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

智慧城市 資料保障 Smart City Data Protection

2015-16

年報 Annual Report



保障、尊重個人資料
Protect, Respect Personal Data



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39th
**International
Conference**
of Data Protection and
Privacy Commissioners
25-29/9/2017 Hong Kong



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全年活動一覽

One Year at A Glance

2015

4月

April

- 為中小企推出網上保障個人資料私隱自學課程
Launching the self-training module on protection of personal data for SMEs
- 公署網站榮獲「2015無障礙網頁嘉許計劃」銀獎（網站組別）
The PCPD's main website being awarded the Silver Award (Website Stream) in the "Web Accessibility Recognition Scheme 2015"



6月

June

- 超過250名來自世界各地的私隱規管者、決策人員、政府及商業領袖、專業資訊科技人士，以及私隱倡議者和學者，參與由公署舉辦的「從私隱角度探討大數據國際會議」
Over 250 privacy regulators, policy makers, government and business leaders, ICT professionals as well as privacy advocates and academics across the globe attending the International Conference on Big Data from a Privacy Perspective organised by the PCPD



- 公署主持第43屆「亞太區私隱機構」論壇
Hosting the 43rd APPA Forum



- 就有關「香港就稅務事宜自動交換金融帳戶資料的公眾諮詢」向政府提交建議書
Making submission to the government in response to Public Consultation on Automatic Exchange of Financial Account Information in Tax Matters in Hong Kong

5月

May

- 「關注私隱運動」揭幕，主題是「私隱 關我事！」
Unveiling the annual Privacy Awareness Week with the theme "Privacy Matters"



- 公佈一項委託香港浸會大學社會科學研究中心進行的兒童私隱研究報告結果
Publishing a study report carried out by the Centre for the Advancement of Social Sciences Research of Hong Kong Baptist University

7月

July

- 發出《收集及使用生物辨識資料指引》
Issuing a guidance note "Guidance on Collection and Use of Biometric Data"
- 發表調查報告：42名刊登匿名招聘廣告的僱主不公平收集求職者的個人資料
Publishing an investigation report revealing 42 employers to place blind recruitment advertisements for the unfair collection of job applicants' personal data



- 發表調查報告：一間時裝貿易公司以監察員工考勤為由，過度及不公平收集僱員的指紋資料
Publishing an investigation report on the excessive and unfair collection of employees' fingerprint data by a fashion trading company for monitoring staff attendance



- 發表一份檢視10個常用公共登記冊的報告
Publishing a report on a survey of 10 commonly-used public registers

- 公佈一項委託香港大學社會科學研究中心進行的公眾對個人資料私隱態度的調查結果
Publishing findings of a study of public attitudes on personal data privacy carried out by the Social Sciences Research Centre of the University of Hong Kong

- 就有關「道歉法例諮詢文件」向政府提交建議書
Making submission to the government in response to Public Consultation on Apology Legislation in Hong Kong

- 與香港大學法律學院頒發第三屆「私隱及資料保障法律獎學金」
Presenting the third "Privacy Commissioner Prize in Privacy & Data Protection Law" scholarship, jointly set up by the PCPD and Faculty of Law of the University of Hong Kong



8月

August

- 香港個人資料私隱專員黃繼兒先生履新
Mr Stephen Kai-yi WONG assumed office as the Privacy Commissioner for Personal Data, Hong Kong.

9月

September



- 推出「網上學習平台」
Launching the "Online Training Platform"



- 公佈「全球私隱執法機關網絡」在世界各地檢視青少年使用的網站及流動應用程式所收集個人資料情況的抽查結果
Announcing the results of the international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network, examining the concerns over personal data collected by websites and mobile applications used by youngsters

Announcing the results of the international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network, examining the concerns over personal data collected by websites and mobile applications used by youngsters

- 一間電訊服務供應商因違反直接促銷新條文被判罰款三萬元，成為新條文立法後首宗罪成的案件
A telecommunications service provider being the first company convicted of an offence under the new direct marketing regulatory regime and fined HK\$30,000

A telecommunications service provider being the first company convicted of an offence under the new direct marketing regulatory regime and fined HK\$30,000

10月 October

- 回應傳媒查詢有關由銀行發出的非接觸式信用卡有可能外洩個人資料的事宜
Responding to media enquiries about the possible personal data leakage involving the contactless credit cards issued by banks
- 開展校園保障私隱活動，於本港10所大專院校宣揚保障私隱的訊息
Launching the annual University Privacy Campaign in 10 local universities to promote personal data protection



- 私隱專員出席在荷蘭阿姆斯特丹舉行的第37屆國際資料保障及私隱專員研討會
The Commissioner attending the 37th International Conference of Data Protection and Privacy Commissioners, held in Amsterdam, the Netherlands



11月 November



- 私隱專員出席在俄羅斯莫斯科舉行的第六屆「保障個人資料」國際會議
The Commissioner attending the 6th International Conference "Personal Data Protection" in Moscow, Russia

12月 December

- 出版《兒童網上私隱——給家長及老師的建議》
Publishing a leaflet "Children Online Privacy - Practical Tips for Parents and Teachers"
- 出版《經互聯網收集及使用個人資料：以兒童為對象的資料使用者注意事項》資料單張
Publishing an information leaflet "Collection and Use of Personal Data through the Internet – Points to Note for Data Users Targeting at Children"
- 公佈抽查45個由本地機構開發，以兒童為對象的網站及手機程式所收集個人資料情況的抽查結果
Announcing the study findings results of an assessment of 45 local websites and mobile applications targeting at children, examining the concerns over personal data collected by them
- 發放最新電視宣傳片——「慎留數碼腳印 智慧生活態度」
Launching the new TV API – "Stay Smart. Mind Your Digital Footprint"



- 巡迴港九新界20個不同地點作公眾教育展覽
Staging a public education roadshow at 20 different locations throughout the city



- 私隱專員出席在澳門舉行的第44屆「亞太區私隱機構」論壇
The Commissioner attending the 44th APPA Forum in Macao

2016

1月 January

- 發表視察報告：康泰旅行社所採取的資料保障措施
Publishing an inspection report on the personal data protection measures taken by Hong Thai Travel Services Limited



2月 February

- 私隱專員向立法會政制事務委員會匯報過去一年工作
The Commissioner delivering an annual report at a meeting of the Legislative Council Panel on Constitutional Affairs
- 出版《電子健康紀錄互通系統與你的個人資料私隱（10個保障私隱貼士）》
Publishing a leaflet "Electronic Health Record Sharing System and Your Personal Data Privacy (10 Privacy Protection Tips)"



- 出版《個人資料（私隱）條例與電子健康紀錄互通系統（醫護提供者及醫護專業人員注意事項）》資料單張
Publishing an information leaflet "Personal Data (Privacy) Ordinance and Electronic Health Record Sharing System (Points to Note for Healthcare Providers and Healthcare Professionals)"



3月 March

- 就有關「中環及其鄰近地區電子道路收費先導計劃公眾參與」向政府提交建議書
Making submission to the government in response to the Public Engagement for Electronic Road Pricing Pilot Scheme in Central and its Adjacent Areas

2015年4月—2016年3月：數字回顧

April 2015 – March 2016: A Year in Numbers

19,671 人次

參加公署的講座、
研習班及工作坊，了解條例
的要求，比去年增長27%

19,671 people
attended our talks,
seminars and workshops
to learn about the
requirements under
the Ordinance,
27% year-on-year
increase



539 名會員
加入保障資料主任聯會，
比去年減少13%

539 members joined the
Data Protection Officers' Club,
13% year-on-year decrease

147,794 人次

參觀公署的公眾教育巡迴展覽，
比去年增長2%

147,794 visitors
frequented
the public
education roadshows,
2% year-on-year
increase



286 個
主動展開的循規審查行動，
比去年增長26%

286 compliance checks
were carried out,
26% year-on-year
increase

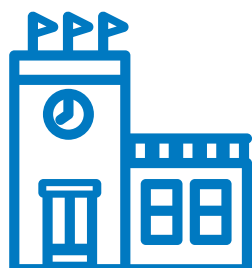
接獲 **2,022** 宗
投訴個案，
比去年增長 **20%**

2,022 complaints
were received,
20% year-on-year
increase



42 間
中學加入成為
學校夥伴，
比去年增長70%

42 secondary schools
became our
school partners,
70% year-on-year
increase

**56,145** 人次

參與大學及中學的
保障個人資料推廣活動，
比去年增長39%

56,145 people
participated in education
programmes for universities
and secondary schools,
39% year-on-year
increase



處理 **18,690** 宗
宗查詢個案，
比去年增長 **14%**

18,690 enquiries
were handled,
14% year-on-year
increase



每月平均有
46,049 人次
瀏覽公署主網站，比去年
減少17%

An average of
46,049 visits to our
main website per month
were made,
17% year-on-year
decrease



使命
Mission Statement

致力推廣、監察及監管，促使各界人士遵從《個人資料（私隱）條例》，確保市民的個人資料私隱得到保障

To secure the protection of privacy of individuals with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance

策略與主要目標
Strategies and Key Goals

策略 Strategies	主要目標 Key Goals	
執法 Enforcement	<ul style="list-style-type: none">• 確保公正、公平和具效率的運作• 獨立、不偏不倚、無畏無懼地行事• 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任• 與海外的保障資料機構合作處理跨境的私隱問題與投訴• To ensure equity, fairness and operational efficiency• To act independently, impartially and without fear or favour• To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	<ul style="list-style-type: none">• 調查及具效率與持平地解決投訴個案• 專業而有效率地回應查詢• 接納符合審批條件的法律協助申請，讓個人資料私隱受侵犯的申索人士獲得補償• Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned• Enquiries are responded to professionally and efficiently• Meritorious applications for legal assistance are entertained and aggrieved individuals compensated
監察及監管符規 Monitoring and Supervising Compliance	<ul style="list-style-type: none">• 主動及公正調查私隱風險顯著的範疇• 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任• 與海外的保障資料機構合作處理跨境的私隱問題與投訴• To investigate proactively and fairly into areas where the privacy risks are significant• To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	<ul style="list-style-type: none">• 促使機構履行保障個人資料的責任和採納良好的保障私隱行事方式• Organisational data users are facilitated to meet their data protection obligations and adopt good privacy practices

推廣 Promotion	<ul style="list-style-type: none">• 促進社會各界全面參與保障私隱• 倡導機構不應止於法例最低要求，實踐最佳行事方式，提升水平• 利用網站、出版和傳媒，發揮廣泛的宣傳和教育效用• 走進社區，特別多接觸年青人• 藉調查個案所得的啟示，教育資料使用者和資料當事人• To seek proactively the holistic engagement of stakeholders• To promote best practices among organisational data users on top of meeting minimum legal requirements• To maximise publicity and education impact through websites, publications and media exposure• To engage the community, in particular, young people• To use lessons learnt from investigations as a means of educating data users and data subjects	<ul style="list-style-type: none">• 社會更清楚理解法律與原則，不但認識個人資料保障方面的權利和責任，而且對保障有適當期望和了解限制• 公、私營機構皆認識作為資料使用者在法例下的責任，並付諸實行• 讓個人和機構的資料使用者都認識公署的角色及可提供的支援• A better understanding of the laws and principles in the community is articulated, recognising not only the rights and obligations but also expectations and limitations in personal data protection• Organisations in public and private sector understand their obligations as data users under the Ordinance and the ways to meet them• Individual and organisational data users understand the role of the PCPD and the assistance the PCPD may provide
機構管治 Corporate Governance	<ul style="list-style-type: none">• 奉行具透明度和問責性的原則• 善用資源以達致經濟效益、效率及效用• 持續精簡工作程序• 在訂立工作的優先次序方面，採取「選擇性而具成效」的方針，優先處理影響最廣泛的工作• 建立及維持忠心和專業的團隊• To adhere to the principles of transparency and accountability• To maximise utilisation of resources to achieve economy, efficiency and effectiveness• To make continuous effort to streamline work procedures• To apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact• To build and maintain a loyal and professional team	<ul style="list-style-type: none">• 達致高水平的管治• High standard of corporate governance is achieved
迎合需求轉變 Meeting Changing Needs	<ul style="list-style-type: none">• 緊貼科技發展• 監察國際發展及趨勢• 留意本地不斷轉化的私隱期望• To keep abreast of technological development• To monitor international development and trend• To keep track of evolving local privacy expectation	<ul style="list-style-type: none">• 現行及建議的法律和規管機制切合需要及有效• Existing and proposed laws and regulatory systems are relevant and effective

私隱專員的話

Privacy Commissioner's Message

黃繼兒

香港個人資料私隱專員

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

智慧城市中的資料保障

2016年是公署成立二十週年，而1995年制定的《個人資料（私隱）條例》是於1996年生效的。

現時不論本地或全球的經濟發展方向均由資料主導的，這點無甚爭議。在過去四年，連接互聯網的裝置數量由160億增至400億。在香港，730萬人正享受1,420萬張已經開通的智能咭所帶來的好處。香港可能是少數在地鐵站扶手電梯及機場輸送帶勸喻乘客不要看手機的城市。儘管我們並不知道或不關心我們的資料會被收集或使用，隨時隨地需要使用我們個人資料這個發展是無可避免的，由遞交幼兒學申請表至下載流動應用程式。熱門議題如直銷電話、電話騙案、流動及電子支付服務、使用指紋等生物辨識系統，以及網絡欺凌，多少也由個人資料開始。雖然瞬息萬變的資訊發展形勢創造了

Data Protection in a Smart City

2016 marks the 20th anniversary of the set-up of this office ("PCPD") and the 1995 Personal Data (Privacy) Ordinance was put in force in 1996.

There is little dispute that the economy, whether local or global, is now data driven. Over the last four years, the number of Internet connected devices has increased from 16 billion to 40 billion. In Hong Kong, 7.3 million people are currently enjoying the benefit of actively using 14.2 million SIM cards. Hong Kong is probably one of the few cities in the world where passengers using escalators at the underground stations and conveyor belts at the airport are reminded not to read their mobile devices. This development inevitably calls for our personal data although we do not even know or care about its being collected or used – from handing in an application form for a kindergarten place to downloading apps in our mobile devices. Topical issues like direct marketing calls, telephone scams, mobile and e-payment services, the use of biometrics like fingerprints and cyber-bullying somehow begin

更多商機，但也令整個資料週期牽涉更高風險。事實上，資料保障已成為這個智慧城市的重要部分。

尊重資料私隱

我們的私隱條例及機制以原則為基礎，不受控於科技發展，並保持中立，能迎合創新。我們的執法工作顧及個別的資料當事人及資料使用者或控制者的關注，我們致力提供足夠的推廣及教育活動，不但要提高大眾的意識，更要讓他們了解法律及轉變中的保障私隱形勢。我們的目標是培植一種文化：每個人不單要小心謹慎地提供其個人資料，亦要尊重他人的個人資料。

公平執法

公署各人員繼續堅定和熱衷地捍衛公署的使命，致力透過推廣、監察及監督條例的遵從情況，在個人資料方面保障個人的私隱。年內向公署通報的資料外洩事故涉及超過85萬名人士的個人資料。這些事故包括遺失文件或裝置、經電子方式或郵遞意外披露個人資料、系統故障、惡意攻擊及黑客入侵。

公署去年接獲的查詢及投訴超過二萬宗，而檢控數字只佔整體數字小比數。自規管直接促銷的修訂條文在2013年4月1日生效以來，首四宗的定罪個案是於去年由裁判法院裁決的。公署處理的大部分個案是通過調解或調停而得以解決，其他個案則因為欠缺足夠證據或投訴人撤回投訴而終止調查。涉及資料保障原則的個案，在轉介檢控前，我們會視情況向違規者送達執行通知，年內所有執行通知都獲得適當依從。年內共有35宗上訴我們就投訴作出的決定。在行政上訴委員會已裁決的30宗個案中，有九成被委員會駁回或由上訴人撤回。

合法及公平地執法，仍然是我們的工作重點。當然，這並不是保障資料私隱的唯一有效方法。

透明度與對資料的認知

在年報期內公佈的一項本地調查顯示，雖然資料私隱的意識已有所提升，但大多數人對甚麼個人資料被收集及為何收集、資料會如何被使用、他們有甚麼法律權利及限制，了解甚少。公平的說，機構有否以簡單語言及較大字體提供精簡清晰和全面的資料政策及

with personal data. Whilst the rapidly changing information landscape creates more business opportunities, it also increases risk throughout the data lifecycle. Indeed data protection is part and parcel of the life of this smart city.

Respecting Data Privacy

Our principle-based and technology-neutral privacy regulations and regime are crafted with flexibility to accommodate innovation. Our enforcement work addresses the concerns of both the individual data subjects and data users or controllers. We in the PCPD have had full regard to the instrumentality of adequate and sufficient promotion and education on the understanding, not just awareness, of the law and the changing privacy landscape. We aim to cultivate and nurture a culture whereby not only will everybody be vigilant about providing his own personal data but also be respectful of the others'.

Fair Enforcement

Our mission continues to be steadfastly and staunchly upheld by each and every member of the PCPD in that we will continue to spare no efforts to secure the protection of privacy of individuals with respect to personal data through promotion, monitoring and supervision of compliance with the Ordinance. During the year, data leakage incidents reported to the PCPD involved the personal data of over 854,000 individuals. These incidents included loss of documents or devices, inadvertent disclosure by electronic means or post, system failure, malware attack and hacking.

Last year, over 20,000 enquiries and complaints were received, although the number of prosecutions was significantly lower. Since the revised provisions on direct marketing had taken effect on 1 April 2013, the first four conviction cases were determined by the Magistrates Court last year. Many cases were disposed of by way of mediation or conciliation. Other investigations were terminated on the ground of no sufficient evidence or withdrawal of the complainants. Before referring cases to prosecution in cases relating to Data Protection Principles ("DPPs"), enforcement notices continued to be served, all of which were duly complied with. There were 35 appeals lodged against our decisions in relation to complaints during the year. 90% of the 30 cases determined by Administrative Appeals Board were dismissed by the Board or withdrawn by the appellants.

A fair, not merely legal, enforcement of our laws will remain a priority of our work. Certainly it is not the only effective means to protect data privacy.

Transparency and Data Literacy

As revealed by a local survey released during the report period, although data privacy awareness has been raised, most people have little understanding of what and why personal data is collected about them, how it is used, and what their legal rights and limitations are. To be fair, how often do organisations provide crisp, precise and comprehensive data policies and practices in

措施？個人有否利用機構提供的選擇，檢視自己的私隱設定？我們會繼續推廣私隱聲明的透明度及對資料的認知（特別是對年青人及長者），亦會探究更多更佳的機會，讓機構及個人透過日常生活層面獲取保障資料的知識和技能，以及培養信心，而不只是依賴慣常及正式的教學方式。

模式轉變為「問責」及「信任」

我們的持份者除了個人，亦包括公、私營機構。依從法定要求有時被視為沉重負擔，甚至是一份不受重視的工作。我們提倡改變，透過私隱管理系統確立依法及良好的行事方式，加上管理層在企業管治中的承諾，將保障資料私隱由「符規」躍升為「問責」。「問責」是確保資料管理及保障的機制。資料私隱不再只屬法律循規的事宜，亦是業務議題，應由企業高層承擔處理，把內部政策與資料保障法律接軌，採取「貫徹私隱的設計」的方式，從一開始便納入保障私隱的理念。企業應視私隱為資產，而不是負債；是可以贏取商譽及顧客信任的優勢。建立信任需要機構（通常是資料使用者或控制者）及普羅大眾的改變，不論是在思想、期望或方法上。個人和機構（特別是中小企）的參與尤其重要。自去年起，我們已加強這方面的工作。

瞬息萬變的環球保障私隱形勢

環球保障私隱形勢亦不斷轉變。值得注意的是，歐盟新的《一般資料保護規則》將於2018年5月實施，取代現有的機制，而我們的私隱條例在20年前制定時部分是以該機制為模範的。新規則會對收集、處理、儲存及轉移位於歐盟的個人資料的機構帶來重大改變及循規方面的挑戰。經修訂的規則及規例、擴大的範疇，包括司法管轄權、較寬鬆的定義、更重的罰款、強制通報資料外洩事故、資料處理者的責任，以及有關化名及匿名資料的議題，會繼續成為我們規管框架的良好參考。聯合國在資料保障的討論事宜（通常以歐盟及美國事宜為主）上亦逐漸佔一席位，適時發表聲明及報告，特別是在2015年就私隱權設立一名專員。我們當然會繼續留意經濟合作及發展組織、亞太經濟合作組織，以及鄰近司法管轄區在個人資料私隱方面的發展。除了其他比較研究外，公

simple language and in large print? How often do individuals exercise their options offered by organisations to review their own privacy settings? Whilst we in the PCPD will continue to promote privacy statement transparency and data literacy, amongst the young and the elderly in particular, we will try to canvass more and better opportunities for both organisations and individuals to develop knowledge, skills and confidence at a practical level through day-to-day usage as opposed to institutional and formal teaching only.

Paradigm Shift to “Accountability” and “Trust”

In addition to individuals, our stakeholders also include organisations, public and private alike. Complying with the statutory requirements has sometimes been taken as burdensome, if not a cavalier job or a liability. We will advocate a paradigm shift through a privacy management programme (“PMP”) by which the law and good practices could be entrenched, and compliance transforms to accountability alongside the commitment of the top management in corporate governance. Accountability is the mechanism for assuring data stewardship and protection. Data privacy is no longer a legal compliance concern only, but also a business concern which should be addressed by CEOs in the board room rather than the back room, linking internal policies to data protection law, adopting the Privacy by Design approach by bringing privacy to the foreground and embedding privacy from the outset. Businesses should treat privacy as an asset rather than a liability; a competitive edge that wins market reputation and trust of customers. Building trust requires changes, whether in terms of mindset, expectations or methodologies, in organisations which often are data users or controllers, as well as amongst the ordinary men or women in the streets of Wanchai. It is of paramount importance that both individuals and organisations, the SMEs in particular, should be engaged. Our efforts in this respect have been intensified since last year.

Evolving Global Privacy Landscape

The global privacy landscape is changing too. Notably, the new EU General Data Protection Regulation replacing the existing regime, upon which our Ordinance was partially modelled 20 years ago, will be effective in May 2018. It will bring substantial changes and compliance challenges for organisations which collect, process, store and transfer the personal data of individuals located in the EU. The revised rules and regulations, as well as their increased scope, including the extra-territorial reach, wider definitions, heavier fines, mandatory notification of data leakages, obligations for data processor and issues relating to pseudomised and anonymous data, may serve as a continued good reference for our regulatory framework. The UN is also emerging as an important voice in the data protection debate, which is often perceived to be dominated by issues in the EU and the US, by issuing timely statements and reports, and in particular appointing a Special Rapporteur on the Right to Privacy in 2015. Certainly we will also continue to keep abreast of the personal data privacy development in OECD and APEC, as well as our neighbouring jurisdictions. Amongst other

署新成立的政策及研究部亦會研究國際間的最新發展。該部門專責研究和分析香港及外地與資料有關的議題和發展。

合法地開放及分享資料

從資料保障原則及條例的其他條文中可體現，我們對自己的個人資料是有控制權或自決權的，我們認為「個人資料 自己掌握」。另一方面，大數據和資訊及通訊科技的發展讓我們大為得益，尤其在科技進展和社交通訊方面。在這個不斷發展的資料導向社會中，為資料上鎖決不是社會大眾之福。個人資料私隱不應對創新或營商造成障礙。我的工作必須在所有持份者的利益的大前提下，在資料保障與資訊自由流通之間尋求平衡。香港被公認為亞太區最適合建立數據中心的地方，以及世界上最自由的經濟體系，資訊自由流通是其中一個不可取替的優勢。

挑戰與機會

在這個人工智能時代，雲端驅動的感官能力、認知能力及機械人等切入，公署的其中一項挑戰很可能是我們作為規管者如何在現時的保障框架下協助開放和分享個人資料，以可持續的方式獲取資料的最大益處、減少風險及傷害、與經濟增長創造健康的協同效應、在這個資料導向的社會經濟找出安全及創新地使用個人資料的方法。

由於資料私隱變得越來越跨範疇及跨功能，我們預期繼續有新的挑戰。最近，由我主持的亞太區私隱機構科技工作小組的成員就「去識別化」或「匿名化」的議題作出建議，在大數據及物聯網時代的身份再識別、資料被濫用及外洩的風險下，作為銷毀資料的另一選擇。

我衷心感謝諮詢委員會和科技發展常務委員會的委員提供專業的知識和意見，協助公署發展。我亦感到非常幸運，有一群能幹的同事，以及歷任私隱專員在過去二十年建樹良多，累積了豐富和寶貴的知識。與所有持份者為擁抱未來的挑戰和機會而作好充分準備，責無旁貸。

黃繼兒

香港個人資料私隱專員

comparative studies, a study of the recent development in the international arena will be undertaken by our newly formed Policy and Research Division tasked to conduct researches and analyses on data related issues and development in Hong Kong and beyond.

Unlocking and Sharing Data Legitimately

It being our own data, we as individuals are entitled to have the legitimate control, or self-determination, over it – “Personal Data in Our Hands” as we put it. That is principally what is enshrined in the DPPs and other provisions set out in our Ordinance. On the other hand, in this data driven economy that keeps growing in parallel with the big data and ICT developments from which we benefit tremendously particularly in relation to scientific advancement and social interactions, it would not be in the interest of the community at large to lock up data. Personal data privacy should not be a barrier to innovation or business. My job is necessarily to seek to, in the interest of all stakeholders, balance data protection off against the free flow of information, which is one of the irreplaceable attributes of Hong Kong widely acclaimed as the most suitable location for setting up data centres in the Asia Pacific region, as well as the freest economy in the world.

Challenges and Opportunities

One of the challenges that we in the PCPD have to meet in this Age of Artificial Intelligence, where sensory ability, cognition and robotics etc. enabled by Cloud come in aid, would probably be how we as regulator could help unlock and share personal data within the existing protection framework, with a view to maximising the benefits of data in a sustainable way, minimising risks and harms, creating healthy synergy with economic growth, identifying and securing the innovative use of personal data in this data driven economy.

As data privacy is becoming more interdisciplinary and cross-functional, new challenges would only be the expected. Recently members of the Technology Working Group of Asia Pacific Privacy Authorities (“APPA”) chaired by me made recommendations on issues relating to de-identification or anonymisation as an alternative to data destruction amongst the risk of re-identification, misuse and leakage especially in the era of big data and Internet of Things.

I am most grateful to members of the Advisory Committee and the Standing Committee on Technological Developments for their wisdom and expertise in helping steer the boat. It is also my real privilege to have a pool of talented colleagues and an admirable wealth of know-how handed down from, and inroads ardently made by my predecessors over the last two decades. I am duty bound to ensure that we in the PCPD, together with all stakeholders, would be well poised to embrace these challenges, or opportunities to be exact, in the days to come.

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

回顧二十年 20 Years On

1996-2005

保障私隱條例的教育及推廣期 Education and Promotion of the Ordinance

香港是亞洲首個為個人資料私隱立法並設有獨立私隱專員作出監管的地區。公署在1996年成立的初期，公眾普遍對個人資料保障沒太大認識，甚至有點漠不關心，因此，公署致力推廣教育工作，讓公眾認識《個人資料（私隱）條例》的規定和明白如何把保障個人資料私隱應用於日常生活的不同範疇上。此外，公署先後發出了三份實務守則，就保障身份證號碼、個人信貸及人力資源方面的個人資料，提供實務性指引；公署亦迅速創立了保障資料主任聯會，為公營及私營機構的保障資料人員提供一個交流經驗和培訓的平台，以及透過與香港電台合力製作電視劇《私隱事件簿》及舉辦「私隱週」等活動將與個人資料私隱有關的訊息傳遞給社會大眾。隨著互聯網的普及，個人資料可以在瞬間轉移至海外，資料保障自此並無疆界之分，因此，公署亦致力加強與其他司法區的聯繫，舉辦第一屆亞太區私隱機構論壇、第21屆國際私隱及個人資料保障研討會及資料保障專員會議、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，以及與南韓訊息安全局簽訂諒解備忘錄等，務求可以掌握世界其他地方在個人資料保障方面的最新發展，與國際接軌。

Hong Kong was the first jurisdiction in Asia to have a comprehensive piece of legislation on personal data privacy and an independent Privacy Commissioner for regulatory work. When the PCPD was established in 1996, the public generally did not have much knowledge, or even apathetic about personal data privacy protection. Against this background, the PCPD endeavoured to educate the public to understand the requirements under the Ordinance and its application in our daily life. To provide practical guidance on compliance with the Ordinance, the PCPD published three Codes of Practice on the protection of identity card numbers, consumer credit data and personal data in human resource management respectively. The PCPD also established the Data Protection Officers' Club to provide practising data protection officers of public and private organisations with a platform for experience sharing and training. Moreover, messages about personal data privacy were disseminated to the community through the production of docu-dramas series "Privacy Special" with Radio Television Hong Kong and the launch of the "Privacy Week". With the prevailing use of the Internet, personal data could be transferred to jurisdictions overseas in a split second and data protection became a global issue. The PCPD thus strived to strengthen its liaison with other jurisdictions by various activities to keep abreast of international developments in personal data protection, e.g. hosting the first APPA Forum, the 21st International Conference on Privacy and Personal Data Protection and Meeting of the Data Protection Commissioners, the first APEC Electronic Commerce Steering Group Technical Assistance Seminar, and signing a "Memorandum of Understanding" with the Korea Information Security Agency.

1996

- 成立香港個人資料私隱專員公署

Establishing the Office of the Privacy Commissioner for Personal Data, Hong Kong



- 1995《個人資料（私隱）條例》（第486章）的主要條文正式生效

Commencement of the core provisions of the 1995 Personal Data (Privacy) Ordinance (Cap 486)

1997

- 就個人及機構對個人資料私隱的態度及認識進行了一項基礎意見調查

Conducting a baseline opinion survey on personal data privacy attitudes and awareness among individuals and organisations

- 發出《身份證號碼及其他身份代號實務守則》

Issuing the "Code of Practice on the Identity Card Number and other Personal Identifiers"



1998

- 發出《個人信貸資料實務守則》

Issuing the "Code of Practice on Consumer Credit Data"



- 舉辦第一屆亞太區私隱機構論壇。來自新西蘭、澳洲、加拿大的私隱專員，以至美國、日本、星加、南韓及巴布業新幾內亞的政府官員及代表出席是次研討會

Hosting the first APPA Forum in Hong Kong, bringing together the privacy commissioners of New Zealand, Australia, Canada, as well as government officials and representatives from the United States, Japan, Singapore, South Korea and Papua New Guinea

1999

- 舉辦第21屆國際私隱及個人資料保障研討會及資料保障專員會議，此為私隱保障界一年一度的國際盛事

Hosting the 21st International Conference on Privacy and Personal Data Protection and Meeting of the Data Protection Commissioners, an event universally recognised as the most significant annual gathering in the privacy world



2000

- 發出《人力資源管理實務守則》

Issuing the "Code of Practice on Human Resource Management"



- 為公營及私營機構成立保障資料主任聯會

Establishing the Data Protection Officers' Club for public and private organisations

- 與香港電台合力製作《私隱事件簿》電視劇。涉及的題材包括消費者、科技及工作地點的個人資料私隱問題

Producing a TV docu-drama series - "Privacy Special" in partnership with Radio Television Hong Kong, addressing issues of personal data privacy concerning consumer, technology and the workplace



2001

- 舉辦「私隱週」，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，收看的觀眾人數高達一百二十多萬



Hosting the “Privacy Week”, including activities like the “E-Privacy in the New Economy” Conference, and a live and entertaining television variety show that attracted an audience of over 1.2 million

- 獲頒亞洲人力資源獎之「人力資源傑出貢獻獎」
Being awarded the “Outstanding Contribution to Human Resources” award at the Asian HR Awards

2002

- 與南韓訊息安全局簽訂諒解備忘錄，加強對個人資料私隱的保障

Signing a “Memorandum of Understanding” with the Korea Information Security Agency to foster personal data privacy protection



- 與消費者委員會、廉政公署及前電訊管理局聯合發表《固定及流動電訊服務營辦商保障顧客資料的實務守則》

Issuing a joint “Code of Practice on the Protection of Customer Information for Fixed and Mobile Service Operators” with the Consumer Council, the Independent Commission Against Corruption and the Office of the Telecommunications Authority

2003

- 參與亞太經合組織工作，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
Taking 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

2004

- 對通訊事務管理局（前身為電訊管理局）《處理未經收件人許可而發出的電子訊息問題的諮詢文件》提交意見

Making submission to Office of the Communications Authority's, (formerly the Office of the Telecommunications Authority) in response to the “Consultation Paper on Proposals to Contain the Problem of Unsolicited Electronic Messages”

- 發出《保障個人資料私隱指引：僱主監察僱員工作活動須知》及《家傭僱主應注意的事項》
Issuing the “Privacy Guidelines: Monitoring and Personal Data Privacy at Work” and “Points to Note for Employers of Domestic Helpers”

2005

- 舉辦保障私隱小學巡迴表演——「有個秘密話你知」

Launching a privacy show entitled “Telling You My Secret” amongst primary schools



- 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
Hosting the first APEC Electronic Commerce Steering Group technical assistance seminar

- 發表一份涉及在工作間以針孔攝錄機監察僱員的調查報告，
Publishing an investigation report on a case involving covert monitoring at work

2006-2015

鞏固及再躍進期
Consolidation and Advancement

隨著科技的急速發展，電子交易及商貿蓬勃，全球要求更全面地保障個人資料私隱。公署於2006年成立內部工作小組，對條例進行全面的檢討，以確保我們最終的修訂法例，能保障廿一世紀的個人資料私隱權，並滿足已提升的公眾期望。因應公署的建議，政府進行了檢討條例的公眾諮詢。與此同時發生了一宗出售客戶個人資料的「八達通事件」，令社會極度關注個人資料私隱權。政府最終接納了公署的大部分建議，並就直接促銷活動提出更嚴厲的新規管機制，而新的修訂條例也於2012年及2013年兩階段實施。

基於新資訊和通訊科技的廣泛應用，消費者習以為常地在網上向不同的服務供應商提供個人資料，而機構也能以創新的方法去收集、儲存及深入分析個人資料。考慮到有關科技的應用對個人資料私隱所帶來的影響，公署積極地向機構及消費者宣傳電子商貿活動及使用網上服務平台可能帶來的私隱風險，此外亦向處理大量個人資料的行業提供實際的工作指引、工作坊、自學教材，並透過不同形式的推廣及教育活動、網上平台、個案簡述、新聞稿等，公開詳述我們的監管經驗及私隱專員在應用條例的保障資料原則時的觀點和意見。

另一方面，公署繼續與國際上其他私隱及資訊專員和私隱機構保持緊密的聯繫，以掌握世界各地在保障個人資料方面的最新發展，及保持在保障個人私隱方面的領先地位。

近年來，公署致力向私營及公營機構推廣私隱管理系統，把個人資料私隱保障納入為企業管治責任，並由最高管理層加以推動，把私隱保障策略由「符規」躍升為「問責」，由上而下在機構內貫徹執行。在推廣這私隱管理系統方面，公署已取得相當程度的認同，往後會繼續深化推行。

With the rapid technological development and booming of e-trade and e-commerce, comprehensive protection of personal data privacy was called for globally. In 2006, the PCPD set up an internal working group to carry out a comprehensive review of the Ordinance to ensure that our law was well placed to safeguard the personal data privacy right in the 21st Century and satisfy the rising public expectations. In response to the PCPD's proposals, the government carried out a public consultation. At the same time, an incident involving the sale of a large number of customers' personal data caused considerable public concerns about personal data privacy right. The government accepted most of the PCPD's proposed amendments to the Ordinance, and put forward a more stringent regulatory regime on direct marketing. The amendment provisions were enacted in two phases in 2012 and 2013.

With the pervasive use of new ICT, consumers were accustomed to providing their personal data to different service providers on the Internet, while organisations collected, stored and analysed personal data by innovative means. In view of the impact on personal data privacy brought by the application of ICT, the PCPD took the initiative to educate organisations and consumers on the possible privacy risks of e-commerce and using online service platforms. The PCPD also provided practical guidelines, workshops, self-learning materials to industries which handled large volume of personal data. In addition, the PCPD publicly detailed its regulatory experience and the Commissioner's views in applying the DPPs of the Ordinance through different promotion and education activities, online platform, case notes, media statements, etc.

The PCPD continued to liaise with international privacy and information commissioners, as well as privacy authorities to keep abreast of developments in personal data protection work in different parts of the world and share views and experience in personal data privacy protection.

Starting from 2014, the PCPD vigorously promoted the PMP amongst private and public organisations, advocating that organisations should embrace personal data privacy protection as part of their corporate governance responsibilities and apply it as a top-down business imperative throughout the organisation with a strategic shift from compliance to accountability in privacy protection.

2006

- 出版《個人資料(私隱)條例中的保障資料原則——私隱專員的觀點》
Publishing “Data Protection Principles in the Personal Data (Privacy) Ordinance – from the Privacy Commissioner’s Perspective”
- 發表有關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
Publishing an investigation report regarding the leakage of the personal data of 20,000 people on the Internet by the Independent Police Complaints Council



2007

- 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」以提高區內的私隱意識
Organising its first international promotional campaign, Privacy Awareness Week 2007, together with APPA members which aimed at raising privacy awareness in the region
- 向政府提交建議，要求對《個人資料(私隱)條例》作出重大修訂
Submitting a package of proposals to the government recommending substantial amendments to the Personal Data (Privacy) Ordinance



2008

- 在發生連串遺失病人資料的事件後，私隱專員首次行使其視察權力，視察醫院管理局的病人個人資料系統
The Commissioner exercising his inspection power for the first time on the Hospital Authority’s personal data system in respect of patients in the wake of a spate of data loss incidents

2009

- 展開檢討《個人資料(私隱)條例》的公眾諮詢
Carrying out public consultation on the review of the Personal Data (Privacy) Ordinance

2010

- 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
Publishing an investigation report regarding the collection and use of customers’ personal data under the Octopus Rewards Programme
- 發表對智能身份證系統的私隱循規評估報告
Publishing the Privacy Compliance Assessment Report on the Smart Identity Card System



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
Publishing the Personal Data (Privacy) Ordinance Liberal Studies Teaching Kit to assist secondary school teachers in teaching students how to protect personal data



2012

- 發表有關兩間雜誌社偷拍三名電視藝人照片的兩份調查報告
Publishing two investigation reports on the clandestine photo-taking of three TV artistes by two magazines
- 舉辦「保障私隱 全面貫徹」研討會，提倡將保障個人資料私隱的符規做法視為設計、執行和管理資訊科技系統的預設元素
Organising the “Privacy by Design” Conference to advocate embedding protection of personal data privacy as the default mode in the design, operation and management of information and communication systems, across the entire information life cycle
- 與香港電台合力製作《私隱何價》電視劇。該電視劇在第十屆電視節目欣賞指數2012中榮登第十位
Producing a docu-drama TV series - “Privacy Beyond Price” in partnership with Radio Television Hong Kong, ranked 10th in the 2012 TV Programme Appreciation Index Survey



- 《2012年個人資料(私隱)(修訂)條例》實施
Commencement of the Personal Data (Privacy) (Amendment) Ordinance 2012

2013

- 施行規管直接促銷的新機制及推出法律協助計劃
Implementing new direct marketing regulatory regime and launching legal assistance scheme
- 響應首次「全球私隱執法機關網絡」的聯合行動，抽查本地開發的智能手機應用程式私隱政策
Joining the first “Global Enforcement Network Privacy Sweep” to assess the privacy policy of local smartphone apps



2014

- 香港特區政府與39間來自保險業、電訊業及其他行業的機構承諾推行私隱管理系統
The HKSAR Government and 39 organisations from the insurance, telecommunications and other sectors pledging to implement PMP
- 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條例的理解
Launching an online assessment tool tailor-made for the retail industry to train practitioners and evaluate their understanding of the requirements under the Ordinance



- 榮獲由政府資訊科技總監辦公室及平等機會委員會合辦的「2015無障礙網頁嘉許計劃」銀獎
Being awarded the Silver Award (Website Stream) in the “Web Accessibility Recognition Scheme 2015”, jointly organised by the Office of the Government Chief Information Officer and the Equal Opportunities Commission



2015

- 與資訊科技界10個專業團體及商會推出「應用程式重私隱 創新科技贏信任」的保障私隱運動
Launching a privacy campaign “Developing Mobile Apps: Privacy Matters” with 10 leading professional and trade associations in the field of information and communication technology



- 公佈公眾對個人資料私隱態度的調查結果，顯示個人對私隱權利的意識及公眾對公署的信任普遍為高
Releasing a survey of public attitudes on personal data privacy which revealed that awareness of privacy rights of individuals and public trust in the PCPD were generally high



- 出席由香港律師會舉辦的「青Teen講場2015——私隱解碼」
Attending “Teen Talk 2015 – Decoding Privacy” organised by the Law Society of Hong Kong



- 透過不同渠道與業界會面，當中包括保障資料主任聯會成員及資料科技從業員
Engaging the business sectors, including members of the Data Protection Officers’ Club and IT practitioners, through various channels



- 一間電訊服務供應商因違反直接促銷新條文被判罰款三萬元，成為新條文立法後首宗罪成的案件
A telecommunications service provider being the first conviction of an offence under the new direct marketing regulatory regime with a fine of HK\$30,000



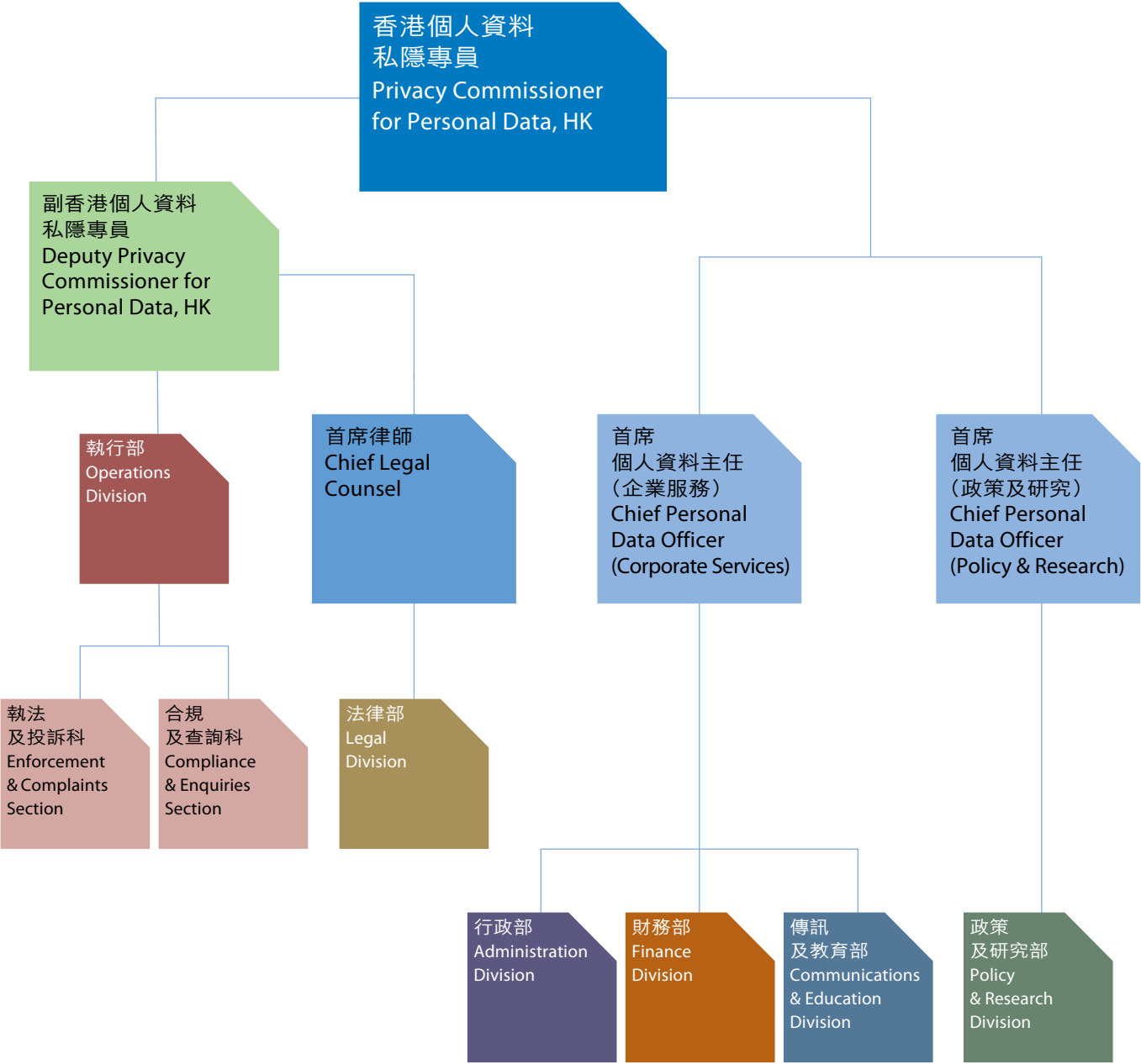
- 出版不同刊物
Publishing a range of Guidance Notes and Information Leaflets



公署架構
Our Organisation

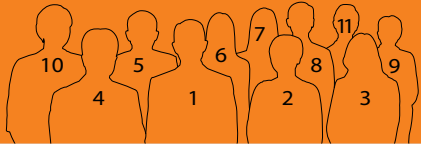
公署由私隱專員掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界遵從條例的規定。（詳見附錄一）

在本年報期完結時，公署的職員編制為86人，分別在六個部門工作。（詳見第20至23頁）



The PCPD is headed by the Commissioner, who has overall responsibilities for promoting, monitoring and supervising compliance with the Ordinance. (See Appendix 1 for details)

The PCPD had a total of 86 staff at the end of the report period comprising six divisions. (See page 20 to 23 for details)

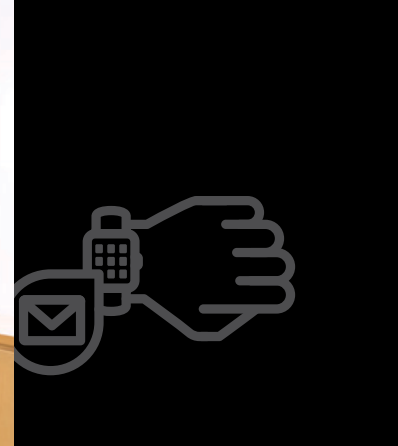


管理團隊及部門主管

- 1 黃繼兒先生
香港個人資料私隱專員
- 2 黃錦卿女士
副香港個人資料私隱專員
- 3 郭美玲女士
首席律師
- 4 鄧喜華先生
首席個人資料主任（企業服務）
- 5 梁展華先生
首席個人資料主任（執法及投訴）
- 6 黎智敏女士
首席個人資料主任（合規及查詢）
- 7 胡美麗女士
首席個人資料主任（執法及投訴）
- 8 張宗顯先生
首席個人資料主任（政策及研究）
- 9 何彩玲女士
高級個人資料主任（行政及人事）
- 10 陳培玲女士
高級個人資料主任（傳訊及教育）
- 11 許健聰先生
個人資料主任（財務）

SENIOR MANAGEMENT TEAM AND DIVISION HEADS

- 1 Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data, Hong Kong
- 2 Ms Fanny Kam-hing WONG
Deputy Privacy Commissioner for Personal Data, Hong Kong
- 3 Ms Brenda Mei-ling KWOK
Chief Legal Counsel
- 4 Mr Muller Hee-wah TANG
Chief Personal Data Officer (Corporate Services)
- 5 Mr Daniel Chin-wah LEUNG
Chief Personal Data Officer (Enforcement & Complaints)
- 6 Ms Joyce Chi-man LAI
Chief Personal Data Officer (Compliance & Enquiries)
- 7 Ms Vanessa Mei-lai WU
Chief Personal Data Officer (Enforcement & Complaints)
- 8 Mr Henry CHANG
Chief Personal Data Officer (Policy & Research)
- 9 Ms Janet Choi-ling HO
Senior Personal Data Officer (Admin. & Personnel)
- 10 Ms Carol Pui-ling CHAN
Senior Personal Data Officer (Communications & Education)
- 11 Mr Kenny Keen-chung HUI
Personal Data Officer (Finance)

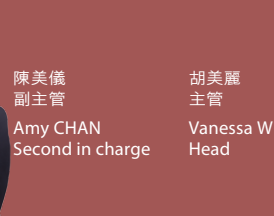
**執行部 — 執法及投訴科****Operations Division — Enforcement and Complaints Section**

- 接受市民向私隱專員提出的投訴，並且就投訴採取行動
- 就涉嫌違反條例規定的事宜進行調查，並且採取適當的跟進行動，以確保違例者遵守條例的規定
- 就可能對個人資料私隱有所影響的事宜提供意見
- To receive and take action on complaints lodged with the Commissioner
- To conduct investigations of suspected breaches of the Ordinance and take appropriate follow-up actions to ensure compliance with its provisions
- To provide advice on matters that may affect the privacy of individuals in relation to personal data

梁展華
主管
Daniel LEUNG
Head



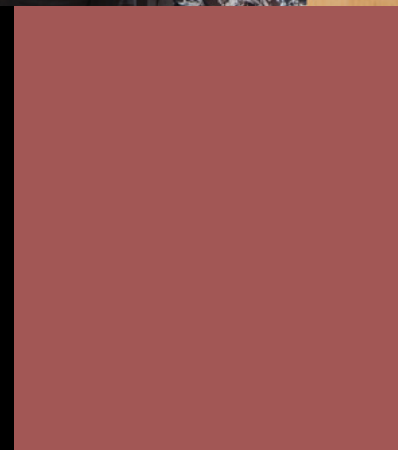
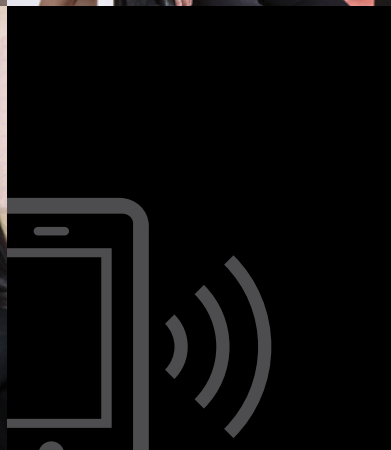
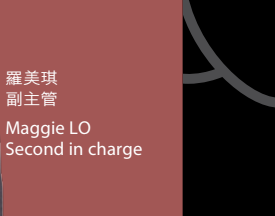
陳美儀
副主管
Amy CHAN
Second in charge



胡美麗
副主管
Vanessa WU
Head



羅美琪
副主管
Maggie LO
Second in charge

**執行部 — 合規及查詢科****Operations Division — Compliance and Enquiries Section**

- 處理市民及機構就條例提出的查詢
- 對資料使用者涉嫌違反條例規定的行事方式進行循規審查及主動調查
- 處理資料使用者提出的自動核對資料程序申請
- 就個人資料系統進行有關視察工作，以及就如何進一步遵守條例規定，向資料使用者提出建議
- To deal with general enquiries from members of the public and organisations concerning the provisions of the Ordinance
- To carry out compliance checks and self-initiated investigations in relation to practices of data users that might be inconsistent with the requirements under the Ordinance
- To handle applications from data users for approval of automated data matching procedures
- To undertake inspections of personal data systems and make recommendations to the data users concerned for improved compliance with the provisions of the Ordinance

黎智敏
主管
Joyce LAI
Head



鄧婉心
副主管
Nicola TANG
Second in charge



法律部 Legal Division

- 為公署各方面的工作提供法律意見並處理一切法律事宜
- 監察與公署工作有關的海外資料保障法律的發展
- 檢討可能對個人資料私隱構成影響的現行及建議中的香港法例
- 協助政府檢討《個人資料（私隱）條例》
- 代表私隱專員出席法庭及行政上訴委員會的聆訊
- 執行法律協助計劃
- To provide legal advice in respect of all aspects of the work of the PCPD and deal with all legal matters
- To monitor developments in overseas data protection laws insofar as they are relevant to the work of the PCPD
- To review existing and proposed Hong Kong legislation that may affect the privacy of the individual with respect to personal data
- To assist the government in the review of the Ordinance
- To represent the Commissioner in any relevant court and Administrative Appeals Board hearings
- To administer the Legal Assistance Scheme

廖以欣
副主管
Sandra LIU
Second in charge



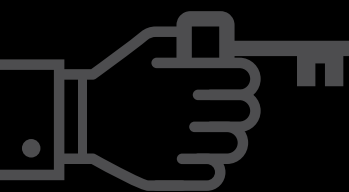
郭美玲
主管
Brenda KWOK
Head



行政部 Administration Division

- 制定並落實人力資源計劃
- 提供辦公室管理及翻譯支援服務
- 根據《公開資料守則》及條例提出的查閱資料要求，統籌公署的回覆
- 為個人資料（私隱）諮詢委員會提供統籌及秘書支援服務
- To provide strategic planning and management of human resources
- To provide office administration and translation support
- To coordinate the office's responses to requests for access to information under the Code on Access to Information and data access requests under the Ordinance
- To coordinate and provide secretarial support to the Personal Data (Privacy) Advisory Committee

何彩玲
主管
Janet HO
Head

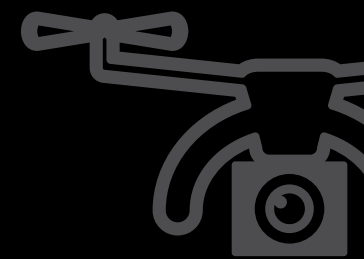


財務部 Finance Division

- 管理會計、工資及採購系統，並提供財務資訊
- 管控財務預算
- 提供財務相關事宜的支援，確保財務政策有效制定及施行
- To maintain the accounting, payroll and procurement systems; and provide financial information
- To exercise budgetary control
- To provide support on finance related matters by ensuring that financial policies are developed and administered effectively



許健聰
主管
Kenny HUI
Head



政策及研究部 Policy and Research Division

- 協助制訂政策，以輔助專員履行法定職能
- 對影響香港的資料保障政策和議題進行研究及提供建議
- 就擬備公署的刊物（例如實務守則、指引及資料單張）提供政策意見
- 就涉及個人資料的資訊系統的調查、循規審查及視察提供技術意見和支援
- 統籌科技發展常務委員會會議，並提供秘書支援服務
- 與國際間其他私隱執法機關和持份者建立及維持聯繫
- To assist in the formulation of policies with a view to discharging the statutory duties of the PCPD
- To undertake research and advise on data protection policies and issues that impact Hong Kong
- To provide policy input in the preparation of the PCPD publications, e.g. codes of practices, guidance notes and information leaflets
- To provide technical advice and supports in investigations, compliance checks and inspections that involve information systems holding personal data
- To coordinate and provide secretarial support to the Standing Committee on Technological Developments
- To establish and maintain liaison with international counterparts and stakeholders

張健康
副主管
Aki CHEUNG
Second in charge



張宗頤
主管
Henry CHANG
Head

傳訊及教育部 Communications and Education Division

- 策劃及推廣公眾教育
- 與傳媒及持份者建立良好關係及促進交流
- 為機構舉辦有關認識條例規定的研討會及講座
- 製作刊物及培訓教材，以推廣條例
- 接受傳媒查詢及安排新聞發佈會
- 管理網站，為市民提供有關條例及公署動向的資訊，以及網上資源
- To develop and implement promotion and public education programmes
- To build and develop media and stakeholders relationship
- To organise seminars and presentations for organisations to educate them on the requirements under the Ordinance
- To produce publications and training materials to promote the Ordinance
- To respond to media enquiries and arrange press conferences
- To maintain a website to provide comprehensive information about the Ordinance, the PCPD news and activities and online resources

陳培玲
副主管
Carol CHAN
Second in charge



個人資料（私隱）諮詢委員會

諮詢委員會成員由政制及內地事務局局長委任，旨在就個人資料私隱保障和條例施行的相關事宜向私隱專員提供意見。



組成（2015年10月1日至2017年9月30日）

主席

- 1 黃繼兒先生
香港個人資料私隱專員

成員

- 2 孔慶全先生
紹邦企業有限公司董事
（自2011年10月1日起）
- 3 孫淑貞女士
香港中華煤氣有限公司資訊科技總監
（自2011年10月1日起）
- 4 楊長華女士
微軟香港有限公司法務及公司事務部總監
（自2013年10月1日起）
- 5 梁松泰先生, JP
政制及內地事務局副秘書長
- 6 鍾郝儀女士
驪住株式會社企業策略（亞洲）董事總經理
（自2015年10月1日起）
- 7 郭振華先生, BBS, MH, JP
永保化工（香港）有限公司董事總經理
（自2013年10月1日起）
- 8 溫卓勳先生
渣打銀行（香港）有限公司
大中華及北亞洲地區合規部主管
（自2013年10月1日起）
- 9 羅燦先生
香港數碼廣播有限公司行政總裁
（自2015年10月1日起）
- 10 譚熾貞女士
政制及內地事務局首席助理秘書長

PERSONAL DATA (PRIVACY) ADVISORY COMMITTEE

The Advisory Committee members appointed by the Secretary for Constitutional and Mainland Affairs advise the Commissioner on matters relevant to the privacy of individuals in relation to personal data or the implementation of the Ordinance.

