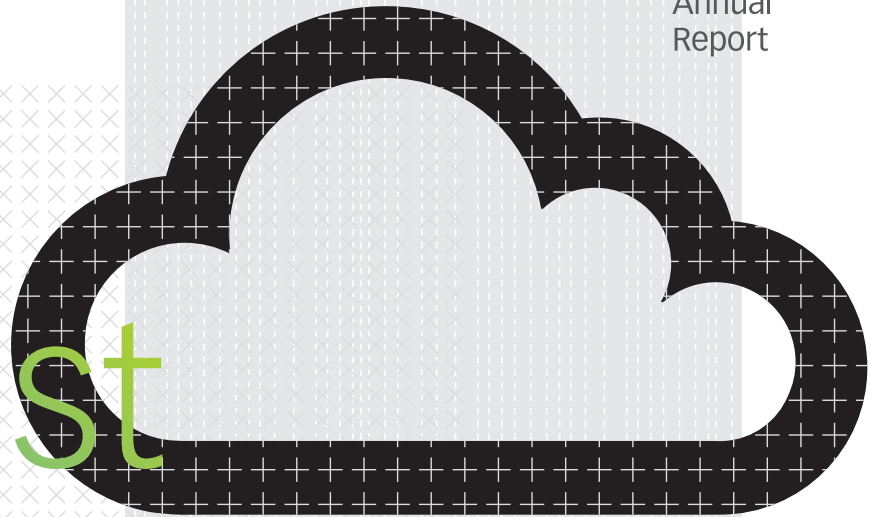




香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

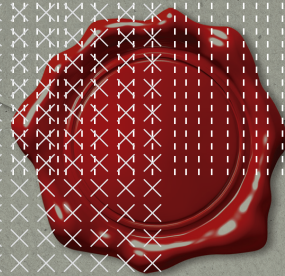
2014
15

年報
Annual
Report



The Fast Evolving Privacy Landscape

瞬息萬變的私隱保障形勢



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全年活動一覽 One Year at A Glance

2014

4月
—
April

- 發出《經互聯網收集及使用個人資料：給資料使用者的指引》
Issued a guidance note "Guidance for Data Users on the Collection and Use of Personal Data through the Internet"
- 發出《個人資料的刪除與匿名化指引》
Issued a guidance note "Guidance on Personal Data Erasure and Anonymisation"
- 出版《網上行為追蹤》資料單張
Published an information leaflet "Online Behavioural Tracking"



- 出版《明智使用電腦及互聯網》小冊子
Published a booklet "Protecting Privacy – Using Computers and the Internet Wisely"



- 美國 Facebook 公司 副首席私隱主任 Rob Sherman 應邀來港與公署會面
By invitation of the PCPD, the Deputy Chief Privacy Officer of Facebook Inc flew in to address concerns and exchange views with the PCPD
- 就《電子健康紀錄互通系統條例草案》向立法會提交意見書
Presented a submission to the Legislative Council on concerns about the Electronic Health Record Sharing System Bill



- 發表調查報告譴責48則匿名招聘廣告不公平收集求職者的個人資料
Revealed an investigation report condemning 48 blind recruitment advertisements for the unfair collection of job applicants' personal data

5月
—
May



- 「關注私隱運動」揭幕，主題是「個人資料私隱：自己作主話事」
Unveiled the annual Privacy Awareness Week with the theme "Personal Data Privacy: Have My Say"
- 出版《機構智用社交網絡 尊重個人資料私隱》資料單張
Published an information leaflet "Privacy Implications for Organisational Use of Social Networks"



- 保障資料主任聯會迎新會暨講座「應用程式的私隱保障」
Data Protection Officers' Club Welcome Reception and Seminar on "Mobile Apps and Data Protection"

6月
—
June



- 就《家事訴訟程序規則檢討中期報告及諮詢文件》向政府提交建議書
Submission to the Government in response to the "Interim Report and Consultative Paper on Review of Family Procedure Rules"
- 私隱專員出席在韓國首爾舉行的第41屆亞太區私隱機構論壇
The Commissioner attended the 41st Asia Pacific Privacy Authorities Forum in Seoul, Republic of Korea

7月

July



- 發出《使用便攜式儲存裝置指引》
Issued a guidance note "Guidance on the Use of Portable Storage Devices"

- 與香港大學法律學院頒發第二屆「私隱及資料保障法律獎學金」
Presented the second "Privacy Commissioner Prize in Privacy & Data Protection Law" jointly set up by the PCPD and Faculty of Law of The University of Hong Kong

9月

September

- 回應傳媒查詢有關由保普選反佔中大聯盟設立的熱線《學校家長救救孩子》收集罷課中學生資料的事宜
Responded to media enquiries about the operation of the hotline "Help Our Children", set up by the Alliance for Peace and Democracy to receive reports on class boycotts in secondary schools
- 公佈「全球私隱執法機關網絡」第二次在世界各地檢視手機流動應用程式私隱政策透明度的結果
Announced the results of the second international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network, focusing on privacy practices of mobile apps

8月

August

- 六個主要招聘媒體響應，承諾打擊匿名招聘廣告
Obtained the pledge of six major recruitment media to fight blind recruitment advertisements



- 公佈「人對人直銷電話」的公眾意見調查結果，促請政府把人對人直銷電話納入拒收訊息登記冊
Published the results of a public opinion survey on person-to-person direct marketing calls ("P2P calls") and urged the Government to expand the Do-not-call registers to include P2P calls



