展，包括2018年的《加州消費者私隱法案》、印度2019年的《個人資料保護法草案》，以及內地於2020年發布的《個人信息保護法》草案。

Mushrooming of data protection laws amidst rapid technological changes

The PCPD witnessed a fast-flowing stream of technological developments in the past 25 years, accompanied by the mushrooming and introduction of more stringent laws in enhancing the protection of personal data. Over 130 jurisdictions have enacted privacy or personal data protection laws, and the laws have expanded significantly from their first iterations in many localities. The PDPO underwent its first major amendments in 2012 to introduce legal requirements on the use of personal data in direct marketing, among others. In 2018, the EU replaced its 1995 Directive and adopted a new gold standard, the GDPR. It led to subsequent development in privacy laws around the world, including the California Consumer Privacy Act of 2018, India's Personal Data Protection Bill of 2019, and the draft Personal Information Protection Law of the Mainland introduced in 2020.

政府在考慮過私隱公署的建議及《通用數據保障條例》後，提出《私隱條例》的初步修訂方向，當中包括強制資料外洩事故通報、直接規管資料處理者，以及如部分司法管轄區一樣，授權私隱專員就違反《私隱條例》施行行政罰款。有見2019年中以來「起底」行為猖獗，行政長官於2021年2月宣布將會推動立法修訂《私隱條例》，將「起底」行為刑事化，並賦予私隱專員刑事調查和檢控的法定權力。

The Government, after considering the PCPD's proposals and the GDPR, proposed preliminary amendment directions for the PDPO. These included, among others, making data breach notifications mandatory, imposing direct obligations on data processors, and empowering the Privacy Commissioner to impose administrative fines, as in other jurisdictions, for breaches under the PDPO. Owing to rampant doxxing activities since mid-2019, the Chief Executive announced in February 2021 that legislative amendments would be made to the PDPO to criminalise doxxing and confer statutory powers on the Privacy Commissioner to carry out criminal investigations and institute prosecutions.

積極進行教育及推廣工作

私隱公署在1996年開始運作之時及隨後的數年，有見於個人資料私隱的概念以及《私隱條例》的規定對大眾而言仍屬新事物，於是將教育及推廣工作視為優先目標。私隱公署發行大量刊物及舉行講座及培訓課程，多年來共約300,000人出席，亦拍攝電視廣告及娛樂與資訊並重的電視劇及廣播劇。近年私隱公署亦利用社交媒體與大眾聯繫，並將講座及培訓課程移師至網上舉行。

Tireless efforts in education and promotion

In the ensuing few years after its establishment in 1996, the PCPD's priority was education, publicity and promotion, as personal data privacy and the requirements of the PDPO were new to the general public. The PCPD issued a myriad of publications, and conducted seminars and training with about 300,000 participants over the years. It also took an edutainment approach by producing television docu-dramas and radio dramas, in addition to running advertisements. Recently, the PCPD also leveraged social media to reach the wider public and brought seminars and training online.

資訊及通訊科技漸漸融入我們的日常生活，大眾對個人資料私隱保障的期望亦與日俱增。機構不能夠再單純滿足於「剔格仔」或僅求達致合規，它們需要表現出良好數據道德、尊重客戶個人資料以及對管理資料問責。

As information and communication technologies have encroached on our daily lives, public expectation of personal data privacy has also been rising. It was no longer sufficient for organisations to tick the box on compliance. They needed to demonstrate good data ethics, respect for customers' personal data, and accountability in the management of data.

在2000年，私隱公署成立保障資料主任聯會，旨在讓公私營機構的保障資料主任交流經驗及意見。自2014年起，私隱公署提倡機構建立私隱管理系統，將個人資料保障定為企業管治責任，並由上而下納入為業務不可或缺的一環。在2018年，私隱公署更進一步發出「中國香港的道德問責框架」以倡導良好的數據道德。該框架現已成為強化個人資料私隱保障的新指標。

In 2000, the PCPD established Data Protection Officers' Club for data protection officers of public and private organisations to share their experiences and insights. In 2014, the PCPD introduced the Privacy Management Programme and encouraged organisations to embrace data protection as a corporate governance responsibility and as a top-down business imperative. In 2018, the PCPD issued—what became a yardstick—the "Ethical Accountability Framework for Hong Kong, China" to advocate good data ethics.

循規與執法行動與日俱增

在過去的25年，私隱公署處理了39,645宗投訴、421,326宗查詢及946宗資料外洩事故通報；並進行過3,652次循規審查及1,762次調查。循規及執法行動旨在回應公眾就影響數以萬計客戶的大型資料外洩事故的關注。

隨着公眾對個人資料私隱的意識和要求日益提高，私隱公署處理的個案數目亦顯著上升。

Compliance and enforcement actions on the rise

In the last 25 years, the PCPD handled 39,645 complaints, 421,326 enquiries, and 946 data breach notifications. It has initiated 3,652 compliance checks and 1,762 investigations. Our compliance and enforcement actions served to address public's concern on major data breach incidents which affected tens of thousands of data subjects.

The number of cases rose significantly owing to increasing public awareness of and demands for personal data privacy.

	1997-98 註 Note	2020-21	增長 Increase
查詢個案數目 **Number of enquiries received**	13,551	18,253	34.7%
投訴個案數目 **Number of complaints received**	253	3,157	1,147.8%
資料外洩事故通報次數 **Number of data breach notifications received**	0	106	不適用 N/A
循規審查次數 **Number of compliance actions initiated**	74	356	381.1%

註：1997-98年度為私隱公署首個完整的報告年度

Note: 1997-98 was the PCPD's first full reporting year.

緊密的全球聯繫

在網絡世界，資料並無疆界之分。因此，要有效執行私隱法例，不同司法管轄區的資料保障機構必需攜手合作。自成立以來，私隱公署一直活躍於有關國際私隱監管機構的主要論壇，與海外相關機構分享知識與經驗及合作，並且在有需要時尋求協助。

Strong global connections

Online data knows no borders. Collaboration among data protection authorities in different jurisdictions is therefore indispensable for the effective enforcement of privacy laws. Since establishment, the PCPD has been an active member of major international privacy regulator forums. This enables the PCPD to share knowledge and experience and collaborate with our overseas counterparts, as well as to seek assistance from them.

私隱公署自1996年起，一直參與環球私隱議會（前稱國際資料保障及私隱專員會議），並先後在1999年及2017年主辦周年大會。私隱公署在2016年至2018年間為議會執行委員會成員，亦是議會「人工智能的道德與數據保障常設工作小組」聯席主席，並領導「2019冠狀病毒病工作小組」其中一個小組，應對2019冠狀病毒病相關的私隱議題。

For instance, since 1996, the PCPD has been participating in the GPA, formerly known as the International Conference of Data Protection and Privacy Commissioners, and hosted the 1999 and 2017 annual conferences. The PCPD was an Executive Committee member from 2016 to 2018, and the co-chair of the Working Group on Ethics and Data Protection in Artificial Intelligence, leading a subgroup of the COVID-19 Working Group to tackle privacy issues arising from COVID-19.

私隱公署同時也在其他國際論壇上擔當領導角色。自2010年至2019年，私隱公署擔任亞太區私隱機構「科技工作小組」主席，以及自2016年起出任全球私隱執法機關網絡的委員會成員。

The PCPD also takes leading roles in other international forums. It was the chair of the Technological Working Group of the APPA from 2010 to 2019 and has been a committee member of the GPEN since 2016.

在「一國兩制」下，香港與內地一直維持緊密的社會及經濟聯繫。私隱公署與內地學術界和有關當局建立了良好的溝通網絡。為推動香港發展成為大灣區的數據中心，以及促進區域合作與發展，私隱公署將會進一步加強與內地相關機構的聯繫。

Under "One Country, Two Systems", Hong Kong enjoys very close social and economic ties with the Mainland. The PCPD has established a strong network with the academia and relevant authorities on the Mainland. To facilitate the development of Hong Kong as a data hub in the Greater Bay Area and enhance regional cooperation and development, the PCPD will further strengthen its connection with our Mainland counterparts.

展望未來

在過去的四分一世紀，科技和監管環境日新月異，而隨着大數據、區塊鏈、人工智能、生物辨識資料等科技持續急速發展，資料保障的形勢將會更變化多端。全球各地將會制定並實施更健全的資料保障法例，大眾對資料私隱的訴求亦將會變得更加強烈。私隱公署將會繼續密切留意發展趨勢，致力保障個人資料私隱。

Looking ahead

The technological and regulatory landscapes have been dynamic in the past quarter-century and the data protection landscape will be even more vibrant in the light of the rapid development of big data, blockchain, artificial intelligence, biometric data, etc. Globally, more robust data protection laws would be enacted and implemented and the demands for data privacy would become more vigorous. The PCPD will continue to keep abreast of the developments and uphold strong protection of privacy in relation to personal data.

私隱公署在2021年慶祝成立25周年。一直以來，私隱公署致力透過監察、監管及推廣遵從《私隱條例》的要求，從而建立保障、尊重個人資料私隱的文化。

2021 marks the 25th Anniversary of the PCPD. Over the years, the PCPD has been striving to enhance the protection of the privacy of individuals in relation to personal data. It monitors, supervises and promotes compliance with the PDPO and fosters a culture of protecting and respecting personal data privacy.

以下是私隱公署過去25年一些重要事件回顧：

Here are some notable milestones and achievements of the PCPD in the past 25 years:



舉辦保障私隱小學巡迴表演「有個秘密話你知」
Launched the privacy show "Telling You My Secret" targeting primary school students

2005

舉辦首個亞太經濟合作組織電子商貿督導小組技術支援研討會
Hosted the first Asia-Pacific Economic Cooperation (APEC) Electronic Commerce Steering Group technical assistance seminar

參與亞太經濟合作組織工作，制訂一套私隱保障原則及實施架構，讓組織內21個成員經濟區共同遵守
Took part in an APEC initiative to develop a set of privacy principles and implementation framework that could be subscribed to by all 21 member economies



吳斌先生JP出任個人資料私隱專員
Mr Roderick WOO Bun, JP, took office as Privacy Commissioner for Personal Data

2006-2010

發表有關投訴警方獨立監察委員會意外地在互聯網上外洩兩萬人的個人資料的調查報告
Published an investigation report regarding the leakage of the personal data of 20,000 people on the Internet by the Independent Police Complaints Council



2006

為酒店從業員舉辦一系列活動加強業界保障私隱的意識
Organised the Hotel Privacy Campaign to raise awareness of privacy issues in the hotel industry



首次在香港主辦亞太區私隱機構論壇
Hosted the Asia Pacific Privacy Authorities (APPA) Forum for the first time in Hong Kong





1996-2000

《私隱條例》的條文正式生效
Provisions of the PDPO commenced operation

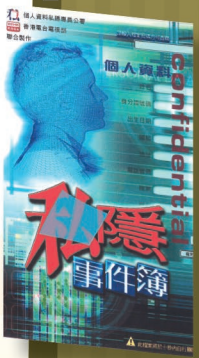
成立私隱公署，劉嘉敏先生JP出任首任個人資料私隱專員
Establishment of the PCPD; Mr Stephen LAU Ka-men, JP, took office as the first Privacy Commissioner for Personal Data





舉辦第二十一屆國際私隱及個人資料保障研討會及資料保障專員會議
Hosted the 21st International Conference on Privacy and Personal Data Protection and Meeting of the Data Protection Commissioners

2000



與香港電台聯合製作電視劇《私隱事件簿》
Produced the docu-drama television series "Privacy Special" in partnership with Radio Television Hong Kong

2001-2005

舉辦「私隱週」及相關活動，包括「新經濟下的電子私隱」研討會及現場直播的電視綜合晚會
Launched "Privacy Week" with activities such as the "E-Privacy in the New Economy" Conference and a live television variety show



2001



鄧爾邦先生出任個人資料私隱專員
Mr Raymond TANG Yee-bong took office as Privacy Commissioner for Personal Data



與亞太區私隱機構合辦首個國際推廣活動「私隱關注運動2007」
Organised its first international promotional campaign, Privacy Awareness Week 2007, together with members of the APPA

私隱專員首次行使視察權力，視察醫院管理局的病人個人資料系統
Privacy Commissioner exercised inspection power for the first time on the Hospital Authority's personal data system in respect of patients



2010

向政府提交建議，對《私隱條例》作出重大修訂
Submitted a package of proposals to the Government recommending substantial amendments to the PDPO

2006



展開檢討《私隱條例》的公眾諮詢
Carried out public consultation on the review of the PDPO



為醫療從業員舉辦保障個人資料私隱活動
Organised a personal data privacy campaign for medical practitioners

2006-2010

為地產代理業舉辦保障個人資料私隱活動
Organised a personal data privacy campaign for estate agents



2011

出版《個人資料（私隱）條例》通識教材套老師手冊，協助中學老師教導學生保護個人資料私隱
Published the "Personal Data (Privacy) Ordinance Liberal Studies Teaching Kit" to assist secondary school teachers in teaching students how to protect personal data privacy

舉辦首屆「保障私隱學生大使計劃」，並自此每年向中學生推廣保障個人資料私隱
Launched the first Student Ambassador for Privacy Programme; since then, the PCPD organised annual activities to promote personal data privacy protection to secondary school students

2011-2015

為電訊從業員舉辦保障個人資料私隱活動
Organised a personal data privacy campaign for telecommunications practitioners



與香港電台聯合製作電視劇《私隱何價》；該電視劇在電視節目欣賞指數2012中榮登第十位
Produced the docu-drama television series "Privacy Beyond Price" in partnership with Radio Television Hong Kong; the series ranked 10th in the 2012 TV Programme Appreciation Index Survey

《2012年個人資料（私隱）（修訂）條例》實施，就直接促銷推行新的規管機制及推出法律協助計劃
Commencement of the Personal Data (Privacy) (Amendment) Ordinance 2012. Implemented new direct marketing regulatory regime and launched legal assistance scheme

2015

舉辦「保障私隱 全面貫徹」研討會，提倡在資訊科技系統的設計中加入保障個人資料私隱為預設元素
Organised the Privacy by Design Conference to advocate embedding the protection of personal data privacy in the design of information and communication systems



推出為零售業而設的網上評估工具，協助業界培訓及評估對《私隱條例》的理解
Launched an online assessment tool tailor-made for the retail industry to train practitioners and evaluate their understanding of the requirements under the PDPO



舉辦第三十一屆
亞太區私隱機構論壇
Hosted the 31st APPA Forum



為保險從業員舉辦保障個人資料私隱活動
Organised a personal data privacy campaign for insurance practitioners

發表對智能身份證系統的私隱循規評估報告
Published the Privacy Compliance Assessment Report on the Smart Identity Card System

2010





蔣任宏先生, SBS出任個人資料私隱專員
Mr Allan CHIANG Yam-wang, SBS, took office as Privacy Commissioner for Personal Data

發表有關「八達通日日賞」計劃收集及使用客戶個人資料的調查報告
Published an investigation report regarding the collection and use of customers' personal data under the Octopus Rewards Programme



黃繼兒先生出任
個人資料私隱專員
Mr Stephen Kai-yi WONG took office as Privacy Commissioner for Personal Data

2016

2016-2019

與香港電台聯合製作電視劇《私隱何價II》
Jointly produced the docu-drama television series "Privacy Beyond Price II" in partnership with Radio Television Hong Kong





與資訊科技界專業團體及商會推出「應用程式重私隱 創新科技贏信任」保障私隱運動
Launched the privacy campaign "Developing Mobile Apps: Privacy Matters" with leading professional and trade associations in information and communications technology

政府與39間保險、電訊等行業的機構承諾推行私隱管理系統
The Government and 39 organisations from the insurance, telecommunications and other sectors pledged to implement a Privacy Management Programme



發出《私隱管理系統—最佳行事方式指引》，鼓勵機構視保障個人資料為企業管治責任
Issued the "Best Practice Guide on Privacy Management Programme" to encourage organisations to embrace personal data protection as part of their corporate governance

2016-2019

私隱公署成立20周年
20th anniversary of the PCPD



獲委任為環球私隱議會「人工智能的道德與數據保障常設工作小組」聯席主席
Was appointed as a co-chair of the GPA's "Ethics and Data Protection in Artificial Intelligence Permanent Working Group"

向政府提交修訂《私隱條例》的建議
Submitted the PCPD's recommendations to amend the PDPO to the Government

舉辦「數據道德的實踐」研討會
Organised the Symposium on Data Ethics in Action



舉辦第三十九屆國際資料保障及私隱專員研討會，超過750名來自逾60個國家及地區的參加者出席會議
Hosted the 39th International Conference on Privacy and Personal Data Protection and Meeting of the Data Protection Commissioners, welcoming more than 750 participants from over 60 countries and regions



為物業管理從業員舉辦保障個人資料私隱活動
Organised a personal data privacy campaign for property management practitioners





獲僱員再培訓局嘉許為「人才企業」
Was awarded Manpower Developer by the Employees Retraining Board



與澳門個人資料保護辦公室合辦第三屆全球私隱執法機關網絡執法人員研討會
Co-hosted the 3rd GPEN Enforcement Practitioners' Workshop with the Office for Personal Data Protection, Macao

2020

鍾麗玲女士出任個人資料私隱專員
Ms Ada CHUNG Lai-ling took office as Privacy Commissioner for Personal Data



就兩宗資料外洩事故發表調查報告：關於未經授權網上查取環聯資訊有限公司的信貸報告，以及國泰航空有限公司及港龍航空有限公司約940萬名乘客個人資料被未獲授權取覽或查閱
Published investigation reports on two data breach incidents: unauthorised online access to credit reports at TransUnion Limited and unauthorised access to personal data of approximately 9.4 million passengers of Cathay Pacific Airways Limited and Hong Kong Dragon Airlines Limited

於2019年接獲9,182宗投訴，其中4,370宗與「起底」有關；私隱公署不遺餘力打擊「起底」個案
Received 9,182 complaints in 2019 of which 4,370 cases relating to doxxing; the PCPD spared no efforts in combating doxxing

在2019冠狀病毒病疫情期間，發出保障個人資料的各種指引和建議
Issued Guidance Notes and advisories on the protection of personal data amid the COVID-19 pandemic

作為環球私隱議會「人工智能的道德與數據保障常設工作小組」聯席主席，贊助和牽頭草擬《開發及應用人工智能的體現問責決議》；該決議在第42屆環球私隱議會周年會議上通過
Sponsored and spearheaded the drafting of the "Resolution on Accountability in the Development and Use of Artificial Intelligence" as the co-chair of the GPA's AI Working Group; the Resolution was adopted at the annual conference of the 42nd GPA



舉辦首屆「私隱之友嘉許獎」
Organised the inaugural "Privacy-Friendly Awards"



為社會服務界從業員舉辦保障個人資料私隱活動
Organised a personal data privacy protection campaign for social service practitioners

出席第42屆環球私隱議會周年會議，發表由私隱公署主責彙編的「應對2019冠狀病毒病的最佳行事常規概要」
Presented the Compendium of Best Practices in Response to COVID-19 at the annual conference of the 42nd GPA



2021

(1月至3月
January to March)

政府建議修訂《私隱條例》以打擊「起底」，私隱專員表示歡迎
Privacy Commissioner welcomed the Government's proposals to amend the PDPO to combat doxxing

私隱公署成立25周年
25th anniversary of the PCPD



一百間機構獲頒首屆「私隱之友嘉許獎」，政制及內地事務局局長曾國衞先生, IDSM, JP擔任嘉許獎頒獎禮主禮嘉賓
100 organisations received the inaugural "Privacy-Friendly Awards". Mr Erick TSANG Kwok-wai, IDSM, JP, Secretary for Constitutional and Mainland Affairs, officiated the awards presentation ceremony

全年活動一覽
One Year at-a-glance

2020 4月 Apr

在疫情期間發出保障兒童私隱指引
Issued guidelines on children's privacy during the pandemic

私隱專員出席立法會政制事務委員會會議簡報2019年度工作
Privacy Commissioner attended a meeting of the Legislative Council Panel on Constitutional Affairs to brief members on the work of the PCPD in 2019

2020 6月 Jun

一間電訊公司被裁定違反《私隱條例》下直接促銷規定，判罰款港幣一萬二千元
A telecommunications company was convicted of and fined $12,000 for failing to comply with the direct marketing provisions under the PDPO

舉辦年度「關注私隱週」，主題為「保障私隱　維護尊嚴　構建智慧香港」
Launched the annual Privacy Awareness Week with the theme "Protecting Privacy – Respecting Dignity for a Smart Hong Kong"





首宗因違反高等法院所頒布有關「起底」的臨時禁制令，被告被裁定罪成，判監28日，緩刑一年
In the first case of breaching an interim injunction order granted by the High Court relating to doxxing, the defendant was sentenced to 28 days' imprisonment, suspended for one year

2020 8月 Aug

發表飲食業界一資料使用者個人資料系統的視察報告
Published an inspection report on the personal data system of a data user in the food and beverage industry

2020 9月 Sep



鍾麗玲女士出任個人資料私隱專員
Ms Ada CHUNG Lai-ling took office as Privacy Commissioner for Personal Data

發出《學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引》
Issued "Guidance for Schools on the Collection and Use of Personal Data of Teachers, Staff and Students during COVID-19 Pandemic"

2020 10月 Oct

舉辦首屆「私隱之友嘉許獎」
Organised the inaugural Privacy-Friendly Awards

2021
私隱之友嘉許獎
Privacy-Friendly Awards



私隱專員出席第42屆環球私隱議會視像會議，倡議於2019冠狀病毒病大流行期間保障個人資料
Privacy Commissioner attended the 42nd GPA virtual conference, advocating the protection of personal data amidst the COVID-19 pandemic

2020 11月 Nov

首宗違反《私隱條例》「起底」案件，被告被判監禁18個月，連同其他定罪合共監禁兩年
In the first case of contravention of the PDPO relating to doxxing, the defendant was sentenced to imprisonment for 18 months. Together with other convictions, he was sentenced to imprisonment for 24 months

2020
11月 Nov

就在家工作安排發出三份指引予機構、僱員及視像會議軟件使用者
Issued three Guidance Notes relating to work-from-home arrangements for organisations, employees and users of video conferencing software


指引資料
在家工作安排下的個人資料保障指引：機構篇


指引資料
在家工作安排下的個人資料保障指引：僱員篇


指引資料
在家工作安排下的個人資料保障指引：
使用視像會議軟件

2020
12月 Dec

首宗因違反禁止「起底」禁制令案件，被告被判即時監禁21日
In the first immediate imprisonment case for breaching an injunction order relating to doxxing, the defendant was sentenced to 21 days' immediate imprisonment

在私隱公署網站上推出「『起底』害己害人」的全新網頁
Launched the new "Say 'No' to Doxxing" webpage on the PCPD's website

私隱專員在「第五十四屆亞太區私隱機構論壇」呼籲加強國際協作以打擊「起底」行為
Privacy Commissioner appealed for international collaboration in combatting doxxing at the 54th APPA Forum



兩名私隱公署職員榮獲申訴專員嘉許獎2020
Two PCPD staff members received the Ombudsman's Awards 2020





2021 1月 Jan

一個在香港廣泛使用的即時通訊軟件更改其使用條款及私隱政策，私隱專員呼籲用戶同意更改前小心考慮新條款
An instant messaging app widely used in Hong Kong changed its terms of service and privacy policy. Privacy Commissioner appealed to users to carefully consider the new terms before agreeing

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私隱專員出席立法會政制事務委員會會議簡報2020年度工作
Privacy Commissioner attended a meeting of the Legislative Council Panel on Constitutional Affairs to brief members on the work of the PCPD in 2020

設立「起底」查詢／投訴熱線3423 6666
Set up the 3423 6666 doxxing enquiry/complaint hotline

2021 2月 Feb

私隱專員表示歡迎政府建議修訂《私隱條例》以打擊「起底」
Privacy Commissioner welcomed the Government's proposal to amend the PDPO to combat doxxing

2021 3月 Mar

一百間機構獲頒首屆「私隱之友嘉許獎」，政制及內地事務局局長曾國衞先生，IDSM, JP擔任頒獎禮主禮嘉賓
100 organisations received the inaugural Privacy-Friendly Awards; Mr Erick TSANG Kwok-wai, IDSM, JP, Secretary for Constitutional and Mainland Affairs, officiated the awards presentation ceremony



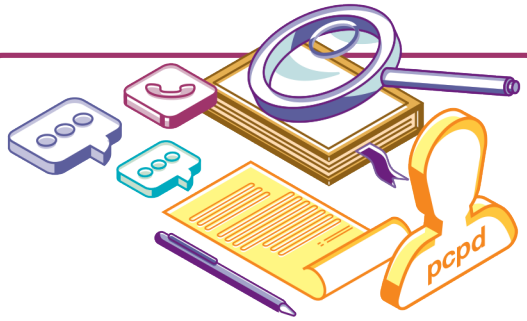
出版《Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance》（第二修訂版）
Published the second edition of "Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance"

數字回顧 *(2020 年 4 月 - 2021 年 3 月)*
A Year In Numbers *(April 2020 - March 2021)*



3,157

接獲3,157宗投訴個案
Received 3,157 complaints



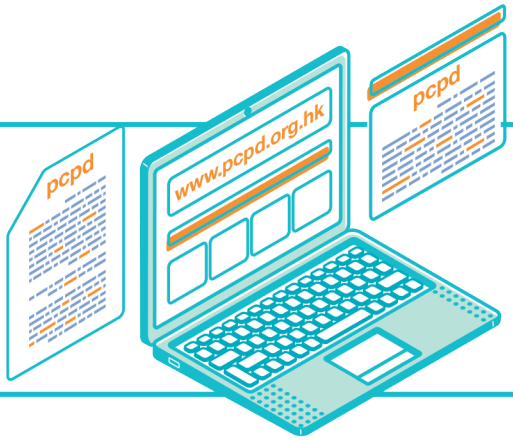
18,253

接獲18,253宗查詢個案
Received 18,253 enquiries



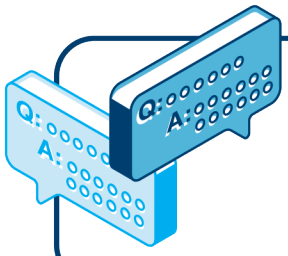
356

進行356次循規行動
Carried out 356 compliance actions



64

發出64篇新聞稿
Issued 64 media statements



220

回應220宗傳媒查詢
Responded to 220 media enquiries



70

接受70次傳媒訪問
Gave 70 media interviews



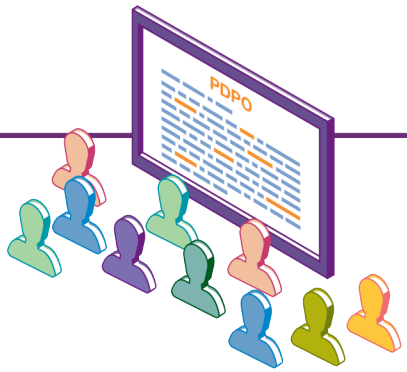
3,069

於各傳媒平台發布3,069則新聞
Published 3,069 news stories on various media platforms



158,073

錄得每月平均158,073人次瀏覽私隱公署網站
Recorded 158,073 visits to the PCPD's website on average per month



25,999

25,999人次參加私隱公署的講座、研習班及工作坊，了解《私隱條例》的要求
Reached out to 25,999 people at our talks, seminars and workshops to learn about the PDPO requirements



350

於社交媒體發表350篇帖文
Issued 350 social media posts

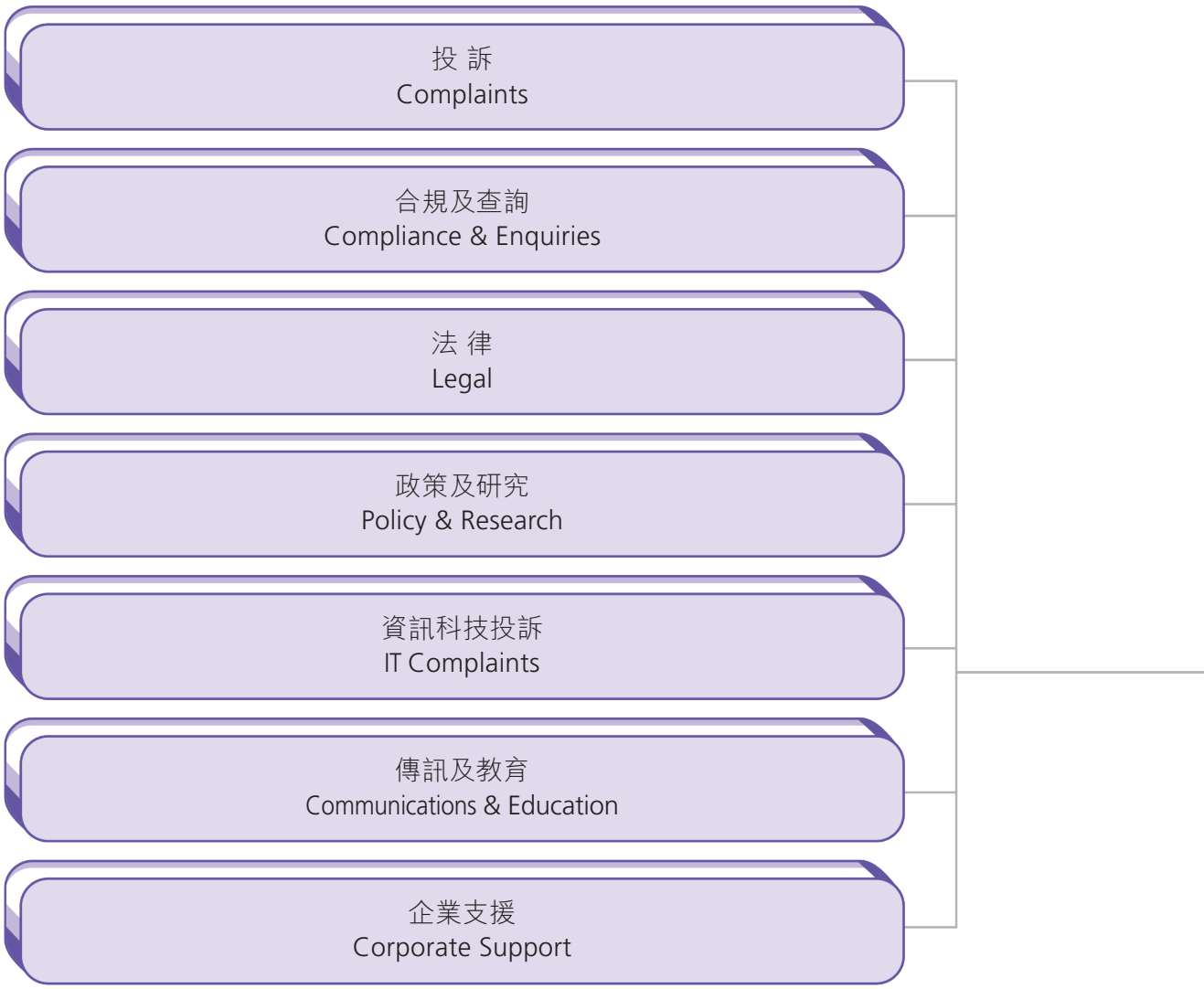
私隱公署架構
Organisation

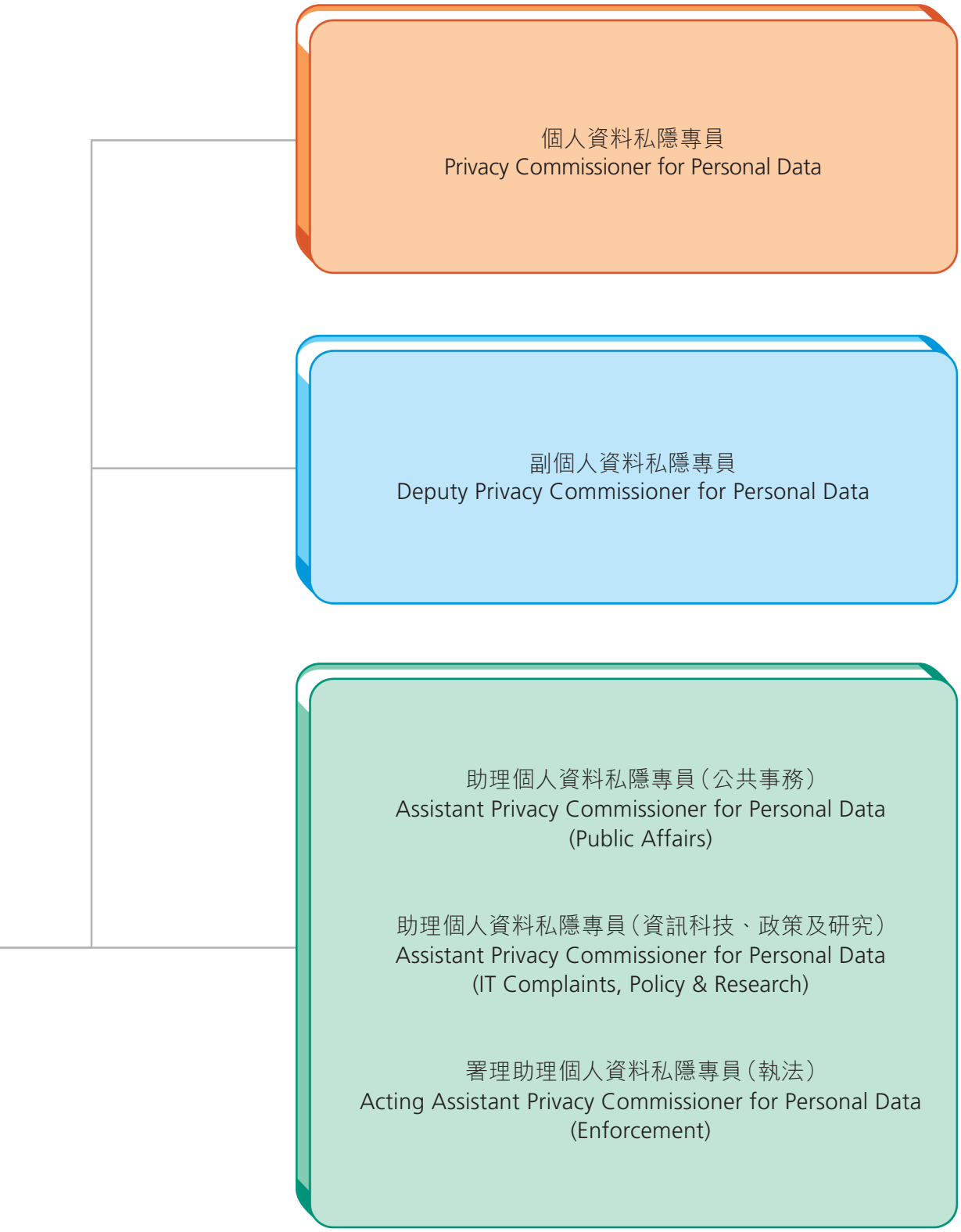
私隱公署是一所獨立機構，負責監察、監管和促進各界人士遵從《私隱條例》。《私隱條例》保障與個人資料有關的私隱，並規管收集、持有、處理和使用個人資料。

The PCPD is an independent body that monitors, supervises and promotes compliance with the PDPO to protect privacy of individuals in relation to the collection, holding, processing and use of personal data.

私隱公署由私隱專員領導，於1996年8月成立。今年為私隱公署成立25周年的誌慶。在報告年度完結時，私隱公署的職員數目為83人。

The PCPD is headed by Privacy Commissioner for Personal Data. It was established in August 1996 and is celebrating its 25th Anniversary this year. It had a total of 83 staff members at the end of the reporting year.




個人資料私隱專員
Privacy Commissioner for Personal Data
副個人資料私隱專員
Deputy Privacy Commissioner for Personal Data
助理個人資料私隱專員（公共事務）
Assistant Privacy Commissioner for Personal Data
(Public Affairs)
助理個人資料私隱專員（資訊科技、政策及研究）
Assistant Privacy Commissioner for Personal Data
(IT Complaints, Policy & Research)
署理助理個人資料私隱專員（執法）
Acting Assistant Privacy Commissioner for Personal Data
(Enforcement)

個人資料(私隱)諮詢委員會

個人資料(私隱)諮詢委員會(委員會)是根據《私隱條例》第 11 條成立，目的是就保障個人資料私隱及《私隱條例》運作的相關事宜，向私隱專員提供意見。

Personal Data (Privacy) Advisory Committee

The Personal Data (Privacy) Advisory Committee (PDPAC) was established pursuant to section 11 of the PDPO to advise the Privacy Commissioner on matters relating to personal data privacy protection and the operation of the PDPO.

主席 CHAIRPERSON



鍾麗玲女士
個人資料私隱專員
Ms Ada CHUNG Lai-ling
Privacy Commissioner for Personal Data

成員 MEMBERS

（按姓氏英文字母排序 in alphabetical order）



歐陽嘉慧女士
消費者委員會
法律事務部首席主任
Ms Terese Kar-wai AU-YEUNG
Head, Legal Affairs Division,
Consumer Council



林翠華女士
中華電力有限公司
人力資源總監
Ms Connie Tsui-wa LAM
Human Resources, Director
The CLP Power Hong Kong Limited

委員會會定期收取私隱公署的運作表現報告，並就私隱公署在工作上的重大議題向私隱專員作出建議。

The PDPAC receives regular reports on the operational performance of the PCPD and advises the Privacy Commissioner on the handling of major issues relating to the work of the PCPD.