Membership (from 1 October 2015 to 30 September 2017)

CHAIRMAN

- 1 Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data, Hong Kong

MEMBERS

- 2 Mr Billy Hing-chuen HUNG
Director, Shiu Pong Enterprises Ltd
(since 1 October 2011)
- 3 Ms Susanna Shuk-ching SHEN
Head, Information Technology,
The Hong Kong and China Gas Co Ltd
(since 1 October 2011)
- 4 Ms Winnie Cheung-wah YEUNG
Director, Legal & Corporate Affairs, Microsoft Hong Kong Limited
(since 1 October 2013)
- 5 Mr Gordon LEUNG, JP
Deputy Secretary for Constitutional and Mainland Affairs
- 6 Ms Cordelia CHUNG
Managing Director, Corporate Strategy, Asia, LIXIL Corporation
(since 1 October 2015)
- 7 Mr Jimmy Chun-wah KWOK, BBS, MH, JP
Managing Director, Rambo Chemical (Hong Kong) Limited
(since 1 October 2013)
- 8 Mr David Chuck-fan WAN
Regional Head, Compliance, Greater China & North Asia,
Standard Chartered Bank (Hong Kong) Limited
(since 1 October 2013)
- 9 Mr Stephen Chan LOH
Chief Executive Officer,
Digital Broadcasting Corporation Hong Kong Limited
(since 1 October 2015)
- 10 Miss Phidias TAM
Principal Assistant Secretary for Constitutional and
Mainland Affairs

科技發展常務委員會

公署設立科技發展常務委員會，旨在就資料處理及電腦科技的發展情況對個人資料私隱的影響，向私隱專員提供意見。



主席

- 1 黃繼兒先生
香港個人資料私隱專員
- 2 黃錦卿女士
副香港個人資料私隱專員

成員

- 3 白景崇教授
香港大學社會科學研究中心總監
- 4 栢雅盛先生
霍金路偉律師行合伙人
- 5 譚偉豪博士, JP
權智（國際）有限公司主席
- 6 鄒錦沛博士
香港大學計算機科學系副教授
- 7 楊月波教授
香港浸會大學計算機科學系特邀教授

STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

The Standing Committee was established to advise the Commissioner on the impact of the developments in the processing of data and computer technology on the privacy of individuals in relation to personal data.

CO-CHAIRPERSONS

- 1 Mr Stephen Kai-yi WONG
Privacy Commissioner for Personal Data, Hong Kong
- 2 Ms Fanny Kam-hing WONG
Deputy Privacy Commissioner for Personal Data, Hong Kong

MEMBERS

- 3 Professor John BACON-SHONE
Director, Social Sciences Research Centre,
University of Hong Kong
- 4 Mr Mark PARSONS
Partner, Hogan Lovells
- 5 Dr Samson Wai-ho TAM, JP
Chairman of Group Sense (International) Ltd
- 6 Dr K P CHOW
Associate Professor, Department of Computer Science,
University of Hong Kong
- 7 Professor Y B YEUNG
Adjunct Professor, Department of Computer Science,
Hong Kong Baptist University



監督循規 擁抱挑戰 Monitoring Compliance Embracing Challenges

合規及查詢科監察和推動資料使用者要循規以符合條例的規定。隨著資訊科技急速發展而衍生的私隱風險，我們特別鼓勵機構採取所有方法和手段，以保障個人資料，並尊重消費者和用家的私隱。

The Compliance & Enquiries Section monitors and promotes compliance with the provisions of the Ordinance. In view of the privacy risks brought about by the rapid advances in information and communication technology, we specially encourage organisations to apply all means to ensure personal data protection and respect consumer and user privacy.



抽查以兒童為對象的網站及程式

公署於2015年5月抽查45個由本地機構開發，以兒童為對象的網站及手機程式（「程式」）。今次抽查是響應「全球私隱執法機關網絡」（Global Privacy Enforcement Network）舉行的全球聯合行動。公署聯同全球其他28個私隱執法機關抽查1,494個以兒童為對象的網站及程式，以了解它們在私隱保障上的做法。結果顯示有些網站及程式有良好的私隱措施，但當中也有部分的做法不太理想。

抽查結果

超過三成的本地網站及程式有收集兒童的香港身份證號碼。近一半的網站及程式在私隱政策中有提及會把資料轉移給第三者。下表列出抽查的主要結果，並將香港的抽查結果與全球的抽查結果作比對。

	香港（45個網站及程式） Hong Kong (45 websites and apps)	全球（1,494個網站及程式） Global (1,494 websites and apps)
收集用戶的香港身份證號碼 Collect user’s HKID Card number	16 (36%)	不適用 Not applicable
收集用戶就讀學校的名稱 Collect name of school attending by the user	14 (31%)	無相關資料 Not available
收集用戶的住址 Collect user’s home address	27 (60%)	19%
收集用戶的電話號碼 Collect user’s phone number	33 (73%)	22%
向用戶收集第三者資料 Collect third parties’ information from user	16 (36%)	18%
以簡單語言向兒童傳遞私隱政策 Convey privacy policy in simple language for children	2 (4%)	22%
有提及會把用戶的個人資料轉移予第三者 Indicate possible transfer of user’s personal data to third parties	22 (49%)	51%
提供途徑讓用戶刪除帳戶 Provide means for user to delete his account	2 (4%)	29%

整體而言，抽查人員對14個本地網站（31%），有關其欠缺清晰的私隱政策、沒有明顯理由而收集香港身份證號碼，以及要求兒童提供朋友或家人的個人資料時沒有充分提示他們應先諮詢這些人士表示憂慮。對比全球調查而言，41%的抽查網站及程式受到類似的關注。

STUDY OF WEBSITES AND MOBILE APPS TARGETING AT CHILDREN

The PCPD conducted a study of 45 local websites and mobile applications (“apps”) targeting at children in May 2015. The study was part of the Global Privacy Enforcement Network (“GPEN”) Sweep exercise, in which the PCPD joined forces with 28 other privacy enforcement authorities around the globe to examine the privacy protection of 1,494 websites and apps targeting at children. The results showed that some local websites and apps applied good privacy practice while others were not satisfactory.

The Findings of the Study

More than a third of the local websites and apps asked for children’s HKID Card number. Almost half of the local websites and apps indicated in their privacy policies that they might share the collected personal data with third parties. The table below summarises the major findings of the study, and a comparison between Hong Kong’s and global results.

Overall, concerns were expressed in 14 local websites (31%) over the lack of visible privacy policy, the collection of HKID Card number without obvious reasons, and the request for children to share the personal data of friends or families without sufficient prompting that they should consult those people first. In comparison, the global Sweep exercise identified similar concerns in 41% of the websites and apps studied.

良好行事方式的例子

今次全球抽查行動亦發現一些具良好行事方式的網站及程式。有些網站及程式採取了保護措施來防止兒童不經意地分享了其個人資料，例如讓兒童選用預設的頭象或用戶名稱，而非任由他們輸入個人資料。在香港，值得一提的是香港女童軍總會的收集資料聲明頗具透明度，並且會因應對象而設計內容。其收集資料聲明是以精簡的方式說明收集個人資料的目的，並提供了總會的保障資料主任的聯絡資料。

給以兒童為對象的資料使用者的指引

針對今次的抽查結果，公署制定了一份名為《經互聯網收集及使用個人資料：以兒童為對象的資料使用者注意事項》的單張，為資料使用者提供實用建議及良好的行事方式作參考。例如：

- 避免使用開放式問題以減少及限制向兒童收集的個人資料的數量；
- 向兒童提供刪除帳戶及個人資料的途徑；
- 在使用個人資料作新用途前，要先得到兒童及家長／監護人的同意；
- 把個人資料加密；及
- 就私隱政策及行事方式，向兒童及其家長提供簡單易明的資訊。

給家長及老師的實用建議

公署曾於2015年5月公佈另一份有關香港兒童所面對的私隱問題的研究報告。報告顯示家長及老師對兒童私隱保障的議題認知不足。公署因此制定了一份名為《兒童網上私隱——給家長及老師的建議》的單張，向他們作出以下建議：

- 積極參與——家長及老師應以身作則，了解網上世界的運作，並積極參與兒童的網上活動；
- 保障兒童私隱基本功——就保安措施、數碼腳印、私隱設定及尊重家人及朋友意願方面作出建議；及
- 樹立好榜樣——家長及老師應該向兒童示範如何保障、尊重自己及他人的個人資料。

Examples of Good Practice

The global Sweep found some examples of good practice, with some websites and apps providing effective protective measures in the form of preset avatars or usernames to prevent children from inadvertently sharing their personal data. In Hong Kong, we found the transparent and fair collection statement of the Hong Kong Girl Guides Association worthy of mentioning. The collection statement sets out in a concise and simple manner the purposes for which personal data is collected, and the contact details of the Association’s Data Protection Officer.

Guidance Note for Data Users Targeting at Children

To follow up on the findings of the Sweep exercise, the PCPD released a leaflet for data users entitled “Collection and Use of Personal Data through the Internet – Points to Note for Data Users Targeting at Children” to provide practical suggestions and good practice, such as:

- Avoid the use of open-type questions to reduce and limit the amount of personal data collected from children;
- Offer means for children to remove the accounts and all associated personal data;
- Obtain the consent of children, and their parents or guardians before using the collected personal data for a new purpose;
- Safeguard the personal data by encryption; and
- Offer easily-understood, user-friendly and age specific information to children and their parents regarding privacy policy and practice.

Practical Tips for Parents and Teachers

In May 2015, the PCPD released a separate report on an exploratory study which had been carried out to identify major privacy concerns and problems faced by children in Hong Kong. The results showed that parents and teachers seemed to have insufficient awareness about children’s privacy issues. Addressing these issues, the PCPD published a leaflet entitled “Children Online Privacy – Practical Tips for Parents and Teachers”. Recommendations include:

- Active Participation – Parents and teachers are encouraged to engage with children in the online activities and understand the operation of the online world;
- Basic Steps for Children Privacy – Suggestions are provided on security measures, digital footprints, privacy settings and respecting the privacy of family members and friends; and
- Setting a Good Example – Parents and teachers are role models for children. They should set good examples by protecting their own personal data and respecting others’ personal data privacy.

在某些情況下，從幼小兒童收集第三者的個人資料可能會被視為不公平收集個人資料，違反條例附表 1 的第 1(2)(b)保障資料原則。

在尊重他人的個人資料方面，家長及老師應樹立榜樣，在分享朋友及第三者的個人資料之前先諮詢他們。關於分享兒童的資料（例如相片、考試成績及參與體育賽事的資料），家長及老師應以兒童的利益為依歸，包括考慮任何可能會對兒童造成的傷害及在其長大後可能會產生的尷尬情況。然而，兒童對私隱的期望及作出決定的能力會隨著個人成長及智力發展而改變，家長及老師應經常與兒童坦誠地討論網上的活動。

公署亦改革了「兒童私隱」網站（www.pcpd.org.hk/childrenprivacy），為家長和老師提供一站式的保障私隱資訊，當中有不少實用建議及教材。



Collection of third party’s personal data from young children may in some circumstances amount to unfair collection contrary to DPP1(2)(b) in Schedule 1 to the Ordinance.

On respecting the personal data privacy of others, parents and teachers should set an example by consulting their friends or third parties before sharing their personal data. In terms of sharing children’s information (such as photographs, examination results and participation in sporting events), parents and teachers should invariably take into account the interest of the children, including any harm and potential embarrassment in the future. However, as children’s expectations on privacy and ability to make decisions vary depending on individual maturity and intellectual development, parents and teachers are encouraged to discuss with them frequently and frankly on their online practices.

The PCPD has also revamped a thematic website entitled “Children Privacy” (www.pcpd.org.hk/childrenprivacy), which is a one-stop portal to provide teachers and parents with practical tips and teaching resources on personal data protection for children.

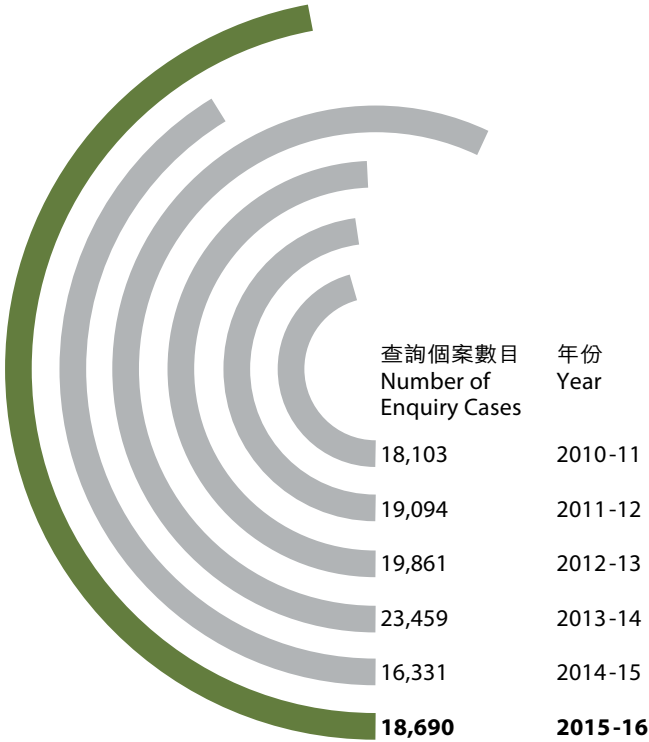
處理查詢

公署在本年度共處理 18,690 宗查詢個案，比上年度上升 14%；平均每個工作天處理 76 宗查詢（圖 2.1）。

HANDLING ENQUIRIES

A total of 18,690 enquiries were handled during the year, up 14% from that of the previous year. On average, 76 enquiries were handled per working day (Figure 2.1).

圖 Figure 2.1 全年查詢個案 Annual enquiry caseload



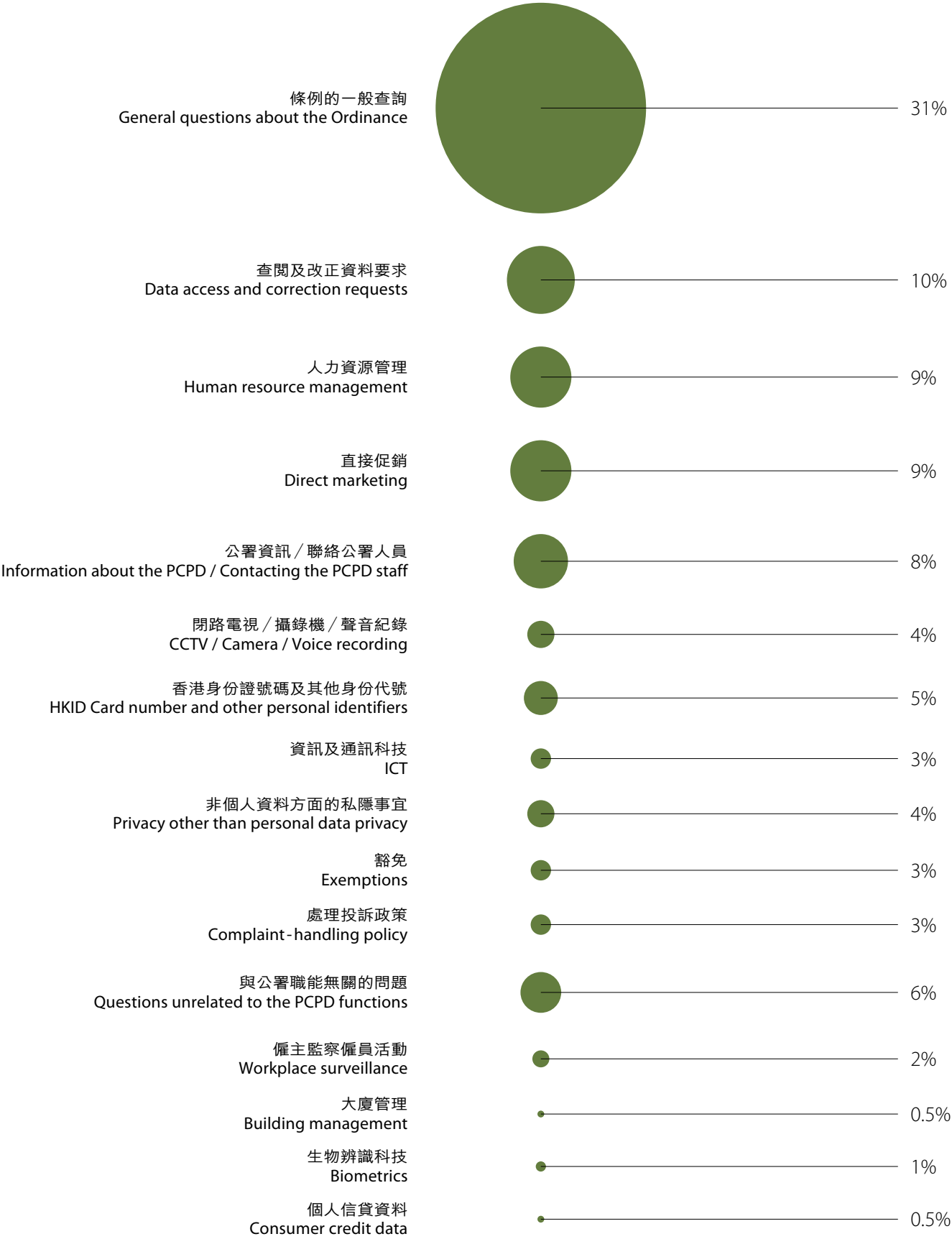
郭正熙
高級個人資料主任
（合規及查詢）
Brad KWOK
Senior Personal Data Officer
(Compliance & Enquiries)

感言 Sharing

我在公署已經工作十個寒暑，很感恩我能跟公署一起成長，一起經歷很多不同的挑戰。我十分欣慰市民大眾及機構越益重視個人資料私隱，並尊重及欣賞公署為保障市民個人資料私隱的工作。這都是我們致力保障市民的個人資料私隱所得到最正面的回饋。今年，我再次調任至合規及查詢科工作，希望能繼續運用我的知識及經驗協助公署執法及推廣條例，以迎接下一個十年所帶來的新挑戰。

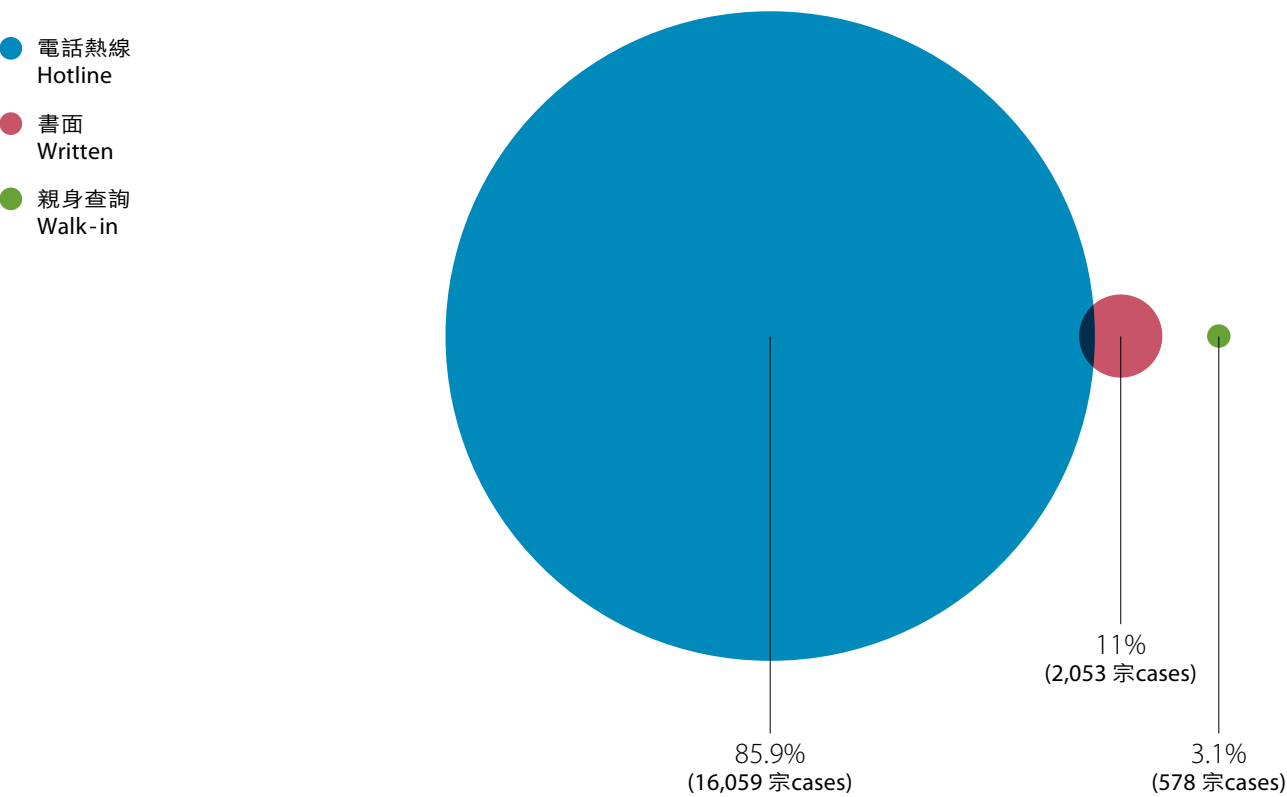
It is my pleasure that I grew and experienced with the PCPD over the last 10 years. I am so pleased to see that the public and organisations have given greater attention to the personal data privacy, respected and appreciated what PCPD does in protecting personal data privacy of the community. This is the best reward for the commitment in our work. I have returned to the Compliance and Enquiry Section this year and would endeavour to assist the PCPD in enforcing and promoting the Ordinance and to meet the new challenges in the next decade.

圖 Figure 2.2 查詢個案的性質
Nature of enquiries



大部分 (85.9%) 查詢經由公署的電話熱線 (2827 2827) 提出 (圖2.3)。
The majority of the enquiries (85.9%) were made through the PCPD hotline (2827 2827) (Figure 2.3).

圖 Figure 2.3 提出查詢的途徑
Means by which enquiries were made





新入職員工 Newcomer

我現時的職責是負責處理公眾查詢。每星期接聽數以百計、內容牽涉不同範疇的電話查詢，對我來說確實是一大挑戰。然而，能令查詢者對條例有更深入的了解，幫助他們解決有關個人資料私隱的各種問題，這著實帶給我不少的滿足感，亦令我感受到工作背後的使命感。我很感謝公署給予機會，讓我能於各部門輪換工作，擴闊工作經驗。我會繼續努力，以誠懇有禮的態度，為市民提供優質及有效率的服務。

My current duty is to handle enquiries from the public. Although it is a challenge for me to answer hundreds of diversified enquiries every week, the job brings me enormous satisfaction and makes me realise the mission of work when I can help the enquirers to have a better understanding of the Ordinance and solve personal data privacy-related problems for them. I feel truly grateful for the valuable opportunity to broaden my work experience through job rotation amongst different divisions. I will continue to serve the public positively by providing them with quality and efficient service.



張穎聰
一級助理個人資料主任 (合規及查詢)
Mavis CHEUNG
Assistant Personal Data Officer I (Compliance & Enquiries)



循規審查

當某機構的行事方式與條例規定看來有不相符時，私隱專員會展開循規審查。在完成循規審查行動後，私隱專員會書面告知有關機構，指出與條例規定不符或不足之處並促請有關機構採取適當的補救措施糾正可能違規的情況，以防止類似情況再發生。

在報告年度內，私隱專員共進行了286次循規審查行動。77%的循規審查對象為私營機構，其餘23%則關乎公營機構，包括政府部門、法定機構、非政府機構及政府資助教育機構。

下文重點介紹在年內進行的部分循規審查行動。

11,655名香港客戶信用卡資料遭零日惡意程式入侵

據本地報章報道，一間國際酒店集團的信用卡系統遭零日惡意程式入侵，因此曾在該酒店集團使用信用卡購買其產品及服務之客戶的姓名及信用卡號碼有可能遭外洩。該酒店集團後來向公署表示事件涉及旗下兩間位於香港的酒店，合共影響11,655組信用卡資料。

該酒店解釋，它在2015年2月獲瑞士信用卡處理中心通知，其資訊系統可能遭惡意程式攻擊。法證調查結果顯示，黑客為了可以獲得信用卡資料，曾透過旗下一部位於印尼雅加達酒店的伺服器進入集團網絡，利用擁有管理員權限的系統帳戶在全球系統內種植惡意程式。有關調查表示並沒有證據證明信用卡資料遭洩漏或從其系統中刪除。

該酒店集團事發後立即通知所有受影響的客戶（包括香港客戶），引入抗電腦病毒解決方案的服務提供者制定新病毒數據以刪除有關惡意程式，更新所有系統密碼，封鎖所有不必要的網絡服務，及切斷過時伺服器與網絡的連接，以遏制事故。

COMPLIANCE CHECKS

The Commissioner conducts compliance checks of practices that appear to be inconsistent with the requirements under the Ordinance. Upon completion of a compliance check, the Commissioner alerts an organisation in writing, pointing out the apparent inconsistency or deficiency, and advising the organisation, if necessary, to take remedial actions to correct any breaches and prevent further breaches.

During the report year, the Commissioner carried out 286 compliance checks. Of these, 77% were conducted on private sector organisations, while the remaining 23% were on government departments and statutory bodies, non-government organisations and government-funded educational institutions.

Below are highlights of some of the compliance checks conducted during the year.

Credit Card Data of 11,655 Hong Kong Customers Hacked by a Zero-day Malware

It was reported in local newspapers that the credit card systems of an international hotel group were attacked by a zero-day malware and, as a result, names and credit card numbers of its customers who had used credit cards to purchase products and services were suspected to have been leaked. The hotel group subsequently reported to the PCPD that two of the group's hotels in Hong Kong were involved in the incident, affecting a total of 11,655 sets of credit card data.

The hotel group explained that the group was first notified by its card processing company in Switzerland of the possibility of the malware attack on its information systems in February 2015. The forensic investigations revealed that a hacker gained access to the group's network through a server in its hotel in Jakarta. He utilised a system account with administrative privileges and planted the malware in the systems worldwide in order to gain access to the credit card data. The investigations suggested that there was no evidence to show that the credit card data had been exfiltrated or removed from its systems.

Immediately after the incident, the group notified all affected customers (including Hong Kong customers) and engaged antivirus solution providers to develop new virus signatures to remove the malware. It also changed all the system passwords, blocked all unnecessary network services and disconnected decommissioned servers from its network.

該酒店集團採取了下述補救行動，防止日後再發生類似事件：

- 實施一份「二進制白名單」，避免未獲授權的原碼及／或軟件在其網絡中執行；
- 為管理員帳戶及遠端存取帳戶進行定期審計，減低可能損害其網絡的潛在風險；
- 改善重要系統或該些載有特別權限系統的記錄設定，以提升追蹤性及問責性；及
- 提高對外互聯網連接權限，以防範惡意通訊。

承辦商未獲授權下載210,000名銀行客戶的個人資料

一間銀行向公署通報，銀行委託了一名承辦商執行銀行的系統發展項目，並授權他使用銀行的原始資料進行有關的項目測試，惟該承辦商其後被發現在未獲授權的情況下從銀行的電腦下載了964個載有客戶個人資料的檔案至其個人流動裝置。涉及的個人資料包括約210,000名客戶的香港身份證號碼、住宅及郵寄地址，以及基金投資資料。

該銀行解釋，事件是由於銀行的資料遺失防護系統的配置有漏洞，以致系統只能阻止資料被儲存到外置的儲存裝置，但有關的儲存裝置卻不包括視窗便攜式裝置，例如智能電話及平板電腦。該銀行述明該名承辦商並沒有對外披露或使用其所下載的檔案資料。

該銀行採取了下述補救行動，防止日後再發生類似事件：

- 重新設置其資料遺失防護系統，以阻止資料被傳輸到視窗便攜式裝置；
- 加強其資料外洩偵測工具及安裝在電腦的端點保安軟件，以防止惡意或未獲授權的資料轉移；
- 透過雲端監控工具監察經互聯網傳輸的資料；及
- 更改其現有程序指引，要求承辦商日後只可以虛擬或匿名化的資料作系統測試及發展。

The hotel group had also taken the following remedial actions to prevent similar incidents:

- Implementing a binary whitelist to prevent any unauthorised code and/or software from being executed from its network;
- Conducting periodic audits of administrator and remote access accounts to reduce the potential threat that could harm its network;
- Improving logging record for all critical systems or systems with privilege access to increase traceability and accountability; and
- Increasing restriction on outbound Internet connections to protect against malicious traffic.

Unauthorised Download of 210,000 Customers' Personal Data by a Contractor

A bank informed the PCPD that its designated contractor had downloaded 964 data files from the bank's computer workstation to his personal mobile device without authorisation, although he was granted access to those raw data under the bank's supervision in a system development project. The personal data involved in the incident included the HKID Card numbers, residential and postal addresses, and fund investment details of approximately 210,000 customers.

The bank explained that the incident was caused by the misconfiguration of its data loss prevention system, which was set up to prevent unauthorised data transfer to external storage devices but failed to block the transfer of data from computer workstations to "Windows Portable Devices" such as smartphones and tablets. The bank stated that the data files downloaded had not been further disseminated or misused by the contractor.

The bank reported to the PCPD that it had taken the following remedial actions to prevent similar incidents:

- Re-configuring the data loss prevention system controls to block all data connection with Windows Portable Devices;
- Enhancing its inadvertent data disclosure tool and end-point security tool on its computer workstations to prevent malicious or unauthorised data transfer;
- Implementing an Internet cloud-monitoring capability tool to monitor external data transfers through Internet services; and
- Revising its procedures that allow only dummy or masked personal data to be used for the purposes of testing and system development in future.

學會誤信仿冒詐騙電郵導致6,131名會員資料外洩

一間學會向公署通報，該學會不慎地應一封仿冒詐騙電郵的要求而洩漏了會員的個人資料。該電郵看似來自該學會的行政總裁，要求索取會員資料。該學會不疑有詐，向該仿冒詐騙電郵的來件者發送一份載有6,131名會員的姓名、勳銜及電郵地址的名單。

該學會解釋，該仿冒詐騙電郵要求把有關資料傳送到兩個指定的電郵地址，其中一個是行政總裁的官方電郵地址，另一個看來是他的私人電郵地址。基於收到有關要求的職員相信其行政總裁急切需要有關資料，因此才遵從該要求而導致資料外洩。該學會再解釋，雖然載有會員資料的資料庫已受密碼保護及加密，但在事件中從資料庫所產生的名單，是沒有受到任何措施保護的。

該學會因應事件採取了下述補救行動，防止日後再發生類似事件：

- 要求所有職員以電郵通訊時須用密碼保護載有個人資料的檔案及限制他們使用私人電郵帳戶進行與業務有關的事宜；
- 提醒所有職員嚴格遵守其「資訊保安政策」及「可接受使用政策」所規定的要求；
- 提供培訓以加強職員對資訊科技保安的意識；及
- 聘請外間資訊科技顧問，提供持續的保安監控及對資訊科技和保障資料事宜的意見。

訂購食物紀錄經互聯網外洩涉及62,539名客戶

公署接獲市民通知，一間專門提供食物外送服務的公司的客戶資料經互聯網外洩，公眾人士可透過互聯網開啟該公司伺服器內的超文本預處理器(即Hypertext Preprocessor)查閱該公司客戶的訂購食物紀錄及所提供的個人資料。涉及的個人資料包括62,539名客戶的名稱、地址、電話號碼及電郵地址。

該公司解釋，事件是源於其伺服器內相關資料夾的存取權限出現錯誤，以致無關人士可透過互聯網查閱客戶的個人資料。該公司在事發後立即更正有關資料夾的存取權限，

Data Leakage via a Phishing Email Involving 6,131 Members of an Institute

An institute reported to the PCPD that it had inadvertently sent a list containing the name with suffix and email address of 6,131 members to a deceptive phishing email, which purported to be the Chief Executive of the institute requesting for members' information.

The institute explained that the "phishing email" requested the information to be sent to two specified email addresses, one being the Chief Executive's official email address while the other purporting to be his personal email address. Since the staff member who received the request believed that the information was urgently required by the Chief Executive, he complied with the request and hence caused the leakage. The institute further explained that although its membership database was password protected and encrypted, the list generated from the database in the incident was not secured by any measures.

The institute subsequently took the following remedial actions to prevent recurrence of the incident:

- Requiring all staff to protect files containing personal data by password for email communications and restricting the use of personal email accounts for business related matters;
- Reminding all staff to strictly adhere to the requirements stipulated in its Information Security Policy and Acceptable Use Policy;
- Providing training to enhance staff awareness of information-technology security; and
- Engaging an external information technology consultant to provide continuous security monitoring and consultation on information technology and data protection matters.

Online Food Ordering Records Leaked to the Internet Involving 62,539 Customers

A citizen reported to the PCPD that public were able to access the food ordering records and personal data of customers of a company, which provided food delivery services, by clicking the hyperlink of the company's hypertext preprocessor posted on the Internet. The personal data involved in the incident included the names, addresses, telephone numbers and email addresses of 62,539 customers.

The company explained that the incident was caused by the incorrect setting of a folder's access right stored in the server, which allowed unintended parties access to its customers' personal data via the Internet. Immediately after the incident, the company

並將有關的系統程式檔案重新命名及增設密碼，以防止無關人士透過該超連結再次開啟伺服器內的超文本預處理器。

該公司亦採取了下述補救行動，防止日後再發生類似事件：

- 委託系統開發公司定期檢查伺服器以確保有關的資料夾的存取權限正確；
- 將網上訂購紀錄的保存期限縮短為送貨完成日起計一天，並已編寫了相關程式以確保資料會被準時刪除；及
- 切換現有的電腦系統，在新系統中加入認證功能，以確保只有獲授權的網際網路協定位址或電腦才可以讀取新系統內的客戶個人資料。

rectified the access right of the folder, renamed and enabled password protection of the relevant system programme files so as to prevent unintended parties from accessing the company's hypertext preprocessor by using the said hyperlink.

The company also took the following remedial actions to prevent recurrence of the incident:

- Appointing a system developer to regularly inspect the server to ensure the correctness of the folder's access right;
- Shortening the retention period of the food ordering records to one day after the delivery, and compiling programmes to ensure that the ordering records would be erased timely; and
- Replacing the existing computer system - Authentication function was included in the new computer system so that only authorised IP addresses or computers could access customers' personal data stored in the new system.

感言 Sharing

作為個案主任，我經常處理不同案件，當中不乏涉及複雜的法律問題。公署為確保我們了解與條例相關的最新案例及科技發展，不時舉辦個案分享會及專題研討會，並鼓勵我們參與有關保障個人資料私隱的國際會議。此外，公署亦會聘請專業機構為我們提供語文及個人發展的培訓。我亦在上司的支持下在工餘時間攻讀香港中文大學法學碩士課程。

我認為公署十分重視員工的發展。我在此感謝公署挑選我調任至傳訊及教育部九個月，讓我擴闊視野及汲取多元化的工作經驗，使我在公署的各個職能上有更全面及靈活的發展。

展望將來，我相信公署在私隱專員的領導下能夠繼續弘揚「保障、尊重個人資料」的文化。

As a case officer, I handle a variety of cases that often involve complex legal issues. To keep staff members abreast of the judgments and the latest technologies relevant to the Ordinance, the PCPD organises internal case sharing and thematic seminars from time to time, and encourages us to participate in international conferences relating to personal data privacy. In addition, the PCPD invites professional organisations to provide staff trainings on language and personal development. With the support of my superiors, I further pursued my study for the Master of Laws degree at the Chinese University of Hong Kong during my leisure.

The PCPD places a lot of value on staff development. I am thankful to be selected for a secondment to the Communications and Education Division for nine months. I have broadened my horizon and gained diversified work experiences through this opportunity, and I found myself having a more comprehensive and versatile development in the PCPD.

Looking forward, I believe that under the leadership of the Commissioner, the PCPD will continue to strive to promote the culture of "Protect, Respect Personal Data".



蘇定欣
個人資料主任
(合規及查詢)
Ivy SO
Personal Data Officer
(Compliance & Enquiries)

主動調查

私隱專員就58則匿名招聘廣告不公平收集求職者個人資料發表報告

公署發現機構沒有披露其身份而刊登58則匿名招聘廣告（即「匿名廣告」），以不公平方式收集求職者的個人資料，違反條例下保障資料第1(2)原則。

2014年，公署審視了刊登於七個主要招聘媒體（即Career Times、JobsDB、青雲路、Recruit、Classified Post、招職及求職廣場）的9,016則招聘廣告，發現當中有311則匿名廣告，佔總數的3.45%。私隱專員隨機選了當中71則廣告展開調查，結果向69名僱主發出了執行通知。七個招聘媒體中，有六個向私隱專員承諾會做好把關工作，採取措施制止匿名廣告。

公署其後於2015年再次進行類似調查，發現匿名廣告的情況明顯有所改善。公署在此年度的同期審閱了上述七個媒體刊登的12,849則招聘廣告，從中只找到59則匿名廣告，佔總數的0.46%。換句話說，匿名廣告的比例從上年度的3.45%大幅回落至本年度的0.46%。

在進行調查的59則匿名廣告中，58則被發現違反條例下的保障資料第1(2)原則的規定。在餘下一宗個案中，私隱專員發現有關僱主已曾發出指引及在培訓中提醒員工不得刊登匿名廣告，本個案源於有僱員沒有依從僱主的指引行事，僱主根據條例第65(3)條可被免責。

執法行動

其中一位違反了保障資料第1(2)原則的僱主主動向私隱專員提出已刪除所有求職者的資料及作出書面承諾日後刊登招聘廣告時會緊遵條例的規定，其餘僱主全被私隱專員發出了執行通知，指令他們刪除已收集的求職者資料（除非求職者同意其資料被保留以繼續招聘程序等）。

私隱專員的意見

2015年的調查清楚顯示，匿名廣告的數量相比2014年大幅減少。毫無疑問，招聘媒體就此作出了明顯的改善。私隱專員對招聘媒體的努力表示讚許，並呼籲他們持續加大力度遏止匿名廣告，促使該些廣告最終在招聘市場上銷聲匿跡。

PCPD-INITIATED INVESTIGATIONS

The Commissioner Revealed 58 Blind Recruitment Advertisements for the Unfair Collection of Job Applicants' Personal Data

A number of organisations were found to be in breach of DPP1(2) of the Ordinance for placing 58 job advertisements without disclosing their identities ("Blind Ads"), thus soliciting job applicants' personal data in an unfair manner.

In 2014, the PCPD reviewed 9,016 recruitment advertisements on seven major recruitment media in Hong Kong, namely Career Times, JobsDB, JobFinder, Recruit, Classified Post, Jiu Jik, and JobMarket. 311 Blind Ads (3.45% of the total) were identified. Of these, 71 Blind Ads selected on a random basis were investigated and as a result, all 69 employers concerned were issued enforcement notices. Further, six of the seven recruitment media responded to the Commissioner's appeal and pledged to take actions to deter Blind Ads.

In 2015, the PCPD continued with similar investigations, and found that the situation of Blind Ads has improved. The PCPD examined 12,849 advertisements placed in the same seven recruitment media, and only 59 Blind Ads (0.46% of total) were identified. That is, the proportion of Blind Ads has dropped from 3.45% in 2014 to 0.46% in 2015.

Of the 59 Blind Ads, 58 were found to be in breach of DPP1(2) of the Ordinance. In the remaining case, the employer was found to have already issued guidelines on the prohibition of placement of Blind Ads and trained its employees on those guidelines regularly. As such, the company appeared to have already taken practicable steps to prevent the placing of Blind Ads and satisfied the defence provisions under section 65(3) of the Ordinance.

Enforcement Action

One of the employers in breach of DPP1(2) had proactively informed the Commissioner that it had deleted all job applicants' personal data and provided a written undertaking to the Commissioner that it would duly comply with the requirements under the Ordinance when placing recruitment advertisements in future. All remaining employers were issued an enforcement notice directing them to delete the personal data collected (unless the job applicants choose to have their personal data retained for a continuing recruitment process, etc).

The Commissioner's Comments

The result of the survey in 2015 indicated clearly that the proportion of Blind Ads has been reduced drastically compared with that of 2014. No doubt the recruitment media have played an instrumental role in the improvement. The Commissioner appreciates greatly their dedicated efforts and calls on the recruitment media to continue to step up such efforts so that Blind Ads can eventually be eliminated from the job market.

視察行動

公署根據條例第36條，在2015年3月至10月期間視察一間旅行社的個人資料系統；並於2016年1月發表視察報告。

視察原因

外遊是港人喜愛的消閒活動，而旅行社會收集和保存大量顧客的個人資料包括姓名、護照資料、出生日期、聯絡資料及信用卡資料等。私隱專員對旅行社的個人資料系統進行視察，藉以促進同一行業的資料使用者循規，以符合條例的規定。

香港有超過1,700間持牌旅行社，專員揀選視察對象的考慮因素包括客戶的人數，及旅遊業界收集個人資料的途徑（即分行、電話報名中心及網站）。是次視察的對象為康泰旅行社。

視察結果

公署注意到該旅行社在資料保障方面有一些值得參考的行事方式；包括重視私隱管理，委派高層管理人員監督私隱事宜；向親身報團的顧客只收集必需資料；適時銷毀載有個人資料的文件；以及謹慎處理敏感文件。

建議

公署亦向該旅行社提出建議，改善其資料保障措施，包括：

- 要符合「資料收集原則」：例如是否需要在網上報團時收集顧客的地址及香港身份證號碼；及是否需要收集其會員計劃參加者的出生年月日，以處理入會申請及換取優惠；
- 要符合「資料使用原則」及使用個人資料於直接促銷的規定：在表格上具體說明旅行團顧客的個人資料會轉移給甚麼類別的人士，及資料轉移的目的；如不會轉移尊享會會員的個人資料予任何人士，便應列明出來；讓參加者表示是否反對使用其個人資料作直接促銷的選項，列於表格上顯眼的位置；

INSPECTION

The PCPD inspected the personal data system of a travel agent between March and October 2015 pursuant to section 36 of the Ordinance, and published an inspection report in January 2016.

Reasons for Inspection

Vast amount of customers' personal data including the name, passport details, date of birth, contact information, and credit card details are collected and retained by travel agents in Hong Kong. The Commissioner considers that the inspection of a travel agent's personal data system can serve the purpose of promoting compliance by other travel agents.

There are over 1,700 licensed travel agents in Hong Kong. The particular travel agent was selected in the inspection because of the vast number of customers it had and the channels of personal data collection (namely branches, call centre and website) are commonly used in the travel service industry. Hong Thai Travel Services Limited was selected for the inspection.

Findings

The PCPD found some good practices adopted by the selected travel agent which can be used as a frame of reference by other agents. These practices include commitment to privacy management by assigning a high-ranking management officer to oversee privacy matters; only necessary data is collected from a customer when tour services are booked at a branch; timely destruction of documents containing personal data; and secure handling of sensitive documents.

Recommendations

The PCPD also made some recommendations to this travel agent in the following areas to improve its data protection practice.

- Collection principle of personal data: whether there is any need to collect the address and HKID Card number from a tour customer who books a tour online, and whether there is a need to collect full date of birth from loyalty programme members in order to process the membership application and the points redemption;
- Data use principle and the requirements of the use of personal data in direct marketing: specify precisely in the registration form the classes of persons to whom a tour customer's personal data may be transferred and the purposes of such transfer; state in the terms and conditions of its loyalty programme that there is no transfer of a loyalty programme member's personal data to any other parties, if this is the case; and relocate the tick box on the paper registration form (for customers to indicate objection to the use of their personal data in direct marketing) to a more prominent place;

- 在保安措施方面的建議：於現有的工作流程或指引中，列明保護敏感資料的措施；貫徹執行員工在互聯網傳輸個人資料時必須加密的規定，並書面訂明違規的後果；以及檢討及完善現行的資訊科技保安政策及管治方式，以確保全面性及完整性；完善處理資料外洩的指引；及
- 在私隱政策的透明度方面：制定私隱政策聲明，並於網上發佈。

資料外洩通報

資料外洩事故一般是指資料使用者懷疑其持有的個人資料保安不足，以致洩露資料，令資料可能被人未經授權或意外地查閱、處理、刪除、喪失或使用。資料外洩事故可能構成違反保障資料第4原則。公署敦請資料使用者一旦發生資料外洩事故，須通知受影響的資料當事人、私隱專員和其他相關人士。

公署在接獲資料外洩事故通報（可用公署的指定表格或其他方式呈報）後，會評估有關資料，以考慮是否有需要對有關機構展開循規審查。若私隱專員決定進行循規審查，會書面通知相關的資料使用者，指出明顯的不足之處，並建議他們採取補救措施，防止同類事故重演。

在本年度，公署接獲104宗資料外洩事故通報（44宗來自公營機構；60宗來自私營機構），牽涉854,476名人士的個人資料。公署對肇事機構展開循規審查行動。

- Data security measures: formally document the administrative measures in safeguarding sensitive documents in transit in its existing workflow or other procedural guidelines; fully enforce the requirement of encryption when transmitting personal data through the internet and spell out the consequence of non-compliance; review and improve the existing IT security policy and IT governance to ensure its comprehensiveness and integrity; improve the data breach handling guideline; and
- Transparency of the privacy policy: devise a privacy policy statement and make it available online.

DATA BREACH NOTIFICATION

A data breach is a breach of security of personal data held by a data user, which results in exposing the data to the risk of unauthorised or accidental access, processing, erasure, loss or use. The breach may amount to a contravention of DPP4. Data users are strongly advised to give a formal data breach notification (“DBN”) to the affected data subjects, the Commissioner, and other relevant parties after a data breach has occurred.

Upon receipt of the DBN from a data user (which could be submitted through the designated DBN form or other means of communication), the PCPD would assess the information provided in the DBN and decide whether a compliance check is warranted. If a compliance check is to be conducted, the Commissioner would alert the data user in writing, pointing out the apparent deficiency and inviting him, where appropriate, to take remedial actions to prevent a recurrence of the incident.

During the year, the PCPD received 104 data breach notifications (44 from the public sector and 60 from the private sector), affecting 854,476 individuals. The PCPD conducted a compliance check in each of these 104 incidents.

個人資料的核對程序

在本年度，私隱專員共收到46宗個人資料核對程序申請，全部來自政府部門及公營機構。

經審閱後，私隱專員在有條件的情況下批准了44宗申請。截至2016年3月31日，私隱專員尚在考慮兩宗申請。

以下是私隱專員核准進行個人資料核對程序的部分個案：

DATA MATCHING PROCEDURE

During the report year, the Commissioner received a total of 46 applications for approval to carry out matching procedures. All of the applications came from government departments and public-sector organisations.

Upon examination, 44 applications were approved, subject to conditions imposed by the Commissioner, and the remaining two applications were under consideration by the Commissioner as at 31 March 2016.

Some of the matching procedures approved by the Commissioner are as follows:

提出要求者 Requesting Parties	核准的資料核對程序詳情 Details of the Approved Data Matching Procedures
選舉事務處 Registration and Electoral Office	把選舉事務處從選民登記申請人收集的個人資料，與入境事務處收集的個人資料互相比較，以確定申請人的投票資格。 Comparing the personal data collected by the Registration and Electoral Office from voter registration applicants with the personal data collected by the Immigration Department, in order to determine the applicants’ eligibility to vote.
稅務局 Inland Revenue Department	把稅務局根據《印花稅條例》和《稅務條例》所收集的個人資料互相比較，以確保所有由出租物業所得的收入已評稅。 Comparing the personal data collected by the Inland Revenue Department under the Stamp Duty Ordinance and the Inland Revenue Ordinance, in order to ensure all income from let properties is properly assessed of tax.
香港海關 Customs and Excise Department	把香港海關從部門宿舍申請人／居住人及其配偶收集的個人資料，與房屋署收集的個人資料互相比較，以避免有申請人獲取雙重房屋福利。 Comparing the personal data collected by the Customs and Excise Department from departmental quarters’ applicants / occupants and their spouses with the personal data collected by the Housing Department, in order to prevent the collection of double housing benefits.
職業訓練局 Vocational Training Council	把職業訓練局從「學費減免及學習開支定額津貼」申請人收集的個人資料，與社會福利署從綜合社會保障援助計劃受助人收集的個人資料互相比較，以避免有申請人獲取雙重津貼。 Comparing the personal data collected by the Vocational Training Council from the applicants of “Tuition Fee Remission and Flat Rate Grant for Academic Expenses” with the personal data collected by the Social Welfare Department from the beneficiaries of Comprehensive Social Security Assistance, in order to prevent the collection of double benefits

執法 保障資料 Enforcing Data Protection

調查不偏不倚

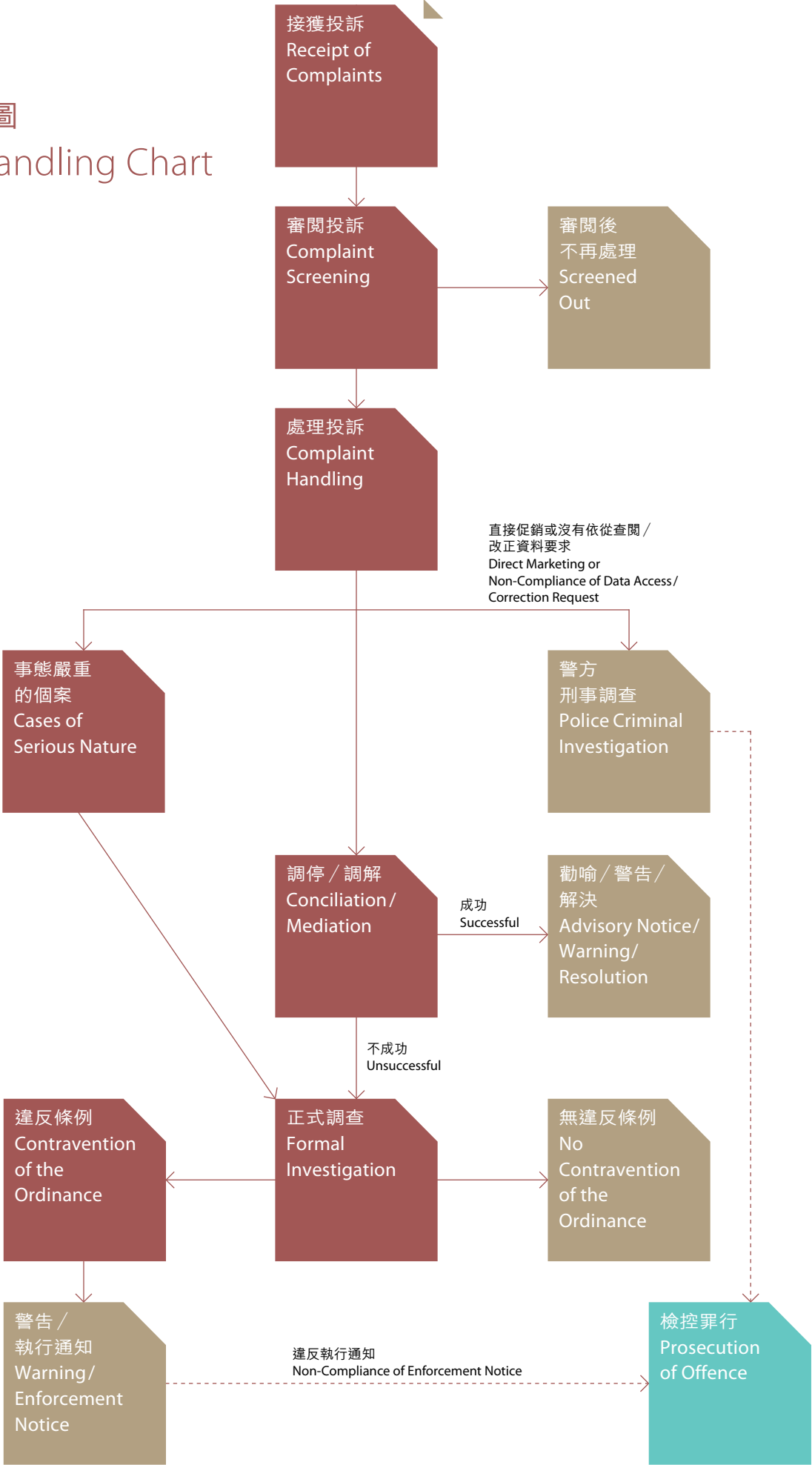
對於市民的投訴，執法及投訴科會作出具效率、公平公正的調查及處理。若發現有顯著私隱風險的情況存在，我們更會主動作出調查。

Thorough and Impartial Investigations

The Enforcement & Complaints Section investigates and resolves complaints effectively and in a manner that is fair to all parties concerned, and proactively investigates areas where privacy risks are significant.