- 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
Launched an online assessment tool tailor-made for the retail industry to train practitioners and evaluate their understanding of the requirements under the Ordinance

10月

October

- 發出《銀行業界妥善處理客戶個人資料指引》
Issued a guidance note "Guidance on the Proper Handling of Customers' Personal Data for the Banking Industry"



- 私隱專員出席在毛里求斯巴拉克拉瓦舉行的第36屆國際資料保障及私隱專員研討會
The Commissioner attended the 36th International Conference for Data Protection and Privacy Commissioners in Balacava, Mauritius



- 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
Launched the annual University Privacy Campaign in 10 local universities

- 出版《網絡欺凌你要知！》單張
Published a leaflet "Cyber-bullying – What you need to know"
- 個人資料主任盧迪凡先生榮獲「2014年申訴專員嘉許獎－公職人員獎」
Personal Data Officer Mr D F LO was awarded the Ombudsman's Award 2014 for Officers of Public Organisations

2014

11月
November

- 公佈調查報告：10家外籍家庭傭工中介公司收集及在網上披露超乎適度的個人資料
Published an investigation report on the excessive collection and online disclosure of personal data by 10 employment agencies for foreign domestic helpers
- 公佈調查報告：六個補習中介網站向導師收集超乎適度的個人資料
Published an investigation report on the excessive online collection of private tutors' personal data by six tutorial websites
- 公佈視察報告：建議勞工處就業服務優化其個人資料系統
Published an inspection report to help improve the personal data system of the Labour Department's employment services
- 發出《開發流動應用程式最佳行事方式指引》
Issued "Best Practice Guide for Mobile App Development"



- 推出全新面貌的公署網站
Launched the revamped PCPD's website

12月
December

- 私隱專員出席在加拿大溫哥華舉行的第42屆亞太區私隱機構論壇
The Commissioner attended the 42nd Asia Pacific Privacy Authorities Forum in Vancouver, Canada
- 首宗因違反條例規定向私隱專員作出虛假陳述，被判監禁的個案
Secured the first conviction for a contravention of the Ordinance, with a person sentenced to imprisonment for making a false statement to the Commissioner
- 與加拿大私隱專員公署聯合發起，全球其他21個私隱保障機關聯署，向Google Play和Apple App Store等七個應用程式供應平台發出公開信，促請強制提供私隱政策連結
Issued an open letter, initiated jointly by the PCPD and the Office of the Privacy Commissioner of Canada, and signed by 21 global data protection authorities, urging seven app marketplaces (including Google Play and the Apple App Store) to mandate app developers to post links to privacy policies



- 公佈抽查60款由本地機構開發的熱門流動應用程式就其私隱政策透明度及讀取資料權限的結果
Announced the results of a survey on the privacy transparency and permissions of 60 popular locally developed mobile apps

2015

1月
—
January

- 公佈測試發現Android程式的權限模式存在缺陷，並已要求Google採取補救措施
Announced test results which uncovered a privacy failure in Android's permission model, and formally requested Google Inc. to take corrective action
- 就香港航空旅遊經流動應用程式「俠客行•旅行」外洩顧客的個人資料，發表調查報告
Published an investigation report "HKA Holidays leaked customers' personal data through the mobile application 'TravelBud'"
- 就翱翔旅遊的流動應用程式未有提供私隱政策並收集過度個人資料，發表調查報告
Published an investigation report "Excessive collection of personal data through mobile application by Worldwide Package Travel Service operating with no Privacy Policy"



- 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
Launched a privacy campaign "Developing Mobile Apps: Privacy Matters" with 10 leading professional and trade associations in the field of information and communications technology
- 2014年工作報告顯示年內接獲有關使用資訊及通訊科技的私隱投訴劇增兩倍
Released the 2014 year-end report, which revealed a two-fold increase in privacy complaints related to the use of information and communications technologies

2月
—
February

- 私隱專員向立法會政制事務委員會簡報2014年的工作成果
The Commissioners briefed the Legislative Council Panel on Constitutional Affairs on the accomplishments of PCPD in 2014



- 巡迴港九新界26個不同地點作公眾教育展覽
Commenced a public education roadshow visiting 26 different locations throughout the city

3月
—
March

- 分別就《私營醫療機構規管公眾諮詢》及《自願醫保計劃公眾諮詢》向政府提交建議書
Submission presented to the Government in response to the "Public Consultation on Voluntary Health Insurance Scheme" and "Public Consultation on Regulation of Private Healthcare Facilities"
- 回應申訴專員公署發表的兩份調查報告：「教育局拒絕提供教師註冊資料的問題」及「學生資助辦事處的『免入息審查貸款計劃』之追討欠款程序」
Responded to two investigation reports by The Ombudsman: "Direct Investigation into Education Bureau's Non-disclosure of Teachers' Registration Status" and "Direct Investigation into Recovery of Debts under the Non-means-tested Loan Scheme"
- 發出《閉路電視監察及使用航拍機指引》
Issued a guidance note "Guidance on CCTV Surveillance and Use of Drones"

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 the individual with respect to personal data through promotion, monitoring and supervision of compliance with the Personal Data (Privacy) Ordinance.

