

Our Ref : PCO/CR/8/2
Your Ref : CB2/BC/29/98

16th May 2000

Clerks to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn : Mr Raymond LAM)

Dear Mr LAM,

**Bills Committee on Dangerous Drugs, Independent Commission
Against Corruption and Police Force (Amendment) Bill 1999**

We refer to the question contained in your letter dated 9 May 2000.

Indeed, we consider it possible that some of the exemption provisions of the Personal Data (Privacy) Ordinance (“PDPO”) may be applicable to the use of a person’s DNA information for the investigation of offences. In particular, section 58(2) of the PDPO, read in conjunction with section 58(1), provides that the use of personal data for the purposes of the prevention or detection of crime or for the apprehension, prosecution or detention of offenders etc. is exempted from data protection principle 3 of the PDPO, where the application of the provisions of principle 3 would be likely to prejudice any of the said purposes.

We have no objection that this letter be distributed to the media/public observing the meeting and placed in the Library of the Legislative Council.

We trust that the above will be of assistance to the Bills Committee.

Yours sincerely,

(Eric PUN)
Legal Director
for Privacy Commissioner for Personal Data