處理投訴程序圖
Complaint Handling Chart



調查投訴

COMPLAINT INVESTIGATION

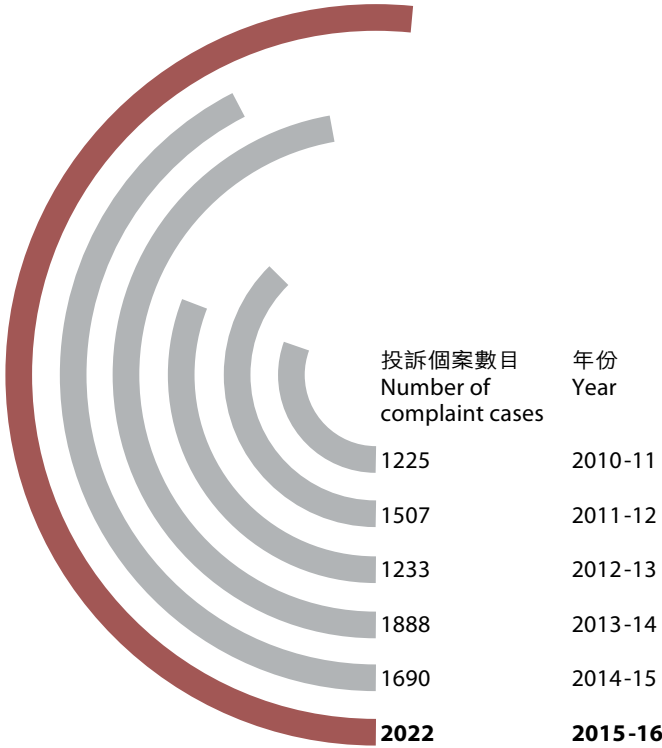
接獲有關個人資料私隱的投訴

Data Privacy Complaints Received

公署在2015至16年度共接獲2,022宗投訴個案，為歷年最多，較上年度上升了20%。(圖3.1)

A record high 2,022 complaint cases were received in 2015-16, a 20% increase from that of the previous year. (Figure 3.1)

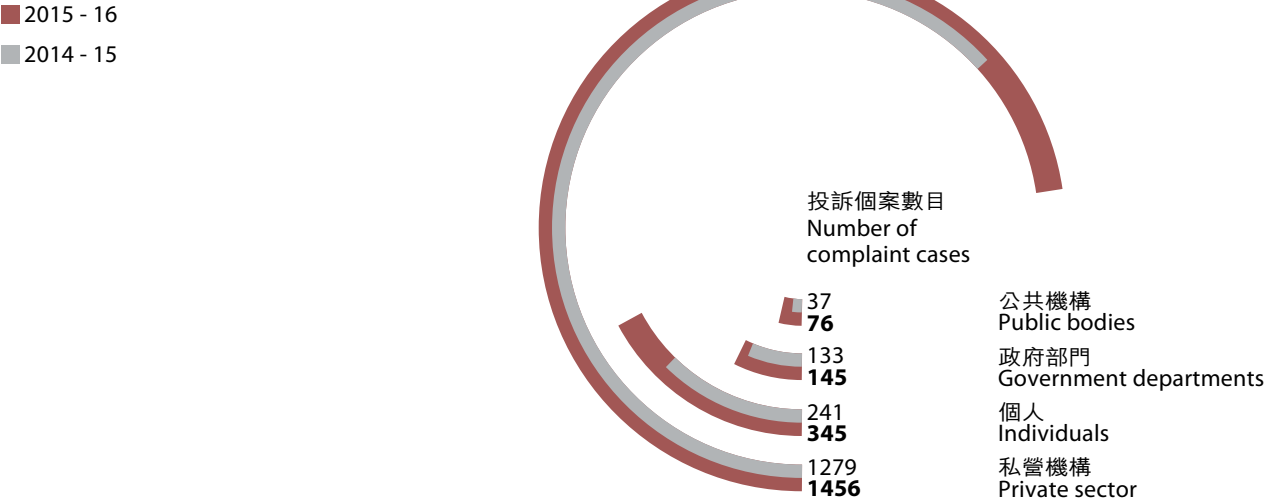
圖 Figure 3.1 投訴個案數字
Number of complaint cases received



本年度所接獲的2,022宗投訴個案包括：

- 72% (1,456宗) 投訴私營機構；
- 17% (345宗) 投訴個人；及
- 11% (221宗) 投訴公營機構（即政府部門及公共機構）。（圖3.2）

圖 Figure 3.2 被投訴者類別
Types of parties complained against

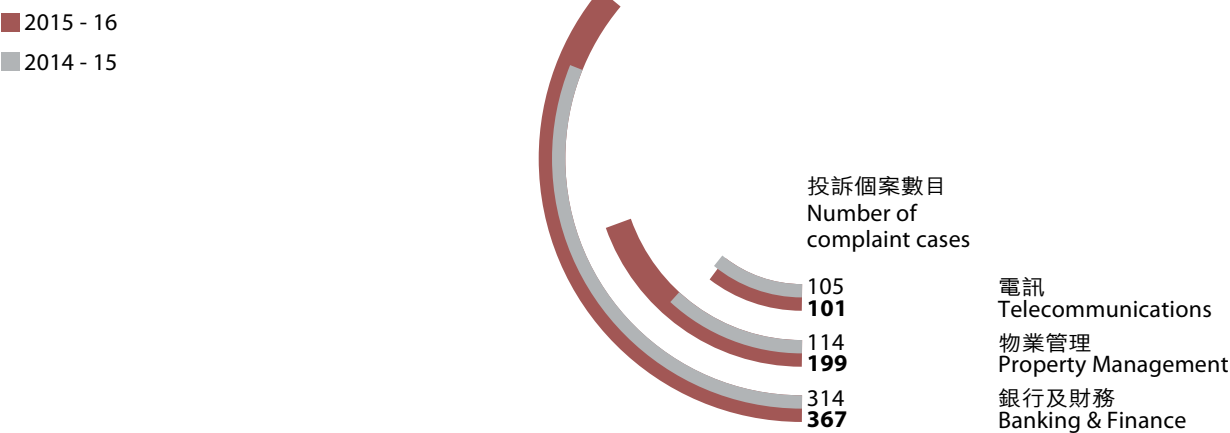


私營機構的包括：

- 25% (367宗) 投訴銀行及財務機構；
- 14% (199宗) 投訴物業管理公司；及
- 7% (101宗) 投訴電訊公司。（圖3.3）

針對電訊及財務機構的投訴個案，大部分都是涉及收集個人資料和違反條例有關直接促銷的新條文。

圖 Figure 3.3 對私營機構的投訴
Complaints against private-sector organisations



Among 2,022 cases received during the year :

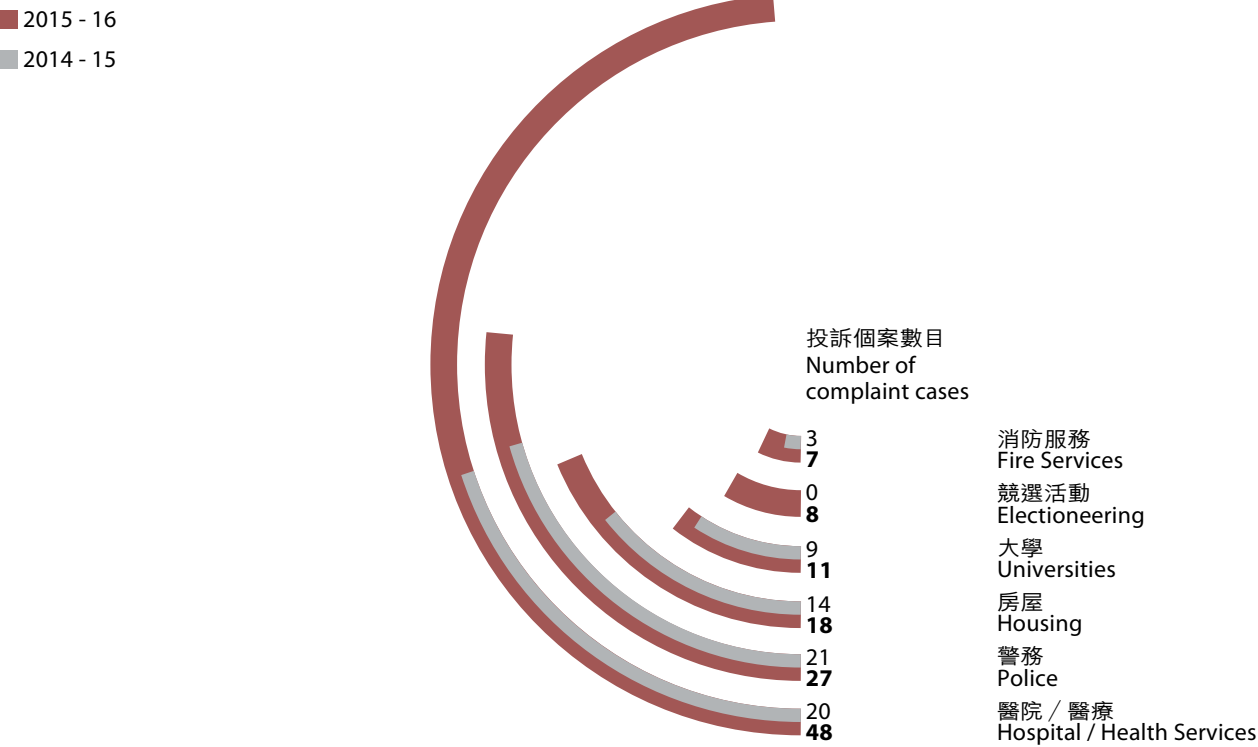
- 72% (1,456 cases) were against private-sector organisations;
- 17% (345 cases) were against individuals; and
- 11% (221 cases) were against public-sector organisations. (Figure 3.2)

投訴公營機構的個案中，大部分涉及：

- 不符收集目的，及未取得當事人同意而使用或披露個人資料 (34%)；
- 過度或不公平收集個人資料 (26%)；
- 未能遵守查閱資料要求或改正資料要求 (16%)；或
- 欠缺保障個人資料的保安措施 (15%)。

涉及醫院／醫療服務、警務，以及房屋的投訴最多。（圖3.4）

圖 Figure 3.4 對公營機構的投訴
Complaints against public-sector organisations



The majority of complaints against public-sector organisations involved :

- the use or disclosure of personal data beyond the scope of the collection purpose and without the consent of the individual (34%);
- the excessive or unfair collection of personal data (26%);
- non-compliance with data access or correction requests (16%); or
- lack of security measures to protect personal data (15%).

The hospital/health service organisations, police force, and housing generated most of the complaints. (Figure 3.4)

公署於2015至16年度接獲的2,022宗投訴個案，涉及2,585項違反條例規定的指稱包括：

- 2,091項（81%）指稱違反保障資料原則（本身不構成刑事罪行）；及
- 494項（19%）則指稱違反條例的條文。

投訴指稱的性質如下（圖3.5）：

- 862項與收集資料的目的及方式有關；
- 835項與個人資料在未經同意的情況下被使用有關；
- 321項與直接促銷有關；
- 237項與資料的保安有關；
- 165項與依從查閱或改正資料要求有關；
- 149項與資料的準確性及保留期有關；及
- 8項與資料政策的公開度有關。

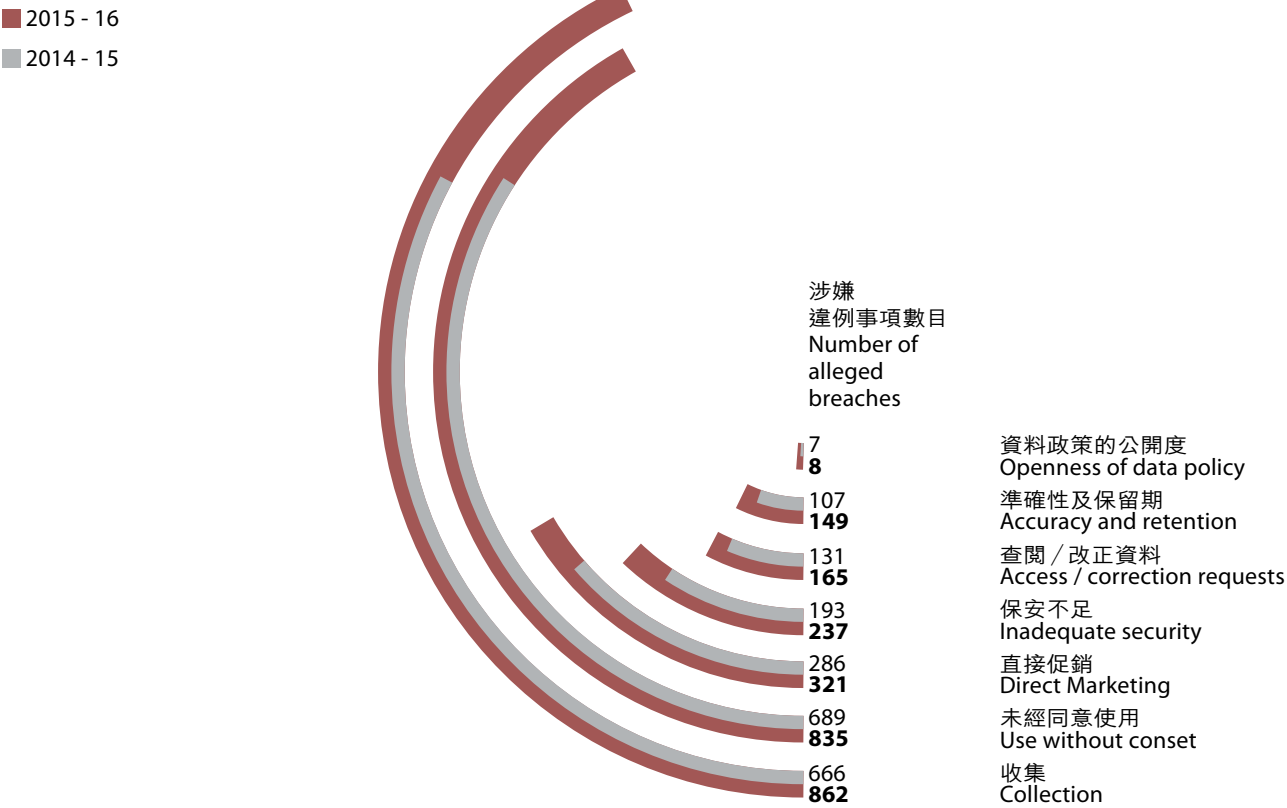
Of the 2,022 complaints received in 2015-16, a total of 2,585 alleged breaches of the requirements under the Ordinance were involved:

- 2,091 (81%) were alleged breaches of the data-protection principles (not a criminal offence per se); and
- 494 (19%) were alleged contraventions of the provisions of the Ordinance.

Nature of the complaint allegations was as follows (Figure 3.5):

- 862 related to the purpose and manner of data collection;
- 835 related to the use of personal data without the consent of the individual concerned;
- 321 related to direct marketing;
- 237 related to data security;
- 165 related to compliance with data access or correction requests;
- 149 related to accuracy and period of retention; and
- 8 related to openness of data policy.

圖Figure 3.5 投訴的性質
Nature of complaints



值得注意的是，公署於2015至16年度接獲127宗與競選活動有關的投訴，當中大部分（106宗）是於2015至16年度第三季錄得並與2015年區議會選舉有關。大多數投訴是關於個人資料在未取得同意下被用於選舉活動。公署於2015年8月更新了《競選活動指引》，就候選人及其選舉代理人如何遵從條例的規定提供實務性指引。

It is worth noting that the PCPD received a total of 127 electioneering-related complaints in 2015-16. The majority of these complaints (106 cases) was received in the third quarter of 2015-16 and was related to the 2015 District Council Election. Most of the complaints related to using personal data in electioneering activities without consent. The PCPD updated its Guidance on Electioneering Activities in August 2015 to provide candidates and their election agents with practical guidance on compliance with the requirements under the Ordinance.

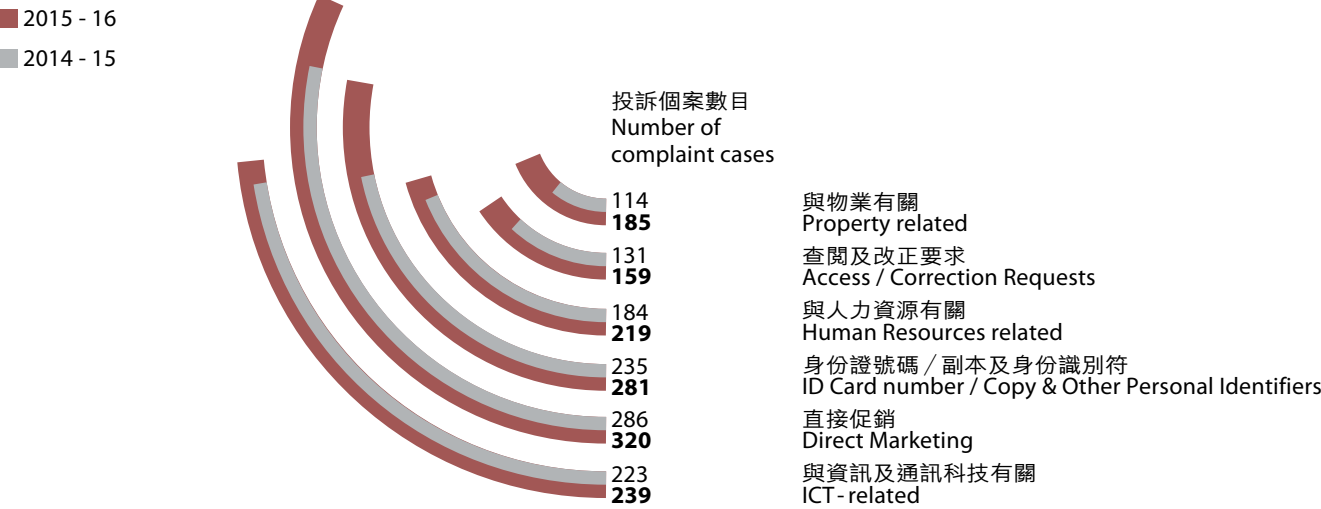
圖3.6顯示投訴涉及的範疇。2015至16年度有關資訊及通訊科技的投訴達239宗，較上年度上升7%。投訴數字上升的主要原因是智能電話和互聯網的使用日益普遍。有關資訊及通訊科技的投訴涉及：

- 90宗與社交網絡有關；
- 85宗關於在互聯網上披露或洩漏個人資料；
- 54宗關於智能電話應用程式；
- 28宗關於網絡欺凌；及
- 22宗屬其他事項。

Figure 3.6 shows the breakdown of complaints by topic. A total of 239 ICT-related complaints in 2015-16 represented a 7% year-on-year increase. The rising trend is principally attributable to the increasing popularity of smartphones and the Internet. ICT-related complaints involved:

- 90 cases related specifically to social networks;
- 85 cases concerned disclosure or leakage of personal data on the Internet;
- 54 cases related to smartphone applications;
- 28 cases involved cyber-bullying; and
- 22 cases related to other sub-topics.

圖Figure 3.6 投訴涉及的範疇
Complaints by topic



在本年度，公署處理了253宗由上年度帶下來的投訴，加上新接獲的投訴，年內共須處理2,275宗投訴。在這些個案中，2,013宗（88%）在本年報期內已經完結，而餘下的262宗（12%），截至2016年3月31日仍在處理中。

年度投訴摘要
Summary of complaints handled in the year

	2015-16	2014-15	2013-14	2012-13
上年轉來的投訴 Complaints carried forward	253	329	393	381
接獲的投訴 Complaints received	2,022	1,690	1,888	1,233
經處理的投訴 Total complaints processed	2,275	2,019	2,281	1,614
已完結的投訴 Complaints completed	2,013	1,766	1,952	1,221
未完結的投訴 Complaints outstanding	262	253	329	393

In addition to the new complaints received, the PCPD handled 253 complaints carried forward from the previous year, bringing the total number of complaints handled during the year to 2,275. Of these, 2,013 (88%) were completed during the report year, and 262 (12%) were still in progress as at 31 March 2016.

投訴結果

本年報期內合共2,013宗個案完結，結案情況如下：

- 243宗（12%）在初步查訊期間經公署調停或調解而得到解決，被投訴者對投訴人提出的問題作出適當的糾正（私隱專員並向其中156間機構提出勸喻及／或建議）；
- 74宗（4%）在正式調查後獲得解決（當中有42宗（57%）經公署調停或調解後得到解決（見下文「正式調查結果」））；及
- 38宗（2%）交由其他規管機構例如警方跟進。（圖3.7）

圖3.11 顯示被投訴者經公署調停後所採取的糾正行動分類。

沒有展開調查的投訴個案：

- 789宗（39%）個案大多經由公署把投訴人的關注轉達至被投訴一方後得到解決，或私隱專員要求投訴人提供證據支持其指稱，但投訴人未有回應；
- 379宗（19%）沒有表面證據證明違規；
- 210宗（10%）不在條例的管轄範圍；
- 162宗（8%）在公署向被投訴者查詢後發現證據不足；及
- 118宗（6%）在初步查詢期間投訴人撤回投訴。

Outcome of Complaint Handling

2,013 cases were completed during the report period as follows (Figure 3.7) :

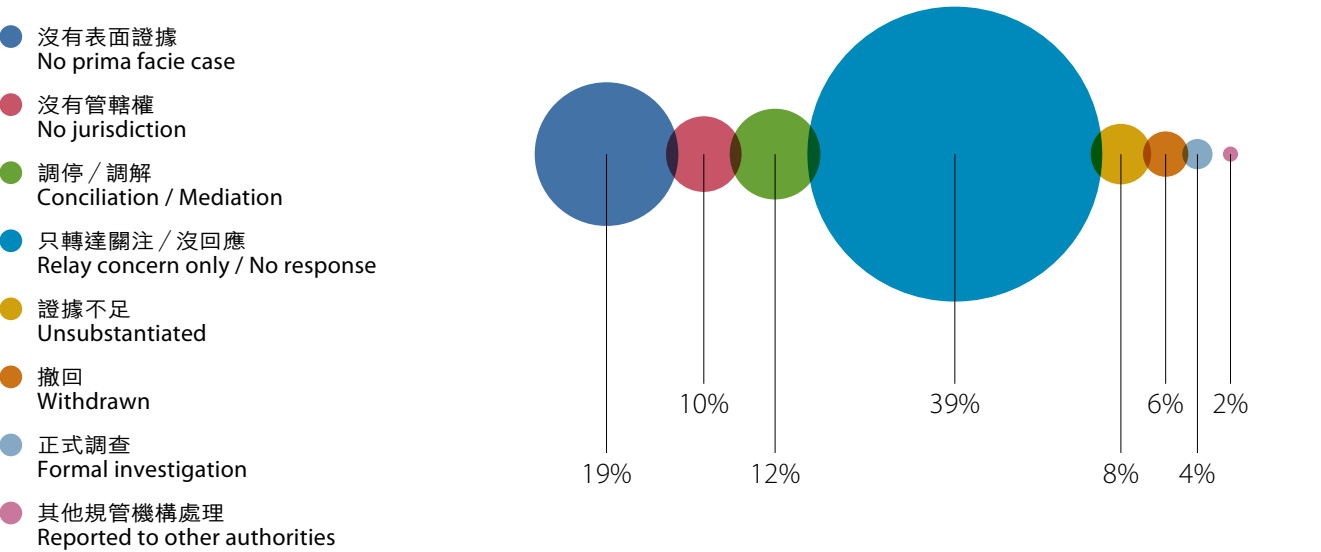
- 243 (12%) were resolved through conciliation or mediation during preliminary enquiries, i.e. the problems raised by the complainants were remedied by the parties complained against. (The Commissioner gave advice and / or recommendations to 156 organisations involved in these cases);
- 74 (4%) were resolved after formal investigation, and of these, 42 cases (57%) were resolved through conciliation or mediation, (see “Results of Formal Investigations” below); and
- 38 (2%) were transferred or reported to the other authorities e.g. Hong Kong Police.

Figure 3.11 shows the breakdown and categorisation of remedial actions taken by the parties complained against in conciliation.

Among the remaining cases which were not investigated:

- 789 cases (39%) involved mostly complaints where the matter at issue had been dealt with by relaying the complainants’ concern to the parties complained against, or the complainants did not respond to the Commissioner’s inquiries after being invited to provide evidence to support their allegations;
- 379 cases (19%) were found to have no prima facie case of contravention;
- 210 cases (10%) were outside the jurisdiction of the Ordinance;
- 162 cases (8%) were found to be unsubstantiated after enquiries with the parties complained against; and
- 118 cases (6%) were withdrawn by the complainants during the preliminary enquiries.

Figure 3.7 投訴結果
Outcome of complaint handling

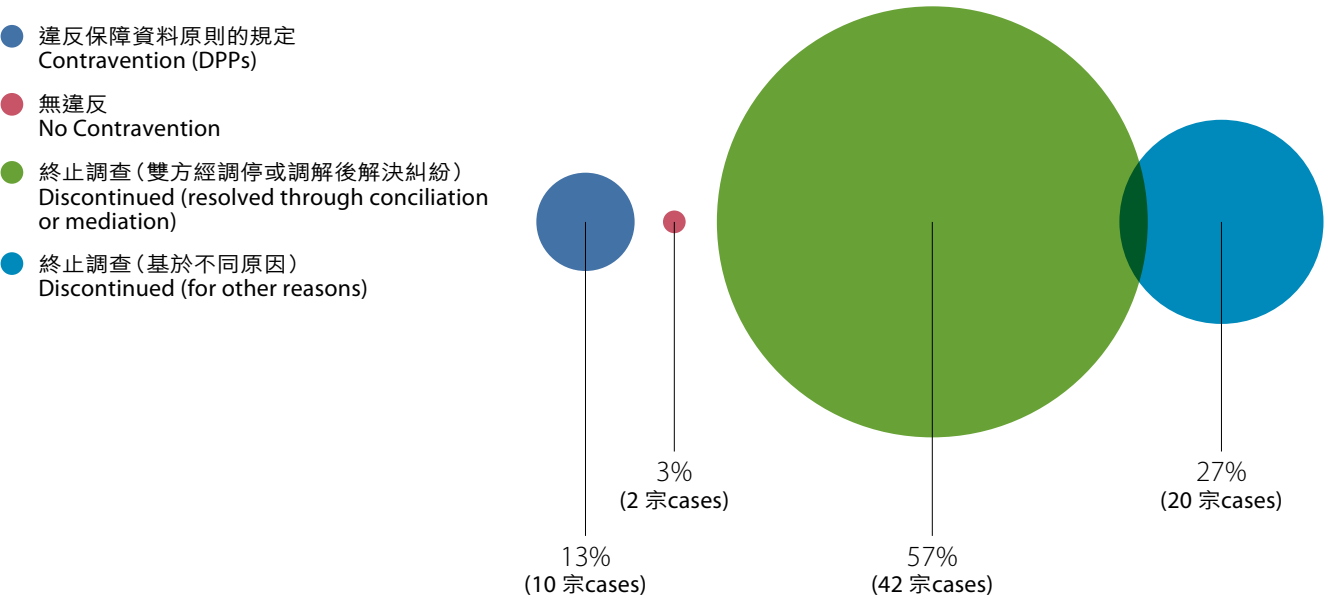


投訴個案的調查結果

正式調查結果

- 公署在本年報期內完成74宗正式調查，當中：
- 10宗（13%）有違反條例規定（保障資料原則）；
 - 2宗（3%）沒有違反條例規定；
 - 42宗（57%）在調查期間因雙方經調停或調解後解決糾紛；及
 - 20宗（27%）因不同原因而終止調查，而在這些個案中，私隱專員毋須調查是否有任何違反情況。（圖3.8）

圖 Figure 3.8 正式調查結果
Results of formal investigations



Results of Investigations of Complaint Cases

Results of Formal Investigations

- During the report period, the PCPD completed 74 formal investigations, of which :
- 10 cases (13%) were found to have contravened the requirements under the Ordinance (the DPPs under the Ordinance);
 - 2 cases (3%) were not found to have contravened the requirements under the Ordiancne;
 - 42 cases (57%) were resolved through conciliation or mediation during the investigation; and
 - 20 (27%) were discontinued for various reasons, and amongst these remaining cases, it was unnecessary for the Commissioner to draw any conclusions as to whether or not there were any contraventions. (Figure 3.8)

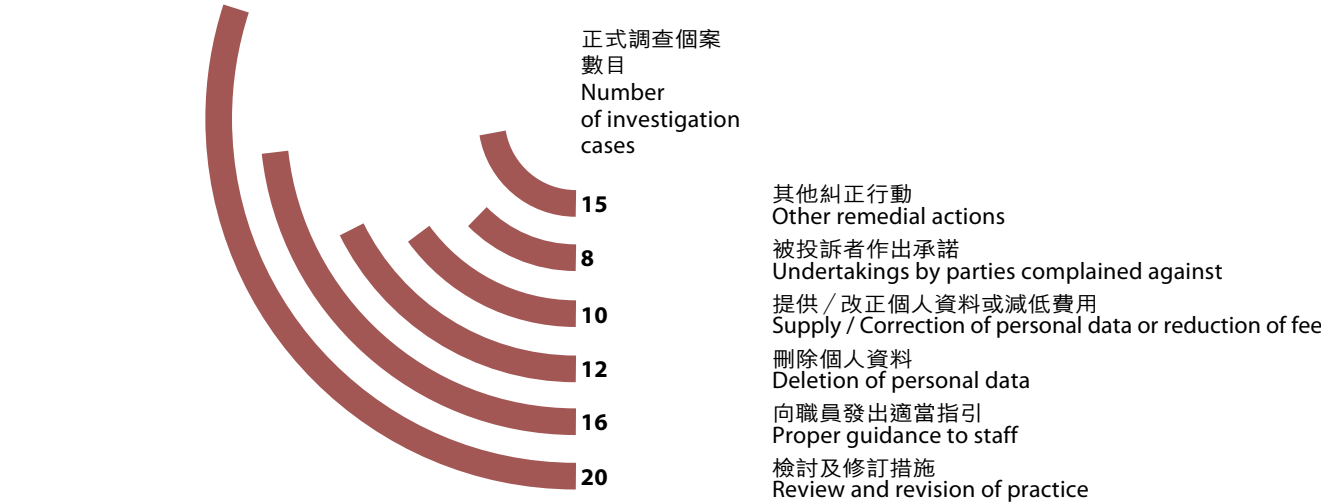
終止調查的個案的糾正行動性質

Nature of Remedial Action in Discontinued Cases

在42宗經公署調停或調解而得到解決的個案中，被投訴者所採取的糾正行動，請見圖3.9（註：在同一宗個案中，被投訴者採取的糾正行動可能多於一項）。

The nature of remedial action taken by the parties complained against in the 42 cases resolved through conciliation or mediation is categorised in Figure 3.9 (N.B.: more than one type of remedial action may have been taken by the party complained against in some cases).

圖 Figure 3.9 糾正行動的性質
Nature of remedial action



在42宗經公署調停或調解而得到解決的個案中，私隱專員對22宗個案的被投訴者發出警告。

Of the 42 conciliated or mediated cases, the Commissioner issued warning notices to the parties complained against in 22 cases.

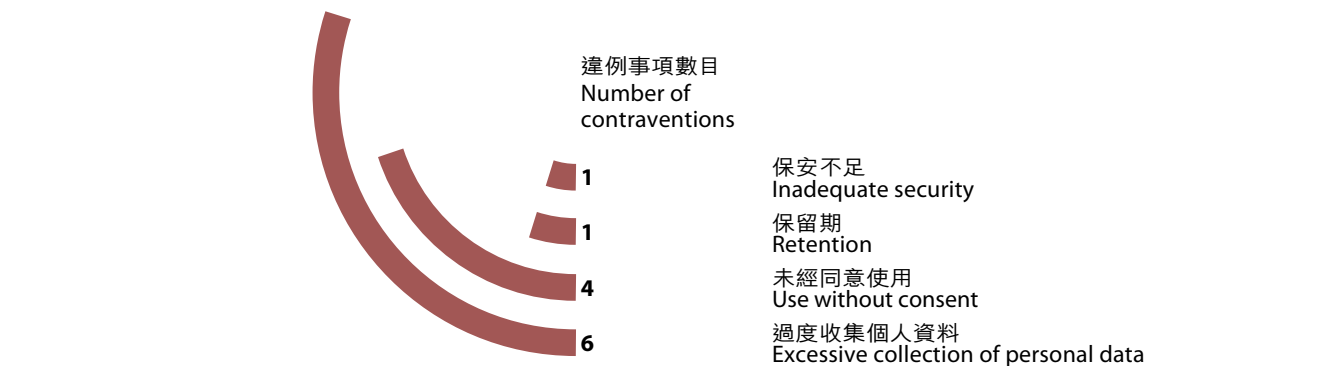
違例事項的性質

Nature of Contravention

在確定違例的10宗個案中，共涉及12項違例事項。至於有關個案所涉及各項違規性質的詳細分類，請見圖3.10（註：一宗個案可涉及違反多於一項保障資料原則）。

A total of 12 contraventions were involved in the 10 cases where the requirements under the Ordinance were found to have been contravened. The classification of the nature of all the contraventions involved in these cases can be found in Figure 3.10 (N. B.: One case may involve a contravention of more than one DPP).

圖 Figure 3.10 違例事項的性質
Nature of contravention



執法行動

公署對違反條例規定的個案採取了執法行動。

在確定違反條例規定的10宗個案中，私隱專員向其中九名被投訴者發出執行通知，以制止或防止他們的違規行為。至於餘下的一宗個案，在被投訴者採取糾正措施後，私隱專員向他發出警告信。

Enforcement Action

The PCPD takes enforcement action in cases of contravention of the requirements under the Ordinance.

Of the 10 cases found to involve contraventions of the requirements under the Ordinance, the Commissioner issued nine enforcement notices to the parties complained against to stop or prevent contraventions. In the remaining case, the Commissioner issued warning notice to the party complained against after he had taken measures to remedy the contravention.

感言 Sharing

我十分榮幸有機會在公署擔任調查主任一職，這份工作讓我有機會去接觸社會上不同階層的人，他們來自不同行業。在處理與保障個人資料私隱有關的個案時，我需要徹切掌握條例的規定，有時也需要去了解其他法例才可以協助投訴人解決問題。隨著經驗的累積，除了對公署的運作和相關法例越來越熟習外，也認識了不少其他政府法例，豐富了個人的視野。

對外方面，由於經常接觸不同界別的市民，也豐富了我的社會經驗。現在發現從工作中我開始了解多種行業的運作，包括模式、行規和習慣等，這些知識對自己個人的發展實在裨益不淺。

更加要感謝公署不時提供的多元化培訓活動，例如領袖訓練、調解技巧和英文寫作等，對日常的工作非常有幫助。

日常的工作雖然挑戰重重，但我定必努力學習，積極裝備自己，將學到的知識和技巧活學活用，盡心服務市民。

I am glad that I can work in the PCPD as an investigation officer. This job offers me many opportunities to meet people from all walks of life. In handling matters relating to protection of personal data privacy, I need to have a thorough understanding of the requirements under the Ordinance, and sometimes it is necessary for me to have a grasp of other laws so as to help the complainants solve their problems. As years go by, I have become more proficient in the PCPD's operation and the Ordinance, and I have also learnt more about many other ordinances. My work experience has broadened my horizon.

Meeting people from different sectors has also enriched my social experience. In my work, I came to know of the operation of different industries, including patterns, rules and practices. Such knowledge is very beneficial to my personal development.

I am also thankful to the PCPD's diversified training activities offered to me, e.g. leadership training, mediation skills and English writing. These training courses are very useful.

Although my work is challenging, I will try hard to equip myself and make use of the knowledge and skills learnt to serve the public with passion.



趙玉珍
個人資料主任
(執法及投訴)
Annie CHIU
Personal Data Officer
(Enforcement & Complaints)

經調停或調解而解決的個案的糾正行動性質

在本年報期間，共有285宗個案經公署調停或調解後得到解決（包括243宗在初步查詢期間得到解決的個案，及42宗在調查期間得到解決的個案），被投訴者對投訴人提出的問題作出了適當的糾正。被投訴者所採取的糾正行動，請見圖3.11（在一宗個案中，被投訴者採取的糾正行動可能多於一項）：

- 被投訴者修訂運作措施，以免日後再發生同類違規事件（98宗）；
- 被投訴者向有關職員發出適當指引，確保他們遵從條例規定（81宗）；
- 刪除被投訴者不必要地收集或向第三者披露的個人資料（72宗）；
- 被投訴者承諾停止被投訴的不當行為（58宗）；
- 被投訴者按投訴人的查閱／改正資料要求提供／改正個人資料，或減低依從查閱資料要求的費用（44宗）；及

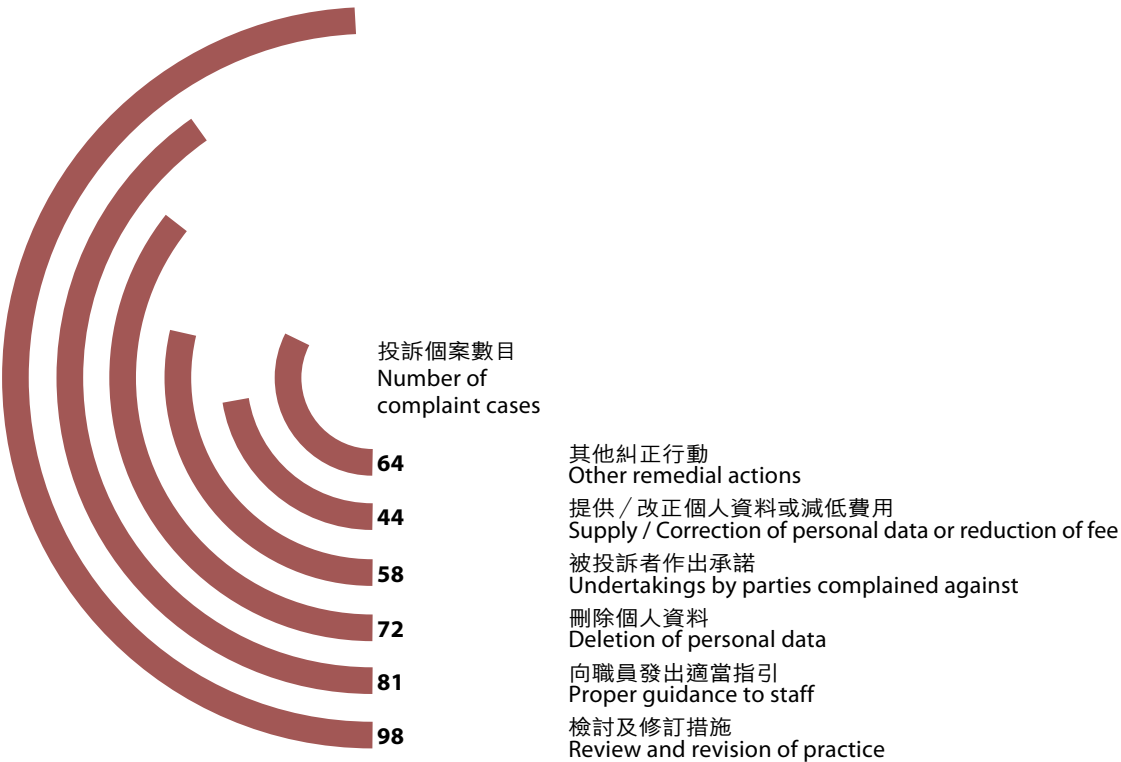
- 符合投訴人期望的其他糾正行動（64宗）。

Nature of Remedial Action in Conciliated or Mediated Cases

During the report period, 285 cases were resolved through conciliation or mediation (243 during the preliminary enquiries and 42 during formal investigations), i.e. the problems raised by the complainants were remedied by the parties complained against. The remedial actions taken by the parties complained against are categorised in Figure 3.11 (N.B.: More than one type of remedial action may have been taken by the party complained against in some cases) and are summarised as follows:

- Revision of operational practices by the party complained against to prevent a similar breach in the future (98 cases);
- Proper guidance given by the party complained against to the staff concerned to ensure compliance with the Ordinance (81 cases);
- Deletion of personal data unnecessarily collected by the party complained against or disclosed to third parties (72 cases);
- Undertakings by the party complained against to cease the malpractice leading to the complaint (58 cases);
- Supply / correction of the personal data by the party complained against as per the complainants' data access / correction requests, or reduction in the fee for complying with the data access requests (44 cases); and
- Other remedial actions taken which met the complainants' expectations (64 cases).

圖Figure 3.11 經調停或調解而解決的個案的糾正行動性質
Nature of remedial action in conciliated or mediated cases



個案研究：指導資料使用者遵守條例規定

個案1——幼稚園過度收集家長的香港身份證副本——保障資料第1(1)原則

投訴內容

投訴人為其子報讀一間幼稚園。該幼稚園除申請表格外，還要求投訴人提供她的香港身份證副本。投訴人質疑該幼稚園收集其香港身份證副本的目的。

該幼稚園向私隱專員解釋，香港身份證副本是用來核實遞交申請的家長或監護人與申請人（學童）的關係，以及方便該幼稚園向的家長或監護人發出「學生接送證」。

結果

鑑於香港身份證號碼屬敏感的個人資料，任何資料使用者都不應在缺乏真正需要或理據的情況下，輕率地收集香港身份證副本。

純粹為了確認申請人與家長或監護人的關係，該幼稚園可以在家長或監護人親身遞交申請或出席面試時，要求對方出示香港身份證，然後將申請人的出世紙或其他法律文件上所列的父或母或監護人的姓名進行核對。該幼稚園亦可根據核對後的結果，向學生的父母或監護人發出「學生接送證」。此外，如該幼稚園對前來接送學生的人士的身份有懷疑，該幼稚園可要求該人士出示香港身份證，然後與其紀錄進行核對。

私隱專員認為收集家長或監護人的香港身份證副本屬超乎適度，違反了保障資料第1(1)原則。

最終該幼稚園同意停止收集申請人家長或監護人的香港身份證副本，以及銷毀早前收集得的家長的香港身份證副本。

CASE STUDY: GUIDING DATA USERS TO COMPLIANCE

Case 1 – Excessive collection of copies of HKID Card of parents by a kindergarten – DPP1(1)

The Complaint

The Complainant applied for admission to a kindergarten for her son. Apart from the application form, the Complainant was requested to provide a copy of her HKID Card. The Complainant queried the purpose of the kindergarten to collect a copy of her HKID Card.

The kindergarten explained to the Commissioner that a copy of the Complainant’s HKID Card was needed for verifying the relationship between the applicant (the student) and the Complainant who submitted the application. The copy of the Complainant’s HKID Card also facilitated the kindergarten to issue the “student pick-up card” for the parent / guardian designated to pick up the student from school.

Outcome

Given that HKID Card number was a sensitive personal data, data user should not collect a copy of HKID Card lightly without genuine need or justification.

For the purpose of simply verifying the relationship between the applicant and his parent/guardian, the kindergarten could ask the parent/guardian to present his HKID Card when submitting the application in person or when attending the school interview. The kindergarten could then verify the name on the HKID Card against the names of the parents recorded on the birth certificate of the applicant or any other relevant legal document. Based on the verification result, the kindergarten might issue the “student pick-up card” accordingly. If the kindergarten doubted the identity of the person who came to pick up a student, it might ask that person to present his HKID Card and verify his name against the record.

The Commissioner was of the view that the collection of copies of HKID Card of the parents/guardians was excessive and in breach of DPP1(1).

As a result, the kindergarten agreed to stop collecting copies of HKID card of the parents/guardians, and to destroy all copies of HKID Card previously collected.

個案2——僱主在依從僱員的查閱資料要求時，收取超乎適度的費用——第28(3)條

投訴內容

投訴人向其僱主提出查閱資料要求，索取一份有關他工作表現評核報告的複本。他的僱主就四頁紙的評核報告，以劃一收費（每頁港幣50元），向投訴人收取合共200港元。投訴人認為費用超乎適度。

結果

根據行政上訴委員會上訴案件第37/2009號的決定中的原則，資料使用者只可向要求者收取跟依從查閱資料要求「直接有關及必需」的費用。資料使用者不應以商業準則收取費用。任何超出循規成本的費用，會被視為超乎適度。

四頁紙的評核報告的收費合共200港元，表面看來過高，故該機構有責任證明收取的費用，不是超乎適度。然而，該機構沒有提供釐訂劃一收費（每頁50港元）的基礎或證明200港元金額是為依從查閱資料要求的成本。

在私隱專員向該機構解釋條例第28(3)條的規定及行政上訴委員會上訴案件第37/2009號的決定中的原則後，該機構同意更改劃一收費為每頁二港元，以及向投訴人退回192港元。

Case 2 – An employer charged an excessive fee for complying with an employee’s data access request – Section 28(3)

The Complaint

The Complainant made a data access request (the “DAR”) to his employer for a copy of his appraisal report. His employer imposed a flat-rate fee (HK\$50 per page) on a requestor and charged the Complainant HK\$200 for an appraisal report of four pages. The Complainant considered the fee to be excessive.

Outcome

According to the principles laid down by the Administrative Appeals Board in Administrative Appeal No. 37/2009, a data user is allowed to charge a requestor only for costs which are “directly related to and necessary for” complying with a data access request. A data user should not charge a fee on a commercial basis. Any fees that exceed the costs of compliance would be considered excessive.

As the charge of HK\$200 for four pages appeared, on the face of it, to be exorbitant, the burden was on the Complainant’s employer to prove that the fee of HK\$200 it had charged was not excessive. However, the Complainant’s employer failed to provide details of the basis of the flat-rate (HK\$50 per page) or justify how the amount of HK\$200 was cost-related to the compliance with the DAR.

After the Commissioner had explained the requirements under 28(3) of the Ordinance and the principles laid down in Administrative Appeal No. 37/2009 to the Complainant’s employer, the flat-rate of HK\$2 per page was charged instead and a total of HK\$192 was refunded to the Complainant.

個案3——銀行不應於發給收款人的通知書上顯示匯款人的住址——保障資料第3原則

投訴內容

投訴人指示甲銀行將一筆款項電匯至乙銀行的一個帳戶，其後發現乙銀行在發給收款人的電子通知書上顯示其姓名和住址資料。投訴人不滿乙銀行透過該電子通知書向收款人披露其住址，遂向公署作出投訴。

乙銀行向私隱專員解釋，當收到匯款機構（即甲銀行）發出的國際電匯，他們會根據業界慣例，從其中匯款人資料的一欄抽取兩行字加到電子通知書中，以提供足夠資料協助收款的客戶識別匯款人的身份。乙銀行指匯款機構一般會於該欄位的首行輸入匯款人姓名，並於第二行輸入匯款人住址。

結果

根據乙銀行提供的資料，他們在電子通知書上顯示匯款人的姓名及住址的目的，是為了提供足夠資料協助收款的客戶識別匯款人，然而乙銀行似乎並沒有考慮到，收款人可能根本不知悉付款人的住址（即本案中的情況），因此即使乙銀行在電子通知書上顯示有關資料，亦無助收款人識別匯款人，反而令匯款人的住址不必要地披露予收款人。私隱專員認為，在電子通知書上顯示付款人的姓名及戶口資料，已足以達到讓收款人識別匯款人的目的，因此，乙銀行在本案中的作為違反了保障資料第3原則。

經公署介入後，乙銀行同意修訂其電子通知書的格式，修訂後的電子通知書上只會顯示匯款人資料一欄的首行內容，以避免匯款人的住址不必要地披露予收款客戶的情況。

Case 3 – A bank should not show remitter’s address on the electronic advice issued to payee – DPP3

The Complainant

The Complainant instructed Bank A to remit a sum of money by telegraphic transfer to an account at Bank B, and later found that the electronic advice issued to the payee by Bank B showed his name and address. Dissatisfied with Bank B’s disclosure of his address to the payee on the electronic advice, the Complainant lodged a complaint with the PCPD.

Bank B explained that when it received an international telegraphic transfer from the remitting bank (i.e. Bank A), it would extract two lines of text from the field of remitter’s information and put it into the electronic advice in accordance with the banking practices so as to provide sufficient information to the payee for identification of the remitter. According to Bank B, the remitting bank generally inputs the remitter’s name in the first line of the field and the remitter’s address in the second line.

Outcome

According to the information provided by Bank B, the purpose of showing the remitter’s name and address on the electronic advice was to provide sufficient information to the payee for identification of the remitter. However, it seemed that Bank B had not considered the fact that the payee might not have known the remitter’s address (as in this case). Therefore, the act of showing the data on the electronic advice could not help the payee to identify the remitter, but the remitter’s address was unnecessarily disclosed to the payee. The Commissioner is of the view that showing the remitter’s name and account data on the electronic advice is sufficient to achieve the purpose of identifying the remitter by the payee. Hence, the act of Bank B in the case had contravened DPP3.

After the PCPD’s intervention, Bank B agreed to amend the format of its electronic advice, which would then only show the data in the first line of the field. Such amendment can avoid unnecessarily disclosing the remitter’s address to the payee in future.

個案4——物業管理公司不應未經住戶同意而向精神健康服務機構披露其個人資料，以轉介其予該機構——保障資料第3原則

投訴內容

投訴人曾接受一間精神健康服務機構的上門家訪，其間同意加入該機構成為會員並使用他們的服務。該機構其後為投訴人撰寫一份關於其精神狀況的報告。由於該報告中提及她早前與鄰居之間的爭執詳情，投訴人相信有關資料是由其所住屋苑的管理公司向該機構提供。就此，投訴人向公署投訴該管理公司在未取得其同意下，向該機構披露他的個人資料。

該管理公司表示，由於投訴人曾多次與鄰居發生爭執，他們認為該機構或可介入為投訴人提供適當跟進，遂將投訴人轉介予該機構，故該機構派員到投訴人家中進行探訪。該管理公司承認在未取得投訴人的訂明同意下，轉介投訴人予該機構，並在過程中向該機構提供了投訴人的背景資料。

結果

該管理公司因為投訴人與鄰居發生爭執，便一廂情願地假設該機構可介入為投訴人提供適當跟進以改善情況，惟他們並無考慮投訴人的意願，便將其轉介予該機構，並向該機構披露其個人資料。私隱專員認為，由於向該機構作出轉介與該管理公司當初收集投訴人個人資料的目的（即為處理屋苑居民的爭執事宜）無關，而該管理公司又沒有取得投訴人的訂明同意，該管理公司的做法已違反了保障資料第3原則。

在公署介入後，該管理公司已因應本案，向員工發出書面指引及作出口頭訓示，規定員工在將住戶的個人資料轉介或發放予第三者前，必須事先取得當事人的書面同意。

Case 4 – A property management company should not refer a resident to a mental health service organisation by disclosing the resident’s personal data without consent – DPP3

The Complainant

The Complainant had received a home visit from a mental health service organisation, during which he agreed to join the organisation as a member and use its services. The organisation later wrote a report on the Complainant’s mental condition. As the report mentioned the details of disputes between the Complainant and his neighbour, the Complainant believed that the data was supplied to the organisation by the management company of his housing estate. Hence, the Complainant lodged a complaint with the PCPD against the management company for disclosing his personal data to the organisation without his consent.

According to the management company, as the Complainant had several disputes with his neighbour, it believed that the organisation might provide appropriate service to the Complainant. Hence, it referred the Complainant to the organisation, which then paid the Complainant a visit at his home. The management company admitted that it had, without the Complainant’s prescribed consent, supplied the Complainant’s background information to the organisation when making the referral.

Outcome

In view of the disputes between the Complainant and his neighbour, the management company wishfully assumed that the organisation could intervene to provide the Complainant with appropriate follow-up and hence improve the situation. However, the management company had not considered the Complainant’s will before referring him and disclosing his personal data to the organisation. The Commissioner was of the view that the referral did not relate to the original purpose of collection of the Complainant’s personal data by the management company (i.e. for handling disputes among residents of the housing estate), and the management company had not obtained the Complainant’s prescribed consent before disclosure, thus the act of the management company violated DPP3.

After the PCPD’s intervention, the management company gave written guidelines and verbal instructions to its staff, requiring them to obtain written consent from residents before transferring or releasing residents’ personal data to any third party.

檢控及定罪個案

條例有關大幅修訂規管直接促銷活動機制的條文已於 2013年4月1日生效，自此更嚴格規管使用及提供個人資料作直接促銷。違反規定屬於刑事罪行，最高罰款由一萬元（HK\$10,000）提高至五十萬元（HK\$500,000）及監禁三年。若違規行為牽涉為得益而轉移個人資料供第三者作直銷之用，最高刑罰是罰款一百萬元（HK\$1,000,000）和監禁五年。

為深化現行轉介涉嫌違反條例的個案予警方的機制，私隱專員及警務處處長於2015年8月舉行會議。會後副私隱專員與警務處助理警務處長（支援）、助理警務處長（刑事），以及香港警務處刑事總部、商業罪案調查科、東九龍總區刑事總部、葵青警區的高層人員會面。此外，公署亦定期舉辦與條例規定有關的講座及培訓供警務人員參與。

在本年報期間，有六宗被檢控的個案，全部涉及使用個人資料作直接促銷，其中四宗被定罪，餘下兩宗在本年報期間仍在審理中。下述個案4清楚顯示資料使用者（不論是機構或個人）均須遵守有關直接促銷條文的規定。

PROSECUTION AND CONVICTION CASES

The regulatory regime for direct marketing activities under the Ordinance has been substantially revamped and come into force on 1 April 2013. More stringent requirements are introduced in relation to the use of personal data and provision of personal data for use in direct marketing. Contravention of the requirements is a criminal offence and its maximum penalty was raised from a fine of HK\$10,000 to a fine of HK\$500,000 and imprisonment for three years. If the personal data is provided to a third party for its use in direct marketing in exchange for gain, non-compliance may result in a maximum penalty of a fine of HK\$1 million and five years’ imprisonment.

In an effort to enhance the current mechanism of referring suspected offences under the Ordinance to the Police, a meeting was held between the Commissioner and the Commissioner of Police in August 2015, followed by a series of meetings between Deputy Commissioner and Assistant Commissioner of Police (Support), Assistant Commissioner of Police (Crime), senior officers of Crime Wing Police Headquarters, Commercial Crime Bureau, Kowloon East Regional Headquarters (Crime) and Kwai Tsing District. Besides, the PCPD regularly delivered lectures and training sessions on the requirements under the Ordinance to the Police officers.

In the report year, six cases, all of which related to the use of personal data in direct marketing, had been prosecuted. Four of such cases were concluded in convictions while the remaining two cases were still in progress in the report year. Case 4 below clearly shows that the direct marketing provisions are to be observed not only by organisational data users, but also by non-corporate data users.

個案1：一間電訊服務供應商沒有依從客戶的拒收直銷訊息要求

投訴內容

投訴人是一間電訊服務供應商的寬頻客戶。儘管該供應商曾確認收到投訴人書面提出的拒收直銷訊息要求，但該供應商的職員仍致電投訴人的流動電話並留言，告知他現有的服務及向他作出推廣。

結果

該供應商被裁定沒有依從投訴人的拒收直銷訊息要求，停止使用其個人資料作直接促銷，違反條例第35G(3)條的規定，被判罰款三萬元（HK\$30,000）（註：該供應商不服判罪，已提交上訴通知書，聆訊待續）。

Case 1: A telecommunications service provider failed to comply with a customer’s opt-out request

The Complaint

The Complainant was a customer of a telecommunications service provider for its broadband service. Despite this service provider’s acknowledgement of the Complainant’s written opt-out request, its staff still called the Complainant on his mobile number and left a voice message informing him of, amongst other things, its available services and promotions.

Outcome

The service provider was convicted, after trial, of failure to comply with the Complainant’s request to cease to use his personal data in direct marketing, contrary to section 35G(3) of the Ordinance and fined HK\$30,000 (N.B.: This service provider subsequently filed a notice of appeal against its conviction, and the hearing was yet to complete).

個案2：一間儲存服務公司被裁定在使用客戶個人資料作直接促銷前沒有採取指明的行動通知客戶

投訴內容

投訴人使用公司A的儲存服務，並向公司A提供了個人資料，包括姓名、信用卡號碼、流動電話號碼、由他本人管理的公司電郵地址，以及現時的住址。其後，公司A結束在香港的業務，其業務由同樣提供儲存服務的公司B接管。

其後，公司B向投訴人傳送了一個直接促銷的電郵。在這電郵內，公司B指名道姓地稱呼投訴人，並附上新儲存服務報價及合約條款。但投訴人跟公司B從沒有任何來往，亦從未收過公司B通知會使用其個人資料作直銷用途，也未曾給予公司B其同意。

結果

公司B被控在使用投訴人的個人資料進行直銷前，未有採取指明的行動通知投訴人，違反條例第35C(2)條的規定。公司B認罪，被判罰款一萬元（HK\$10,000）。

Case 2: A storage service company was convicted of using a customer’s personal data in direct marketing without taking specified actions

The Complaint

The Complainant engaged the storage service of Company A and provided it with his personal data including his name, credit card number, mobile phone number, company email address managed by him and current residential address. Subsequently, Company A ceased its business in Hong Kong, and the business was taken over by Company B which provided similar storage service.