公署策略與主要目標

Strategies and Key Goals of the PCPD

	執法 Enforcement	監察及監管符規 Monitoring and Supervising Compliance
策略 Strategies	<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• Ensure equity, fairness and operational efficiency• Act independently, impartially and without fear or favour• Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• Partner with overseas data protection authorities for handling cross-border privacy issues	<ul style="list-style-type: none">• 主動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• Proactively investigate into areas where the privacy risks are significant• Partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers• Partner with overseas data protection authorities for handling cross-border privacy issues
主要目標 Key Goals	<ul style="list-style-type: none">• 調查投訴個案，具效率及持平地解決個案• 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	<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 meet their data protection obligations and adopt good privacy practices

推廣 Promotion

- 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
- Be proactive in seeking the holistic engagement of stakeholders
- Promote best practices among organisational data users on top of meeting minimum legal requirements
- Maximise publicity and education impact through publications and media exposure
- Engaging the community, in particular, young people
- Use lessons learnt from investigations as a means of educating data users and data subjects

- 公眾認識在條例下享有資料當事人的權利，以及如何行使有關權利
- 公私營機構皆認識在法例下資料使用者的責任，並付諸實行
- 讓公眾和公私營機構都認識公署的角色及可獲得的協助
- Individuals are aware of their rights as data subjects under the Ordinance and how to exercise them
- Public and private sector organisations are aware of their obligations as data users under the Ordinance and how to meet them
- Individuals and public and private sector organisations are aware of the role of the PCPD and how we can assist them

機構管治 Corporate Governance

- 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
- 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
- Adhere to the principles of transparency and accountability
- Maximise utilisation of resources to achieve economy, efficiency and effectiveness
- Make continuous efforts to streamline work procedures
- Apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact
- Build and maintain a loyal and professional team

- 達致高水平的管治
- Achieve high standards of corporate governance

私隱專員的話

Privacy Commissioner's Message

符合數碼未來的資料保障期望 Meeting Data Protection Expectations in the Digital Future

瞬息萬變的私隱保障形勢

香港的《個人資料（私隱）條例》於18年前（即1996年12月）實施。當時，香港是亞洲首個專門為個人資料私隱立法的司法管轄區。到2015年6月，區內已多增了11個司法管轄區制訂類似的私隱法例。全球至少有109個司法管轄區已頒佈資料保障法。而聯合國人權理事會亦即將委任一名處理私隱議題的特別報告員。

這趨勢反映了各國政府肯定私隱是一項基本人權。在現今的數碼紀元，資訊及通訊科技日新月異、應用無孔不入，收集及使用龐大數量的個人資料可以在彈指之間完成，令私隱保障面對更嚴峻的挑戰。科技的創新及應用，例如互聯網、社交網絡、物聯網、流動應用程式及雲端運算，無疑為我們帶來了龐大的經濟及社會價值。與此同時，科技亦對私隱構成重大風險，並令人極度關注個人資料的保障。

Rapidly evolving privacy landscape

Hong Kong's Personal Data (Privacy) Ordinance came into force 18 years ago, in December 1996. At that time, Hong Kong was the first jurisdiction in Asia to have a dedicated piece of legislation on personal data privacy. In June 2015, 11 other jurisdictions in the region have enacted similar legislation. Globally, at least 109 jurisdictions have enacted data protection laws. Very soon, the United Nations Human Rights Council will appoint a Special Rapporteur on privacy.

This trend reflects the growing recognition by governments of privacy as a fundamental human right. It also underpins the challenges generated by the pervasive use of new information and communication technologies ("ICT") in today's digital society, which has enabled the collection and use of vast amounts of personal data with phenomenal ease and efficiency. No doubt, technological innovations and applications, such as the Internet, social media, mobile applications and cloud computing, have created great value to society and the economy, enhancing the productivity and competitiveness of government and organisations in ways previously beyond our imagination. At the same time, they pose an immense risk to privacy and raise serious concerns about the protection of personal data.



蔣任宏
個人資料私隱專員

—
Allan CHIANG
Privacy Commissioner for Personal Data

在持續增長及發展的道路上，監管工作與科技發展，尤如龜兔賽跑，我認為監管者要迎頭趕上，必須要與各機構並肩而行，一同成為私隱保障的把關人。

In our journey of sustained growth and development where the technological hare is outrunning the regulatory tortoise, I believe that regulators have to work with organisations, so that both serve as the stewards of privacy protection.

面對瞬息萬變的私隱保障形勢，全球的私隱監管機構正全力以赴、務求追上科技發展的步伐，對私隱保障的要求會再更加嚴厲。與此同時，更多機構開始意識到私隱並非企業創新和成功的絆腳石，反而是贏得客戶信任和支持的競爭優勢。在持續增長及發展的道路上，監管工作與科技發展，尤如龜兔賽跑，我認為監管者要迎頭趕上，必須要與各機構並肩而行，一同為私隱保障把關。

應付資訊科技發展對私隱帶來的挑戰

我們在2014至15年度的工作重點正是要應付資訊科技發展（尤其是廣泛使用的流動應用程式）所帶來的挑戰。在這些工作上，資訊科技界的大力支持令我們十分鼓舞。

在2014至15年度，我們創記錄出版了九份與資訊科技有關的指引及資料單張。以資訊科技從業員為對象，刊物主題內容包括個人資料的刪除及匿名化、經互聯網收集及使用個人資料、使用社交網絡、網上行為追蹤、使用便攜式存儲裝置、航拍機，以及今年我們的重點：開發流動應用程式。而以公眾為對象出版的資料單張，則集中在兩個熱門議題上：網絡欺凌和保障互聯網上的私隱。