委員會主席為私隱專員，而委員會成員則由政制及內地事務局局長委任。

The Privacy Commissioner is the chairperson of the PDPAC, and members of the PDPAC are appointed by the Secretary for Constitutional and Mainland Affairs.



陳嘉賢女士
德國寶集團有限公司
執行董事
Ms Karen Ka-yin CHAN
Executive Director, German Pool Group Company Limited



鍾郝儀女士
Clarksdale Investment Limited
董事長
Ms Cordelia CHUNG
Chairman, Clarksdale Investment Limited



簡慧敏女士
中國銀行（香港）有限公司
總法律顧問
Ms Carmen Wai-mun KAN
General Counsel, Bank of China (Hong Kong) Limited



羅燦先生
ASI Analytics & Media Limited
董事總經理
Mr Stephen Chan LOH
Chief Executive Officer, ASI Analytics & Media Limited



黃偉雄先生, MH, JP
中原地產代理有限公司
亞太區主席兼行政總裁
Mr Addy Wai-hung WONG, MH, JP
Chairman and Chief Executive Officer (Asia Pacific), The Centaline Property Agency Limited

政制及內地事務局副秘書長或
政制及內地事務局首席助理秘書長
Deputy Secretary for Constitutional and Mainland Affairs or Principal Assistant Secretary for Constitutional and Mainland Affairs

科技發展常務委員會

私隱公署設立科技發展常務委員會，旨在協助私隱專員更有效地執行《私隱條例》第8(1)(f)條指明的法定職能，即研究資料處理及資訊科技及監察其發展，以顧及該等

Standing Committee on Technological Developments

The Standing Committee on Technological Developments (SCTD) was established to assist the Privacy Commissioner to better perform the statutory functions under section 8(1)(f) of the PDPO, namely researching into and monitoring technological

聯合主席 CO-CHAIRPERSONS



鍾麗玲女士
個人資料私隱專員
Ms Ada CHUNG Lai-ling
Privacy Commissioner for Personal Data



林植廷先生
副個人資料私隱專員
Mr Tony LAM Chik-ting
Deputy Privacy Commissioner for Personal Data

成員 MEMBERS

（按姓氏英文字母排序 in alphabetical order）



白景崇教授
香港大學社會科學研究中心總監
Professor John BACON-SHONE
Director, Social Sciences Research Centre, The University of Hong Kong



劉偉經教授
香港浸會大學財務及決策學系特邀教授
Professor Jason LAU
Adjunct Professor, Department of Finance and Decision Sciences, Hong Kong Baptist University

發展對個人私隱在個人資料方面的潛在影響。委員會同時會就私隱公署為應對科技發展引伸的私隱議題，向實務守則草擬本、建議及指引資料提供意見。

developments that may affect personal data privacy. The SCTD also advises on the drafting of codes of practices, advisories and guidance notes on privacy issues arising therefrom.

科技發展常務委員會由私隱專員及副私隱專員擔任聯合主席。

The SCTD is co-chaired by the Privacy Commissioner and the Deputy Privacy Commissioner.



鄒錦沛博士
香港大學計算機科學系副教授
Dr K P CHOW
Associate Professor, Department of Computer Science, The University of Hong Kong



方保僑先生
香港資訊科技商會榮譽會長
Mr Francis Po-kiu FONG
Honorary President, Hong Kong Information Technology Federation



栢雅盛先生
霍金路偉律師行合伙人
Mr Mark PARSONS
Partner, Hogan Lovells



楊月波教授
香港浸會大學計算機科學系特邀教授
Professor YB YEUNG
Adjunct Professor, Department of Computer Science, Hong Kong Baptist University

高級管理團隊
SENIOR MANAGEMENT TEAM

鍾麗玲女士
個人資料私隱專員

Ms Ada CHUNG Lai-ling
Privacy Commissioner for Personal Data



陳美儀女士
首席個人資料主任(投訴)

Ms Amy CHAN
Chief Personal Data Officer (Complaints)

謝敏傑先生
助理個人資料私隱專員(公共事務)

Mr Eric TSE
Assistant Privacy Commissioner for Personal Data (Public Affairs)

黎智敏女士
署理助理個人資料私隱專員(執法)

Ms Joyce LAI
Acting Assistant Privacy Commissioner for Personal Data (Enforcement)



潘潔霖女士
高級個人資料主任(企業支援)

Ms Natalie POON
Senior Personal Data Officer
(Corporate Support)

彭慧深女士
助理個人資料私隱專員
(資訊科技投訴、政策及研究)

Ms Diana PANG
Assistant Privacy Commissioner
for Personal Data (IT Complaints,
Policy & Research)

吳勝宇先生
署理首席個人資料主任(合規及查詢)

Mr Vincent NG
Acting Chief Personal Data Officer
(Compliance & Enquiries)

高級主任
Senior Officers

1 陳潤蓮女士
署理高級個人資料主任(合規及查詢)

Ms Christine CHAN
Acting Senior Personal Data Officer
(Compliance and Enquiries)

2 郭正熙先生
高級個人資料主任(合規及查詢)

Mr Brad KWOK
Senior Personal Data Officer
(Compliance and Enquiries)

3 陳德明先生
高級個人資料主任(資訊及通訊科技)

Mr Raymond CHAN
Senior Personal Data Officer
(Information, Communications and Technology)

4 陳景偉先生
高級個人資料主任(投訴)

Mr Anthony CHAN
Senior Personal Data Officer (Complaints)



5 盧廸凡先生
署理高級個人資料主任(資訊科技投訴)

Mr DF LO
Acting Senior Personal Data Officer (IT Complaints)

6 吳鎧楓先生
署理高級律師

Mr Dennis NG
Acting Senior Legal Counsel

7 張健康先生
高級個人資料主任(政策及研究)

Mr Aki CHEUNG
Senior Personal Data Officer (Policy and Research)

8 陳香凝女士
高級個人資料主任(投訴)

Ms Joanna CHAN
Senior Personal Data Officer (Complaints)

9 袁國良先生
高級律師

Mr Kenneth YUEN
Senior Legal Counsel

10 陳智健先生
高級個人資料主任(傳訊及教育)

Mr Ivan CHAN
Senior Personal Data Officer
(Communications and Education)



本年重點工作
Highlights of the Year





2021
私隱之友嘉許獎
Privacy-Friendly Awards







多管齊下　打擊「起底」

「起底」把個人資料武器化，觸及道德和法律的底線。「起底」行為侵犯個人資料私隱，並對受害者及其家人造成極大傷害。在報告年度內，私隱公署繼續採取多管齊下的方式，打擊自 2019 年中以來日益猖獗的「起底」行為，努力已見初步成果。

私隱公署於年內共處理 957 宗「起底」個案。雖然個案數字比上一個報告年度的 4,707 宗大幅減少近 80%，但「起底」對受害者及其家人所造成的心理傷害、滋擾、騷擾和纏擾不容忽視。為此，私隱公署必定繼續竭盡所能，打擊「起底」行為。

Taking a Multi-pronged Approach to Combat Doxxing

Doxxing is weaponisation of personal data which pushes the limits of morality and the law. It intrudes personal data privacy and causes great harm to the victims and their family members. During the reporting year, the PCPD continued to adopt a multi-pronged approach to combat doxxing and tamed the growing trending of doxxing since mid-2019. Our efforts began to bear fruit.

The PCPD handled a total of 957 doxxing cases, which dropped by nearly 80% when compared to 4,707 cases in the last reporting year. Still, the PCPD spared no effort in combating doxxing as the psychological harm, molestation, harassment, and pestering suffered by the victims and their family members as a result of doxxing could not be ignored.

不遺餘力　執法不阿

由2019年6月起截至2021年3月31日，私隱公署共處理5,664宗「起底」個案，作出下列跟進行動：

- 設立熱線3423 6666處理有關「起底」的查詢或投訴；
- 去信涉事的18個網站、社交平台及討論區的營運商共287次，要求移除共5,689條有關「起底」的連結；
- 尋求本地及外地司法監管機構合作，合力打擊社交平台上的「起底」行為；
- 轉介1,461宗涉及違例的個案予警方進行刑事調查及考慮檢控；及
- 轉介59宗可能違反有關「起底」的臨時禁制令的個案予律政司跟進。

「起底」可帶來嚴重的法律後果，年內已有六名被告因「起底」而被法庭判刑。其中兩人被判即時入獄，當中一名因違反《私隱條例》第64(2)條披露未經資料使用者同意而取得的個人資料罪被判入獄兩年，而另一名因被裁定民事藐視法庭被判入獄21日。

宣傳推廣　遏止歪風

私隱公署加強宣傳推廣，提醒公眾「起底」帶來的禍害及尊重他人個人資料私隱的重要性。私隱公署進行了以下宣傳和教育工作：

- 發出有關新聞稿（八份）；
- 回應傳媒查詢（28次）；
- 透過傳媒訪問向公眾解釋（20次）；
- 開設「向『起底』說不」專頁，在私隱公署網站提供一站式、全面的相關資訊；
- 於社交媒體平台上載帖文，加強公眾對保障及尊重私隱的意識；及
- 聯同警察公共關係科製作以反「起底」為專題的電視節目及宣傳短片，呼籲公眾不要觸犯法律。

Sparing No Efforts in Enforcing the Law

From June 2019 to 31 March 2021, the PCPD handled a total of 5,664 doxxing cases and:

- Set up the 3423 6666 hotline to answer enquiries or complaints on doxxing;
- Wrote 287 times to request the operators of 18 websites, social media platforms, and discussion forums to remove 5,689 web links involving doxxing contents;
- Sought the cooperation of local and foreign regulatory authorities to combat doxxing on social media platforms;
- Referred 1,461 cases of possible contravention of criminal offence to the Police for criminal investigation and consideration of prosecution; and
- Referred 59 cases of possible violation of interim injunction orders relating to doxxing to the Department of Justice for follow-up actions.

Doxxing bears serious legal consequences. In the reporting year, six defendants were convicted of offences relating to doxxing, and two of them were sentenced to immediate imprisonment terms. One received a total term of two years for contravention of section 64(2) of the PDPO in disclosing personal data obtained from a data user without the consent of the data user, and the other for 21 days for civil contempt of court.

Publicity and Promotion Efforts

The PCPD stepped up its publicity and promotion efforts to remind the public of the harm caused by doxxing and the importance of respecting others' personal data privacy. The publicity and education efforts included:

- Issuing media statements (eight times);
- Responding to media enquiries (28 times);
- Explaining to the public through media interviews (20 times);
- Publishing the "Say 'No' to Doxxing" webpage on the PCPD's website as a one-stop information portal;
- Posting on social media to heighten the public's awareness on protecting and respecting privacy; and
- Collaborating with the Police Public Relations Branch to produce a television programme and social media videos to urge the public to respect the law.

協力合作　相輔相成

私隱公署亦加強與政府部門和商會的聯繫和合作去打擊「起底」行為，例如：

- 香港金融管理局提醒銀行及其他金融機構，防範以盜用個人資料進行的信貸申請；
- 香港持牌放債人公會呼籲會員加強對客戶的盡職審查和核實程序，以防止身份盜竊；及
- 衞生署在器官捐贈登記網站刊出告示，警告登記者不要冒用他人的個人資料登記器官捐贈。

Collaborative Efforts

The PCPD also strengthened its communication and collaboration with government departments and trade associations to combat doxxing. Examples included:

- The Hong Kong Monetary Authority had reminded banks and other financial institutions to guard against unauthorised credit applications using stolen personal data;
- The Hong Kong SAR Licensed Money Lenders Association Ltd. appealed to all its members to tighten up their customer due diligence and verification procedures to prevent identity thefts; and
- The Department of Health put up a notice on its organ donation website to warn applicants against the fraudulent use of others' personal data to register for organ donation.



修訂《私隱條例》以打擊「起底」

為加強私隱公署打擊「起底」的能力，行政長官林鄭月娥女士於2021年2月4日宣布會修訂《私隱條例》，將「起底」行為定為刑事罪行。

修訂建議主要包括：(1)將「起底」行為定為《私隱條例》下的刑事罪行，(2)授予私隱專員法定權力，要求社交媒體平台或網站刪除有關「起底」的內容及(3)賦予私隱專員權力就「起底」個案進行刑事調查及檢控。

政府目標是在2020-21立法年度內完成修訂建議的草擬工作，並向立法會提交草案。

Amending the PDPO to Combat Doxxing

To enhance the PCPD's capability to combat doxxing, the Chief Executive, Mrs Carrie Lam, announced on 4 February 2021 that legislative amendments should be made to the PDPO to criminalise doxxing acts.

The major legislative amendment proposals included: (1) criminalising doxxing acts as an offence under the PDPO, (2) conferring on the Privacy Commissioner statutory powers to demand the removal of doxxing contents from social media platforms or websites, and (3) empowering the Privacy Commissioner to carry out criminal investigation and institute prosecution.

The Government planned to complete the drafting of the legislative amendment proposals and submit the Amendment Bill to the Legislative Council in the 2020-21 legislative session.



有關2019冠狀病毒病的建議及指引資料

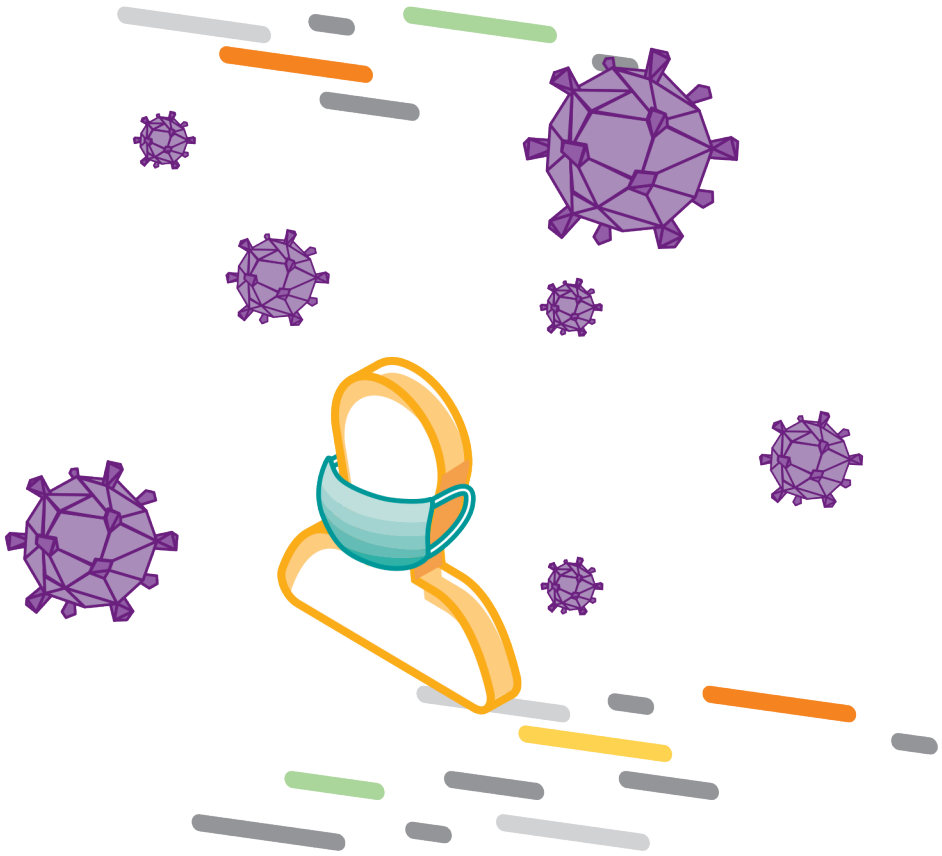
為遏止2019冠狀病毒病傳播，各地政府廣泛採用電子方式追蹤或追尋確診者及其密切接觸者。大眾亦在家工作、在家學習及在家購物以減少社交。因旅遊限制及封鎖措施，各國經濟下滑，政府便發放補助以減輕民眾的財政負擔。最近，隨着部分地區疫情有所緩和，一些政府正建議或已推行「旅遊氣泡」和「健康護照」，促進恢復正常社交與經濟活動。

以上措施必然牽涉收集、處理、使用或分享個人資料。因此，私隱公署於去年訂立了新的工作優次，把首要任務定為向政府、企業機構、學校及公眾提供建議或意見，加強對個人資料私隱的保障。

Advisories and Guidance Notes in Relation to Covid-19

To contain the spread of COVID-19, governments around the world adopted digital measures to track or trace the infected and their close contacts. Work-from-home, learn-from-home, and shop-from-home were means to reduce social contact. As economies deteriorated due to travel restrictions and lockdowns, governments provided subsidies to alleviate residents' financial distress. Lately, as the pandemic started to subside in some regions, governments proposed or implemented "travel bubbles" and "health passports" to facilitate the resumption of normal social and economic activities.

All these measures required the collection, processing, use, or sharing of personal data. Against this background, the PCPD prioritised its role in the past year in providing advisories or views to the Government, businesses, schools, and the general public to enhance the protection of personal data privacy.



「安心出行」應用程式的私隱友善設計

政府於2020年11月推出「安心出行」應用程式，協助用戶記錄到訪場所。當用戶曾與2019冠狀病毒病確診者在相近時間到訪同一場所，應用程式會通知用戶。

私隱公署認為該應用程式的設計，整體上符合國際認可對於保障私隱的最佳行事常規。例如，程式推出前曾進行私隱影響評估、程式毋須登記即可下載及使用、程式無收集用戶的全球定位數據或追蹤用戶的行蹤，而出行紀錄儲存於用戶的智能手機內而非政府或其他系統。整體而言，私隱公署認為「安心出行」符合《私隱條例》的相關規定。

Privacy-friendly design of the LeaveHomeSafe app

The Government introduced the LeaveHomeSafe app in November 2020 to allow users to keep a record of the places visited. The app would alert users if they were present in a similar timeframe at the same place visited by a COVID-19 infected person.

The PCPD considered that the design and development of the app were generally in line with internationally recognised best practice from the perspective of protecting privacy. For example, privacy impact assessment was conducted prior to the launch of the app. No registration was required to download and use the app. The app did not collect GPS data or track users' movement. Visit records were stored decentrally on users' smartphones and not in any government or other system. Overall, the PCPD considered LeaveHomeSafe is in compliance with the relevant requirements of the PDPO.

在家工作安排下的資料保安及私隱保障

當在家工作及視像會議成為新常態，私隱公署呼籲僱主、僱員以及視像會議軟件的用戶加強防範關於資料保安和個人資料私隱的新風險。繼2020年初向公眾發出的建議後，私隱公署於2020年11月再推出三份《在家工作安排下的個人資料保障》系列的指引資料。

私隱公署亦於2021年3月舉辦了一場網上講座，闡述指引資料內的實用建議。私隱公署提議機構應評估在家工作安排的風險，並制定合適的政策和措施，包括為僱員提供適當的網絡安全培訓和支援。僱員及視像會議軟件用戶應加強家居的Wi-Fi網絡及電子裝置的保安。

Data security and privacy protection during work-from-home

As work-from-home arrangements and video conferencing became prevalent, the PCPD called on employers, employees, and users of video conferencing software to step up their guard against the new risks posed to data security and personal data privacy. In addition to the advice provided to the public in early 2020, the PCPD published three Guidance Notes under the series "Protecting Personal Data under Work-from-Home Arrangements" in November 2020.

The PCPD also conducted a webinar in March 2021 to explain the recommendations in the Guidance Notes. Organisations were advised to assess the risks under work-from-home arrangements and formulate appropriate policies and measures, including providing employees with suitable cybersecurity training and support. Employees and users of video conferencing software were advised to tighten up the security of their Wi-Fi and electronic devices at home.

在網絡世界保持警覺

大眾上網的時間較多，網上騙案數量亦因而急增，包括非法使用個人資料和網上裸聊勒索。由於青少年容易墮入網上色情陷阱，私隱公署於2020年11月發出建議，呼籲青少年在網上要提高警覺。

例如，青少年不應在網上隨意透露個人資料、輕信初相識的網友、草率按下網站連結或任意下載應用程式等。青少年該意識到網絡世界是現實世界的反映，存在着同樣的陷阱與危險。

保障教職員及學生的個人資料私隱

學校於2020年9月恢復面授課堂，實施2019冠狀病毒病的防疫措施，涉及收集教職員及學生的個人資料，包括較為敏感的健康資料。有見及此，私隱公署發出《學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引》，提醒學校應該就着收集資料目的，收集足夠但不過多的資料。尤其學生多數仍未成年，需要較多保障個人資料私隱的保護。

學校亦應採取自我申報機制，並以選擇題形式的問卷，只收集必要的個人資料。私隱公署隨後舉辦了一場網上講座闡述指引中的建議。

Online Vigilance

People tended to spend more time online and, as a result, the number of online scams surged, including the illicit use of personal data and online naked chat blackmail. Teenagers might fall prey to online lewd traps and the PCPD therefore issued an advisory in November 2020 urging teenagers to exercise greater vigilance online.

For example, teenagers were advised not to disclose personal data casually, trust new online friends too readily, click on web links uncritically, or download apps indiscriminately. Teenagers should realise that the cyberworld resembles the real world, with the same kinds of traps and dangers.

Personal data privacy protection for teachers, staff, and students

When schools resumed classes in September 2020, COVID-19 prevention measures were in place and involved the collection of personal data, including more sensitive health data, of teachers, staff and students. The PCPD therefore issued the "Guidance for Schools on the Collection and Use of Personal Data of Teachers, Staff and Students during COVID-19 Pandemic" to remind schools to collect only adequate and not excessive data in relation to its purpose of collecting data. As most students are minors, they need more protection from the perspective of protecting personal data privacy.

Schools were also advised to adopt a self-reporting system and use multiple-choice questionnaires to collect only necessary personal data . The PCPD conducted a webinar subsequently to explain the advice contained in the Guidance.

在政府派發可重用口罩及現金發放計劃下的個人資料保障

政府於2020年中推出「現金發放計劃」及發放可重用口罩。為釋除公眾對收集、使用及保留個人資料的疑慮，私隱公署於2020年5月和6月發放新聞稿，解釋《私隱條例》的相關規定。私隱公署同時提醒市民，要慎防與政府的紓困措施相關的偽冒網頁和詐騙電話，別讓不法之徒有機會藉此行騙。

Personal data protection in the Government's Cash Payout Scheme and reusable mask distribution programme

The Government launched the "Cash Payout Scheme" and a reusable mask distribution programme in mid-2020. To alleviate the public's concerns about the Government's collection, use, and retention of personal data in the two initiatives, the PCPD issued two media statements in May and June 2020 to explain the relevant requirements under the PDPO. The PCPD also reminded the public to be cautious about phishing websites and fraudulent calls relating to the Government's initiatives as swindlers might take the opportunity to perpetrate fraud.

走出疫境

政府及私營機構可能會採納「健康護照」等新措施。私隱公署會繼續密切留意事態發展，並向持份者提供適時建議，以確保各界人士遵守《私隱條例》的規定。

Road to recovery

New measures such as "health passports" may be adopted by the Government and the private sector. The PCPD will continue to monitor the situation and provide timely advice to stakeholders to ensure that the relevant requirements of the PDPO are complied with.


PCPD.org.hk

指引資料

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

學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引

導言

2019冠狀病毒病疫情在香港雖然有所緩和，但未完全受控。隨著中小學及幼稚園於2020年9月23日開始逐步全面復課，學校有必要施行適當的防疫措施，當中或涉及收集教職員及學生的個人資料，包括屬較敏感的個人健康資料。就此，香港個人資料私隱專員公署（私隱公署）提醒學校應在保障公眾健康與妥善保障個人資料私隱之間採取合理的平衡，並提供以下的指引。

1. 學校可否收集教職員及學生的體溫測量紀錄、出行紀錄及其他健康狀況資料？

學校收集教職員及學生的體溫測量紀錄、出行紀錄及其他健康狀況資料，有助學校評估病毒在校內傳播的風險，保障教職員及學生的健康，因此一般而言屬合理的防疫措施。

然而，**私隱公署建議學校，在考慮收集教職員及學生哪些類別的個人資料時，應該只收集必要、適當以及與所收集資料的目的相稱的資料。**學校不應收集與2019冠狀病毒病無關或無必要的個人資料。學校亦應考慮採取自我申報機制，並以選擇題為主的問卷形式收集個人資料，避免提出開放式問題，以免意外地收集了不必要的個人資料。

除非教職員或學生出現2019冠狀病毒病的病徵（例如發燒和乾咳）、剛從境外地區（特別是高風險地區）回港、曾經到訪高感染風險的場所（例如醫院）、曾與受感染者有過密切接觸，或有其他高風險跡象，否則學校應該在合理的時間內將有關資料刪除，毋須保留存檔，以減少收集個人資料和減低資料外洩的風險。

此外，根據《個人資料（私隱）條例》（香港法例第486章，《私隱條例》）附表1的保障資料第1(3)(b)(i)原則，**學校必須在收集個人資料之時或之前以切實可行的步驟**（例如以通告形式）**向教職員、學生及家長提供「收集個人資料聲明」，**當中說明所收集的個人資料的類別、其收集目的（例如保障教職員及學生健康），以及資料可能會被轉移予哪些類別人士（例如公共衞生部門）等。作為良好的行事常規，學校亦應在「收集個人資料聲明」中告知教職員、學生及家長有關資料的保存期限。

2. 學校可否把教職員及學生的個人資料用於其他目的或披露予其他人士？

學校從教職員及學生所收集的個人資料，應只限用於當初向相關人士說明的目的（例如保障教職員及學生的健康）或直接有關的目的。根據保障資料第3原則，如學校欲將教職員或學生的個人資料用於新目的或披露予其他人士作新目的之用，必須事先徵得有關教職員、學生或其家長的「訂明同意」（即自願及明示的同意）。

如資料當事人（即學生）未成年，《私隱條例》容許「有關人士」於特定情況下代資料當事人提

學校在2019冠狀病毒病疫情期間收集及使用教職員及學生個人資料的指引

1

2020年9月

有關公眾和資料使用者對保障個人資料私隱態度的調查報告

私隱公署於2020年委託了香港大學社會科學研究中心進行問卷調查，以了解公眾對保障個人資料私隱的意識和態度、機構在保障個人資料私隱方面的工作，及他們對修定《私隱條例》建議的支持度。私隱公署於2021年1月28日的記者會公布該問卷調查的結果。

調查發現，公眾在保護個人資料方面的態度謹慎。80%的受訪者有注意到社交媒體帳戶中的私隱設置，而這些受訪者中超過80%有檢查他們的私隱設置。至於擁有社交媒體帳戶的受訪者，大多數(54%)僅與朋友分享個人照片和個人意見、34%從不分享個人照片、38%從不分享個人意見。就機構在保護個人資料私隱方面的工作而言，近60%的受訪機構認為在遵守《私隱條例》的規定時只遇到輕微的困難。

有關《私隱條例》修訂方面，超過80%的受訪者支持就資料外洩實施行政罰款，以及在資料外洩事故時強制通報私隱公署和受影響的客戶。關於打擊「起底」，超過60%的受訪者表示支持授權私隱專員進行刑事調查和提出檢控。

Survey on Attitudes of the Public and Data Users on the Protection of Personal Data Privacy

In 2020, the PCPD commissioned the Social Sciences Research Centre of The University of Hong Kong to conduct a survey to gauge public awareness and attitude on the protection of personal data privacy, the work of organisations in protecting personal data privacy, and their support of proposals to amend the PDPO. The results of the survey were released at a media briefing on 28 January 2021.

The survey noted that the public were prudent in protecting their personal data. 80% of the respondents were aware of the privacy settings in their social media accounts, and over 80% of these respondents had checked their privacy settings. For respondents with a social media account, the majority (54%) only shared personal photos and personal opinions with friends, while 34% never shared personal photos and 38% never shared personal opinions. In relation to the work of organisations in protecting personal data privacy, nearly 60% of the organisations surveyed considered that they had little difficulties in complying with the requirements of the PDPO.

In respect of amending the PDPO, more than 80% of the respondents supported imposing administrative fines and mandating data breach notification to the affected customers and the PCPD. As for combating doxxing, over 60% of the respondents showed support to empower the Privacy Commissioner to carry out criminal investigations and institute prosecutions.

首屆「私隱之友嘉許獎」

私隱公署於2020年10月推出首屆「私隱之友嘉許獎」，並作為私隱公署25周年的重點誌慶活動。私隱公署希望透過表揚及展現一眾公私營機構和政府部門在保障私隱方面的傑出成就，推廣保障個人資料私隱的重要性。

嘉許獎反應熱烈。私隱公署按參加機構備有或完成的「保障私隱措施」數目作出評定。經過嚴格的評審和選核，共有100間機構獲得表揚，其中69間機構獲得金獎狀、31間機構獲得銀獎狀。而在不同方面有傑出表現的五間機構，則成為卓越的金獎狀得主。

嘉許獎頒獎典禮於2021年3月4日舉行，由政制及內地事務局局長曾國衞先生，IDSM, JP、私隱專員及羅燦先生擔任主禮嘉賓。

Inaugural Privacy-Friendly Awards

The inaugural Privacy-Friendly Awards was launched in October 2020 as a highlight of the PCPD's 25th Anniversary. The awards aim at promoting the importance of personal data privacy protection by recognising and showcasing outstanding achievements from public and private organisations as well as government departments.

The awards received an overwhelming response, and contestants were judged based on their provision or completion of privacy protection measures. After a vigorous assessment and selection process, 100 organisations received recognition: 69 were awarded Gold Certificates and 31 Silver Certificates. In addition, five organisations with exemplary performance in different areas were named as outstanding Gold Certificate awardees.

The awards presentation ceremony was held on 4 March 2021. It was officiated by Mr Erick TSANG Kwok-wai, IDSM, JP, Secretary for Constitutional and Mainland Affairs, the Privacy Commissioner and Mr Stephen Chan LOH.







掃描觀看「私隱之友嘉許獎」頒獎典禮精華片段。
Scan the QR Code to view the highlight video of the Privacy-Friendly Awards Presentation Ceremony.

監察及監管符規

Monitoring and Supervising Compliance





回應公眾查詢

在2020-21年度，私隱公署接獲合共18,253宗查詢，較2019-20年度因應當時社會事件而接獲大量查詢的23,779宗減少23%。

查詢主要涉及收集及使用個人資料（例如香港身份證號碼）（28%）、處理與僱傭有關的個人資料（8%）及使用閉路電視（5%）。私隱公署在報告年度亦接獲與2019冠狀病毒病疫情有關的查詢。查詢包括使用視像會議軟件引起的保安關注，以及收集及使用與2019冠狀病毒病有關的健康資料。

與使用互聯網有關的查詢，由2019-20年度的1,695宗上升2%至2020-21年度的1,726宗。查詢主要涉及網絡欺凌和透過互聯網包括社交平台收集及使用個人資料。

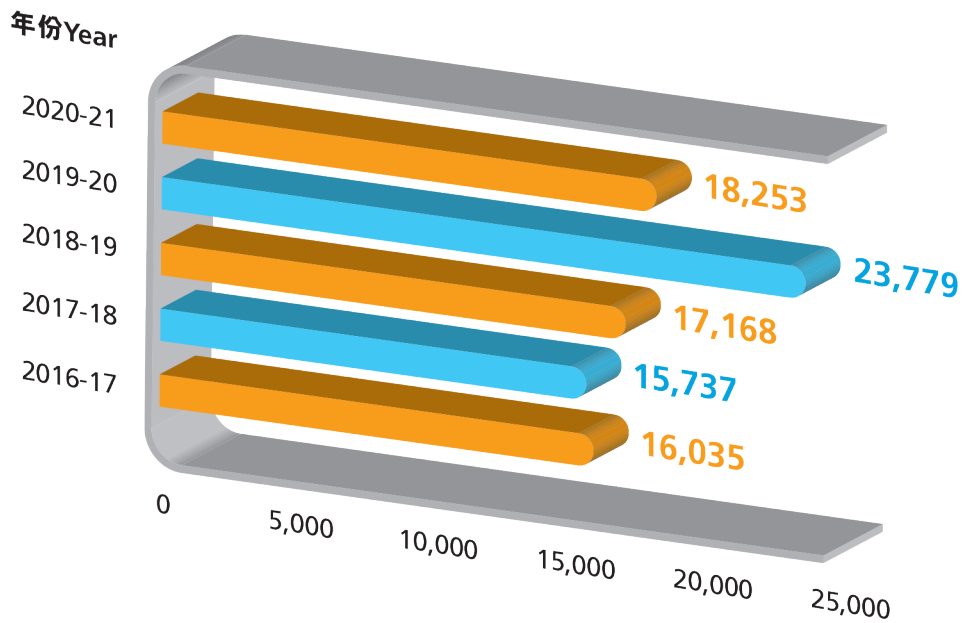
Response to Public Enquiries

In 2020-21, a total of 18,253 enquiries were received, a decrease of 23% from 23,779 in 2019-20 when a substantial number was in relation to public events.

The enquiries mainly concerned the requirements on the collection and use of personal data (for example Hong Kong Identity (HKID) Card number) (28%), handling of personal data in employment (8%), and use of CCTV (5%). There were also enquiries relating to the COVID-19 pandemic, including security concerns about the use of video conferencing software and collection and use of health data.

Enquiries relating to the use of the Internet increased by 2% from 1,695 cases to 1,726 cases. They mainly concerned cyberbullying, and collection and use of personal data on the Internet, including social media platforms.

圖 Figure 1.1
查詢個案數目 Number of enquiries received



監察及推廣遵守《私隱條例》的規定

當私隱專員有足夠理由相信有機構的行事方式與《私隱條例》規定不相符，便會展開循規審查或調查。在完成循規行動後，私隱專員會告知有關機構不符合《私隱條例》規定或其他不足之處，並建議補救措施以糾正違規情況和作出預防。

在2020-21年度，私隱專員進行了356次循規行動，較2019-20年度的329次上升8%。

有關報告年度內完成的幾個重點循規行動載於附錄六（第142-149頁）：

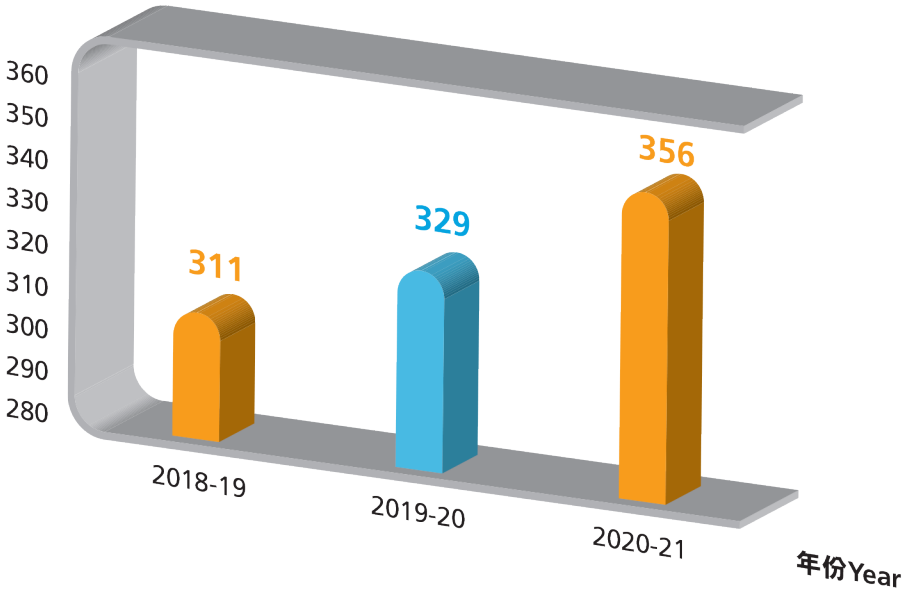
Monitoring and Promoting Compliance with the PDPO

When the Privacy Commissioner has reasonable grounds to believe that an organisation's practices are inconsistent with the requirements under the PDPO, compliance checks or investigations will be conducted. Upon completion of a compliance action, the organisation receives a report from the Privacy Commissioner on the breaches, inconsistencies and deficiencies that require remedial actions.

In 2020-21, the Privacy Commissioner carried out 356 compliance actions, an 8% increase over the 329 compliance actions in 2019-20.

Highlights of some compliance actions conducted during the reporting year can be found in Appendix 6 (page 142-149).

圖 Figure 1.2
2018-19 至 2020-21 年度內循規行動數目
Number of Compliance Actions from 2018-19 to 2020-21



視察

視察原因

根據政府統計處公布的就業統計數字，飲食業界僱用超過 220,000 名人士。私隱專員在2020年認為，依據《私隱條例》第 36 條對飲食業界其中一間具領導地位的公司（該僱主）進行視察，以審視該僱主與僱傭相關的個人資料系統是符合公眾利益。

結果及建議

視察報告在2020年8月發表。視察結果顯示，該僱主已致力按其業務性質及營運模式進行私隱管理。私隱專員向該僱主提出改善建議，而這些建議亦適用於業界及香港所有僱主。建議如下：

- 停止收集求職者的部分香港身份證號碼，並完全銷毀已收集的此類資料；
- 確保每份收集並持有的僱員身份證副本均加上「副本」字眼，橫跨整個身份證影像；
- 確保當招聘廣告中直接要求求職者遞交個人資料時：(a)向所有求職者提供《收集個人資料聲明》；或 (b)向所有求職者提供可向其索取《收集個人資料聲明》的聯絡人身份；

Inspection

Reason for Inspection

According to the employment statistics published by the Census and Statistics Department, more than 220,000 persons were employed in the food and beverage industry. In 2020, the Privacy Commissioner considered that it was in the public interest to carry out an inspection on the handling of employment-related personal data at one of the leading companies in the food and beverage industry (Employer) pursuant to section 36 of the PDPO.