Thereafter, Company B sent a direct marketing email to the Complainant addressing the Complainant by his name and enclosing a storage service quotation with the terms and conditions of the service. The Complainant had no prior dealings with Company B and he had not been informed of, or given consent to Company B’s use of his personal data in direct marketing.

Outcome

Company B was charged with the offence of using the personal data of the Complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the Ordinance. Company B pleaded guilty to the charge and was fined HK\$10,000.

個案3：一間體檢公司被控沒有依從拒收直銷訊息要求	Case 3: A body-check service company was summonsed for failing to comply with an opt-out request
投訴內容	The Complaint
結果	Outcome

個案4：一名個人因提供個人資料予他人作直接促銷而被判罰款	Case 4: A non-corporate data user was fined for providing personal data to another for use in direct marketing
投訴內容	The Complaint
結果	Outcome

投訴個案的得着	LESSONS LEARNT FROM COMPLAINT CASES
投訴個案1	Complaint Case 1
美容中心過度收集客戶的個人資料——保障資料第1(1)原則	Excessive collection of a customer's personal data by a beauty centre – DPP1(1)
投訴內容	The Complaint
結果	Outcome

另外，該美容中心只需於客戶填寫新客戶表格時要求她出示其他身份證明文件以核對她的身份，並檢視證件上的樣貌與現場所見的是否相符，已可達致核實身份的目的。此外，該美容中心可在向客人提供服務或療程前核對客人的電話號碼，及為客人安排特定客戶編號，去識辨客戶及作為尋找客戶紀錄的索引。

有關在同意書中收集客戶的香港身份證號碼方面，該美容中心認為它和它的治療師與它的顧客有醫生與病人的關係。但該美容中心並非按《診療所條例》註冊的診療所，而該美容中心大部分的療程均由治療師進行。明顯地，治療師的資歷不能與醫生對有關疾病及處理病人所受的訓練及他的專業評核相提並論。客戶對註冊醫生在治療前的評估、治療間的應變或治療後的跟進均較信任及具信心，亦從而建立醫生與病人關係。所以，療程若由註冊醫生負責進行才可以說得上是建立了醫生與病人關係，從而可收集有關客戶的香港身份證號碼。因此該美容中心不能在由治療師進行的療程的同意書中收集有關客戶的香港身份證號碼。

該美容中心若作為民事訴訟案件中的答辯人，它並不需要原告人（即提出索償訴訟的客戶）的香港身份證號碼以擬備答辯資料。

因此，私隱專員裁定該美容中心強制客戶必須 (i) 於填寫新客戶表格時，提供香港身份證號碼、出生日期、教育程度及職業，及 (ii) 在接受該美白療程及該纖型療程的同意書中向非由註冊醫生進行治療的客戶收集香港身份證號碼屬超乎適度。私隱專員向該美容中心發出執行通知，指示它採取措施糾正違反行為。該美容中心其後依從了行通知的指令。

Moreover, the beauty centre could verify a customer’s identity by requesting her to produce any of her other identification documents for the purpose of checking the name and photo, and verify her telephone number on site. The beauty centre could also assign a unique membership number to a customer so as to identify her and locate her records before offering services or treatments to her.

The collection of HKID Card number in the letters of consent for the whitening and slimming treatments on the basis of there being a doctor-patient relationship between the customer and the beauty centre/therapist was misconceived, as the beauty centre was not a clinic registered under the Medical Clinics Ordinance. Moreover, the majority of the treatments were conducted by the therapists of the beauty centre. Certainly, the qualification of therapists was hardly comparable with the training and professional assessment that doctors received, and customers would have trust and confidence in registered doctors’ pre-treatment evaluation, adaptability during treatment or post-treatment follow-up which created the doctor-patient relationship. Hence, HKID Card numbers in the letter of consent could only be collected for the treatments provided by registered doctors and not for the treatments provided by therapists.

In civil actions, the beauty centre as the respondent would not be required to submit the HKID Card number of the plaintiff (i.e. customer who brought the claim action) when preparing its statement of defence.

The Commissioner considered that it was excessive for the beauty centre to compulsorily require customers to (i) provide the HKID Card number, date of birth, education level and occupation in the registration form for new customers and (ii) provide the HKID Card in the letters of consent for the whitening and slimming treatments carried out by persons other than registered doctors. An enforcement notice was served on the beauty centre directing it to take remedial actions. The beauty centre subsequently complied with the enforcement notice.

投訴個案 2

醫生不必要地收集病人的香港身份證副本 —— 保障資料第 1(1) 原則

投訴內容

投訴人在一名醫生診症期間質疑他的診斷結果，令該名醫生非常憤怒。因此，該名醫生揚言要控告投訴人誹謗，並即場要求影印投訴人的香港身份證，否則不讓她離開診所。投訴人拒絕該名醫生的要求，並報警求助。投訴人最終沒有讓該名醫生影印她的香港身份證。投訴人在離開診所後，向公署投訴該名醫生。

結果

私隱專員發出的《身份證號碼及其他身份代號實務守則》（下稱「實務守則」）第 3.1 段訂明，除獲法律授權外，資料使用者不能強制要求任何個人提供香港身份證副本。實務守則第 3.2 段訂明，除了在該段所述的情況外，資料使用者不應收集香港身份證副本。

該名醫生在調查過程中，沒有提供理據顯示其在診症後要求影印投訴人的香港身份證的做法是符合實務守則的規定，亦沒有解釋他會將投訴人的香港身份證副本作甚麼用途。事實上，投訴人在該名醫生為她診症前已向診所姑娘出示了她的香港身份證作登記，而該名醫生一早已收集了投訴人的姓名、聯絡資料及香港身份證號碼。

雖然根據實務守則，該名醫生可為了確保能正確找出病人過去的醫療紀錄而收集病人的香港身份證號碼，但該名醫生沒有必要收集病人的香港身份證副本。要不是投訴人拒絕，該名醫生便會在他的權威下收集了投訴人的香港身份證副本。如此收集香港身份證副本屬違反保障資料第 1(1) 原則。因此，私隱專員向該名醫生送達執行通知，指令他停止收集病人的香港身份證副本，除非是在實務守則所述的情況下收集。該名醫生其後依從了執行通知的指令。

Complaint Case 2

Unnecessary collection of a patient’s Hong Kong Identity Card copy by a doctor – DPP1(1)

The Complaint

The Complainant doubted a doctor’s medical advice during a medical consultation and consequently angered the doctor. In response, the doctor threatened to sue the Complainant for slander and demanded her to produce her HKID Card for copying in the clinic. The Complainant was not allowed to leave the clinic as she refused the doctor’s request. Eventually, the Complainant called the Police for assistance and left the clinic without producing her HKID Card to the doctor. After leaving the clinic, the Complainant reported the case to the PCPD.

Outcome

Paragraph 3.1 of the “Code of Practice on the Identity Card Number and other Personal Identifiers” (the “Code”) issued by the Commissioner stipulates that unless authorised by law, no data user may compulsorily require an individual to furnish a copy of his HKID Card. Paragraph 3.2 of the Code stipulates that a data user should not collect a HKID Card copy except in the circumstances set out therein.

In response to the investigation, the doctor had neither justified his request for copying the Complainant’s HKID Card after the consultation by reference to the relevant requirements under the Code nor explained his purpose for the use of the HKID Card copy. In fact, the Complainant had already produced her HKID Card to the nurse for registration before the consultation, and her name, contact information and HKID Card number had previously been collected by the doctor.

While the collection of a patient’s HKID Card number is permitted under the Code to ensure that the correct medical record is referred to when treating the patient, the collection of a patient’s HKID Card copy by the doctor is not necessary. But for the Complainant’s refusal, the doctor would have collected the Complainant’s HKID Card copy in a position of authority. Such collection would be a contravention of DPP1(1). Therefore, the Commissioner served an enforcement notice on the doctor directing him to stop collecting any patient’s HKID Card copy except in the circumstances set out in the Code. The doctor subsequently complied with the enforcement notice.

投訴個案 3

一名病人已要求醫院將其病情絕對保密的情況下，醫院仍不慎向病人的母親透露其病情－保障資料第4原則

投訴內容

投訴人在一間醫院確診感染嚴重疾病後，曾要求該醫院向其家人保密病情，院方同意此要求並記錄在其病歷牌板上。惟該醫院的護士其後仍致電投訴人的母親向她透露了投訴人的病情。

該醫院解釋事件源於投訴人須被轉介至另一醫院的專科病房，當時負責的護士欲根據投訴人的病歷牌板上的資料致電該專科病房安排轉院，惟該護士不慎撥打了寫在該牌板另一頁的緊急聯絡電話號碼（即投訴人母親的電話號碼），並在未有確認接聽電話者是否另一醫院職員的情況下向接聽人士（即投訴人的母親）透露了投訴人的病情。

結果

病人的病歷資料屬高度敏感的個人資料，處理時必須加倍小心謹慎。基於該醫院在本案中未有採取所有切實可行的步驟，以確保病人的個人資料受保障而免受未獲准許的或意外的使用所影響，私隱專員裁定該醫院違反了保障資料第4原則的規定。

在調查的過程中，該醫院已向有關護士發出警告，並透過發出書面通告要求所有醫護人員日後在需要透過電話披露病人的病歷資料前，必須清楚核對電話號碼是否正確，及在確認對方的身份後才說出病人的病歷資料。私隱專員向該醫院發出警告，促請他們必須將上述要求向員工清楚傳達，並採取切實可行的措施確保員工依從有關要求，藉此促進員工緊遵條例下保障個人資料的規定。

Complaint Case 3

A hospital mistakenly disclosed the medical condition of a patient to the patient’s mother though it had been requested to keep it confidential – DPP4

The Complaint

After having been diagnosed with serious illness, the Complainant requested the hospital to keep his illness confidential. The hospital acceded to the request and recorded it on his chart board. However, the hospital’s nurse still called the Complainant’s mother and disclosed his medical condition to her.

The hospital explained that the complaint stemmed from the necessity of transferring the Complainant to the Specialty Ward of another hospital. The nurse-in-charge intended to call the Specialty Ward for arranging the transfer according to the data on the Complainant’s chart board. However, the nurse mistakenly dialled the emergency contact number (i.e. the telephone number of the Complainant’s mother) on another page of the chart board and disclosed the Complainant’s illness to the call receiver (i.e. the Complainant’s mother) without first confirming that the receiver was a medical staff member of the Specialty Ward.

Outcome

Patients’ medical records are highly sensitive personal data and must be handled with extra care. As the hospital in this case had not taken all the practicable steps to ensure that its patient’s personal data was protected against unauthorised or accidental use, the Commissioner held that the hospital had contravened DPP4.

In the course of investigation, the hospital had given a warning to the nurse and issued a written notice to all medical staff requiring them to check the correctness of the telephone numbers of the receivers and confirm the receivers’ identities before disclosing patients’ medical records over the phone in future. The Commissioner issued a warning to the hospital urging it to clearly communicate the above requirements to its staff, and take practicable steps to ensure staff compliance so as to enhance staff’s compliance with the personal data protection under the Ordinance.

投訴個案 4

電訊公司在商業客戶補領流動電話卡時，不必要地收集客戶代表的香港身份證副本——保障資料第1(1)原則

投訴內容

投訴人獲其僱主授權前往一間電訊公司的門市申請補領其僱主登記的流動電話卡。過程中，雖然投訴人已出示其僱主的商業登記證及公司印章，但該電訊公司仍要求掃描投訴人的香港身份證作記錄。投訴人認為該電訊公司涉及過度收集他的個人資料，遂向公署作出投訴。

該電訊公司向私隱專員解釋，根據公司的既定程序，若商業客戶要求補領流動電話卡，他們除了收集公司的商業登記證副本及公司印章外，還會收集公司代表的香港身份證副本，從而確認該名代表的身份，以防止有人冒認商業客戶取得流動電話卡。

結果

就確認商業客戶的代表是否獲合法授權方面，私隱專員認為該電訊公司應要求該名代表提供一份由商業客戶發出的授權書，當中載有該名代表的姓名；同時，為核實該名代表的身份，該電訊公司只需要他即場出示載有其相片的身份證明文件（例如香港身份證或職員證），以確認其容貌與其身份證明文件上的相符，及其身份證明文件上所顯示的姓名與授權書上的一致。如該電訊公司對該名代表的身份仍存疑，應直接聯絡商業客戶的負責人尋求澄清。

因此，私隱專員認為，該電訊公司在個案中收集商業客戶代表的香港身份證副本，屬超乎適度，違反了保障資料第1(1)原則的規定。

經公署介入後，該電訊公司已採取了多項補救措施，包括停止在辦理補領流動電話卡的過程中收集商業客戶代表的香港身份證號碼或副本，並將有關安排告知其前線職員；及銷毀過往收集得的商業客戶代表的香港身份證資料。

Complaint Case 4

Unnecessary collection of HKID Card copy of a corporate customer’s representative by a telecommunications company when the customer applied for replacement of a mobile SIM card – DPP1(1)

The Complaint

The Complainant was authorised by his employer to apply for replacement of his employer’s mobile SIM card at a branch of a telecommunications company. Although the Complainant had produced his employer’s business registration certificate and company chop, the telecommunications company demanded to scan the Complainant’s HKID Card for record. Considering that the telecommunications company had collected excessive personal data from him, the Complainant lodged a complaint with the PCPD.

The telecommunications company explained that according to its established practices, when a corporate customer applied for replacement of a mobile SIM card, it would collect a copy of HKID Card of the corporate customer’s representative, in addition to the business registration certificate and company chop. The representative’s HKID Card copy was collected for identity verification to prevent the SIM card from being obtained by someone impersonating the corporate customer.

Outcome

With respect to ascertaining if a corporate customer’s representative is legally authorised by the corporate customer, the Commissioner was of the view that the telecommunications company should request the representative to provide an authorisation letter containing the representative’s name issued by the corporate customer. To verify the representative’s identity, the telecommunications company could request the representative to produce an identification document with photo (e.g. HKID Card or staff card) on-site to match it with the representative’s appearance and name on the authorisation letter. If the telecommunications company still had doubt about the representative’s identity, it could contact the person-in-charge of the corporate customer direct for clarification.

Hence, the Commissioner was of the view that the telecommunications company’s collection of the HKID Card copy of the corporate customer’s representative was excessive and contravened DPP1(1).

After PCPD’s intervention, the telecommunications company took various remedial measures, which included ceasing collecting HKID Card number, or copy, of a corporate customer’s representative when handling replacement of a mobile SIM card; notifying its frontline staff of the said arrangement; and destroying HKID Card data of corporate customers’ representatives previously collected.

根據第48(2)條發表的調查報告**調查報告：僱主超乎適度及不公平收集員工指紋資料**

私隱專員對一間時裝貿易公司展開正式調查，以確定該公司為達致保安及考勤的目的而收集員工的指紋資料，是否必須和公平。

調查源自該公司一名前僱員的投訴。該公司在該名僱員履新的第一天，透過指紋識別裝置收集了她的指紋資料。該公司的僱員必須將手指放在指紋識別裝置上，才能進入辦公室及陳列室，或記錄每天上班及下班的時間。

該名僱員不願意提供指紋資料，曾要求該公司採用其他方法以代替收集她的指紋資料，但不得要領。在別無選擇的情況下，該名僱員唯有讓該公司收集她的指紋資料。

調查結果**收集屬超乎適度——保障資料第1(1)原則**

該公司認為，由於其陳列室及辦公室均存放了價值不菲的時裝貨品，加上以往曾經發生數宗失竊事件，故有必要使用指紋識別裝置來加強保安。

公署的調查顯示，該公司已採用了多項的保安措施，包括閉路電視鏡頭、密碼鎖、門鎖及鏈鎖。故此，再安裝指紋識別裝置作為夜間的保安措施，實屬多此一舉。

PUBLICATION OF INVESTIGATION REPORT UNDER SECTION 48(2)**Investigation Report: Excessive and Unfair Collection of Employees' Fingerprint Data by Employer**

The Commissioner initiated a formal investigation against a fashion trading company (the "Company") to ascertain whether the collection of employees' fingerprint data, for the purposes of safeguarding office security and monitoring staff attendance, was necessary and fair.

The investigation stemmed from a complaint lodged by an ex-employee of the Company. The Company collected the ex-employee's fingerprint data through a fingerprint recognition device on her first day of work. To access the office and the showroom, or to take attendance for work, employees were required to place their fingers on the fingerprint recognition devices.

The ex-employee was reluctant to provide her fingerprint data, and requested the Company to provide other alternatives in lieu of collecting her fingerprint data, but her request was ignored. Left with no alternative, the ex-employee let the Company collect her fingerprint data.

Findings of the Investigation**Excessive Collection – DPP1(1)**

The Company argued that the fingerprint recognition devices were necessary for enhancing its security because its fashion items stored in the showroom and the office were of high value, and it had experienced several theft incidents.

The PCPD's investigation revealed that the Company had already installed several security devices to safeguard its property, including CCTV cameras, digital locks, ordinary door locks and a chain lock, and these measures rendered the fingerprint recognition devices redundant as a night – time security device.



該公司以往的失竊事件全部在日間發生，而犯案者全是該公司的員工及顧客。就此，安裝指紋識別裝置以防止外人擅自進入，亦不能防止此類失竊事件發生。該公司是透過閉路電視攝錄得的影像去追查這些失竊事件，並從中成功認出犯案者。從這些事實看來，閉路電視鏡頭是更有效的保安方法。

至於記錄員工出勤方面，該公司只有20名員工，故相對地較容易採納對私隱侵犯程度較低的做法來進行考勤，例如可讓僱員利用密碼或智能卡來記錄出勤，而不必使用指紋資料。

收集手法屬不公平——保障資料第1(2)原則

該公司沒有讓僱員選擇以其他方法代替提供指紋資料，以達致保安及考勤的目的。該公司亦沒有告知僱員就提供指紋資料對其私隱的影響，以及該公司採取了甚麼措施防止資料被濫用或不當處理。在本案的情況下，即使僱員同意向該公司提供指紋資料，有關的同意也不是在自願及知情的情況下作出的。

因此，私隱專員認為該公司收集僱員的指紋資料違反了保障資料第1(1)原則及第1(2)原則。

執行通知及建議

私隱專員向該公司送達執行通知，指令它銷毀從前僱員及現職僱員收集得來的指紋資料，並停止向僱員收集指紋資料。該公司其後向私隱專員確認已經依從執行通知的要求。

確立使用指紋識別裝置指引

社會不應因指紋識別裝置的普及應用，而對保障個人資料私隱作出妥協。該公司為方便採用指紋識別裝置，卻忽略潛在的私隱問題，正是當中活靈活現的例子。本案說明盲目尊崇科技，而沒有深究及評估衍生的私隱風險，私隱權便成為科技的犧牲品。我們追求卓越科技無可厚非，但我們不應接受以不負責任的態度使用科技。

On the other hand, the theft incidents experienced by the Company were day-time thefts, all committed by its staff and customers, and as such, the installation of the fingerprint recognition devices to prevent unauthorised entry would not help prevent these thefts. The existing CCTV cameras, which in fact detected the thefts and identified the culprits concerned, appeared to be a more effective security means.

As for monitoring staff attendance, the Company had only 20 employees, it would be relatively easy to monitor staff attendance using less privacy intrusive means, such as password or a smartcard, instead of the use of a fingerprint recognition device.

Unfair Collection – DPP1(2)

The employees were neither provided with a choice to opt for other alternatives to satisfy the purposes of safeguarding the office security and monitoring staff attendance, nor informed of the privacy risks involved and the measures to prevent wrongful collection and misuse. In the circumstances, even the employees consented that the Company could collect their fingerprint data, the consent was not a genuine and informed consent.

The Commissioner therefore found the Company in contravention of DPP1(1) and DPP1(2) on the collection of employee's fingerprint data.

Enforcement Notice and Advice

An enforcement notice was served on the Company directing it to destroy all fingerprint data collected from its present and past employees, and to cease collecting its employees' fingerprint data. The Company had confirmed its compliance with the enforcement notice.

Establishing Guidelines for Use of Fingerprint Recognition Devices

As the use of fingerprint recognition device becomes increasingly common, it is imperative that privacy and data protection are not compromised. The case is a vivid example of a data user preferring the convenience and affordability of such devices to the neglect of the underlying privacy concerns. It illustrates the modern flow of sacrificing privacy rights at the altar of technology without understanding and assessing the privacy risks which technology can generate. Technology is certainly to be used but irresponsible use of technology must be discouraged.

指紋是與生俱來的獨特生理特徵，它是一種無可置疑的身份標識符，而且終生不變。正因指紋具有獨特及不變的性質，指紋資料是高度敏感的個人資料，故指紋資料僅限在有足夠理據的情況下收集，並須加以適當行政措施及技術加強保障，以避免未獲准許的存取或使用。

機構必須確定他們具有實際需要，而又沒有其他替代方法可達至相同目的及減低侵犯私隱的程度，才應考慮收集指紋資料。指紋識別裝置不應只因在市面上輕易購得、方便使用及價格便宜而被隨意採用。指紋識別裝置在需要高度保安的地方或許是一個合適的選擇，但純粹記錄員工出勤而言，採用指紋識別裝置的必要性則往往是令人質疑。

僱主在收集僱員的指紋資料時，須要緊記他們和僱員之間的談判實力並不均等，故不應該施加不適當的影響或威脅以獲得員工的同意，因為這種行為無異於不公平收集僱員的個人資料。僱員必須獲告之收集及使用指紋資料的私隱風險，並在清晰及自願的情況下，同意提供指紋資料。

調查報告：
www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R15_2308_c.pdf

Given the highly sensitive nature of fingerprint data, i.e., it is a unique physiological trait which an individual was born with and can irrefutably identify an individual, and it remains unchanged throughout the individual's lifetime, etc., fingerprint data should be collected only when justified, and used with appropriate procedural and technological safeguards to prevent unauthorised access to and use of the data.

An organisation must satisfy itself that fingerprint collection is necessary to meet a specific need and there is no other less privacy-intrusive means which could be equally effective to serve the same need. A fingerprint recognition device should not be used simply because it is readily available, convenient and cost-effective. It may be an appropriate tool to control entry to high security areas but to apply it merely for checking staff attendance is questionable.

An employer should not exert undue influence or threaten its employees when seeking to gain the latter's consent to collect their fingerprint data, as such conduct would amount to unfair collection of personal data, bearing in mind the disparity in bargaining power between an employer and his employees. The employees' consent must be genuine, unambiguous, and informed of the privacy risks associated with the collection and use of fingerprint data.

Investigation Report:
www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R15_2308_e.pdf

電子健康紀錄互通系統

《電子健康紀錄互通系統條例》（第625章）已於2015年12月2日生效，在參與電子健康紀錄互通系統（「互通系統」）的病人同意下，獲授權的公私營界別醫護提供者可取覽和互通病人的健康資料，作醫護相關用途。

互通系統內的電子健康紀錄屬《個人資料（私隱）條例》下的個人資料。為確保病人在互通系統的個人資料獲得適當保障，公署在2007年互通系統條例的立法階段初期，已參與政府就互通系統而成立的法律、私隱及保安問題工作小組，並於條例草案的審議階段就當中引起個人資料私隱關注的事宜提出意見及建議。

私隱專員就互通系統中的個人資料可執行和行使其在《個人資料（私隱）條例》下的職能和權力包括：

- 處理有關互通系統中涉及違反《個人資料（私隱）條例》的投訴，有需要時亦可展開主動調查；
- 就互通系統在處理個人資料方面進行視察；
- 就互通系統涉及個人資料私隱的事宜向市民及醫護提供者提供指引；及
- 處理涉及互通系統的資料外洩事故通報。

ELECTRONIC HEALTH RECORD SHARING SYSTEM

The Electronic Health Record Sharing System Ordinance (Cap 625) came into operation on 2 December 2015. With the consent of the patient, healthcare providers (in both the public and private sectors) can have access to and share the patient's health record in the Electronic Health Record Sharing System (the "eHR Sharing System") for healthcare-related purposes.

Electronic health record ("eHR") in the eHR Sharing System amounts to personal data under the Personal Data (Privacy) Ordinance. To ensure that a patient's personal data will be duly protected under the eHR Sharing System, the PCPD had participated in the government's Working Group on Legal, Privacy and Security Issues of the eHR Sharing System since the early stage of the legislative process of the eHR Sharing System in 2007. The PCPD also rendered comments and suggestions on issues related to personal data privacy at the Committee Stage of the Bill.

The functions and powers of the Commissioner under the Personal Data (Privacy) Ordinance in relation to personal data in the eHR Sharing System include:

- handling complaints of suspected breaches of the Personal Data (Privacy) Ordinance and initiating investigation if necessary;
- carrying out an inspection of the eHR Sharing System;
- providing guidance on personal data privacy in relation to the eHR Sharing System to citizens and healthcare providers; and
- handling any data breach notification in relation to the eHR Sharing System.

回響 Feedback

- 此外，個人資料私隱專員也提出了很多意見，多次出席會議並回答（《電子健康紀錄互通系統條例草案》委員會）委員的問題，對於我們的工作有很大的幫助，我亦想特別感謝他和他的同事。
- 法案委員會曾有一次因不夠法定人數而流會，但個人資料私隱專員也很大方與部分出席會議或遲到的委員，在咖啡閣中聯同政府官員照樣開了兩個多小時的會議……對我們的工作也相當有幫助。

The Privacy Commissioner also offered a lot of advice and attended meetings on a number of occasions to answer members' (of the Bills Committee on the Electronic Health Record Sharing System Bill) questions. This is very helpful to our work, so I also wish to thank him and his colleagues in particular.

On one occasion, a meeting of the Bills Committee was aborted due to a lack of quorum but the Privacy Commissioner was still very generous to hold a meeting with some of the members who were present or who were late in the café for more than two hours... it was quite helpful to our work.

莫乃光議員, JP
The Hon Charles Peter MOK, JP



2015年12月18日舉行了其中一場簡介會，讓公署職員深入了解互通系統。
One of the briefings was held on 18 December 2015 to explain the eHR Sharing System to the PCPD staff members.

為配合互通系統於2016年3月正式啟用，公署自2015-16年度第二季開始已著手進行一系列的籌備工作。除繼續就互通系統涉及個人資料私隱的事宜向政府提供意見外，公署亦與食物及衛生局轄下的電子健康紀錄統籌處緊密聯繫，就日後處理涉及互通系統的投訴設立雙向轉介機制。公署在邀請電子健康紀錄統籌處及醫院管理局的代表為公署職員主持簡介會的同時，亦與電子健康紀錄統籌處的人員分享其處理醫護界投訴個案的經驗。此外，公署於2016年初就保障互通系統中的個人資料私隱方面出版了兩份單張，分別供醫護接受者及醫護提供者參考*。

To prepare for the commencement of operation of the eHR Sharing System in March 2016, the PCPD undertook a series of preparatory work since the second quarter of 2015-16. Apart from continuing to render comments on personal data privacy-related issues in relation to the eHR Sharing System to the government, the PCPD had worked closely with the eHR Office under the Food and Health Bureau to set up a two-way referral mechanism in handling possible eHR-related complaints. Representatives from the eHR Office and Hospital Authority were invited to conduct briefing sessions for staff of the PCPD while the PCPD was also invited to share its experience with the eHR Office in handling complaints relating to the medical sector. Two sets of information leaflets on protection of personal data privacy in relation to the eHR Sharing System were published in early 2016 for the reference of the healthcare recipients and the healthcare providers respectively*.

* 詳情請參閱：
www.pcpd.org.hk/tc_chi/data_privacy_law/electronic_health_record_sharing_system/ehrss.html

* The information leaflets can be downloaded at
www.pcpd.org.hk/english/data_privacy_law/electronic_health_record_sharing_system/ehrss.html

回響 Feedback

- 最後，我想再次感謝私隱專員——他與他的同事相當有心，向我們提供了很多意見……我認為私隱專員在這情況下絕對是有很重要的角色，從保障市民私隱的角度看看怎樣做才可以符合有關私隱的條例或其他條例，令香港市民在這制度下得到充分保障。

Lastly, I wish to once again express my gratitude to the Privacy Commissioner – He and his colleagues are most sincere and have provided a lot of views to us…… But I think the Privacy Commissioner absolutely plays a most crucial role in looking into what measures should be taken to ensure compliance with the legislation on privacy or other legislation from the angle of privacy protection, in order for Hong Kong people to be provided with full protection under this system.

劉慧卿議員, JP
The Hon Emily LAU Wai-hing, JP

回響 Feedback

- 個人資料私隱專員亦就條例草案盡了很大努力，提出了很多疑點，而當局亦就着這些建議和疑點作出修訂，我們對此表示支持。

The Privacy Commissioner for Personal Data has also made great efforts regarding the Bill by raising a lot of points of doubt, and the authorities have made amendments in the light of these suggestions and points of doubt. We support all of these.

張超雄議員
The Hon Fernando CHEUNG Chiu-hung

回響 Feedback

- 個人資料私隱專員公署的代表亦有積極參與工作小組的討論，其大部分的建議也已獲接納。

The representative of the Office of the Privacy Commissioner for Personal Data has also taken an active role in the discussion of the Working Group and most of his recommendations were taken on board.

食物及衛生局局長高永文議員, BBS, JP
Dr the HON KO Wing-man, BBS, JP

加強 法律保障 Enhancing Legal Protection

公平公正

法律部就公署各方面工作提供法律意見，並會檢討任何可能影響個人資料私隱的現行及擬議法例和政府政策，並密切留意海外與公署工作相關的資料保障法律發展情況。法律部亦執行法律協助計劃，及代表私隱專員出席法庭或行政上訴委員會的聆訊。

Equity and Fairness

The Legal Division provides legal advice on all aspects of the work of the PCPD, and reviews existing and proposed legislation and government policies that may affect the privacy of individuals with respect to personal data. We also monitor developments in overseas data protection laws that are relevant to the PCPD's work. The Division also administers the Legal Assistance scheme, and represents the Commissioner in any hearings before the courts or the Administrative Appeals Board.



檢視公共登記冊

私隱專員於2015年7月28日發表一份報告，該報告檢視由政府及公共機構營運的10個常用公共登記冊，當中包括：破產登記冊、出生登記冊、商業登記冊、公司登記冊、土地登記冊、婚姻登記冊、擬結婚通知書登記冊、證監會持牌人紀錄冊、車輛登記冊及選民登記冊。私隱專員是參考政府於2000年12月30日就保障現有及新公共登記冊的個人資料而發出的一套指引（「指引」）來檢視上述登記冊內的個人資料是否得到合適保障。私隱專員亦檢視了於2001年1月1日至2014年3月31日制定或修訂而載有與公共登記冊有關條文的82條法例及相關的規例，以核實遵從該指引的程度。

公共登記冊內的個人資料是受到條例的保障，尤其是使用從公共登記冊所收集的個人資料是受條例附表1的保障資料第3原則規管。該原則規定，除非獲得資料當事人明確和自願的同意，否則個人資料只可用於收集資料的目的或直接有關的目的。換言之，從公共登記冊所收集的個人資料一般只可用於與設立公共登記冊的目的之一致或直接有關的目的。

該指引建議所有訂立公共登記冊的法例應盡量明確地訂明其建立的目的，亦建議法例中應包括以下條文：(a) 就不當使用個人資料施加制裁；(b) 訂明閱覽資料的目的，並限制要求閱覽的人士之類別；及(c) 要求閱覽的人士以書面聲明有關資料擬作出的用途。

調查結果

調查的主要結果如下：

檢視條例及相關的規例

- 在2001年1月1日至2014年3月31日制定或修訂而載有與公共登記冊有關條文的82條法例中，只有32條說明發放個人資料的目的，及該資料可被使用的範圍；及
- 只有5條法例明確訂明防止個人資料被濫用的措施。

SURVEY OF PUBLIC REGISTERS

The Commissioner published a report on 28 July 2015 in respect of a survey of 10 commonly-used public registers maintained by the government and public bodies, namely, Bankruptcy register, Births register, Business register, Companies register, Land registers, Marriage register, register of Notice of Intended Marriage, SFC register of Licensed Persons, register of Vehicles and registers of Electors. The protection of the personal data contained in these registers was examined with reference to a set of guidelines on the protection of personal data in relation to existing and new public registers formulated by the government on 30 December 2000 (the “Guidelines”). In order to ascertain the extent of compliance with the Guidelines in general, the Commissioner also examined 82 ordinances and related regulations enacted or amended during the period from 1 January 2001 to 31 March 2014 which contain provisions relating to public registers.

Personal data in the public registers is subject to the protection under the Ordinance. In particular, the use of personal data collected from the public registers is governed by DPP3 in Schedule 1 of the Ordinance which limits the use of personal data for the purposes for which it was collected or a directly related purpose, unless the explicit and voluntary consent of the data subject is obtained. In other words, the personal data collected from a public register can generally be used only for purposes in line with or directly related to the purpose(s) of setting up the public registers.

The Guidelines advise that the purposes of a public register should be stated as specifically as practicable in the legislation that establishes it. The Guidelines also advise provisions in the legislation to include: (a) the sanctions imposed against the improper use of the personal data; (b) the specified purposes for which the data may be requested, and the class of persons entitled to make requests; and (c) the requestors’ declaration in writing for the intended use of the information requested.

Observations in the Survey

The survey concluded with the following major observations:

Examination of ordinances and related regulations

- Only 32 of the 82 public register-related legislation newly enacted or amended from 1 January 2001 to 31 March 2014 spelled out the purposes of the publication of the data and/or the permissible use or secondary use of such data; and
- Only five of these legislation contained explicit provisions introducing measures to safeguard against possible misuse of the personal data.

檢視10個常用公共登記冊

- 10個公共登記冊中，只有四個在相關條文中述明登記冊的目的；
- 10個公共登記冊中，只有一個列明法例的保障，防止資料被濫用；餘下九個僅有一個登記冊提供行政措施的保障；
- 在防止資料被濫用上，缺乏立法或行政措施的保障是特別令人擔憂的，原因是大多數的公共登記冊營運者都沒有酌情權，不能拒絕任何查閱資料的要求；
- 在三個營運者擁有酌情權的公共登記冊中，有兩個未有訂明如何行使酌情權的政策；

- 10個公共登記冊均有向資料當事人表明登記冊的目的，但可以再作改善，向資料當事人及公眾提供更清晰和充足的通知；
- 破產登記冊、商業登記冊及婚姻登記冊均沒有清晰訂明會向公眾披露資料；

- 就擬結婚通知書登記冊而言，使用在婚姻登記處現場的電腦查閱擬結婚通知書的過程當中，並沒有向公眾人士提述查閱該登記冊的目的；及
- 至於網上查閱公共登記冊方面，該指引只要求營運者在其網頁上加入有關登記冊的特定目的及使用限制，因而未能確保查閱人士是否經已閱讀及明白網頁上的訊息。



建議

該10個常用公共登記冊大體上均按照法律而執行，備有收集個人資料聲明及需由資料查閱者確認查閱的目的，但仍有進步的空間。

使用從公共登記冊收集的個人資料應依從登記冊所訂明的目的。訂立公共登記冊的法例欠缺訂明目的，對私隱專員的執法構成障礙。

Examination of the 10 commonly-used public registers

- Only four out of the 10 registers had the purposes of the registers specified in the respective legislation;
- Only one out of the 10 registers had legislative safeguards against misuse of data and only one out of the remaining nine registers provides for administrative safeguards;
- The lack of legislative or administrative safeguards against data misuse was particularly worrying as most of the operators of the registers have no discretion to reject a request for data access;

- For two out of the three registers which the operators had discretionary power to decide on the provision of specific kinds of personal data upon request, there were no laid down policies governing the exercise of the discretion;
- While data subjects were informed by all 10 registers of the purposes of the registers, the clarity and adequacy of the notification given to data subjects and the public could be improved;
- For the Bankruptcy register, the Business register and the Marriage register, there was no specific mentioning that the data could be made available to the public;
- For the Marriage register, no reference was made to the purpose of inspection of the notices throughout the process of inspection which took place in the Marriage Registries by reviewing the webpages of onsite computers; and
- For online access to a public register, the Guidelines only required the home page to include the specified purposes of the register and the use limitations, thus falling short of ensuring that the requestor did read and understand this home page message.

Recommendations

In general, the 10 commonly-used registers were administered in accordance with the law and had personal information collection statement and statement of purposes to be acknowledged by searchers, but there was room for improvement.

The use of personal data collected from a public register should comply with the stated purpose of the register. The lack of a purpose specified in the establishing legislation for the public registers posed an enforcement hurdle for the Commissioner.

私隱專員建議政府應建立一個專門的組織架構及機制，以審視及監察政府各政策局和部門遵守該指引的情況，特別關於所需的立法或修訂。私隱專員亦建議於法律起草的過程中，引入「個人資料之符合條文」，與「人權法之符合條文」及「基本法之符合條文」看齊，並委派律政司擔當把關的角色，以確保在未來的法例制定及修訂過程中，慎重考慮納入公共登記冊的特定目的。

私隱專員已把這份檢視報告及建議送交給有關政府決策局及部門，要求他們因應建議檢討各登記冊現時的做法。

檢視報告全文（只備英文版）：
www.pcpd.org.hk/english/resources_centre/publications/surveys/files/survey_public_registers.pdf

The Commissioner recommended the government should establish a dedicated organisational structure and mechanism to oversee and monitor compliance with the Guidelines by the various government bureaux and departments, particularly in regard to the required legislative enactment or amendment. The Commissioner also recommended a “personal data clearance clause” in the law drafting process, in line with the “human rights clearance clause” and the “basic law clearance clause” be introduced, and the Department of Justice be assigned to take up the gate-keeper role to ensure that serious consideration would be given in future legislative enactment or amendment processes to incorporate the specific purposes of public registers.

The Commissioner forwarded the survey report to the relevant government bureaux and departments, with recommendations on compliance with the Guidelines. They were requested to review the existing practices of the various registers in light of the recommendations.

The full survey report:
www.pcpd.org.hk/english/resources_centre/publications/surveys/files/survey_public_registers.pdf

感言 Sharing

我於2008年加入公署擔任律師。自備受廣泛報道有關售賣顧客資料的事件後，公眾對個人資料私隱的意識大幅提高。其後，我有機會參與檢討條例的法律工作，最終《個人資料（私隱）（修訂）條例》於2012年實施。近年，我亦負責一些主要的計劃及新項目，包括《保障個人資料：跨境資料轉移指引》、檢視政府及公營機構營運的公共登記冊的報告，以及就《電子健康紀錄互通系統條例》向政府及立法會法案委員會提交意見書／評論。

我在公署的發展取得滿意的成果。我現在成為公署的主要職員，擔任高級律師，協助帶領一組律師為公署提供法律諮詢服務、處理訴訟工作，以及向持份者和不同界別的專才解釋我們的政策。加入公署工作擴闊了我的見聞和視野。公署同事能幹及各有所長，我很高興能成為當中一份子。

I joined the PCPD as Legal Counsel in 2008. The public awareness in relation to personal data privacy has arisen since a widely reported incident involving the sale of customers’ data. Thereafter, I was given the opportunities to participate in the review of the Ordinance, which culminated in the enactment of the Personal Data (Privacy) (Amendment) Ordinance in 2012. In recent years, I have also taken charge of some major projects and new initiatives including the Guidance on Personal Data Protection in Cross-Border Data Transfer, the Survey Report of Public Registers Maintained by Government and Public Bodies, and rendered submissions/comments to the government and the Legislative Council Bills Committee in relation to the Electronic Health Records Sharing System Ordinance.

My career here is fruitful and satisfying. I now assist in leading a team of lawyers to provide legal advisory services to the PCPD as Senior Legal Counsel, handling litigation related work and explaining our policies to stakeholders as well as elites with different expertise. Joining the PCPD has broadened my exposure and horizon. I am glad to be part of such a capable and diverse team.



廖以欣
高級律師
Sandra LIU
Senior Legal Counsel

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》（第442章）而設立的法定組織，負責聆訊投訴人或被投訴的資料使用者對私隱專員的決定而提出的上訴，並作出裁決。

在2015至2016年度決定的／接獲的行政上訴案件的統計資料

本年度共有30宗上訴個案完結，及接獲35宗新提出的上訴個案。

大部分的上訴個案最終都被行政上訴委員會駁回或由上訴人撤回。（圖4.1）

APPEALS LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

The Administrative Appeals Board (“AAB”), established under the Administrative Appeals Board Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Commissioner’s decisions by a complainant, or the relevant data user complained of.

Statistics of AAB Cases Concluded / Received in the Year 2015 - 2016

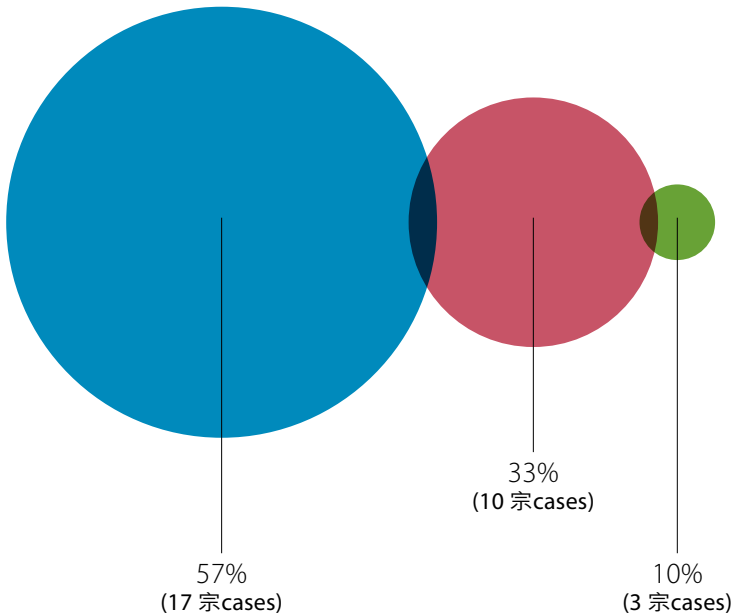
A total of 30 appeals were concluded and 35 new appeal cases were received during the report year.

Most of the appeals were eventually dismissed by the AAB or withdrawn by the appellants. (Figure 4.1)

圖Figure 4.1 上訴的結果
Result of appeal cases

總數30宗
Total 30 cases

- 上訴被駁回
Appeals Dismissed
- 上訴被撤回
Appeals Withdrawn
- 上訴得直
Appeals Allowed

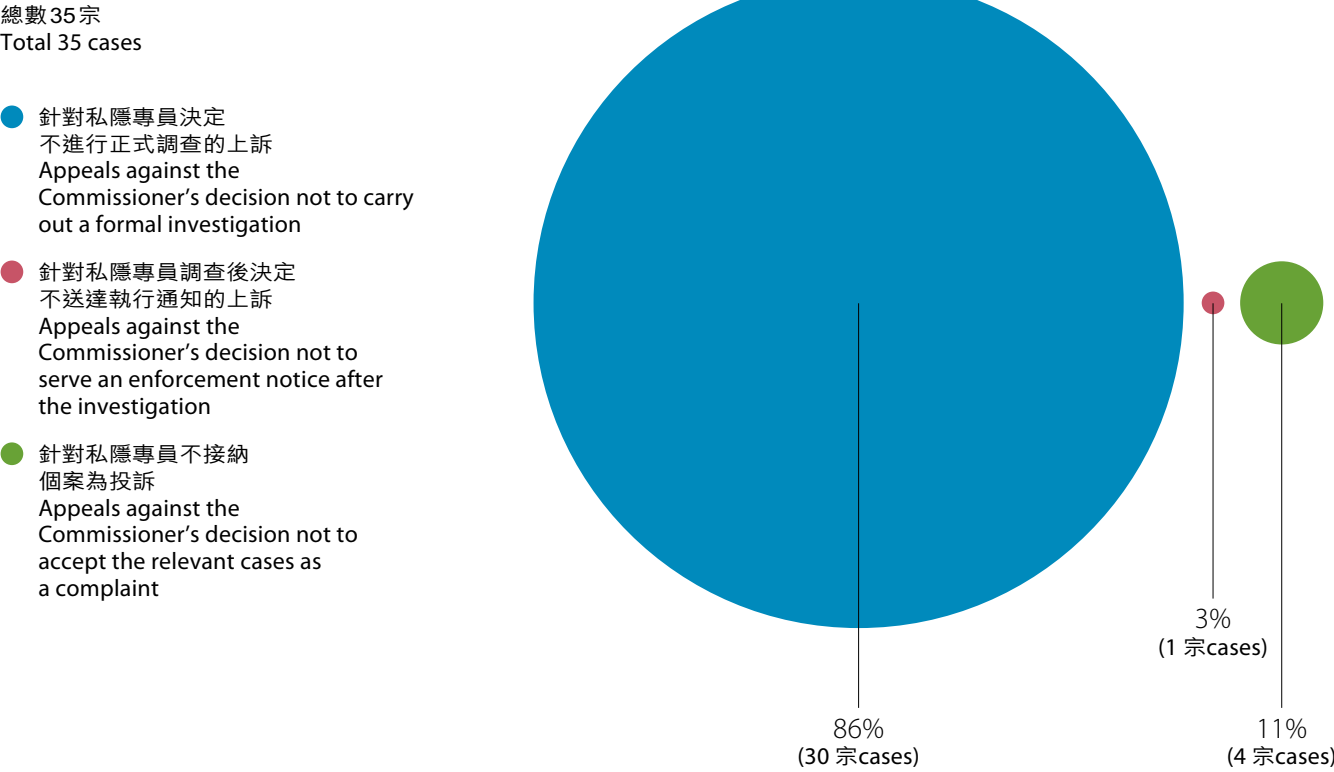


在本年度接獲的35宗新上訴個案中，30宗是上訴私隱專員不作正式調查的決定。私隱專員作出該等決定是基於(i)投訴的主要事項與個人資料私隱無關；(ii)沒有表面證據支持指稱的違反行為；(iii)被投訴者已採取補救行動糾正所指稱的違反行為及／或(iv)作出相關投訴時已超過兩年的法定時限。

四宗是上訴私隱專員不接納相關個案為條例第37條下的「投訴」的決定。

餘下的一宗是上訴私隱專員在作出調查後不送達執行通知的決定而提出的上訴。(圖4.2)

圖Figure 4.2 上訴所涉的性質
Nature of the appeals



Of the 35 new appeal cases received in the year, 30 of which appealed against the Commissioner's decision not to carry out a formal investigation. The Commissioner made these decisions based on the following: (i) the primary subject matter of the complaint was considered not to be related to personal data privacy; (ii) there was no prima facie evidence to support the alleged contravention; (iii) the party complained against had taken remedial action to rectify the alleged contraventions and/or (iv) the two-year statutory time limit had lapsed when the relevant complaint was made.

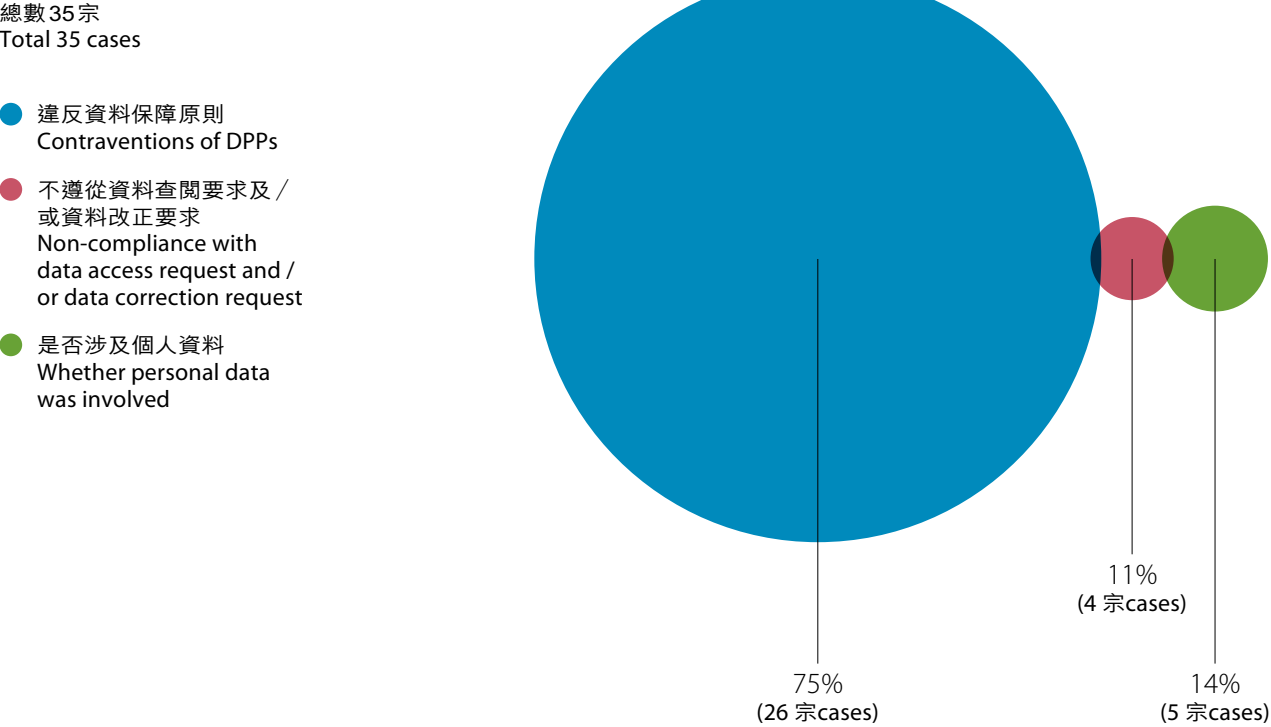
Four appeals were against the Commissioner's decision not to accept the relevant cases as a "complaint" under section 37 of the Ordinance.

The remaining appeal was against the Commissioner's decision not to serve an enforcement notice after the investigation. (Figure 4.2)

在35宗新上訴個案中，26宗涉及指稱違反條例的保障資料原則。四宗涉及指稱不依從查閱資料要求及／或改正資料要求。其餘五宗則關於個案是否涉及個人資料。(圖4.3)

Of these 35 new appeal cases, 26 involved alleged breaches of the DPPs of the Ordinance. Four cases involved alleged non-compliance with data access request and/or data correction request, and the remaining five cases concerned about whether or not personal data was involved. (Figure 4.3)

圖Figure 4.3 上訴所涉及的條例的規定
The provisions of the Ordinance involved in the appeals



有關指稱違反保障資料原則的26宗上訴中，一宗個案可牽涉多於一項保障資料原則。當中有八宗涉及超乎適度及／或不公平收集個人資料；五宗涉及個人資料的保留期間；15宗涉及未經資料當事人同意下使用及／或披露其個人資料；六宗涉及個人資料的保安及兩宗涉及資料使用者的私隱政策及實務。

Of those 26 appeal cases involving the alleged contraventions of DPPs, one appeal might involve more than one principle. Of these appeals, eight cases involved excessive and/or unfair collection of personal data; five involved the duration of retention of personal data; 15 involved the use and/or disclosure of personal data without the data subject's prior consent; six involved security of personal data and two involved the data user's privacy policies and practices.



上訴個案簡述一（行政上訴委員會上訴案件第 54/2014 號）

上訴人因不滿私隱專員向他發出執行通知，指令他在其網站刪除三條披露投訴人在三宗匿名判決書中的身份的超連結，而提出上訴。行政上訴委員會維持公署作出的決定，即上訴人在其網站內刊載有關的超連結，違反了條例的保障資料第3原則的規定，並裁定發出執行通知是適當的。

投訴內容

投訴人是數個法定委員會的成員。法庭在公開聆訊她的離婚訴訟後於2000、2001及2002年頒下三份判決書。這些判決書原本載有投訴人、其前夫及子女的姓名，並可在司法機構的法律參考資料系統查閱得到。不過，在2010及2012年，司法機構應投訴人的要求，從該系統的分份判決書隱去他們的姓名。

在2013年初，投訴人發現在上訴人經營的網站的「Who's Who」內三條載有她的姓名的超連結，可以分別聯繫到司法機構的法律參考資料系統內該三宗已被匿名化的判決書。使用者若在上訴人網站的「search people」一欄輸入投訴人的姓名，使用者便會被帶往「Who's Who」的版面。該版面會顯示投訴人的資料，而該三宗判決則放在「Articles」的項目內。只要按下「Articles」，具有判決書標題（提述投訴人及其前夫的姓名）的三條超連結便會出現。儘管該三宗判決書已隱去投訴人的姓名，但這個搜尋程序實際上卻令投訴人的身份曝光。

2013年3月，投訴人去信上訴人要求刪除有關超連結被拒。她於是向私隱專員投訴上訴人在該網站披露她的個人資料。

私隱專員的決定

私隱專員在完成調查後，認為上訴人違反了保障資料第3原則的規定。2014年

APPEAL CASE NOTE ONE (AAB APPEAL NO. 54 OF 2014)

The Appellant appealed against the Commissioner's enforcement notice directing him to remove from his website three hyperlinks which disclosed the complainant's identity in three anonymised judgments. The AAB upheld the Commissioner's decision that the Appellant had contravened Data Protection Principle 3 of the Ordinance by publishing the hyperlinks on the Appellant's website and determined that the enforcement notice was properly issued.

The Complaint

The complainant was a member of several statutory panels. Three judgments were handed down in 2000, 2001 and 2002 concerning her divorce proceedings heard in open court, and these judgments, which originally contained the names of the complainant, her ex-husband and her children, were made available by the Judiciary in the Legal Reference System ("LRS"). However, in 2010 and 2012, the Judiciary replaced the three judgments in the LRS with their names anonymised at the request of the complainant.

In early 2013, the complainant found her name revealed on three hyperlinks on "Who's Who" of a website operated by the Appellant, which were connected to the three anonymised judgments in the LRS. If a user entered the complainant's name in the "search people" box of the Appellant's website, the user would be brought to the "Who's Who" page of the same website where information about the complainant would be shown. However, on this "Who's Who" page, the three hyperlinks were embedded under the item "Articles", and by clicking on "Articles", the three hyperlinks with the judgments' titles (referring to the names of the complainant and her former husband) would appear. This search process effectively identified the complainant by name in those three judgments, despite the anonymisation in them.

In March 2013, the complainant wrote to the Appellant for deletion of the hyperlinks but her request was declined. She then lodged a complaint with the Commissioner against the Appellant in disclosing her personal data on the said website.