流動應用程式的私隱政策透明度不足

與資訊科技有關的各類私隱議題中，這年度最備受關注的必然是流動應用程式。流動應用程式在全球及本地蓬勃發展，改變了商業運作及消費者行為。私隱執法機構聯合進行了一項國際抽查行動，共抽查了1,211款程式，結果顯示私隱政策透明度普遍不足，香港也不例外。許多程式要求查閱大量個人資料，卻沒有充分解釋會如何使用該些資料。更具體地說，四分之三的程式要求讀取用戶資料的權限；接近60%的程式在安裝前就為何收集資料及如何使用資料，未有提供足夠的資訊；43%的私隱政策聲明難以在小螢幕上閱讀；以及30%以上的程式所要求的權限，超越用戶所能理解該程式的功能所需。

Against this rapidly evolving privacy landscape, regulators globally are doing their best to keep up with the velocity of change, which is pushing the need for stronger privacy protection. At the same time, more organisations are awakening to the value of treating privacy not as an impediment to innovation and business success, but rather as a competitive differentiator that can win customer trust and loyalty. In our journey of sustained growth and development where the technological hare is outrunning the regulatory tortoise, I believe that regulators have to work with organisations, so that both serve as stewards of privacy protection.

Meeting privacy challenges posed by advances in ICT

It is no coincidence that the primary focus of our work in 2014-15 was to tackle the privacy challenges posed by advances in ICT, particularly the pervasive use of mobile apps. In this regard, we are very encouraged by the overwhelming support of the ICT industry.

In 2014-15, we published a record nine guidance notes or information leaflets related to ICT. For ICT practitioners, the topics of the publications include personal data erasure and anonymisation, the collection and use of personal data through the Internet, the use of social networks, online behavioural tracking, use of portable storage devices, drones, and our special focus of the year, mobile app development. For the general public, we issued leaflets on two highly topical issues: cyber-bullying and protecting privacy on the Internet.

Lack of transparency in privacy policies for mobile apps

Among the various privacy subjects related to ICT, mobile apps were accorded special attention in 2014-15 as they exploded in popularity both globally and locally, transforming business operations and consumer behaviour. An international sweep of 1,211 apps identified a general lack of transparency in privacy policies and practices, and Hong Kong was no exception. Many of the apps sought access to large amounts of personal information without adequately explaining how the information would be used. More specifically, three quarters of the apps requested permission to access users' personal information; almost 60% offered insufficient pre-installation communications in terms of why they wanted the personal information and what they planned to do with it; 43% of the privacy communications was difficult to read on the small screen; and over 30% of the apps apparently sought permissions that exceeded what would be expected based on the apps' functionality.

顯然我們必須要大力宣傳和加強教育工作，以確保機構制訂具透明度的網上私隱政策，使用戶了解在這虛擬網絡環境中，其個人資料會如何被使用。這促使我們在2015年1月開展了一個題為「應用程式重私隱 創新科技贏信任」的推廣活動。是次活動由資訊科技界的10個專業團體及商會協辦，並得到業內10個專業及學術機構的支持。

Clearly, a great deal of promotion and education work is required to ensure organisations develop transparent online privacy policies so that individuals understand how their personal data will be handled in this virtual context. This prompted our launch of the promotion campaign entitled Developing Mobile Apps: Privacy Matters in January 2015. It was co-organised by 10 leading trade associations and supported by 10 professional or academic institutions in the ICT field.

我相信，科技巨企作為應用程式供應的平台，在私隱保障上更要擔當領導的角色。
I believe that the technology giants who are the app marketplace operators have an instrumental role to play in safeguarding privacy.

科技巨企的企業社會責任

是次活動的目標儘管是程式開發商，而當中大部分都是中小型企業，但我相信，科技巨企作為應用程式供應的平台，在私隱保障上更要擔當領導的角色。他們可以有效地把關，強制平台上的所有應用程式開發商，必須適時向用戶提供有關查閱或收集個人資料的私隱政策。我（與加拿大私隱專員聯合）倡議向七個應用程式供應平台（包括Google Play和Apple App Store）發出公開信，呼籲他們履行企業社會責任，推行這項對應用程式開發商強制性的要求。公開信最後共有23個資料保障機關聯署。

在這數碼業界的生態系統中，負責收集及使用個人資料的所有持份者，應當肩負起保障消費者私隱的責任。這些持份者不單是指直接收集資料的機構（例如程式開發商及軟件公司），亦包括提供網絡服務或其他基本設施的公司、裝置或操作系統生產商。事實上，由於操作系統而出現的某些故障，而危及資料保障的事件還是會不時發生，實在令人遺憾。

例如，劍橋大學的研究人員發現，在Android智能手機中，即使是把出廠設置再度重置，其登入資料、短訊、電子郵件及聯絡人清單亦可復原，用戶要出售或處置舊的智能手機，就會產生私隱的問題。有如同出一轍的是，我們在2014年8月發現，Android程式可以在未有作出事先權限聲明的情況下，讀取Android 4.3或之前版本的流動裝置的公共記憶體。因此，可引起用戶在其不知情甚至不允許的情況下被惡意程式讀取資料的風險。這些設計缺陷實在是駭人聽聞，事件更突顯出科技巨企務必要把保障私隱納入資訊科技系統的設計及建構。

Corporate social responsibility of technology giants

While noting that the target of our campaign is app developers, which are mostly small- and medium-sized enterprises, I believe that the technology giants who are the app marketplace operators have an instrumental role to play in safeguarding privacy. They can be effective gatekeepers by mandating all apps in their listings to provide users with timely access to the apps' privacy policies concerning access to or collection of personal data. I therefore initiated (in conjunction with my Canadian counterpart) the issue of an open letter to seven app marketplace operators (including Google Play and the Apple App Store), appealing to them to exercise their corporate social responsibility by implementing this mandatory transparency requirement. The letter was co-signed by a total of 23 data protection authorities.