Findings and Recommendations

The inspection report was published in August 2020. The Inspection showed that the Employer did make reasonably good efforts to ensure proper management of employees' data. The Privacy Commissioner identified some areas of improvement that were also generally applicable to the industry as well as all employers in Hong Kong. The recommendations were:

- Cease collecting partial HKID Card numbers of job applicants and obliterate such data previously collected;
- Mark photocopies of employees' HKID Card with the word "COPY" across the entire image of the HKID Card;
- Provide all job applicants with (a) a copy of the Personal Information Collection Statement (PICS); or (b) the identity of the contact person from whom the job applicants may obtain a copy of the PICS, if the job advertisement directly solicits personal data from job applicants;

- 適時刪除透過即時通訊應用程式收集到的求職者個人資料；
- 確保網上私隱政策與職位申請表上所述的個人資料的保留時限相符；
- 定期為所有僱員進行資料保障培訓及更新相關的培訓材料；及
- 與廢紙處置承辦商及其他承辦商所簽訂的協議中加入有關處理僱員個人資料的限制條款。

- Erase in a timely manner job applicants' personal data collected in instant messaging apps;
- Ensure the same retention period of employees' personal data as stated in the online privacy policy and the employment application form;
- Conduct data protection training for all employees and update related training materials regularly; and
- Incorporate restrictive clauses on handling employees' personal data in the agreements with paper disposal and other contractors.

資料外洩事故通報

個人資料的保安漏洞可能引致資料被人未經授權或意外地查閱、處理、刪除、喪失或使用。資料外洩事故有可能構成違反《私隱條例》附表1的保障資料第4原則。《私隱條例》並未有強制資料使用者就資料外洩事故作出通報，但私隱公署一直鼓勵資料使用者通知私隱專員、受影響的資料當事人及其他相關單位。

私隱公署在接獲經指定表格或其他方式提交的資料外洩事故通報後，會評估資料以考慮是否有需要展開循規審查。私隱專員對相關資料使用者進行循規審查後，會指出不足之處及建議補救措施，防止同類事故再次發生。

Data Breach Notifications

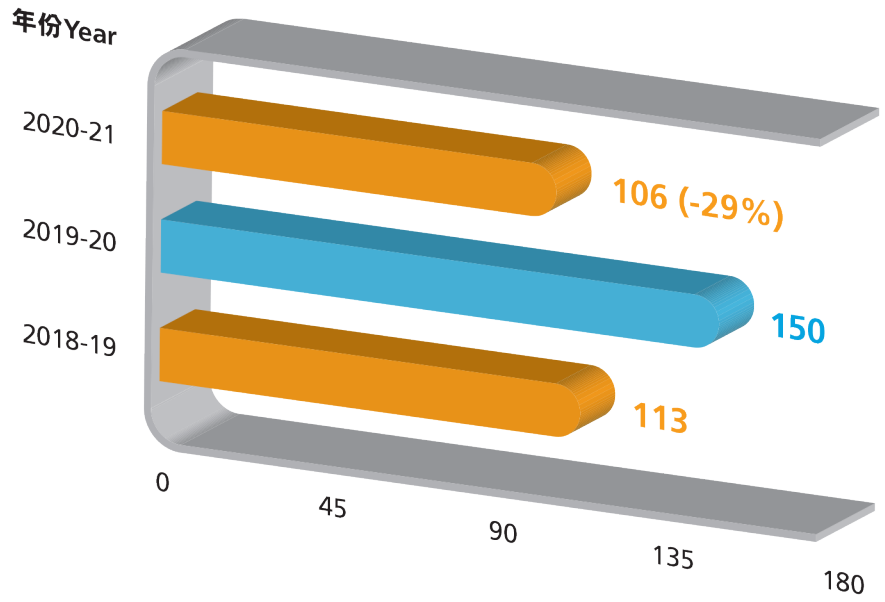
A breach of security of personal data could result to exposing the data to unauthorised or accidental access, processing, erasure, loss or use. Such a breach may amount to a contravention of Data Protection Principle (DPP) 4 of Schedule 1 to the PDPO. When a data breach has occurred, a data user is not mandated under the PDPO to give a data breach notification (DBN), but the PCPD has always encouraged data users to notify the Privacy Commissioner, affected data subjects and other relevant parties.

Upon receiving a DBN, through the PCPD-designated DBN form or other means of communication, the PCPD assesses the information and decides whether a compliance check is warranted. When a compliance check is taken, upon completion, the Privacy Commissioner would identify the deficiencies and advise the data user on remedial measures to prevent occurrence of similar incidents.

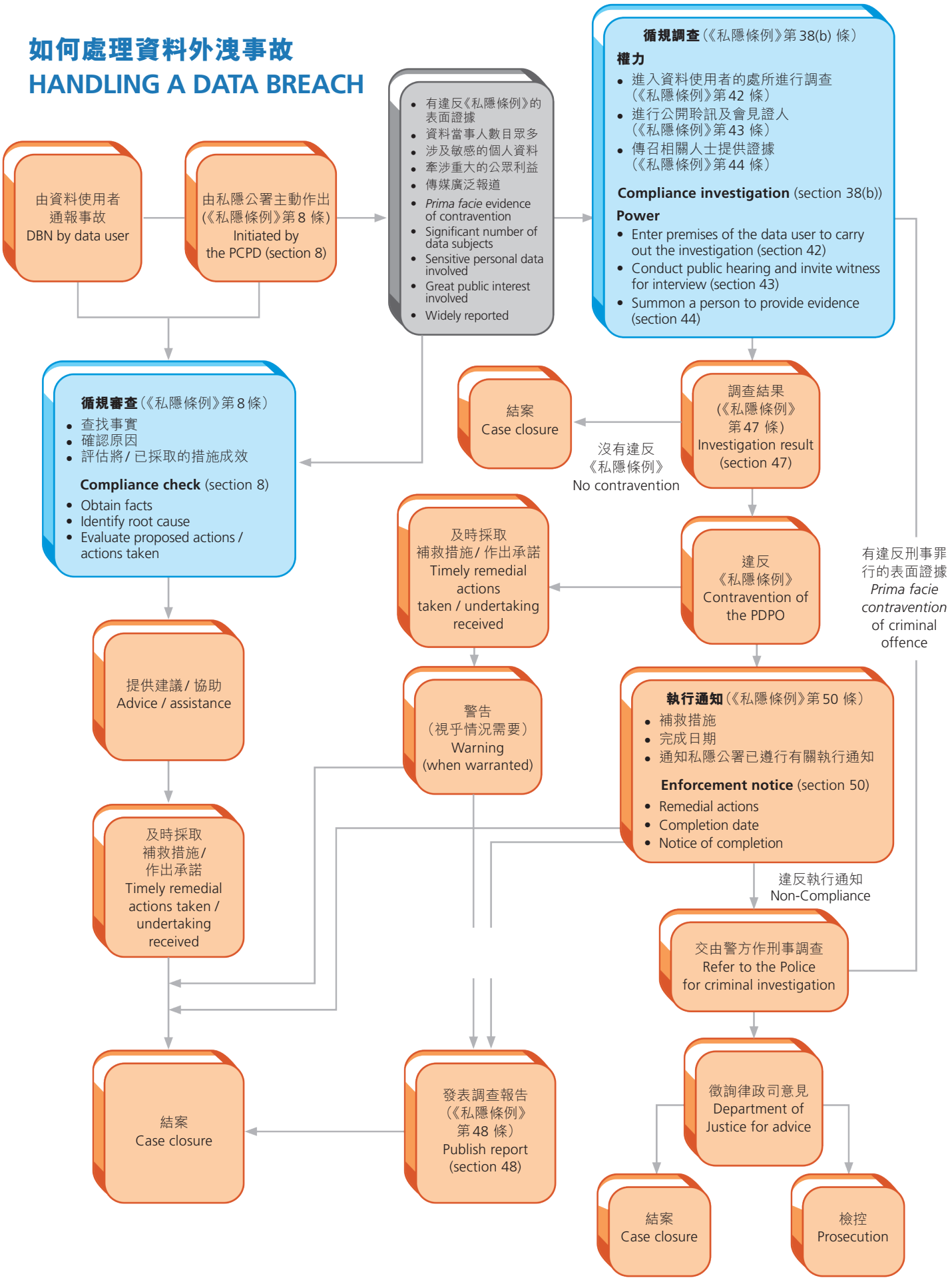
在報告年度內，私隱公署接獲106宗資料外洩事故通報，35宗來自公營機構、71宗來自私營機構，共涉及約85萬名人士的個人資料。這些外洩事故涉及黑客入侵、系統錯誤設定、僱員未經授權查閱、遺失文件或便攜式裝置、經傳真、電郵或郵件意外披露個人資料，以及意外銷毀個人資料等。私隱公署對所有106宗事故均展開循規審查。

In the reporting year, the PCPD received 106 DBNs, 35 from the public sector and 71 from the private sector. The DBNs collectively involved the personal data of about 850,000 individuals. These data breach incidents involved hacking, system misconfiguration, unauthorised access of personal data by internal staff, loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, and accidental erasure of personal data, etc. The PCPD conducted compliance check in all 106 incidents.

圖 Figure 1.3
2018-19至2020-21年度內資料外洩事故通報數目
Number of Data Breach Notifications from 2018-19 to 2020-21



如何處理資料外洩事故
HANDLING A DATA BREACH



處理核對程序申請

定義及取得同意

核對程序是指以電子方法比較兩套因不同目的而收集的個人資料，每一項比較涉及超過十個或以上資料當事人，而核對資料的結果可用作對有關資料當事人採取不利行動的程序。

資料使用者如無資料當事人的訂明同意或私隱專員的同意，不得進行核對程序。

申請數字

在2020-21年度，私隱專員收到29宗來自政府部門及公共機構的核對程序申請，並在有條件的情況下批准了有關申請。

Handling Requests for Carrying Out Matching Procedure

Definition and Consent

A matching procedure is a process by which personal data collected for one purpose is compared with personal data collected for other purposes when each comparison involves the personal data of 10 or more data subjects and is performed by non-manual means, and the result of the comparison may be used for taking adverse actions against the data subjects concerned.

A data user must not carry out a matching procedure unless it has obtained the data subjects' prescribed consent or the Privacy Commissioner's consent.

Number of Requests

In 2020-21, the PCPD received 29 applications from government departments and public organisations for the Privacy Commissioner's consent to carry out matching procedures, and the applications were approved subject to conditions.

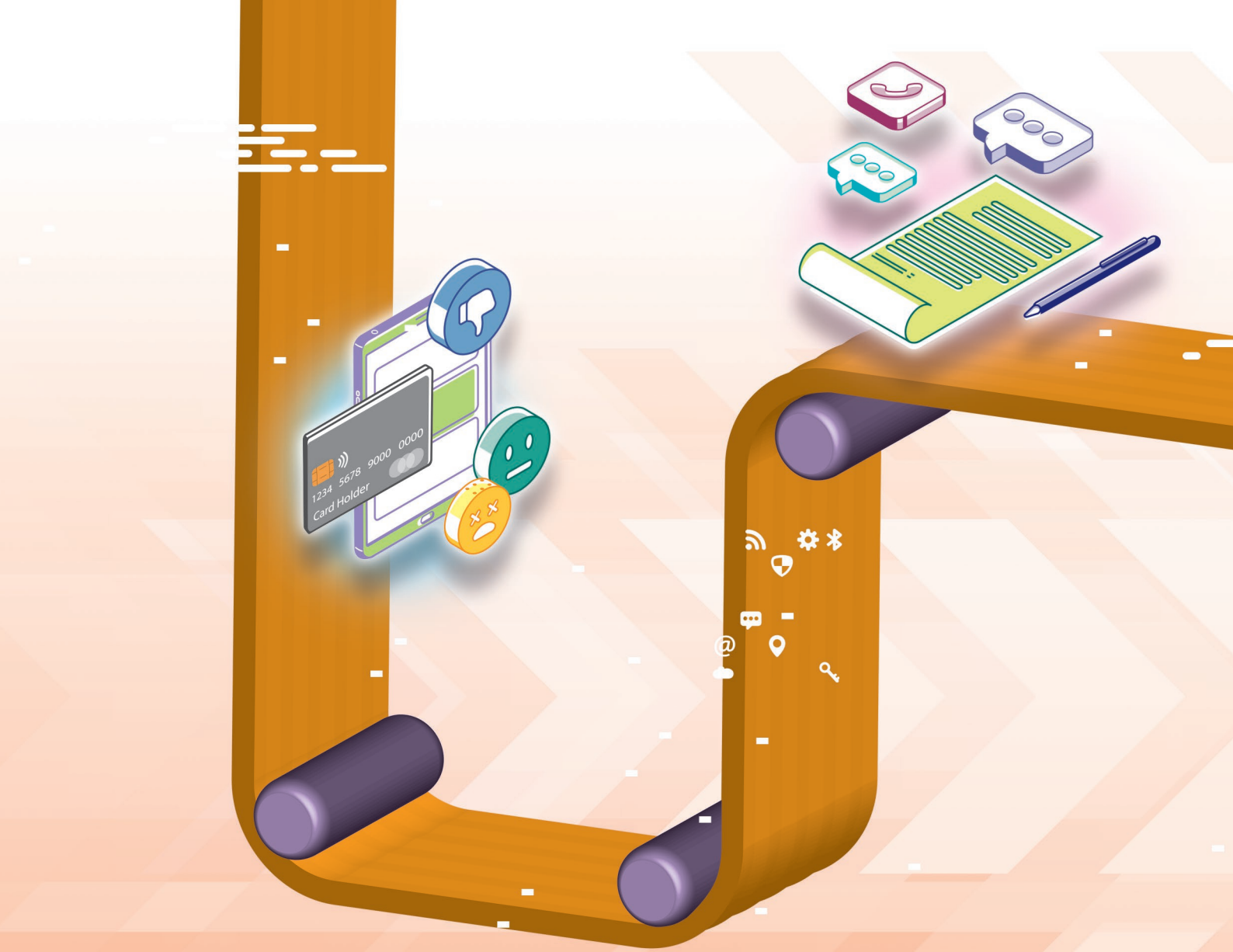
就公眾諮詢所提交的意見書

在報告年度內，私隱專員就以下公眾諮詢提交有關保障個人資料私隱的意見：

Submissions Made in Respect of Public Consultations

In the reporting year, the Privacy Commissioner provided views from the perspective of personal data privacy protection in response to the following public consultations:

徵詢意見的機構 Consulting Organisation	諮詢文件 Consultation Paper
選舉管理委員會 **Electoral Affairs Commission**	立法會選舉活動建議指引公眾諮詢 Public Consultation on Legislative Council Election Proposed Guidelines
香港金融管理局 **Hong Kong Monetary Authority**	Consultation Paper on Implementation of Mandatory Reference Checking Scheme to Address the "Rolling Bad Apples" Phenomenon（只有英文版）
保安局 **Security Bureau**	有關《引入窺淫、私密窺視、未經同意下拍攝私密處及相關罪行的建議》的諮詢文件 Consultation Paper on the Proposed Introduction of Offences of Voyeurism, Intimate Prying, Non-consensual Photography of Intimate Parts and Related Offences
香港法律改革委員會 **The Law Reform Commission of Hong Kong**	有關《性罪行檢討中的判刑及相關事項》的諮詢文件 Consultation Paper on Sentencing and Related Matters in the Review of Sexual Offences
商務及經濟發展局 **Commerce and Economic Development Bureau**	電話智能卡實名登記制度諮詢文件 Consultation Paper on Real-name Registration Programme for SIM Cards



H 處理投訴及上訴
andling of Complaints and Appeals







調查投訴

投訴的整體趨勢

在本報告年度，私隱公署共接獲3,157宗投訴，按年減少71%，主要因為「起底」個案由2019-20年度的4,707宗大幅減少至2020-21年度的957宗。

報告年度「起底」個案大幅減少，反映出私隱公署與警方執法取得成果，以及法庭於2020年的幾個定罪判刑起了阻嚇作用。雖然如此，「起底」個案仍佔投訴總數約30%，可見有關問題依然存在。

打擊「起底」仍然是私隱公署的首要任務。私隱公署歡迎政府修訂《私隱條例》的建議，以更有效打擊「起底」。私隱公署一直積極與政府合作，制訂修訂《私隱條例》的具體建議。

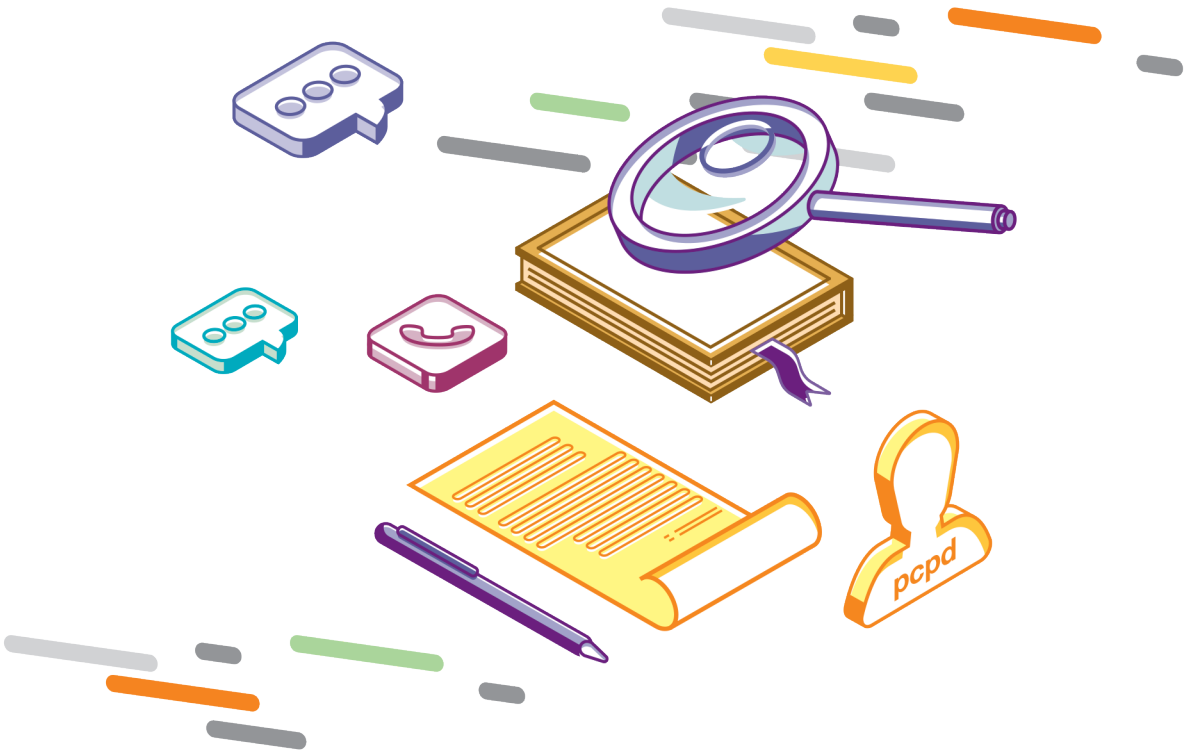
Complaints Investigation

Overall trend of complaints

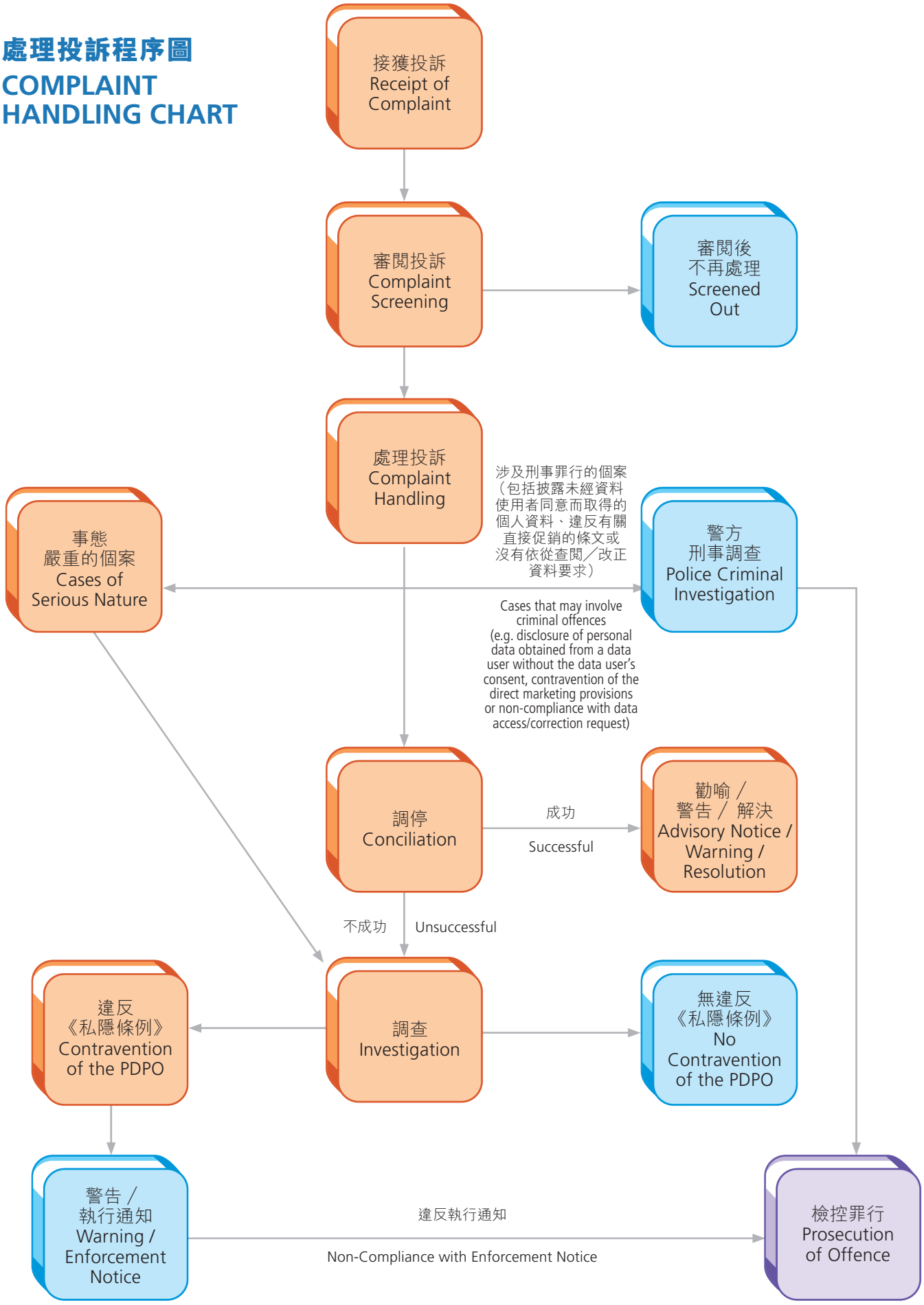
In the reporting year, the PCPD received 3,157 complaints, a drop of 71% year-on-year. This was primarily attributable to a significant reduction in the number of doxxing-related cases from 4,707 in 2019-20 to 957 in 2020-21.

The decrease in the number of doxxing-related cases in the reporting year reflected the enforcement efforts made by the PCPD and the Police, and the deterrent effect brought about by the convictions in a number of court cases in 2020. That said, doxxing-related cases still accounted for about 30% of the total number of complaints. It suggested that doxxing remained a problem.

Combatting doxxing continued to be a top priority of the PCPD. The PCPD welcomed the Government's amendment proposals to make the PDPO more effective in combatting doxxing. The PCPD continued to actively work with the Government to formulate the proposals to the amendments.



處理投訴程序圖
COMPLAINT HANDLING CHART



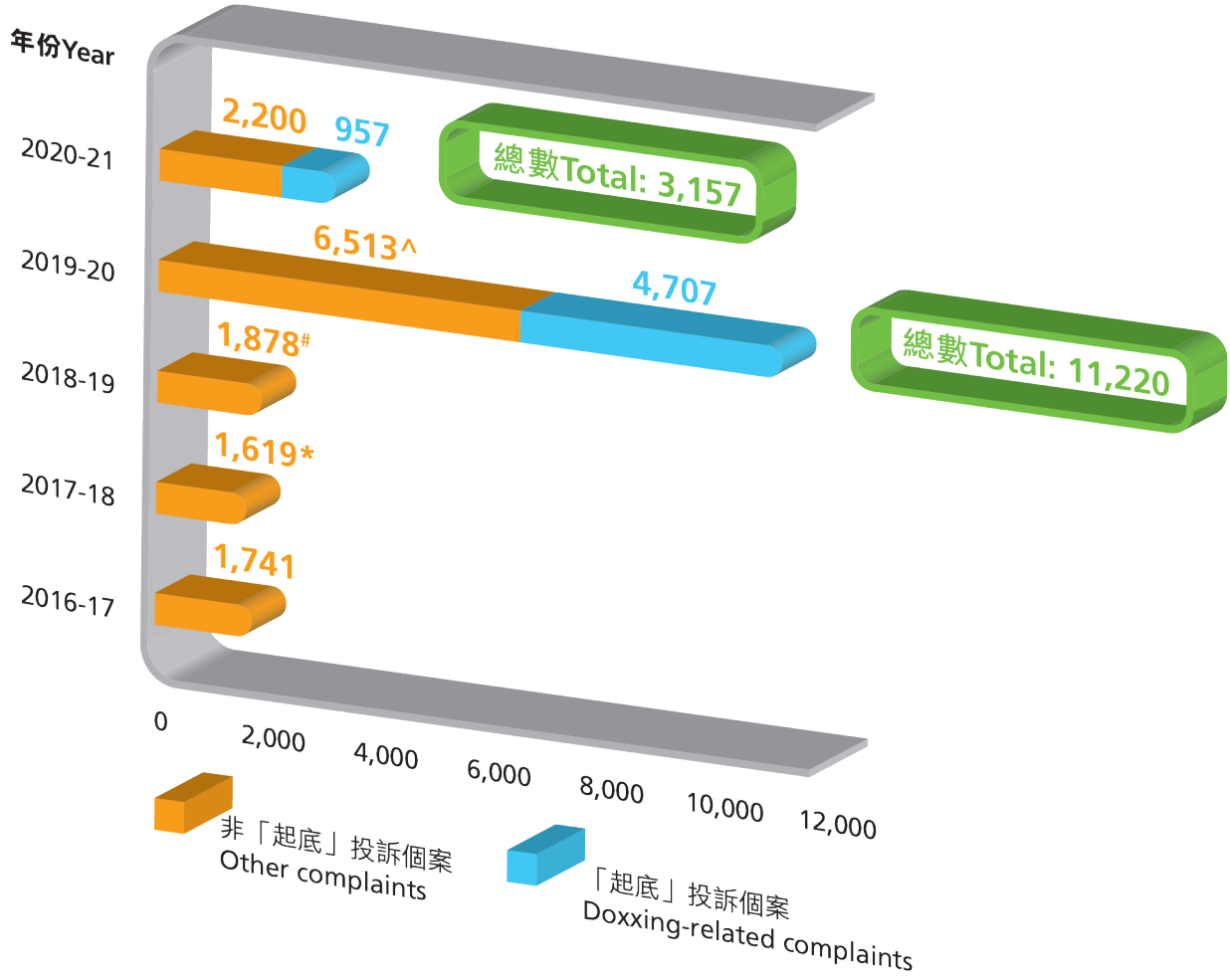
接獲的投訴個案

私隱公署在報告年度共接獲3,157宗投訴。撇除「起底」個案，共收到2,200宗投訴個案，較上一年度減少66%，但仍較2018-19年度上升了17%。（圖 2.1）

Number of complaints received

The PCPD received 3,157 complaints in the reporting year. Excluding doxxing-related cases, the PCPD received 2,200 complaints, which is 66% fewer than that in the last reporting year but 17% more than that in 2018-19. (Figure 2.1)

圖 Figure 2.1
接獲的投訴個案數目 Number of complaints received



^ 當中包括2,665宗與兩宗警員於直播時在鏡頭前展示一名記者的香港身份證的事件有關的投訴、669宗懷疑保安人員盜取住戶信件的投訴，以及428宗關乎一名藝人於其社交平台披露一份航空公司機艙服務員名單的投訴。

\# 當中包括143宗有關航空公司外洩客戶個人資料的投訴。

* 為統計目的，私隱公署在該報告年度收到一政府部門遺失載有選民個人資料的手提電腦的1,944宗同類投訴，只作一宗投訴計算。

^ There were 2,665 complaints about two incidents of the Police's displaying a reporter's HKID in live broadcasts or streaming, 669 complaints about suspected theft of residents' letters by a security guard, and 428 complaints about the disclosure of a list of cabin crew by an artiste on her social media platform.

\# 143 complaints were about an airline's data leakage incident.

* For statistical purpose, 1,944 complaints about the loss of a government department's computer containing the personal data of registered electors were counted as one complaint.

被投訴者類別

撇除「起底」個案，在2,200宗投訴中，被投訴者可分為以下類別：

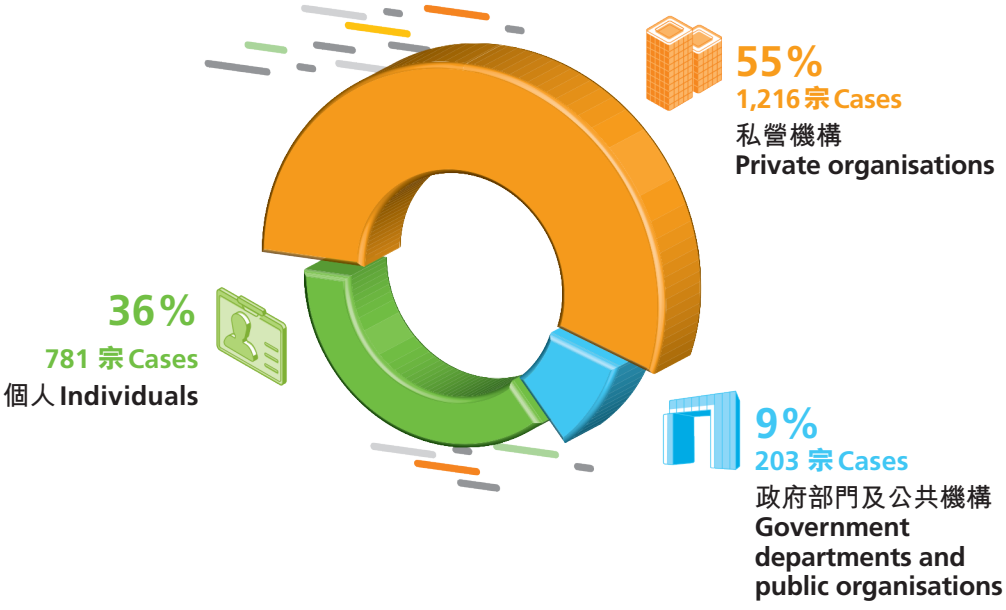
- 私營機構（1,216宗），主要涉及銀行、財務公司及物業管理公司；
- 個人（781宗），當中眾多個案與私人事務引起的網絡欺凌，鄰居安裝閉路電視及使用個人資料作選舉用途有關；及
- 政府部門及公共機構（203宗），主要涉及醫護機構、執法機關及教育機構。（圖2.2）

Types of parties being complained against

Excluding doxxing-related cases, the types of parties being complained against among the 2,200 complaints were:

- Private organisations (1,216 cases), with the majority being banks, financial institutions, and property management companies;
- Individuals (781 cases), with many of the cases involving cyberbullying arising from domestic affairs, installation of CCTV by neighbours and use of personal data in electioneering activities; and
- Government departments and public organisations (203 cases), with the majority being healthcare organisations, law enforcement agencies, and education institutes. (Figure 2.2)

圖 Figure 2.2
被投訴者類別 Types of parties being complained against



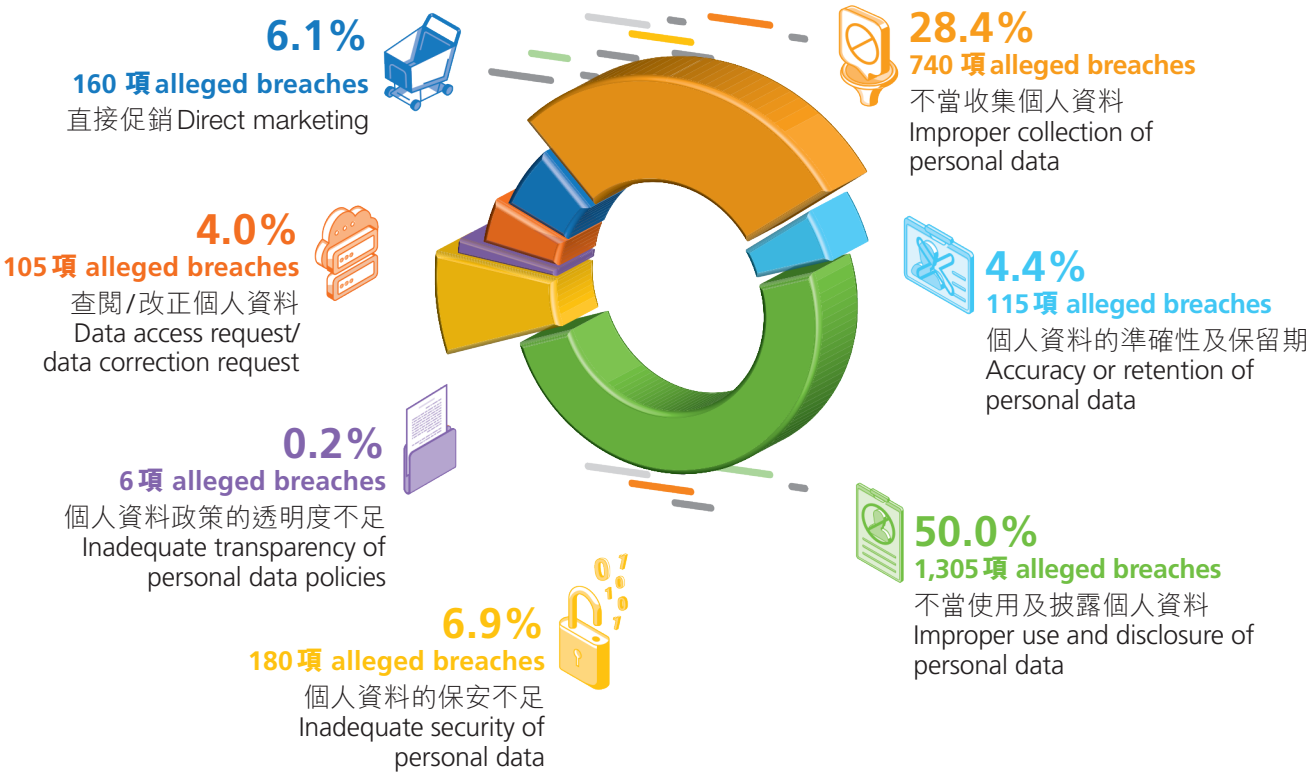
投訴指稱

撇除「起底」個案，2,200宗投訴共涉及2,611項違反《私隱條例》規定的指稱（因同一宗投訴可涉及多於一項指稱）。該些投訴指稱的分類如下：（圖2.3）

Nature of alleged breaches

Excluding doxxing-related cases, the 2,200 complaints involved a total of 2,611 alleged breaches, as one complaint might involve more than one allegation. The classification of the alleged breaches by nature is as follows: (Figure 2.3)

圖 Figure 2.3
投訴指稱 Nature of alleged breaches



投訴範疇

撇除「起底」個案，私隱公署於報告年度收到的投訴所涉的主要範疇分佈與上一年度相若。（圖2.4）

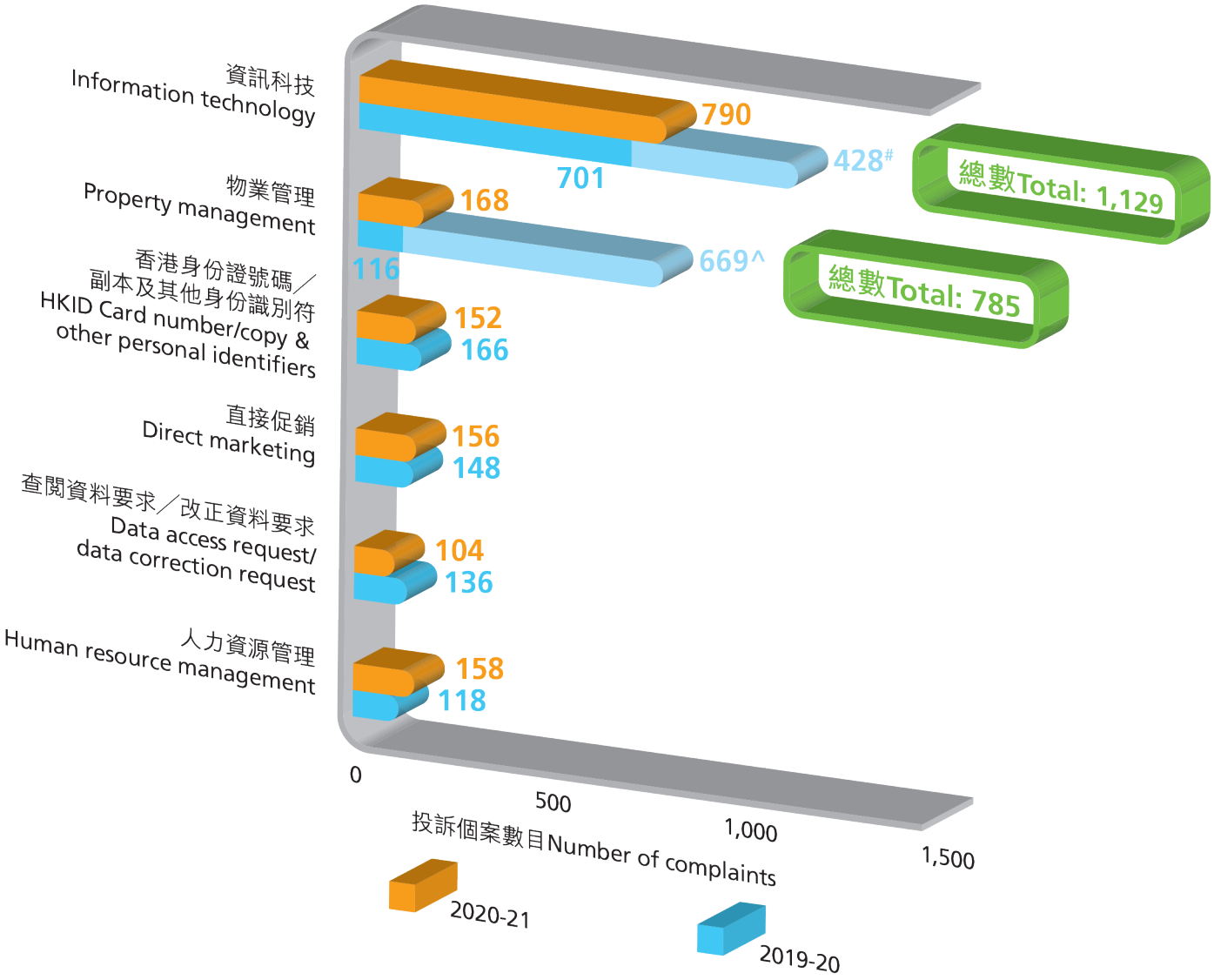
有關資訊科技的投訴屬最多的投訴範疇，當中大部分是關於網上社交網絡及智能手機應用程式，相信與其普及程度及日常應用有關。

Subject matters of complaints

Excluding doxxing-related cases, the distribution of subject matters of complaints received in the reporting year was similar to that of last reporting year. (Figure 2.4)

The highest number of complaints was related to information technology, with the majority about online social networks and smartphone applications. This could be attributed to their popularity and daily use.