The Commissioner's Decision

Upon completion of the investigation of the complaint, the Commissioner concluded that the Appellant had contravened the

8月，私隱專員向上訴人送達調查結果及執行通知，指令他從該網站刪除該三條超連結，並提交書面確認及證據證明他已依從命令。

上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

上訴

- 理據一
上訴人辯稱保障資料第3原則中的「目的」是指資料收集者的目的。由於上訴人認為自己是「資料收集者」，他從該三份判決書收集個人資料的目的包括在其網站刊登有關資料。這個目的在任何時間也沒有改變。上訴人援引行政上訴委員會上訴案件第36/2007號支持其論點。

行政上訴委員會認為保障資料第3原則第(4)款的「在收集該資料時擬將該資料用於的目的」指當初收集該資料時的目的。在本個案，原本目的指作為首個收集有關資料者即司法機構的目的。

行政上訴委員會並不同意上訴人使用投訴人的個人資料的目的（即一般報道及刊登用途）符合司法機構刊登有關判決書的目的（即讓其判決書可用於「作為法律觀點、法庭實務和程序的法律先例，並且關乎公眾利益」的用途）。沒有證據證明上訴人的目的與法律有關。由於上訴人把有關個人資料用於「新目的」，私隱專員裁定上訴人違反保障資料第3原則是正確的。

- 理據二
上訴人援引上訴法庭在TCWF v LKKS（民事上訴案件2012年第154 & 166號）一案的判決書第30及32段，辯稱除非法庭發出特定的禁制令，否則如訴訟雙方的身份已被公開，刊登他們的姓名並不違法。

行政上訴委員會留意到在TCWF v LKKS一案的判決書中，並無提述條例或保障資料第3原則，這意味該案沒有提及保障個人資料的問題，及上訴法庭沒有考

requirement of DPP3. In August 2014, the Commissioner served on the Appellant the result of investigation and an enforcement notice directing him to remove the three hyperlinks from the website and to confirm his compliance in writing together with supporting evidence.

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

The Appeal

- Ground One
The Appellant argued that the "purpose" in DPP3 referred to the purpose of the data collector. As the Appellant regarded himself as the "data collector", his purpose of collecting personal data from the three judgments included publication of the data on his website. This purpose did not change at any time. The Appellant cited AAB No.36/2007 in support of this ground.

The AAB considered that in subsection (4) of DPP3, the phrase "the purpose for which the data was to be used at the time of the collection of the data" referred to the purpose for which the data was originally collected. In this case, such original purpose referred to the purpose of the Judiciary being the person who first collected the relevant data.

The AAB did not agree that the Appellant's purpose of using the complainant's personal data (i.e. reporting and publication for general use) could be said to be consistent with the Judiciary purpose of publishing the judgments (i.e. to enable their judgments to be utilised as "legal precedents on points of laws, practice and procedure of the courts and of public interests"). There was nothing to suggest that the Appellant's purpose was in any way related to the law. As the Appellant used the relevant personal data for a "new purpose", the Commissioner was correct in concluding that the Appellant had contravened DPP3.

- Ground Two
Relying on paragraphs 30 and 32 of the Court of Appeal's judgment in TCWF v LKKS (CACV 154 & 166/2012), the Appellant contended that unless the court granted a specific injunction, it would not be against the law to publish the names of the parties in an action if their identities were known.

The AAB noted that there was no reference to the Ordinance or DPP3 in TCWF v LKKS, which suggested that there was no issue of personal data protection and that the Court of Appeal was not concerned with the application of any

慮到條例條文的應用。行政上訴委員會並不認為該判決書的有關段落，就違反保障資料第3原則的行為提供任何辯解或豁免。

• 理據三
上訴人辯稱如保障資料第3原則限制重複使用公共領域的個人資料，該限制會是違憲的，因為這違反了《基本法》第27條及《香港人權法案》第16(2)條的規定（即新聞及言論自由）。

行政上訴委員會相信私隱專員已就新聞及言論自由與投訴人的個人資料私隱作出平衡。行政上訴委員會認為私隱專員在作出相關平衡後，最後的結論是傾向保障投訴人在三宗已匿名的判決中的個人資料私隱，這並非不合理。

• 理據四
上訴人認為私隱專員錯誤地詮釋「資料使用者」一詞，把只是在公共領域閱覽資料或從公共領域收集及整合資料的人也包括在內。

根據上訴法庭在 Eastweek Publisher Ltd v Privacy Commissioner for Personal Data [2000] 2 HKLRD 83 一案的主要裁決，行政上訴委員會贊同私隱專員的觀點：要符合條例中收集個人資料的定義，收集資料一方必須是藉此滙集某人的資料，但只是在公共領域閱覽資料或從公共領域收集及整合資料的人表面上不算是滙集另一人的資料的人，因此條例的條文並不適用。

此外，行政上訴委員會引用上訴法庭在 Re Hui Kee Chun (民事上訴案件2012年第4號) 一案的裁決作為支持，裁定保障資料第3原則是針對不當使用個人資料，不論相關的個人資料是在別處刊登或是已存在於公共領域。

行政上訴委員會的決定

上訴被駁回。

provisions of the Ordinance in that case. The AAB did not consider the relevant paragraphs in the judgment as providing any defence or exemption to a contravention of DPP3.

• Ground Three
The Appellant argued that if DPP3 restricted the repeated use of public domain personal data, such restriction would be unconstitutional, because it violated Article 27 of the Basic Law and Article 16(2) of the Hong Kong Bill of Rights (i.e. freedom of the press and expression).

The AAB believed that the Commissioner had carried out the exercise of balancing the freedom of press and expression against the personal data privacy of the complainant. The AAB was of the view that the Commissioner’s conclusion, after performing the relevant balancing exercise, of tipping in favour of protecting the personal data of the complainant in the three anonymised judgments was not unreasonable.

• Ground Four
The Appellant submitted that the Commissioner had erroneously interpreted the term “data user” to embrace persons who merely read or collected and aggregate personal information in and from the public domain.

Noting what the majority of the Court of Appeal held in Eastweek Publisher Ltd v Privacy Commissioner for Personal Data [2000] 2 HKLRD 83, the AAB agreed with the Commissioner that in order to amount to collection of personal data within the meaning of the Ordinance, the collecting party must be compiling information about an individual, and that a person who merely read or collected and aggregated personal information in and from the public domain was prima facie not considered as compiling information about another individual, and the provisions of the Ordinance did not come into play.

Further, the AAB held that DPP3 was directed against misuse of personal data regardless of whether the relevant personal data had been published elsewhere or was in the public domain, following the Court of Appeal decision in Re Hui Kee Chun (CACV 4/2012).

The AAB’s Decision

The appeal was dismissed.



上訴個案簡述二（行政上訴委員會上訴案件第15/2015號）

上訴人在完成債務重組後要求一間信貸資料機構更新其信貸報告。該信貸資料機構拒絕刪除債務重組的有關紀錄，但加入他已完成債務重組的資料。行政上訴委員會認為該信貸資料機構沒有違反條例，因為它依據了《個人信貸資料實務守則》的相關條文行事。

投訴內容

上訴人向環聯資訊有限公司（「環聯」）提供一份顯示他已於2015年2月2日完成債務重組的證明書的副本，要求環聯刪除債務重組的紀錄以更新其信貸報告。但環聯拒絕刪除債務重組的紀錄，上訴人遂向公署投訴環聯。

私隱專員的決定

私隱專員知悉環聯把「債務重組於2/2/2015完成」這項資料納入上訴人的信貸紀錄，但依據《個人信貸資料實務守則》第3.6.1條拒絕刪除整項債務重組的紀錄。該條款容許信貸資料機構保留債務重組的紀錄，保留時期是在官方紀錄所顯示有關事項的日期起計七年，故私隱專員認為環聯保留上訴人的債務重組紀錄是符合該守則的相關規定及沒有表面證據證明環聯違反條例的規定。私隱專員於是依據條例第39(2)(d)條行使其酌情權，不進一步調查有關事宜。上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

上訴

上訴人辯稱，由於他的財務狀況已變得健全，因此任何有關債務重組的資料應從環聯的紀錄中刪除。他認為私隱專員為維護所聲稱的公眾利益，損害了他的個人利益，因此對他不公平。他亦質疑該守則相關條款的合理性。

行政上訴委員會贊同私隱專員的觀點，認為該守則是為了平衡公眾利益與個人利益而作出的。行政上訴委員會進一步解釋，該守則是普遍地應用，並沒有特別針對上訴人的不公平情況。爭議點卻是一個人的

APPEAL CASE NOTE TWO (AAB APPEAL NO.15 OF 2015)

The Appellant requested a credit reference agency to update his credit report after completion of his individual voluntary arrangement. The credit reference agency refused to delete the record of the individual voluntary arrangement but included the information that his individual voluntary arrangement was completed. The AAB considered that the credit reference agency had not contravened the Ordinance as it followed the relevant provisions of the Code of Practice on Consumer Credit Data.

The Complaint

The Appellant provided TransUnion Limited (“TU”) with a copy of a certificate showing completion of his individual voluntary arrangement (“IVA”) on 2 February 2015 and requested TU to update his credit report by deleting the IVA record. The Appellant lodged a complaint with the PCPD against TU upon its refusal to delete the IVA record.

The Commissioner’s Decision

The Commissioner noted that TU included the information “IVA completed on 2/02/2015” in the Appellant’s credit record but refused to delete the full IVA record in reliance of Clause 3.6.1 of the Code of Practice on Consumer Credit Data (“the Code”). As the said clause permitted a credit reference agency to retain the IVA record for seven years from the date of the event shown in the official record, the Commissioner found that the retention of the Appellant’s IVA record by TU was consistent with the said requirement of the Code and there was no prima facie evidence of contravention of the requirements under the Ordinance. The Commissioner then exercised his discretion not to investigate the matter further pursuant to section 39(2)(d) of the Ordinance. Dissatisfied with the Commissioner’s decision, the Appellant lodged an appeal to the AAB.

The Appeal

The Appellant argued that as he had become financially sound, any reference to the IVA should be deleted from TU’s record. He considered that the Commissioner’s claim of public interest was promoted at the expense of his private interest and thus was unfair to him. He also queried the rationality of the relevant clauses of the Code.

The AAB agreed with the Commissioner that the Code was the product of striking a balance between public interest and private interest. The AAB further explained that the Code had general application and there was no unfairness specifically directed to the Appellant. The issue was only to what extent one’s credit

信貸報告應包含多少信貸歷史。但是，行政上訴委員會認為重寫或檢討該守則並非它的職能或管轄權之內，上訴人須從別處尋求濟助。

行政上訴委員會亦留意到該守則為資料使用者定下指引。如資料使用者不依從該守則，他必須證明即使不依從該守則仍是沒有違反條例的規定。直接推論就是，在某些特別的情況下，僅是依從該守則未必可免除資料使用者的責任。行政上訴委員會認為沒有合理的理據致令環聯偏離該守則相關的條款從信貸報告刪除債務重組的紀錄，因為信貸歷史是重要的資料，讓信貸提供者評估向某人提供信貸的風險。

行政上訴委員會認為私隱專員的決定正確，沒有錯誤。

行政上訴委員會的決定

上訴被駁回。

history should be contained in the credit report, and the AAB found that it was not the function or jurisdiction of the AAB to rewrite the Code or to review it and such relief had to be sought elsewhere.

The AAB further noted that the Code laid down guidelines for data users. If a data user did not follow the Code, he had to justify that his departure from the Code was nonetheless not in breach of the Ordinance. As a corollary, there might be exceptional circumstances under which mere compliance with the Code might not exonerate a data user. The AAB considered that there were no valid grounds for TU to depart from the relevant clauses of the Code and delete the IVA record from the credit report, as the credit history was an essential element for a credit provider to assess the risk of extending credit to an individual.

The AAB concluded that the decision of the Commissioner was correct and could not be faulted.

The AAB’s Decision

The appeal was dismissed.



新入職員工 Newcomer

由於科技急速發展，我們日常生活的各方面均依賴智能裝置。與此同時，公眾對保障個人資料私隱權利的意識亦升至新高。因此，我認為資料私隱將會是發展迅速及前景良好的一門專業。

香港是亞洲中最早制定全面的資料私隱法律的地區。我很榮幸能夠成為公署法律部的一員。我很高興以往在處理民事及刑事訴訟所累積的經驗和技能，有助我為公署提供法律意見及處理行政上訴的工作。我亦感激知識豐富的同事對我的耐心指導和支持。我期望在公署發展我的事業，並透過各種不同的機會，增加我在這個既特別又有趣的法律範疇的技能和知識。

Owing to rapid technological advancement, most of us rely heavily on smart gadgets in different aspects of our daily life. At the same time, the public awareness on the protection of personal data privacy rights has also heightened to a new peak. Hence, I am of the view that data privacy is an up-and-coming area of practice for specialisation and a fast evolving area of the law.

Hong Kong has the longest established comprehensive data privacy law in Asia. I am proud of becoming a member of the PCPD’s Legal Division. I am happy to find that my past experience and skills in handling civil and criminal litigations useful for rendering internal advice as well as handling administrative appeals. I am also grateful for the patience, guidance and support my fellow knowledgeable colleagues have given me. I look forward to developing my career in the PCPD and polishing my skills and knowledge in this special and interesting area of the law through the diverse opportunities given.



黃靜思
律師
Joyce WONG
Legal Counsel



上訴個案簡述三（行政上訴委員會上訴案件第18/2015號）

上訴人投訴其僱主從司法機構的網站收集其個人資料，並使用有關資料對他採取紀律處分。行政上訴委員會考慮到該僱主的責任，認為該僱主從公共領域收集上訴人的個人資料屬合理，而其後使用有關資料可獲豁免受條例規管。

投訴內容

上訴人是一名公務員，在一政府部門（「該部門」）工作。他投訴該部門從司法機構網頁上的審訊案件表及相關上訴的判決書內濫收他在一宗刑事案件的資訊，並其後於該部門的內部調查及紀律處分中使用。上訴人亦投訴該部門拒絕向他提供一宗匿名舉報的資料，該匿名舉報引致該部門對他進行上述的內部調查。

私隱專員的決定

因上訴人是受該部門的政策規管，須向該部門報告對他提起的刑事法律程序，該部門查閱審訊案件表是為了核實該宗匿名舉報所指稱的刑事法律程序的準確性，及決定應否對上訴人採取紀律處分。該部門其後下載上訴人的上訴個案判決書，是為了監察上訴人的刑事案件的進展及考慮對上訴人所需採取的行動。私隱專員在考慮該部門上述的責任後，認為有關該部門收集上訴人在審訊案件表及判決書內的個人資料並沒有違反條例的保障資料原則的規定。

私隱專員進一步認為該部門其後把審訊案件表及判決書內上訴人的資料用於對上訴人進行紀律處分，是與收集有關個人資料的原本目的直接有關，即按公務員指引及規例對上訴人採取行動。因此，私隱專員

APPEAL CASE NOTE THREE (AAB APPEAL NO. 18 OF 2015)

The Appellant complained against his employer for collecting and using his personal data obtained from the Judiciary’s website in taking disciplinary action against him. The AAB concluded that the employer’s collection of the Appellant’s personal data from the public domain was justified having regard to its obligations and that the subsequent use of the data was exempted under the Ordinance.

The Complaint

The Appellant was a civil servant working in a government department (“the Department”). He complained about the Department’s abusive collection of his information in a criminal case from the Daily Cause List of the Judiciary’s website and the judgment of the relevant appeal and its subsequent use of such information in its internal investigation and disciplinary action against him. The Appellant also complained that the Department had refused to provide him with information about the anonymous report which led to the Department’s said internal investigation against him.

The Commissioner’s Decision

As the Appellant was bound by the Department’s policy to report criminal proceedings instituted against him, the Department’s access to the Daily Cause List was for the purpose of verifying the accuracy of any such criminal proceedings as alleged in the anonymous report and determining if disciplinary action should be taken against him. The subsequent downloading by the Department of the judgment of the Appellant’s appeal case was to monitor the development of the Appellant’s criminal case and to consider necessary action to be taken against him. Having regard to the aforesaid obligation of the Department, the Commissioner was of the view that the Department’s collection of the Appellant’s personal data contained in the Daily Cause List and the judgment did not contravene the Data Collection Principles of the Ordinance.

The Commissioner further decided that the Department’s subsequent use of the Appellant’s data in the Daily Cause List and the judgment in conducting disciplinary action against the Appellant was directly related to the original collection purpose of the personal data in question, i.e. for proceeding with actions

認為上訴人對該部門使用其個人資料的投訴不能確立。

私隱專員認為根據條例該部門沒有責任向上訴人提供該匿名舉報的資料。上訴人向該部門發出便箋詢問該部門如何得悉他的刑事案件及要求相關資料或文件並不構成條例下的查閱資料要求。

最後，私隱專員留意到上訴人作出投訴時已實際知道被投訴的作為超過兩年，因而認為延誤提出投訴並不合理，故此決定不再繼續處理該宗投訴。

上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

上訴

上訴人投訴(i)私隱專員的決定違背他在「起你底」一案所作的調查報告(即報告編號R13-9744*)，及(ii)要求該匿名舉報的資料是條例第18條下的查閱資料要求。

行政上訴委員會認同私隱專員以上訴人延誤提出投訴作為理據，拒絕繼續處理上訴人的投訴是合理的。行政上訴委員會認為就該部門查閱審訊案件表方面，上訴人在提出投訴時，已有兩年多時間實際知道該部門查閱審訊案件表。在考慮上訴人關於延誤的解釋及論據後，行政上訴委員會認為上訴人沒有就其延誤提供合理的解釋，而上訴人所投訴的事宜並不超越當事人以外而帶來深遠影響，或普遍地對在類似情況的其他人造成影響。

就該部門下載判決書及其後把資料用於對上訴人採取紀律處分，行政上訴委員會接納私隱專員的論點，認為條例第58(2)條的豁免適用於有關的個人資料，該些資料是被用以糾正(包括懲處)上訴人的嚴重不當行為。行政上訴委員會尤其認為該部門已符合條例第58(2)條下的「損害測試」，因為依從規定向將受懲處的人(即上

against the Appellant in accordance with civil service guidelines and regulations. The Commissioner therefore considered that the Appellant’s complaint over the Department’s use of his personal data was unsubstantiated.

The Commissioner considered that the Department was not obliged under the Ordinance to provide the anonymous report to the Appellant. The Appellant’s memos to the Department enquiring on how the latter learned about his criminal case and requesting for associated information or document did not constitute data access requests under the Ordinance.

Lastly, it was noted that the Appellant had actual knowledge of the acts complained of for more than two years by the time the complaint was lodged. The Commissioner did not consider that the delay in lodging the complaint was justified and hence decided not to pursue the complaint further.

Dissatisfied with the Commissioner’s decision, the Appellant lodged an appeal with the AAB.

The Appeal

The Appellant complained that (i) the Commissioner’s decision was inconsistent with his investigation report in the “Do No Evil” case (i.e. Report No.: R13-9744*) and (ii) the request for the anonymous report was a data access request under section 18 of the Ordinance.

The AAB ruled that the Commissioner was justified in refusing to pursue the Appellant’s complaint further on the ground of delay in lodging the complaint. The AAB was of the view that insofar as the Department’s access to the Daily Cause List was concerned, the Appellant had, at the time of lodging the complaint, actual knowledge of the Department’s access to the List for more than two years. Having considered the Appellant’s explanation for delay and arguments, the AAB found that the Appellant had failed to provide reasonable explanation for his delay, and the matters arising out of the Appellant’s complaint were not those that might have far-reaching implications beyond the immediate parties themselves or that would generally affect others who might be in similar situations.

With regard to the Department’s downloading of the judgment and its subsequent use of the same in taking disciplinary action against the Appellant, the AAB accepted the Commissioner’s argument and held that the exemption under section 58(2) of the Ordinance was applicable in that the data in question had been used for the remedying (including punishment) of seriously improper conduct by the Appellant. In particular, the AAB found that the Department had satisfied the “prejudice

訴人) 尋求同意，使用其個人資料於紀律處分中，或會妨礙甚至削弱該紀律處分的有效性。

行政上訴委員會認為私隱專員於「起你底」一案的調查結果並無抵觸或影響私隱專員不繼續處理上訴人的投訴的決定。在本個案，該部門使用審訊案件表及判決書對上訴人採取紀律處分；但「起你底」一案是涉及兩間公司為了商業利益在有關個人不知情下從公共領域收集及整理眾多人士的個人資料，兩者是不同的。在應用「起你底」一案的測試後，行政上訴委員會信納一個合理的人處於上訴人的情況(即一個須按相關規則向僱主報告對他提起的刑事法律程序的公務員)，在考慮到資料的敏感性及收集資料的背景後，不會認為該部門使用審訊案件表及判決書是超乎預期、不恰當或難以接受。

行政上訴委員會亦認為上訴人發給該部門的便箋並不構成條例下的查閱資料要求，因該些便箋當中沒有提及條例、「個人資料」，或「查閱資料要求」。行政上訴委員會認為便箋的語言並無意味便箋的目的是擬確定該部門是否持有上訴人的個人資料及／或要求提供已確定該部門持有的上訴人個人資料的複本。

行政上訴委員會的決定

上訴被駁回。

* 調查報告可於www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R13_9744_c.pdf 下載

test” under section 58(2) as compliance with the requirement of seeking consent from the person sought to be disciplined (i.e. the Appellant) for the use of his personal data in the disciplinary action might impede or even undermine the effectiveness of the disciplinary action.

The AAB was of the view that the Commissioner’s findings in the “Do No Evil” case did not contradict or undermine the Commissioner’s decision not to pursue the Appellant’s complaint further. Unlike the present case in which the Daily Cause List and the downloaded judgment were used by the Department in taking disciplinary action against the Appellant, the “Do No Evil” case involved the collection and collation of personal data of numerous individuals from public registers by two companies for commercial exploitation without the knowledge of the individuals concerned. Applying the test set out in the “Do No Evil” case, the AAB was satisfied that a reasonable person in the Appellant’s situation (i.e. a civil servant bound by the relevant rules to report criminal proceedings instituted against him) would not find the re-use of the Daily Cause List and the judgment by the Department unexpected, inappropriate or otherwise objectionable, taking into account the sensitivity of the data and the context of the data collection.

The AAB also considered the Appellant’s memos to the Department not to have constituted data access requests under the Ordinance, as those memos contained no reference to the Ordinance, “personal data”, or “data access request”. The AAB considered that there was nothing in the language of the memos that suggested they were for the purpose(s) of ascertaining whether the Department held personal data relating to the Appellant and/or requesting for the supply of a copy of any such personal data relating to the Appellant ascertained as being held by the Department.

The AAB’s Decision

The appeal was dismissed.

* The investigation report can be downloaded from www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R13_9744_e.pdf



上訴個案簡述四（行政上訴委員會上訴案件第39/2015號）

上訴人投訴不明人士在兩個網上平台張貼載有其個人資料的訊息。行政上訴委員會贊同私隱專員的決定，認為上訴人沒有指明被投訴人士的身份，因而不符合條例第37條下「投訴」的定義條件。行政上訴委員會認為它並無司法管轄權審理就私隱專員決定根據條例第37條不處理投訴的上訴。

投訴內容

2015年6月，上訴人指稱在Yahoo及Facebook網站上發現一些毀謗訊息，而當中載有其個人資料，並向私隱專員投訴有關的「幕後人士」。上訴人要求私隱專員調查及確定有關不知名人士的身份。

私隱專員的決定

上訴人表示只有下述資料：(i) 某人在Facebook的「用戶名稱」（不是全名）；及(ii) 一個電郵地址，上訴人認為該人是在上述網站張貼毀謗訊息的不明人士。除此之外，上訴人並沒有其他可讓私隱專員辨識被投訴人士的聯絡資料（例如全名、地址等）。

私隱專員在考慮所得資料及文件後，認為上訴人的投訴並無符合條例第37條下「投訴」的條件，該條規定一個投訴人須指明被投訴的資料使用者。上訴人只提供可讓私隱專員找出「幕後人士」身份的途徑，即Yahoo及Facebook網站，並不符合上述的規定。

因此，私隱專員決定根據條例第37條不處理上訴人的投訴。上訴人不滿私隱專員的決定，遂向行政上訴委員會提出上訴。

APPEAL CASE NOTE FOUR (AAB APPEAL NO. 39 OF 2015)

The Appellant complained against unnamed person(s) who posted certain messages containing her personal data on two online platforms. The AAB agreed with the Commissioner’s findings that as the Appellant had failed to specify the identity of the person(s) complained against, the requirement of a “complaint” under section 37 of the Ordinance was not satisfied. The AAB concluded that it had no jurisdiction to deal with an appeal against the Commissioner’s decision not to process a complaint under section 37 of the Ordinance.

The Complaint

In June 2015, the Appellant alleged that certain defamatory messages containing her personal data were found on the websites of “Yahoo” and “Facebook” and lodged a complaint with the Commissioner against the “person(s) behind the scene”. He requested the Commissioner to investigate into and ascertain the exact identity of the unnamed person(s).

The Commissioner’s Decision

The Appellant informed the Commissioner that she only possessed (i) the Facebook “username” of a person (which was not a full name); and (ii) an email address whom the Appellant believed to be the person(s) who posted defamatory messages on the said websites. The Appellant did not have any other contact details (such as full name, address, etc.) which would enable the Commissioner to identify the person(s) being complained against.

Upon considering all the information and documents available, the Commissioner took the view that the Appellant’s complaint did not satisfy the requirement of a “complaint” under section 37 of the Ordinance, which required a complainant to specify the data user being complained against. The mere provision by the Appellant of the means which might enable the Commissioner to locate the identity of the “person(s) behind the scene”, i.e. the websites of “Yahoo” and “Facebook”, was not considered sufficient to satisfy the aforesaid requirement.

The Commissioner therefore decided not to process the complaint under section 37 of the Ordinance. Dissatisfied with the Commissioner’s decision, the Appellant lodged an appeal with the AAB.

上訴

行政上訴委員會確立私隱專員的決定，認為上訴人的投訴並不符合條例第37條的規定。行政上訴委員會引用它在上訴案件第32/2004號所作出決定的理據，確認：

- (i) 條例第37(1)(b)(i)條所指的「指明的」資料使用者並不同「可識辨的」的資料使用者。因此，只是提供找出資料使用者身份的途徑，並不足以符合條例第37條下的「投訴」的規定；及
- (ii) 條例第37條及38條並無賦權私隱專員對不符合上述規定的「投訴」進行調查。私隱專員的調查權力與警方及其他執法機構的不同，它們是獲賦權進行調查，追蹤罪犯及／防止罪行發生等。

行政上訴委員會進一步同意裁決關於私隱專員決定根據條例第37條或38條不處理某宗投訴的上訴，是超越行政上訴委員會的司法管轄權，因為《行政上訴委員會條例》（第442章）第3條及附表並沒有容許對私隱專員根據條例第37條或38條所作的決定提出上訴，而條例第37條或38條的條文內，並沒有訂定就這項決定而提出的上訴是由行政上訴委員會審理。

行政上訴委員會的決定

行政上訴委員會因缺乏司法管轄權而駁回上訴。

The Appeal

The AAB confirmed the Commissioner’s findings that the Appellant’s complaint did not fulfil the requirement under section 37 of the Ordinance. Stating the reasoning in its previous decision (AAB No.32 of 2004), the AAB confirmed, among others, that:

- (i) The meaning of a “specified” data user as stipulated under section 37(1)(b)(i) of the Ordinance was not equivalent to an “identifiable” data user. Hence, the mere provision of the means to locate the identity of the data user was not sufficient to satisfy the requirement of a “complaint” under section 37 of the Ordinance; and
- (ii) The Commissioner was not empowered under sections 37 and 38 of the Ordinance to carry out investigation for a “complaint” which fell short of the aforesaid requirement. The investigation power of the Commissioner was different from that of the Police and other law enforcement agencies whereby they were empowered to carry out investigations to trace the culprit and/or crime prevention, etc.

The AAB further agreed that it would be beyond the AAB’s jurisdiction to determine an appeal concerning the Commissioner’s decision not to process a complaint premised upon sections 37 or 38 of the Ordinance, as section 3 and the Schedule of the Administrative Appeals Board Ordinance (Cap 442) did not provide for an appeal against the Commissioner’s decisions made under sections 37 or 38 of the Ordinance, while the Ordinance was silent on whether an appeal in respect of such decision was within the jurisdiction of the AAB.

The AAB’s Decision

The AAB dismissed the appeal for want of jurisdiction.

公署就公眾諮詢所提交的意見書

中環及其鄰近地區電子道路收費先導計劃

運輸及房屋局為收集公眾對政府建議的「中環及其鄰近地區電子道路收費先導計劃」（「該計劃」）的意見，於2015年12月開展了為期三個月的公眾參與活動。公署向政府提交意見書，表示大致上支持該計劃，並建議政府從發展至落實該計劃的過程中應採用「貫徹私隱的設計」方法來控制私隱風險。

收費機制

公署認為有效性、公平及保障私隱程度是考慮哪個收費機制（區域為本或周界為本）較為可取的相關因素。從資料私隱的角度，公署尤其留意到利用衛星科技追蹤收費區內的車輛與公共領域（即車輛登記冊）中的車主個人資料整合、核對及進一步處理，從而得出個人的交通旅程資料，令個人有可能受到監察。因此，公署促請政府在設計該計劃時採取侵犯私隱程度較低的方案。

該計劃的科技

諮詢文件討論了兩種普遍使用的科技（自動車牌識別及短距離微波通訊）。自動車牌識別科技是把進入或離開收費區的所有車輛的車牌拍攝下來，而當車牌與其他從車輛登記冊取得的可識辨車主的資料結合，便可確定車主的個人身份及建立他們的交通旅程資料。公署關注建立某人的交通旅程資料會令該人蒙受較大的私隱風險及自動車牌識別科技或會被執法機構用作維持治安的工具。另一方面，在短距離微波通訊下，車輛需透過預先安裝於車內的裝置即時付款，只有未能完成繳費程序的車輛才會被拍攝。公署認為如該計劃下的車輛透過短距離微波通訊科技以不具名的預繳卡繳費，個人資料私隱可獲較佳的保障。公署請政府提供更多有關短距離微波通訊科技的運作詳情，以進一步評估私隱風險。

遵從條例

公署認為不論該計劃採用哪種科技或收費機制，該計劃的營運者在收集及其後處理個

SUBMISSIONS MADE IN RESPONSE TO PUBLIC CONSULTATIONS

Electronic Road Pricing Pilot Scheme in Central and its Adjacent Areas

The Transport and Housing Bureau commenced a three-month public engagement exercise in December 2015 to gauge the public’s view on the proposed Electronic Road Pricing Pilot Scheme in Central and its Adjacent areas (the “Scheme”). In its Submission to the government, the PCPD expressed general support for the proposal and recommended that the government should adopt a Privacy-by-design approach in harnessing any privacy risks from development to implementation of the Scheme.

Charging mechanism

The PCPD considered that effectiveness, fairness and privacy-friendliness were the relevant factors in considering which charging mechanism, i.e. area-based or cordon-based approach, should be preferred. From the data privacy perspective, the PCPD noted, in particular, that the use of satellite technology in tracking vehicles inside the charging area might enable the aggregation, matching and further processing of vehicle owners’ personal data in the public domain (i.e., the Register of Vehicles), thus creating travel profiles of individuals and making surveillance possible. The PCPD therefore urged the government to adopt the less privacy-intrusive options when designing the Scheme.

Technology for the Scheme

Two commonly used technologies for the Scheme, the Automatic Number Plate Recognition and the Dedicated Short-range Radio Communications, were discussed in the consultation document. The Automatic Number Plate Recognition technology would capture the licence number plate of all vehicles entering or leaving the charging area, and the vehicle registration marks, when combined with other identifiable information of the individual owners obtained from the Register of Vehicles, might enable the identities of the vehicle owners to be ascertained and their travel profiles established. The PCPD was concerned that the building up of travel profile would render an individual more vulnerable to privacy risks and that the Automatic Number Plate Recognition technology might be used as policing tools by law enforcement agencies. On the other hand, the Dedicated Short-range Radio Communications technology would require the installation of an In-vehicle unit to enable instantaneous payment and a vehicle would be captured only in case of unsuccessful payment. It appeared to the PCPD that personal data privacy might be better protected if payment under the Scheme was to be made via a pre-paid anonymous card using Dedicated Short-range Radio Communications technology. The Government was invited to provide more operational details of this technology for further assessment of privacy risks.

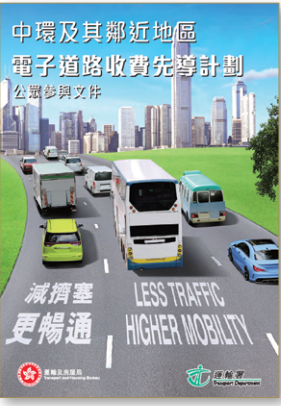
Compliance with the Ordinance

The PCPD submitted that irrespective of the kinds of technology or charging mechanism to be adopted in the Scheme, the operator

人資料方面須遵從條例的規定，尤其是收集的個人資料就該計劃的目的而言，應該屬足夠、必需但不超乎適度。營運者在收集個人資料之時或之前，亦應確保有關個人獲告知收集目的及其個人資料可能被轉移予甚麼類別的人士。該計劃所收集的個人資料不應被保留超過所需的時間。除非已取得有關個人的訂明同意或條例下的豁免條文適用，否則個人資料的使用必須符合原本的收集目的或直接有關的目的。政府必須採取合理地切實可行的步驟，保障該計劃下備存的個人資料。公署亦提醒政府在外判個人資料的處理予承辦商或轉移資料至香港境外時，留意資料使用者在條例下的責任。

未來路向

政府同意進行公署建議的私隱影響評估，以識別該計劃潛在的私隱風險，並在該計劃隨後的可行性研究中處理有關問題。



本年度私隱專員亦就以下公眾諮詢提交意見書：

of the Scheme must comply with the Ordinance in the collection and subsequent handling of personal data. In particular, personal data collected should be adequate, necessary but not excessive for the purpose of the Scheme. The operator should also ensure that, on or before collecting personal data, the individual would be duly notified of the purposes of collection and the classes of persons to whom his personal data might be transferred. Personal data collected under the Scheme should not be kept for a period longer than would be necessary. Use of the personal data must be consistent with the original collection purpose or directly related purpose unless with the prescribed consent of the individual concerned or any exemption provision under the Ordinance would apply. Reasonably practicable steps must be taken to safeguard the personal data maintained under the Scheme. The Administration was also reminded of data user’s obligations under the Ordinance when outsourcing the processing of personal data to a contractor or transferring the data outside Hong Kong.

Way forward

The government agreed to conduct a privacy impact assessment as suggested by the PCPD to identify potential privacy risks involved in the Scheme and would address the issues in the subsequent feasibility study of the Scheme.

During the year, the Commissioner also made submissions in response to the following public consultations：

徵詢意見的部門 Consulting Organisation	諮詢文件 Consultation Paper
律政司 Department of Justice	在香港制定道歉法例的諮詢 Consultation on Enactment of Apology Legislation in Hong Kong
財經事務及庫務局 Financial Services and the Treasury Bureau	香港就稅務事宜自動交換金融帳戶資料的諮詢 Consultation on Automatic Exchange of Financial Account Information in Tax Matters in Hong Kong

（公署對以上公眾諮詢所提交的意見書可於公署網站詳閱或下載。）
(The above submissions to Public Consultations by the PCPD can be read or downloaded from the PCPD’s website.)

公署對建議中的法例及行政措施所作的評論

《2015年證券及期貨(修訂)條例草案》——容許證券及期貨事務監察委員會向香港以外地方的規管者提供監管協助

草案旨在為下述事宜加入規定——(1) 證券及期貨事務監察委員會(「證監會」)在與非執法有關的事宜上，為應海外規管者所提出的要求提供協助而從香港的受規管機構(亦受香港以外地方的規管者規管，或其相關公司受香港以外地方的規管者規管)收集資料；及(2) 證監會轉移這些資料予海外的規管者。

私隱專員為了解證監會提供有關協助的公眾利益，請政府闡釋海外規管者履行其監管職能如何與證監會對香港的受規管機構履行職能有關。

私隱專員亦提醒政府，證監會在行使草案擬議的權力收集資料時，必須遵守條例附表1的保障資料第1(1)原則(規管個人資料的收集)。鑑於有關建議，私隱專員亦建議受規管機構檢討及修訂(如有需要)其收集個人資料聲明及私隱政策，以及就擬議的資料使用及轉移向個人提供有效的通知(根據條例附表1的保障資料第1(3)及5原則)。

有關收取資料機構或規管機構根據草案就所要求的資料作出的書面承諾，私隱專員促請政府加強對所要求的資料的保障範圍，尤其是限制資料不得用於任何法律程序、保密規定或不得披露予任何人的規定，以及在達致使用目的後即交還或刪除資料。

最後，私隱專員建議證監會在決定是否同意海外規管者使用資料於海外罪行時，去小心考慮條例下的「罪行」的意思。私隱專員解釋，條例第58(2)條關於為罪行的防止或偵測而使用個人資料的豁免只限於條例第58(6)條下的「罪行」的定義，即(i)香港法律所訂的罪行或(ii)(已就刑事事宜與香港

COMMENTS MADE ON PROPOSED LEGISLATION AND ADMINISTRATIVE MEASURES

Securities and Futures (Amendment) Bill 2015 – Allowing the Securities and Futures Commission to provide Supervisory Assistance to Regulators outside Hong Kong

The Bill sought to introduce – (1) the collection of information by the Securities and Futures Commission (“SFC”) from the regulated entities in Hong Kong (which were also regulated, or with related corporation regulated by overseas regulator) for the purpose of assisting overseas regulators on non-enforcement-related matters upon request; and (2) the transfer of such information by the SFC to overseas regulators.

To help understand the public interest for the provision of such assistance by SFC, the Commissioner asked the government to elaborate on how the overseas regulators’ performance of their supervisory function related to the functions of the SFC in relation to the regulated entities in Hong Kong.

The Commissioner also reminded the government that the principle as enunciated under DPP1(1) in Schedule 1 of the Ordinance (governing the collection of personal data) must be observed by the SFC when exercising the power in collecting information as proposed under the Bill. In view of the proposal, the regulated entities were advised to review and revise (if necessary) their Personal Information Collection Statement and Privacy Policy as well as to give effective notice to individuals for the proposed use and transfer of information (in accordance with DPP1(3) and DPP5 in Schedule 1 of the Ordinance).

With regard to the written undertaking to be given by the recipient authority or regulatory organisation in relation to the requested information under the Bill, the Commissioner urged the government to strengthen the scope of protection for the requested information particularly with respect to the restriction on the use of the information in any proceedings, the requirement on confidentiality or non-disclosure to any person and the return or erasure of the information once the purpose for using the same has been fulfilled.

Lastly, the Commissioner advised the SFC to give due regard to the meaning of “crime” under the Ordinance when determining whether or not to grant any consent to overseas regulators for the secondary use of the information for overseas offence(s). The Commissioner explained that the exemption under section 58(2) of the Ordinance for the use of personal data for the purpose of crime prevention or detection was restricted to the defined meaning of “crime” under

簽訂相互法律協助協議或安排的) 香港以外地方的法律所訂的罪行。

政府大致上接納私隱專員就收集及轉移個人資料予海外規管者所提出的意見，並對草案作相應修訂。關於收取資料機構提供的書面承諾，政府表示所交換的資料中只有少部分涉及個人資料，故無需規定收取資料機構承諾適時交還或刪除從證監會取得的資料。私隱專員回覆時重申其觀點，把有關規定納入書面承諾可確保被轉移至香港以外地方的個人資料獲得相當於在條例下所提供的保障。

草案於2015年6月12日提交立法會，並於2015年11月5日獲通過。

《2016年稅務(修訂)條例草案》——香港就稅務事宜自動交換金融帳戶資料的擬議法律框架

該草案旨在就稅務事宜自動交換金融帳戶資料(「自動交換資料」)為香港引入新標準。自動交換資料是經濟合作與發展組織頒佈的新標準，政府已表示透過本地立法，支持落實新標準。

自動交換資料的擬議法律框架是建基於早前依據《稅務條例》(第112章)第49(1A)條訂立的交換金融帳戶資料機制，當中包含全面性避免雙重課稅協定及稅務資料交換協定。實際上，該安排是以雙邊基礎合作模式，由海外稅務機關基於懷疑有逃稅情況而提出交換資料的要求。

私隱專員原則上支持依從現行的國際標準所擬議的法律框架。不過，由於須申報的帳戶資料包括廣泛的「個人資料」*，因此擬議的法律框架必須符合條例的規定，這點至為重要。在自動交換資料的公眾利益與非香港稅

* 須申報的帳戶資料包括每名須予申報人士的姓名、地址、所屬居住地、納稅人識別號碼、出生日期、帳號、帳戶結餘或數額，及帳戶的其他相關財務資料等。

section 58(6) of the Ordinance which refers to (i) any offence under the laws of Hong Kong or (ii) an offence under the laws of a place outside Hong Kong with which Hong Kong has entered into mutual legal assistance agreement or arrangement in criminal matters.

The government generally adopted the Commissioner’s comments in relation to the collection and transfer of personal data to overseas regulators and made adjustments to the Bill accordingly. With respect to the written undertaking to be provided by the recipient authority, the government stated that only a small portion of information exchanged would involve personal data and it would be unnecessary to require the recipient authority to undertake to timely return or erase the information received from SFC. In response, the Commissioner reiterated his view that inclusion of the requirements in the written undertaking would ensure that any personal data to be transferred outside Hong Kong would be afforded a level of protection comparable to that under the Ordinance.

The Securities and Futures (Amendment) Bill 2015 was introduced to the Legislative Council on 12 June 2015 and was passed on 5 November 2015.

Inland Revenue (Amendment) Bill 2016 - Proposed Legislative Framework for Automatic Exchange of Financial Account Information in Tax Matters in Hong Kong

The Bill sought to introduce into Hong Kong the new standard of Automatic Exchange of Financial Account Information in Tax Matters (“AEOI”). AEOI was a new standard promulgated by the Organisation for Economic Cooperation and Development whereby the government had already indicated its support for implementing the new standard by way of local legislation.

The proposed legislative framework for AEOI was premised upon the then regime for exchange of financial account information consisting of the comprehensive avoidance of double taxation agreements and tax information exchange agreement made pursuant to section 49(1A) of the Inland Revenue Ordinance (Cap 112). In practice, the arrangement operated on a bilateral basis upon request by overseas tax authorities based primarily on suspicion of tax evasion.

In principle, the Commissioner supported the proposed legislative framework which aimed at complying with the prevalent international standard. Nevertheless, given that the scope of reportable account information comprises a wide variety of information concerning “personal data”*, it would be of paramount

* The scope of reportable account information includes the name, address, jurisdiction(s) of residence, Tax Identification Number, date of birth of each reportable person, the account number, the account balance or value, and other relevant financial information of the account, etc.

務居民帳戶持有人的私隱利益之間，必須取得適當的平衡。

事實上，私隱專員曾於2015年6月就實施自動交換資料的公眾諮詢提供意見。另外，私隱專員曾與財經事務及庫務局和稅務局的代表開會，促進了雙方的意見交流。

2015年12月，私隱專員收到該草案的擬議法律框架的主要條文。該擬議法律框架已回應私隱專員之前提出的部分關注，包括(i)就金融機構及稅務局收集相關個人資料訂立法定基礎；及(ii)指明相關個人資料的保留期限。私隱專員已去信政府重申他對下述兩項未獲回應的議題的關注：

- (i)

收集超乎適度資料的風險仍然存在，因為金融機構獲准採取「寬鬆方式」(即辨識及保留所有非香港稅務居民帳戶持有人的相關資料，不論某特定的稅務管轄區在關鍵時間是否表明須申報)。私隱專員強調，金融機構就居住地屬須申報地區的人士而收集個人資料以履行其匯報責任，可能不同於為履行盡職審查而收集個人資料以辨識須予申報的帳戶。
- (ii)

原本就稅務用途交換所得的資料其後可能被用於「非稅務相關的用途」。雖然政府表示「非稅務相關的用途」的範圍只限於販毒、有組織及嚴重罪行和恐怖活動，但私隱專員重申，政府須採取步驟，在日後與潛在的自動交換資料伙伴簽訂雙邊協定時，限制「非稅務相關的用途」的應用範圍。

該草案已於2016年1月8日提交立法會，法案委員會仍在審議中。

importance that the proposed legislative framework should be consistent with the requirements under the Ordinance. A proper balance must be struck between the public interest for the annual exchange of financial account information and the privacy interest of the non-Hong Kong tax resident-account holders concerned.

In fact, the Commissioner had previously rendered his comments in response to the public consultation on the implementation of AEOL in June 2015. Separately, the Commissioner had had a meeting with the representatives of the Financial Services and the Treasury Bureau and the Inland Revenue Department to facilitate exchange of ideas.

In December 2015, the Commissioner was provided with the key provisions concerning the proposed legislative framework of the Bill. The proposed legislative framework for the Bill addressed some of his prior concerns which included (i) to introduce the statutory basis for collection of the relevant personal data by the financial institutions and the Inland Revenue Department; and (ii) to specify the retention period for the relevant personal data. The Commissioner subsequently wrote to the government to reiterate his concerns regarding the following two outstanding issues:

- (i)

The risk of excessive collection still remained because the financial institutions were allowed to adopt a “wider approach” (i.e. to identify and keep relevant information from all their non-Hong Kong tax resident-account holders irrespective of whether a particular jurisdiction was declared reportable or not at the material time). The Commissioner stressed that the purpose of collecting personal data for the discharge of a financial institution’s reporting obligation concerning an individual with residence falling under the reportable jurisdiction might be different from the purpose of collecting personal data to fulfil its due diligence obligation to identify reporting accounts.
- (ii)

The use of the information originally exchanged for tax purpose might be subsequently used for “non-tax related purposes”. Although the government explained that the scope of “non-tax related purposes” would be limited to drug trafficking, organised and serious crimes and terrorists acts, the Commissioner reiterated the importance for the government to take steps in restricting the scope of application of “non-tax related purposes” in the bilateral arrangements to be entered into with prospective AEOL partners.

The Bill was introduced to the Legislative Council on 8 January 2016, followed by the examination of the Bills Committee.

本年度私隱專員亦就以下的立法建議和行政措施建議提出意見：

During the year, the Commissioner also provided comments on the following proposed legislation and administrative measures：

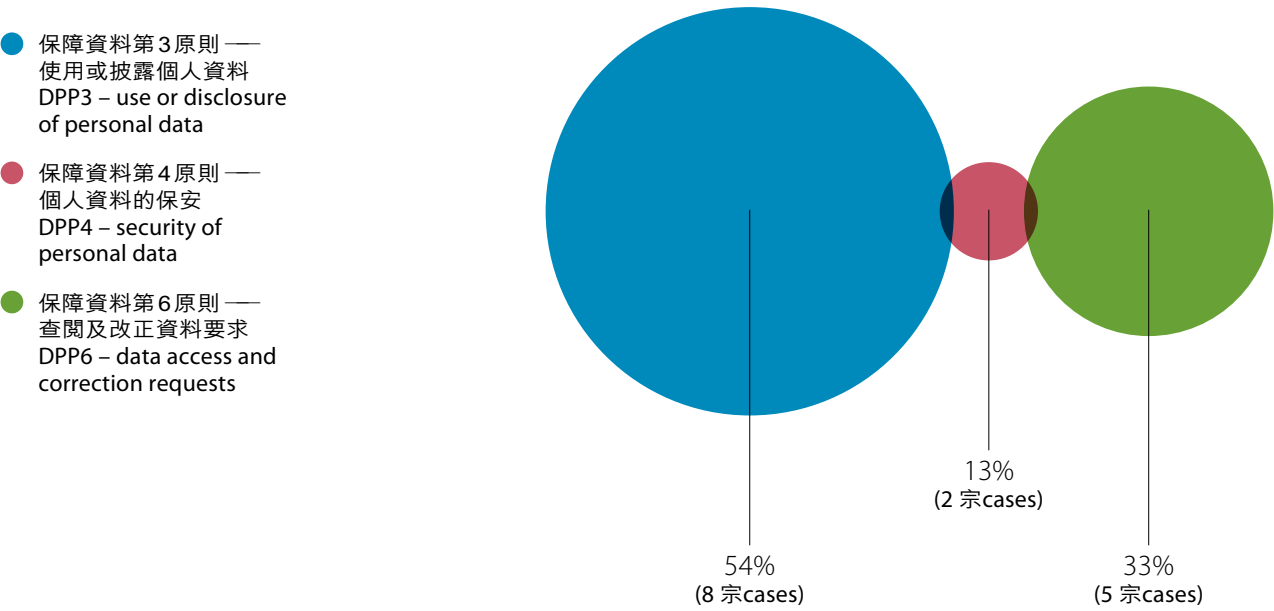
機構 Organisation	建議的法例／行政措施 Proposed legislation / administrative measures
商務及經濟發展局 Commerce and Economic Development Bureau	《2015年專利（修訂）條例草案》 Patents (Amendment) Bill 2015
政制及內地事務局 Constitutional and Mainland Affairs Bureau	《2015年選舉法例（雜項修訂）（第2號）條例草案》 Electoral Legislation (Miscellaneous Amendments) (No.2) Bill 2015
選舉管理委員會 Electoral Affairs Commission	2016年選舉委員會界別分組選舉活動建議指引 Proposed Guidelines on Election-Related Activities in respect of the 2016 Election Committee Subsector Election
	行政長官選舉活動建議指引 Proposed Guidelines on Election-Related Activities in respect of the Chief Executive Election
	區議會選舉活動建議指引 Proposed Guidelines on Election-Related Activities in respect of the District Council Election
	立法會選舉活動建議指引 Proposed Guidelines on Election-Related Activities in respect of the Legislative Council Election
財經事務及庫務局 Financial Services and the Treasury Bureau	《2015年破產（修訂）條例草案》 Bankruptcy (Amendment) Bill 2015
	《2015年公司（清盤及雜項條文）（修訂）條例草案》 Companies (Winding Up and Miscellaneous Provisions) (Amendment) Bill 2015
食物及衛生局 Food and Health Bureau	私營醫療機構規管條例草案——法律草擬指示 Regulation of Private Healthcare Facilities Bill – Drafting Instructions
	《私營骨灰安置所條例草案》委員會審議階段修正建議 Proposed Committee Stage Amendments to the Private Columbaria Bill
司法機構政務處 Judiciary Administration	在高等法院的紀律處分程序不揭露律師名字的法律修改建議 Proposed Legislative Amendments relating to Non-Disclosure of Solicitors’ Names in Disciplinary Proceedings in the High Court
海事處 Marine Department	規定本地大型載客船隻安裝船舶自動識別系統的立法建議 Legislative Proposal for Requirement of Installation of Automatic Identification System on Large Local Passenger Vessels

法律協助計劃

法律協助計劃於2013年4月1日開始。根據該計劃，公署可向因資料使用者違反條例規定而蒙受損害，並有意提起法律程序以尋求補償的個人，提供協助。本年度內，公署接獲15宗新的法律協助申請，其中93%（即14宗）曾在事前向公署作出投訴。

這些申請涉及下述違規指稱：(i) 使用或披露個人資料；(ii) 查閱及改正資料要求；及(iii) 個人資料的保安。

圖 Figure 4.4 違規指控的性質
Nature of alleged contraventions



本年度內公署處理了16宗申請（包括去年未完成的一宗）。在這些申請中，已完成的申請有14宗，其餘兩宗申請在年結時仍在考慮中。

LEGAL ASSISTANCE SCHEME

The Legal Assistance Scheme commenced on 1 April 2013. Under the scheme, the PCPD may provide assistance to a person who has suffered damage by reason of a contravention under the Ordinance and intends to institute proceedings to seek compensation from the data user at fault. In the report year, the PCPD received 15 legal assistance applications, of which 93% (i.e.14 cases) were preceded by a complaint lodged with the PCPD.

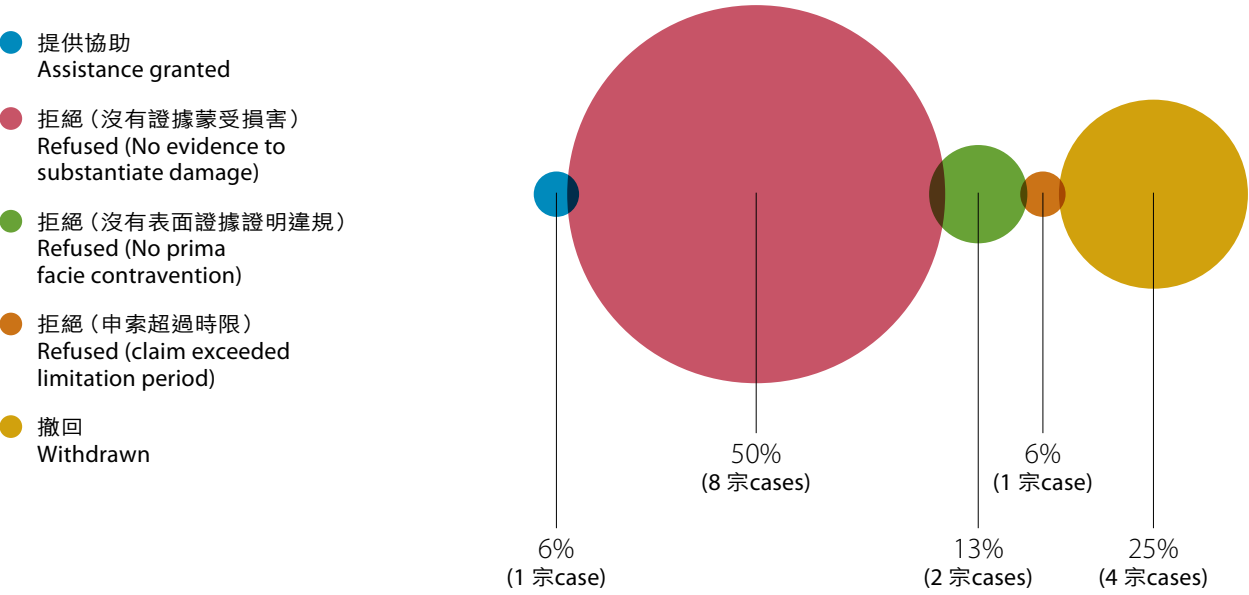
These applications involved alleged contraventions of the Ordinance in respect of (i) the use or disclosure of personal data; (ii) data access and correction requests; and (iii) security of personal data.

During the report year, the PCPD handled 16 applications (including one carried forward from last year). Of these applications, 14 applications were completed and two applications were still under consideration as at the end of the report period.

在已完成的14宗個案中，一宗獲給予法律協助、四宗由申請人撤回、九宗被拒。圖4.5顯示法律協助申請的結果。申請被拒的主要原因包括未能舉出證據證明蒙受損害，及沒有表面證據證明違反條例。

Of the 14 cases completed, one was granted legal assistance, four were withdrawn by the applicants and nine were refused. Figure 4.5 below shows the outcome of legal assistance applications. The main reasons for refusing applications included the absence of prima facie evidence of contravention of the Ordinance and the failure to provide evidence to substantiate any damage suffered.

圖 Figure 4.5 法律協助申請的結果
Outcome of legal assistance applications



* 申請被拒的原因可能多於一個。因此，上圖的個案總數並不等於申請總數。
There may be more than one ground of refusal for an application. Hence, the total numerical number of cases in the above table does not equal to the total number of applications.

公署在本年度內接獲一宗有關覆檢拒絕申請的要求，公署仍在考慮中。
One request for review of refusal was received during the year which was still under consideration.

去年獲批法律協助的一宗個案已展開法律程序。本年度內已獲批法律協助的個案尚在初步階段，法律程序仍未展開。
Court proceedings has been commenced for one legal assistance case granted last year. The remaining legal assistance case granted during the report year is at the preliminary stage and legal proceedings has not yet been commenced.



提升資料 保障和尊重 Raising Data Protection and Respect

教育及參與

傳訊及教育部運用傳媒、刊物及公眾教育推廣私隱及資料保障，舉辦培訓以促進機構認識條例的規定，與傳媒及持份者建立夥伴關係。

Education and Engagement

The Communications and Education Division promotes privacy and data protection through the media, PCPD publications and public education programmes; organises and conducts training for organisations on the requirements under the Ordinance; and manages our media and stakeholder relationships.