In the digital ecosystem, all stakeholders engaged in the collection and use of personal data must shoulder the responsibility of safeguarding the privacy of their consumers. This includes not only the organisations that collect personal data, such as app developers and other software companies, but also the infrastructure companies, and device or operating system manufacturers. Regrettably, from time to time, we find failures in the operating systems that jeopardise data protection.

For example, Cambridge University researchers found that with Android smartphones, login details, text messages, emails and contact lists were recoverable even after a reset to factory settings, thus creating a problem for people who want to either sell or dispose of their old smartphones. In a similar vein, we discovered in August 2014 that it was possible for an Android app to read the shared memory in a mobile device running on Android 4.3 or earlier versions without the need to make a prior permission declaration. End-users can therefore have their personal data accessed by malicious apps without their knowledge or permission. These design flaws are appalling. They underline the imperative need for technology giants to practise Privacy by Design by embedding privacy by default into the design and architecture of their IT systems.

展望未來，我們要加倍力度，務使從事資訊科技應用的機構落實地認識到私隱及資料保障的重要及價值。

Looking ahead, we will step up our efforts to bring home the message of the importance and value of privacy and data protection to organisations using ICT applications.

運用執法行動以監督資訊科技應用達致符規

在2014至15年度，我們完成了一系列與使用資訊科技相關的調查。我們公佈調查報告，借助公眾監察及制裁，阻止調查中的機構、及其他有同樣出現資料保障問題的機構，繼續作出違規行為。

其中一份報告涉及補習中介網站過度收集補習導師的香港身份證號碼。另一份報告涉及在10家主要的外籍家庭傭工中介公司網站，隨意上載外傭申請人的某些個人資料，包括其家屬及前僱主的個人資料。這類資料披露並不適當，因為上載到網上的個人資料無助準僱主挑選合適家傭。

這兩份報告都強調，機構及消費者必須了解，進行電子商貿活動及使用網上服務平台可能帶來私隱風險，例如個人資料外洩、資料被身份不明的第三方再使用，從而對當事人造成不必要的滋擾及身份盜用問題。經營網站的機構須確保他們收集及上載到網上的個人資料，真正符合業務所需。中介公司在網上詳列求職者的資料任人瀏覽，這做法與求職者親身到中介公司只向準僱主提供個人履歷大相逕庭。申請人提供的個人資料一旦在網上公開，便可能被身份不明的第三方隨意查閱、複製甚至永久保存，並可能與其他零碎但屬同一人的個人資料整合或作出關連。任何人也難以預料及控制誰人可以再次使用有關資料。網站營運者須了解到求職者可以因此受到的損害，而應該小心處理減低有關風險。

另一方面，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，亦應多加警惕，不要因為急於獲取某些服務而白白犧牲自己的個人資料私隱。

Supervising privacy compliance in ICT applications through enforcement

During the 2014-15 financial year, we completed a series of investigations related to the use of ICT. We published reports on the investigations to invoke the sanction and discipline of public scrutiny and discourage non-compliant behaviour on the part of the organisations involved in the investigations, as well as other organisations facing similar data protection issues.

One report related to the excessive collection by tutorial service agency websites of the Hong Kong identity card numbers of private tutors. Another report related to the indiscriminate posting on the websites of 10 major employment agencies for domestic helpers of certain personal data of overseas job applicants, including that of their family members and past employers. Such disclosure is inappropriate as the personal data they posted was irrelevant to online employee screening by prospective employers.

The two reports emphasise that organisations and consumers that engage in e-commerce and other online services must be aware of the associated privacy risks, such as data breaches and unanticipated secondary use of the data by unknown third parties, including unwanted communication and identity theft. On the other hand, website operators must ensure that they are capturing, using and posting personal data for reasonable business purposes. A distinction must be made between presenting a job seeker's profile to a prospective employer in person, when the latter visits the employment agency, and displaying the job seeker's personal data online. The latter is subject to unrestricted access by unidentified third parties, who may copy the data, retain it permanently, and integrate or correlate it with other fragmented data of the same person from different sources. The possible secondary use of such data is beyond the average person's anticipation or comprehension and is definitely very difficult or impossible to control. The website operators must appreciate the potential harm to the job seekers, and act cautiously to mitigate such risks.

On the other hand, web consumers who are accustomed to submitting personal information to various service providers to obtain their services must be more vigilant about the release of such information.