圖 Figure 2.4
投訴範疇 Subject matters of complaints



當中428宗有關一名藝人於其社交平台披露一份航空公司機艙服務員名單。

^ 當中669宗有關懷疑保安人員盜取住戶信件。

These 428 complaints were about the disclosure of a list of cabin crew by an artiste on her social media platform.

^ These 669 complaints were about suspected theft of residents' letters by a security guard.

年度投訴處理摘要

在2020-21年度，私隱公署共處理了4,627宗投訴，包括新接獲的3,157宗投訴及1,470宗承接上年度的投訴。其中3,402宗（73.5%）已經完結，1,225宗（26.5%）至2021年3月31日仍在處理中。

已完結的投訴個案分類

在已經完結的3,402宗投訴個案中，524宗有關「起底」。其中，59宗涉及懷疑違反《私隱條例》第64條的投訴已轉介警方進行刑事調查及考慮檢控。另外15宗涉及懷疑違反相關法庭禁制令的投訴已轉介律政司跟進。私隱公署亦已為餘下的450宗「起底」個案去信網上平台及網站營運商，要求刪除有關網絡連結。

餘下的2,878宗非「起底」投訴當中，1,909宗經私隱公署初步審研後結案，969宗則獲私隱公署接納作進一步處理。

在進一步處理的個案當中，私隱公署以調停方式成功解決887宗（92%）如下：

- 被投訴者就投訴事項採取相應的糾正措施；
- 私隱公署向投訴人提供進一步資料和解釋後，投訴人不再追究；或
- 私隱公署應投訴人要求向被投訴者表達關注後，被投訴者作出跟進。

私隱公署發現12宗投訴或涉及刑事罪行。在確立違反《私隱條例》的相關規定的表面證據成立後，私隱公署已轉介有關個案予警方進一步調查及考慮檢控。

私隱公署對餘下70宗的投訴展開調查，並向部份被投訴者發出警告或要求其採取相應糾正措施。在嚴重性較低的個案中，私隱公署向被投訴者提供有關建立保障個人資料的良好行事方式的指引及建議。

Summary of complaints handled

In 2020-21, the PCPD handled a total of 4,627 complaints, consisting of 3,157 newly received complaints and 1,470 complaints carried forward from the last reporting year. Of these, 3,402 (73.5%) were completed and 1,225 (26.5%) were in progress as at 31 March 2021.

Categorisation of completed complaints

Among the 3,402 completed cases, 524 were doxxing-related, in which 59 complaints were suspected contravention of section 64 of the PDPO and were referred to the Police for criminal investigation and consideration of prosecution. 15 complaints involved suspected violations of relevant court injunction orders and were referred to the Department of Justice. In the remaining 450 doxxing-related cases, the PCPD wrote to the operators of the online platforms and websites concerned and urged them to delete the relevant web links.

In the 2,878 non-doxxing cases, 1,909 were concluded after preliminary assessment and 969 were accepted for further handling.

Among the cases accepted for further handling, 887 of them (92%) were successfully resolved by the PCPD by conciliation, and:

- Corresponding remedial actions were taken by parties being complained against;
- Complaints were withdrawn after the PCPD had given further information or explanation to the complainants; or
- Follow-up actions were taken by parties being complained against to address the complainants' concerns conveyed by the PCPD.

In 12 complaints, possible commission of criminal offences were identified. After obtaining *prima facie* evidence of the contravention of the relevant requirements under the PDPO, the PCPD referred the cases to the Police for further investigation and consideration of prosecution.

In the remaining 70 complaints, the PCPD carried out investigations. Warning letters were issued to some of the parties being complained against. The PCPD also urged them to take remedial actions as appropriate. In the less serious cases, the PCPD provided advice or recommendations to parties being complained against on good practice in the protection of personal data.

向行政上訴委員會提出的上訴

行政上訴委員會是根據《行政上訴委員會條例》(香港法例第442章)而設立的法定組織，負責聆訊對私隱專員在《私隱條例》下的決定而提出的上訴，並作出裁決。

行政上訴案件統計資料

報告年度共有20宗上訴個案完結，當中17宗被委員會駁回或由上訴人自行撤回、兩宗被委員會裁定得直及一宗被委員會裁定部份得直。(圖2.5)

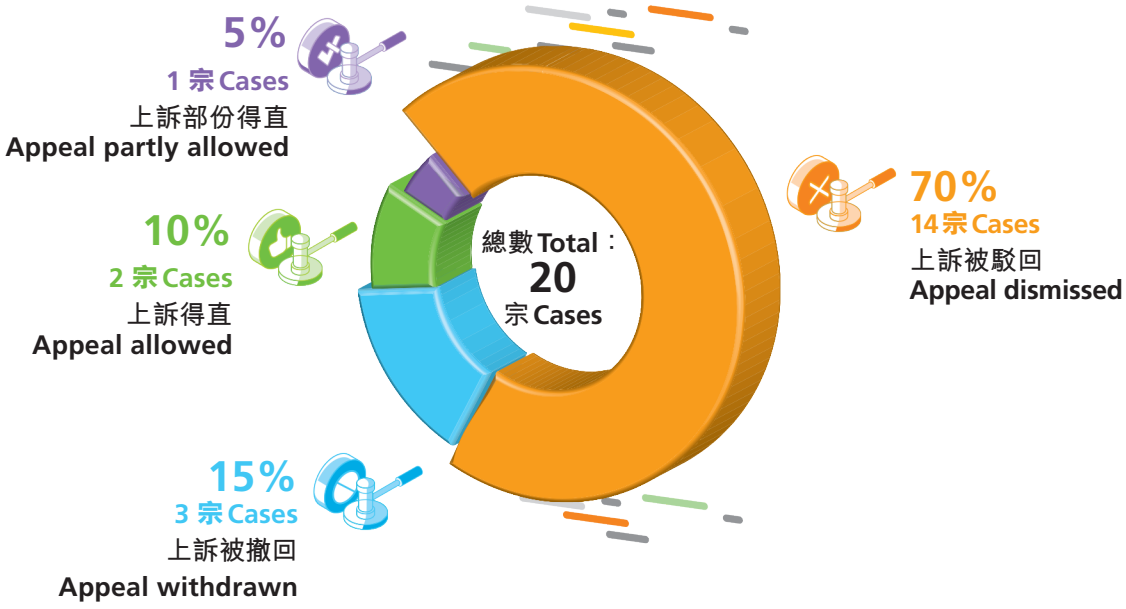
Appeals Lodged with the Administrative Appeals Board

The Administrative Appeals Board (AAB), established under the Administrative Appeals Board Ordinance (Chapter 442 of the Laws of Hong Kong), is the statutory body that hears and determines appeals against the Privacy Commissioner's decisions under the PDPO.

Statistics of AAB cases

A total of 20 appeal cases were concluded during the reporting year: 17 were dismissed by the AAB or withdrawn by the appellants, 2 were allowed, and 1 was partly allowed. (Figure 2.5)

圖 Figure 2.5
上訴的結果 Results of appeal cases



接獲的行政上訴案件的性質及涉及《私隱條例》的規定

在報告年度新接獲的20宗上訴的個案當中，所有個案都是上訴私隱專員根據《私隱條例》第39(2)條不進行或終止正式調查的決定。私隱專員作出該等決定可基於

(i) 沒有表面證據支持指稱的違反行為；

(ii) 被投訴者已採取補救行動糾正所指稱的違反行為；

(iii) 投訴的主要事項與個人資料私隱無關；

(iv) 投訴人投訴的動機與私隱及資料的保障無關；及/或

(v) 投訴人及被投訴者可以或應該可以自行解決彼此之間的爭端而毋須私隱專員作出干預。

在接獲的20宗上訴個案當中，11宗涉及指稱違反保障資料原則，七宗涉及指稱不遵從查閱資料要求，而餘下兩宗則涉及同時指稱不遵從查閱資料要求、改正資料要求及其他保障資料原則。（圖2.6）

Nature of AAB Cases Received and Provisions of the PDPO Involved

All 20 appeal cases received in the reporting year appealed against the Privacy Commissioner's decision not to carry out or terminate an investigation under section 39(2) of the PDPO. The Privacy Commissioner made the decisions on the grounds that:

(i) there was no *prima facie* evidence to support the alleged contravention;

(ii) the party being complained against had taken remedial action to rectify the alleged contravention;

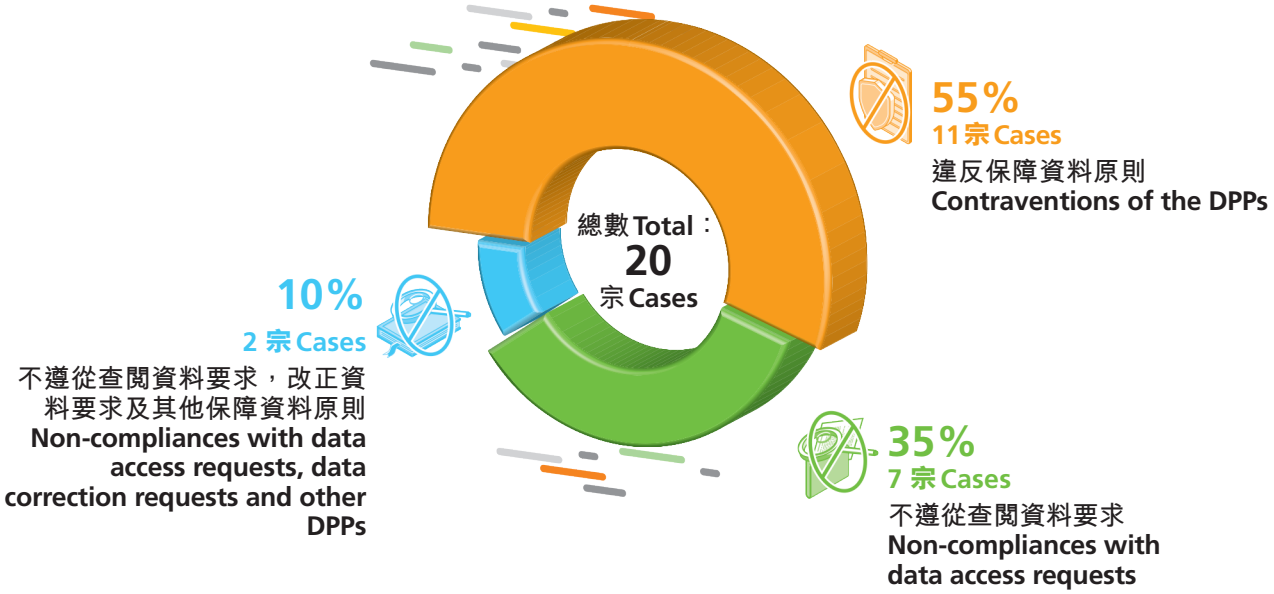
(iii) the primary subject matter of the complaint was not related to personal data privacy;

(iv) the ulterior motive of the complaint did not concern privacy and data protection; and/or

(v) the complainant and party being complained against were able or should be able to resolve the dispute between them without intervention by the Privacy Commissioner.

Of the 20 appeal cases received, 11 cases involved alleged contraventions of the DPPs, seven cases involved alleged non-compliances with data access requests, and the remaining two cases involved alleged non-compliances with data access requests, data correction requests and other DPPs. (Figure 2.6)

圖 Figure 2.6
上訴涉及《私隱條例》的規定 The provisions of the PDPO involved in the appeals



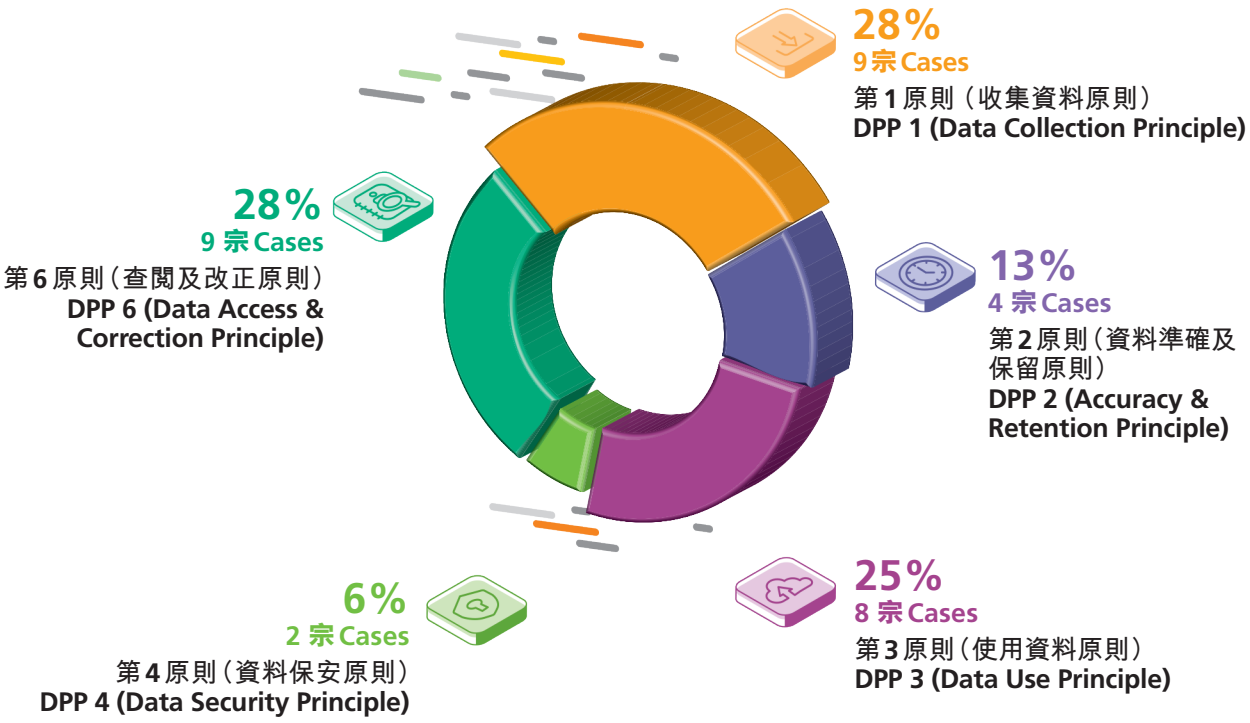
指稱違反保障資料原則的11個上訴個案中，牽涉的保障資料原則的分類如下（一宗個案可涉及多於一項保障資料原則）：

- 第1原則（收集資料原則）：九宗
- 第2原則（資料準確及保留原則）：四宗
- 第3原則（使用資料原則）：八宗
- 第4原則（資料保安原則）：兩宗
- 第6原則（查閱及改正原則）：九宗

Of the 11 appeal cases which involved alleged contraventions of the DPPs, the distribution of the DPPs concerned is as follows (one appeal might concern more than one DPP):

- DPP 1 (Data Collection Principle) : nine cases
- DPP 2 (Accuracy & Retention Principle) : four cases
- DPP 3 (Data Use Principle) : eight cases
- DPP 4 (Data Security Principle) : two cases
- DPP 6 (Data Access & Correction Principle) : nine cases

圖 Figure 2.7
上訴涉及保障資料原則的分類 The distribution of the DPPs involved in the appeals



註：一宗個案可涉及多於一項保障資料原則。

Note: one appeal might concern more than one DPP.

教育、宣傳及與持份者聯繫

ducation, Publicity and Engagement






用得安心 –
正確使用通訊軟件及社交媒體
網絡研討會
FOLLOW

教育、宣傳及與持份者聯繫

私隱公署繼續利用社交媒體和宣傳平台與持份者聯繫，推廣和宣傳尊重及保障個人資料私隱，並提醒各群體保持警覺，應對潛在的私隱風險。

在報告年度內，私隱公署的教育工作繼續受到2019冠狀病毒病的疫情影響。期間不少機構均停止實體會面，而公眾講座、研習班、研討會及會議等亦不時暫停。因此，私隱公署只能提供少量的面授機會，在可行情況下依賴網上講座及會議。

私隱公署亦繼續積極推廣及宣傳尊重及保障個人資料私隱，以及就不同的私隱相關議題提供指引及意見，包括適時發出新聞稿及傳媒回應、接受電台、電視及報章訪問、在報章及專業或業界刊物發表文章、在社交媒體上載影片及帖文、舉行廣告宣傳活動等。

聯繫機構與大眾

在教育方面，私隱公署舉辦公開講座、研討會和工作坊等項目，目標之一為提高各界對《私隱條例》規定的認識、理解和遵從；目標二是向資料使用者提供良好行事方式的指引，保障個人資料私隱；目標三是讓大眾學懂如何保護自己的個人資料私隱。

在報告年度，共 25,999 名參加者以網上或面授形式出席了私隱公署舉辦的公開講座、研討會和工作坊。

Education, Publicity, and Engagement

The PCPD leverages social media and publicity platforms and engages different stakeholders to promote and publicise the respect for and protection of personal data privacy and remind community groups to be vigilant about privacy risks.

In the reporting year, the PCPD's education efforts continued to be hampered by the COVID-19 pandemic. Many organisations ceased face-to-face meetings and public seminars, workshops, talks and conferences were suspended from time to time. As a result, the PCPD could offer very few in-person sessions and relied much more on webinars and virtual meetings when practicable.

The PCPD continued to address or give advice on topical issues relating to personal data privacy by issuing media statements, responding to media enquiries, attending radio, television, and newspaper interviews, publishing articles in newspapers and professional or trade magazines, making posts and uploading videos on social media, and conducting advertising campaigns.

Engaging Organisations and the Community

The education efforts of the PCPD are about engaging organisations and the wider community via public talks, seminars, and workshops. The first goal is to promote the understanding of and compliance with the requirements under the PDPO. The second goal is to provide guidance for data users to follow good practices in the protection of personal data privacy. Finally, the third goal is for the public to acquire knowledge on safeguarding their own personal data privacy.

During the reporting year, a total of 25,999 participants attended our public talks, seminars, and workshops online and in person.

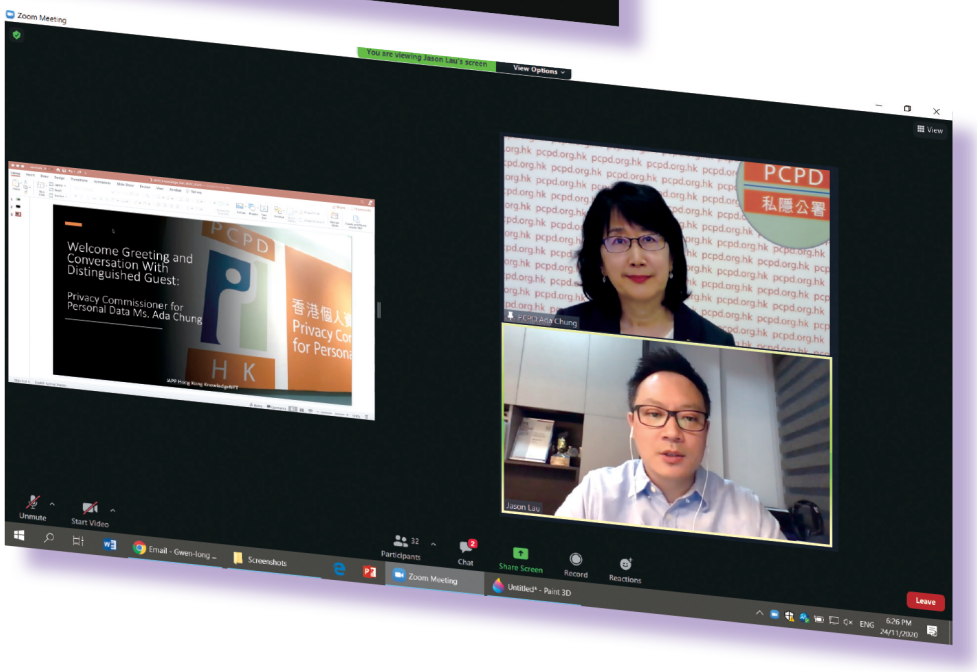
專題演講及網上講座

私隱專員及其團隊應邀出席活動，向各方持份者發表及分享意見，題目包括數碼世代保障私隱的演變、數據道德管理價值和模式等，更特別鼓勵高層人員為機構制訂全面的保障私隱策略。

Speaking engagements and webinars on topical issues

The Privacy Commissioner and the team were invited to speak and share views on the evolution of privacy protection in the digital age, data governance, and ethics stewardship values and models. These activities engaged a broad range of stakeholders. In particular, senior executives were encouraged to incorporate a corporate-wide privacy strategy.





演講主題十分廣泛，包括2019冠狀病毒病、一帶一路、法律科技及即時通訊應用程式與社交媒體所引起的私隱議題、在家工作安排下的個人資料私隱保障及學校應對個人資料私隱事宜的指引等。

Topics of the speaking engagements included personal data privacy issues in relation to COVID-19, Belt and Road, LawTech, work-from-home arrangements, guidance to schools on personal data privacy, and instant messaging apps and social media, etc.



公開簡介講座及機構內部講座

私隱公署定期為公眾舉辦有關保障個人資料的免費簡介講座，讓公眾加深對《私隱條例》的認識和理解，以保障個人資料私隱權。此外，私隱公署亦會按機構要求，提供度身訂造的培訓課程，透過講解與其行業和界別有關的案例，協助員工更加了解《私隱條例》。

Introductory seminars and in-house training

The PCPD regularly runs free, introductory seminars on personal data protection for the general public to understand the PDPO and to safeguard their personal data privacy right. On request, the PCPD also provides tailored, on-site training for organisations to help their staff to better understand the PDPO, with illustrations in relation to their industries and sectors.

專業研習班

私隱公署繼續舉辦一系列有關保障個人資料的專業研習班，主題涵蓋資料保障法律實務、查閱資料要求、銀行／金融服務、直接促銷活動、人力資源管理、保險業、私隱管理系統、法院及行政上訴委員會近期的案例、數據道德及物業管理。

Professional workshops

The PCPD continued its series of professional workshops on data protection catered to specific industries and sectors. These workshops covered Data Protection Law, Data Access Requests, Banking/Financial Services, Direct Marketing Activities, Human Resource Management, Insurance, Privacy Management Programme, Recent Court and Administrative Appeals Board Decisions, Data Ethics, and Property Management Practices.

會見持份者

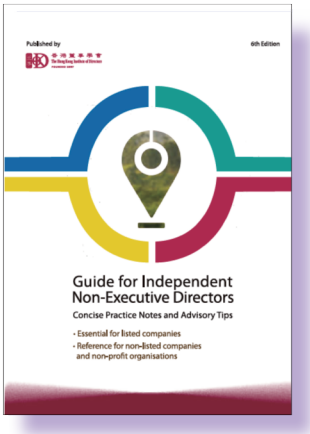
一如既往，私隱公署與來自政府部門、商會、專業團體、機構和組織等持份者會面，並與他們交換意見及了解他們對時下私隱議題的關注。

Meetings with stakeholders

As in the past, the PCPD met with stakeholders from government departments, chambers of commerce, professional bodies, organisations, and groups to exchange views on and understand their concerns about topical privacy issues.

私隱管理系統

私隱公署長期以來一直提倡機構推行私隱管理系統，設有合適制度來保障其收集、使用和持有的個人資料。香港董事學會於2021年3月出版的《獨立非執行董事指南》亦提及私隱管理系統，鼓勵公司董事建立和實施私隱管理系統，以作為推行「環境、社會和管治」管理的良好機構管治策略的主要元素。



Privacy Management Programme

The PCPD had long been advocating organisations to implement a Privacy Management Programme (PMP) to put in place a proper system to safeguard personal data that they collect, use, and hold. In March 2021, the Guide for Independent Non-Executive Directors, published by the Hong Kong Institute of Directors, encouraged company directors to set up and implement PMP as an essential element for good corporate governance for the adoption of Environmental, Social and Governance management.

社會福利界行業保障私隱活動

私隱公署聯同香港社會服務聯會合辦題為「非政府機構的個人資料私隱保障」網上研討會系列 ，以提高社會福利界從業員對保障個人資料私隱的意識。研討會吸引超過300名參與者，包括非政府機構的董事會及委員會成員、社會福利機構主管、顧問及管理人員。研討會上分享了相關案例、並討論社會福利機構如何建立私隱管理系統及實踐數據道德。

Industry-specific Privacy Campaign for Social Service Sector

In collaboration with the Hong Kong Council of Social Service, the PCPD organised a series of "Protection of Personal Data Privacy for NGOs" webinars to promote personal data privacy protection among social service practitioners. The webinars attracted over 300 participants comprising board and committee members of non-governmental organisations, agency heads, advisors and senior managers of social service organisations. The PCPD shared relevant real-life cases and discussed, among other topics, the implementation of privacy management programme and putting data ethics into practice.

保障資料主任聯會

保障資料主任聯會成立於2000年，讓機構的保障資料人員交流經驗和接受培訓，以促進知識增長和符規實踐。截至2021年3月底，聯會共有557名公私營機構會員，背景多元，包括循規、法律事務、規管、執法和客戶服務等。

保障資料主任聯會 DATA PROTECTION OFFICERS' CLUB

Data Protection Officers' Club

Established in 2000, the Data Protection Officers' Club (DPOC) provides data protection practitioners a platform for advancing their knowledge and practice through experience sharing and training. DPOC membership stood at 557 at the end of March 2021. Members come from a wide range of backgrounds, including compliance, legal affairs, regulatory affairs, law enforcement, customer relations, etc., in the public and private sectors.

透過傳媒及網上平台傳播訊息

傳媒

報告年度內，私隱公署共發布了64篇新聞稿，僅次於去年度的新高69篇。年內共回應了220宗傳媒查詢，議題包括2019冠狀病毒病引起的私隱議題、有關「起底」的案件、特區政府提出修訂《私隱條例》以打擊「起底」及公共登記冊涉及的私隱議題等。

Disseminating Messages Through Media and Online Platforms

Media communications

During the reporting year, the PCPD issued 64 media statements, second highest to the last reporting year's record of 69. It also responded to 220 media enquiries about the requirements under the PDPO. Some topics from the media included privacy issues arising from COVID-19, doxxing-related cases, the SAR Government's proposals to amend the PDPO to combat doxxing, and privacy issues arising from public registers.









私隱專員參與的傳媒訪問及記者會和在報章及行業刊物發表的文章

私隱專員及其團隊就與私隱有關的議題接受過70次傳媒訪問，包括提醒長者如何避免墮入資料陷阱及提防「起底」。在2021年1月舉行的記者會中，總結私隱公署在2020年的工作及公布一份有關公眾及機構對保障個人資料私隱的態度和意見的調查報告。

私隱專員亦在報章及行業刊物發表文章，分享觀點和見解，並就個人資料私隱方面的議題提供指引。主題包括「起底」、使用社交媒體時保障個人資料私隱及與2019冠狀病毒病接觸者追蹤流動應用程式相關的私隱議題等。

The Privacy Commissioner's interviews, briefings, and articles in the media and industry journals

The Privacy Commissioner and her team gave 70 media interviews on various privacy-related topics, including doxxing and prevention for senior citizens to fall victim to data traps. In a media briefing in January 2021, the Privacy Commissioner reported on the work of the PCPD in 2020 and released the results of a survey to gauge the attitudes and views of the public and organisations on the protection of personal data privacy.

The Privacy Commissioner also contributed articles to newspapers and industry journals and shared views, insights, and guidance on personal data privacy. Topics included doxxing, protection of personal data privacy when using social media, data privacy issues related to COVID-19, contact tracing apps, etc.







網站及社交媒體

網站

私隱公署網站提供有關私隱公署的工作及個人資料私隱議題的最新資訊。報告年度內，私隱公署網站共錄得1,896,878瀏覽人次，較上一報告年度的1,520,779人次上升兩成半。這個有效溝通渠道最多人瀏覽的內容包括「個案簡述」、「新聞稿」和「演講辭、簡報及專題文章」。

Website and social media

Website

The PCPD website contains information on the work of the PCPD and the latest updates on personal data privacy issues. In the reporting year, the website recorded 1,896,878 visits, an increase of 25% from 1,520,779 visits in the last reporting year. The most popular sections on this effective communication channel were "Case Notes", "Media Statements", and "Speeches, Presentations & Articles".



私隱公署亦推出「『起底』害己害人」的全新網頁，透過教育和宣傳工作打擊「起底」行為。網頁詳細闡述「起底」的禍害和帶來的嚴重法律後果，並呼籲市民切勿以身試法。

In our education and promotion efforts to combat doxxing, the PCPD has launched the new "Say 'No' to Doxxing" webpage to elaborate on the harmful effect and serious legal consequences of doxxing and to urge the public not to flout the law.

私隱公署網站及其專題網站在由香港互聯網註冊管理有限公司和政府資訊科技總監辦公室舉辦的「2020-21年度無障礙網頁嘉許計劃」中榮獲「金獎」。專題網站「網上私隱要自保」更連續三年獲得金獎而獲頒「三連金獎」。

The PCPD's main and thematic websites were awarded "Gold Award" in the Web Accessibility Recognition Scheme 2020-2021 organised by the Hong Kong Internet Registration Corporation Limited and the Office of the Government Chief Information Officer. The thematic website "Be SMART Online" was also awarded "Triple Gold Award" for achieving gold for three consecutive years.

社交媒體

私隱公署在本報告年度活躍於社交平台，共發表380篇帖文，宣傳保障及尊重個人資料私隱的訊息。私隱公署亦因應大眾關注的私隱議題，適時提供保障個人資料私隱的資訊。

Social Media

During the reporting year, the PCPD maintained an active online presence and made 380 social media posts on protecting and respecting personal data privacy. We responded in a timely manner to incidents and issues of public concern.

帖文主題多元化，包括小心使用社交媒體及即時通訊軟件、提防偽冒電郵或短訊、打擊「起底」、在家工作安排下的資料保安、教導青少年提防網上騙徒、參與大型抽獎活動時如何保障個人資料私隱，以及建議教育機構在疫情下怎樣保障教職員及學生個人資料私隱等。

The topics included using social media and instant messaging apps mindfully, staying vigilant about phishing, "combating doxxing", and data security related to work-from-home. We also advised teenagers to beware of online swindlers, recommended the public to safeguard personal data privacy in large-scale lucky draw activities, and worked with education institutes on protecting personal data privacy of teachers, staff, and students during the pandemic.

走進社區 推動保障私隱意識

關注私隱週

「關注私隱週」為私隱公署與亞太區私隱機構合辦的年度推廣項目，而亞太地區私隱機構則是交流個人資料私隱保護和最新私隱議題的意見和經驗之論壇。

私隱公署在2020年6月22日至26日舉辦香港地區「關注私隱週2020」，主題為「保障私隱　維護尊嚴　構建智慧香港」。

「關注私隱週2020：由原則至行動—企業保障個人資料」網上講座為「關注私隱週2020」的旗艦活動，超過850名私隱管理專業界從業員、保障資料主任聯會會員、企業僱主、行政、人力資源管理人員等參與。

為向大眾推廣網絡安全意識，私隱公署聯同Google 香港及本地插畫家 Dustykid合作，製作以「幸福係由學習安全上網做起」為題的漫畫故事。六期的漫畫故事講述日常生活中潛在的網絡安全風險，並分享網絡安全小貼士。

Publicity Initiatives for Promoting Awareness

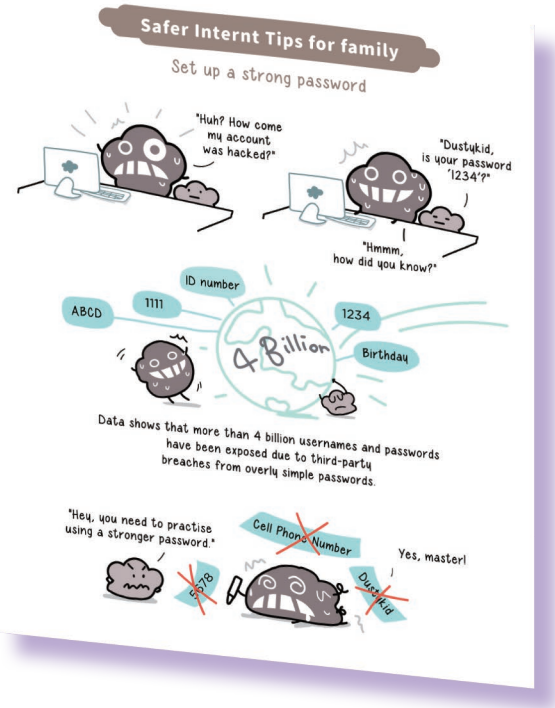
Privacy Awareness Week

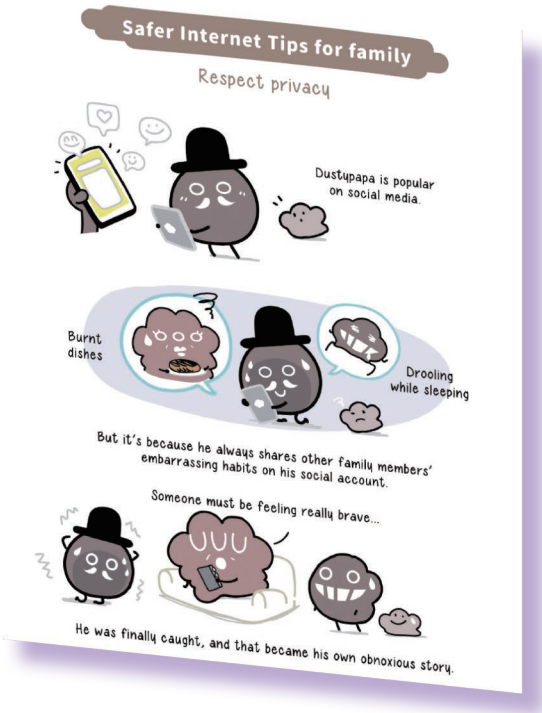
The Privacy Awareness Week (PAW) is an annual promotional event of the Asia Pacific Privacy Authorities (APPA) on personal data privacy protection. APPA is a forum for privacy authorities in the Asia Pacific region to exchange ideas and share experiences about privacy protection and the latest privacy issues.

The PCPD held PAW 2020 in Hong Kong on 22 to 26 June 2020 under the theme "Protecting Privacy Respecting Dignity for a Smart Hong Kong".

The flagship event was the online workshop "Privacy Awareness Week 2020: From Principles to Practice – Personal Data Protection for Enterprises". It was attended by more than 850 participants comprising privacy management professionals, DPOC members, business owners, executives, and human resource practitioners.

To promote awareness of cybersecurity to the public, the PCPD collaborated with Google Hong Kong and Dustykid, a local illustrator, on comic strips. The theme was "Happiness starts from learning to surf the Internet safely". The six comic strips showed potential cybersecurity risks on the Internet and tips on using the Internet safely.





私隱公署亦製作了數碼版海報。

The PCPD also created e-posters on privacy protection.