透過媒體加強訊息傳播

新聞發佈會及訪問

本年度公署共發佈了34篇新聞稿（詳見附錄二），答覆了145個與條例和個人資料私隱時事議題相關的傳媒查詢。

私隱專員和其團隊成員先後接受了54次傳媒的專訪，並舉行了六場新聞發佈會，公佈視察、調查和研究結果、簡報重要的個人資料私隱議題和匯報年結工作報告。



香港律師會會刊提供報道圖片。
Image courtesy of Hong Kong Lawyer
at www.hk-lawyer.org.

AMPLIFYING MESSAGES THROUGH THE MEDIA

Press Conferences and Interviews

During the year, the PCPD issued 34 media statements (see Appendix 2), and responded to 145 media enquiries about the Ordinance and the current personal data privacy issues.

The Commissioner and his team members gave 54 media interviews, and hosted six press conferences to announce the results of inspection, investigation and survey reports; and to provide briefings on topical privacy issues as well as presenting the year-end work report.

年內在報刊、電台、電視及網上
媒體與公署相關的報道，共錄得
1,534則。

During the year, **1,534** news stories covering the PCPD's messages were published in newspapers and magazines, or broadcast on radio, television and the Internet.

新聞發佈會
Press Conferences

19.05.2015	公佈一份探討香港兒童私隱的情況及所面對問題的研究結果。	Released the results of a research on identifying major privacy concerns and problems faced by children in Hong Kong.
21.07.2015	公佈兩份有關不公平收集個人資料的匿名廣告，與及有關時裝貿易公司以監察員工考勤為由過度及不公平收集僱員指紋資料的調查結果。	Released the results of two investigation reports on “blind” recruitment advertisements in relation to the fairness principle of personal data collection, and excessive and unfair collection of employees’ fingerprint data by a fashion trading company for monitoring staff attendance.
28.07.2015	公佈一項公眾對個人資料私隱的態度調查結果；另發表一份檢視常用公共登記冊內個人資料保障的報告結果。	Released the results of two surveys: public attitudes on personal data privacy, and personal data protection in commonly-used public registers maintained by the government and public bodies.
20.08.2015	新上任的私隱專員黃繼兒先生與傳媒茶聚。	New Commissioner Mr Stephen Kai-yi WONG met the media.
01.12.2015	發表一份有關網上收集青少年資料的抽查報告結果；並發放以「慎留數碼腳印 智慧生活態度」為主題的電視宣傳片。	Released the results of a survey on online data collection practices targeting youngsters. A TV Announcement in the Public Interest entitled “Stay Smart. Mind Your Digital Footprint” was also launched.
26.01.2016	舉行記者招待會，除總結2015年公署的主要工作外，亦提及資料外洩、兒童私隱和電話騙案等主要事故，並分享2016年的重點工作。	Hosted a press conference to report the PCPD’s achievements in 2015. Major incidents such as data leakage, children privacy and telephone deception as well as its strategic focus for 2016 were highlighted.
	另發表視察報告，就一間旅行社所採取的資料保障措施提出建議，並鼓勵業界推行私隱管理系統。	Also published an inspection report about the personal data protection measures taken by a travel agent. Recommendations were made to its data protection practice, and encourage the travel service industry to adopt the privacy management programme.



電視及電台宣傳廣播、教育短片

為呼籲市民上網時要謹慎，以保障及尊重他人的個人資料，公署於2015年12月發放以「慎留數碼腳印 智慧生活態度」為主題的電視及電台宣傳廣播。當中的電視宣傳片以生活化的方式提醒市民上網分享資訊要謹慎，及要先取得別人同意才發放其個人資料和圖片等訊息。

公署隨後於2016年3月製作了一連四集的教育短片，片中主角「私隱神探」以幽默生動的演繹方式，帶出尊重別人個人資料的訊息，以及因數碼腳印而衍生的私隱風險。

公眾可於公署的網站、Facebook專頁與及YouTube平台上觀看有關的宣傳短片。



公署邀得著名傳媒人方健儀小姐參與拍攝電視宣傳片及教育短片。Well-known media figure Ms Akina Fong was invited by the PCPD to take part in the TV API and educational videos.



TV and Radio API, Educational Videos

The PCPD launched a new TV and radio Announcement in the Public Interest (“API”) entitled “Stay Smart. Mind Your Digital Footprint” in December 2015, calling on members of the public to go online vigilantly, and protect, respect others’ personal data. In a brisk and lively manner, this API advised the general public to share information online smartly and, to obtain others’ consent before uploading others’ personal data or sharing photos online.

In addition, the PCPD produced a series of four educational videos in March 2016. The videos featured a fictional character “Privacy Detective” who explained the importance of respecting personal data privacy of others and the privacy risks associated with digital footprints in a humorous and lively way.

The above videos can be viewed at the PCPD’s website, Facebook and YouTube channel.

公署網站榮獲多個獎項



公署的網站是向公眾發放保障個人資料私隱資訊的重要渠道。

公署於2015年12月完成其主網站、與及兩個分別為「網上私隱要自保」和「兒童私隱」專題網站的更新工作。「網上私隱要自保」專題網站提供如何保護網上個人資料的資訊和貼士，減低網上私隱受侵犯的風險。它榮獲「2016無障礙網頁嘉許計劃」金獎（網站組別）；而「兒童私隱」專題網站則為老師及家長提供一站式的保障兒童個人資料的實用貼士和教學資源，它亦取得上述網頁嘉許計劃的銀獎。至於公署的主網站（PCPD.org.hk），則連續兩年取得該計劃的銀獎，另榮獲美國Web Marketing Association頒發的2015年「Government Standard of Excellence」獎項。

PCPD's Websites Won Recognition

The PCPD websites continue to be the important channels for the PCPD to reach out to the community.

The PCPD completed revamping its main website and two thematic websites, namely, “Be SMART Online” and “Children Privacy” in December 2015. These websites won various awards in the “Web Accessibility Recognition Scheme 2016”. “Be SMART Online”, which provides information and practical tips for the general public to protect personal data online and to reduce the risks of online privacy breach, won the Gold Award. “Children Privacy” is a one-stop portal to provide teachers and parents with practical tips and teaching resources on personal data protection for children. It received the Silver Award. As for the main website (PCPD.org.hk), it was granted the Silver Award for the second consecutive year. It was also awarded the United States Web Marketing Association’s 2015 Government Standard of Excellence Award.

出版刊物

公署為不同界別的持份者出版刊物。年內，公署共製作及修訂了三份實務守則／指引及相關輔助刊物、四份指引資料、一份最佳行事方式指引、四份資料單張及七份以資料當事人為對象的單張。

實務守則／指引及相關輔助刊物	Codes of Practice / Guideline & Other Related Explanatory Documents
保障個人資料私隱指引：僱主監察僱員工作活動須知（2015年10月，第一修訂版）	Privacy Guidelines: Monitoring and Personal Data Privacy at Work (October 2015, First Revision)
僱主監察僱員工作活動須知：家傭僱主應注意的事項（2015年10月，第一修訂版）	Monitoring and Personal Data Privacy at Work: Points to Note for Employers of Domestic Helpers (October 2015, First Revision)
認識《個人信貸資料實務守則》—— 共用按揭資料作信貸評估的常問問題（2015年10月，第一修訂版）	Understanding the Code of Practice on Consumer Credit Data – Frequently Asked Questions On the Sharing of Mortgage Data for Credit Assessment Purpose (October 2015, First Revision)
指引資料	Guidance Notes
收集及使用生物辨識資料指引（2015年7月）	Guidance on Collection and Use of Biometric Data (July 2015)
競選活動指引（2015年8月，第五修訂版）	Guidance on Electioneering Activities (August 2015, Fifth Revision)
資料外洩事故的處理及通報指引（2015年10月，第一修訂版）	Guidance on Data Breach Handling and the Giving of Breach Notifications (October 2015, First Revision)
經互聯網收集及使用個人資料：以兒童為對象的資料使用者注意事項（2015年12月）	Collection and Use of Personal Data through the Internet – Points to Note for Data Users Targeting at Children (December 2015)
最佳行事方式指引	Best Practice Guide
開發流動應用程式最佳行事方式指引（2015年10月，第一修訂版）	Best Practice Guide for Mobile App Development (October 2015, First Revision)
資料單張	Information Leaflets
雲端運算（2015年7月，第一修訂版）	Cloud Computing (July 2015, First Revision)
核對程序：常問問題（2015年10月，第一修訂版）	Matching Procedure: Some Common Questions (October 2015, First Revision)
私隱影響評估（2015年10月，第一修訂版）	Privacy Impact Assessments (October 2015, First Revision)
《個人資料（私隱）條例》與電子健康紀錄互通系統（醫護提供者及醫護專業人員注意事項）（2016年2月）	Personal Data (Privacy) Ordinance and Electronic Health Record Sharing System (Points to Note for Healthcare Providers and Healthcare Professionals) (February 2016)

Our Publications

To provide our stakeholders with guidance and advice on compliance with the Ordinance, the PCPD published and revised a range of publications during the year, including three codes of practice / guidelines and other related explanatory documents, four guidance notes, one best practice guide, four information leaflets and seven leaflets for data subjects.

以資料當事人為對象的單張	Leaflets for Data Subjects
保障私隱——明智使用智能電話（2015年7月，第一修訂版）	Protect Privacy by Smart Use of Smartphones (July 2015, First Revision)
個人資料好重要保障私隱不可少——求職篇（2015年8月，第一修訂版）	Personal Data is Essential – Protect Your Privacy – Job Seeking (August 2015, First Revision)
香港個人資料私隱專員公署簡介（2015年9月，第四修訂版）	About the Office of the Privacy Commissioner for Personal Data, Hong Kong (September 2015, Fourth Revision)
根據《個人資料（私隱）條例》行使你同意及拒絕直接促銷活動的權利（2015年9月，第一修訂版）	Exercising Your Right of Consent to and Opt-out from Direct Marketing Activities under the Personal Data (Privacy) Ordinance (September 2015, First Revision)
在網絡世界保障私隱——精明使用社交網（2015年10月，第三修訂版）	Protecting Online Privacy – Be Smart on Social Networks (October 2015, Third Revision)
兒童網上私隱——給家長及老師的建議（2015年12月）	Children Online Privacy – Practical Tips for Parents and Teachers (December 2015)
電子健康紀錄互通系統與你的個人資料私隱（10個保障私隱貼士）（2016年2月）	Electronic Health Record Sharing System and Your Personal Data Privacy (10 Privacy Protection Tips) (February 2016)



單張：個人資料好重要保障私隱不可少——求職篇
Leaflet: Personal Data is Essential – Protect Your Privacy – Job Seeking



單張：電子健康紀錄互通系統與你的個人資料私隱（10個保障私隱貼士）
Leaflet: Electronic Health Record Sharing System and Your Personal Data Privacy (10 Privacy Protection Tips)



單張：兒童網上私隱——給家長及老師的建議
Leaflet: Children Online Privacy - Practical Tips for Parents and Teachers

公署通訊

公署與持份者一直保持緊密聯繫，透過《私隱專員公署通訊》的平台，與持份者分享我們的動向、最新發表的報告及資源。這本雙語通訊的印刷本發行量為2,500份，另有約2,900人訂閱網上版。

第32期乃公署最後一期的印刷本通訊，我們衷心感謝持份者多年以來的支持。今後如欲了解更多公署的最新消息及資訊，歡迎繼續瀏覽我們公署的網站：PCPD.org.hk。



公署於本年度出版了兩期公署通訊。第32期的專題報道為「兒童網上私隱」。

The PCPD published two “PCPD News” editions this year. The cover story of Issue 32 was “Children Online Privacy”.

Newsletter

The PCPD News is one of the channels that the PCPD communicates with its stakeholders to keep them abreast of our news, up-to-date reports and resources. The bilingual newsletter has a circulation of 2,500 in print and about 2,900 online subscribers.

Thanks to the continuous support of our stakeholders, Issue 32 is the last issue of the PCPD News in print. For more details about our latest news and information, please visit our website at PCPD.org.hk.



新入職員工 Newcomer

隨著資訊的廣泛流通，人與人之間的溝通變得更方便快捷，許多有關私隱的議題亦隨之出現。不論是企業、學生、長者乃至市民大眾，均應明白保障個人資料的重要。作為傳訊及教育部的一分子，我的工作是協助出版公署的刊物、與傳媒聯繫及宣傳公眾教育活動。我很慶幸能夠參與這些工作，提升公眾對保障個人資料私隱的意識。

With extensive flow of information, people can now communicate in a more convenient and speedy way, which brings along growing concern about different privacy issues. Businesses, students, senior citizens and everyone in the community should be aware of the importance of personal data protection. Being a member of the Communications and Education Division, my duty is to assist in preparation of the PCPD’s publications, liaison with the press and promotion of our public education activities. I am glad to play a part in raising public awareness of personal data privacy protection.



冼泳森
二級助理個人資料主任（傳訊）
Connie SIN
Assistant Personal Data Officer II (Communications)



推動機構保障資料

私隱管理系統

私隱管理系統是公署倡議的策略框架，協助機構在管理高層的承擔及恆之有效的檢討及監察程序下，建立健全的私隱保障基建，把私隱及資料保障納入企業管治，從符合條例的要求提升至問責。

為進一步推廣私隱管理系統及協助機構實施這系統，香港特區政府與公署合作，透過顧問服務，協助少部分政府決策局／部門發展或改善其私隱管理系統。

這個顧問計劃的目標是為經揀選的決策局／部門設計及實施度身訂造的私隱管理系統，或檢討及修訂現行的私隱管理系統以作為模範個案，並把從模範個案所得的知識和經驗傳遞予其他決策局／部門。顧問提供的服務／項目包括向經揀選的決策局／部門提供直接協助及意見、製作參考資料及培訓材料作教學用途、舉辦工作坊以分享過程中所得的知識和經驗，以及提供諮詢服務，解答決策局／部門有關發展及實施私隱管理系統的查詢。

這個計劃已於2015年11月展開，預計於12個月內完成。預期這個計劃將伸延至其他公、私營機構。

演講

為推動機構灌輸及建立尊重私隱的文化，私隱專員及公署高級職員在本年度向不同的持份者，特別是高層行政人員，發表了32次演講，呼籲機構制訂全面的保障私隱策略。公署相信若機構尊重私隱，並使之成為其策略，會有助機構做到真正以客為本，業務持續成功。



29.05.2015	為香港警務處主講「個案轉介——刑事調查及檢控」講座	Presentation titled “Case Referral – Criminal Investigation and Prosecution” to the Hong Kong Police Force
09.06.2015	在香港大學法律學院法律及科技中心舉辦的私隱與創新會議中演講，題目為「大數據帶來的私隱後果」	Presentation on “Privacy Ramifications of Big Data ” at the Conference on “Privacy & Innovation (In Pursuit of Right Incentives)”, organised by the Law and Technology Centre, Faculty of Law of the University of Hong Kong

ENGAGING ORGANISATIONS IN DATA PROTECTION

Privacy Management Programme

PMP is a strategic framework advocated by the PCPD to assist an organisation in building a robust privacy infrastructure committed by the top management and supported by an effective on-going review and monitoring process to incorporate privacy and data protection into corporate governance, shifting from compliance with the requirements under the Ordinance to accountability.

In an attempt to further promote and assist organisations in implementing PMP, the HKSAR Government and the PCPD have collaborated to engage an external consultant to help a small number of government bureaux / departments to develop or improve their own PMPs.

The objectives of the consultancy project are to design and implement tailor-made PMPs, or review and revise existing PMPs for the selected bureaux / departments to be used as model cases and to transfer the knowledge and experience gained from the model cases to other bureaux / departments. The deliverables include direct assistance and advice to the selected bureaux / departments, production of toolkits and training materials for knowledge transfer, conducting workshop to share the knowledge and experience gained from the processes and provision of advisory service to other bureaux / departments with regard to their enquiries on PMP development and implementation.

The project started in November 2015 and was scheduled to take 12 months to complete. It is intended that the PMP will be extended to other public and private organisations.

Speaking Engagements

To foster the inculcation of a privacy-respectful culture in organisations, the Commissioner and the senior management staff of the PCPD delivered 32 speeches during the year, engaging a broad range of stakeholders, in particular senior executives, to appeal to them to incorporate a corporate-wide privacy strategy in their organisations. The PCPD believes that privacy-friendliness is strategically important for organisations, helping them to be truly customer-centric, and to achieve an enduring and higher level of business success.

11.08.2015 & 11.09.2015	在保安局及政府資訊科技總監辦公室舉辦的2015資訊保安研討會中講述「大數據分析及流動應用程式的個人資料私隱保障」	Speech on “Protecting Personal Data Privacy in Big Data Analytics and Mobile Apps” at the Information Security Seminar 2015 organised by the Security Bureau and Office of the Government Chief Information Officer
24.08.2015	為海南省政府舉辦的研討會中發表「個人資料（私隱）條例」演說	Speech on “Personal Data (Privacy) Ordinance” at a workshop organised for the People’s Government of Hainan Province
11.09.2015	參與(ISC)2、香港互聯網協會、專業資訊保安協會、雲端安全聯盟香港及澳門分會及香港數碼港管理有限公司合辦的安全香港2015的「有備無患」小組討論	Panel discussion on “Preparing for the unexpected” at SecureHK 2015, co-organised by (ISC)2, Internet Society Hong Kong, Professional Information Security Association, Cloud Security Alliance Hong Kong and Macau Chapter and Hong Kong Cyberport Management Company Limited
07.10.2015	在政制及內地事務局舉辦的兒童權利論壇第二十四次會議中發表「兒童私隱」演說	Presentation on “Child Privacy” at the 24th Meeting of the Children’s Right Forum arranged by the Constitutional and Mainland Affairs Bureau
23.10.2015	在香港律師會舉辦的兩岸四地青年律師論壇2015中發表「一帶一路：兩岸四地青年律師的無限機遇」	Speech on “One Belt One Road: Opportunities for Young Lawyers Cross Strait Four Regions” at the Cross Strait Four Regions Young Lawyers Forum, organised by the Law Society of Hong Kong
03.11.2015 & 24.11.2015	為新界崇德社發表「個人資訊保護與利便營商環境」演講 在社會企業研究所舉辦的社會關愛企業約章簽署典禮暨「良心企業與殘疾人士」就業論壇發表「私隱保障共融」演講	Presentation on “Personal Data Protection and Business-friendly Environment” organised by the Zonta Club of New Territories Speech on “Privacy Protection Inclusion” at the Social Caring Pledge Signature Ceremony & Employer’s Forum on Social Responsibility and Disability Employment, organised by the Social Enterprise Research Institute
25.11.2015	在香港電腦學會舉辦的「2015香港國際電腦會議」主講「流動通訊的個人資料保障與個人資料（私隱）條例（個案研討）」	Presentation on “PD(P)O and Personal Data Privacy in a Mobile Society – Case Studies” at the Hong Kong International Computer Conference 2015, organised by the Hong Kong Computer Society
27.11.2015	在政府資訊科技總監辦公室、香港警務處及香港電腦保安事故協調中心合辦的「網絡保安四面八方」研討會中講解「流動裝置與私隱」	Spoke at the Build a Secure Cyberspace 2015 – Cyber Security is Everywhere on “Mobile and Privacy”, co-organised by the Office of the Government Chief Information Officer, Hong Kong Police Force and the Hong Kong Computer Emergency Response Team Coordination Centre
27.11.2015	為青海省第五十一期中青年領導幹部赴北京／香港培訓班發表「條例與公署介紹」演講	Presentation on “Introduction to the Ordinance and the PCPD” to the 51st Training Course for Middle-aged and Young Leading Cadres for officials from Qinghai Province
28.11.2015	參與由香港律師會舉辦的青Teen講場的私隱解碼小組討論	Panel discussion on “Decoding Privacy” at Teen Talk organised by the Law Society of Hong Kong



30.11.2015	為群策學社主講「保障私隱與資訊自由」	Speech on “Privacy Protection and Free Flow of Information” to the Hong Kong Strategy
30.11.2015	在香港大學法律學院法律及科技中心舉辦的大數據與私隱工作坊中發表「從監管機構角度看大數據分析的私隱風險」演講	Presentation on “Privacy Risks of Big Data Analytics – From a Regulator’s Point of View” at Big Data and Privacy Workshop, organised by the Law and Technology Centre, Faculty of Law of the University of Hong Kong
01.12.2015	為香港醫學會發表「保障個人資料尊重病人私隱」演講	Presentation titled “Protecting Personal Data, Respecting Patients’ Privacy” organised by the Hong Kong Medical Association Council
09.12.2015	在香港美國商會的午餐會主講「香港個人資料私隱保障的最新發展」	Speech on “Recent Development of Hong Kong Personal Data Privacy Protection” at a luncheon organised by the American Chamber of Commerce in Hong Kong
10.12.2015	為香港警務處偵緝訓練中心講解直接促銷條文的規定	Presentation on “Direct Marketing ” to the Police Detective Training Centre of the Hong Kong Police Force
12.12.2015	為香港中國婦女會發表「個人資料（私隱）條例」演講	Presentation on “Personal Data (Privacy) Ordinance” to the Hong Kong Chinese Women’s Club
14.12.2015	在立法會梁繼昌議員辦事處為香港會計師公會會員舉辦的講座發表「保障、尊重個人資料」演說	Speech on “Protect, Respect Personal Data” in a seminar organised by the Office of the Hon Kenneth LEUNG arranged for Members of Hong Kong Institute of Certified Public Accountants
18.12.2015	為中國國情研習促進會（香港）發表「從私隱看人權和國情」演講	Speech on “Human Right and National Situation from a Privacy Perspective” organised by the Association of China Trend Studies (Hong Kong)
23.01.2016	在政府資訊科技總監辦公室舉辦的2016香港資訊及通訊科技獎活動發表「私隱與創新」演講	Presentation on “Privacy and Innovation” at the Hong Kong ICT Award 2016, organised by the Office of the Government Chief Information Officer
11.02.2016	為電子健康紀錄統籌處講解「有關與健康資料的投訴及處理與電子健康紀錄互通系統有關的處理投訴程序」	Presentation on “Complaints in Relation to Health Data and Electronic Health Record Sharing System Related Complaints Handling Procedures” arranged by the Electronic Health Record Office
23.02.2016	為FinTech Connect發表題為「香港的個人資料保障個人資料（私隱）條例及跨境個人資料轉移」演講	Speech on “Personal Data Protection in Hong Kong, Personal Data (Privacy) Ordinance and Cross-border Data Transfer”, organised by FinTech Connect
08.03.2016	為香港西北區扶輪社發表「個人資料保護與利便營商環境」演講	Speech on “Personal Data Protection and Business-friendly Environment” organised by the Rotary Club of Hong Kong North West



17.03.2016	在國際信息系統審計協會（中國香港分會）的2016週年會議：對網絡安全、新興科技的風險和私隱的有效管治發表「私隱管理系統——邁向私隱管治」演講	Speech on “Privacy Management Programme – A pathway to Privacy Governance” at the 2016 ISACA China Hong Kong Chapter Annual Conference – Effective Governance to deal with Cybersecurity, Emerging Technology Risks and Privacy, organised by the ISACA China Hong Kong Chapter
22.03.2016 & 23.03.2016	在Facebook舉辦的「數據主導型經濟發展圓桌會議」發表「如何管理在全球貫通及數據主導型經濟下的個人資料」	Speech on “How to Manage Personal Data in a Globally Connected and Data-driven Economy?” at Facebook’s Roundtables on the Future of the Data Driven Economy
29.03.2016	為樹仁大學新聞與傳播學系發表「私隱與營商」演講	Presentation on “Privacy Protection and Business Environment” organised by the Department of Journalism & Communication of the Hong Kong Shue Yan University
31.03.2016	在職業訓練局電子業及電訊業訓練委員會舉辦的智能手機私隱及保安攻略研討會中主講「從規管機構看智能手機私隱」	Keynote speech on “Smartphone Privacy from a Regulator’s Perspective” at the Technology and Application Seminar on Smartphone Privacy and Security, organised by the Vocational Training Council – Electronics and Telecommunications Training Board
31.03.2016	在職業訓練局電子業及電訊業訓練委員會舉辦的智能手機私隱及保安攻略研討會中發表「流動應用程式的私隱保障」演講	Presentation on “Privacy Protection in Mobile App Development” at the Technology and Application Seminar on Smartphone Privacy and Security, organised by Electronics and Telecommunications Training Board of the Vocational Training Council



與持份者會面

為了解不同持份者對個人資料私隱保障的關注，私隱專員和公署高層與不同機構、團體及政府部門會面和交流。

Meeting with Stakeholders

In order to understand concerns about personal data protection of different stakeholders, the Commissioner and his senior staff met with various organisations, groups and government departments.

國泰航空有限公司	Cathay Pacific Airways Ltd
花旗銀行	Citibank
香港城市大學	City University of Hong Kong
中華電力有限公司	CLP Power HK Ltd

公民教育委員會	Committee on the Promotion of Civic Education
香港通訊業聯會	Communications Association of Hong Kong
政制及內地事務局	Constitutional and Mainland Affairs Bureau
香港大學法律學院	Faculty of Law, the University of Hong Kong
香港電腦學會	Hong Kong Computer Society
香港軟件行業協會	Hong Kong Software Industry Association
香港保險業聯會	Hong Kong Federation of Insurers
香港訊息科技協進會	Hong Kong Information Technology Federation
香港無線科技商會有限公司	Hong Kong Wireless Technology Industry Association
香港獨立媒體、香港人權監察及鍵盤戰線	Hong Kong In-media, Hong Kong Human Rights Monitor and Keyboard Frontline
香港保險業總工會	Hong Kong Insurance Practitioners General Union
香港金融管理局	Hong Kong Monetary Authority
香港警務處	Hong Kong Police Force
香港生產力促進局	Hong Kong Productivity Council
群策學社	Hong Kong Strategy
醫院管理局	Hospital Authority
國際信息系統審計協會（中國香港分會）	Information Systems Audit and Control Association, China Hong Kong Chapter
中央人民政府駐香港特別行政區聯絡辦公室 法律部 資訊科技界立法會議員莫乃光先生及資訊界代表	Legal Division of the Liaison Office of the Central People’s Government in the Hong Kong S.A.R. Legislative Councilor (IT) Hon Charles Peter MOK and delegation of IT industry
新界西立法會議員麥美娟女士、元朗區議員劉桂容女士及姚國威先生	Legislative Councilor (NTW) Hon Alice MAK Mei-kuen; and Yuen Long District Council members Ms LAU Kwai-yung and Mr YIU Kwok-wai
強制性公積金計劃管理局	Mandatory Provident Fund Schemes Authority
八達通卡有限公司	Octopus Cards Limited
政府資訊科技總監辦公室	Office of the Government Chief Information Officer
法律教育基金有限公司	The Legal Education Fund Limited
香港申訴專員公署	The Office of the Ombudsman, Hong Kong

保障資料主任聯會

公署於2000年創立了保障資料主任聯會，為機構的保障資料人員提供一個交流經驗和培訓的平台，促進知識的增長和符規的實踐。截至2016年3月底，聯會有539名個人及機構會員，他們來自公私營機構，並分別具循規、法律事務、規管、執法 and 客戶服務方面的背景。

公署於本年度為保障資料主任聯會的會員舉辦了三場簡報會和講座，包括現任專員於2015年11月首次與會員會面，分享他對保障、尊重個人資料的看法。此外，2015年年底發生了多宗大型資料外洩事故，及後聯會機構會員羅兵咸永道會計師事務所向會員分享與資訊保安及資料私隱保障有關的議題。

Data Protection Officers' Club ("DPOC")

The PCPD established the DPOC in 2000 to provide practising data protection officers with a platform for advancing their knowledge and practice of data privacy compliance through experience sharing and training. DPOC membership reached 539 by the end of March 2016. The individual and organisational members have backgrounds in compliance, legal affairs, regulatory fields, law enforcement and customer relations, in both the public and private sectors.

During the year, the PCPD held three briefing sessions and talks for DPOC members. One of these was the first meeting with the current Commissioner in November 2015. The Commissioner shared his views on Protect, Respect Personal Data with members. PricewaterhouseCoopers ("PwC"), one of organisational members, also shared their insight into issues concerning information security and data privacy following some major data leakage incidents in late 2015.



羅兵咸永道會計師事務所分享與資訊保安及資料私隱有關的議題。 Representative of PwC shared their views on information security and data privacy.



在首次與專員會面當日，公署首席個人資料主任（政策與研究）張宗頤先生向會員講解條例在雲端運算的應用。 On the first meeting with the Commissioner, Mr Henry Chang, Chief Personal Data Officer (Policy and Research) of the PCPD, briefed the members about how the Ordinance applies to cloud computing.

為了向會員提供一個有效的平台接收公署的資料及符規要求的資訊，公署於2015年7月推出了雙週電子會員通訊。

To provide an effective platform for keeping members abreast of the PCPD's news and compliance requirements, a bi-weekly e-newsletter exclusively for DPOC members has been launched since July 2015.



從私隱角度探討大數據國際會議

International Conference on Big Data from a Privacy Perspective



楊偉雄先生蒞臨主禮。 The Hon Nicholas W Yang officiated at the opening of the Conference.



會議全場滿座吸引250名參加者。 The Conference was a full house attracting 250 participants

為探討大數據應用而引申的不同私隱議題，公署於2015年6月10日舉辦「從私隱角度探討大數據國際會議」，吸引了250名本地及海外的保障資料私隱人員、資訊科技專業人士、法律專家及商界領袖出席。

To address various privacy issues associated with the use of big data, the PCPD organised the "International Conference on Big Data from a Privacy Perspective" on 10 June 2015. The conference attracted 250 local and overseas data privacy officers, ICT professionals, legal experts and business leaders.

時為行政長官創新及科技顧問（現任創新科技局局長）和香港特別行政區行政會議非官守議員楊偉雄先生在會議中主禮。

The Hon Nicholas W YANG, the then Advisor to the Chief Executive on Innovation and Technology (the current Secretary for Innovation and Technology) and Non-Official Member of the Executive Council of the HKSAR Government officiated at the Conference.

多位國際知名講者在會議上作專題演講。講者包括美國及澳洲的私隱規管機關的人員、學者，以及來自智庫和跨國企業的保障私隱專家。

The Conference presented an international panel of distinguished speakers. They comprised privacy regulators from the United States and Australia, academics and privacy professionals from think tanks and multi-national corporations.

會議涵蓋有關大數據應用的不同議題，包括法律規管、以風險利益分析為本的創新策略，以及合乎專業操守的資料管治。

Various issues related to the use of big data were addressed, ranging from legislative controls, innovative approaches based on risk benefit analysis, to ethical information governance.

保障個人資料專業研習班

公署在本年度舉辦了70個工作坊，有超過1,629名人士參加。工作坊得到27個專業機構及行業協會支持，涵蓋下列題目：

資料保障法律研習班	Legal Workshop on Data Protection
資料保障與查閱資料要求	Data Protection and Data Access Requests
銀行／金融服務的資料保障	Data Protection in Banking/Financial Services
直接促銷活動的資料保障	Data Protection in Direct Marketing Activities
人力資源管理的資料保障	Data Protection in Human Resource Management
保險業的資料保障	Data Protection in Insurance Industry
內部資訊科技管理的資料保障	Data Protection in Internal IT Management
最新的資訊及通訊科技與資料保障	The Latest ICT and Data Protection
物業管理的資料保障	Data Protection in Property Management Practices
零售業保障私隱面面觀	Data Protection in Retail Operations
私隱管理系統	Privacy Management Programme

於2015年9月，公署推出了「網上學習平台」，為資料使用者提供了一個方便的途徑了解條例的規定，其中資訊及通訊科技相關的課程至今已吸引超過1,000人次瀏覽。

公署一向致力提倡機構應把個人資料和私隱保障納入為企業管治責任不可或缺的一環，並且由上而下貫徹在機構中執行。就此方面，公署於2016年3月推出全新的「私隱管理系統」研習班。這研習班講述《私隱管理系統最佳行事方式指引》的要點。參加者可了解私隱管理系統的基本原則及必要組件，以及如何持續維持及完善系統。

Professional Compliance Workshops

During the year under review, we held 70 workshops with over 1,629 participants. The workshops, which were supported by 27 professional organisations and trade associations, covered the following topics:

In September 2015, the PCPD launched an “Online Training Platform” with a view to providing a convenient channel for data users to get familiar with the requirements under the Ordinance. ICT related courses were available at this platform and have attracted over 1,000 views since the launch.

The PCPD has been advocating that organisations should make personal data protection part of their corporate governance responsibilities and implement it throughout their organisations. To this end, the PCPD rolled out a new workshop on PMP in March 2016. The course highlighted the key features of “Privacy Management Programme – A Best Practice Guide”. Participants would understand the baseline fundamentals and components of a PMP and how to maintain and improve it on an ongoing basis.

為個別機構提供講座

公署在本年度為72間公私營機構提供了96場度身訂造的培訓講座，講解條例的要求。（有關詳情請參考附錄三）

In-house Seminars

The PCPD provided 96 tailor-made training sessions for 72 organisations to explain the requirements under the Ordinance. (See Appendix 3 for details)

回響 Feedback

- 我衷心多謝昨天你（高級個人資料主任（傳訊及教育）陳培玲小姐）提供了一場預備充足及內容非常豐富的講座。這絕對有助同事理解私隱條例的規定，你對條例的熟悉程度，令同事獲益良多。

I would like to express our heartfelt thanks to you (Senior Personal Data Officer (Communications & Education) Miss Carol CHAN) on the very informative, well-prepared and nicely presented talk yesterday. The talk is definitely useful for us to enhance our understanding on the Personal Data (Privacy) Ordinance. Thanks to your profound knowledge in the Ordinance and the good presentation, the talk was well received by our colleagues.

黃玉青女士
土地註冊處助理訓練及發展經理
Ms Connie WONG
Assistant Training and Development Manager, The Land Registry

回響 Feedback

- 再次多謝你（高級律師廖以欣女士）今日特別為香港銀行公會會員主持〈跨境資料轉移指引〉簡介會。

從《個人資料（私隱）條例》工作小組主席……得悉，該簡介會內容非常豐富，有助銀行了解公署在有關議題上的期望。

Thank you (Senior Legal Counsel Ms Sandra Liu) again for hosting the subject briefing (on the Guidance on Personal Data Protection in Cross-border Data Transfer) exclusively for HKAB members today.

As informed by our Chairman of the PDPO Working Group…… the briefing was very informative and has assisted banks’ understanding on the PCPD’s expectation regarding the issue.

香港銀行公會
The Hong Kong Association of Banks

其他講座

為提高公眾人士對條例的認識和理解，公署共舉辦了24場簡介講座。此外，為協助機構為條例第33條（現時尚未生效）的實施作好準備，加強跨境資料轉移的私隱保障，公署在2014年12月發出了《保障個人資料：跨境資料轉移指引》並在本年度與專業及執法團體合辦了六場簡介會介紹第33條的要求及向參加者解釋指引的重點。

Other Seminars

The PCPD organised 24 seminars to raise public awareness and their understanding of the Ordinance. In addition, with a view to assisting organisations to prepare for the implementation of section 33 of the Ordinance (not yet in force) and enhancing privacy protection for cross-border data transfer, the PCPD issued “Guidance on Personal Data Protection in Cross-border Data Transfer” in December 2014. During the report year, six briefings were held in collaboration with professional/regulatory bodies to give participants an introduction on the requirements of section 33 and highlight the key features of the Guidance.

回響 Feedback

- 該三場（預防借貸騙案）講座有幸得到貴公署配合及支持，特別感謝專員及機構傳訊經理陳培玲小姐擔任講座的嘉賓，向一眾市民宣揚防騙的訊息……好讓講座能順利完成，本人無任感激。

I am grateful for the PCPD's support to the three talks on preventing loan service scams. I would like to thank especially the Commissioner and Miss Carol Chan, Manager (Corporate Communications), who spoke in the talks and reminded the public to beware of scams..... so the talks were well delivered.

麥美娟議員, BBS, JP
The Hon Alice MAK Mei-kuen, BBS, JP

因應電話騙案激增，公署自2015年8月起共舉辦了10場教育講座，以加強市民對保障自己個人資料的意識。

In response to the surge in phone scams, the PCPD has organised 10 educational talks since August 2015 to enhance the awareness of the members of the public in safeguarding their own personal data.



公署高級律師廖以欣女士簡介《跨境資料轉移指引》。
Senior Legal Counsel Ms Sandra Liu briefed the participants on "Guidance on Personal Data Protection in Cross-border Data Transfer".



公署個人資料主任胡慧雅女士及蘇定欣女士與市民分享預防電話騙案貼士。
Personal Data Officer, Ms Terri Wu and Ms Ivy So, shared prevention tips on telephone scams with citizens.

中小企網上自學課程

為協助資源有限的中小企了解條例的規定及應用，公署製作了一套網上自學課程。這工具以不同的業務功能向中小企解釋條例的規定，並提供在日常工作中依從條例規定的一些實用提示（如人力資源、直接促銷、資訊科技及保安和外判／轉移個人資料予第三者等）。中小企亦可透過互動問答測試對條例的認知。完成課程後，中小企可自行制定其私隱計劃，並會得到一份分析其機構如何處理個人資料和建議改善的報告。此外，公署自2015年4月起為中小企舉辦講座，介紹這套切合中小企需要的網上自學課程。公署亦

Online Training Module for SMEs

To help small- and medium-sized enterprises ("SMEs"), which are often faced with resource constraints, learn how to interpret and apply the Ordinance in a cost-effective manner, the PCPD has developed an online self-training module. The tool provides SMEs with general guidelines on the requirements under the Ordinance in relation to different business functions and includes practical tips on privacy compliance in their day-to-day operations (e.g. human resources, direct marketing, information technology security and outsourcing/transferring personal data to third parties, etc). The kit also enables SMEs to test their knowledge of the Ordinance through an interactive quiz. Upon completion of the course, SMEs are expected to be able to build their own privacy plan. They would also receive a report on how they are currently handling personal data, with suggestions and recommendations for improvement. The PCPD has organised seminars since April 2015 to give an introductory briefing on the online training module, tailored to

與工業貿易署、香港生產力促進局的中小企一站通、香港貿易發展局中小企服務中心等機構合作舉辦這類講座。

meet the needs of SMEs. The PCPD also collaborated with the Trade and Industry Department, SME One of the Hong Kong Productivity Council, the SME Centre of the Hong Kong Trade Development Council, and others to organise these seminars.



中小企保障個人資料私隱自學課程。
Self-training Module on Protection of Personal Data for SMEs.



參加者在講座中即場體驗網上自學課程。
Participants experienced the online self-assessment tool at the seminar.



公署與工業貿易署合辦講座，為中小企介紹這網上自學課程讓他們了解符合條例的規定。
The PCPD in collaboration with the Trade and Industry Department held an introductory briefing on this online training module to enhance SMEs' knowledge on the compliance with the Ordinance.

行業保障私隱活動

公署於2015年1月開展了為期16個月的保障私隱活動，主題為「應用程式重私隱 創新科技贏信任」。資訊科技界的大力支持讓公署非常鼓舞，公署認同業界的抱負：積極推動香港的資訊科技，以促進經濟及社會的發展。在這過程中，消費者的私隱及資料獲得保障，至為首要。是次活動由資訊科技界10個專業團體及商會協辦，並得到10個業內的專業及學術機構支持。

Industry-specific Privacy Campaign

In January 2015, the PCPD launched a 16-month privacy awareness campaign (the "Campaign") with the theme "Developing Mobile Apps: Privacy Matters". The PCPD was very encouraged by the overwhelming support of the ICT industry, and shared the industry's vision that Hong Kong had to embrace the next wave of ICT advancements to foster our economic and social development and that in the process, consumer privacy and data security must remain a priority. The Campaign was co-organised by 10 leading trade associations and supported by 10 professional/academic institutions in the ICT field.

協辦機構及公署代表成立了工作小組，以了解業界從業員的關注。公署亦接受了工作小組的提議，推出「網上學習平台」，讓從業員可隨時隨地在網上參閱條例的規定。

Representatives from the co-organisers and the PCPD formed a working group to canvass the privacy concerns among the practitioners. In response to the suggestion raised by the working group, the PCPD has developed the "Online Training Platform" to provide a convenient channel for those practitioners who wish to go through the requirements of the Ordinance online.



一站式平台方便從事不同工作的資料使用者熟悉條例的要求。
A one-stop portal for data users in different work context to get familiar with the requirements under the Ordinance.



公署推出一系列教育活動，讓開發流動應用程式的人士理解並遵從條例規定的法律責任。下表列出2015年4月至2016年3月舉行的各項活動。有關活動詳情，請瀏覽 www.pcpd.org.hk/mobileapps。

09-13.04.2015	於2015國際IT匯中的香港數碼生活嘉年華設置攤位 International IT Fest 2015 – Exhibition Booth Staged at Hong Kong Digital Life Carnival
15.04.2015	2015國際IT匯——「研發流動應用程式 顧及保障個人資料」講座 International IT Fest 2015 – Seminar on “Developing Mobile Apps with Privacy Protection in Mind”
17.04.2015	為政府資訊科技總監辦公室、香港警務處及香港電腦保安事故協調中心合辦的活動中發表「流動應用程式私隱保障——開發者及使用者需知」演講 Seminar on Personal Data Privacy for Mobile Apps Designers and Users organised by the Office of the Government Chief Information Officer, Hong Kong Police Force and Hong Kong Computer Emergency Response Team, Coordination Centre
20.04.2015	給香港專業教育學院智能手機軟件開發高級文憑學生的講座 Talk to Higher Diploma students in Mobile Applications Development Hong Kong Institution of Vocational Education
24.04.2015	在香港總商會舉辦的午餐會主講「開發流動應用程式重私隱」 Roundtable Luncheon Talk on Privacy Concern on Mobile App Development arranged by the Hong Kong General Chamber of Commerce
28.05.2015	為政府資訊科技總監辦公室主講「應用程式重私隱 創新科技贏信任」 Seminar on “Developing Mobile Apps: Privacy matters” arranged by the IT Solution Centre of the Office of the Government Chief Information Officer
24.08.2015	《個人資料（私隱）條例簡介》講座 Introductory Seminar on the Personal Data (Privacy) Ordinance
16.10.2015	直接促銷規管簡介 Introductory Seminar on Direct Marketing Regime
21.11.2015	在香港電腦保安事故協調中心、香港生產力促進局、專業資訊保安協會及 (ISC)2 HK Chapter 舉辦的研討會主講「流動應用程式開發者如何保障用戶私隱」 Seminar on “Personal Data Privacy for Mobile Apps Developers” organised by the Hong Kong Computer Emergency Response Team Coordination Centre, Hong Kong Productivity Council , Professional Information Security Association and (ISC)2 HK Chapter



A series of educational activities was rolled out to help mobile app developers understand and comply with their legal obligations under the Ordinance. The following activities took place from 1 April 2015 to 31 March 2016. More details of the Campaign are available at www.pcpd.org.hk/mobileapps.

走進社區

機構夥伴合作

公署參與由香港律師會舉辦以「私隱解碼：尊重與包容」為主題的「青Teen講場2015」，與超過80間中學共126隊學生探討個人資料私隱及相關法律的議題。私隱專員更於2015年11月28日擔任嘉賓講者，提醒學生小心注意私隱陷阱。



2016年1月28日是資料保障日，私隱專員接受Facebook邀請講解社交網上的私隱保障應注意事項，有關短片已上載至Facebook與不同地方的用戶分享。

黃繼兒先生提醒網民在上網時慎留數碼腳印。
Mr Stephen Kai-yi Wong reminded netizens to stay smart online by taking care of their digital footprints.

PROMOTING AWARENESS IN THE COMMUNITY

Organisational Partnership

The PCPD participated in Teen Talk 2015 – “Decoding Privacy: Respect and Inclusiveness” organised by the Law Society of Hong Kong and discussed personal data privacy and relevant legal issues with 126 teams of students from over 80 secondary schools. The Commissioner gave a speech on 28 November 2015 reminding students to beware of privacy traps.

私隱專員（前排右九）於2015年11月28日與主禮嘉賓律政司司長袁國強先生，SC, JP（前排右十四）及香港律師會會長熊運信先生（前排右十三），聯同學生代表及嘉賓出席「青Teen講場2015——私隱解碼」開幕典禮。
The Commissioner (9th right, front row), attended the opening ceremony of the “Teen Talk 2015 – Decoding Privacy” on 28 November 2015, together with the officiating guests the Hon Rimsky Kwok-keung Yuen, SC, JP, Secretary for Justice (14th right, front row) and Mr Stephen Wan-shun Hung, President of the Law Society of Hong Kong (13th right, front row) as well as students and guests.

To mark the Data Protection Day 2016 on 28 January, Facebook invited the Commissioner to share some tips for privacy protection on social networks. The tips were available on video and shared globally on Facebook.



關注私隱運動

公署與亞太區私隱機構在區內合作繼續推廣對私隱的關注，於2015年5月3日至9日舉辦「關注私隱運動2015」，主題是「私隱 關我事！」。公署特別邀請多位立法會議員、專業及知名人士支持這個活動，並在新開設的「網上私隱要自保」Facebook專頁上宣揚「私隱 關我事！」的訊息。

「關注私隱運動」期間舉辦了連串推廣及教育活動，包括保障私隱學生大使在校園的推廣活動、校際問答比賽、街頭魔術表演、展覽和論壇，分別照顧學生、企業和公眾的不同需要，共吸引逾50,000名人士參與。



郭詠嘉小姐於開展儀式上介紹她特別為「關注私隱運動2015」創作的手繪插畫。
Ms Wingki Kwok presented the creative idea for her four hand-drawn illustrations specially for PAW2015 at the inauguration ceremony.



Microsoft香港有限公司區域科技長陳育明先生向保障資料主任聯會會員及資訊科技從業員，講解貫徹私隱的設計與保障資料。
Mr Alan Chan, National Technology Officer of Microsoft Hong Kong, talked about Privacy by Design and Data Protection to members of the DPOC and IT practitioners.

Privacy Awareness Week

The PCPD continued to promote privacy awareness in the region, together with APPA members, by organising Privacy Awareness Week 2015 ("PAW 2015") from 3 to 9 May 2015 with the theme "Privacy Matters". The PCPD specially invited a number of legislative councillors, professionals and celebrities to support the campaign and promote the message "Privacy Matters" through the newly launched Facebook page "BeSmartOnline".

A wide range of promotional and educational activities, including campus promotions by student ambassadors, inter-school quiz contests, street magic shows, exhibitions and forums, were held to cater for the various needs of students, businesses and the general public. Over 50,000 people were engaged during the week.



著名魔術師甄澤權先生現身銅鑼灣，為參觀流動展覽的市民表演街頭魔術。
Magician Mr Louis Yan gave a special street performance for visitors to the PCPD's roadshow in Causeway Bay.

回響 Feedback

- 特別感謝香港設計的海報，它們於關注私隱運動期間在我們的網站及社交媒體發揮了很大的宣傳作用。既明亮又七彩繽紛的設計，配上簡單易明的保障私隱訊息，深受大眾歡迎。

Thank you especially to Hong Kong for the APPA posters. These have worked well on our website, Twitter and Facebook channels as a way of signalling Privacy Week. People really like the bright, colourful design and the easily conveyed privacy messages.

Mr Charles MABBETT
Communications Adviser
Office of the Privacy Commissioner, New Zealand

來自不同界別的人士，包括立法會議員莫乃光先生、麥美娟女士及葉建源先生，一同響應「私隱 關我事！」。People from different walks of life, including legislative councillors Hon Charles Mok, Hon Alice Mak Mei-kuen and Hon Ip Kin-yuen, echoed the theme "Privacy Matters".



「保障私隱學生大使計劃2015暨中學生『私隱檔案』新聞攝製比賽」入圍隊伍透過其得獎作品及不同形式活動，於校園宣傳私隱保障。
The finalists of the Student Ambassador for Privacy Protection Programme 2015 – TV News Feature on a Personal Data Protection Competition promoted privacy protection through their work and various activities on their campuses.



經濟日報出版特刊，表揚保障資料主任聯會會員致力保障個人資料私隱。
The Hong Kong Economic Times published a special supplement to recognise the effort made by DPOC members in the protection of personal data privacy.

保障私隱學生大使計劃

公署連續第五年舉辦保障私隱學生大使計劃，並在2015年舉辦了中學生「私隱檔案」新聞攝製比賽，來自69間中學逾700名中一至中六學生組隊參加，探討日常生活所遇到的私隱議題，以電視新聞特寫形式報道其研究成果。截至保障私隱學生大使計劃2015完結時(2015年5月)，共有111間伙伴中學(參看附錄四)參與保障私隱學生大使計劃。



公署邀請了電視新聞節目主持人柳俊江先生與香港電台電視部監製方曉山先生向學生傳授製作新聞短片的心得及擔任比賽評審。

Mr Ryan Lau, host for TV news programme, and Mr Fong Hiu-shan, Executive Producer of RTHK's TV Section were invited to share their experience of TV news reporting with students and judge the competition.

此外，「保障私隱學生大使計劃2015」首次舉行全港校際網上個人資料私隱保障問答大賽。活動由公署及香港青年協會賽馬會Media 21媒體空間合辦，並於5月9日舉行了決賽。經過一輪激戰後，最終由樂善堂梁銓琚書院、趙聿修紀念中學及喇沙書院分別奪得冠、亞、季軍。



香港個人資料私隱專員公署、香港青年協會、資訊科技教育領袖協會、教育局、政府資訊科技總監辦公室、互聯網協會及Facebook派代表擔任評判，與最後十強學校出席於「關注私隱運動2015」期間舉行的決賽。

Judges from the PCPD, M21, Association of I.T. Leaders in Education, Education Bureau, OGCIO, Internet Society Hong Kong and Facebook attended the final of the quiz with students from the 10 finalists in PAW2015.

Student Ambassador for Privacy Protection Programme

The PCPD has run the Student Ambassador for Privacy Protection Programme for five consecutive years. Under the Programme, a TV News Feature on Personal Data Protection Competition was held in 2015. Over 700 form one to six students from 69 secondary schools took part in the competition in teams by looking into the privacy issues they came across in everyday life and presenting their findings in the form of a TV news feature. As of the end of 2015 Programme (May 2015), 111 partner secondary schools (see Appendix 4) participated in the Student Ambassador for Privacy Protection Programme.



公署科技發展常務委員會成員鄧錦沛博士頒發中學生「私隱檔案」新聞攝製比賽最具創意大獎予順德聯誼總會鄭裕彤中學的同學，該隊伍同時勇奪高中組冠軍。

Dr K P Chow, member of the PCPD's Standing Committee on Technological Developments, presented the Best Creativity Award of the TV News Feature on Personal Data Protection Competition to a team from STFA Cheng Yu Tung Secondary School who was also the champion in the senior section.

The 2015 Programme also featured an inter-school quiz on online privacy protection, which was rolled out by the PCPD for the first time. Co-organised with the Hong Kong Federation of Youth Groups Jockey Club Media 21 ("M21"), the final of the quiz took place on 9 May 2015. Lok Sin Tong Leung Kau Kui College, Chiu Lut Sau Memorial Secondary School and La Salle College became the champion, first runner-up and second runner-up, respectively, after a fierce contest.

大學保障私隱活動

公署自2011年起每年舉辦大學保障私隱活動。2015年8月及9月期間，公署在十間大專院學校的迎新營派發紀念品，並於五個迎新營透過互動遊戲推廣保障網上私隱的訊息。公署的攤位遊戲亦在10月至11月巡迴了10間大學，讓大學生了解使用互聯網及智能電話的私隱陷阱。

此外，公署為大學教職員舉行度身訂造的培訓講座，講解在條例下，他們作為資料使用者在行政及資訊管理使用個人資料時負上的責任。整個活動共有約40,000名大學生及教職員參加。



公署首次於大學迎新營舉辦互動遊戲，向大學新生宣揚保障個人資料。

The PCPD held game sessions in orientation camps for the first time to promote data protection to freshmen.



University Privacy Campaign

The University Privacy Campaign has taken place once a year since 2011. In August and September 2015, the PCPD sponsored selected orientation camps in the 10 universities and held an interactive game session in five orientation camps to deliver educational messages about online privacy. Then the PCPD visited the campuses of 10 local universities from October to November with an interactive game booth to demonstrate privacy traps associated with the use of Internet and smartphones.

In addition, the PCPD organised tailor-made seminars to explain to university staff their obligations as a data user under the Ordinance in the areas of administration and IT management. About 40,000 students and staff members participated in the campaign.



公署的攤位遊戲巡迴了十間大學，提醒大學生「網上私隱要自保」。

The PCPD toured 10 universities with an interactive game booth to remind students to "Be Smart Online".

「大學行政與私隱保障」及「資訊科技管理的資料保障」講座於2016年1月20日舉行，超過220名大學職員參加。

Two seminars on IT management and university administration were held on 20 January 2016 and attended by over 220 university staff members.

公眾教育巡迴展覽

公署參與了中西區區議會於2015年12月13及20日兩個周末舉辦的上環假日行人坊，活動吸引了約4,000名市民參觀公署攤位。



Public Education Roadshow

The PCPD took part in the Sheung Wan Promenade, organised by Central and Western District Council, on 13 and 20 December 2015. About 4,000 members of public visited the booth.

攤位的互動飛鏢遊戲闡釋一些常見的網上私隱陷阱。
The booth featured a game of darts which explained some common privacy traps online.

此外，由2015年12月27日至2016年1月9日，公署舉辦公眾教育巡迴展覽，以流動展覽車巡迴各區，令公眾更認識條例所保障的個人資料私隱權利，吸引了超過140,000名人次參觀。是次流動展覽車的設計主題配合當時推出的電視宣傳片，車身以著名傳媒人方健儀小姐就上網及下載免費應用程式的精明提示，提醒公眾保障個人資料首要是自保。車內展板則就使用智能電話、社交網及兒童網上私隱等方面，提供慎留數碼腳印的實用貼士。

The PCPD staged a public education road show from 27 December 2015 to 9 January 2016, with an exhibition truck visiting different districts of the city to enhance public awareness of data privacy rights under the Ordinance, reaching out to over 140,000 visitors. The road show was held in conjunction with the newly launched TV API. Well-known media figure Ms Akina FONG, who was commissioned by the PCPD to take part in the TV API, was featured on the exhibition vehicle to disseminate the message about protecting personal data online. Display panels inside the exhibition truck provided practical tips for protecting personal data in daily life such as using smartphones and social networks, and for protecting children's privacy online.



公眾對私隱及資料保障的態度調查

公署於2015年7月28日公佈公眾對個人資料私隱的態度的調查結果，調查顯示個人對私隱權利的意識及公眾對公署的信任普遍為高。

是次調查成功以電話訪問了1,222名成年人及四個聚焦小組來自不同背景的36名與會者。調查顯示公眾常為了方便而犧牲私隱。只有少數受訪者表示介意提供手提電話號碼（即使會引來促銷電話）、職業或完整出生日期（儘管它經常被用作核實身份）。

近半數的受訪者在過去12個月曾經歷其個人資料被濫用，最常發生問題的是銀行（57%），其次是電訊公司（32%），健身／美容中心（26%）及財務公司（17%）。個人資料曾被濫用的受訪者中，接近11%有作出投訴，而受訪者解釋沒有投訴的主要原因是提供資料的是其朋友（35%），其次是受訪者（25%）不願意及該公司的職員。

絕大部分的受訪者（86%）同意或非常同意公署自2010年一宗廣泛報道的事件發生後，提升了社會對個人資料私隱的認知。調查亦評估了受訪者對六個法定機構在處理投訴方面的公信力，顯示公署是第二最受信賴的機構，僅次於廉政公署。

絕大部分的受訪者（87%）有使用智能手機，其中95%有安裝即時通訊應用程式。而這些受訪者中，72%是知道程式會查閱他們智能手機上所有聯絡人的資料，而有不少受訪者（33%）也認為法例應該禁止這個做法。

報告全文（只備英文版）：
www.pcpd.org.hk/english/resources_centre/publications/surveys/files/baselinesurvey2014.pdf

調查摘要（中文版）：
www.pcpd.org.hk/tc_chi/resources_centre/publications/surveys/files/baselinesurvey2014_summary_c.pdf

BASELINE SURVEY OF PUBLIC ATTITUDES ON PRIVACY AND DATA PROTECTION

On 28 July 2015, a survey of public attitudes on personal data privacy (the "Survey") commissioned by the PCPD revealed that awareness of privacy rights of individuals and public trust in the PCPD were generally high.

