

專員用箋
From the desk of the Commissioner

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Subcommittee on Seven Pieces of Subsidiary Legislation Relating to the Implementation of the New Inspection Regime of the Companies Register under the Companies Ordinance

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(English version only)

Dear Honourable Chairman and Members,

Protection of Personal Data on the Companies Register
– The Proposed New Inspection Regime

I refer to the Government's initiative to bring a new inspection regime of the Companies Register into operation under the Companies Ordinance (Cap. 622) and the relevant pieces of subsidiary legislation which were gazetted on 18 June 2021. **I am writing, in my capacity as the Privacy Commissioner for Personal Data, to support the proposed changes to better protect the personal data privacy of persons (data subjects) whose personal data are currently available in the Companies Register for unrestrained public access.**

Strengthening the Protection of Personal Data Privacy

2. From the perspective of protecting privacy in relation to personal data, I welcome, and have no hesitation to support, the proposed new inspection regime

which, undoubtedly, will strengthen the protection of the personal data contained in the Companies Register.

3. As a matter of fact, the current proposal reflects the recommendations made by my Office, the Office of the Privacy Commissioner for Personal Data, in our report on the “Survey of Public Registers Maintained by Government and Public Bodies” (“Survey Report”) published in July 2015. The Survey Report contained, *inter alia*, various recommendations for the Government and operators of public registers to consider in limiting unfettered public access to the personal data contained in public registers by introducing appropriate safeguards, whether by way of legislative amendments or administrative measures in the interim¹.

4. Among others, we recommended operators of public registers to explore, when providing personal data of a sensitive nature (such as identification document numbers and residential addresses) for public access, less privacy-intrusive means of disclosing the same, for example, by the provision of partial identification document numbers instead of full identification document numbers, and the provision of correspondence addresses instead of full residential addresses.

5. I am pleased, therefore, to see that the above-mentioned recommendations have been taken into account in the proposed new inspection regime.

6. Quite contrary to the views expressed in some quarters, in my view the move is of particular importance in the present situation of Hong Kong as there have been a significant increase in the number of doxxing cases since mid-2019, coupled with a worsening trend of cybercrimes and telephone scams that involved the unlawful use of personal data unveiled for the past two years. This situation is exacerbated by the rapid development of digitalisation and the ease of collecting different kinds

¹ The Survey Report is available at:
https://www.pcpd.org.hk/english/resources_centre/publications/surveys/files/survey_public_registers.pdf

of personal data from the public domain nowadays, whether from online platforms, internet searches, public registers, or the like. It is worth noting that if the personal data available in the public domain are disclosed without appropriate safeguards, or used without regard to the original purpose of collecting the data, it could pose significant risks to privacy, thus jeopardising the interests of the data subjects. This is so especially in the case of sensitive personal data such as full identification numbers and usual residential addresses, which practically anyone may obtain from public registers with relative ease nowadays.

7. In this regard, I have grave concern that personal data have been weaponised by some in Hong Kong, and utilised in ways to intimidate, silence or harm others for whatever reasons.

8. The wave of doxxing that has swelled in Hong Kong since mid-2019 has tested the limits of morality and the law, and should be stopped. Between June 2019 and May 2021, my Office has handled over 5,700 doxxing-related complaints and cases discovered proactively by us through our online patrols. Among these cases, 905 of them involved wrongful disclosure of the victims' identification numbers and/or residential addresses. The figures cry for immediate and effective actions to call the matter to a halt.

9. In the words of the Honourable Mr Justice Jeremy Poon, the Chief Judge of the High Court, *“doxxing should not and cannot be tolerated in Hong Kong if we still take pride in our city as a civilized society where the rule of law reigns... The damage of widespread doxxing goes well beyond the victims. It seriously endangers our society as a whole... If doxxing practices are not curtailed, the fire of distrust, fear and hatred ignited by them will soon consume the public confidence in the law and order of the community, leading to disintegration of our society.”*

10. While legislative amendments to the Personal Data (Privacy) Ordinance (“the PDPO”, Cap. 486) will be proposed by the Government to introduce a new

offence for doxxing and broaden my enforcement powers under the PDPO to deal with doxxing cases more effectively, I do believe that strengthening the protection of the personal data contained in public registers will assist in addressing the problem at root.

Equal Legal Protection for Personal Data Available in the Public Domain

11. It is of paramount importance for us to realise that personal data that is available in public domain is still subject to the same protection under the PDPO as personal data obtained from any other source. Notwithstanding that some personal data can be accessed and obtained from a public register, the use of the data is still confined to the very purpose of allowing access to and inspection of the relevant register.

12. Data Protection Principle (“DPP”) 3 (the limitation of use principle) under Schedule 1 of the PDPO provides that personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. It follows that any subsequent use of the personal data obtained from a public register, which is not the same as or directly related to the original purpose(s) of making available the data for public access, will contravene DPP3 without the data subject’s prescribed consent (or, exceptionally, when an exemption applies under the PDPO).

13. Under the PDPO, personal data obtained from a public register should not be used for illegal purposes, including doxxing.

Striking A Reasonable Balance

14. While advocating the importance of the protection of privacy in relation to personal data, I reckon the importance of allowing access to the Companies Register for legitimate purposes of the Register, which are fully set out under section 45 of the CO.

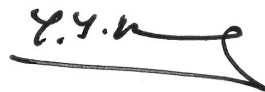
15. I note that the Government has recently proposed some refinements or additional measures to address the concerns over the possible confusion in company search results that might arise from the new inspection regime, and I believe that they are genuine attempts to strike a reasonable balance between protecting personal data privacy on the one hand and allowing access to the Companies Register for the legitimate purposes of the Register on the other. I would, however, caution against any further broadening of the scope of unrestricted access, as that may likely defeat the very purpose of strengthening the protection of the personal data contained in the Register.

In Conclusion

16. **To conclude, I am in support of the proposed new inspection regime, which will help to curb doxxing and mitigate the risks posed to the privacy of those whose personal data on the Companies Register are presently subject to unrestrained access.**

17. Thank you for your attention.

Yours faithfully,



Ada CHUNG Lai-ling

Privacy Commissioner for Personal Data, Hong Kong