戶外宣傳活動

為慶祝私隱公署成立25周年及讓更多市民觀看到個人資料保障訊息，私隱公署在2021年3月展開流動戶外宣傳計劃。車身印上顏色奪目的圖像及25周年誌慶標誌的電車，穿梭於主要商業區和購物區，直至2021年6月底。

Outdoor promotional campaign

To celebrate the PCPD's 25th Anniversary and to increase the visual exposure of our message on personal data privacy protection, the PCPD began a mobile outdoor advertisement campaign in March 2021. Trams painted with eye-catching celebratory images and remindful captions would run up and down prime business and shopping areas until late of June 2021.





5 加強對外聯繫
trengthening External Connections


Vol. 2, Issue 3 / 2020
NEWSLETTER
GLOBAL PRIVACY ASSEMBLY
Message from the Chair
It is said that we learn more about ourselves during adversity than during easier times.
That feels apt as we consider how the Global Privacy Assembly has responded to this challenging year.
Globally, we have all been asked to answer some difficult questions. Society has faced new and unique problems, and many of the proposed solutions have involved using people's data in novel ways: from track and trace systems and mobile phone apps to employers collecting staff's temperatures as they enter a building. I know from speaking with GPA colleagues that this has been a similar picture around the world.
The GPA has responded at pace to these unprecedented questions and queries, facilitating the sharing of best practice and providing a forum for discussion and collaboration. We have chaired two international workshops alongside the OECD to discuss challenges and share experiences, and our COVID-19 taskforce has played a crucial role in enhancing information sharing and capacity building for our members.
The result is that our privacy community has demonstrated to the wider world its pragmatism and value in these toughest of times.
That work continues as we look ahead to our Closed Session conference in October. It was crucial that 2020 was not a year dominated solely by the pandemic, and the Executive Committee was committed to finding a way to further the progress and continued modernisation of our Assembly that we advanced in Tirana last year.
The virtual conference we have organised will provide an opportunity for us to continue the GPA's evolution. Across three days of online sessions, we will hear from the working groups delivering on our policy strategy objectives, talk specifically about the how members have worked with governments to respond to the challenges prompted by COVID-19, and consider the resolutions that remain our community's common position on where we stand on key issues.
This conference will be different in many ways, but it remains a crucial landmark in our calendars, and an important opportunity for you to shape the future of our community.
There's a wealth of information in this newsletter about the conference, including the importance of registering as early as possible.
You will notice too that our newsletter itself continues to move forward. We have responded to your feedback, and the result is a bumper edition, with much to inform and inspire during this critical period. However, please continue to share your feedback with us.
I hope it continues to be a valuable read, and I look forward to speaking with you more at our conference.
Regards,
Elizabeth Denham CBE
Information Commissioner, UK
GPA
Global Privacy Assembly
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In conversation with
Ms. Ada Chung, Privacy Commissioner at the Office of the Privacy Commissioner for Personal Data in Hong Kong, China
In an exclusive interview for the GPA, Ms. Ada Chung, the new Hong Kong Privacy Commissioner talks about her role and the work of the PCPD going forward
As the newly appointed Privacy Commissioner at the Office of the Privacy Commissioner for Personal Data (PCPD) in Hong Kong, briefly inform us about your background and your hopes/vision for the Office of the Privacy Commissioner coming into this role.
I am very honoured to be appointed by the Chief Executive of the Hong Kong Special Administrative Region of China as the Privacy Commissioner for Personal Data, Hong Kong, China with effect from 4 September 2020. Coming from a legal and public administration background, I had served as the Registrar of Companies and held various posts in the Department of Justice, including Principal Government Counsel and Deputy Law Officer (Civil Law). In my capacity as the Registrar of Companies, I contributed to the rewriting of our Companies Ordinance and spearheaded the implementation of the new Companies Ordinance in Hong Kong.
Given the significant technological changes in the past few years, in my view, the protection of personal data privacy has become more important than ever, both locally and in the international arena. One of the priorities in taking up my new role is to amend the local privacy legislation, namely, the Personal Data (Privacy) Ordinance (PDPO), to, among other things, empower the office of the Privacy Commissioner for Personal Data to exercise a wider range of enforcement powers to better protect personal data privacy in a virtual world. I also wish to foster the PCPD's relationship with other data protection authorities worldwide and enhance our cooperation and collaboration in the years to come.
'Water can float a boat, so can it swallow the boat' – We are all facing big challenges over the next few years; data can help us all to navigate them, but we need to recognize the risks and harm it may also cause
Tell us about the Office of the Privacy Commissioner for Personal Data in Hong Kong.
Established in August 1996, the PCPD is an independent body set up to oversee the implementation of, and compliance with, the provisions of the PDPO, which came into operation in the same year. The PCPD is one of Asia's earliest comprehensive set of data protection laws. It underwent major amendments in 2012, to include regulation of direct marketing to protect personal data privacy. The PDPO is applicable to both private and public sectors, including the government.
The Privacy Commissioner is the primary driving force advocating personal data protection/privacy protection in Hong Kong. The PCPD provides support and expert input to the Government on any policy initiatives in the area. Other than being a regulator, the PCPD is also an educator and a facilitator of the protection of personal data privacy. The PCPD works with the Government and relevant stakeholders in the community to consult their views on any new initiatives, including proposed legislative amendments, and is primarily responsible for implementing and enforcing any new requirements or regulations in the area.
Please highlight both the current and future challenges for the PCPD, and any significant barriers to progress that lie ahead.
Personal data privacy finds its presence in almost all facets of our lives. So are the challenges that we face as a regulator. As data sees no borders, contravention of personal data privacy laws involving Internet intermediaries overseas but affecting local citizens requires better international collaborative efforts in order to tackle this. In
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加強對外聯繫

資料無遠弗屆，一封由香港發出的電郵或會由位於新加坡的數據中心處理及儲存，而一則社交媒體帖文發出後，全球用家亦可即時瀏覽。為有效保障個人資料，世界各地資料保障機構的合作實在重要。私隱公署因此積極參與多個國際平台，加強與海外資料保障機構聯繫，提升香港的個人資料保障。

私隱公署活躍於環球私隱議會，一個集合全球超過130個資料保障機構，具領導地位的私隱保障界別國際平台。私隱公署亦是全球私隱執法機關網絡的委員會成員，網絡旨在促進超過70個私隱執法機構成員的跨境合作。此外，私隱公署也參與亞太區私隱機構論壇和亞太區經濟合作組織數碼經濟督導小組的資料私隱分組。

在報告年度內，私隱公署透過上述國際平台，就2019冠狀病毒病疫情期間的資料保障、人工智能的道德使用和國際執法合作等議題作出重要貢獻。

Strengthening External Connections

Data sees no border in the information age. An email sent in Hong Kong may be processed by and stored in a data centre in Singapore. A post on social media may immediately be accessible by users around the world. To effectively protect personal data, collaboration by data protection authorities in different jurisdictions is critical. Therefore, the PCPD maintains an active presence in the international arena and work closely with our counterparts in other jurisdictions to enhance personal data protection in Hong Kong.

The PCPD is an active member of the GPA, a leading global forum comprising over 130 data protection authorities. The PCPD is also a committee member of the Global Privacy Enforcement Network, which seeks to foster cross-border cooperation among its network of over 70 privacy enforcement authorities. In addition, the PCPD participates in the APPA Forum and the Asia-Pacific Economic Cooperation Digital Economy Steering Group – Data Privacy Sub-group.

During the reporting year, the PCPD made significant contributions to the international privacy community on topical issues including data protection amid the COVID-19 pandemic, ethical use of artificial intelligence (AI) and international enforcement cooperation, among others.

推廣應對2019冠狀病毒病的最佳私隱保障行事常規

2020年春季時，各地政府依靠數據及科技去防止2019冠狀病毒病蔓延，環球私隱議會的執行委員會認為有必要提供指引以保障個人資料，於2020年5月成立「2019冠狀病毒病專責小組」。私隱公署負責該專責小組的分組，向環球私隱議會的成員和觀察員進行調查，彙編《應對2019冠狀病毒病的最佳行事常規概要》。

《概要》收集了會議32個會員所提供的良好行事常規和經驗，分成五個主題，分別為：接觸追蹤及位置追蹤、分享健康數據予衞生部門及機構、分享健康數據予執法部門、分享健康數據予慈善團體或同類機構、以及在家工作/重返辦公室安排下僱員資料的處理。

根據私隱公署為《概要》進行的調查，72%的司法管轄區都採用接觸追蹤應用程式，而幾乎所有應用程式都屬自願參與性質，執行隔離令的應用程式除外。此外，大多數應用程式都採用分散的資料儲存模式，即密切接觸者的資料和出行紀錄都只會儲存於用戶的智能手機。由此可見，國際都採納了較為私隱友善的設計。

《概要》除了介紹接觸追蹤應用程式的使用情況外，亦包含多個司法管轄區為保障個人資料私隱而採用的良好行事常規，以促進經驗分享和發展。良好行事常規的例子包括評估私隱影響、利用匿名化以減少收集個人資料，以及增加透明度等。

《概要》由私隱專員於2020年10月舉行的環球私隱議會年會上作出介紹，並獲得國際資料保障界別的一致好評。

「2019冠狀病毒病專責小組」已改成為「2019冠狀病毒病工作小組」，而私隱公署則繼續帶領小組旗下的分組以應對疫情所引起的議題。新一份《概要》有望於2021年10月份出版。

Promoting best privacy practices in response to COVID-19

As jurisdictions relied on data and technology to combat the spread of COVID-19 in the spring of 2020, the Executive Committee of the GPA saw the need to provide guidance on the protection of personal data and established the COVID-19 Taskforce in May 2020. The PCPD led a subgroup of the taskforce, surveyed GPA members and observers, and spearheaded the compilation of the "Compendium of Best Practices in Response to COVID-19".

The Compendium included experience and best practices from 32 members, covering five topics: contact tracing and location tracking; sharing of health data with health authorities and institutions; sharing of health data with law enforcement agencies; sharing of health data with charitable or other similar organisations; and handling of employee data in work-from-home and return-to-work situations.

According to the survey for the Compendium, contact tracing apps were adopted by 72% of the jurisdictions. The use of these apps was mostly voluntary, except those for enforcing quarantine orders. Further, the majority of the apps adopted a decentralised approach in data storage, which meant that records of close contacts or visits were stored only on users' smartphones. The approach reflected that a more privacy-friendly design was adopted internationally.

The Compendium also contained best practices for protecting personal data privacy from multiple jurisdictions to facilitate the sharing of experience and developments. Examples included conducting privacy impact assessments, minimising the collection of personal data by anonymisation and enhancing transparency.

The Compendium was presented by the Privacy Commissioner at the annual conference in October 2020 and was well received by the international data protection community.

The COVID-19 Task Force has evolved in 2021 into the COVID-19 Working Group. The PCPD continues to lead a subgroup to address emerging issues arising from the pandemic. The second Compendium is expected to be published around October this year.

提倡在人工智能發展及使用中體現問責

在全球各地人工智能的發展和使用增長迅速，但在發展和使用人工智能時若缺乏問責，可能會損害個人資料私隱及其他個人權益。私隱公署作為環球私隱議會人工智能工作小組的聯席主席，支持並領導起草擬《開發及應用人工智能的體現問責決議》。

《決議》建議於開發和應用人工智能時採取12項措施以加強體現問責，亦建議政府、公營機構和其他持份者為推廣問責而實踐的行動。當中，《決議》促請機構評估人工智能對人權（包括私隱權）的影響；公開影響評估的結果；測試人工智能系統的穩健性、可靠性、準確性與資料安全性；委派專門人員監察人工智能運作；以一般人能夠理解的程度去解答有關人工智能決策的查詢；以及持續檢視人工智能系統的表現和影響。

《決議》亦呼籲相關機構與各持份者溝通及接觸，並在資料保障機構要求下展示其問責措施，以建立對人工智能系統的信任及信心。

《決議》於2020年10月舉行的環球私隱議會年會中獲得通過。

Advocating accountability in the development and use of artificial intelligence (AI)

Globally there is significant growth in the development and use of AI. The lack of accountability in the development and use of AI may violate personal data privacy and individuals' rights and interests. As a co-chair of GPA's AI Working Group, the PCPD sponsored and led the drafting of the "Resolution on Accountability in the Development and Use of Artificial Intelligence".

The Resolution recommended 12 measures for effectuating and demonstrating accountability in the development and use of AI, as well as actions that governments, public authorities and other stakeholders could take to promote accountability. In particular, it urged organisations to assess the impact of AI on human rights, including privacy rights; disclose the impact assessments; test the robustness, reliability, accuracy and data security of AI systems; designate accountable human actors to oversee the operation of AI; provide upon request laymen-understandable explanations on AI decisions; and evaluate the performance and impact of AI systems continuously.

The Resolution also recommended engaging stakeholders and demonstrating accountability to data protection authorities upon request to help instil trust and confidence in AI systems.

The Resolution was adopted at the GPA annual conference in October 2020.



國際合作與視像會議公司溝通及接觸

由於2019冠狀病毒病疫情，視像會議軟件的使用量大幅上升，因而增加收集和使用個人資料的風險。與此同時，因服務提供者和用戶警覺性的不足，視像會議遭擅闖或搔擾的事件亦不時發生。

就此，私隱公署聯同英國、澳洲、加拿大、直布羅陀以及瑞士的資料保障機構，於2020年7月向視像會議服務供應商發出公開信，提醒它們遵守相關個人資料保障法例規定及負責任地處理個人資料。

公開信亦列出了一些主要的關注點，包括資料保安、貫徹私隱的設計及預設私隱模式、用戶需要、處理個人資料的透明度及公平性，以及用戶對服務使用及其個人資料處理的控制權。

四間主要視像會議公司於2020年9月對公開信作出正面回應，並落實多項私隱及保安措施。

有關溝通和接觸在2021年繼續，並與視像會議服務供應商進行了多場討論。私隱公署聯同其他資料保障機構採取的聯合行動，展現出國際合作在應對共同私隱議題的重要性。

International collaboration on engagement with video conferencing companies

The COVID-19 pandemic resulted in a sharp uptake in the use of video conferencing software, increasing risks around the collection and use of personal data. Further, unwanted intrusion and disruption in video conferences happened due to lack of vigilance by service providers and users.

The PCPD joined forces with data protection authorities from the United Kingdom, Australia, Canada, Gibraltar and Switzerland, and issued an open letter in July 2020 to companies providing video conferencing services. It reminded them of their obligations to comply with relevant data protection laws and handle users' personal data responsibly.

The letter also identified key areas of concerns, including data security, privacy by design and default, needs of users, transparency and fairness in handling personal data and, lastly, user control over the use of services and the handling of personal data.

Positive responses were received from four major video conferencing service providers in September 2020. They adopted various privacy and security practices as a result.

This engagement continues in 2021 and there have been further discussions with video conferencing service providers. The PCPD's collaboration with other data protection authorities demonstrates the importance of international cooperation in tackling common privacy issues.



財務報表

inancial Statements



獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

致：個人資料私隱專員

（依據《個人資料（私隱）條例》在香港成立的單一法團）

意見

本核數師（以下簡稱「我們」）已審核列載於第93至113頁**個人資料私隱專員**的財務報表，此財務報表包括於2021年3月31日的財務狀況表與截至該日止年度的全面收益表、資金變動表及現金流量表，以及財務報表附註（包括重要會計政策概要）。

我們認為，該等財務報表已根據香港會計師公會發出的《香港財務報告準則》真實而公平地反映個人資料私隱專員於2021年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

意見基準

我們已根據香港會計師公會頒佈的《香港核數準則》進行審核。我們於該等準則下的責任已於本報告的「核數師就審核財務報表須承擔的責任」一節進一步闡述。我們根據香港會計師公會制定的《專業會計師職業道德守則》（守則）獨立於個人資料私隱專員，我們亦已根據守則達致我們的其他道德責任。我們認為我們所獲得的審核憑證屬充足及適當以為我們的意見提供基準。

財務報表及其核數師報告以外的資料

個人資料私隱專員負責編製其他資料。其他資料包括年報所載的資料，但不包括財務報表及我們就此的核數師報告。

我們有關財務報表的意見並不涵蓋其他資料，我們並不會就此發表任何形式的核證結論。

就我們對財務報表的審核而言，我們的責任是閱讀其他資料，從而考慮其他資料是否與財務報表或我們在審核過程中獲悉的資料存在重大不符，或存在重大錯誤陳述。如我們基於已完成的工作認為其他資料出現重大錯誤陳述，我們須報告此一事實。我們就此並無報告事項。

TO: THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A CORPORATION SOLE IN HONG KONG ESTABLISHED UNDER THE PERSONAL DATA (PRIVACY) ORDINANCE)

Opinion

We have audited the financial statements of **The Privacy Commissioner for Personal Data** (the PCPD) set out on pages 93 to 113, which comprise the statement of financial position as at 31 March 2021, and the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of the PCPD as at 31 March 2021, and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards (HKFRSs) issued by the Hong Kong Institute of Certified Public Accountants (HKICPA).

Basis for opinion

We conducted our audit in accordance with Hong Kong Standards on Auditing (HKSAs) issued by the HKICPA. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the PCPD in accordance with the HKICPA's Code of Ethics for Professional Accountants (the Code), and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information other than the financial statements and auditor's report thereon

The Privacy Commissioner is responsible for the other information. The other information comprises the information included in the annual report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

個人資料私隱專員及管治層就財務報表須承擔的責任

個人資料私隱專員須負責根據香港會計師公會頒佈的《香港財務報告準則》編製真實而公平的財務報表，及落實其認為編製財務報表所必要的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

在編製財務報表時，個人資料私隱專員須負責評估其持續經營的能力，並披露與持續經營有關的事項（如適用）。除非個人資料私隱專員有意清盤，或停止營運，或除此之外並無其他實際可行的辦法，否則個人資料私隱專員須採用以持續經營為基礎的會計法。

管治層須負責監督個人資料私隱專員的財務報告流程。

核數師就審核財務報表須承擔的責任

我們的目標，是對整體財務報表是否不存在由於欺詐或錯誤而導致的重大錯誤陳述取得合理保證，並作出包括我們意見的核數師報告。本報告是根據協定的委聘條款僅向個人資料私隱專員作出，除此之外別無其他目的。我們不會就本報告的內容向任何其他人士負上或承擔任何責任。合理保證是高水平的保證，但不能保證按照《香港核數準則》進行的審核在某一重大錯誤陳述存在時總能發現。錯誤陳述可以由欺詐或錯誤引起，如合理預期它們個別或匯總起來可能影響財務報表的使用者所作出的經濟決定，則有關的錯誤陳述可被視作重大。

我們根據《香港核數準則》進行審核的工作之一，是運用專業判斷，在整個審核過程中抱持專業懷疑態度。我們亦：

- 識別和評估由於欺詐或錯誤而導致財務報表存在重大錯誤陳述的風險，設計及執行審核程序以應對該等風險，以及取得充足和適當的審核憑證，作為我們意見的基礎。由於欺詐可能涉及串謀、偽造、蓄意遺漏、虛假陳述，或凌駕於內部控制之上，因此未能發現因欺詐而導致的重大錯誤陳述的風險高於因錯誤而導致的重大錯誤陳述的風險。

- 了解與審核相關的內部控制，以設計適當的審核程序，但目的並非對個人資料私隱專員內部控制的效能發表意見。

Responsibilities of the Privacy Commissioner and those charged with governance for the financial statements

The Privacy Commissioner is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA, and for such internal control as the Privacy Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Privacy Commissioner is responsible for assessing the PCPD's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Privacy Commissioner either intends to liquidate the PCPD or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the PCPD's financial reporting process.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with the agreed terms of engagement, and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the PCPD's internal control.

獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

- 評價個人資料私隱專員所採用會計政策的恰當性及所作出會計估計和相關披露資料的合理性。

- 對個人資料私隱專員採用持續經營會計基礎的恰當性作出結論。根據所得的審核憑證，決定是否存在與事件或情況有關的重大不確定性，而可能對個人資料私隱專員持續經營的能力構成重大疑慮。如我們認為存在重大不確定性，則有必要在核數師報告中提請使用者對財務報表中的相關披露資料的關注。如有關的披露資料不足，則修訂我們的意見。我們的結論是基於截至核數師報告日期所取得的審核憑證。然而，未來事件或情況可能導致個人資料私隱專員不能繼續持續經營。

- 評價財務報表（包括披露資料）的整體列報方式、結構及內容，以及財務報表是否公允反映有關交易和事項。

我們與管治層就不同事項進行溝通，當中包括計劃的審核範圍、時間安排、重大審核發現，包括我們在審核期間識別出內部控制的任何重大缺陷。

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Privacy Commissioner.

- Conclude on the appropriateness of the Privacy Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the PCPD's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the PCPD to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

黃龍德會計師事務所有限公司
執業會計師

曾卓鋒
FCPA (Practising), ACA, MSCA
香港執業資深會計師

執業證書號碼：P06369

香港，2021年7月16日

PATRICK WONG C.P.A. LIMITED
Certified Public Accountants

TSANG CHEUK FUNG ANDY
FCPA (Practising), ACA, MSCA
Certified Public Accountant (Practising), Hong Kong

Practising Certificate Number: P06369

Hong Kong, 16 July 2021

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至2021年3月31日止年度 YEAR ENDED 31 MARCH 2021

		附註 Notes	2021 $	2020 $
收入	**Income**			
政府補助金	Government subventions	6	**89,530,165**	83,976,872
銀行利息	Bank interest		**317,304**	655,231
講座收費	Seminar fees		**946,405**	1,558,530
會員費	Membership fees		**114,610**	125,400
刊物銷售	Sales of publications		**3,000**	2,500
處置物業、機器及設備的收益	Gain on disposal of property, plant and equipment		**120,000**	–
雜項收入	Miscellaneous income		**167,376**	24,893
			91,198,860	86,343,426
支出	**Expenditure**			
核數師酬金	Auditor's remuneration		**55,000**	55,000
行政費用	Administrative expenses		**1,613,618**	1,672,443
顧問服務	Consultancy services		**387,200**	1,050,000
物業、機器及設備的折舊	Depreciation of property, plant and equipment			
– 由資本補助金支付	– financed by capital subvention fund	10	**857,437**	282,198
– 由其他資金來源支付	– financed by other sources of funds	10	**10,830,476**	10,703,873
僱員薪俸	Staff emoluments	7	**68,721,650**	64,668,500
辦公室的營運租賃租金	Operating lease rentals in respect of office premises		**200,813**	194,080
海外訪問/會議支出	Overseas visit/conference		**–**	491,543
宣傳推廣及教育支出	Promotion and education expenses		**2,473,462**	2,002,028
法律協助計劃	Legal assistance scheme		**37,052**	39,973
處置物業、機器及設備的損失	Loss on disposal of property, plant and equipment		**–**	6,473
其他營運費用	Other operating expenses		**4,538,872**	3,477,154
租賃負債利息	Interest on lease liabilities	18	**168,159**	269,889
			89,883,739	84,913,154
年內盈餘及全面收益總額	**Surplus and total comprehensive income for the year**		**1,315,121**	1,430,272

第97至113頁的附註屬本財務報表的組成部分。

The notes on pages 97 to 113 are an integral part of these financial statements.

財務狀況表 STATEMENT OF FINANCIAL POSITION

於2021年3月31日 AT 31 MARCH 2021

		附註 Notes	2021 $	2020 $
非流動資產	**Non-current asset**			
物業、機器及設備	Property, plant and equipment	10	**26,424,468**	14,024,287
流動資產	**Current assets**			
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments		**192,904**	867,547
銀行結存及現金	Bank balances and cash	11	**38,298,958**	36,422,183
			38,491,862	37,289,730
流動負債	**Current liabilities**			
應付款項及應計費用	Accounts payable and accruals		**488,190**	1,075,776
職員約滿酬金撥備	Provision for staff gratuity	12	**4,203,354**	4,406,609
未放取年假撥備	Provision for unutilised annual leave		**1,958,476**	1,323,015
預收政府補助金	Government subvention received in advance	13	**8,329,933**	9,729,933
租賃負債	Lease liabilities	14, 18	**7,270,875**	6,662,876
			22,250,828	23,198,209
流動資產淨值	**Net current assets**		**16,241,034**	14,091,521
資產總額減流動負債	**Total assets less current liabilities**		**42,665,502**	28,115,808
非流動負債	**Non-current liabilities**			
政府的約滿酬金補助款	Government subvention for gratuity	15	**3,395,001**	3,390,921
職員約滿酬金撥備	Provision for staff gratuity	12	**1,661,078**	1,625,657
資本補助金	Capital subvention fund	16	**1,700,016**	2,315,779
租賃負債	Lease liabilities	14, 18	**13,810,835**	–
			20,566,930	7,332,357
資產淨值	**Net assets**		**22,098,572**	20,783,451
資金	**Funds**			
一般儲備	General reserve	17	**22,098,572**	20,783,451

本財務報表已於2021年7月16日獲私隱專員批准及授權刊發
Approved and authorised for issue by the Privacy Commissioner on 16 July 2021

鍾麗玲
香港個人資料私隱專員

Ada CHUNG Lai-ling
Privacy Commissioner for Personal Data, Hong Kong

第97至113頁的附註屬本財務報表的組成部分。
The notes on pages 97 to 113 are an integral part of these financial statements.

資金變動表 STATEMENT OF CHANGES IN FUNDS

截至2021年3月31日止年度 YEAR ENDED 31 MARCH 2021

		全面收益表 Statement of comprehensive income $	一般儲備 General reserve $	總計 Total $
於2019年4月1日的結餘	**Balance at 1 April 2019**	–	19,353,179	19,353,179
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	1,430,272	–	1,430,272
調撥	Transfer	(1,430,272)	1,430,272	–
於2020年3月31日及2020年4月1日的結餘	**Balances at 31 March 2020 and at 1 April 2020**	–	20,783,451	20,783,451
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	1,315,121	–	1,315,121
調撥	Transfer	(1,315,121)	1,315,121	–
於2021年3月31日的結餘	**Balance at 31 March 2021**	–	22,098,572	22,098,572

第97至113頁的附註屬本財務報表的組成部分。

The notes on pages 97 to 113 are an integral part of these financial statements.

現金流量表 STATEMENT OF CASH FLOWS

截至2021年3月31日止年度 YEAR ENDED 31 MARCH 2021

		附註 Notes	2021 $	2020 $
營運活動	**Operating activities**			
年內盈餘	Surplus for the year		**1,315,121**	1,430,272
調整：	Adjustments for:-			
– 折舊支出	– Depreciation expense		**11,687,913**	10,986,071
– 處置物業、機器及設備的(收益)/損失	– (Gain)/loss on disposal of property, plant and equipment		**(120,000)**	6,473
– 利息收入	– Interest income		**(317,304)**	(655,231)
– 租賃負債利息	– Interest on lease liabilities		**168,159**	269,889
營運資本變動前的營運盈餘	Operating surplus before working capital changes		**12,733,889**	12,037,474
應收款項、按金及預付款項減少/(增加)	Decrease/(increase) in accounts receivable, deposits and prepayments		**589,525**	(545,869)
應付款項及應計費用減少	Decrease in accounts payable and accruals		**(587,586)**	(938,412)
職員約滿酬金撥備減少	Decrease in provision for staff gratuity		**(167,834)**	(913,510)
未放取年假撥備增加/(減少)	Increase/(decrease) in provision for unutilised annual leave		**635,461**	(403,135)
預收政府補助金(減少)/增加	(Decrease)/increase in government subvention received in advance		**(1,400,000)**	3,910,000
政府的約滿酬金補助款增加	Increase in government subvention for gratuity		**4,080**	4,918
資本補助金(減少)/增加	(Decrease)/increase in capital subvention fund		**(615,763)**	1,906,686
營運活動所得現金淨額	Net cash generated from operating activities		**11,191,772**	15,058,152
投資活動	**Investing activities**			
收取利息	Interest received		**402,422**	626,251
三個月以上之短期銀行存款減少/(增加)	Decrease/(increase) in short-term bank deposits with maturity more than three months		**1,354,521**	(214,994)
購置物業、機器及設備的付款	Payments for property, plant and equipment		**(1,812,129)**	(3,052,950)
處置物業、機器及設備的得益	Proceeds from disposals of property, plant and equipment		**120,000**	–
投資活動所得/(所用)現金淨額	Net cash generated from/(used in) investing activities		**64,814**	(2,641,693)
融資活動	**Financing activities**			
已付租賃負債本金	Capital element of lease rentals paid	18	**(7,857,131)**	(7,736,389)
已付租賃負債利息	Interest element of lease rentals paid	18	**(168,159)**	(269,889)
融資活動所用現金淨額	Net cash used in financing activities		**(8,025,290)**	(8,006,278)
現金及現金等值的增加	**Net increase in cash and cash equivalents**		**3,231,296**	4,410,181
年初的現金及現金等值	**Cash and cash equivalents at the beginning of year**		**26,597,107**	22,186,926
年底的現金及現金等值	**Cash and cash equivalents at the end of year**		**29,828,403**	26,597,107
現金及現金等值結存分析	**Analysis of balances of cash and cash equivalents**			
銀行結存及現金	Bank balances and cash	11	**38,298,958**	36,422,183
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months		**(8,470,555)**	(9,825,076)
年底的現金及現金等值	**Cash and cash equivalents at the end of the year**		**29,828,403**	26,597,107

第97至113頁的附註屬本財務報表的組成部分。

The notes on pages 97 to 113 are an integral part of these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2021年3月31日 31 MARCH 2021

1. 一般資料

個人資料私隱專員是根據1995年8月3日制定的《個人資料(私隱)條例》而於香港設立的單一法團，目的是要在個人資料方面保障個人的私隱，並就附帶及相關事宜訂定條文。註冊辦事處地址為香港灣仔皇后大道東248號大新金融中心12樓。

2. 遵從《香港財務報告準則》的聲明

個人資料私隱專員的財務報表是按照香港會計師公會頒佈的所有適用的《香港財務報告準則》(包含所有適用的個別《香港財務報告準則》、《香港會計準則》和詮釋)以及香港公認會計原則的規定編製。重要會計政策概要載列於附註3。

3. 重要會計政策概要

(a) 財務報表的編製基準
編製本財務報表時是以歷史成本作為計量基礎。

(b) 物業、機器及設備
物業、機器及設備於財務狀況表按成本扣除累積折舊和其後的減值虧損(如有)列帳。

折舊是以直線法在以下估計可使用年期內沖銷其成本(已扣除剩餘價值)而予以確認：

擁有資產

汽車	3年
電腦及軟件	3年
辦公室設備	5年
家具及固定裝置	5年
租賃物業裝修工程	3年

使用權資產

租賃土地及樓宇	按租賃期

估計可使用年期、剩餘價值及折舊方法會於各報告期末檢討，而任何估計變動的影響以預期基準列帳。

1. GENERAL INFORMATION

The Privacy Commissioner for Personal Data (the PCPD) is a corporation sole established in Hong Kong under the Personal Data (Privacy) Ordinance 1995 enacted on 3 August 1995 for the purpose of protecting the privacy of individuals in relation to personal data and to provide for matters incidental thereto or connected therewith. The address of its registered office is 12/F, Dah Sing Financial Centre, 248 Queen's Road East, Wanchai, Hong Kong.

2. STATEMENT OF COMPLIANCE WITH HONG KONG FINANCIAL REPORTING STANDARDS

The PCPD's financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (HKFRSs), which includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (HKASs) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (HKICPA) and accounting principles generally accepted in Hong Kong. A summary of significant accounting policies is set out in note 3.

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of preparation of the financial statements
The measurement basis used in preparing the financial statement is historical cost.

(b) Property, plant and equipment
Property, plant and equipment are stated in the statement of financial position at cost less accumulated depreciation and subsequent impairment losses, if any.

Depreciation is recognised so as to write off the cost of assets less their residual values over their estimated useful lives, using the straight-line method, as follows:-

Owned assets

Motor vehicle	3 years
Computers and software	3 years
Office equipment	5 years
Furniture and fixtures	5 years
Leasehold improvements	3 years

Right-of-use asset

Leasehold land and building	Over the lease term

The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate accounted for on a prospective basis.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2021年3月31日 31 MARCH 2021

3. 重要會計政策概要(續)

(b) 物業、機器及設備(續)
物業、機器及設備項目於出售或當預期持續使用該資產不再帶來未來經濟利益時終止確認。出售或廢棄物業、機器及設備項目產生之任何收益或虧損按出售所得款項與資產帳面值間之差額計算，並於全面收益表內確認。

(c) 確認及終止確認金融工具
金融資產及金融負債於個人資料私隱專員成為工具合約條文的訂約方時，於財務狀況表確認。

當從資產收取現金流量的合約權利屆滿；個人資料私隱專員實質上轉移資產擁有權的所有風險及回報；或個人資料私隱專員沒有實質上轉移或保留資產擁有權的所有風險及回報但亦無保留資產的控制權時，金融資產會被終止確認。在終止確認金融資產時，資產帳面值與已收代價的差額於損益確認。

當有關合約的特定責任獲解除、取消或屆滿時，金融負債會被終止確認。終止確認的金融負債帳面值與已付代價的差額於損益確認。

(d) 金融資產
金融資產按交易日基準確認及終止確認(其中金融資產的買賣所根據的合約條款規定須於有關市場設定的時限內交付金融資產)，並初步按公平值加直接應佔交易成本計量，惟按公平值計入損益的投資則除外。收購按公平值計入損益的投資之直接應佔交易成本即時於損益確認。

按攤銷成本計量的金融資產
撥歸此類的金融資產(包括貿易及其他應收款項)須同時符合下列兩項條件：

- 持有資產的業務模式是以收取合約現金流量為目標；及
- 資產的合約條款於特定日期產生僅為支付本金及未償還本金利息的現金流量。

按攤銷成本計量的金融資產其後以實際利率方式按攤銷成本減預期信貸虧損的虧損撥備計算。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(b) Property, plant and equipment (continued)
An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on the disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in the statement of comprehensive income.

(c) Recognition and derecognition of financial instruments
Financial assets and financial liabilities are recognised in the statement of financial position when the PCPD becomes a party to the contractual provisions of the instruments.

Financial assets are derecognised when the contractual rights to receive cash flows from the assets expire; the PCPD transfers substantially all the risks and rewards of ownership of the assets; or the PCPD neither transfers nor retains substantially all the risks and rewards of ownership of the assets but has not retained control on the assets. On derecognition of a financial asset, the difference between the assets' carrying amount and the sum of the consideration received is recognised in profit or loss.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expired. The difference between the carrying amount of the financial liability derecognised and the consideration paid is recognised in profit or loss.

(d) Financial assets
Financial assets are recognised and derecognised on a trade date basis where the purchase or sale of an asset is under a contract whose terms require delivery of the asset within the timeframe established by the market concerned, and are initially measured at fair value, plus directly attributable transaction costs except in the case of investments at fair value through profit or loss. Transaction costs directly attributable to the acquisition of investments at fair value through profit or loss are recognised immediately in profit or loss.

Financial assets at amortised cost
Financial assets (including trade and other receivables) are classified under this category if they satisfy both of the following conditions:

- the assets are held within a business model whose objective is to hold assets in order to collect contractual cash flows; and
- the contractual terms of the assets give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Financial assets at amortised cost are subsequently measured at amortised cost using the effective interest method less loss allowances for expected credit losses.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2021年3月31日 31 MARCH 2021

3. 重要會計政策概要(續)

(e) 預期信貸虧損的虧損撥備
個人資料私隱專員就按攤銷成本計量的金融資產的預期信貸虧損確認虧損撥備。預期信貸虧損為加權平均信貸虧損，以發生違約風險的金額作為加權數值。

在各報告期末，如金融工具的信貸風險自初始確認以來大幅增加，個人資料私隱專員會就貿易應收款項按金融工具的預計有效期內，所有可能違約事件產生的預期信貸虧損(全期預期信貸虧損)，計算該金融工具的虧損撥備。

如在報告期末，金融工具(貿易應收款項除外)的信貸風險自初始確認以來並無大幅增加，則個人資料私隱專員會按全期預期信貸虧損的部分，即報告期後12個月內，因可能發生的違約事件而預期產生的虧損，計算該金融工具的虧損撥備。

預期信貸虧損金額或為調整報告期末虧損撥備至所需金額所作撥回金額是於損益確認為減值收益或虧損。

(f) 合約資產及合約負債
合約資產於個人資料私隱專員根據合約所載付款條款，於無條件享有該代價前確認收入時確認。合約資產根據附註3(e)所載政策評估預計信貸虧損，並於收取代價權利成為無條件時重新分類至應收款項。合約負債於客戶支付代價或在對代價具有無條件的權利(在此情況下，相應應收款項已確認)時，而在個人資料私隱專員確認相關收入前予以確認。

(g) 租賃
(i) 租賃的定義

倘合約為換取代價而給予在一段時間內控制可識別資產使用的權利，則該合約屬於或包含租賃。

就於首次應用日期或之後訂立或修改或因業務合併而簽訂的合約而言，個人資料私隱專員根據《香港財務報告準則》第16號的定義於開始、修訂日期或收購日期(視何者合適而定)評估該合約是否屬於或包含租賃。除非合約的條款及條件其後出現變動，否則有關合約將不予重新評估。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(e) Loss allowances for expected credit losses
The PCPD recognises loss allowances for expected credit losses on financial assets at amortised cost. Expected credit losses are the weighted average of credit losses with the respective risks of a default occurring as the weights.

At the end of each reporting period, the PCPD measures the loss allowance for a financial instrument at an amount equal to the expected credit losses that result from all possible default events over the expected life of that financial instrument (lifetime expected credit losses) for trade receivables, or if the credit risk on that financial instrument has increased significantly since initial recognition.