The survey results were based on telephone interviews with 1,222 adults and focus group interviews with 36 participants from a diverse background. It revealed that the public could often sacrifice privacy for the sake of convenience. Few respondents were very concerned about providing mobile phone number (even though it would attract advertising calls), occupation or full date of birth (even though it is often used for validation).

Nearly half of respondents had experienced misuse of their personal data in the last 12 months and the most common source of the problem was banks (57%), followed by telecom companies (32%), fitness/beauty centres (26%) and money lenders (17%). Almost 11% of those who experienced misuse had made a complaint, while those who had not complained explained that the major reasons were that friends had provided the information (35%), or they were unwilling to involve the company staff (25%) responsible for the misuse.

An overwhelming majority of respondents (86%) agreed or strongly agreed that the PCPD has increased community awareness of personal data privacy issues after a widely published incident in 2010. The Survey also assessed the perceived trustworthiness of six statutory agencies in handling complaints and identified the PCPD as the second most trusted agency, after the Independent Commission Against Corruption.

An overwhelming majority (87%) of respondents used a smartphone of whom 95% had an instant messaging app installed. 72% of these respondents were aware that the app accesses all contact information on their smartphones and a significant proportion (33%) thought the law should prohibit this.

The full survey report (with executive summary):
www.pcpd.org.hk/english/resources_centre/publications/surveys/files/baselinesurvey2014.pdf

香港大學社會科學研究中心總監白景崇教授負責是次調查，並於記者招待會中講解調查結果。
Professor John Bacon-Shone, Director, Social Sciences Research Centre, the University of Hong Kong, was commissioned to conduct the survey and presented the findings in the press conference.



兒童私隱研究報告

RESEARCH STUDY ON CHILD PRIVACY



公署於2015年5月19日舉行記者招待會，與傳媒分享研究結果。

A press conference was held on 19 May 2015 to share the findings of the study.

為探討兒童私隱在香港的情況及面對的問題，公署委託香港浸會大學社會科學研究中心（「研究中心」）進行一項研究。報告於2015年5月發表，研究結果顯示，父母及教師較少協助兒童處理私隱問題，亦較少關注兒童的網上私隱，原因大概是缺乏認知和支援。

研究中心進行了焦點小組訪談，藉以了解家長、中學生及中、小學教師對兒童私隱的意見；再與四個關注兒童權利的非政府組織之代表進行了深度訪談。研究顯示，使用互聯網的兒童，年齡比以往的愈趨年幼；加上兒童以及他們的父母、或監護人及教師未必有足夠的私隱意識，這會構成嚴重的私隱風險。

報告顯示兒童欠缺安全使用互聯網的能力。兒童在很年幼時，在網上已出現他們的「蹤跡」。一些父母可能會把子女的相片及短片上載至社交媒體網站。這些網上的「蹤跡」，由於孩子尚很年幼，無從明白和同意這種做法。

基於行政和教學用途，學校通常會持有大量關於學生及學生家人的個人資料。另一方面，學校又愈來愈多採用電子方式儲存數據，用作「網上學習」，這些網上資源可作教學及評估之用。當學校利用資訊科技帶來方便的同時，不應忽視隨之而來的私隱風險，特別是關乎兒童的個人資料。

In order to identify major privacy concerns and problems faced by children in Hong Kong, the PCPD commissioned the Centre for the Advancement of Social Sciences Research ("CASR") of Hong Kong Baptist University to carry out an exploratory study. The results, which were released in May 2015, show that parents and teachers seem to have little involvement in managing children's privacy issues and little awareness about children's problems online, a situation that was probably attributable to lack of knowledge and support.

Focus group interviews were conducted to understand the views of parents, secondary school students and teachers of primary and secondary schools on child privacy issues. In-depth interviews were also conducted with representatives from four non-governmental organisations whose main focus is children. The study showed that children were going online at a younger age than ever, and that the lack of awareness among children and their parents or guardians and teachers might pose a serious risk.

It also appeared that children did not have the capacity to engage with the Internet in a safe manner in all circumstances. Children's digital footprints were taking shape from a very young age. Some parents might post photographs and videos of their children on social media sites. These digital footprints were created for children who were too young to understand or consent.

Schools always keep a wide range of personal data about their students and their families which are all necessary for basic administration and instruction. On the other hand, schools are also increasingly storing electronic data associated with "connected learning", where online resources are used for academic instruction and evaluation. While schools reap the benefits of information technology, they must not lose sight of its attendant risks to privacy and data protection especially that are of children.

至於父母，他們也應明白和懂得使用適當工具以保障他們的網上私隱，來限制誰人可以看到孩子的資料。父母應該自己也要明白及要向子女解釋，上載於社交媒體的資料會廣泛流傳及長久保留。父母應教導孩子作為「網民」除享有私隱權利、亦要履行責任，尤其如何應對網上一些厭惡和恐嚇的言論。

報告作出了一些建議，有助相關持份者跟進，包括在學校課程內，例如資訊教育課程、通識課程及專題研習活動內，加入有關私隱議題及私隱保障的方法；並鼓勵父母和教師／學校加強溝通，共同處理兒童的私隱問題。

報告摘要（中文版）：

www.pcpd.org.hk/tc_chi/resources_centre/publications/surveys/files/child_survey_c.pdf

As regards parents, they should understand and use the privacy tools on any website or mobile applications that their children use for school or at home to limit who can see their information. They must understand and explain to their children that what they post on social media could be far reaching and long lasting. Children should also be given guidance about their privacy rights and also responsibilities as "netizens" when dealing with hateful or threatening messages on the Internet.

The focus group interviews with stakeholders generated some insights which are useful in the follow up work. Some suggestions include adding sections or topics related to privacy issues and privacy protection measures to the curriculum in subjects such as information technology, and liberal studies, and in project learning activities; and strengthening communication between parents and teachers/schools to address children's privacy issues.

The executive summary of study report:

www.pcpd.org.hk/english/resources_centre/publications/surveys/files/child_survey_e.pdf

感言 Sharing



陳培玲
高級個人資料主任
（傳訊及教育）
Carol CHAN
Senior
Personal Data Officer
(Communications &
Education)

加入傳訊及教育部已接近五年，我見證著機構及個人對保障個人資料私隱的意識日漸提昇，我相信這是我們透過與時並進的方式進行推廣及公眾教育所得的成效。除了傳統的宣傳及教育活動外，我們還透過社交平台將尊重、保障個人資料的訊息廣傳至社會各個層面，亦推展了網上學習平台，讓資料使用者可利用更方便的途徑了解條文的規定。這些嶄新的做法不但使公眾受惠，亦讓我獲益良多。

I have joined the Communications and Education Division for around five years. I witness the growing personal data privacy awareness among organisations and members of the public, which I believe is the result of our initiatives in carrying out education and promotion. Apart from conventional education and promotion activities, we have been disseminating the message of "Protect, Respect Personal Data" to the community on social media. We have also developed an "Online Training Platform" to provide a convenient channel for data users to get familiar with the requirements under the Ordinance. These new initiatives offer great learning opportunities not only to the public but also to me.



加強 跨區聯繫 Strengthening External Connections

回應跨國界的議題

保障私隱跨越國界，需要國際社會共同作出回應。公署與海外的資料保障機構和私隱專家保持聯繫，洞悉國際間私隱保障的發展和趨勢。

Response to Borderless Issues

Privacy protection has become a borderless issue and thus requires an international response. We liaise with overseas data protection authorities and privacy experts to keep abreast of international developments and trends in privacy protection.

亞太區經濟合作組織 —— 電子商貿督導小組資料私隱分組

私隱專員於2016年2月25日出席在秘魯利馬舉行的第33屆亞太經合組織資料私隱分組會議。

會議上其中一個議程項目是討論「亞太經合組織保障私隱機制」的更新建議，該些更新建議是基於2013年修訂的「經濟合作及發展組織私隱指引」而作出。「亞太經合組織保障私隱機制」包含九個指導原則及實踐指引，以協助亞太經合組織經濟區就個人資料私隱保障發展一致的地區性做法。該機制亦為在亞太經合組織經濟區內推廣問責性及負責任的個人資料轉移建立區域性的做法，奠下基礎。公署在年內對「亞太經合組織保障私隱機制」的更新建議提供了意見。

會議另一項目是討論「跨境私隱規則機制」的管治文件的修改建議。「跨境私隱規則機制」是一個自願性及以問責為基礎的機制，旨在促進亞太經合組織經濟區內尊重私隱的資料傳輸，該機制在2011年獲亞太經合組織領袖核准。在該機制下，在亞太經合組織區域內營運的公司的私隱政策及措施，會由第三方審核者（稱為「責任代理」）以一套根據「亞太經合組織保障私隱機制」所議定的規則評估及認證。現時，「跨境私隱規則機制」有四個參與者（美國、墨西哥、日本及加拿大），及兩個認可的責任代理（TRUSTe及日本情報經濟社會推進協會）。

年內，公署曾就「跨境私隱規則機制」對下述文件提供意見：

- 亞太經合組織聯合監督小組就亞太經合組織認可日本情報經濟社會推進協會所作的建議報告及附錄
- 亞太經合組織聯合監督小組就亞太經合組織繼續認可TRUSTe所作的建議報告

除了以上所述，公署亦協助完成了多份與「處理者私隱認可機制」有關的文件。該機制是對個人資料處理者的認可機制，於2015年在亞太經合組織高級官員會議中獲核准。該機制協助個人資料處理者證明其有能力有效地實踐個人資料控制者在處理個人資料方面的私隱責任。該機制亦協助個人資料控者識別合資格及負責任的處理者，包括令在其經濟區外寂寂無名的中小企成為全球

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The Commissioner attended the 33rd meeting of the APEC Data Privacy Subgroup, which was held in Lima, Peru on 25 February 2016.

One of the agenda items discussed at the meeting was the proposed updates to the APEC Privacy Framework, which were based on the OECD Privacy Guidelines revised in 2013. The APEC Privacy Framework is comprised of a set of nine guiding principles and guidance on implementation to assist APEC Economies in developing consistent domestic approaches to personal information privacy protections. It also forms the basis for the development of a regional approach to promote accountable and responsible transfers of personal information between APEC Economies. The PCPD has provided comments on the proposed updates to the APEC Privacy Framework during the report year.

Another matter discussed at the meeting was the proposed changes to governance documents of the Cross Border Privacy Rules (“CBPR”) System. Endorsed by APEC Leaders in 2011, the CBPR System is a voluntary accountability-based system to facilitate privacy-respecting data flows among APEC economies. Under the CBPR System, the privacy policies and practices of companies operating in the APEC region are assessed and certified by a third party verifier (known as an “Accountability Agent”) and follows a set of commonly agreed upon rules, based on the APEC Privacy Framework. There are currently four participating APEC CBPR system economies (USA, Mexico, Japan and Canada) and two recognised Accountability Agents (TRUSTe and Japan Institute for Promotion of Digital Economy and Community).

During the report year, the PCPD has provided comments on the following documents relating to the CBPR System:

- APEC Joint Oversight Panel’s Recommendation Report on APEC Recognition of Japan Institute for Promotion of Digital Economy and Community and the Addendum
- APEC Joint Oversight Panel’s Recommendation Report on the Continued APEC Recognition of TRUSTe

Apart from the aforesaid, the PCPD has also contributed to the finalisation of various documents relating to the APEC Privacy Recognition for Processors (“PRP”) System during the report year. The PRP System is a recognition system for personal information processors endorsed in the 2015 APEC Senior Official meeting. It helps personal information processors demonstrate their ability to provide effective implementation of a personal information controller’s privacy obligations related to the processing of personal information. It also helps personal information controllers identify

資料處理網絡的一部分。公署提供意見的文件有：

- 亞太經合組織「處理者私隱認可機制」的參與意向通知範本
- 亞太經合組織「處理者私隱認可機制」——政策、規則及指引
- 亞太經合組織「處理者私隱認可機制」的責任代理認可申請
- 亞太經合組織聯合監督小組關於「處理者私隱認可機制」的協議

qualified and accountable processors, including small and medium enterprises not known outside of their economies to become part of a global data processing network. The documents that PCPD has contributed comments are:

- Template Notice of intent to participate in the APEC Privacy Recognition for Processors System
- APEC Privacy Recognition for Processors System – Policies, Rules and Guidelines
- APEC Accountability Agent Recognition Application for Privacy Recognition for Processors System
- Protocols of the APEC Joint Oversight Panel with regard to the Privacy Recognition for Processors System

感言 Sharing

不經不覺我加入公署已經兩年了。我在大學主修會計，畢業後一直在會計師事務所工作，原本對私隱法例可謂一竅不通。近幾年在公署大力宣傳下，我開始認識到個人資料私隱這個課題，亦開始對保障私隱的工作感到興趣。因此，兩年前我毅然放棄會計專業，投身這份工作。當時不少朋友對我這個決定都感到驚訝。

初加入公署時我負責調查投訴個案，並從中逐步掌握到私隱條例的精髓。對於能協助投訴人解決其困擾，我感到別具意義；另外，能夠促使被投訴的機構改善其行事方式、尊重個人資料私隱，亦使我很有成功感。現在回顧兩年前的轉職決定，我依然認為是正確的！

最近，公署給予機會讓我嘗試新的崗位。現時我在政策及研究部工作，除了須要認識不同司法管轄區的私隱規例，日常亦要密切留意社會上的私隱議題，並要迅速就私隱熱話編寫研究簡報供專員參考。這又是另一項重大的挑戰！

Time flies. It has been two years since I joined the PCPD. I majored in accountancy in university, and worked in an accounting firm all along after graduation. Hence, I was ignorant to privacy law at the outset. Thanks to the PCPD’s intensive promotion campaigns in recent years, I set to learn about personal data privacy, and became interested in the work of personal data protection. Therefore, I resolutely quitted the accounting profession to join the PCPD two years ago. This move surprised some of my friends.

Upon joining the PCPD, I was assigned to investigate complaints, from which I gradually realised the essence of the Privacy Ordinance. I found it meaningful to be able to resolve the problem of the complainants; it was also a great accomplishment to me when the organisations being investigated were willing to take remedial actions and to respect personal data privacy. Looking back, I still believe that my decision to join the PCPD two years ago was correct!

Recently, I was offered an opportunity to take up a new position by the PCPD. Now I am working in the Policy & Research Division. Apart from learning the privacy laws in various jurisdictions, I also need to keep abreast of current privacy-related affairs, and promptly produce briefing notes on privacy hot-topics for the Commissioner’s reference. Again, this is a great challenge to me!



張健康
高級個人資料主任
(政策及研究)
Aki CHEUNG
Senior
Personal Data Officer
(Policy & Research)

亞太區私隱機構

亞太區私隱機構成立於1992年，是亞太區內私隱機構的主要平台組織，夥拍區內的私隱機構就私隱規例、新科技及私隱查詢和投訴管理等事宜交流合作。目前亞太區私隱機構有18名成員。亞太區私隱機構轄下有兩個工作小組，分別是科技工作小組及通訊工作小組。私隱專員擔任科技工作小組的主席，及通訊工作小組的聯席主席。

第43屆亞太區私隱機構論壇
(2015年6月11至12日，香港)

ASIA PACIFIC PRIVACY AUTHORITIES FORUM

APPA, formed in 1992, is the principal forum for privacy and data protection authorities in the Asia Pacific region to form partnerships and exchange ideas about privacy regulation, new technologies and the management of privacy enquiries and complaints. It currently has 18 members. There are two working groups in APPA, namely the Technology Working Group and the Communications Working Group. The Commissioner is the chair of the Technology Working Group and the joint-chair of the Communications Working Group.

The 43rd APPA Forum
(11-12 June 2015, Hong Kong)



第43屆亞太區私隱機構論壇由公署主辦，有13個亞太區私隱機構成員（包括公署）、來自日本的觀察員，以及其他嘉賓和參加者出席。

在亞太區私隱機構成員及獲邀的觀察員出席的閉門會議中，成員介紹了各自的管轄區報告，以及就亞太區內的共同議題發表意見，例如法律改革、執法、強制的資料外洩通報、私隱法律規管，以及兒童和青年人私隱。成員亦就不同的調查和資料外洩報告的個案交換意見。各成員亦討論大數據對私隱的影響，及監管機構的應有回應。其他討論議題包括為針對用戶網上行為而發出廣告的政策及相關的調查、公共領域資料的規管，以及採用「問責為先」的策略去管理科技創新衍生的私隱事宜。會議進一步討論亞太區私隱機構的未來路向，最後同意新修訂的目標。

公開會議的出席人士包括政府官員、本地及國際的私隱專家及從業員。會議匯報了有關中華人民共和國及中華台北的私隱法律的最新發展，亦討論了涉及管理病歷資料及研究資料、公開資料、大數據及智能城市等不同的私隱議題。

The PCPD hosted the 43rd APPA Forum, which was attended by 13 APPA members (including the PCPD), observers from Japan, and other guests and participants.

During the closed session, which was attended by APPA members and invited observers, APPA members presented their jurisdiction reports along common themes that had emerged across the region, such as legal reforms, law enforcement, mandatory data breach notification, privacy training as well as child and youth privacy programmes. The members also shared a wide range of reports on investigations and data breaches. The privacy implications of big data and how regulators should respond to the challenge were also considered by the members. Other issues discussed included policy position on online behavioural advertising and related investigations, regulation of public domain data, and accountability as the basis for privacy compliance in technology innovations. The meeting further discussed APPA's future direction, and a revised statement of objectives was agreed.

The open session was attended by government officials as well as local and international privacy experts and practitioners. The meeting was updated on the privacy laws in People's Republic of China and Chinese Taipei, and shared information and discussed various privacy issues ranging from managing health and research data, open data, big data, and smart city.

回響 Feedback

● 感謝你（私隱專員）非常棒的款待，你和你的團隊又再一次為我們其他成員定下極高的新標準！

Thanks so much for your kind note and for being such a terrific host. You (the Commissioner) and your team have once again set an incredibly high standard for the rest of us!

Ms Edith RAMIREZ
Chairwoman,
Federal Trade Commission, United States

回響 Feedback

● 過去一星期亞太區私隱機構成員在香港得到非常棒的款待，我特別為此致謝。我深信每個人都感受到你（私隱專員）的友善與慷慨，你的同事盡心盡力的安排實在令我們賓至如歸。

I wanted..... to convey my thanks and gratitude for all your wonderful hospitality last week when the APPA members descended upon Hong Kong. I know that everyone appreciated your warmth and generosity and the great efforts your office made to make us all feel so welcome.

Ms Annabel FORDHAM
Public Affairs Manager,
Office of the Privacy Commissioner, New Zealand

第44屆亞太區私隱機構論壇
(2015年12月3至4日，澳門)

私隱專員亦在澳門出席了由澳門個人資料保護辦公室主辦的第44屆亞太區私隱機構論壇。

在閉門會議中，各成員除了討論如管轄區報告等的常設議程項目外，亦討論了亞太區內新興的議題，例如公佈執法機構查閱資料的透明度報告、病歷與生物辨識等。其他討論項目包括歐美安全港協議、公營機構的資訊共享、涉及個人資料的電話詐騙，以及有關選舉過程及政黨的私隱議題。

成員在第43屆亞太區私隱機構論壇的討論基礎上，繼續討論亞太區私隱機構的未來路向，包括管治框架及秘書處的未來和角色。成員亦同意成立管治委員會，公署並於2016年成為委員會成員之一。

公開會議的出席人士包括政府官員、私營機構參與者及學者。會上討論了多項私隱議題，包括有關公共治安機關使用閉路電視攝錄機的事宜，以及網絡的私隱狀況及關注等。

The 44th APPA Forum
(3-4 December 2015, Macao)

The Commissioner also attended the 44th APPA Forum in Macao, which was hosted by the Office for Personal Data Protection, Macao.

During the closed session, APPA members discussed emerging issues from across the Asia Pacific region, such as the practice of transparency reporting on law enforcement access requests, health information and biometrics, etc., in addition to the standing agenda items from the members. Other matters discussed included the US-EU Safe Harbour Agreement, public sector information sharing, telephony fraud involving personal data, and privacy issues relating to electoral processes and political parties.

Building on discussions from the 43rd APPA Forum, the members continued to discuss APPA's future direction, including APPA's governance framework and the future role of the APPA Secretariat. The members also agreed to establish a governance committee, and the PCPD became one of the committee members in 2016.

The open session of the forum was attended by government officials, private sector participants and academics. During this session, several privacy issues were discussed, ranging from the installation of CCTV cameras by public security forces, to cyber status and privacy concerns.



全球私隱執法機關網絡

「全球私隱執法機關網絡」於2008年成立，宗旨是促進私隱執法機構之間的跨境合作，主要透過下述方式加強合作：

- 就相關議題、趨勢及經驗交換資訊；
- 鼓勵培訓和分享執法的知識、專門技術及良好行事方式；
- 促進與負責私隱執法的機構的溝通；及
- 創設、維持及支援對雙邊或多邊合作有用的程序或機制。

公署於2014年加入「全球私隱執法機關網絡」為會員。2015年年底，「全球私隱執法機關網絡」的成員包括來自43個管轄區的59個私隱執法機構。

自2016年起，公署連同加拿大、以色列、英國及美國成為「全球私隱執法機關網絡」委員會的五名成員，領導網絡的工作。

2015年抽查行動

公署參與了「全球私隱執法機關網絡」的抽查行動，檢視了青少年使用的網站及流動應用程式（「程式」）。抽查結果發現收集個人資料的情況值得關注，尤其是收集資料的數量及與第三者分享資料的情況。

29個來自世界各地的私隱執法機關（包括公署）於2015年5月11日至15日期間檢視了共1,494個以青少年為對象或青少年常用的網站／程式。公署於2013及2014年都有進行類似行動，研究程式的私隱政策透明度。

關注重點

2015年的全球抽查結果重點如下：

- 在檢視的網站／程式中，67%有收集青少年的個人資料。尤其令人關注的是有相當多的網站／程式收集潛在敏感性個人資料，例如姓名、出生日期、電話號碼、地址及相片或短片；

GLOBAL PRIVACY ENFORCEMENT NETWORK

The Global Privacy Enforcement Network (“GPEN”) was established in 2008 to foster cross-border cooperation among privacy enforcement authorities. It primarily seeks to promote cooperation by:

- exchanging information about relevant issues, trends and experiences;
- encouraging training opportunities and sharing of enforcement know-how, expertise and good practice;
- promoting dialogue with organisations having a role in privacy enforcement; and
- creating, maintaining and supporting processes or mechanisms useful to bilateral or multilateral cooperation.

The PCPD joined GPEN as a member in 2014. By the end of 2015, GPEN comprised 59 privacy enforcement authorities in 43 jurisdictions around the world.

Since the beginning of 2016, the PCPD joined its colleagues from Canada, Israel, the United Kingdom and the United States to become the five-member GPEN Committee that provides leadership for the network.

The 2015 Sweep

The PCPD took part in the GPEN Privacy Sweep (the “Sweep”) to examine websites and mobile applications (“apps”) used by youngsters. Results of the Sweep have raised concerns about the personal data collected, in particular how much personal data was collected and how it was then shared with third parties.

Twenty-nine privacy enforcement authorities from around the world, including the PCPD, surveyed a total of 1,494 websites/apps targeted at, or popular among, youngsters from 11 to 15 May 2015. The PCPD conducted similar exercises in 2013 and 2014 to look at the issues of privacy policy transparency associated with mobile apps.

Common Concerns

The 2015 Global Sweep highlights are:

- 67% of the websites/apps examined collected youngsters’ personal data. Of particular concern was the significant number of websites/apps which collected potentially sensitive personal data, such as name, date of birth, phone number, address and photos or video;

- 78%網站／程式沒有使用簡單的語言或作出青少年易於閱讀及理解的警告；
- 只有31%網站／程式具備有效的措施，自律地減少向青少年收集個人資料。而58%網站／程式會引導青少年轉往另一要求他們披露個人資料的網站，情況令人憂慮；

- 51%網站／程式與第三者分享個人資料，當中有些網站／程式沒有訂明分享個人資料之目的或所述目的含糊不清；
- 只有24%網站／程式鼓勵家長參與；及

- 71%網站／程式沒有提供刪除帳戶資料的途徑。

良好行事方式

不過，全球抽查行動亦發現一些良好的行事方式：

- 部分網站／程式提供有效的保障措施，例如提供家長儀表（dashboard）顯示青少年的網上活動，或讓青少年選用預設的角色，防止他們過度分享其個人資料；
- 部分交談功能只容許青少年從預先核准的表單上揀選字詞及短語，而不是任意輸入，避免他們不經意地披露其個人資料；
- 部分網站／程式會在用家輸入資料時即時作出警告，避免青少年不必要地輸入個人資料；及
- 15%網站／程式會核實年齡，禁止年幼的兒童登入網站／程式。

青少年是使用電腦、智能電話及社交網絡最活躍的一群。各地的私隱執法機關都非常重視青少年在網上是否可獲得適當的保障。公署期望網站／程式開發商能為青少年提供既方便用家又能保障私隱的環境。

青少年是最易受影響的群體之一。加強對青少年的教育是公署未來其中一個策略重點。公署會繼續推行不同的教育活動，向青少年及家長推廣保障個人資料的重要性。他們必須充分了解網上活動的私隱風險，在提供任何個人資料前，主動謹慎地採取保護措施。

- 78% of the websites/apps failed to use simple language or to present warnings that youngsters could easily read and understand;
- Only 31% of the websites/apps had effective controls in place to limit the collection of personal data from youngsters. What was particularly troubling was the fact that 58% of websites/apps offered youngsters the opportunity to be redirected to a different website, where they could be asked to disclose personal data;
- 51% of the websites/apps shared personal data with third parties, in some cases for vague or unspecified purposes;

- Only 24% of the websites/apps encouraged parental involvement; and
- 71% of the websites/apps did not offer an accessible means for deleting account information.

Good Practice

The Global Sweep also found examples of good practice:

- Some websites/apps provided effective protective controls, such as parental dashboards showing youngsters’ online activities, or preset avatars to prevent youngsters excessively sharing their own personal data;
- There were chat functions which only allowed youngsters to select words and phrases from pre-approved lists instead of typing freely, so that youngsters could not disclose their personal data inadvertently;
- Some websites/apps use just-in-time warnings to deter youngsters from unnecessarily entering personal data; and
- 15% of the websites/apps had age verification to bar younger children from accessing the websites/apps.

The PCPD recognises that youngsters are the most active users of computers, smartphones and social networks. Whether youngsters are provided with an appropriate level of protection online remains an ongoing issue for privacy enforcement authorities. Website/app developers are expected, if not obliged, to develop and present a user-friendly protective privacy environment for youngsters.

Youngsters are frequently identified as one of the most vulnerable groups. Stepping up education efforts for youngsters will be one of our strategic focuses in the near future. We will continue to develop diversified programmes to draw the attention of youngsters and parents to the importance of personal data protection. It has become essential for them to fully understand the privacy risks associated with online activities and take proactive vigilance and security measures before providing any personal data.

國際資料保障及私隱專員研討會

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS



國際資料保障及私隱專員研討會
(2015年10月26-29日，荷蘭阿姆斯特丹)

International Conference of Data Protection and Privacy Commissioners (26-29 October 2015, Amsterdam, the Netherlands)

國際資料保障及私隱專員研討會於1979年首次召開，是各地私隱專員的重要論壇。參與代表來自60個國家逾100個私隱執法及資料保障機構、非政府組織及觀察員。

The International Conference of Data Protection and Privacy Commissioners, which first met in 1979, is the premier forum for Privacy Commissioners from around the world. It has a representation of over 100 privacy enforcement and data protection authorities, non-governmental organisations and observers from over 60 countries.

私隱專員與首席個人資料主任（政策及研究）於2015年10月出席在阿姆斯特丹舉行的第37屆國際資料保障及私隱專員研討會。研討會為期四天，首兩天為各地私隱專員之間的閉門會議，最後兩天為公開會議。私隱專員被邀參與以「前瞻」為題的閉幕小組討論。

The Commissioner and the Chief Personal Data Officer (Policy and Research) attended the 37th International Conference in Amsterdam in October 2015. The Conference lasted for four days with the first two days conducted in a closed session between Commissioners and the last two days in an open session. The Commissioner was invited as a panel member at the closing discussion of the conference, entitled “Tour du Monde: Looking Forward”.

各地私隱專員舉行閉門會議後，大會發表了「阿姆斯特丹宣言——基因及健康資料、未來的挑戰及資料保障的保安與情報監督：資料保障機構在轉變中的社會的角色」。

The closed session of the Conference for privacy commissioners led to the release of the “Amsterdam Declaration on Genetic and Health Data, Challenges for Tomorrow and Data protection oversight of security and intelligence: The role of Data Protection Authorities in a changing society”.

宣言指出社會在收集、分析及使用基因資料的能力越來越高所帶來的挑戰，並提出幾項觀察結果：

- 個人的定性與識別
- 資料保障及私隱的風險
- 與科學界加強溝通的需要

The Declaration identifies the challenges arising from society’s increasing ability to collect, analyse and use genetic information and provides a few observations:

- Characterisation and identification of individuals
- Risks for data protection and privacy
- Necessity for greater communication with the scientific community

就保障資料以及監督保安與情報收集活動的討論，突顯了資料保障機構現正面對的問題，因為各地公眾對情報及保安機構的活動情況的關注是前所未見，而且各國恐怖活動的潛在風險令保安環境不斷轉變。

The discussion on data protection and oversight of security and intelligence highlights the issue data protection authorities are facing because of the unprecedented level of public discussion of the activities of intelligence and security agencies worldwide, together with the changing security environment with potential for terrorist activity in all countries.

會議亦同時通過三項決議案：

Three resolutions were adopted by the Conference focusing on the following:

- 透過採取「資訊公開報告」的做法，以提高政府在查閱機構所持有的個人資料方面的問責性；
- 為人道主義危機的問題而設立工作小組，致力協助制定資料保障指引，以幫助國際人道主義參與者；及
- 呼籲政府及所有相關的持份者提供協助及所需的支援，讓聯合國私隱權特別報告員執行其工作。

- The practice of “transparency reporting” to promote accountability in relation to government access to personal information held by organisations;
- The issue of humanitarian crises and establishment of a working group to help develop data protection guidance to assist international humanitarian actors; and
- Calling upon governments and all relevant stakeholders to offer any assistance and support to enable the UN Special Rapporteur on the Right to Privacy to undertake his work.

“

新入職員工 Newcomer

就一個沒有工作經驗的大學生而言，這數月在政策及研究部的實習除了是一個里程碑，更是令我獲益良多的寶貴經驗。作為一個實習生，我有幸被委派參與不同性質的工作：從研究香港的私隱議題到國外私隱法律的修訂、從檢查公司的合規情況到參與出版書籍，多樣化的工作令我對每天將會面臨的挑戰樂此不疲。在芸芸的實習工作中，能與私隱專員接觸及協助籌備他的演講，更是十分難能可貴的經驗。

縱使我在公署的實習只有數月，我仍深深的感受到我被視為團隊的一部分。當我遇到疑難時，同事們每每會給予援手；在日常相處上，同事們總會加以照顧。這一份溫暖的人情味，絕對為我這次的寶貴經歷上增添色彩！

As a university student who had no prior working experience, my internship at the PCPD was immensely fruitful, with a great mix of exposures and vibes every day. I felt a sense of recognition throughout with opportunities to be involved in different substantive tasks. From looking into local privacy issues to international legal reforms, from participating in the Privacy Sweep exercise to publishing a book, the broad coverage of my work gives me a clear picture of the operation of the PCPD, and no doubt keeps me constantly challenged and engaged. The opportunity to work directly with the Commissioner and help prepare his speeches was definitely a bonus to my rewarding experience.

While faced with challenging tasks, I found myself surrounded by supportive colleagues. There were plenty of opportunities to interact with them, who warmly welcomed me to be part of the team since day one. I was a plain paper when I joined as an intern but they have certainly filled it up with colours!

魏俊

實習生，政策及研究部

Joshua NGAI

Intern, Policy & Research Division

”

「保障個人資料」國際會議

「保障個人資料」國際會議是俄羅斯聯邦通訊、資訊科技與大眾媒體監督處（Federal Service for Supervision of Communications, Information Technology, and Mass Media，簡稱Roskomnadzor）於莫斯科舉辦的年度活動。Roskomnadzor是俄羅斯聯邦的一個執行機關，其職責包括保障個人資料當事人的權利。每年，Roskomnadzor會邀請歐洲、亞洲、北美洲、拉丁美洲負責個人資料保障的國家及國際規管機構，以及個人資料營運者和行業專家，就共同關心的議題交流意見和討論。

私隱專員於2015年11月10日出席第六屆「保障個人資料」國際會議，大會主題是「國家及國際的個人資料主管機構之工作」。整個會議包括早上的閉門會議及下午的公開會議。在閉門會議，私隱專員與各代表就不同議題交換意見及分享經驗，包括俄羅斯新的「資料在地化法例」、跨境資料轉移、歐美安全港安排、「被遺忘權」及保障兒童的私隱權利。私隱專員亦在全體會議上以「香港的個人資料保障及資訊自由流通」為題發表演說。

私隱專員於翌日與Roskomnadzor的首長及副首長會面，討論資訊透明度及跨境資料流通的事宜，並簡介香港瞬息萬變的私隱環境。

INTERNATIONAL CONFERENCE
“PERSONAL DATA PROTECTION”

The International Conference “Personal Data Protection” is an annual event held in Moscow, and organised by the Federal Service for Supervision of Communications, Information Technology, and Mass Media (“Roskomnadzor”). Roskomnadzor is a federal executive authority of the Russian Federation, the responsibilities of which include protecting the rights of personal data subjects. Every year Roskomnadzor invites representatives from national and international regulatory authorities responsible for personal data protection in Europe, Asia, North America and Latin America, as well as the personal data operators and industry experts to exchange views and discuss matters of common interests.

The Commissioner attended the 6th International Conference “Personal Data Protection” with the theme of “The Work of National and International Competent Authorities in Personal Data” on 10 November 2015. The Conference consisted of a closed session in the morning and an open session in the afternoon. During the closed session, the Commissioner exchanged views and shared experience with other representatives on the topics of Russia’s new “Data Localisation Law”, cross-border data transfer, EU-US Safe Harbour arrangement, “right to be forgotten” and protection of children’s privacy right. The Commissioner also delivered a presentation at the plenary session, entitled “Personal Data Protection and Free Flow of Information in Hong Kong”.

The Commissioner met the Head and the Deputy Head of Roskomnadzor on the following day and discussed the information transparency and cross-border data flow. The Commissioner also talked about the rapidly evolving privacy landscape in Hong Kong.



電訊資料保障國際工作小組

電訊資料保障國際工作小組（亦稱為「柏林小組」）在1983年由柏林資料保障專員倡議，在國際資料保障及私隱專員研討會的框架下成立。柏林資料保障專員自此一直擔任小組主席。小組自1983年以來通過了無數建議（「共同立場」及「工作文件」），以改善電訊科技方面的私隱保障。小組成員包括資料保障機關及其他國家公共行政機構、國際組織及世界各地的科學家。自九十年代開始，小組的工作更特別聚焦於網上私隱的保障。

私隱專員於2015年10月13至14日出席於柏林舉行的第58屆柏林小組會議。在會上，私隱專員與來自41間機構的54名專家成員就不同議題交換意見，包括智能視訊分析／人臉識別、零售店的顧客追蹤、網絡語音技術保安、在電子認證中使用生物辨識技術、電子學習平台的私隱、全球互聯網名稱及號碼分配機構的2013年註冊服務機構認證協議、世界經濟論壇的「重塑個人資料」、「被遺忘權」、網絡追蹤、社交網絡的私隱議題、智能電視、國際標準，以及軟件更新範疇的問責。會議同意在柏林小組網站公佈兩份有關「智能視訊分析」及「透過流動裝置訊號進行定位追蹤」的工作文件。

INTERNATIONAL WORKING GROUP ON DATA PROTECTION
IN TELECOMMUNICATIONS

The International Working Group on Data Protection in Telecommunications (also known as the Berlin Group) was founded in 1983 in the framework of the International Conference of Data Protection and Privacy Commissioners at the initiative of the Berlin Commissioner for Data Protection, who has since then been chairing the Group. The Group has since 1983 adopted numerous recommendations (“Common Positions” and “Working Papers”) aimed at improving the protection of privacy in telecommunications. Membership of the Group includes representatives from Data Protection Authorities and other bodies of national public administrations, international organisations and scientists from all over the world. Since the beginning of the 1990s the Group has in particular focused on the protection of privacy on the Internet.

The Commissioner attended the 58th Berlin Group meeting held in Berlin from 13 to 14 October 2015. During the meeting, the Commissioner exchanged views with 54 expert members from 41 organisations on the topics of intelligent video analytics / face recognition, customer tracking in retail stores, VoIP security, the use of biometrics in electronic authentication, privacy on e-learning platforms, ICANN’s 2013 registrar accreditation agreement, World Economic Forum’s “re-inventing personal data”, “right to be forgotten”, web tracking, privacy issues in social networks, Smart TVs, international standardisation, and accountability in the context of software updates. The meeting agreed the release of two Working Papers on Intelligent Video Analytics and Location Tracking from Communications of Mobile Devices on the Berlin Group website.

與海外資料保障機構及私隱專家的交流

私隱專員及其團隊與海外資料保障機構、業界人員及學者曾作以下交流：

27-28.04.2015	在韓國網絡安全局主辦的第57次電訊資料保障國工作小組會議中講述「Android權限模式的缺陷」 Spoke at the 57th Meeting of the International Working Group on Data Protection in Telecommunications hosted by the Korea Internet & Security Agency on “Privacy failure in the Android permission model”
08.06.2015	在第七屆跨境資料探索及資料保障法律塞多納會議中發表「跨境資料轉移及資料保障法例：亞太地區資料保障機構關注的主要議題及事項」 Speech on “Cross-Border Data Transfer & Data Protection Laws: Key Issues & Concerns for Data Protection Authorities in the Asia Pacific Region” at the 7th Annual Sedona Conference International Programme on Cross-Border Discovery & Data Protection Laws
28.09.2015	在香港特區政府駐粵經濟貿易辦事處及雅爾德曾陳胡（前海）聯營律師事務所合辦的兩岸四地法律論壇《外商投資爭議解決的法律創新》中發表「個人信息保護與利便營商環境」演說 Presentation on “Personal Data Protection and Business-friendly Environment” at the Foreign Commercial Investment Legal Issues Seminar, co-organised by the Hong Kong Economic and Trade Office in Guangdong and A&T (Qianhai) JV Law Firm
27.10.2015	在中國人民銀行徵信中心舉辦的亞太徵信暨個人數據保護國際研討會（中國西安）中發表「香港私隱法例及規管經驗」演說 Presentation on “Privacy Legislation and the Regulatory Experience of Hong Kong” at the Symposium on Credit Reporting in Asia-Pacific and Personal Data Protection , organised by Credit Reference Center of the People’s Bank of China (Xian)



EXCHANGES WITH OVERSEAS DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

The Commissioner and his team were engaged in the following exchanges with overseas data protection authorities, practitioners and the academia:



28.10.2015	在第37屆國際資料保障及私隱專員會議的周邊活動「私隱競賽及指導教材：最有效針對年青人的途徑」中分享公署為青年人舉辦的比賽 Sharing of experience of PCPD in organising youth competitions in “Competitions and tutorial kits on Privacy: Which best approach to efficiently target at young people?” of the 37th International Privacy Conference
07.11.2015	與其他法定機構代表就「國家治理現代化」於深圳舉行的香港法定機構研討會交流意見 Exchanged views with other representatives on the topic “Modern Governance of China” at the Hong Kong statutory bodies seminar in Shenzhen
22.03.2016	在英國資訊專員公署舉辦的國際執法合作活動中分享國際執法合作的經驗 Speech on “Experience sharing on International Enforcement Cooperation” at the International Enforcement Cooperation Event – Moving On Up, organised by the UK Information Commissioner’s Office
25-26.03.2016	在中國法學會、香港法律論壇、澳門法務局舉辦的第八屆「兩岸四地法律研討會」發表「一帶一路四地法律服務優勢研究：香港的自由信息流和個人資料保障」 Presentation on “Advantage of Legal Services under the One Belt One Road Initiative: Free Flow of Information and Personal Data Protection in Hong Kong” at the 8th Cross Strait Four Regions Legal Seminar, organised by the China Law Society, the Hong Kong Law Forum and the Direcção dos Serviços de Assuntos de Justiça

接待海外 / 內地訪客

在2015至16年度，公署曾接待以下代表團：



2015年12月30日公署兩位首席個人資料主任向韓國網絡安全局的代表分享公署的規管經驗。
30 December 2015 – The PCPD’s Chief Personal Data Officers met delegates of the Korea Internet & Security Agency to share the PCPD’s regulatory experience.

RECEPTION OF OVERSEAS / MAINLAND DELEGATIONS

In 2015-16, the PCPD received the following delegations:



2016年2月25日接待中國政法大學法律系學生，公署人員向他們介紹公署的工作及私隱條例。
25 February 2016 – PCPD staff gave a briefing on the PCPS’s work and the Ordinance to a group of law students from China University of Political Science and Law.

建立 專業團隊 Building a Professional Team

人和及嘉許

行政部致力精簡工序，採取措施提升士氣和效率，對員工的努力作出嘉許，並建立及保持團隊最高的忠誠。

Our People and Commendations

The Administration Division makes a continuous effort to streamline work procedures, and to put in place measures to enhance staff morale, productivity and recognition. We aim to build and maintain the highest standards of honesty and integrity.



行政部致力建立合乎公眾期望的專業團隊。我們很高興取得下述成績：

職員晉升及培訓

公署致力透過晉升及培訓，支持員工的事業發展。在2015至16年度，公署共有10名員工獲得晉升。



公署繼續提供不同類型的內部培訓課程，裝備不同職級的人員應付新挑戰及轉變所需的專業技能。培訓課程包括：

- 入職培訓
- 資訊科技與私隱講座
- 強積金講座
- 《保障個人資料：跨境資料轉移指引》簡介會
- 閉路電視監察簡介會
- 《電子健康紀錄互通系統條例》生效日期簡介會
- 電子健康紀錄單張及新常務指示簡介會
- 直接促銷及網絡欺凌的分享會
- 查閱資料要求個案的分享會
- 有關人力資源管理投訴個案的分享會
- 行政上訴委員會近期個案的分享會
- 應對投訴人的分享會
- 物業管理個案分享會
- 有關電訊業投訴的分享會
- 網絡安全及數碼鑑證調查的分享會
- 循規及審計的培訓
- 面對職場語言暴力的培訓
- 壓力及情緒管理的培訓
- 領導力基本原則的培訓
- 互聯網及網絡調查的培訓

Our Administration Division was committed to building and maintaining a professional team of the standard expected of us. We are delighted to share our achievements:

STAFF PROMOTION AND TRAINING

The PCPD is dedicated to supporting the career development of all staff through training and promotion. In 2015-16, 10 staff members were promoted.



To equip staff at different levels with the necessary knowledge and skill in order to meet the new challenges and changing needs ahead, the PCPD continued to organise a wide range of in-house training programmes during the year, including the following:

- Induction programmes for new recruits
- IT and privacy seminars
- MPF seminar
- Briefing session on the Guidance on Personal Data Protection in Cross-border Data Transfer
- Briefing session on CCTV surveillance
- Briefing session on commencement date for the Electronic Health Record Sharing System Ordinance
- Briefing session on the Electronic Health Record Sharing System leaflets and the new Standing Instruction
- Sharing session on direct marketing and cyber-bullying
- Sharing session on data access request cases
- Sharing session on human resource management-related complaint cases
- Sharing session on recent Administrative Appeals Board cases
- Sharing session on managing complainants
- Sharing session on cases relating to property management
- Sharing session on complaints relating to telecommunications industry
- Sharing session on cybersecurity and digital forensics investigation
- Training on compliance and audit
- Training on tackling verbal violence in the workplace
- Training on stress and EQ management
- Training on leadership fundamentals
- Training on Internet and network investigation

招聘

公署在本年度增聘了人手，為不同職系進行了五次公開招聘，以應付公眾對公署的專業及優質服務的要求。年內共有12名新職員加入公署各部門。

RECRUITMENT

To cope with the rising demand for professional and high quality services, we strengthened our workforce and conducted five open-recruitment exercises for various grades during the year. As a result, 12 new staff joined the PCPD in various divisions.

新入職員工 Newcomer

我主要的職責是協助處理公署的收支和賬目。在工作中，我認識到不同部門的同事，很感謝同事們的熱心幫助。在加入公署之前的商業機構工作經驗中，我對私隱法例是模糊不清的。但是，我加入公署已經一年了，很高興在這裡除了可以學習到不同範疇的會計知識外，更清晰地認識到《個人資料（私隱）條例》。

I am mainly responsible for assisting in handling the PCPD's financial and accounting matters. I am grateful that colleagues of different divisions have helped me a lot at work. Before joining the PCPD, I was not familiar with the privacy law as I had been working in the commercial sector. But after one year's work here, I am happy that I have learnt about the Personal Data (Privacy) Ordinance in addition to acquiring accounting knowledge of different aspects.

楊笑琴
行政助理（財務）
Candy YEUNG
Administrative Assistant (Finance)

內部循規審查

公署致力提高企業管治水平，自2011年起每年進行內部循規審查以：

- (a) 確定會計、財務、採購及行政方面的既定管控程序是否獲得適當遵從；
- (b) 識別不正常及沒有遵從規定的情況；及
- (c) 就改善內部的管控作出建議。

INTERNAL COMPLIANCE CHECK

As part of a package of improvement measures to enhance corporate governance, the PCPD set up an Internal Compliance Check mechanism since 2011. Annual checking is conducted:

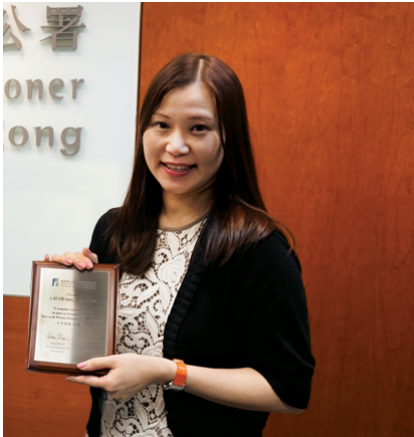
- (a) to confirm whether established control procedures for the accounting, finance, procurement and administrative functions were being properly followed;
- (b) to identify irregularities or cases of non-compliance; and
- (c) to make recommendations on the improvement of internal controls.

2015年，來自不同部門的四名員工獲委任為查核人員，對2014-15年度的相關記錄進行循規審查，然後直接向私隱專員匯報結果。是次審查發現些微的不正常情況，公署已作出適當的改善及跟進行動，以提高內部管理及企業管治。審查結果亦呈交個人資料（私隱）諮詢委員會。委員讚賞公署透過循規審查，成功提升企業管治，並稱讚公署以專業態度進行整項工作。

In 2015, four officers from different divisions were appointed to conduct compliance checks of the 2014-15 records and report their findings directly to the Commissioner. Some minor irregularities were spotted and appropriate remedial and other follow-up actions were taken to enhance the PCPD's internal management and corporate governance. The findings were also presented to the Personal Data (Privacy) Advisory Committee. Members appreciated the PCPD's success in enhancing corporate governance through the compliance checks and commended that the 2015 exercise was conducted in a professional manner.

長期服務員工獎

我們每年舉辦長期服務員工嘉許禮，以表揚同事多年來忠誠服務。在2015至16年度，共有六名員工獲獎。



黎智敏女士是其中一位獲獎員工，她已為公署服務逾十載。
Ms Joyce Lai was one of the staff members who received the awards. She has been serving in the PCPD for more than a decade.

LONG SERVICE AWARDS FOR STAFF MEMBERS

A Long Service Award presentation is held annually to recognise staff members for their loyalty, commitment and diligence. In 2015-16, six staff members received the awards.

嘉許

公署接獲 36 封／個來自公眾及海外資料保障機構的感謝信及讚賞。

COMMENDATIONS

Thirty-six appreciation letters and compliments were received from members of the public and overseas data protection authorities for the performance of the staff of the PCPD during the report year.

感言 Sharing



陳慧兒
個人資料人事主任
Zuki CHAN
Personal Data Executive
(Personnel)

2015年對人事組而言，是充滿挑戰的一年。新的人力資源方向和政策不僅帶領公署進入新時代去履行法定的職能，亦為人事組帶來嶄新的經驗。感謝各同事的合作，讓每個挑戰成為寶貴的學習機遇，令我們的團隊更為成熟、專業，在處理各項與人力資源管理有關的事務上更具效率及效能。

在未來的日子，人事組會繼續力臻完善，服務公眾及公署每一位同事。

2015 was a year of challenges to the Personnel Unit. New human resources directives and policies not only brought the PCPD to a new era in discharging the statutory duties, but also enriched the Personnel Unit with many brand new experiences. Thankful to the good spirit of our team which made every project a valuable opportunity of learning, we have become more and more mature and professional in handling every issue regarding human resource management in an effective and efficient manner.

In the days ahead, our team would continue to strive for excellence in delivering our services to both internal and external customers of the PCPD.

員工活動

公署在本年度為員工舉辦了不同的活動，促進同事間建立和諧的工作關係和團隊精神，包括匡智慈善曲奇義賣、中秋節午餐聚會及聖誕聯歡會。

STAFF ACTIVITIES

To foster a harmonious working relationship and team spirit among staff members, various activities were organised during the year, including a Hong Chi Charity Cookies Sale, a lunch gathering for the Mid-autumn Festival, and a Christmas Party.



財務報表

Financial Statements

問責及具透明度

每年度公佈的財務報表顯示公署是本着問責及具透明度的原則理財。我們保持高水平的企業管治，善用資源，以符合經濟、效率及效益。

Accountability and Transparency

The publication of our annual financial statements is a manifestation of the accountability and transparency which are the foundation of our financial management. We maintain high standards of corporate governance and maximise the utilisation of resources to achieve economy, efficiency and effectiveness.



獨立核數師報告

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)

本核數師(以下簡稱「我們」)已審核列載於第158至175頁個人資料私隱專員的財務報表，此財務報表包括於2016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，以及主要會計政策概要及其他附註解釋資料。

個人資料私隱專員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布的《香港財務報告準則》編製財務報表，以令財務報表作出真實而公平的反映，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。

核數師的責任

我們的責任是根據我們的審核對該等財務報表作出意見，並根據雙方同意的條款僅向個人資料私隱專員報告，除此之外本報告別無其他目的。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。我們已根據香港會計師公會頒布的《香港審計準則》進行審核。該等準則要求我們遵守道德規範，並規劃及執行審核，以合理確定此等財務報表是否不存在任何重大錯誤陳述。

審核涉及執执行程序以獲取有關財務報表所載金額及披露資料的審核憑證。所選定的程序取決於核數師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，核數師考慮與該機構編製財務報表以作出真實而公平的反映相關的內部控制，以設計適當的審核程序，但目的並非為對其內部控制的有效性發表意見。審核亦包括評價個人資料私隱專員所採

INDEPENDENT AUDITORS' REPORT

TO THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A corporation sole in Hong Kong established under the Personal Data (Privacy) Ordinance)

We have audited the financial statements of The Privacy Commissioner for Personal Data (the "PCPD") set out on pages 158 to 175, which comprise the statement of financial position as at 31 March 2016, and the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

The Privacy Commissioner's responsibility for the financial statements

The Privacy Commissioner is responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants, 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.

Auditors' responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. This report is made solely to you, in accordance with our agreed terms of engagement, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report. We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion

用的會計政策的合適性及作出會計估計的合理性，以及評價財務報表的整體列報方式。

我們相信，我們所獲得的審核憑證能充足和適當地為我們的審核意見提供基礎。

意見

我們認為，該等財務報表已根據《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2016年3月31日的事務狀況及截至該日止年度的虧損及現金流量。

on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Privacy Commissioner, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements give a true and fair view of the financial position of the PCPD as at 31 March 2016, and of its deficit and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

國衛會計師事務所有限公司
執業會計師

許振強
執業證書號碼：P05447

香港 2016年8月10日

HLB Hodgson Impey Cheng Limited
Certified Public Accountants

Hui Chun Keung, David
Practising Certificate Number: P05447

Hong Kong, 10 August 2016

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

		附註 Notes	2016	2015
收入	Income			
政府補助金	Government subventions	5	76,199,911	73,035,445
顧問費收入	Consultancy fee income	18	168,000	–
有關電子健康紀錄 互通系統執法工作的 政府資助金	Government funding for enforcement work related to the Electronic Health Record Sharing System		949,375	–
銀行利息	Bank interest		170,600	204,902
講座收費	Seminar fees		1,113,100	1,275,400
會員費	Membership fees		97,500	116,100
光碟及刊物銷售	Sales of compact discs and publications		–	2,450
會議收入	Conference income		103,600	–
處置物業、機器及 設備的收益	Gain on disposal of property, plant and equipment		–	12,450
雜項收入	Miscellaneous income		26,259	22,927
			78,828,345	74,669,674
支出	Expenditure			
核數師酬金	Auditors’ remuneration		60,000	60,000
行政費用	Administrative expenses		1,406,428	1,520,754
顧問服務	Consultancy services		190,000	373,750
物業、機器及 設備的折舊	Depreciation of property, plant and equipment			
• 由其他資金來源支付	• financed by other sources of funds	9	363,254	384,567
• 由資本補助金支付	• financed by capital subvention fund	9	193,407	471,445
僱員福利支出	Employee benefit expenses	6	61,945,561	57,935,251
辦公室的營運 租賃租金	Operating lease rentals in respect of office premises		7,419,526	7,285,386
海外訪問／會議支出	Overseas visit / conference		434,936	230,055
宣傳推廣及教育支出	Promotion and education expenses		5,044,268	2,521,855
法律協助計劃	Legal assistance scheme		53,900	19,106
處置物業、機器及 設備的損失	Loss on disposal of property, plant and equipment		1,764	–
其他營運費用	Other operating expenses		2,268,035	3,747,892
			79,381,079	74,550,061
年內（虧損）／盈餘及 全面（支出）／收益總額	(Deficit)/surplus and total comprehensive (expense)/income for the year		(552,734)	119,613

附註屬本財務報表的組成部分。
The accompanying notes form an integral part of these financial statements.