第三份調查報告肯定了國際及本地抽查行動的調查結果——即流動應用程式的私隱政策透明度遠遠不足。報告揭露兩家旅遊服務公司推出一款應用程式，讓客戶進行網上訂購及查詢，但他們沒有述明該程式將會如何收集、使用及披露客戶的個人資料。事實上，他們出於核實網上查詢的客戶身份，而收集客戶完整出生日期及身份證號碼的做法，實屬過度。

第四份調查報告涉及一家航空服務公司透過於iOS平台上運行的流動應用程式，外洩了客戶的個人資料。資料外洩的原因是其程式保養承辦商沒有就蘋果公司在發佈iOS7時推出新增保障私隱的功能（阻止程式讀取MAC位址作為識別流動裝置），及時作出相應行動。

以上兩份報告所揭示的不當行為，可能只是冰山一角。在這數碼化時代，幾乎每個機構都希望開發流動應用程式，以吸引更多客戶。即使技術不太成熟的機構也了解應用程式的價值，包括提高市場的知名度，以至收集大量個人資料。在倉促推出這些程式的過程中，機構未必充分了解私隱風險或管理，及投放足夠資源以識別或解決有關問題。因此，我們看到初涉數碼世界的機構在開發初期所犯的毛病也越多。

展望未來，我們要加倍力度，務使從事資訊科技應用的機構落實地認識到私隱及資料保障的重要及價值。

結語

最後，我要向個人資料（私隱）諮詢委員會和科技發展常務委員會的委員，以及其他持份者，對私隱及資料保障一直以來的關注、積極參與及堅定承諾，表示衷心的謝意。我更讚揚我的團隊作出的貢獻，特別是近年來執法工作效率得以顯著提升，以及投入宣傳和教育的努力明顯增加。這些進步獲得了出席2015年2月16日政制事務委員會會議中多名立法會議員的讚賞，為此我感到欣慰。

蔣任宏
個人資料私隱專員

The third investigation report confirmed the findings of the local and international sweeps that the transparency of the privacy policies of mobile apps was far from adequate. Two travel service companies provided an app to enable customers to make online purchases and enquiries, but they failed to provide information to explain how the app would collect, use and disclose the customers' personal data. In fact, their collection of the customers' full date of birth and identity card number to verify the identity of customers making online enquiries was excessive.

The fourth investigation report concerned the leakage of personal data of the customers of an airline services company through a mobile app running on the iOS platform. The data breach stemmed from the failure of the app maintenance contractor to respond to Apple's introduction of a new privacy protection feature in iOS7 which blocked the apps from using the MAC address as a device identifier.

The malpractices revealed in the above two reports may be just the tip of the iceberg. In this digital era, almost every organisation wants an app to attract more consumer traffic. Even organisations that are relatively green in technological maturity understand the value an app can provide, from enhancing their appeal in the market to collecting enormous amounts of personal data. In their rush to adopt apps, they may not know enough about privacy risks or management to devote adequate resources to either identifying or addressing them. As a result, we are seeing an increasing number of rookie mistakes by organisations as they step into the digital world.

Looking ahead, we will step up our efforts to bring home the message of the importance and value of privacy and data protection to organisations using ICT applications. As usual, we will adopt a two-pronged approach, covering enforcement, as well as professional and public education.