If, at the end of the reporting period, the credit risk on a financial instrument (other than trade receivables) has not increased significantly since initial recognition, the PCPD measures the loss allowance for that financial instrument at an amount equal to the portion of lifetime expected credit losses that represents the expected credit losses that result from default events on that financial instrument that are possible within 12 months after the reporting period.

The amount of expected credit losses or reversal to adjust the loss allowance at the end of the reporting period to the required amount is recognised in profit or loss as an impairment gain or loss.

(f) Contract assets and contract liabilities
A contract asset is recognised when the PCPD recognises revenue before being unconditionally entitled to the consideration under the payment terms set out in the contract. Contract assets are assessed for expected credit losses in accordance with the policy set out in note 3(e) and are reclassified to receivables when the right to the consideration has become unconditional. A contract liability is recognised when the customer pays consideration, or has an unconditional right to consideration (in such case, a corresponding receivable is recognised), before the PCPD recognises the related revenue.

(g) Leases
(i) Definition of a lease

A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

For contracts entered into or modified on or after the date of initial application, the PCPD assesses whether a contract is or contains a lease based on the definition under HKFRS 16 at inception or modification date as appropriate. Such contract will not be reassessed unless the terms and conditions of the contract are subsequently changed.

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3. 重要會計政策概要(續)

(g) 租賃(續)
(ii) 個人資料私隱專員作為承租人

短期租賃及低價值資產租賃
個人資料私隱專員將短期租賃確認豁免應用於租期自開始日期起計為期12個月或以下並且不包括購買選擇權的租賃。個人資料私隱專員亦對低價值資產租賃應用確認豁免。短期租賃及低價值資產租賃的租賃付款按直線法於租賃期內確認為開支。

使用權資產
使用權資產的成本包括：

(a) 初始計量租賃負債的金額；

(b) 於開始日期或之前支付的任何租賃付款減去任何已收的租賃優惠；及

(c) 個人資料私隱專員產生的任何初始直接成本。

使用權資產按成本減任何累計折舊及減值虧損計量，並就租賃負債的任何重新計量作出調整。

如個人資料私隱專員合理確定會於租賃期限屆滿時取得相關租賃資產擁有權的使用權資產，該資產自開始日期至可使用年期結束計算折舊，否則使用權資產於估計可使用年期與租賃期限兩者的較短者以直線法折舊。

租賃負債
於租賃開始日期，個人資料私隱專員按該日未支付的租賃付款現值確認及計量租賃負債。計算租賃付款現值時，倘租賃內含的利率難以釐定，則個人資料私隱專員會使用租賃開始日期的遞增借貸利率計算。

租賃付款包括固定付款(包括實質固定付款)減任何應收租賃優惠。

開始日期後，租賃負債是透過利息增長及租賃付款調整。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Leases (continued)
(ii) The PCPD as a lessee

Short-term leases and leases of low-value assets
The PCPD applies the short-term lease recognition exemption to leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option. It also applies the recognition exemption for lease of low-value assets. Lease payments on short-term leases and leases of low-value assets are recognised as expense on a straight-line basis over the lease term.

Right-of-use assets
The cost of right-of-use asset includes:

(a) the amount of the initial measurement of the lease liability;

(b) any lease payments made at or before the commencement date, less any lease incentives received; and

(c) any initial direct costs incurred by the PCPD.

Right-of-use assets are measured at cost, less any accumulated depreciation and impairment losses, and adjusted for any remeasurement of lease liabilities.

Right-of-use assets in which the PCPD is reasonably certain to obtain ownership of the underlying leased assets at the end of the lease term is depreciated from commencement date to the end of the useful life. Otherwise, right-of-use assets are depreciated on a straight-line basis over the shorter of its estimated useful life and the lease term.

Lease liabilities
At the commencement date of a lease, the PCPD recognises and measures the lease liability at the present value of lease payments that are unpaid at that date. In calculating the present value of lease payments, the PCPD uses the incremental borrowing rate at the lease commencement date if the interest rate implicit in the lease is not readily determinable.

The lease payments include fixed payments (including in-substance fixed payments) less any lease incentives receivable.

After the commencement date, lease liabilities are adjusted by interest accretion and lease payments.

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3. 重要會計政策概要(續)

(g) 租賃(續)
(ii) 個人資料私隱專員作為承租人(續)

當出現以下情況，個人資料私隱專員會重新計量租賃負債(並對相關使用權資產作出相應調整)：

(a) 租賃期已更改或對行使購買選擇權的評估有變，在該情況下，相關租賃負債於重新評估日期透過使用經修訂折現率折現經修訂租賃付款而重新計量。

(b) 租賃付款因檢討市場租金後市場租金有變而出現變動，在該情況下，相關租賃負債透過使用初始折現率折現經修訂租賃付款而重新計量。

個人資料私隱專員於財務狀況表內將租賃負債呈列為單獨項目。

(h) 現金及現金等值
現金包括銀行及手頭現金。現金等值是短期及高流動性的投資，這些投資可以隨時轉換為已知數額的現金，價值變動的風險不大。

(i) 應付款項
應付款項於初期按公平值確認，其後按攤銷成本列帳，但若短期應付款的折現影響並不重大，則按成本列帳。

(j) 撥備及或然負債
如果個人資料私隱專員須就已發生的事件承擔法律或推定責任，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，個人資料私隱專員便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計履行責任所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該責任披露為或然負債，但經濟利益流出的可能性極低則除外。如果個人資料私隱專員的責任須視乎某項或多項未來事件是否發生才能確定是否存在，除非經濟利益流出的可能性極低，該責任亦會被披露為或然負債。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(g) Leases (continued)
(ii) The PCPD as a lessee (continued)

The PCPD remeasures lease liabilities (and makes a corresponding adjustment to the related right-of-use assets) whenever:

(a) the lease term has changed or there is a change in the assessment of exercise of a purchase option, in which case the related lease liability is remeasured by discounting the revised lease payments using a revised discount rate at the date of reassessment.

(b) the lease payments change due to changes in market rental rates following a market rent review, in which cases the related lease liability is remeasured by discounting the revised lease payments using the initial discount rate.

The PCPD presents lease liabilities as a separate line item on the statement of financial position.

(h) Cash and cash equivalents
Cash comprises cash on hand and at bank. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

(i) Accounts and other payables
Accounts and other payables are initially measured at fair value and, after initial recognition, at amortised cost, except for short-term payables with no stated interest rate and the effect of discounting being immaterial, that are measured at their original invoice amount.

(j) Provisions and contingent liabilities
Provisions are recognised for liabilities of uncertain timing or amount when the PCPD has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

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3. 重要會計政策概要(續)

(k) 收入確認

(i) 政府補助及資助金

如有合理保證可取得政府補助，而且個人資料私隱專員可以符合所有附帶條件，則會按補助金額的公平值確認政府補助。

與指定計劃方案有關的政府補助金包括在資本補助金內，並且延遲至須與擬補償的成本產生時，才在全面收益表內確認。

與購置物業、機器及設備有關的政府補助金包括在資本補助金內，並按有關資產的預計年限，以直線法記入全面收益表內。

用於彌補個人資料私隱專員已產生支出的政府補助金，會在支出產生的期間有系統地在全面收益表確認為收入。

(ii) 銀行利息收入

銀行利息收入以實際利率方式計算。

(iii) 講座收費及會員費收入

講座收費及會員費收入按應計制確認。

(iv) 刊物銷售

刊物銷售收入在該等貨品交付予買方，而買方接受貨品，以及有關應收款項可合理地確定收到時確認。

(l) 僱員薪俸

(i) 僱員可享有的假期及約滿酬金

僱員可享用的年假及約滿酬金在該等假期累計予僱員時確認。個人資料私隱專員已為僱員在計至年結日止所提供的服務而在年假及約滿酬金方面預計引致的責任作出撥備。

僱員可享用的病假及分娩假或侍產假不作確認，直至僱員放取該等假期時才予以確認。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(k) Income recognition

(i) Government subventions and funding

Government subventions are recognised at their fair value where there is a reasonable assurance that the grant will be received and the PCPD will comply with all attached conditions.

Government subventions relating to specific projects are included in the capital subvention fund and are deferred and recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

Government subventions relating to the purchase of property, plant and equipment are included in the capital subvention fund and are credited to the statement of comprehensive income on a straight-line basis over the expected lives of the related assets.

Government subventions that compensate the PCPD for expenses incurred are recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

(ii) Bank interest income

Bank interest income is recognised using the effective interest method.

(iii) Seminar and membership fees income

Seminar and membership fees income are recognised on an accrual basis.

(iv) Sales of publications

Income from the sales of publications is recognised when the PCPD has delivered products to the customer, the customer has accepted the products and collectability of the related receivables is reasonably assured.

(l) Staff emoluments

(i) Employee leave and gratuity entitlements

Employee entitlements to annual leave and gratuities are recognised when they accrue to employees. A provision is made for the estimated liability for annual leave and gratuities as a result of services rendered by employees up to the year-end date.

Employee entitlements to sick leave and maternity or paternity leave are not recognised until the time of leave.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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3. 重要會計政策概要(續)

(l) 僱員薪俸(續)

(ii) 退休福利成本

個人資料私隱專員已經加入《強制性公積金條例》下成立的強制性公積金計劃(強積金計劃)。僱主的供款額為僱員有關入息的5%至強制性供款上限。該計劃的資產與個人資料私隱專員的資產分開持有,並由信託人以基金託管。

向強積金計劃支付的供款於到期日列作支出。

(m) 資產減值

在報告期末,個人資料私隱專員會檢討具有限可使用年期的資產的帳面值,以判斷該資產是否出現減值虧損。當顯示可能出現減值虧損時,該資產的可收回值會被評估以計算其虧損幅度。如該資產的可收回值並不可能被評估,個人資料私隱專員會評估該資產所屬的現金產生單位可收回值。當確定了一個合理及一致的分類基礎時,企業資產會被分類為獨立現金產生單位或現金產生單位的最小組別。

(n) 關聯方

(i) 一名人士或其近親被視為個人資料私隱專員的關聯方,如果該人士:

(a) 能控制或共同控制個人資料私隱專員;
(b) 能對個人資料私隱專員構成重大影響力;或
(c) 為個人資料私隱專員的關鍵管理人員。

(ii) 一個實體可視為個人資料私隱專員的關聯方,如果該實體符合以下任何情況:

(a) 該實體是為個人資料私隱專員或個人資料私隱專員關聯方的僱員福利而設的離職後福利計劃。
(b) 該實體由(i)中描述的人士控制或共同控制。
(c) (i)(a)中描述的一名人士對該實體構成重大影響,或為該實體的關鍵管理人員。
(d) 該實體,或屬該實體一部分的任何集團成員公司,向個人資料私隱專員提供關鍵管理人員服務。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) Staff emoluments (continued)

(ii) Retirement benefit costs

The PCPD has joined the Mandatory Provident Fund Scheme (the MPF Scheme) established under the Mandatory Provident Fund Schemes Ordinance for its employees. The PCPD contributes 5% of the relevant income of staff members up to the maximum mandatory contributions under the MPF Scheme. The assets of the Scheme are held separately from those of the PCPD, in funds under the control of trustee.

Payments to the MPF Scheme are charged as an expense as they fall due.

(m) Impairment of assets

At the end of reporting period, the PCPD reviews the carrying amounts of its assets with finite useful lives to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss, if any. When it is not possible to estimate the recoverable amount of an individual asset, the PCPD estimates the recoverable amount of the cash-generating unit to which the asset belongs. When a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

(n) Related parties

(i) A person or a close member of that person's family is related to the PCPD if that person:

(a) has control or joint control over the PCPD;

(b) has significant influence over the PCPD; or

(c) is a member of the key management personnel of the PCPD.

(ii) An entity is related to the PCPD if any of the following conditions applies:

(a) The entity is a post-employment benefit plan for the benefit of employees of either the PCPD or an entity related to the PCPD.

(b) The entity is controlled or jointly controlled by a person identified in (i).
(c) A person identified in (i)(a) has significant influence over the entity or is a member of the key management personnel of the entity.
(d) The entity, or any member of a group of which it is a part, provides key management personnel services to the PCPD.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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4. 會計政策的變更

個人資料私隱專員已首次應用由香港會計師公會頒佈於2020年4月1日或之後開始之年度期間開始生效的新訂及修訂《香港財務報告準則》，當中包括：

《香港財務報告準則》第3號（修訂本）：*業務的定義*
《香港財務報告準則》第9號、《香港會計準則》第39號及《香港財務報告準則》第7號（修訂本）：*利率基準改革*
《香港會計準則》第1號及《香港會計準則》第8號（修訂本）：*重大的定義*

於本年度應用《香港財務報告準則》的修訂本對個人資料私隱專員於本年度及過往年度的財務狀況及表現及/或載於財務報表的披露並無重大影響。

4. CHANGES IN ACCOUNTING POLICIES

The PCPD has initially applied the new and revised HKFRSs issued by the HKICPA that are first effective for accounting periods beginning on or after 1 April 2020, including:-

Amendments to HKFRS 3, *Definition of a business*
Amendments to HKFRS 9, HKAS 39 and HKFRS 7, *Interest Rate Benchmark Reform*

Amendments to HKAS 1 and HKAS 8, *Definition of material*

The application of the amendments to HKFRSs in the current year has had no material impact on the PCPD's financial positions and performance for the current and prior years and/or on the disclosures set out in these financial statements.

5. 重要會計推算及判斷

按照《香港財務報告準則》編制財務報表時，個人資料私隱專員管理層會為影響到資產、負債、收入及開支的會計政策的應用作出判斷、估計及假設。這些判斷、估計及假設是以過往經驗及多項其他於有關情況下視作合理的因素為基準。儘管管理層對這些判斷、估計及假設作出持續檢討，實際結果可能有別於此等估計。

有關財務風險管理的某些主要假設及風險因素載列於附註19。對於本財務報表所作出的估計及假設，預期不會構成重大風險，導致下一財政年度資產及負債的帳面值需作大幅修訂。

5. CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENT

The PCPD's management makes assumptions, estimates and judgements in the process of applying the PCPD's accounting policies that affect the assets, liabilities, income and expenses in the financial statements prepared in accordance with HKFRSs. The assumptions, estimates and judgements are based on historical experience and other factors that are believed to be reasonable under the circumstances. While the management reviews their judgements, estimates and assumptions continuously, the actual results will seldom equal to the estimates.

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 19. There are no other key sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amounts of asset and liabilities within the next financial year.

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6. 政府補助金 6. GOVERNMENT SUBVENTIONS

		2021 $	2020 $
經常性及非經常性	Recurrent and non-recurrent	**87,875,920**	83,255,082
資本補助金（附註 16）	Capital subvention fund (Note 16)	**1,654,245**	721,790
		89,530,165	83,976,872

7. 僱員薪俸 7. STAFF EMOLUMENTS

		2021 $	2020 $
薪酬	Salaries	**56,459,603**	54,474,173
約滿酬金及其他津貼	Gratuities and other allowances	**10,294,609**	9,347,877
強積金計劃供款	Contributions to MPF Scheme	**1,331,977**	1,249,585
未放取年假撥備	Provision for unutilised annual leave	**635,461**	(403,135)
		68,721,650	64,668,500

8. 主要管理人員的報酬 8. KEY MANAGEMENT COMPENSATION

		2021 $	2020 $
短期僱員薪俸	Short-term staff emoluments	**13,335,712**	13,637,912
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	**1,754,927**	1,612,032
		15,090,639	15,249,944

9. 稅項 9. TAXATION

根據《個人資料（私隱）條例》附表 2 第 6 條的規定，個人資料私隱專員獲豁免課稅，因此個人資料私隱專員無須在本財務報表計提香港利得稅撥備。

No provision for Hong Kong Profits Tax has been made in the financial statements as the PCPD is exempted from taxation in respect of the Inland Revenue Ordinance by virtue of Schedule 2 Section 6 of the Personal Data (Privacy) Ordinance.

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10. 物業、機器及設備 10. PROPERTY, PLANT AND EQUIPMENT

		擁有資產 Owned assets						使用權資產 Right-of-use assets	
		汽車 Motor vehicle $	電腦及軟件 Computer and software $	辦公室設備 Office equipment $	家具及固定裝置 Furniture and fixtures $	租賃物業裝修工程 Leasehold improvements $	小計 Sub-total $	租賃土地及樓宇 Leasehold land and buildings $	總計 Total $
成本	**Cost**								
於2020年4月1日	At 1 April 2020	468,900	7,869,002	1,926,452	709,430	9,708,546	20,682,330	14,399,265	35,081,595
增加	Additions	535,500	775,049	44,576	56,504	400,500	1,812,129	22,275,965	24,088,094
處置	Disposals	(468,900)	(463,815)	(2,686)	(157,880)	–	(1,093,281)	–	(1,093,281)
於2021年3月31日	At 31 March 2021	535,500	8,180,236	1,968,342	608,054	10,109,046	21,401,178	36,675,230	58,076,408
累積折舊	**Accumulated depreciation**								
於2020年4月1日	At 1 April 2020	468,900	4,911,746	704,347	396,432	6,758,329	13,239,754	7,817,554	21,057,308
年內折舊	Charge for the year	178,500	1,349,090	356,914	106,985	1,877,159	3,868,648	7,819,265	11,687,913
處置核銷	Write back on disposals	(468,900)	(463,815)	(2,686)	(157,880)	–	(1,093,281)	–	(1,093,281)
於2021年3月31日	At 31 March 2021	178,500	5,797,021	1,058,575	345,537	8,635,488	16,015,121	15,636,819	31,651,940
帳面淨值	**Net book value**								
於2021年3月31日	At 31 March 2021	357,000	2,383,215	909,767	262,517	1,473,558	5,386,057	21,038,411	26,424,468
成本	**Cost**								
於2019年4月1日	At 1 April 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194	–	18,161,194
採納《香港財務報告準則》第16號	Adoption of HKFRS 16	–	–	–	–	–	–	14,399,265	14,399,265
於2019年4月1日的調整	Adjusted as at 1 April 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194	14,399,265	32,560,459
增加	Additions	–	2,273,990	196,781	18,654	563,525	3,052,950	–	3,052,950
處置	Disposals	–	(411,639)	(58,420)	(61,755)	–	(531,814)	–	(531,814)
於2020年3月31日	At 31 March 2020	468,900	7,869,002	1,926,452	709,430	9,708,546	20,682,330	14,399,265	35,081,595
累積折舊	**Accumulated depreciation**								
於2019年4月1日	At 1 April 2019	468,900	4,601,736	415,274	351,527	4,759,141	10,596,578	–	10,596,578
年內折舊	Charge for the year	–	721,649	341,020	106,660	1,999,188	3,168,517	7,817,554	10,986,071
處置核銷	Write back on disposals	–	(411,639)	(51,947)	(61,755)	–	(525,341)	–	(525,341)
於2020年3月31日	At 31 March 2020	468,900	4,911,746	704,347	396,432	6,758,329	13,239,754	7,817,554	21,057,308
帳面淨值	**Net book value**								
於2020年3月31日	At 31 March 2020	–	2,957,256	1,222,105	312,998	2,950,217	7,442,576	6,581,711	14,024,287

11. 銀行結存及現金 11. BANK BALANCES AND CASH

		2021 $	2020 $
銀行及手頭現金	Cash at banks and on hand	**11,532,820**	6,588,530
短期銀行存款	Short-term bank deposits	**26,766,138**	29,833,653
財務狀況表及現金流量表的銀行結存及現金	Bank balances and cash in the statement of financial position and the statement of cash flows	**38,298,958**	36,422,183

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12. 職員約滿酬金撥備 12. PROVISION FOR STAFF GRATUITY

		2021 $	2020 $
於4月1日的結餘	Balance as at 1 April	**6,032,266**	6,945,776
已作出的撥備	Provision made	**7,094,519**	6,739,484
未動用款項撥回	Unused amounts reversed	**(148,599)**	(312,402)
年內支付的數額	Amount paid during the year	**(7,113,754)**	(7,340,592)
於3月31日的結餘	Balance as at 31 March	**5,864,432**	6,032,266
減：流動部分	Less: current portion	**(4,203,354)**	(4,406,609)
非流動部分	Non-current portion	**1,661,078**	1,625,657

約滿酬金撥備是為了支付由受聘日起計已完成合約的職員的約滿酬金而設立的。

Provision for staff gratuity is established for gratuity payments which become payable to those employees of the PCPD who complete their contracts commencing from the date of their employment.

13. 預收政府補助金 13. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

		2021 $	2020 $
於4月1日的結餘	Balance as at 1 April	**9,729,933**	5,819,933
已收補助金	Subvention received	**–**	5,410,000
退回補助金	Subvention refunded	**(900,000)**	–
年內確認為收入的數額	Recognised as income in the year	**(500,000)**	(1,500,000)
於3月31日的結餘	Balance as at 31 March	**8,329,933**	9,729,933

預收政府補助金是關於年結日後才提供的各項服務而收取的補助金，會遞延入帳及在支出產生的期間有系統地在全面收益表確認為收入。

Government subvention received in advance represents subvention received in connection with various services to be provided after year end and is deferred and recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

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14. 租賃負債 14. LEASE LIABILITIES

		2021 $	2020 $
到期最低租賃付款額	Minimum lease payments due		
– 1年內	– Within 1 year	**7,714,980**	6,739,460
– 1至5年	– 1 to 5 years	**14,144,130**	–
		21,859,110	6,739,460
減：未來財務費用	Less : future finance charges	**(777,400)**	(76,584)
租賃負債的現值	Present value of lease liabilities	**21,081,710**	6,662,876
分析為：	Analysed as:		
流動部分	Current portion	**7,270,875**	6,662,876
非流動部分	Non-current portion	**13,810,835**	–
		21,081,710	6,662,876

未來財務費用所應用的加權平均遞增借貸利率為2.5% (2020 : 2.5%)。

The weighted average incremental borrowing rate applied for future finance charges is 2.5% (2020 : 2.5%).

15. 政府的約滿酬金補助款 15. GOVERNMENT SUBVENTION FOR GRATUITY

		2021 $	2020 $
於4月1日的結餘	Balance as at 1 April	**3,390,921**	3,386,003
年內確認的補助金	Subventions recognised for the year	**(7,094,519)**	(6,739,484)
沒收款	Forfeiture	**148,599**	312,402
已收政府的約滿酬金補助款	Gratuity subvention received from Government	**6,950,000**	6,432,000
於3月31日的結餘	Balance as at 31 March	**3,395,001**	3,390,921

這代表就個人資料私隱專員從政府收取的職員約滿酬金款項。

This represents funds received from the Government in respect of gratuity payments to staff of the PCPD.

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16. 資本補助金

16. CAPITAL SUBVENTION FUND

		更換汽車 Replacement of motor vehicle $	資訊科技基礎設施檢修項目 IT Infrastructure Overhaul Project $	提升電腦系統 Upgrading of computer system $	更換電話系統 Replacement of telephone system $	總計 Total $
於2019年4月1日	At 1 April 2019	–	–	43,276	365,817	409,093
政府資本補助金	Government capital subvention	332,400	2,296,076	–	–	2,628,476
撥入全面收益表為收入，以配對：	Transfer to the statement of comprehensive income as income to match with:					
– 折舊支出	– Depreciation expense	–	(145,522)	(43,276)	(93,400)	(282,198)
– 其他營運費用	– Other operating expenses	–	(439,592)	–	–	(439,592)
於2020年3月31日及2020年4月1日	At 31 March 2020 and 1 April 2020	332,400	1,710,962	–	272,417	2,315,779
政府資本補助金	Government capital subvention	–	1,038,482	–	–	1,038,482
撥入全面收益表為收入，以配對：	Transfer to the statement of comprehensive income as income to match with:					
– 折舊支出	– Depreciation expense	(110,800)	(653,237)	–	(93,400)	(857,437)
– 其他營運費用	– Other operating expenses	–	(796,808)	–	–	(796,808)
於2021年3月31日	At 31 March 2021	221,600	1,299,399	–	179,017	1,700,016

資本補助金為就特定計劃方案已收取但未應用的非經常性政府資本補助金的餘額。有關款項撥入全面收益表為收入，以配對相關費用。

The capital subvention fund represents the unutilised balance of non-recurrent capital subvention from the Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.

17. 一般儲備

17. GENERAL RESERVE

		2021 $	2020 $
於4月1日	At 1 April	**20,783,451**	19,353,179
由全面收益表撥入	Transfer from statement of comprehensive income	**1,315,121**	1,430,272
於3月31日	At 31 March	**22,098,572**	20,783,451

設立一般儲備的目的是用來應付營運上的突發事項。一般儲備由全面收益表撥入，最高限額為個人資料私隱專員年度經常補助金的25% (2020：20%)。一般儲備是用作一般用途，個人資料私隱專員有權自行運用。盈餘如超逾儲備的協定上限，超額之數應退還政府（扣減下年度的補助金以抵銷）。

The general reserve is established to meet operational contingencies and is transferred from the statement of comprehensive income with a ceiling at 25% (2020 : 20%) of the PCPD's annual recurrent subvention. The general reserve is available for general use and can be spent at the discretion of the PCPD. Any surplus in excess of the agreed reserve ceiling should be returned to the Government by way of offsetting from next year's subvention.

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18. 融資活動產生的負債對帳

下表詳述個人資料私隱專員來自融資活動的負債變動，包括現金及非現金變動。融資活動所產生的負債為現金流量或未來現金流量將於個人資料私隱專員的現金流量表中分類為融資活動的現金流量。

18. RECONCILIATION OF LIABILITIES ARISING FROM FINANCING ACTIVITIES

The table below details changes in the PCPD's liabilities from financing activities, including both cash and non-cash changes. Liabilities arising from financing activities are liabilities for which cash flows were, or future cash flows will be, classified in the PCPD's statement of cash flows as cash flows from financing activities.

		2021 $	2020 $
於年初	**At beginning of the year**	**6,662,876**	–
採納《香港財務報告準則》第16號	Adoption of HKFRS 16	**–**	14,399,265
於年初的調整	**Adjusted as at beginning of the year**	**6,662,876**	14,399,265
融資現金流的變動：	**Changes from financing cash flows:**		
已付租賃負債本金	Capital element of lease rentals paid	**(7,857,131)**	(7,736,389)
已付租賃負債利息	Interest element of lease rentals paid	**(168,159)**	(269,889)
融資現金流的變動總額	Total changes from financing cash flows	**(8,025,290)**	(8,006,278)
		(1,362,414)	6,392,987
其他變動：	**Other changes:**		
租賃負債利息	Interest on lease liabilities	**168,159**	269,889
租賃負債增加	Increase in lease liabilities	**22,275,965**	–
其他變動總額	Total other changes	**22,444,124**	269,889
於年末	**At end of the year**	**21,081,710**	6,662,876

19. 金融工具

個人資料私隱專員將其金融資產分為以下類別：

19. FINANCIAL INSTRUMENTS

The PCPD has classified its financial assets in the following categories:

		2021 $	2020 $
按攤銷成本計量的金融資產	**Financial assets at amortised cost**		
應收款項及按金	Accounts receivable and deposits	**117,144**	802,923
銀行結存及現金	Bank balances and cash	**38,298,958**	36,422,183
		38,416,102	37,225,106

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19. 金融工具(續)

個人資料私隱專員將其金融負債分為以下類別：

19. FINANCIAL INSTRUMENTS (CONTINUED)

The PCPD has classified its financial liabilities in the following categories:

		2021 $	2020 $
按攤銷成本計量的金融負債	**Financial liabilities at amortised cost**		
應付款項及應計費用	Accounts payable and accruals	**488,190**	1,075,776
政府的約滿酬金補助款	Government subvention for gratuity	**3,395,001**	3,390,921
租賃負債	Lease liabilities	**21,081,710**	6,662,876
		24,964,901	11,129,573

所有金融工具的帳面值相對2020年及2021年3月31日時的公平值均沒有重大差別。

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2021 and 2020.

個人資料私隱專員透過以下政策管理信貸風險、流動資金風險及市場風險，以減低該等風險對個人資料私隱專員的財務表現及狀況的潛在不利影響。

The PCPD's risk management objectives, policies and processes mainly focus on minimising the potential adverse effects of credit risk, liquidity risk and market risk on its financial performance and position by closely monitoring the individual exposure.

(a) 信貸風險
個人資料私隱專員並無信貸風險相當集中的情況，而最高信貸風險相等於金融資產所載有關帳面值。銀行存款的信貸風險是有限，因接受存款的銀行均為受香港《銀行業條例》規管的財務機構。

(a) Credit risk
The PCPD has no significant concentration of credit risk. The maximum exposure to credit risk is represented by the carrying amount of the financial assets. The credit risk on bank deposits is limited because the counterparties are authorised financial institutions regulated under the Hong Kong Banking Ordinance.

(b) 流動資金風險
個人資料私隱專員的流動資金風險是金融負債。個人資料私隱專員對資金作出謹慎管理，維持充裕的現金及現金等值，以滿足持續運作的需要。

(b) Liquidity risk
The PCPD is exposed to liquidity risk on financial liabilities. It manages its funds conservatively by maintaining a comfortable level of cash and cash equivalents in order to meet continuous operational need. The PCPD ensures that it maintains sufficient cash which is available to meet its liquidity.

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19. 金融工具(續)

(b) 流動資金風險(續)
下表載列個人資料私隱專員的金融負債於報告期末的剩餘合約年期。該等金融負債是根據合約未貼現現金流量(包括使用已訂合約利率或按報告期末的利率(如屬浮息)計算所付的利息)以及個人資料私隱專員可能被要求付款的最早日期編製：

19. FINANCIAL INSTRUMENTS (CONTINUED)

(b) Liquidity risk (continued)
The details of remaining contractual maturities at the end of the reporting period of the financial liabilities, which are based on contractual undiscounted cash flows (including interest payments computed using contractual rates or, if floating, based on rates current at the end of the reporting period) and the earliest date the PCPD can be required to pay are as follows:

		帳面值 Carrying amount $	合約未貼現現金流總額 Total contractual undiscounted cash flow $	一年內或按要求 Within 1 year or on demand $	一年後但五年內 Over 1 year but within 5 years $
2021	**2021**				
應付款項及應計費用	Accounts payable and accruals	488,190	488,190	488,190	–
政府的約滿酬金補助款	Government subvention for gratuity	3,395,001	3,395,001	–	3,395,001
租賃負債	Lease liabilities	21,081,710	21,859,110	7,714,980	14,144,130
		24,964,901	25,742,301	8,203,170	17,539,131
2020	**2020**				
應付款項及應計費用	Accounts payable and accruals	1,075,776	1,075,776	1,075,776	–
政府的約滿酬金補助款	Government subvention for gratuity	3,390,921	3,390,921	–	3,390,921
租賃負債	Lease liabilities	6,662,876	6,739,460	6,739,460	–
		11,129,573	11,206,157	7,815,236	3,390,921

(c) 市場風險
利率風險
個人資料私隱專員的利率風險主要來自銀行存款。個人資料私隱專員沒有對所產生的利率風險作敏感性分析，因為管理層評估此風險對個人資料私隱專員的財務狀況不會產生重大影響。

(c) Market risk
Interest rate risk
The PCPD's exposure on interest rate risk mainly arises from its cash deposits with bank. No sensitivity analysis for the PCPD's exposure to interest rate risk arising from deposits with bank is prepared since based on the management's assessment the exposure is considered not significant.

(d) 以公平值計量的金融工具
在報告期末，個人資料私隱專員並沒有金融工具以公平值列帳。

(d) Financial instrument at fair value
At the end of reporting period, there were no financial instruments stated at fair value.

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20. 已頒佈但於年內尚未生效的《香港財務報告準則》

以下是已頒佈但於年內尚未生效的《香港財務報告準則》，這些準則或與個人資料私隱專員的營運及財務報表有關：

20. HONG KONG FINANCIAL REPORTING STANDARDS ISSUED BUT NOT YET EFFECTIVE FOR THE YEAR

HKFRSs that have been issued but are not yet effective for the year include the following HKFRSs which may be relevant to the PCPD's operations and financial statements:

	於以下年度開始或以後生效 Effective for annual periods beginning on or after
《香港財務報告準則》第17號：*保險合約及相關修訂本* HKFRS 17, *Insurance Contracts and the related Amendments*	2023年1月1日 1 January 2023
《香港財務報告準則》第3號（修訂本）：*概念框架的提述* Amendments to HKFRS 3, *Reference to the Conceptual Framework*	2022年1月1日 1 January 2022
《香港財務報告準則》第9號、《香港會計準則》第39號、《香港財務報告準則》第7號、《香港財務報告準則》第4號及《香港財務報告準則》第16號（修訂本）：*利率基準改革 — 第二階段* Amendments to HKFRS 9, HKAS 39, HKFRS 7, HKFRS 4 and HKFRS 16, *Interest Rate Benchmark Reform – Phase 2*	2021年1月1日 1 January 2021
《香港財務報告準則》第10號及《香港會計準則》第28號（修訂本）：*投資者與其聯營企業或合資企業之間的資產出售或投入* Amendments to HKFRS 10 and HKAS 28, *Sales or Contribution of Assets between an Investor and its Associate or Joint Venture*	尚未釐定 To be determined
《香港財務報告準則》第16號（修訂本）：*2019冠狀病毒病相關的租金寬減* Amendments to HKFRS 16, *Covid-19 – Related Rent Concessions*	2020年6月1日 1 June 2020
《香港會計準則》第1號（修訂本）：*負債分類為流動或非流動以及香港詮釋第5號（2020年）的相關修訂* Amendments to HKAS 1, *Classification of Liabilities as Current or Non-current and related amendments to Hong Kong Interpretation 5 (2020)*	2023年1月1日 1 January 2023
《香港會計準則》第16號（修訂本）：*物業、廠房及設備 — 擬定用途前的所得款項* Amendments to HKAS 16, *Property, Plant and Equipment – Proceeds before Intended Use*	2022年1月1日 1 January 2022
《香港會計準則》第37號（修訂本）：*虧損合約 — 履行合約的成本* Amendments to HKAS 37, *Onerous Contracts – Cost of Fulfilling a Contract*	2022年1月1日 1 January 2022
香港財務報告準則（修訂本）：*《香港財務報告準則》2018年至2020年的年度改進* Amendments to HKFRSs, *Annual Improvements to HKFRSs 2018-2020*	2022年1月1日 1 January 2022

個人資料私隱專員在本年內並未採納該等《香港財務報告準則》。初步評估顯示採納該等《香港財務報告準則》不會對個人資料私隱專員首次採納年度的財務報表產生重大影響。個人資料私隱專員將繼續評估該等《香港財務報告準則》及其他就此識別的重大變動的影響。

The PCPD has not early adopted these HKFRSs. Initial assessment has indicated that the adoption of these HKFRSs would not have a significant impact on the PCPD's financial statements in the year of initial application. The PCPD will be continuing with the assessment of the impact of these HKFRSs and other significant changes may be identified as a result.

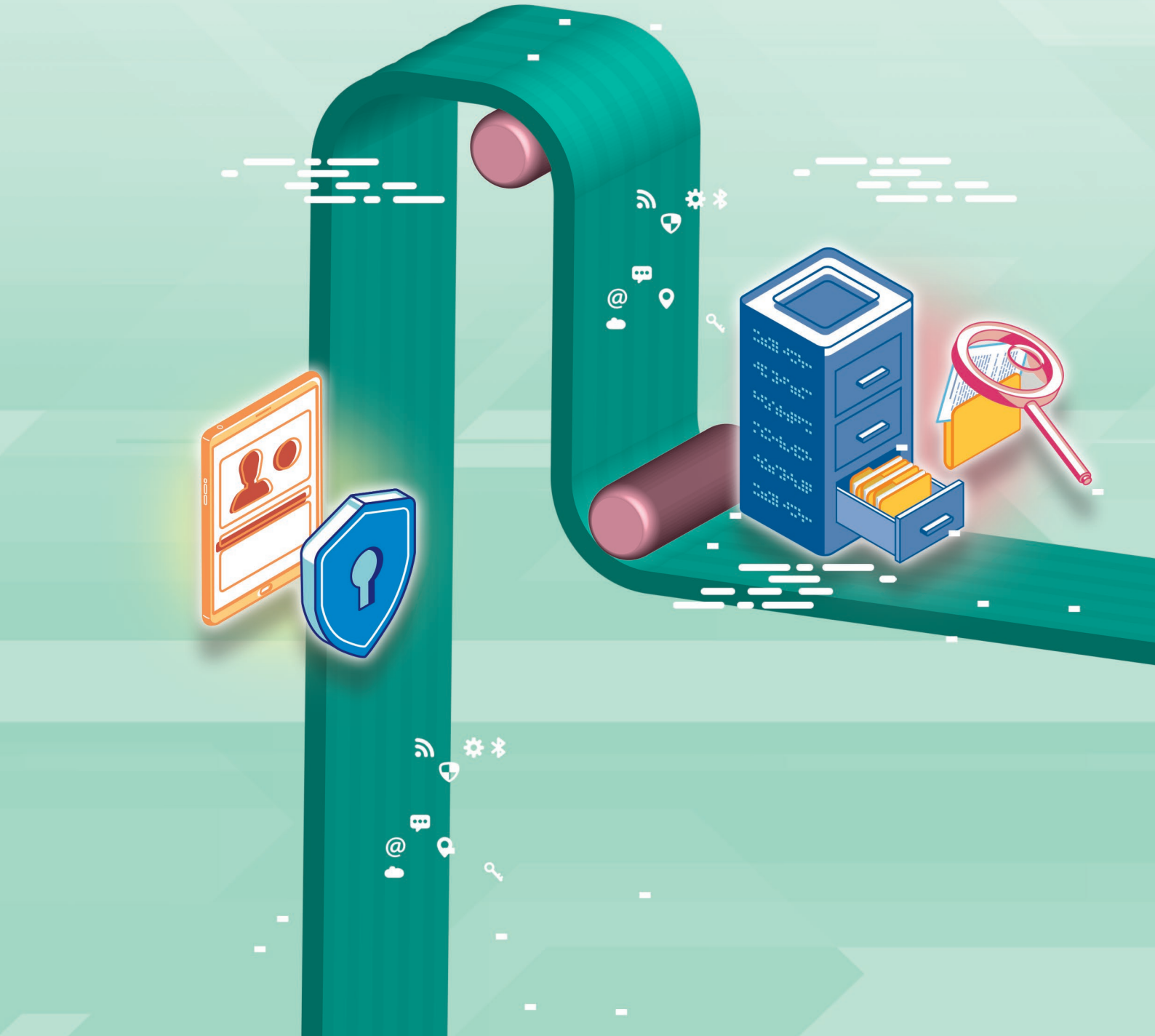
21. 批准財務報表

本財務報表已於2021年7月16日獲個人資料私隱專員授權刊發。

21. APPROVAL OF FINANCIAL STATEMENTS

These financial statements were authorised for issue by the PCPD on 16 July 2021.