財務狀況表 STATEMENT OF FINANCIAL POSITION

於2016年3月31日（以港元計算） At 31 March 2016 (in HK dollars)

		附註 Notes	2016	2015
資產	Assets			
非流動資產	Non-current assets			
物業、機器及設備	Property, plant and equipment	9	963,198	1,042,688
流動資產	Current assets			
存貨	Inventories	11	15,800	15,800
其他應收款項、按金及 預付款項	Other receivables, deposits and prepayments		412,504	384,612
銀行結存及現金	Bank balances and cash	12	24,539,659	29,120,708
			24,967,963	29,521,120
資產總額	Total assets		25,931,161	30,563,808
資金	Funds			
一般儲備	General reserve	13	12,836,437	13,389,171
負債	Liabilities			
非流動負債	Non-current liabilities			
政府的約滿酬金補助款	Government subvention for gratuity	14	3,347,936	3,560,974
職員約滿酬金撥備	Provision for staff gratuity	15	1,839,910	370,902
資本補助金	Capital subvention fund	16	197,256	392,237
			5,385,102	4,324,113
流動負債	Current liabilities			
其他應付款項及 應計費用	Other payables and accruals		909,925	1,237,420
職員約滿酬金撥備	Provision for staff gratuity	15	1,486,548	4,495,413
未放取年假撥備	Provision for unutilised annual leave		991,149	1,293,800
預收政府補助金	Government subvention received in advance	17	1,970,000	4,273,891
預收政府費用	Government fee received in advance	18	2,352,000	1,550,000
			7,709,622	12,850,524
負債總額	Total liabilities		13,094,724	17,174,637
資金及負債總額	Total funds and liabilities		25,931,161	30,563,808

本財務報表已於2016年8月10日獲個人資料私隱專員批准及授權刊發。
The financial statements were approved and authorised for issue by the Privacy Commissioner on 10 August 2016.

黃繼兒 Stephen Kai-yi WONG
香港個人資料私隱專員 Privacy Commissioner for Personal Data, Hong Kong

附註屬本財務報表的組成部分。
The accompanying notes form an integral part of these financial statements.

資金變動表 STATEMENT OF CHANGES IN FUNDS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

		全面收益表 Statement of comprehensive income	一般儲備 General reserve (附註 Note 13)	資金總計 Total funds
於2014年4月1日	At 1 April 2014	–	13,269,558	13,269,558
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	119,613	–	119,613
調撥	Transfer	(119,613)	119,613	–
於2015年3月31日及 2015年4月1日	At 31 March 2015 and 1 April 2015	–	13,389,171	13,389,171
年內虧損及全面 支出總額	Deficit and total comprehensive expense for the year	(552,734)	–	(552,734)
調撥	Transfer	552,734	(552,734)	–
於2016年3月31日	At 31 March 2016	–	12,836,437	12,836,437

附註屬本財務報表的組成部分。
The accompanying notes form an integral part of these financial statements.

現金流量表 STATEMENT OF CASH FLOWS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

	附註 Notes	2016	2015
營運活動的現金流量	Cash flows from operating activities		
年內（虧損）／ 盈餘	(Deficit) / surplus for the year	(552,734)	119,613
調整：	Adjustments for:		
• 折舊支出	• Depreciation expense	556,661	856,012
• 處置物業、機器及設備 的損失／（收益）	• Loss / (gain) on disposal of property, plant and equipment	1,764	(12,450)
• 利息收入	• Interest income	(170,600)	(204,902)
營運資本變動：	Changes in working capital:		
• 其他應收款項、 按金及預付款項	• Other receivables, deposits and prepayments	(33,624)	(95,031)
• 政府的約滿酬金補助款	• Government subvention for gratuity	(213,038)	(62,741)
• 職員約滿酬金撥備	• Provision for staff gratuity	(1,539,857)	1,801,564
• 資本補助金	• Capital subvention fund	(194,981)	(105,925)
• 其他應付款項及應計費用	• Other payables and accruals	(327,495)	561,261
• 未放取年假撥備	• Provision for unutilised annual leave	(302,651)	193,645
• 預收政府補助金	• Government subvention received in advance	(2,303,891)	1,012,741
• 預收政府費用	• Government fee received in advance	802,000	1,550,000
營運活動（所用）／ 所得現金淨額	Net cash (used in) / generated from operating activities	(4,278,446)	5,613,787
投資活動的現金流量	Cash flows from investing activities		
收取利息	Interest received	176,332	174,376
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	(86,757)	12,521,898
購置物業、機器及 設備的付款	Payments for property, plant and equipment	(478,935)	(515,222)
投資活動（所用）／ 所得 現金淨額	Net cash (used in) / generated from investing activities	(389,360)	12,181,052
現金及現金等值的（減少）／ 增加淨額	Net (decrease) / increase in cash and cash equivalents	(4,667,806)	17,794,839
年初的現金及現金等值	Cash and cash equivalents at beginning of the year	19,953,401	2,158,562
年底的現金及現金等值	Cash and cash equivalents at end of the year	15,285,595	19,953,401
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	12	24,539,659
三個月以上之短期 銀行存款	Short-term bank deposits with maturity more than three months		(9,254,064)
年底的現金及現金等值	Cash and cash equivalents at end of the year		15,285,595

附註屬本財務報表的組成部分。
The accompanying notes form an integral part of these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

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號陽光中心12樓。

本財務報表的金額是以港元呈列，而港元同樣是個人資料私隱專員的功能貨幣。

2. 重要會計政策概要

編製本財務報表時應用的主要會計政策載於下文。除另有註明外，該等政策已貫徹地應用於所有年度。

2.1 編製基準

個人資料私隱專員的財務報表是依據香港會計師公會頒布的所有適用的《香港財務報告準則》編製。除下述會計政策另有指定外，本財務報表是以歷史成本常規法編製。

遵照《香港財務報告準則》編製本財務報表時，需要作出若干關鍵的會計估計。管理層亦需要在應用個人資料私隱專員的會計政策時作出判斷。本財務報表所涉及的重要判斷或高度複雜的範疇，或所作假設及估計對本財務報表有重大影響的範疇於附註4披露。

香港會計師公會頒布了若干在個人資料私隱專員的本會計期間首次生效的新訂及經修訂的《香港財務報告準則》。採納這些《香港財務報告準則》的修訂對個人資料私隱專員在本財務報表所應用的會計政策無重大變更。

截至本財務報表刊發日，香港會計師公會頒布了多項截至2016年3月31日止的年度尚未生效，亦沒有在本財務報表採用之修訂及新準則。

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, Sunlight Tower, 248 Queen’s Road East, Wanchai, Hong Kong.

These financial statements are presented in Hong Kong dollars (“HK\$”), which is the same as the functional currency of the PCPD.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

2.1 Basis of preparation

The financial statements of the PCPD have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (“HKFRSs”) issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”). The financial statements have been prepared under the historical cost convention except as otherwise stated in the accounting policies set out below.

The preparation of financial statements in conformity with HKFRS requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the PCPD’s accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are disclosed in note 4.

The HKICPA has issued certain new and revised HKFRSs that are first effective for the current accounting period of the PCPD. The adoption of these amendments to HKFRSs did not result in significant changes to the PCPD’s accounting policies applied in these financial statements for the years presented.

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments and new standards which are not yet effective for the year ended 31 March 2016 and which have not been adopted in these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

2. 重要會計政策概要（續）

2.1 編製基準（續）

個人資料私隱專員尚未詳細分析這些修訂及新準則的影響，但在完成詳細檢討之前，仍未能確定這些修訂及新準則會否對未來的財務報表有重大影響。

2.2 物業、機器及設備

物業、機器及設備按歷史成本扣除累積折舊和減值虧損列帳。歷史成本包括收購有關項目直接應佔的開支。

租約物業裝修的折舊是按租約年期或其估計可供個人資料私隱專員使用的年期（取其較短者），將其成本扣除累積折舊及減值虧損撇銷。

其他物業、機器及設備的折舊按以下的估計可用年期，以直線法將成本分攤至剩餘價值計算：

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

資產的剩餘價值及可用年期在每個報告期末進行檢討，並在適當時調整。

如資產的帳面值高於估計的可收回金額，資產的帳面值會立即撇減至可收回金額（附註 2.3）。

處置之盈虧是透過比較銷售所得款項與帳面值而釐定，並於全面收益表中確認。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.1 Basis of preparation (continued)

The PCPD has not yet performed a detailed analysis of the impact of these amendments and new standards and is not yet in a position to state whether these amendments and new standards would have significant impact on the future financial statements until a detailed review has been completed.

2.2 Property, plant and equipment

Property, plant and equipment is stated at historical cost less accumulated depreciation and impairment losses. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Depreciation of leasehold improvements is calculated to write-off their costs less accumulated depreciation and impairment losses over the periods of the leases or their expected useful lives to the PCPD, whichever is shorter.

Depreciation of other property, plant and equipment is calculated using the straight-line method to allocate their cost to their residual values over their estimated useful lives, as follows:

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

The assets’ residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset’s carrying amount is written down immediately to its recoverable amount if the asset’s carrying amount is greater than its estimated recoverable amount (Note 2.3).

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in the statement of comprehensive income.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

2. 重要會計政策概要（續）

2.3 非金融資產減值

當發生事情或情況變動，顯示帳面值未必能收回時，資產會就減值進行檢討。減值虧損按資產帳面值超出其可收回金額之差額確認入帳。可收回金額為資產公平值扣除出售成本或使用價值（取較高者）。為減值評估時，資產按獨立可識別現金流量（現金產生單位）的最低水平歸類。出現減值的非金融資產於每個報告日期檢討減值撥回的可能性。

2.4 金融資產

2.4.1 分類

個人資料私隱專員將其金融資產分為貸款及應收款項。分類視乎取得有關金融資產的目的而定，個人資料私隱專員會於首次確認金融資產時釐定其所屬類別。

貸款及應收款項

貸款及應收款項是指具有固定或可以確定付款額，但在活躍市場沒有報價的非衍生金融資產。這些資產會列入流動資產內，惟於報告期末十二個月以後結算或預算結算的資產，則列作非流動資產。個人資料私隱專員的貸款及應收款項包括財務狀況表中的其他應收款項及按金和銀行結存及現金。

2.4.2 確認和計量

按慣例買賣金融資產是於交易日(即個人資料私隱專員承諾買賣資產的日期)入帳。所有非按公平值列入溢利或虧損之金融資產的投資最初按公平值加交易成本確認。當從投資所得的現金流入之權利已過或已轉讓，而個人資料私隱專員已將擁有權的所有風險和回報實際轉讓時，金融資產即終止確認。貸款及應收款項其後以實際利率法按攤銷成本列帳。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.3 Impairment of non-financial assets

Assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset’s carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset’s fair value less costs of disposal and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

2.4 Financial assets

2.4.1 Classification

The PCPD classifies its financial assets in the category of loans and receivables. The classification depends on the purpose for which the financial assets were acquired. The PCPD determines the classification of its financial assets at initial recognition.

Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for the amounts that are settled or expected to be settled more than 12 months after the end of the reporting period. These are classified as non-current assets. The PCPD’s loans and receivables comprise other receivables and deposits and bank balances and cash in the statement of financial position.

2.4.2 Recognition and measurement

Regular way purchases and sales of financial assets are recognised on the trade-date – the date on which the PCPD commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets are derecognised when the rights to receive cash flows from the investments have expired or have been transferred and the PCPD has transferred substantially all risks and rewards of ownership. Loans and receivables are subsequently carried at amortised cost using the effective interest method.

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2. 重要會計政策概要（續）

2.5 金融資產減值

按攤銷成本列帳的資產

個人資料私隱專員會於每個報告期末評估是否存在客觀證據證明某項金融資產或一組金融資產出現減值。惟當有客觀證據證明於首次確認資產後發生一宗或多宗事件導致減值出現（「虧損事件」），而該宗（或該等）虧損事件對該項或該組金融資產之估計未來現金流量構成可合理估計的影響，有關的金融資產才算出現減值及產生減值虧損。

減值證據可包括債務人或一組債務人出現重大財政困難、逾期支付或拖欠利息或本金、可能破產或進行其他財務重組，以及有明顯的資料顯示估計之未來現金流量出現可計算的跌幅，例如欠款變動或與拖欠相關聯的經濟狀況。

貸款及應收款的虧損金額是以資產的帳面值與按金融資產原來的實際利率折算估計之未來現金流量（不包括未產生的日後信貸虧損）所得的現值兩者間之差額計量。資產的帳面值被銷減，虧損金額則於全面收益表內確認。倘貸款或持至到期投資按浮動利率計息，計量任何減值虧損之折現率則為合約下釐定的即期實際利率。作為可行的權宜之計，個人資料私隱專員可按某工具可觀察得到之市價為公平值之基礎計算其減值。

如於繼後期間，減值虧損金額減少，同時客觀地與減值獲確認後發生的事項相關（例如債務人的信貸評級改善），則將過往確認的減值虧損撥回，於全面收益表中確認。

2.6 存貨

存貨以成本值和可變現淨值之較低者入帳。成本值以先進先出法釐定。可變現淨值是按正常營運過程中的估計售價，減去適用的變動銷售開支計算。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.5 Impairment of financial assets

Assets carried at amortised cost

The PCPD assesses at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired. A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a “loss event”) and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

Evidence of impairment may include indications that the debtors or group of debtors is experiencing significant financial difficulty, default or delinquency in interest or principal payments, the probability that they will enter bankruptcy or other financial reorganisation, and where observable data indicate that there is a measurable decrease in the estimated future cash flows, such as changes in arrears or economic conditions that correlate with defaults.

For loans and receivables category, the amount of the loss is measured as the difference between the asset’s carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset’s original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in the statement of comprehensive income. If a loan or held-to-maturity investment has a variable interest rate, the discount rate for measuring any impairment loss is the current effective interest rate determined under the contract. As a practical expedient, the PCPD may measure impairment on the basis of an instrument’s fair value using an observable market price.

If, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised (such as an improvement in the debtor’s credit rating), the reversal of the previously recognised impairment loss is recognised in the statement of comprehensive income.

2.6 Inventories

Inventories are stated at the lower of cost and net realisable value. Cost is determined using the first-in, first-out method. Net realisable value is the estimated selling price in the ordinary course of operations, less applicable variable selling expenses.

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2. 重要會計政策概要（續）

2.7 其他應收款項

如其他應收款項預期將在一年或一年以內收回（或如屬更長期間，則在個人資料私隱專員的正常營運週期內），則分類為流動資產。否則，則呈列為非流動資產。

其他應收款項最初按公平值確認，其後則採用實際利率法按已攤銷成本扣除減值撥備計算。

2.8 現金及現金等值

在現金流量表中，現金及現金等值包括手頭現金、銀行通知存款和原本到期日在三個月內的短期高流動性投資。

2.9 其他應付款項

如其他應付款項的付款到期日在一年或一年以內（或如屬更長期間，則在個人資料私隱專員的正常營運週期內），則分類為流動負債。否則，則呈列為非流動負債。

其他應付款項最初按公平值確認，其後則採用實際利率法按攤銷成本計算。

2.10 僱員福利

- (a)

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待產假不作確認，直至僱員放取該等假期時才予以確認。
- (b)

退休金責任
個人資料私隱專員已在香港設立強制性公積金計劃（「強積金計劃」）。強積金計劃內的資產分開存放在由信託人管理的基金內。個人資料私隱專員於供款後，便再沒有其他付款的責任。該等供款於到期時確認為僱員福利支出。預付供款按照現金退款或可扣減未來供款而確認為資產。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.7 Other receivables

If collection of other receivables is expected in one year or less (or in the normal operating cycle of the PCPD if longer), they are classified as current assets. If not, they are presented as non-current assets.

Other receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment.

2.8 Cash and cash equivalents

In the statement of cash flows, cash and cash equivalents include cash in hand, deposits held at call with banks and other short-term highly liquid investments with original maturities of three months or less.

2.9 Other payables

Other payables are classified as current liabilities if payment is due within one year or less (or in the normal operating cycle of the PCPD if longer). If not, they are presented as non-current liabilities.

Other payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

2.10 Employee benefits

- (a)

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.
- (b)

Pension obligations
The PCPD has established a mandatory provident fund scheme (“MPF Scheme”) in Hong Kong. The assets of the MPF Scheme are held in separate trustee-administered funds. The PCPD has no further payment obligations once the contributions have been paid. The contributions are recognised as employee benefit expense when they are due. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

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2. 重要會計政策概要（續）

2.11 撥備

個人資料私隱專員因過往事件而須履行法律或推定責任，而較可能需要有資源流出以償付責任，以及金額已經可靠估計時，須作撥備。未來的營運損失不會作撥備。

如有多項類似責任，償付責任而引致資源流出的可能性，是根據責任的類別作整體考慮。即使相同類別責任中任何一個項目引致資源流出的可能性不大，仍須作出撥備。

2.12 收入確認

- (a)

政府補助金
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。
- (b)

銀行利息收入
銀行利息收入以實際利率方式按時間比例計算。
- (c)

講座和會議收費及會員費收入
講座和會議收費及會員費收入按應計制確認。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.11 Provisions

Provisions are recognised when the PCPD has a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

2.12 Income recognition

- (a)

Government subventions
Subventions from the government 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.

Governmentsubventionsrelatingtothepurchaseofproperty, 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.
- (b)

Bank interest income
Bank interest income is recognised on a time proportion basis using the effective interest method.
- (c)

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

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2. 重要會計政策概要（續）

2.12 收入確認（續）

(d) 光碟及刊物銷售
光碟及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。

(e) 顧問費收入及有關電子健康紀錄互通系統執法工作的政府資助金
顧問費收入是在提供服務的期間在全面收益表確認。

有關電子健康紀錄互通系統執法工作的政府資助金是在須與擬補償的成本產生時，在全面收益表確認。

2.13 營運租賃

擁有權的大部分風險及得益由出租人保留的租約屬於營運租賃。根據營運租賃繳付的款額（扣除自出租人收取的任何獎勵後），均按租賃期在全面收益表中以直線法支銷。

3 財務風險管理

3.1 財務風險因素

風險管理是由個人資料私隱專員的財務部門根據個人資料私隱專員核准的政策進行。財務部門識別及評估財務風險，並為全面的風險管理提供程序指引。

個人資料私隱專員的活動不會承受外匯風險、信貸風險及流動資金風險。關於利率風險，除了以市場利率計息的短期銀行存款外，個人資料私隱專員並無其他重大的計息資產及負債。因此，個人資料私隱專員的收入和營運現金流量大致上不受市場利率波動的影響，而涉及的現金流量及公平值利率的風險亦較低。

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

2.12 Income recognition (continued)

(d) Sales of compact discs and publications
Income from the sales of compact discs and 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.

(e) Consultancy fee income and Government funding for enforcement work related to the Electronic Health Record Sharing System (“EHRSS”)
Consultancy fee income is recognised in the statement of comprehensive income in the same periods in which the services are provided.

Government funding for enforcement work related to the EHRSS is recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

2.13 Operating leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the statement of comprehensive income on a straight-line basis over the period of the lease.

3. FINANCIAL RISK MANAGEMENT

3.1 Financial risk factors

Risk management is carried out by the finance department of the PCPD under policies approved by the PCPD. The finance department identifies and evaluates financial risks and provides procedural guidelines for overall risk management.

The PCPD’s activities do not expose it to foreign exchange risk, credit risk and liquidity risk. For interest-rate risk, except for the short-term bank deposits which bear interest at market rates, the PCPD has no other significant interest-bearing assets and liabilities. Accordingly, the PCPD’s income and operating cash flows are substantially independent of changes in market interest rates and the exposure to cash flow and fair value interest rate risk is low.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2016年3月31日止年度（以港元計算） For the year ended 31 March 2016 (in HK dollars)

3 財務風險管理（續）

3.1 財務風險因素（續）

(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。有關個人資料私隱專員金融資產的最高信貸風險程度為財務狀況表內現金及現金等值和其他應收款項及按金的帳面值。

關於銀行現金存款，財務部門主要將存款存放於具信譽的銀行，以管理信貸風險。

(b) 流動資金風險
審慎的流動資金風險管理包括保持充足的現金。

下表按有關到期日組別分析個人資料私隱專員的金融負債，是根據於每個報告期至合約到期日的餘下期間計算。該表所披露的金額為合約未貼現現金流量。

3. FINANCIAL RISK MANAGEMENT (CONTINUED)

3.1 Financial risk factors (continued)

(a) Credit risk
The PCPD has no significant concentration of credit risk. The carrying amounts of cash and cash equivalents and other receivables and deposits included in the statement of financial position represent the PCPD’s maximum exposure to credit risk in relation to its financial assets.

For cash deposits with banks, the finance department manages the credit risk by placing mainly the deposits with reputable banks.

(b) Liquidity risk
Prudent liquidity risk management includes maintaining sufficient cash.

The table below analyses the PCPD’s financial liabilities into relevant maturity groupings based on the remaining period at each reporting period to the contractual maturity date. The amounts disclosed in the table are the contractual undiscounted cash flows.

		即時到期 或一年以下 On demand or less than 1 year	一年以上 More than 1 year	總計 Total
2016				
政府的約滿酬金補助款	Government subvention for gratuity	–	3,347,936	3,347,936
其他應付款項及應計費用	Other payables and accruals	909,325	–	909,325
		909,325	3,347,936	4,257,261
2015				
政府的約滿酬金補助款	Government subvention for gratuity	–	3,560,974	3,560,974
其他應付款項及應計費用	Other payables and accruals	661,000	–	661,000
		661,000	3,560,974	4,221,974

3.2 資本管理

個人資料私隱專員的資本管理目標是為確保個人資料私隱專員的持續運作能力，以維持理想的資本架構。個人資料私隱專員由2015年至今整體策略維持不變。

3.2 Capital management

The PCPD’s objectives when managing capital are to safeguard the PCPD’s ability to continue as a going concern in order to maintain an optimal fund structure. The PCPD’s overall strategy remains unchanged from 2015.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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3. 財務風險管理（續）

3.3 公平值估計

應收款項及應付款項的帳面值扣除減值撥備的金額，是其公平值的合理約數。所有金融工具入帳之金額，與2016年及2015年3月31日的公平值並無重大差異。

4. 重要會計估計及判斷

估計及判斷是根據過往經驗及其他因素（包括在相關情況下對未來事件的合理預測）持續地作出評估。

個人資料私隱專員會對將來作出估計及假設。嚴格而言，所產生的會計估計甚少與有關的實際結果完全相同。不過，對於本財務報表所作出的估計及假設，個人資料私隱專員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. 政府補助金

		2016	2015
經常性及非經常性	Recurrent and non-recurrent	76,004,930	72,564,000
資本補助金（附註16）	Capital subvention fund (Note 16)	194,981	471,445
		76,199,911	73,035,445

6. 僱員福利支出

		2016	2015
薪酬	Salaries	52,445,074	48,478,844
約滿酬金及其他津貼	Gratuities and other allowances	8,452,956	7,971,022
強積金計劃供款	Contributions to MPF Scheme	1,350,182	1,291,740
未放取年假撥備	Provision for unutilised annual leave	(302,651)	193,645
		61,945,561	57,935,251

7. 主要管理人員的報酬

		2016	2015
短期僱員福利	Short-term employee benefits	14,876,183	14,770,986
離職後福利	Post-employment benefits	1,813,939	1,792,336
		16,690,122	16,563,322

3. FINANCIAL RISK MANAGEMENT (CONTINUED)

3.3 Fair value estimation

The carrying values less impairment provision of receivables and payables are a reasonable approximation of their fair values. All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2016 and 2015.

4. CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENTS

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

The PCPD makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. However, there are no estimates or assumptions used on these financial statements that the Privacy Commissioner expects will have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

5. GOVERNMENT SUBVENTIONS

6. EMPLOYEE BENEFIT EXPENSES

		2016	2015
薪酬	Salaries	52,445,074	48,478,844
約滿酬金及其他津貼	Gratuities and other allowances	8,452,956	7,971,022
強積金計劃供款	Contributions to MPF Scheme	1,350,182	1,291,740
未放取年假撥備	Provision for unutilised annual leave	(302,651)	193,645
		61,945,561	57,935,251

7. KEY MANAGEMENT COMPENSATION

		2016	2015
短期僱員福利	Short-term employee benefits	14,876,183	14,770,986
離職後福利	Post-employment benefits	1,813,939	1,792,336
		16,690,122	16,563,322

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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8. 所得稅支出

根據《個人資料(私隱)條例》附表2第6條，個人資料私隱專員獲豁免《稅務條例》下的徵稅。

9. 物業、機器及設備

8. INCOME TAX EXPENSE

The PCPD is exempt from taxation in respect of the Inland Revenue Ordinance by virtue of Schedule 2 Section 6 of the Personal Data (Privacy) Ordinance.

9. PROPERTY, PLANT AND EQUIPMENT

		汽車 Motor vehicle	電腦及軟件 Computers 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 Leasehold improvements	總計 Total
於2014年4月1日	At 1 April 2014						
成本	Cost	306,789	4,911,351	1,424,307	1,176,468	3,306,621	11,125,536
累積折舊	Accumulated depreciation	(306,788)	(4,147,997)	(1,152,531)	(988,182)	(3,159,010)	(9,754,508)
帳面淨值	Net book amount	1	763,354	271,776	188,286	147,611	1,371,028
截至2015年3月31日止年度	Year ended 31 March 2015						
期初帳面淨值	Opening net book amount	1	763,354	271,776	188,286	147,611	1,371,028
增加	Additions	468,900	27,849	17,275	13,648	–	527,672
處置	Disposals						
• 成本	• cost	(306,789)	(433,992)	(2,080)	–	–	(742,861)
• 累積折舊	• accumulated depreciation	306,789	433,992	2,080	–	–	742,861
折舊	Depreciation	(117,226)	(454,148)	(115,126)	(59,576)	(109,936)	(856,012)
期末帳面淨值	Closing net book amount	351,675	337,055	173,925	142,358	37,675	1,042,688
於2015年3月31日	At 31 March 2015						
成本	Cost	468,900	4,505,208	1,439,502	1,190,116	3,306,621	10,910,347
累積折舊	Accumulated depreciation	(117,225)	(4,168,153)	(1,265,577)	(1,047,758)	(3,268,946)	(9,867,659)
帳面淨值	Net book amount	351,675	337,055	173,925	142,358	37,675	1,042,688
截至2016年3月31日止年度	Year ended 31 March 2016						
期初帳面淨值	Opening net book amount	351,675	337,055	173,925	142,358	37,675	1,042,688
增加	Additions	–	179,145	43,160	38,380	218,250	478,935
處置	Disposals						
• 成本	• cost	–	(17,918)	–	(24,825)	–	(42,743)
• 累積折舊	• accumulated depreciation	–	17,918	–	23,061	–	40,979
折舊	Depreciation	(156,300)	(218,308)	(78,837)	(59,478)	(43,738)	(556,661)
期末帳面淨值	Closing net book amount	195,375	297,892	138,248	119,496	212,187	963,198
於2016年3月31日	At 31 March 2016						
成本	Cost	468,900	4,666,435	1,482,662	1,203,671	3,524,871	11,346,539
累積折舊	Accumulated depreciation	(273,525)	(4,368,543)	(1,344,414)	(1,084,175)	(3,312,684)	(10,383,341)
帳面淨值	Net book amount	195,375	297,892	138,248	119,496	212,187	963,198

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10. 按類別劃分的金融工具

10. FINANCIAL INSTRUMENTS BY CATEGORY

	附註 Notes	2016	2015
金融資產			
貸款及應收款項：	Financial assets		
貸款及應收款項：	Loans and receivables:		
包括於其他應收款項、按金及預付款項的金融資產	Financial assets included in other receivables, deposits and prepayments		
銀行結存及現金	Bank balances and cash	12	
		165,343	108,030
		24,539,659	29,120,708
金融負債	Financial liabilities		
按攤銷成本計算的金融負債：	Financial liabilities at amortised cost:		
政府的約滿酬金補助款	Government subvention for gratuity	14	
包含於其他應付款項及應計費用中的金融負債	Financial liabilities included in other payables and accruals		
		3,347,936	3,560,974
		909,325	661,000

11. 存貨

11. INVENTORIES

	2016	2015
培訓教材	15,800	15,800

12. 銀行結存及現金

12. BANK BALANCES AND CASH

	2016	2015
銀行及手頭現金	3,181,045	8,207,500
短期銀行存款	21,358,614	20,913,208
	24,539,659	29,120,708

銀行現金按每日銀行存款利率計息。短期銀行存款的存款期在182天內不等（2015年：186天內），視乎個人資料私隱專員當時的現金需要而定，並按有關的短期定期存款利率計息。

Cash at bank earns interest at floating rates based on daily bank deposit rates. Short-term bank deposits are made for varying periods within 182 days (2015: within 186 days) depending on the immediate cash requirements of the PCPD, and earn interest at the respective short-term time deposit rates.

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13. 一般儲備

13. GENERAL RESERVE

	2016	2015
於4月1日	13,389,171	13,269,558
由全面收益表撥入	(552,734)	119,613
於3月31日	12,836,437	13,389,171

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百分之二十。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 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.

14. 政府的約滿酬金補助款

14. GOVERNMENT SUBVENTION FOR GRATUITY

	2016	2015
於4月1日	3,560,974	3,623,715
年內確認的補助金	(5,357,889)	(4,957,201)
沒收款	54,851	74,460
已收政府的約滿酬金補助款	5,090,000	4,820,000
於3月31日	3,347,936	3,560,974

這代表就個人資料私隱專員的職員約滿酬金從政府收取的款項。

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

15. 職員約滿酬金撥備

15. PROVISION FOR STAFF GRATUITY

	2016	2015
於4月1日	4,866,315	3,064,751
已作出的撥備	5,357,889	4,957,201
未動用款項撥回	(54,851)	(74,460)
年內支付的數額	(6,842,895)	(3,081,177)
於3月31日	3,326,458	4,866,315
減：流動部分	(1,486,548)	(4,495,413)
非流動部分	1,839,910	370,902

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.

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16. 資本補助金

		汽車	電話系統 項目	電腦設備 項目	會計系統	裝修工程	總計
		Motor vehicle	Telephone system project	Computer equipment projects	Accounting system	Fitting-out works	Total
於2014年4月1日	At 1 April 2014	–	35,954	146,945	66,142	249,121	498,162
政府資本補助金	Government capital subvention	365,520	–	–	–	–	365,520
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	(91,380)	(35,705)	(145,620)	(62,267)	(136,473)	(471,445)
於2015年3月31日 及2015年4月1日	At 31 March 2015 and 1 April 2015	274,140	249	1,325	3,875	112,648	392,237
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	(121,840)	–	–	(2,868)	(68,699)	(193,407)
• 其他支出	• Other expense	–	(249)	(1,325)	–	–	(1,574)
於2016年3月31日	At 31 March 2016	152,300	–	–	1,007	43,949	197,256

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。

16. CAPITAL SUBVENTION FUND

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

17. 預收政府補助金

		2016	2015
於4月1日	At 1 April	4,273,891	3,261,150
已收政府的 額外補助金	Additional subvention received from Government	700,000	3,000,000
確認為收入的補助金	Subvention recognised as income	(3,003,891)	(1,987,259)
於3月31日	At 31 March	1,970,000	4,273,891

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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18. 預收政府費用

		2016	2015
於4月1日	At 1 April	1,550,000	–
已收政府的費用	Fee received from Government	970,000	1,550,000
確認為收入的費用	Fee recognised as income	(168,000)	–
於3月31日	At 31 March	2,352,000	1,550,000

預收政府費用指將於年結後向政府提供私隱管理系統的顧問服務而收取的費用，會遞延入帳及在提供服務的同一時期在全面收益表中確認為收入。

18. GOVERNMENT FEE RECEIVED IN ADVANCE

Government fee received in advance represents fee received in connection with the provision of consultancy on Privacy Management Programme to the Government to be provided after year end and is deferred and recognised as income in the statement of comprehensive income in the same periods in which the services are provided.

19. 營運租賃承擔

截至報告期末，個人資料私隱專員根據不可取消的營運租賃，在辦公室方面的未來最低租金付款總額如下：

		2016	2015
不超過一年	No later than one year	8,026,000	6,027,000
一年以上至五年內	Later than one year and no later than five years	6,689,000	–
		14,715,000	6,027,000

辦公室的營運租賃為期2年（2015年：2年）。

Operating leases relate to office premises with lease term of 2 years (2015: 2 years).

17. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

附錄一
Appendix 1



《個人資料（私隱）條例》旨在保障我們（作為資料當事人）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）須依從條例核心的**六項保障資料原則**，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命週期。

The objective of the Personal Data (Privacy) Ordinance is to protect the privacy rights of a person in relation to his personal data (Data Subject). 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 Ordinance and cover the entire life cycle of a piece of personal data.

個人資料

(1) 是關乎一名在世人士，並可識別該人士身份的資料；(2) 資料存在的形式令資料可讓人切實可行地查閱或處理。個人的姓名、電話號碼、地址、身份證號碼、相片、病歷和受僱紀錄等都是條例保護的個人資料。

Personal Data

(1) is the information which relates to a living person and can be used to identify that person, (2) exists in a form in which access to or processing is practicable. Examples of personal data protected by the Ordinance include names, phone numbers, addresses, identity card numbers, photos, medical records and employment records.

資料使用者

是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

Data User

is 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 its authorised data processor.

DPP

第1原則

收集資料原則
Data Collection Principle

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。

Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.

All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.

Data collected should be necessary but not excessive.

DPP

第2原則

資料準確及保留原則
Accuracy & Retention Principle

資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。

Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

DPP

第3原則

使用資料原則
Data Use Principle

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。

Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

DPP

第4原則

資料保安原則
Data Security Principle

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。

A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

DPP

第5原則

公開政策原則
Openness Principle

資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。

A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.

DPP

第6原則

查閱及改正原則
Data Access & Correction Principle

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。

A data subject must be given access to his personal data and to make corrections where the data is inaccurate.

附錄二
Appendix 2

公署發出的新聞稿
Media Statements Released by the PCPD

03.05.2015	關注私隱運動 ——「私隱 關我事！」 Privacy Awareness Week 2015 – “Privacy Matters”
11.05.2015	公署檢視網上收集青少年資料的行事方式 PCPD Examines Online Data Collection Practices Targeting Youngsters
13.05.2015	公署關注把學生短片上載到互聯網的事宜 PCPD’s Concern about Posting Video of Students Online
19.05.2015	公署的研究顯示兒童缺乏私隱意識 The PCPD’s Study Reveals a Lack of Privacy Awareness among Children
10.06.2015	大數據國際會議 數碼紀元 私隱保障不可或缺 International Conference on Big Data Highlights the Importance of Embracing Privacy in the Digital Era
10.06.2015	個人資料私隱專員公署與NymityInc.聯合新聞稿 —— 公布問責性基準調查結果 PCPD and Nymity Joint Release Hong Kong Accountability Benchmarking Micro-Study Results
12.06.2015	公報 —— 香港主持第四十三屆亞太區私隱機構論壇 Communique – 43rd APPA forum, Hong Kong
20.07.2015	新指引協助機構負責任地收集及使用生物辨識資料 New Guidance for the Responsible Collection and Use of Biometric Data
21.07.2015	私隱專員制裁42名刊登匿名招聘廣告的僱主 42 Employers Sanctioned for Placing Blind Recruitment Advertisements
21.07.2015	一間時裝貿易公司以監察員工考勤為由 過度及不公平收集僱員的指紋資料 Excessive and Unfair Collection of Employees’ Fingerprint Data by a Fashion Trading Company for Monitoring Staff Attendance
28.07.2015	大數據年代公署促請政府加強監控公共登記冊 Government Urged to Tighten Control of Public Registers in Era of Big Data
28.07.2015	調查顯示公眾對私隱權利的意識越見提高 Survey Reveals Heightened Public Awareness of Privacy Rights
30.07.2015	私隱專員向雲端使用者作出保障私隱的建議 Privacy Commissioner Advises Cloud Users on Privacy Concerns
31.07.2015	私隱專員向智能電話用戶作出保障私隱的建議 Privacy Commissioner Provides Advice to Address Smartphone Users’ Privacy Concerns
04.08.2015	個人資料私隱專員黃繼兒先生履新 Mr Stephen Kai-yi WONG takes office today as the Privacy Commissioner for Personal Data, Hong Kong
25.08.2015	收集及使用選民的個人資料進行競選活動 必須遵從私隱條例的規定 The Collection and Use of Personal Data of Voters in Electioneering Activities Must Comply with the Privacy Ordinance

(續 continued)

04.09.2015	抽查行動發現為青少年而設的網站及程式 收集個人資料的情況值得關注 Privacy Sweep Spots Concerns over Personal Data Collected by Websites and Apps Targeting Youngsters
09.09.2015	一間電訊服務供應商被控違反直接促銷新條文罪名成立 A Telecommunications Service Provider Convicted of an Offence under the New Direct Marketing Regulatory Regime
14.09.2015	一間公司未經客戶同意使用個人資料作直銷被罰款 A Company Fined for Using Personal Data in Direct Marketing without Customer’s Consent
25.09.2015	個人資料（私隱）諮詢委員會新成員名單公布 New Members of Personal Data (Privacy) Advisory Committee Appointed
13.10.2015	公署回應傳媒查詢：有關非接觸式信用卡外洩個人資料 Response to Media Enquiries: Personal Data Leakage Involving the Contactless Credit Cards
29.10.2015	私隱專員公署歡迎行政上訴委員會駁回 David Webb 先生的上訴 PCPD Welcomes Administrative Appeals Board’s Decision on Dismissing David Webb’s Appeal Case
03.11.2015	一間體檢公司因沒有依從拒收直銷訊息要求被判罰款 A Body Check Service Company Fined for the Failure to Comply with an Opt-Out Request
06.11.2015	把尊重個人資料文化帶入校園 Promoting “Respect Personal Data” Culture Across Campus
16.11.2015	區選候選人進行競選活動 必須遵從《個人資料（私隱）條例》的規定 Candidates of District Council Election Must Comply with the Personal Data (Privacy) Ordinance
01.12.2015	私隱專員促請以兒童為對象的網站及程式 應加強私隱保障 Privacy Commissioner Urges to Enhance Privacy Protection Measures on Websites and Mobile Apps Targeting at Children
01.12.2015	公署發放最新電視宣傳片 ——「慎留數碼腳印 智慧生活態度」 PCPD Launches the New TV API – “Stay Smart. Mind Your Digital Footprint”
01.12.2015	私隱專員公署就偉易達資料外洩事件展開循規審查 PCPD Initiates Compliance Check on VTech’s Data Leakage Incident
21.12.2015	公署舉辦「慎留數碼腳印 智慧生活態度」巡迴展覽 PCPD Stages the “Stay Smart. Mind Your Digital Footprint” Public Education Roadshow
23.12.2015	公署就 SanrioTown 網站的資料保安漏洞展開調查 PCPD Initiates Investigation into the Security Vulnerability of SanrioTown Website
30.12.2015	一名人士提供個人資料予他人作直接促銷罪名成立被判罰款 An Individual was Convicted and Fined for Providing Personal Data to Another for Use in Direct Marketing
26.01.2016	私隱專員公佈視察報告 鼓勵旅遊業界推行私隱管理系統 Privacy Commissioner Published Inspection Report to Encourage Travel Service Industry to Adopt Privacy Management Programme
26.01.2016	私隱投訴創新高 保障和尊重個人資料越見需要 Upward Trend in Privacy Complaints Sees Need for Personal Data Protection and Respect amongst Individuals and Organisations
26.01.2016	科技發展常務委員會新成員名單公布 New Members of Standing Committee on Technological Development Appointed

附錄三
Appendix 3

公署曾提供講座的機構*
Organisations* to which the PCPD delivered talks

政府及公營機構 Government and Public Bodies

機構	Organisation	日期 Date
1 香港機場管理局	Airport Authority Hong Kong	15.09.2015
2 屋宇署	Buildings Department	12.08.2015
3 政務司司長辦公室	Chief Secretary for Administration's Office	07.09.2015
4 建造業議會	Construction Industry Council	04.11.2015
5 香港懲教署	Correctional Services Department	27.10.2015 12.01.2016
6 教育局	Education Bureau	14.06.2015 30.06.2015 24.02.2016
7 地產代理監管局	Estate Agents Authority	15.06.2015 27.08.2015
8 醫院管理局港島東聯網	Hong Kong East Cluster, Hospital Authority	22.10.2015 20.01.2016
9 香港考試及評核局	Hong Kong Examinations and Assessment Authority	17.02.2016 31.03.2016
10 香港交易及結算所有限公司	Hong Kong Exchanges and Clearing Limited	04.12.2015
11 香港房屋協會	Hong Kong Housing Society	22.07.2015 10.08.2015 22.09.2015
12 香港生產力促進局	Hong Kong Productivity Council	13.10.2015
13 房屋署	Housing Department	08.01.2016
14 香港司法機構	Judiciary	09.03.2016
15 土地註冊處	Land Registry	26.01.2016
16 地政總署	Lands Department	19.10.2015 06.11.2015
17 香港特別行政區立法會秘書處	Legislative Council Secretariat	19.05.2015 01.12.2015
18 保安局禁毒處	Narcotics Division, Security Bureau	20.10.2015
19 通訊事務管理局辦公室	Office of the Communications Authority	28.07.2015
20 香港申訴專員公署	Office of the Ombudsman Hong Kong	06.07.2015
21 香港電燈有限公司	Hongkong Electric Co., Ltd.	01.04.2015
22 工業貿易署	Trade and Industry Department	14.01.2016
23 市區重建局	Urban Renewal Authority	23.09.2015
24 在職家庭津貼辦事處	Working Family Allowance Office	03.02.2016 07.03.2016

私營機構 Private Sector Organisations

機構	Organisation	日期 Date
1 屈臣氏實業	A.S. Watson Industries	19.11.2015
2 友邦保險（國際）有限公司	AIA International Limited	15.09.2015
3 友邦退休金管理及信託有限公司	AIA Pension and Trustee Company Limited	13.11.2015 30.10.2015
4 碧瑤綠色集團有限公司	Baguio Green Group Limited	25.08.2015
5 藍十字（亞太）保險有限公司	Blue Cross (Asia-Pacific) Insurance Limited	21.05.2015
6 華潤物業管理有限公司	China Resources Property Management Limited	17.11.2015
7 中信証券國際有限公司	CITIC Securities International Company Limited	03.03.2016
8 中信國際電訊（信息技術）有限公司	CITIC Telecom International CPC Limited	05.06.2015
9 敦豪國際速遞（香港）有限公司	DHL Express (HK) Limited	12.05.2015 16.11.2015
10 高衛物業管理有限公司	Goodwell Property Management Limited	05.11.2015
11 恒隆地產有限公司	Hang Lung Properties Limited	10.04.2015 16.04.2015
12 香港浸信會醫院	Hong Kong Baptist Hospital	14.07.2015
13 香港金融管理學院	Hong Kong Financial Services Institute	23.09.2015 11.12.2015
14 香港金融管理局	Hong Kong Monetary Authority	13.05.2015
15 養和醫院	Hong Kong Sanatorium & Hospital	20.07.2015
16 合和實業有限公司	Hopewell Holdings Limited	08.10.2015
17 希慎興業有限公司	Hysan Development Company Limited	27.04.2015 10.09.2015 11.11.2015
18 啟勝管理服務有限公司	Kai Shing Management Services Limited	28.01.2016
19 卡普蘭集團	Kaplan, Inc.	11.09.2015
20 克諾爾制動系統亞太區（控股）有限公司	Knorr-Bremse Asia Pacific (Holding) Ltd.	21.03.2016 22.03.2016
21 南豐發展有限公司	Nan Fung Development Limited	08.07.2015
22 三星電子香港有限公司	Samsung Electronics Hong Kong Company Limited	11.08.2015 18.08.2015
23 新輝（建築管理）有限公司	Sanfield (Management) Limited	18.12.2015
24 上海商業銀行有限公司	Shanghai Commercial Bank Limited	10.12.2015
25 數碼通電訊有限公司	SmarTone Mobile Communications Limited	30.07.2015
26 新鴻基地產發展有限公司	Sun Hung Kai Properties Limited	09.12.2015
27 日商三菱東京日聯銀行股份有限公司	The Bank of Tokyo-Mitsubishi UFJ, Limited	26.10.2015
28 香港華商銀行公會有限公司	The Chinese Banks' Association Limited	23.04.2015
29 牛奶有限公司	The Dairy Farm Company, Limited	17.09.2015
30 香港資優教育學苑有限公司	The Hong Kong Academy for Gifted Education	19.06.2015
31 怡和機器有限公司	The Jardine Engineering Corporation, Limited	04.08.2015 13.08.2015
32 仁安醫院	Union Hospital	28.05.2015 03.06.2015
33 亞洲聯合財務有限公司	United Asia Finance Limited	24.09.2015
34 蘇黎世保險（香港）	Zurich Insurance (Hong Kong)	27.11.2015

社團 Community Groups

機構	Organisation	日期 Date
1 香港小童群益會	Boys’ & Girls’ Clubs Association of Hong Kong	25.11.2015
2 基督教家庭服務中心	Christian Family Service Centre	04.01.2016
3 清水灣鄉村俱樂部	Clearwater Bay Golf & Country Club	16.06.2015
4 伸手助人協會	Helping Hand	21.12.2015
5 香港女童軍總會	Hong Kong Girl Guides Association	09.09.2015
6 香港復康力量	Hong Kong Rehabilitation Power	06.10.2015
7 香港耆康老人福利會	Hong Kong Society for the Aged	07.08.2015
8 婦女遊樂會	Ladies’ Recreation Club	21.07.2015
9 救世軍	Salvation Army	26.02.2016
10 東華三院	Tung Wah Group of Hospitals	14.08.2015

教育教構 Educational Organisations

機構	Organisation	日期 Date
1 香港中文大學	Chinese University of Hong Kong	02.02.2016
2 香港大學專業進修學院	HKU School of Professional and Continuing Education	18.03.2016
3 香港浸會大學	Hong Kong Baptist University	16.03.2016 21.03.2016 02.04.2015
4 香港理工大學香港專上學院	Hong Kong Community College of the Hong Kong Polytechnic University	20.11.2015
5 香港專業教育學院（柴灣分校）	Hong Kong Institute of Vocational Education (Chai Wan)	03.12.2015
6 香港專業教育學院（李惠利分校）	Hong Kong Institute of Vocational Education (Lee Wai Lee)	07.12.2015
7 香港專業教育學院（沙田分校）	Hong Kong Institute of Vocational Education (Shatin)	27.07.2015
8 香港專業教育學院（青衣分校）	Hong Kong Institute of Vocational Education (Tsing Yi)	13.07.2015 13.10.2015
9 香港理工大學	Hong Kong Polytechnic University	06.10.2015 07.10.2015 17.02.2016
10 香港鄧鏡波書院	Hong Kong Tang King Po College	10.11.2015
11 香港理工大學企業發展院	Institute for Entrepreneurship of the Hong Kong Polytechnic University	16.12.2015
12 嶺南大學	Lingnan University	07.10.2015
13 瑪利曼中學	Marymount Secondary School	12.11.2015
14 天主教培聖中學	Pui Shing Catholic Secondary School	02.06.2015
15 葵芳青年學院	Youth College (Kwai Fong)	21.01.2016

*機構按英文名稱順序排列
Organisations listed in alphabetical order

附錄四
Appendix 4

學校夥伴*
School Partners*

學校名稱	Name of school
1 佛教孔仙洲紀念中學	Buddhist Hung Sean Chau Memorial College
2 佛教沈香林紀念中學	Buddhist Sum Heung Lam Memorial College
3 佛教大雄中學	Buddhist Tai Hung College
4 佛教黃允畋中學	Buddhist Wong Wan Tin College
5 明愛元朗陳震夏中學	Caritas Yuen Long Chan Chun Ha Secondary School
6 迦密唐賓南紀念中學	Carmel Bunnan Tong Memorial Secondary School
7 迦密主恩中學	Carmel Divine Grace Foundation Secondary School
8 中華基督教會全完中學	CCC Chuen Yuen College
9 中華基督教會方潤華中學	CCC Fong Yun Wah Secondary School
10 中華基督教會基新中學	CCC Kei San Secondary School
11 中華基督教會銘基書院	CCC Ming Kei College
12 中華基督教會銘賢書院	CCC Ming Yin College
13 中華基督教會譚李麗芬紀念中學	CCC Tam Lee Lai Fun Memorial Secondary School
14 青松侯寶垣中學	Ching Chung Hau Po Woon Secondary School
15 趙聿修紀念中學	Chiu Lut Sau Memorial Secondary School
16 宣道會鄭榮之中學	Christian Alliance Cheng Wing Gee College
17 宣道會陳瑞芝紀念中學	Christian Alliance S C Chan Memorial College
18 鐘聲慈善社胡陳金枝中學	Chung Sing Benevolent Society Mrs Aw Boon Haw Secondary School
19 金文泰中學	Clementi Secondary School
20 廠商會蔡章閣中學	CMA Choi Cheung Kok Secondary School
21 中華傳道會安柱中學	CNEC Christian College
22 孔教學院大成何郭佩珍中學	Confucian Tai Shing Ho Kwok Pui Chun College
23 香港中文大學校友會聯會陳震夏中學	CUHK FAA Chan Chun Ha Secondary School
24 香港中文大學校友會聯會張煊昌中學	CUHK FAA Thomas Cheung Secondary School
25 金巴崙長老會耀道中學	Cumberland Presbyterian Church Yao Dao Secondary School
26 天主教母佑會蕭明中學	Daughters of Mary Help of Christians Siu Ming Catholic Secondary School
27 拔萃女書院	Diocesan Girls’ School
28 基督教香港信義會信義中學	ELCHK Lutheran Secondary School
29 五邑司徒浩中學	FDBWA Szeto Ho Secondary School
30 香島中學	Heung To Middle School
31 香港四邑商工總會黃棣珊紀念中學	HKSYC&IA Wong Tai Shan Memorial College
32 聖母無玷聖心書院	Immaculate Heart of Mary College
33 裘錦秋中學（葵涌）	Ju Ching Chu Secondary School (Kwai Chung)
34 英皇書院	King’s College

(續 continued)

學校名稱	Name of school
35 九龍塘學校 (中學部)	Kowloon Tong School (Secondary Section)
36 觀塘瑪利諾書院	Kwun Tong Maryknoll College
37 荔景天主教中學	Lai King Catholic Secondary School
38 嶺南衡怡紀念中學	Lingnan Hang Yee Memorial Secondary School
39 嶺南中學	Lingnan Secondary School
40 路德會呂祥光中學	Lui Cheung Kwong Lutheran College
41 馬鞍山聖若瑟中學	Ma On Shan St. Joseph's Secondary School
42 馬鞍山崇真中學	Ma On Shan Tsung Tsin Secondary School
43 閩僑中學	Man Kiu College
44 循道中學	Methodist College
45 民生書院	Munsang College
46 新界鄉議局元朗區中學	N.T. Heung Yee Kuk Yuen Long District Secondary School
47 寧波第二中學	Ning Po No.2 College
48 聖母玫瑰書院	Our Lady of the Rosary College
49 聖母書院	Our Lady's College
50 加拿大神召會嘉智中學	PAOC Ka Chi Secondary School
51 五旬節中學	Pentecostal School
52 保良局何蔭棠中學	Po Leung Kuk Celine Ho Yam Tong College
53 保良局百周年李兆忠紀念中學	Po Leung Kuk Centenary Li Shiu Chung Memorial College
54 保良局甲子何玉清中學	Po Leung Kuk Ho Yuk Ching (1984) College
55 保良局羅氏基金中學	Po Leung Kuk Laws Foundation College
56 保良局馬錦明夫人章馥仙中學	Po Leung Kuk Mrs Ma Kam Ming-Cheung Fook Sien College
57 保良局唐乃勤初中書院	Po Leung Kuk Tong Nai Kan Junior Secondary College
58 保良局姚連生中學	Po Leung Kuk Yao Ling Sun College
59 保祿六世書院	Pope Paul VI College
60 培僑書院	Pui Kiu College
61 天主教培聖中學	Pui Shing Catholic Secondary School
62 伊利沙伯中學	Queen Elizabeth School
63 高主教書院	Raimondi College
64 聖公會諸聖中學	S.K.H. All Saints' Middle School
65 聖公會白約翰會督中學	S.K.H. Bishop Baker Secondary School
66 聖公會基孝中學	S.K.H. Kei Hau Secondary School
67 聖公會李福慶中學	S.K.H. Li Fook Hing Secondary School
68 聖公會李炳中學	S.K.H. Li Ping Secondary School
69 順德聯誼總會鄭裕彤中學	S.T.F.A. Cheng Yu Tung Secondary School
70 順德聯誼總會李兆基中學	S.T.F.A. Lee Shau Kee College
71 新會商會陳白沙紀念中學	S.W.C.S. Chan Pak Sha School
72 慈幼英文學校	Salesian English School
73 新會商會中學	San Wui Commercial Society Secondary School
74 沙田循道衛理中學	Sha Tin Methodist College
75 石籬天主教中學	Shek Lei Catholic Secondary School

(續 continued)

學校名稱	Name of school
76 順德聯誼總會翁祐中學	Shun Tak Fraternal Association Yung Yau College
77 聖言中學	Sing Yin Secondary School
78 香港扶幼會許仲繩紀念學校	Society of Boys' Centres Hui Chung Sing Memorial School
79 聖嘉勒女書院	St. Clare's Girls' School
80 聖芳濟書院	St. Francis Xavier's College
81 藍田聖保祿中學	St. Paul's School (Lam Tin)
82 聖羅撒書院	St. Rose of Lima's College
83 聖士提反書院	St. Stephen's College
84 東華三院馬振玉紀念中學	T.W.G.Hs C Y Ma Memorial College
85 東華三院陳兆民中學	T.W.G.Hs Chen Zao Men College
86 東華三院郭一葦中學	T.W.G.Hs Kwok Yat Wai College
87 東華三院李嘉誠中學	T.W.G.Hs Li Ka Shing College
88 東華三院盧幹庭紀念中學	T.W.G.Hs Lo Kon Ting Memorial College
89 東華三院呂潤財紀念中學	T.W.G.Hs Lui Yun Choy Memorial College
90 東華三院馮黃鳳亭中學	T.W.G.Hs Mrs Fung Wong Fung Ting College
91 東華三院吳祥川紀念中學	T.W.G.Hs S C Gaw Memorial College
92 東華三院辛亥年總理中學	T.W.G.Hs Sun Hoi Directors' College
93 東華三院黃笏南中學	T.W.G.Hs Wong Fut Nam College
94 德雅中學	Tak Nga Secondary School
95 博愛醫院歷屆總理聯誼會梁省德中學	The Association of Directors and Former Directors of Pok Oi Hospital Limited Leung Sing Tak College
96 香港華人基督教聯會真道書院	The HKCCCU Logos Academy
97 香港管理專業協會羅桂祥中學	The Hong Kong Management Association K S Lo College
98 循道衛理聯合教會李惠利中學	The Methodist Lee Wai Lee College
99 真光女書院	True Light Girls' College
100 曾壁山中學	Tsang Pik Shan Secondary School
101 荃灣官立中學	Tsuen Wan Government Secondary School
102 屯門官立中學	Tuen Mun Government Secondary School
103 華英中學	Wa Ying College
104 華仁書院 (九龍)	Wah Yan College, Kowloon
105 王肇枝中學	Wong Shiu Chi Secondary School
106 仁濟醫院靚次伯紀念中學	Yan Chai Hospital Lan Chi Pat Memorial Secondary School
107 仁濟醫院羅陳楚思中學	Yan Chai Hospital Law Chan Chor Si College
108 仁濟醫院林百欣中學	Yan Chai Hospital Lim Por Yen Secondary School
109 余振強紀念中學	Yu Chun Keung Memorial College
110 元朗天主教中學	Yuen Long Catholic Secondary School
111 元朗商會中學	Yuen Long Merchants Association Secondary School

*學校按英文名稱順序排列
Schools listed in alphabetical order

至2015年5月31日
Till 31 May 2015