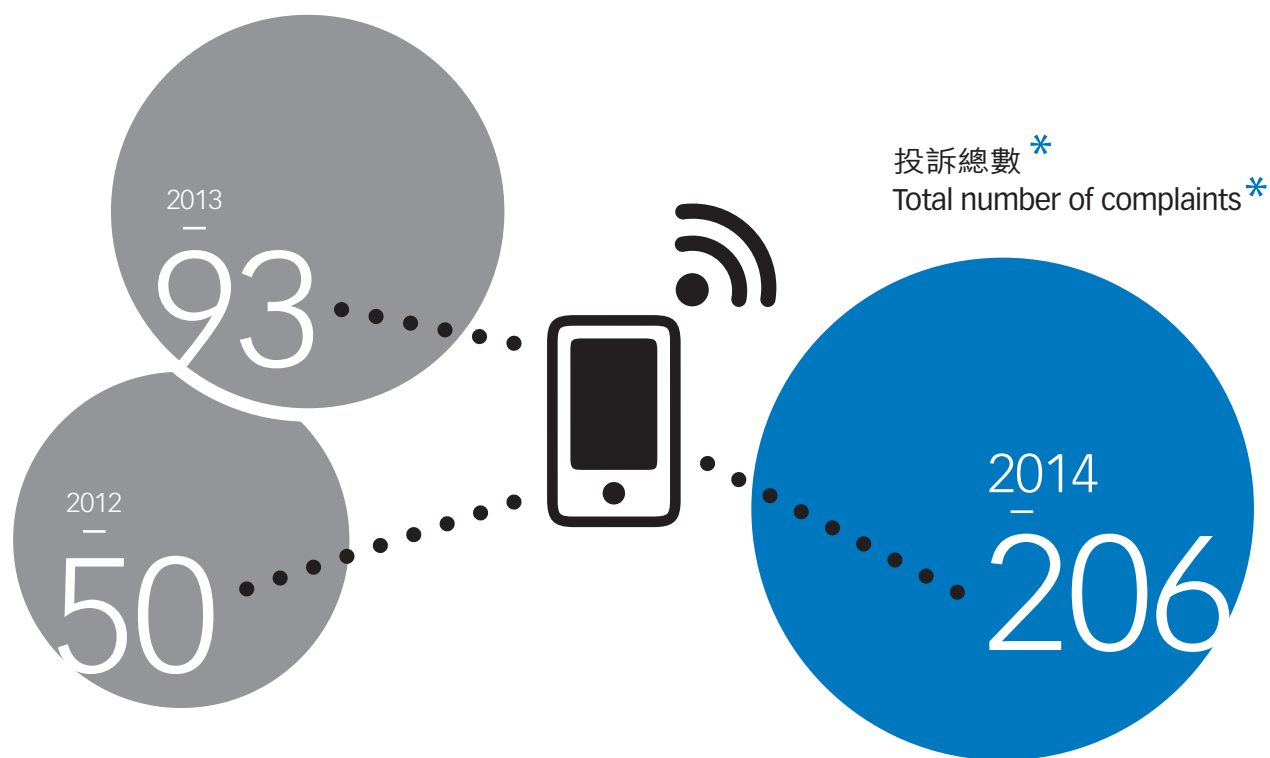
Closing remarks





In closing, I wish to acknowledge the ongoing interest, involvement and commitment of the Personal Data (Privacy) Advisory Committee, the Standing Committee on Technological Developments, and many other stakeholders in the privacy and data protection community. I would also like to pay tribute to my team for their dedication and support, as exemplified by the significant efficiency enhancement in enforcement work and the marked increase in our promotional and educational efforts in recent years. I am glad that these improvements were acknowledged by a number of legislators attending the meeting of the Panel on Constitutional Affairs on 16 February 2015, who spoke favourably about our work.

Allan CHIANG
Privacy Commissioner for Personal Data

與使用資訊及通訊科技相關的投訴

Privacy Complaints in relation to Use of ICT

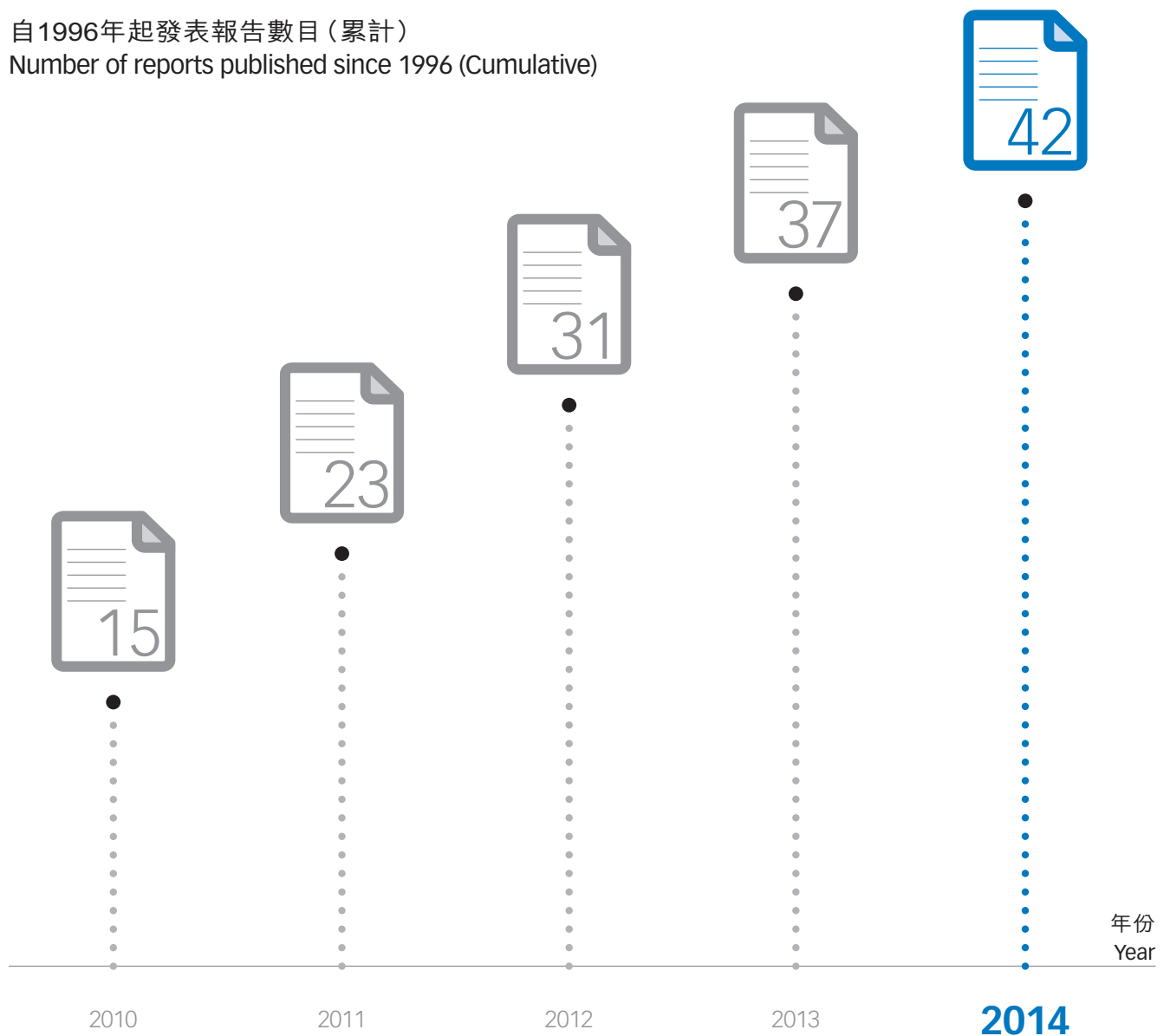


	2012	2013	2014
 使用社交網站 Use of social networking websites	16	45	99
 使用智能電話應用程式 Use of smartphone applications	18	22	58
 在互聯網披露或洩漏個人資料 Disclosure or leakage of personal data on Internet	12	42	57
 網絡欺凌 Cyber-bullying	13	6	34