附錄
Appendix



附錄 Appendix 1：
保障資料原則 Data Protection Principles

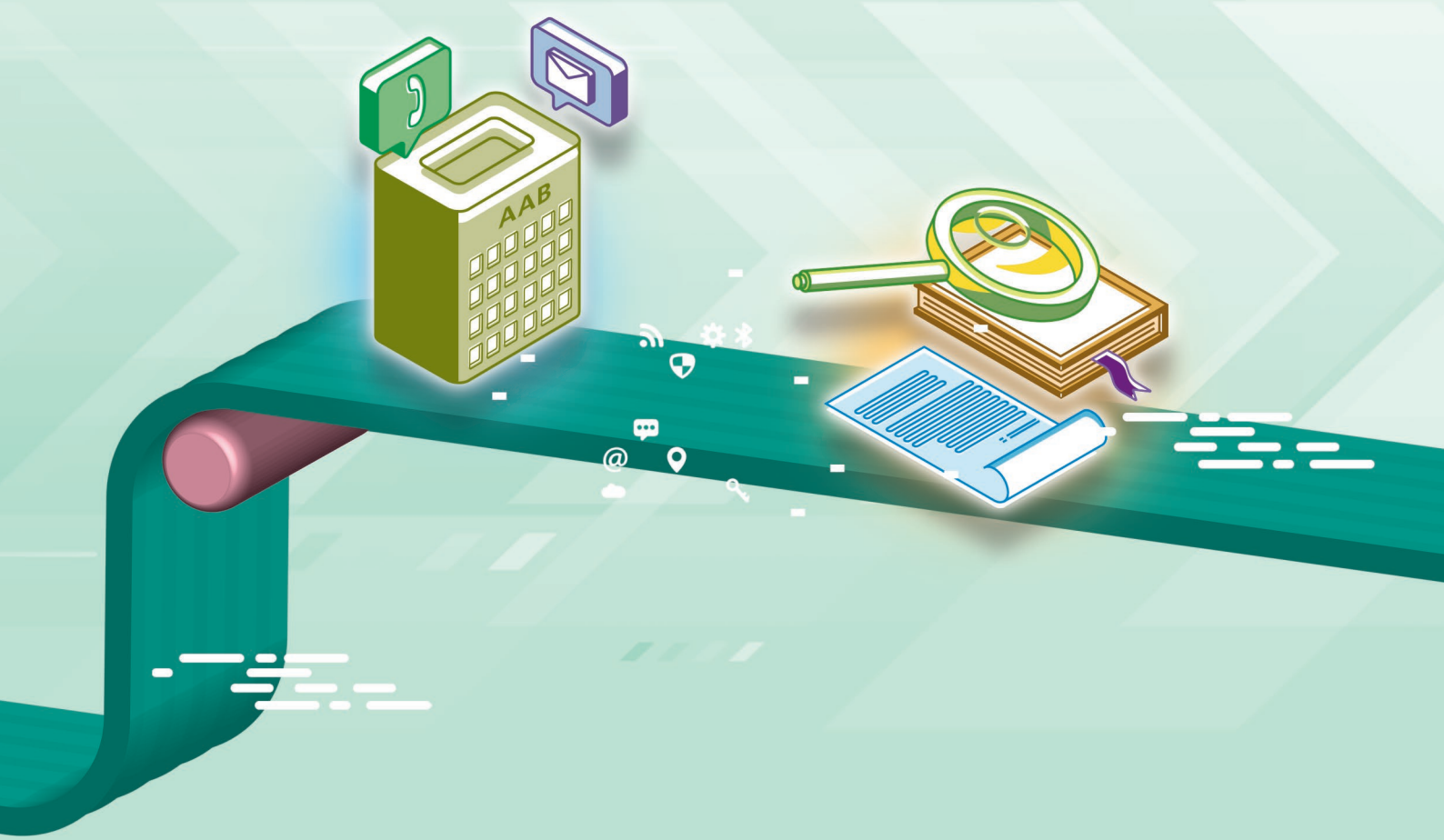
附錄 Appendix 2：
服務承諾 Performance Pledge

附錄 Appendix 3：
上訴個案簡述 Appeal Case Notes

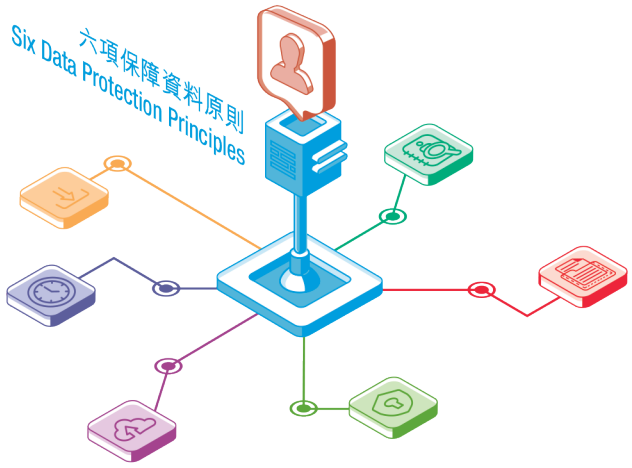
附錄 Appendix 4：
投訴個案選錄 • 以作借鑑 Summaries of Selected Complaint Cases – Lesson Learnt

附錄 Appendix 5：
檢控個案選錄 Summaries of Selected Conviction Cases

附錄 Appendix 6：
循規行動個案選錄 • 以作借鑑 Summaries of Selected Compliance Cases – Lesson Learnt



附錄一
Appendix 1



保障資料原則

《私隱條例》旨在保障個人（資料當事人）在個人資料方面的私隱權。所有使用個人資料的人士（資料使用者）須依從《私隱條例》核心的六項保障資料原則。該六項原則涵蓋了個人資料由收集、保存、使用以至銷毀的整個生命周期。

DATA PROTECTION PRINCIPLES

The objective of the PDPO is to protect the privacy rights of a person (Data Subject) in relation to his personal data. A person who collects, holds, processes or uses the data (Data User) has to follow the six Data Protection Principles (DPPs). The DPPs represent the normative core of the PDPO and cover the entire life cycle of the handling of personal data.

第 1 原則 — 收集資料原則

- 資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。
- 須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。
- 收集的資料是有實際需要的，而不超乎適度。

DPP 1 - DATA COLLECTION PRINCIPLE

- Personal data must be collected in a lawful and fair way, and for a lawful purpose directly related to a function or activity of the data user.
- All practicable steps must be taken to notify the data subjects of the purpose for which the data is to be used, and the classes of persons to whom the data may be transferred.
- Personal data collected should be necessary, and adequate but not excessive.

第 2 原則 — 資料準確、儲存及保留原則

- 資料使用者須採取所有切實可行的步驟以確保持有的個人資料準確無誤，而資料的保留時間不應超過達致原來目的的實際所需。

DPP 2 - ACCURACY & RETENTION PRINCIPLE

- A data user must take all practical steps to ensure that personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

第 3 原則 — 使用資料原則

- 個人資料只限用於收集時述明的目的或直接相關的目的；除非得到資料當事人自願和明確的同意。

DPP 3 - DATA USE PRINCIPLE

- Personal data is used only for the purpose for which the data is collected or for a directly related purpose; voluntary and explicit consent must be obtained from the data subject if the data is to be used for a new purpose.

個人資料

指符合以下說明的任何資料：(1)直接或間接與一名在世的個人有關的；(2)從該資料直接或間接地確定有關的個人的身分是切實可行的；及(3)該資料的存在形式令予以查閱及處理均是切實可行的。

PERSONAL DATA

means any data (1) relating directly or indirectly to a living individual; (2) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and (3) in a form in which access to or processing of the data is practicable.

資料使用者

指獨自或聯同其他人或與其他人共同操控個人資料的收集、持有、處理或使用的人士。資料使用者作為主事人，亦須為其聘用的資料處理者的錯失負上法律責任。

DATA USER

means a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The data user is liable as the principal for the wrongful act of any data processor engaged by it.

第4原則 — 資料保安原則

- 資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。

DPP 4 - DATA SECURITY PRINCIPLE

- A data user must take all practical steps to protect personal data from unauthorised or accidental access, processing, erasure, loss or use.

第5原則 — 透明度原則

- 資料使用者須採取切實可行的步驟來公開其處理個人資料的政策和行事方式，並交代其持有的個人資料類別和用途。

DPP 5 - OPENNESS PRINCIPLE

- A data user must make generally available its personal data policies and practices, types of personal data it holds and how the data is used.

第6原則 — 查閱及改正原則

- 資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。

DPP 6 - DATA ACCESS & CORRECTION PRINCIPLE

- A data subject is entitled to have access to his personal data and to make corrections where the data is inaccurate.

附錄二
Appendix 2

服務承諾

在報告年度內，私隱公署在處理公眾查詢、投訴及法律協助計劃申請，均達致服務承諾的目標。在回覆電話查詢及確認收到書面查詢方面，所有個案均在兩個工作日內完成；在詳細回覆書面查詢方面，所有個案均在28個工作日內完成。

至於公眾投訴個案，在收到投訴後兩個工作日內發出認收通知的比率為99%，高於服務承諾目標不少於98%。此外，私隱公署決定結束投訴個案當中，99%的個案都能夠在180日內結案，亦高於服務承諾目標不少於95%。

至於法律協助計劃申請，私隱公署於2020年沒有收到任何申請。有關通知申請人申請結果，承接2019年遞交的申請個案均在申請人遞交所有相關資料後三個月內完成通知。

Performance Pledge

In the reporting year, the PCPD met its performance target in the handling of public enquiries, complaints and applications for legal assistance. Replies to telephone enquiries and acknowledgements of written enquiries were all completed within two working days of receipt. All written enquiries that needed substantive replies were also responded to within 28 working days of receipt.

On public complaints, acknowledgement receipts were issued within two working days of receipt in 99% of the cases. In situations where the PCPD decided to close a complaint case, 99% were closed within 180 days of receipt. The performance in both categories exceeded the target performance of 98% and 95% respectively.

As regards applications for legal assistance, none was received in 2020. For applications submitted in 2019 and processed in 2020, all applicants were informed of the outcome of applications for legal assistance within three months of submission of all relevant information.

服務標準 Service Standard		服務標準（個案達到服務標準的百分比）Target Performance (% of cases meeting standard)	服務表現 Actual Performance				
			2016-17	2017-18	2018-19	2019-20	2020-21
處理公眾查詢 Handling public enquiries							
回覆電話查詢 Return a telephone enquiry	接獲查詢後兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%	100%
確認收到書面查詢 Acknowledge receipt of a written enquiry	接獲查詢後兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%	100%
詳細回覆書面查詢 Substantive reply to a written enquiry	接獲查詢後28個工作日內 Within 28 working days of receipt	95%	100%	100%	100%	100%	100%
處理公眾投訴 Handling public complaints							
確認收到投訴 Acknowledge receipt of a complaint	接獲投訴後兩個工作日內 Within two working days of receipt	98%	99%	100%	100%	99%	99%
結束投訴個案 Close a complaint	接獲投訴後180日內 Within 180 days of receipt[1]	95%	96%	99%	96%	99%	99%
處理法律協助計劃申請 Handling applications for legal assistance							
確認收到申請 Acknowledge receipt of an application	接獲申請後兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	100%	不適用 N/A[2]
通知申請人申請結果 Inform the applicant of the outcome	接獲所有相關資料後三個月內 Within three months after the applicant has submitted all relevant information for the application	90%	100%	100%	83%	100%	100%

1. 私隱公署按《私隱條例》第 37 條準則接納投訴後開始計算。
2. 於 2020 年沒有收到申請。

1. The counting starts on the date on which a complaint is formally accepted as a complaint under section 37 of the PDPO.
2. No application was received in 2020.

附錄三
Appendix 3

上訴個案簡述一

（行政上訴委員會上訴案件 第2/2017 號）

改正資料要求 — 個人信貸資料 —《私隱條例》第39(2)(d)條 — 採取糾正措施 — 進一步調查不能合理地預計可帶來更滿意的結果 — 並非保存於上訴人檔案內的個人資料並不構成上訴人的個人資料 — 保障資料第2原則：個人資料的準確性及保留期間

聆訊委員會成員：許偉強資深大律師（主席）
劉貴顯先生（委員）
唐彩珍女士（委員）
裁決理由書日期：2020年4月28日

投訴內容

上訴人接連收到由一所銀行（下稱「甲銀行」）及一間追收欠賬公司郵寄至其住址（下稱「該住址」）的信件，內容均是向他追收欠賬。上訴人稱該等信件與另一名人士（下稱「戊女士」）的賬戶有關，跟他本人沒有任何關係。上訴人其後得知該住址是由一信貸資料機構（下稱「該信貸資料機構」）提供予甲銀行。

上訴人首先向甲銀行及追收欠賬公司作出投訴，但被要求直接聯絡該信貸資料機構以更正相關資料。上訴人隨後向該信貸資料機構提出改正資料要求，要求它把該住址從戊女士的紀錄中移除（下稱「相關住址紀錄」）。不過，該信貸資料機構表示，相關資料是由另一銀行（下稱「乙銀行」）提供，並在當時已獲確認相關住址紀錄屬戊女士的「正確地址」，因此拒絕依從上訴人的改正資料要求。

上訴人亦認為該信貸資料機構未有採取所有切實可行的步驟以確保個人資料的準確性，違反保障資料第2原則的規定。

私隱專員的決定

私隱專員調查後決定行使《私隱條例》第39(2)(d)條的酌情權，不對上訴人的投訴作進一步調查，其理由如下：

Appeal Case Note (1)

(AAB Appeal No. 2 of 2017)

Data correction request – consumer credit data – section 39(2)(d) of the PDPO – remedial measures taken – further investigation cannot reasonably be expected to bring about a more satisfactory result – the personal data not maintained in the Appellant's profile did not constitute his personal data – DPP 2: accuracy and duration of retention of personal data

Coram: Mr Richard KHAW Wei-kiang, S.C. (Chairman)
Mr Kenneth LAU Kwai-hin (Member)
Ms TONG Choi-cheng (Member)
Date of Decision: 28 April 2020

The Complaint

The Appellant received various letters from a bank (Bank A) and a debt collection company posted to his residential address (the Address), and the contents of which were related to collection of debts from him. The Appellant claimed that such letters were related to the bank account of another individual (Ms E) and were in no way associated with him. The Appellant subsequently noted that the Address was provided to Bank A by a credit reference agency (the Credit Reference Agency).

The Appellant first complained to Bank A and the debt collection company but was asked to contact the Credit Reference Agency directly to rectify the relevant information. The Appellant subsequently made a data correction request to the Credit Reference Agency and requested to have the Address removed from Ms E's record (the Relevant Address Record). Nonetheless, the Credit Reference Agency stated that the relevant information was previously provided by another bank (Bank B) whereby the Relevant Address Record was confirmed to be Ms E's "correct address" at the material time. The Credit Reference Agency thus refused to comply with the Appellant's data correction request.

The Appellant also considered that the Credit Reference Agency failed to take all practicable steps in ensuring the accuracy of the personal data, thereby contravening the requirements of DPP 2.

The Privacy Commissioner's Decision

Upon investigation, the Privacy Commissioner decided to exercise discretion not to further investigate into the Appellant's complaint under section 39(2)(d) of the PDPO for the following reasons:

上訴個案簡述 Appeal Case Note 1

1）該信貸資料機構在收集相關住址紀錄時並非在彙編有關上訴人的資料；及

2）相關住址紀錄經已從該信貸資料機構及乙銀行的資料庫中移除。換言之，有關資料準確性的爭議已獲解決。

上訴人不滿私隱專員的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員以《私隱條例》第39(2)(d)條作為不進一步處理投訴的理據，原因是該信貸資料機構及乙銀行已採取糾正措施，把相關住址紀錄從它們的資料庫中移除。此外，委員會亦認同私隱專員所指由於上訴人最初作出投訴的主要事項，即該信貸資料機構保存不準確的資料已獲處理，故任何進一步的調查亦不會帶來更滿意的結果。

即使上述觀點已足以駁回上訴人提出的論據，但為完整起見，委員會進一步考慮上訴人的上訴理由，而該等理據均被駁回如下：

1）甲銀行及乙銀行最初都是以資料使用者的身份收集相關住址記錄，不論是由戊女士或該信貸資料機構所收集。因此，戊女士才是資料當事人，而相關住址記錄並不構成上訴人的個人資料。

2）由於相關住址記錄並不構成上訴人的個人資料，上訴人向該信貸資料機構作出的投訴並不能成立。

行政上訴委員會的決定

上訴被駁回。

上訴人親身應訊
吳鎧楓高級律師（署理）代表私隱專員

環聯資訊有限公司法律及合規部高級顧問Craig Choy律師代表環聯資訊有限公司（受約束人）

1) The Credit Reference Agency was not compiling information about the Appellant when it collected the Relevant Address Record; and

2) The Relevant Address Record had been removed from the databases of the Credit Reference Agency and Bank B. In other words, the issues relating to the accuracy of personal data had been resolved.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB affirmed the Privacy Commissioner's decision not to pursue the complaint any further under section 39(2)(d) of the PDPO as remedial measures had already been taken by the Credit Reference Agency and Bank B in removing the Relevant Address Record from their databases. Further, the AAB agreed with the Privacy Commissioner that the subject matter of the Appellant's complaint, i.e., the maintaining of inaccurate personal data by the Credit Reference Agency had already been dealt with, and hence any further investigation would not bring about a more satisfactory result.

Although the above views were sufficient to refute the arguments advanced by the Appellant, for the sake of completeness, the AAB further considered the Appellant's grounds of appeal, which were all rejected by the AAB as follows:

1) Bank A and Bank B obtained the Relevant Address Record as data users in the first place, whether it was collected directly from Ms E or the Credit Reference Agency. Hence, Ms E was the data subject and the Relevant Address Record did not constitute the Appellant's personal data.

2) Given that the Relevant Address Record did not constitute the Appellant's personal data, his complaint against the Credit Reference Agency could not be substantiated.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Mr Dennis NG, Senior Legal Counsel (Acting) representing the Privacy Commissioner
Mr Craig Choy, Senior Consultant of Legal & Compliance Department for TransUnion Limited (the Person bound by the decision)

附錄三
Appendix 3

上訴個案簡述二

（行政上訴委員會上訴案件 第18/2020號）

投訴涉及個人的聲譽及身分於信函內被錯誤描述 — 主要標的事宜不關乎保障個人資料私隱 — 採取糾正措施 — 正確行使酌情權拒絕對投訴進行調查 — 進一步調查不能合理地預計可帶來更滿意的結果 — 保障資料第3原則：個人資料的使用

聆訊委員會成員：沈士文先生（主席）
何思鏞女士（委員）
劉佩芝女士（委員）
裁決理由書日期：2021年2月4日

投訴內容

上訴人曾受僱於某機構（下稱「該機構」），並擔任該機構的工會（下稱「該工會」）主席。該工會接獲一封匿名信，內附數頁屬於該機構一名前僱員的醫療報告（下稱「該報告」）。上訴人以該工會主席的身分與該機構會面，把該報告轉交予該機構。

該機構嘗試追查該報告外洩的源頭但不果。及後，上訴人得悉該機構曾去信另一名前僱員謝女士查詢（下稱「該信函」），而該信函提及是上訴人將該報告交予該機構。上訴人認為該信函內容作出錯誤描述，因他當時是以該工會主席身分而非個人身分收到該報告，並將該報告轉交該機構。再者，上訴人認為該信函的內容導致謝女士誤會上訴人把此事向該機構作出舉報，因而向謝女士「洩露」了他的身份及「損毀」了他的聲譽，故向私隱專員作出投訴。

私隱專員的決定

首先，私隱專員認為沒有證據可證明上訴人的個人聲譽受損，而聲譽本身並不構成《私隱條例》下定義的「個人資料」。此外，私隱專員也沒有發現任何證據指該機構是

Appeal Case Note (2)

(AAB Appeal No. 18 of 2020)

Complaint related to an individual's reputation and wrongful description of his personal capacity in a letter – primary subject matter did not relate to protection of personal data privacy – remedial measures taken – discretion not to investigate the complaint duly exercised – further investigation cannot reasonably be expected to bring about a more satisfactory result – DPP 3: use of personal data

Coram: Mr Erik Ignatius Shum Sze-man (Chairman)
Ms Mindy Ho Sze-may (Member)
Miss Julia Lau Pui-g (Member)
Date of Decision: 4 February 2021

The Complaint

The Appellant was previously employed by an organisation (the Organisation) and acted as the Chairman of a staff union of the Organisation (the Union). The Union received an anonymous letter containing copies of a few pages of the medical reports belonging to a former employee of the Organisation (the Reports). In his capacity as the Chairman of the Union, the Appellant met with the Organisation and passed the Reports to the same.

The Organisation tried to look into the source of the leakage of the Reports but to no avail. The Appellant subsequently noticed that the Organisation had sent a letter to Ms Tse, another former employee of the Organisation, for enquiry (the Letter). The Letter stated that it was the Appellant who passed the Reports to the Organisation. The Appellant contended that the Letter was factually incorrect as he had received the Reports and had given them to the Organisation in his capacity as the Chairman of the Union and not in his personal capacity. Further, the Appellant considered that the content of the Letter caused Ms Tse to misunderstand that he reported the matter to the Organisation, which "leaked" his identity to Ms Tse and "degraded" his reputation. The Appellant therefore lodged a complaint to the Privacy Commissioner.

The Privacy Commissioner's Decision

First, the Privacy Commissioner could not find any evidence indicating that there was any damage caused to the Appellant's reputation, and reputation itself did not constitute "personal data" as defined under the PDPO. Further, given that there was no

上訴個案簡述 Appeal Case Note 2

外洩該報告的源頭，故私隱專員行使《私隱條例》第 39(2)(ca) 及 39(2)(d) 條賦予的酌情權，拒絕對上訴人的投訴進行調查。

上訴人不滿私隱專員的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定，並認同：

1）從沒有任何證據指出該報告外洩是由該機構的不當做法引致。無論如何，該機構已採取一系列糾正措施，包括委聘獨立顧問檢討及加強訊息管理系統、按建議採取措施加強資料保安，並向僱員提供培訓，以提升他們對個人資料私隱的意識。該機構亦確認日後如有類似情況，在引述資料來源時，只會透露消息人士的職務身分，而不會指名道姓。

2）此外，即使假設私隱專員繼續調查投訴並證實上訴人的指控成立，有鑑於該機構已作出上述的糾正措施，私隱專員的調查亦不能帶來任何其他實質的結果。在這個情況下，私隱專員無須按照上訴人的要求發出執行通知。

3）上訴人的投訴主要涉及其聲譽和身分被錯誤描述，而不是投訴其姓名或其他個人資料於該信函中（又或於其他情況下）被披露。上訴人的投訴標的與保障其個人資料私隱無關。

行政上訴委員會的決定

上訴被駁回。

上訴人親身應訊
吳鎧楓高級律師（署理）代表私隱專員

陳樂信資深大律師代表中華電力有限公司（受約束人）

evidence indicating that the said leakage was caused by the Organisation, the Privacy Commissioner exercised the discretion under sections 39(2)(ca) and 39(2)(d) of the PDPO not to carry out an investigation into the Appellant's complaint.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB confirmed the Privacy Commissioner's decision and agreed that:

1) There was no evidence indicating that the leakage of the Reports was caused by any malpractice on the part of the Organisation. In any event, the Organisation had taken a series of remedial measures, including engaging an independent consultant to review and strengthen its data management system, implementing measures as recommended to enhance data security, and providing training to its employees to enhance their awareness of personal data privacy. The Organisation also confirmed that if a similar situation arose in future, it would only disclose the source of the information with reference to the informant's capacity instead of identifying the informant by name.

2) Further, even assuming that the Privacy Commissioner continued to investigate into the complaint and found the Appellant's complaint substantiated, in view of the aforesaid remedial measures taken by the Organisation, the Privacy Commissioner's investigation could not bring about any other concrete results. In this context, there was no need for the Privacy Commissioner to issue an Enforcement Notice as requested by the Appellant.

3) The Appellant's complaint was primarily related to his reputation and the wrongful description of his capacity, as opposed to divulging of his name or any other personal data in the Letter (or under any other circumstances). The subject of the Appellant's complaint was not related to protection of his personal data privacy.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Mr Dennis NG, Senior Legal Counsel (Acting) representing the Privacy Commissioner
Mr Abraham Chan, S.C. representing CLP Power Hong Kong Limited (the Person bound by the decision)

附錄三
Appendix 3

上訴個案簡述三

（行政上訴委員會上訴案件 第 23/2020 號）

未經上訴人同意使用電子健康紀錄於其他目的 — 採取糾正措施 — 正確行使酌情權拒絕對投訴進行調查 — 進一步調查不能合理地預計可帶來更滿意的結果 — 要求的濟助超出《私隱條例》涵蓋的範圍 — 保障資料第3原則：個人資料的使用

聆訊委員會成員：沈士文先生（主席）
郭岳忠先生（委員）
陳溢謙先生（委員）
裁決理由書日期：2021年3月16日

投訴內容

上訴人到醫療中心向一名醫生（下稱「甲先生」）求診。上訴人因不滿甲先生處方的藥物，遂向醫務委員會（下稱「醫委會」）作出投訴。醫委會認為沒有足夠證據顯示事件有任何失當行為，故駁回該投訴。

上訴人其後收到短訊通知，知悉甲先生曾查閱上訴人在電子健康紀錄互通系統（下稱「醫健通」）內的電子健康紀錄。因此，上訴人聲稱甲先生侵犯其私隱，向醫委會作出第二項投訴，而案件經上訴人同意後轉介至私隱專員作跟進。上訴人要求甲先生向他作出賠償及公開道歉。

私隱專員的決定

私隱專員經初步查詢後發現，甲先生查閱上訴人的電子健康紀錄，並非正在為上訴人作出治療，而是為了回顧病歷以回應醫委會的查詢，故甲先生查閱及使用上訴人的健康紀錄的目的與當初收集目的並不一致，違反保障資料第3原則。

私隱專員因此向甲先生發出書面警告，而甲先生承諾以後當查閱病人的醫健通電子健康紀錄時，務必嚴守「有需要知道」的原

Appeal Case Note (3)

(AAB Appeal No. 23 of 2020)

Use of electronic health record for other purpose without the Appellant's consent – remedial measures taken – discretion not to investigate the complaint duly exercised – further investigation cannot reasonably be expected to bring about a more satisfactory result – relief sought beyond the purview under the PDPO – DPP 3: use of personal data

Coram: Mr Erik Ignatius Shum Sze-man (Chairman)
Mr Dick Kwok Ngok-chung (Member)
Mr Eugene Chan Yat-him (Member)
Date of Decision: 16 March 2021

The Complaint

The Appellant consulted a doctor (Mr A) of a medical centre. The Appellant was dissatisfied with the medicine prescribed to him by Mr A and hence lodged a complaint to the Medical Council of Hong Kong (the Medical Council). The complaint was dismissed by the Medical Council on the ground that there was insufficient evidence as proof of any misconduct.

The Appellant subsequently received an SMS which stated that Mr A had accessed his electronic health record in the Electronic Health Record Sharing System (eHRSS). As a result, the Appellant lodged a second complaint to the Medical Council for an alleged violation of his privacy by Mr A. The case was referred to the Privacy Commissioner for follow-up upon the Appellant's consent. The Appellant demanded Mr A for compensation and an open apology.

The Privacy Commissioner's Decision

Upon preliminary enquiry, the Privacy Commissioner found that when Mr A accessed the Appellant's electronic health record, he was not providing medical treatment to the Appellant but to refresh his memory to handle the enquiry from the Medical Council. In this connection, the purpose of Mr A's access and use of the Appellant's health records at the material time was inconsistent with the original purpose for which the data was collected, thereby contravening DPP3.

Hence, the Privacy Commissioner issued a written warning to Mr A. In response, Mr A undertook that he would abide by the principle of "need-to-know" when he accessed any patient's electronic health

上訴個案簡述 Appeal Case Note 3

則(下稱「該承諾」),並確認自事件發生後不曾查閱上訴人的醫健通電子健康紀錄。

鑑於甲先生已就書面警告採取糾正措施,私隱專員認為並無必要就個案進行調查,故把個案轉介予電子健康紀錄統籌處(下稱「醫健通統籌處」),並行使《私隱條例》第39(2)(d)條的酌情權,決定不對上訴人的投訴進行調查。

上訴人不滿私隱專員的決定,遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定,並基於下述理由駁回上訴人的上訴:

1) 是次事件是單一事件,沒有證據顯示甲先生進一步違反該承諾。鑑於私隱專員已向甲先生發出書面警告及將個案轉介予醫健通統籌處,加上甲先生已採取糾正措施,委員會認同私隱專員不作進一步調查的決定。

2) 證據顯示上訴人的主要投訴是針對甲先生對待上訴人的方式及處方的藥物,卻沒有令上訴人蒙受實質或重大損害。倘上訴人欲要求甲先生作出賠償,他可根據《私隱條例》第66條提出相關的法律程序,但他沒有這樣做。上訴人希望藉向私隱專員作出投訴以獲得濟助,即要求甲先生作出賠償及公開道歉,其要求明顯已超出《私隱條例》涵蓋的範圍。

行政上訴委員會的決定

上訴被駁回。

上訴人親身應訊
吳凱欣助理律師代表私隱專員

吳漢輝大律師受肯尼狄律師行延聘代表甲先生(受約束人)

record in eHRSS in future (the Undertaking), and confirmed that he had not accessed the Appellant's electronic health record in eHRSS since then.

Given that Mr A had taken remedial measures in response to the written warning, the Privacy Commissioner considered that any investigation into the case was unnecessary and referred the case to the Electronic Health Record Office (eHR Office). The Privacy Commissioner also exercised the discretion under section 39(2)(d) of the PDPO not to carry out an investigation into the Appellant's complaint.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB confirmed the Privacy Commissioner's decision and dismissed the appeal on the following grounds:

1) It was a one-off incident and there was no evidence suggesting that Mr A had further breached the Undertaking. Given that the Privacy Commissioner had already issued a written warning to Mr A and referred the case to the eHR Office, coupled with the remedial measures taken, the AAB affirmed the Privacy Commissioner's decision not to conduct further investigation.

2) There was evidence indicating that the Appellant's major complaint was about the manner in which he was treated by Mr A and the medicines so prescribed; there was however no actual or substantial damage caused upon the Appellant. If the Appellant wished to seek compensation from Mr A, he could commence legal proceedings under section 66 of the PDPO. However, he did not decide to do so. The intended relief sought by the Appellant in lodging a complaint to the Privacy Commissioner, i.e., compensation and an open apology from Mr A, was clearly outside the purview of the PDPO.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Ms Annabel Ng, Assistant Legal Counsel representing the Privacy Commissioner
Mr Eddie Ng, Barrister instructed by Messrs Kennedys for Mr A (the Person bound by the decision)

附錄三
Appendix 3

上訴個案簡述四

（行政上訴委員會上訴案件 第 28/2020 號）

查閱資料要求 — 未能闡明所要求的個人資料 — 要求文件以作上訴人的紀律聆訊用途 — 正確行使酌情權拒絕對投訴作進一步調查 — 保障資料第6原則：查閱個人資料

聆訊委員會成員：沈士文先生（主席）
陳溢謙先生（委員）
劉詠蔪工程師（委員）
裁決理由書日期：2021年2月19日

投訴內容

上訴人曾向其僱主（下稱「該僱主」）提交查閱資料要求，以索取該僱主對他作出紀律聆訊的所有相關調查報告、文件及信函（下稱「第一項查閱要求」）。該僱主就上訴人的第一項查閱要求已向其提供所要求的文件。

上訴人其後向該僱主提出另一項查閱要求，索取與上述紀律聆訊程序指引中五個不同段落相關的文件、紀錄或材料（下稱「第二項查閱要求」）。該僱主及後要求上訴人闡明於第二項查閱要求中所指的個人資料，惟上訴人逐字重覆第二項查閱要求的內容，未有進一步闡明確實所需查閱的個人資料。

由於該僱主沒有遵從上訴人提出的第二項查閱要求，故上訴人向私隱專員作出投訴。

私隱專員的決定

第一項查閱要求沒有任何爭議。關於第二項查閱要求，私隱專員認同當中所要求的文件之描述並不清晰。由於上訴人沒有回覆該僱主合理地提出的澄清要求，故應視之為從未提出有效的查閱資料要求。換言之，該僱主無需遵從上訴人所提出的第二項查閱要求。

Appeal Case Note (4)

(AAB Appeal No. 28 of 2020)

Data access request – failure to provide clarification of the personal data requested – requesting document for the purpose of the Appellant's disciplinary proceedings – discretion not to further investigate the complaint duly exercised – DPP 6: access to personal data

Coram: Mr Erik Ignatius Shum Sze-man (Chairman)
Mr Eugene Chan Yat-him (Member)
Ir Lau Wing-yan (Member)
Date of Decision: 19 February 2021

The Complaint

The Appellant previously made a data access request to his employer (the Employer) for all relevant investigation reports, documents, and correspondence associated with the disciplinary proceedings instituted by the Employer against him (1st DAR). The Employer provided the Appellant with documents in response to the 1st DAR.

The Appellant subsequently made another data access request (2nd DAR) to the Employer requesting all relevant documents, records or materials with reference made to five different paragraphs of the Employer's procedural guidelines for the aforesaid disciplinary proceedings. The Employer subsequently requested the Appellant to clarify the personal data as requested in the 2nd DAR, but the Appellant replied by making a verbatim reproduction of the 2nd DAR without providing any further clarification.

As the Employer did not comply with the 2nd DAR, the Appellant lodged a complaint to the Privacy Commissioner.

The Privacy Commissioner's Decision

There was no dispute in relation to the 1st DAR. With regard to the 2nd DAR, the Privacy Commissioner agreed that the description of the requested documents was unclear. Given that the Appellant did not respond to the Employer's reasonable request for clarification, there was no valid data access request in this instance. In other words, the Employer was not required to comply with the 2nd DAR.

上訴個案簡述 Appeal Case Note 4

另外，私隱專員有理由相信上訴人作出第二項查閱要求，似乎並非為了釐清該僱主持有其個人資料的種類，而是為了與個人資料私隱無關的其他目的。

根據*胡潔冰訴上訴委員會* [2007] 4 HKLRD 849一案中所確立的原則，查閱資料要求的目的並非用以輔助任何進行訴訟程序中文件披露的權利，或以便資料當事人尋求資料以作其他用途。私隱專員認為有關原則同樣適用於上訴人正面臨的紀律聆訊當中。就此，私隱專員引用《私隱條例》第39(2)(ca)及39(2)(d)條賦予的酌情權，拒絕對上訴人的投訴作進一步調查。

上訴人不滿私隱專員的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定，並基於下述理由駁回上訴人的上訴：

1）第二項查閱要求過於含糊及籠統，因而並非有效的查閱資料要求，該僱主無需遵從上訴人的要求。在上述要求的敘述中，上訴人只引述該僱主的紀律聆訊程序指引當中的某些段落，但上訴人未有指明所需文件的性質及種類，藉此讓該僱主可遵從有關查閱要求。

2）《私隱條例》的目的並非讓資料當事人以此作為查閱文件或資料以作其他用途的途徑，尤其是當訴訟及紀律聆訊的文件披露是由其他法律原則及程序所規管。儘管本案件涉及紀律聆訊而非訴訟程序，私隱專員已正確地把*胡潔冰*一案中的原則應用於相關紀律聆訊。

行政上訴委員會的決定

上訴被駁回。

上訴人親身應訊
黃寶漫助理律師代表私隱專員

政府律師方穎琪代表消防處處長（受約束人）

Besides, there were reasons for the Privacy Commissioner to believe that the 2nd DAR did not appear to be made for the purpose of ascertaining the kinds of personal data held by the Employer, but was made for other purposes irrelevant to personal data privacy.

According to the principles established in *Wu Kit Ping v Administrative Appeals Board* [2007] 4 HKLRD 849, the purpose of lodging a data access request is not to supplement rights of discovery in legal proceedings or to enable a data subject to locate information for other purposes. The Privacy Commissioner considered that such principles should equally apply to the disciplinary proceedings that the Appellant was facing. Hence, the Privacy Commissioner exercised the discretion under sections 39(2)(ca) and 39(2)(d) of the PDPO not to carry out any further investigation into the Appellant's complaint.

Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB confirmed the Privacy Commissioner's decision and dismissed the appeal on the following grounds:

1) The 2nd DAR was far too vague and general, and hence was not a valid data access request with which the Employer had to comply. The description of the said request was only related to certain references to the paragraphs in the Employer's procedural guidelines for disciplinary proceedings, but the Appellant failed to specify the nature and type of documents requested therein to enable the Employer to comply with the 2nd DAR.

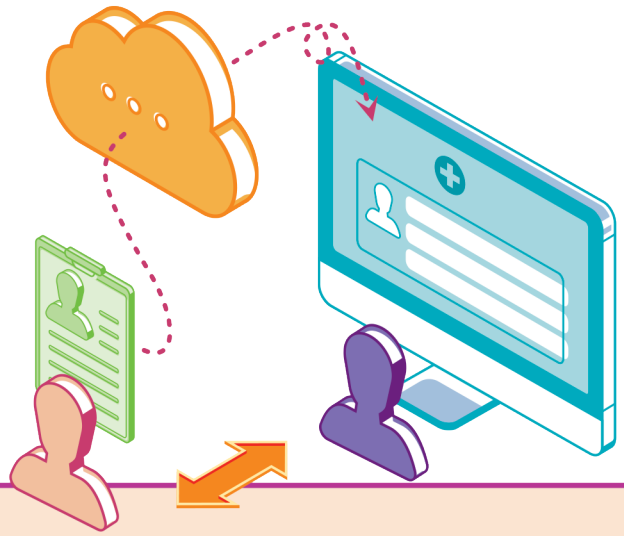
2) It is not the legislative intent of the PDPO to facilitate data subjects to gain access to documents or information for other purposes, especially when discovery of documents in litigation and disciplinary proceedings is governed by other legal principles and procedures. Though the disciplinary proceedings in the present case were not legal proceedings, the Privacy Commissioner had duly applied the same principle in the *Wu Kit Ping* case in respect of such disciplinary proceedings.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Ms Clemence Wong, Assistant Legal Counsel representing the Privacy Commissioner
Ms Agnes Fong, Government Counsel representing Director of Fire Services (the Person bound by the decision)

附錄四
Appendix 4



投訴個案選錄，以作借鑑

個案一

為非醫療目的取覽病人電子健康紀錄 — 保障資料第3原則 — 個人資料的使用

投訴內容

投訴人曾同意讓一名醫生在電子健康紀錄互通系統中上載及取覽其健康紀錄。在唯一一次求診後，投訴人向香港醫務委員會（醫委會）投訴該醫生。在醫委會處理投訴人的個案期間，投訴人收到電子健康紀錄統籌處的短訊，得知該醫生在互通系統中查閱投訴人的電子健康紀錄。投訴人不滿該醫生並非為治療的目的查閱其健康紀錄，遂向私隱公署投訴該醫生。

結果

《私隱條例》的保障資料第3原則訂明，資料使用者如未得資料當事人的訂明同意，他的個人資料只可使用（包括披露或轉移）於當初收集資料時擬使用的目的或與此目的直接有關的目的上。私隱公署認為，該醫生在未有另行取得投訴人同意下，在互通系統中取覽投訴人的電子健康紀錄作治療以外的目的，違反了保障資料第3原則的規定。

Summaries of Selected Complaint Cases – Lesson Learnt

Case 1

Accessing a patient's electronic health record for non-medical purposes – DPP 3 – use of personal data

The Complaint

The Complainant gave consent to a doctor (Doctor) to upload his health record to the Electronic Health Record Sharing System (Sharing System) and access the said data. After the first and only visit, the Complainant made a complaint against the Doctor to the Medical Council of Hong Kong (Medical Council). While the Medical Council was handling the Complainant's case, the Complainant received a text message from the Electronic Health Record Office, informing him that the Doctor had accessed his electronic health record in the Sharing System. The Complainant was dissatisfied that the Doctor had accessed his health record for purposes not related to treatment and thus lodged a complaint against the Doctor with the PCPD.

Outcome

DPP 3 of the PDPO provides that without the prescribed consent of the data subject, his personal data may only be used (including disclosure or transfer) for the purpose for which the data was originally collected or for purposes directly related to that purpose. The PCPD was of the view that the Doctor was in contravention of DPP 3 by accessing the Complainant's electronic health record in the Sharing System for a purpose other than providing treatment to the Complainant and without obtaining separate consent from the Complainant.

投訴個案選錄 • 以作借鑑
Summaries of Selected Complaint Cases – Lesson Learnt

1

私隱公署介入後，該醫生承諾日後只會在向病人提供治療時，按「有需要知道」原則取覽互通系統中的健康紀錄。

其後私隱公署亦向該醫生發出警告，要求他確保本案的違規事件不會重演。此外，私隱公署亦將個案轉介予管理互通系統的電子健康紀錄統籌處作跟進。

借鑑

醫護人員應以此案為鑑，務必以審慎態度配合專業判斷，評估取覽病人電子健康紀錄的需要。不當使用互通系統內的病人資料不但會違反《私隱條例》保障資料第3原則的規定，亦可能不符合電子健康紀錄統籌處就使用互通系統所訂立的實務守則。

Upon the PCPD's intervention, the Doctor undertook to access electronic health records in the Sharing System only for the purpose of providing treatment to patients and on a "need-to-know" basis.

Regarding the incident, the PCPD issued a warning to the Doctor, requesting him to ensure that the non-compliance in this case would not be repeated. In addition, the PCPD referred the case to the Electronic Health Record Office, which manages the Sharing System, for follow-up actions.

Lesson Learnt

Healthcare providers should exercise prudence and professional judgment before assessing patients' data in the Sharing System. Inappropriate use of the patients' data in the Sharing System not only contravenes DPP 3 of the PDPO, but may also violate the Code of Practice for using the Sharing System .

附錄四
Appendix 4



個案二

旅行社向第三者披露客戶的付款資料 — 保障資料第3原則 — 個人資料的使用

投訴內容

一間旅行社的常客A小姐介紹投訴人在該旅行社購買機票。投訴人其後未有支付餘款，而該旅行社亦無法與投訴人取得聯繫。就此，該旅行社向A小姐發電郵詢問投訴人的地址，並向A小姐披露了投訴人逾期付款的詳情。投訴人認為該旅行社不應向A小姐披露其付款資料，目的為向他施加壓力以追收欠款。就此，投訴人向私隱公署作出投訴。

結果

私隱公署認為，縱使該旅行社因無法聯絡投訴人而向介紹人詢問投訴人的聯絡地址，該旅行社亦無必要向介紹人透露投訴人逾期付款的詳情。

私隱公署介入後，該旅行社承諾日後在類似情況下，不會向第三者披露非必要的客戶資料。

私隱公署已向該旅行社發出警告，要求該旅行社定期提醒員工《私隱條例》的相關規定，並採取適當措施確保員工遵守。

Case 2

Disclosure of a customer's payment information to a third party by a travel agency – DPP 3 – use of personal data

The Complaint

Miss A, a regular customer of a travel agency, recommended the Complainant to purchase a flight ticket from that travel agency. The Complainant failed to pay the balance and the agency was unable to get in touch with the Complainant. The travel agency then sent an email to Miss A, asking for the address of the Complainant but the email disclosed the details of the Complainant's overdue payment. The Complainant considered that the travel agency should not have disclosed his payment information to Miss A and the purpose of such disclosure was to exert pressure on him. Hence, the Complainant made a complaint with the PCPD.

Outcome

The PCPD found that even though the travel agency was unable to reach the Complainant and had to ask his referee for his contact address, it was unnecessary for the travel agency to disclose details of the overdue payment to the referee.

After the PCPD's intervention, the travel agency undertook not to disclose unnecessary information of customers to third parties in similar circumstances.

Regarding the incident, the PCPD issued a warning to the travel agency, requesting it to regularly remind its staff members of the relevant requirements under the PDPO and implement measures to ensure compliance.

投訴個案選錄 • 以作借鑑
Summaries of Selected Complaint Case – Lesson Learnt

2

借鑑

根據保障資料第3原則，客戶的個人資料只能用於與當初收集目的相同或直接相關的目的。

客戶的財務資料（例如拖欠付款）通常被視為敏感資料，應格外小心處理。除非有實質需要，否則不應向第三者披露此等資料。如果需要接觸介紹人以尋找客戶，只應按目的而向介紹人提供恰好足夠的資訊。向介紹人披露過量的客戶個人資料（例如付款的詳細資料），便可能違反保障資料第3原則的規定。

Lesson Learnt

DPP 3 requires that personal data shall only be used for a purpose that is the same as or directly related to the original collection purpose.

The financial status of a customer, such as default in payment, is commonly considered sensitive data. Such data should be handled with extra care and only be disclosed to a third party when there is a genuine need. If a referee is contacted to locate a customer, only the minimum data for identification should be shared. Excessive disclosure of personal data (e.g. payment details) to a referee may contravene the requirements under DPP 3.

附錄四
Appendix 4



個案三

醫院沒有預先通知醫生而收集巡房時間及診治病人數目 — 保障資料第1原則 — 個人資料的收集

投訴內容

投訴人在一間公營醫院任職醫生。投訴人不滿該醫院的管理層在沒有預先通知他的情況下，收集其巡房的時間及診治病人數目等數據。

結果

該醫院的管理層解釋，因應臨床服務模式轉變，遂收集醫院內多名醫生的診症時間和診治病人數目等數據，作計算不同類別病人的服務成本之用。

在私隱公署介入後，負責監察該醫院行政工作的機構承諾修訂內部指引，確保指引涵蓋員工入職後收集個人資料的情況，並清楚說明收集個人資料的目的和用途。此外，該機構已向全體員工發出電郵，提醒員工在收集個人資料之前，必須明確地告知同事有關收集資料的目的。

私隱公署亦就事件向該機構發出警告，要求密切監察員工遵守上述內部指引。

Case 3

A hospital collected the time spent by a doctor on wards rounds and the number of patients he attended to, without prior notification – DPP 1 – collection of personal data

The Complaint

The Complainant was a doctor at a public hospital. He was dissatisfied that the hospital management collected statistical data concerning him, such as the time he spent on ward rounds and the number of patients he attended to, without any prior notification.

Outcome

The hospital management explained that, due to changes in clinical service model, it collected data including doctors' consultation time and number of patients attended to for calculating the service cost for different types of patients.

After the PCPD's intervention, the organisation managing the hospital promised to amend its internal guidelines to ensure that they covered the situations in which the employees' personal data were collected, and clearly stated the purpose and use of such collection. Moreover, the organisation sent emails to its employees, reminding them to inform colleagues of the purpose of collection before collecting the personal data from them.

Regarding the incident, the PCPD issued a warning to the organisation, requesting it to closely monitor its employees' compliance with the said guidelines.

投訴個案選錄 • 以作借鑑
Summaries of Selected Complaint Cases – Lesson Learnt

3

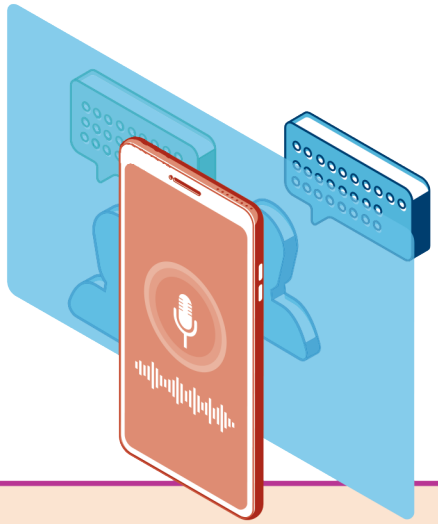
借鑑

該醫院管理層在本案中收集數據的行為出於行政及統計需要，與其管理醫院的職能直接有關。然而，管理層在收集數據前，未有告知醫生收集資料的目的等詳情。當醫生知悉在不知情下被收集數據，難免會猜測管理層的用意，或憂慮數據可能被用作工作表現評估，舉動損害了醫生對管理層的信任。私隱公署欣悉該機構迅速作出上述改善措施，提高收集個人資料安排的透明度，減少僱員的猜疑，重建互信。

Lesson Learnt

The hospital management collected data for administrative and statistical purposes, which were directly related to its function of managing the hospital. However, the management collected the data without informing the doctors of the collection purposes. Hence, when the doctors learnt that the management had collected such data without prior notification, inevitably they speculated or were worried that the data was used to evaluate their work performance. Trust was hence damaged. The PCPD was pleased that the organisation had promptly taken the above remedial actions, and improved the transparency of personal data collection to avoid suspicion and rebuild trust with its employees.

附錄四
Appendix 4



個案四

上司以不公平手法把與下屬對話的內容錄音 — 保障資料第1原則 — 個人資料的收集

投訴內容

投訴人是某公營機構的職員，其部門主管先後兩次跟投訴人討論其工作表現。其後，投訴人得知兩次會議均被錄音。投訴人不滿主管偷錄會議，遂向私隱公署作出投訴。

結果

兩次會議的討論內容均圍繞投訴人的工作表現，故會議錄音屬投訴人的個人資料，但私隱公署認為在相關會議進行錄音並非不合法。然而，主管沒有在會議前將錄音安排告知投訴人，則屬不公平收集投訴人的個人資料，違反保障資料第1(2)原則。此外，主管也沒有在會議進行錄音時或之前告知投訴人收集其個人資料的目的，亦違反了保障資料第1(3)原則。

Case 4

Unfair audio-recording of conversations with a subordinate by a supervisor – DPP 1 – collection of personal data

The Complaint

The Complainant was an employee of a public organisation. His supervisor met with him twice to discuss his work performance. After the meetings, the Complainant learned that the meetings were audio-recorded and was dissatisfied with his supervisor's covert actions. He thus lodged a complaint to the PCPD.

Outcome

The Complainant's work performance was the subject of discussion of the meetings. The audio-record of the meetings therefore constituted the Complainant's personal data. The PCPD considered that the act of audio-recording the meetings was not unlawful. However, the supervisor failed to inform the Complainant of the audio-recording arrangement prior to the meetings. This amounted to unfair collection of the Complainant's personal data and was in breach of DPP 1(2). In addition, the supervisor also failed to inform the Complainant of the purpose of collection of his personal data on or before he started to audio-record the meetings, hence violating DPP 1(3).

投訴個案選錄 • 以作借鑑
Summaries of Selected Complaint Cases – Lesson Learnt

4

因應私隱公署的意見及為防止同類事件再次發生，該機構制定了書面指引，所有人員以錄音方式收集個人資料時，在錄音進行之時須向在場人士明確說明正在錄音。該機構亦提醒該主管日後必須根據上述指引行事，並將是次事件納入員工培訓教材。

私隱公署亦就事件向該機構發出警告，要求它定時審核相關措施，並密切監察其員工有否嚴緊遵從上述指引行事。

借鑑

在資料當事人不知情下偷錄對話，可被當事人視為不受歡迎或侵擾個人資料私隱的行為。雖然《私隱條例》沒有要求資料使用者在收集個人資料前取得資料當事人的同意，但資料使用者必須以公平及合法的方法收集個人資料。為避免爭端，錄音者在進行錄音前，應告知資料當事人對話會被錄音及錄音之目的。

In response to the PCPD's advice and to prevent the recurrence of similar incidents, the organisation established written guidelines, instructing all staff collecting personal data by means of audio-recording to make it clear to those present at the time of recording that recording would be made. It also reminded the supervisor that he must follow the said guidelines in future and included this incident in its employee training materials.

Regarding the incident, the PCPD had issued a warning to the organisation, requesting it to review the relevant measures regularly and to closely monitor its employees' compliance with the said guidelines.

Lesson Learnt

Surreptitiously recording a conversation without the knowledge of the data subject may be considered by the data subject as unwelcome or even intrusive to personal data privacy. Although the PDPO does not require a data user to obtain the data subject's consent before collecting his personal data, the data user must collect personal data in a fair and lawful manner. To avoid disputes, before audio-recording, the recording party should inform the data subject that the subsequent conversation will be recorded and the purpose of the recording.

附錄五
Appendix 5



檢控個案選錄

個案 1

電訊公司被控在未獲投訴人同意下使用其個人資料作直接促銷，亦沒有依從投訴人的拒收直銷訊息要求—《私隱條例》第 35E 及 35G 條

投訴內容

投訴人於2014年9月開始使用一間電訊公司的寬頻服務，並於2016年11月向該公司提出拒收直接促銷資訊的要求。然而，投訴人卻於2018年3月及7月期間，合共收到三次該公司推廣新服務計劃的來電。

結果

該公司被控違反六項《私隱條例》的罪行，包括三項在未獲資料當事人同意下，將該名資料當事人的個人資料使用於直接促銷（違反《私隱條例》第35E(1)條），及三項沒有依從資料當事人拒收直銷訊息的要求，而繼續使用其個人資料作直接促銷（違反《私隱條例》第35G(3)條）。

該公司承認上述六項控罪，每項控罪分別被判罰款港幣2,000元，共被判罰款港幣12,000元。

Summaries of Selected Conviction Cases

Case 1

Using personal data in direct marketing without consent and failing to comply with opt-out request – sections 35E and 35G of the PDPO

The Complaint

The Complainant subscribed to a telecommunications company's broadband service in September 2014 and opted out of receiving its direct marketing messages in November 2016. However, in March and July 2018, he subsequently received a total of three direct marketing calls from the telecommunications company promoting a new service plan.

Outcome

The telecommunications company faced six charges under the PDPO, including three charges of failing to obtain the Complainant's consent for using his personal data in direct marketing (contrary to section 35E(1) of the PDPO) and three charges of failing to comply with the requirement from a data subject to cease to use his personal data in direct marketing (contrary to section 35G(3) of the PDPO).

The telecommunications company pleaded guilty to the six charges and was fined HK$12,000 in total (HK$2,000 in respect of each charge).

檢控個案選錄
Summaries of Selected Conviction Cases

1

借鑒

市民日漸提升保障個人資料私隱的意識，機構更須尊重客戶對其個人資料使用於直接促銷的意願。這有助機構建立顧客的信心及提升直銷行業的專業性和成效，對機構和消費者來說可謂雙贏。另一方面，違反《私隱條例》下有關直接促銷的規定可構成罪行，每項控罪可處最高罰款港幣50萬元及監禁3年。

Lesson Learnt

In view of the rising public awareness of the importance of protecting personal data privacy, organisations should respect their customers' preferences on the use of their personal data in direct marketing. This is conducive to building customer trust, enhancing the professionalism of the industry, and increasing the effectiveness of direct marketing, thus leading to a win-win outcome for both companies and consumers. Failure to comply with the requirements under the PDPO in relation to direct marketing is an offence, which could lead to a fine of up to HK$500,000 and imprisonment of up to 3 years.

附錄五
Appendix 5



個案 2

電訊公司職員未獲公司同意而披露由公司取得的客戶個人資料 —《私隱條例》第 64(2) 條

投訴內容

一名電訊公司的技術員，從公司電腦系統中取得一名警務人員家屬的個人資料（包括電話號碼、英文名字、中文名字及香港身份證號碼），並將有關資料提供予社交平台的「起底」群組。上述資料其後於社交平台被公開發布，導致該名警務人員及其家屬蒙受心理傷害。

結果

該技術員被裁定四項罪行罪名成立，包括三項「目的在於使其本人或他人不誠實地獲益而取用電腦」及一項「披露未經資料使用者同意而取得個人資料而導致當事人蒙受心理傷害」罪，後者屬《私隱條例》第 64(2) 條下的罪行。

就違反《私隱條例》第 64(2) 條，該技術員被判處 18 個月監禁，連同其他定罪合共監禁 24 個月。

Case 2

An employee of a telecommunications company obtained and disclosed a customer's personal data without the company's consent – section 64(2) of the PDPO

The Complaint

A technician who worked for a telecommunications company obtained the personal data (including phone number, English name, Chinese name and HKID Card number) of one family member of a police officer from the company's computer system. The technician then provided the personal data to a "doxxing channel" on a social media platform. The personal data of the family member was publicised on the platform, causing psychological harm to the police officer and his family members.

Outcome

The technician was convicted of four offences, including three counts of "access to computer with criminal or dishonest intent with a view to dishonest gain for himself or another" and one count of "causing psychological harm to a data subject by disclosing personal data obtained without the data user's consent". The latter is an offence under section 64(2) of the PDPO.

The technician was sentenced to imprisonment for 18 months for an offence under section 64(2) of the PDPO. Together with other convictions, he was sentenced to imprisonment for 24 months.

檢控個案選錄
Summaries of Selected Conviction Cases

2

借鑒

「起底」是指透過網上搜尋器、社交平台、討論區、公共登記冊、匿名報料等方式，搜集目標人士或其相關人士（如家屬、親友等）的個人資料，並發布在互聯網、社交媒體及其他公眾平台等（如公眾地方）。

「起底」對受害人影響深遠，對當事人及家屬所造成的心理傷害不容忽視。事實上，絕大部份「起底」活動的目的只為對受害人施加心理壓力。「起底」不但不道德，「起底」人士亦可能需要承受嚴重的法律後果。《私隱條例》第64(2) 條訂明，任何人披露未經資料使用者同意而取自該資料使用者的某資料當事人的個人資料，而該項披露導致該資料當事人蒙受心理傷害，即屬違法。該罪行的最高刑罰是罰款港幣100萬元及監禁5年。

Lesson Learnt

Doxxing refers to the gathering of the personal data of target person(s) or related person(s) (such as family members, relatives or friends) through online search engines, social platforms, discussion forums, public registers, anonymous reports, etc., and disclosure of the personal data on the Internet, social media and other open platforms (such as public places).

The impact of doxxing on victims is far-reaching and the psychological damage caused to the victims and their families cannot be ignored. In fact, the vast majority of doxxing acts are intended to exert psychological pressure on the victims. Doxxing is not only immoral. The doxxer may also have to bear serious legal consequences. According to section 64(2) of the PDPO, it is an offence to disclose personal data of a data subject without the data user's consent and if the disclosure causes psychological harm to the data subject. The maximum penalty of the offence is a fine of HK$1,000,000 and imprisonment for 5 years.

附錄五
Appendix 5



個案 3

護士未獲得診所同意而披露由診所取得的病人個人資料 —《私隱條例》第 64(2) 條

投訴內容

一名在診所任職的護士，將載有一名求診警員的個人資料（包括姓名、香港身份證號碼、出生日期和電話號碼）的電腦螢幕截圖，連同貶義評論，上載至社交媒體帳戶，導致該名警員蒙受心理傷害。

結果

該名護士被控兩項罪行，分別為「目的在於使其本人或他人不誠實地獲益而取用電腦」及「披露未經資料使用者同意而取得個人資料而導致當事人蒙受心理傷害」，後者屬《私隱條例》第 64(2) 條下的罪行。

該名護士承認上述兩項控罪，共被判 240 小時社會服務令。

Case 3

A nurse obtained and disclosed a patient's personal data without the clinic's consent – section 64(2) of the PDPO

The Complaint

A nurse who worked for a clinic captured a screenshot containing the personal data (including name, HKID Card number, date of birth and phone number) of a police officer from the clinic's computer system. She then uploaded the screenshot together with some derogatory comments to her social media account. The disclosure of the personal data had caused psychological harm to the police officer.

Outcome

The nurse faced two charges, including "access to computer with criminal or dishonest intent with a view to dishonest gain for himself or another" and "causing psychological harm to a data subject by disclosing personal data obtained without the data user's consent". The latter is an offence under section 64(2) of the PDPO.

The nurse pleaded guilty to the two charges above and was sentenced to a 240-hour community service order.

檢控個案選錄
Summaries of Selected Conviction Cases

3

借鑒

該名護士乘工作之便，針對受害人的職業，將他的個人資料發布到社交媒體，令受害人承受被滋擾的風險及重大心理困擾。現今社交媒體及即時通訊軟件使用廣泛，資料傳播得又快又遠，影響極大。「起底」者要承擔嚴重法律後果，網絡世界亦非法外之地，故此所有社交媒體用戶必須謹記守法。

Lesson Learnt

The nurse took advantage of her job and posted the victim's personal data on social media, targeting his occupation and exposing him to risks of harassment and significant psychological distress. Social media and instant messaging software are widely used nowadays. Once a photo is uploaded, it would not be possible to control how quickly or widely it gets spread. The impact on the victim could be extremely serious and far-reaching. Given the serious legal consequences, all social media users should bear in mind that the cyberworld is not beyond the law.

附錄六
Appendix 6



循規行動個案選錄，以作借鑑

個案 1

國際連鎖服裝公司的客戶個人資料系統遭未獲授權查閱 — 保障資料第 4 原則 — 個人資料的保安

背景

一間國際連鎖服裝公司向私隱公署通報，指其載有電子商務客戶及忠誠計劃會員的客戶個人資料系統被勒索軟件攻擊，導致資料外洩事故，涉及約 200,000 客戶紀錄，包括姓名、電話號碼、電郵地址、性別及年齡組別。

該公司聘請獨立顧問就該事故作出調查。調查結果顯示該公司未能發現一個已為人知可被攻擊的漏洞，讓攻擊者成功透過該漏洞，使用有效憑證資料登入客戶個人資料系統，於該公司的網絡安裝勒索軟件。

Summaries of Selected Compliance Cases – Lesson Learnt

Case 1

Unauthorised access to an international fashion chain's customer personal data system – DPP 4 – security of personal data

Background

An international fashion company reported to the PCPD that its customer personal data system for e-commerce customers and loyalty programme members suffered a ransomware attack. As a result, about 200,000 customer records containing names, telephone numbers, email addresses, genders and age ranges were compromised.

The company engaged an independent consultant for investigation, which revealed that the company had failed to identify a known exploitable vulnerability. The attacker successfully logged into the customer personal data system with valid credentials and installed ransomware in the company's network.

循規行動個案選錄 • 以作借鑑個案
Summaries of Selected Compliance Cases – Lesson Learnt

1

補救措施

該公司採取了下述的補救措施：

（i） 通知受該事故影響的所有客戶；
（ii）掃描系統尋找出所有已識辨的漏洞並作出修補；
（iii）加強監控系統的保安偵測及保護措施；
（iv）登入系統採用多重身份認證；及
（v）設定資料的保存期限，每年刪除過時的資料。

借鑑

資料使用者應定期檢視及監察其網絡的保安措施，並適時進行測試及安裝相關系統的保安修補。資料使用者亦應把個人資料的保存期限，設定為不長於為完成收集個人資料目的之所需時間。保存期限越短，保安風險亦會越低。

Remedial Measures

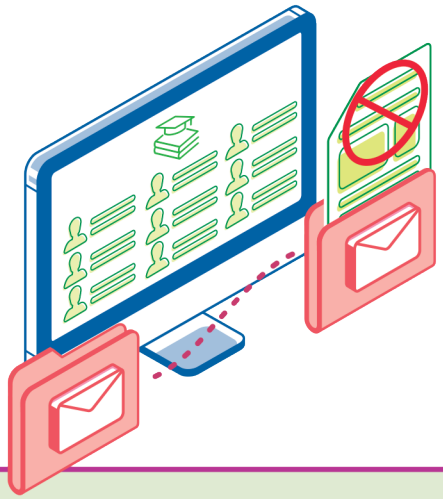
The company took the following remedial measures:

(i) Notified all affected customers;
(ii) Scanned the system for all identified vulnerabilities and applied patches;
(iii) Strengthened the detection and protection measures of its monitoring system;
(iv) Enforced multi-factor authentication at login; and
(v) Defined retention periods and erased obsolete data on an annual basis.

Lesson Learnt

Data users should regularly review and monitor security of their networks and test and apply security patches in a timely manner. Data users should also limit the retention period of personal data, which should not be longer than necessary for the fulfilment of the collection purpose. The shorter the retention period, the lower the security risks.

附錄六
Appendix 6



個案2

大學在電郵意外披露學生的個人資料 — 保障資料第4原則 — 個人資料的保安

背景

一所大學學院的員工以密件副本方式發送電郵，通知學院的部份非本地學生有關大學的隔離安排。但當該員工在一份載有所有學生的總表中選取非本地學生的電郵地址時，意外地在電郵中夾附了該總表。

該總表載有約2,500名有關學院學生的姓名、出生日期、國籍、電郵地址、通訊地址及聯絡電話號碼。因此，該些個人資料被不必要地披露予該電郵的所有收件者。涉事大學向私隱公署通報上述事故。

Case 2

Inadvertent disclosure of students' personal data via email by a university – DPP 4 – security of personal data

Background

A faculty staff member intended to email the faculty's non-local students about the university's quarantine arrangements. However, when retrieving the email addresses of the non-local students from the faculty's master list of students, the staff member mistakenly attached the master list in the email.

The master list contained names, dates of birth, nationalities, email addresses, correspondence addresses and contact numbers of about 2,500 students of the faculty. As a result, the personal data was unnecessarily disclosed to the recipients of the email concerned. The university reported the incident to the PCPD.

循規行動個案選錄 • 以作借鑑個案
Summaries of Selected Compliance Cases – Lesson Learnt

2

補救措施

該大學現要求所有寄給部門以外並載有個人資料的電郵，必須在發送前由另一位員工檢查。此外，載有學生個人資料的工作檔案（例如涉事的總表）必須加密保護。

借鑑

大學持有大量學生個人資料，因此應採取切實可行的措施，以確保負責處理學生個人資料的員工接受培訓，員工應遵從有關個人資料私隱方面的政策，並審慎實行。大學應建立相關程序，確保員工遵從這些政策。

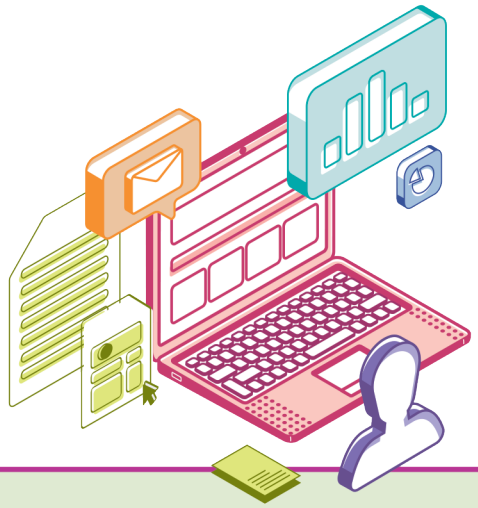
Remedial Measures

The university now requires all outbound emails containing personal data be checked by another staff member before they are sent. Besides, work files containing personal data, for example, the master list, must be encrypted.

Lesson Learnt

Universities possess a large volume of students' personal data and should therefore take reasonably practicable measures to ensure that staff handling such data are properly trained. Staff should observe relevant personal data privacy policies and exercise due diligence in applying those policies. Universities should establish procedures to ensure staff's compliance with those policies.

附錄六
Appendix 6



個案3

遺失載有工作檔案的手提電腦 — 保障資料第4原則 — 個人資料的保安

背景

一個政府部門向私隱公署通報，指一名員工在公共交通工具上，遺失了一部由該部門提供予員工在家工作的手提電腦。該手提電腦載有約400名該部門員工的個人資料，包括姓名、電郵地址、職位及員工號碼，而有關資料已被加密保護。

補救措施

由於該手提電腦內的資料已被加密保護，相關個人資料受未獲准許或意外查閱的風險較低。不過，該部門已提醒所有員工，需小心保護於該部門的便攜裝置內儲存的個人資料。

此外，該部門已要求所有員工在家工作時，應盡量透過虛擬私人網絡讀取工作檔案，以替代儲存工作檔案於手提電腦內。

Case 3

Loss of notebook computer containing work files – DPP 4 – security of personal data

Background

A government department reported to the PCPD that a staff member lost an official notebook computer on public transport. The computer, provided to the staff member for work-from-home (WFH) arrangement, contained encrypted personal data (names, email addresses, posts, and staff numbers) of about 400 staff members of the department.

Remedial Measures

While encryption lowered the risk of unauthorised access to the personal data, the department reminded staff to take extra care in handling official portable devices.

Besides, the department requested staff to access work files through VPN connection instead of storing work files locally when practicable.

循規行動個案選錄 • 以作借鑑個案
Summaries of Selected Compliance Cases – Lesson Learnt

3

借鑑

自2019冠狀病毒病出現，機構採取在家工作安排，令個人資料較以往有更大機會遭外洩。2020年11月，私隱專員就在家工作安排發出三份「在家工作安排下的個人資料保障」系列的實用指引，為機構、僱員及視像會議軟件使用者提供實務建議，以加強資料保安及個人資料保障。

機構在檢討在家工作安排的政策時，可參考上述的實用指引。一般來說，機構應當：

- 為在家工作安排下的資料處理（包括個人資料）制定清晰的政策；
- 採取所有合理切實可行的步驟確保資料安全，特別是當涉及使用資訊及通訊科技，或將資料和文件轉移予僱員在家工作；
- 為在家工作的僱員提供足夠培訓及支援；及
- 確保為僱員提供的電子裝置內的資料安全。

Lesson Learnt

The outbreak of COVID-19 compelled organisations to adopt WFH arrangement, making personal data more susceptible to breach. In November 2020, the Privacy Commissioner issued three "Protecting Personal Data under Work-from-Home Arrangements" Guidance Notes. They provided practical advice for organisations, employees and users of video conferencing software to enhance data security and personal data protection.

Organisations may make reference to these Guidance Notes when reviewing their WFH policies. Generally speaking, organisations should:

- Set out clear policies on the handling of data (including personal data) in WFH arrangements;
- Take all reasonably practicable steps to ensure the security of data, in particular when information and communication technology is adopted, or when employees possess source or copies of data and documents to work from home;
- Provide sufficient training and support to employees; and
- Ensure the security of the data stored in the electronic devices provided to employees.

附錄六
Appendix 6



個案 4

流動應用程式傳送未受加密的個人資料 — 保障資料第 4 原則 — 個人資料的保安

背景

在監察個人資料風險時，私隱公署或會檢視個別資料使用者涉及大規模收集和使用個人資料的行動。

在 2020 年下半年，私隱公署就本地研發及營運並涉及收集個人資料的流動應用程式，進行保安測試，以檢視有關公司是否符合保障資料第 4 原則的要求。

私隱公署發現 14 個流動應用程式沒有使用足夠加密以保障傳送的個人資料。攻擊者可能就此干擾數據傳送，暗中竊取資料或修改傳送路徑。

Case 4

Unencrypted personal data transmitted in mobile applications – DPP 4 – security of personal data

Background

In monitoring personal data risks, the PCPD may inspect the activities of a data user involving large-scale collection and use of personal data.

In the second half of 2020, the PCPD conducted security testing to determine whether the mobile applications (apps) developed or operated by local enterprises which involved the collection of customers' personal data complied with DPP 4.

The PCPD found that 14 apps did not use adequate encryption to securely transmit personal data. As such, attackers could secretly eavesdrop or modify the transmission data.

循規行動個案選錄 • 以作借鑑個案
Summaries of Selected Compliance Cases – Lesson Learnt

4

補救措施

所有有關機構接納私隱公署的建議更新相關應用程式，採用加密工具保障所傳送的個人資料。

借鑑

網上活動和交易方便了我們的生活，但同時亦為個人資料私隱帶來不能忽視的風險。假如流動應用程式未有採用嚴謹保安措施，保護所收集的個人資料，有關資料可能會落入黑客手中。

機構必定要保護及尊重客戶的個人資料，才能贏得信任，從而在市場上保持競爭力。機構應定期檢視及更新其流動應用程式，以確保個人資料受保障。

Remedial Measures

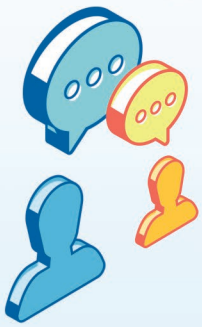
All enterprises concerned took the PCPD's advice and implemented adequate encryption in their apps to protect personal data transmission.

Lesson Learnt

Online activities and transactions are convenient but carry non-negligible risks to personal data privacy. Personal data collected by different apps may end up in the hands of hackers if such data is not protected by stringent security measures.

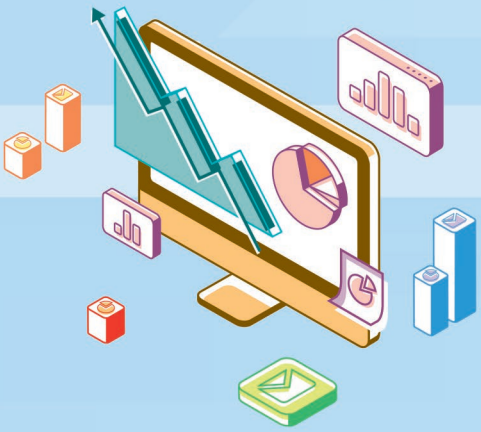
Organisations must protect and respect personal data to garner the trust of their customers to remain competitive. Organisations should regularly review and update their apps to ensure security of personal data.


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香港灣仔皇后大道東248號大新金融中心13樓1303室
Unit 1303, 13/F., Dah Sing Financial Centre,
248 Queen's Road East, Wanchai, Hong Kong
電話 Tel 2827 2827
傳真 Fax 2877 7026
電郵 E-mail communications@pcpd.org.hk
網站 Website www.pcpd.org.hk

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