* 由於一宗投訴可能涉及多於一投訴類別，故各類別的總和可能超越投訴總數
As a complaint may cut across different categories, figures in the categories added up may exceed the total number of complaints


發表調查報告 Publication of Investigation Reports

自1996年起發表報告數目（累計）
Number of reports published since 1996 (Cumulative)

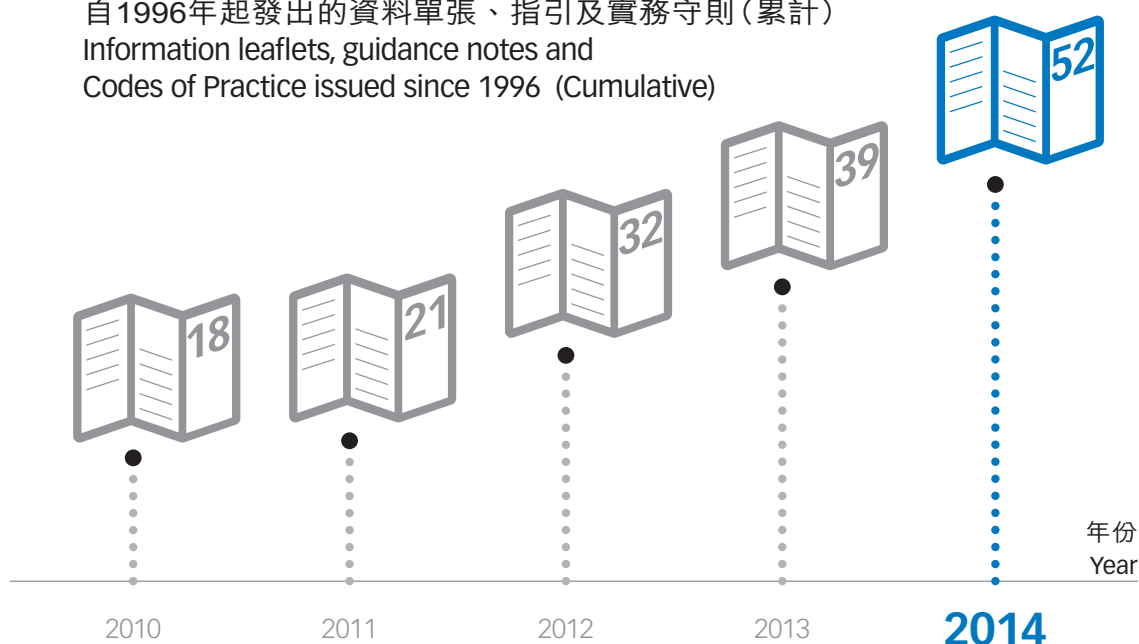


推廣及公眾教育

Promotion and Public Education








	2010	2011	2012	2013	2014
 主要推廣活動 Major Promotional Activities					
大學保障私隱活動 (參加人數) University Privacy Campaign (Participants)	-	2 726	2 570	33 299	35 000
保障私隱學生大使計劃 (參加人數) Student Ambassador for Privacy Protection Programme (Participants)	-	700+	2 000+	4 840	7 593
其他活動數目 Number of other activities	26	14	14	14	18
總參加人數 Total number of participants	2 449	17 316	46 657	58 979	141 443
教育 Education					
專業研習班 Professional workshops	5	52	71	95	90
研討會及講座 Seminars and talks	109	212	167	184	155
總參加人數 Total number of participants	8 672	21 141	16 311	20 898	14 845
行業保障私隱活動 (參加人數) Industry-specific Campaign (Participants)	2 182	1 158	1 369	1 302	1 018
保障資料主任聯會 (會員人數) Data Protection Officers' Club (Membership)	362	376	386	357	557
公署網站 (每月瀏覽次數) PCPD's website (Visits per Month)	44 836	39 909	45 192	75 912	55 000

自1996年起發出的資料單張、指引及實務守則 (累計)
Information leaflets, guidance notes and
Codes of Practice issued since 1996 (Cumulative)



提升處理投訴的效率

Enhancement of Efficiency in Complaint Handling

	2010	2011	2012	2013	2014
 接獲投訴 Complaints received	1 179	1 486	1 213	1 792	1 702
 完成調查 Investigations completed	1 076	1 450	1 268	1 783	1 774
 在接獲投訴後180日內結案(個案百分比) Closing a complaint case within 180 days of receipt (% of cases)	94%	88%	88%	89%	95%
 解決一宗簡單投訴個案的平均時間(日數) Average time taken to settle a simple complaint case (days)	44	37	39	43	30
 解決一宗複雜投訴個案的平均時間(日數) Average time taken to settle a complicated complaint case (days)	148	162	219	195	122
 年終仍進行中的調查 Investigations in progress by year-end	362	398	343	352	280
 沒有展開正式調查的投訴、在45日內結案(達標百分比) Complaint cases closed within 45 days without commencing formal investigation (% of compliance)	56%	72%	69%	62%	77%

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82人，分別在七個部門工作。（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 82 staff at the end of the period under review and was organised into seven divisions. (See page 20 to 23 for details)





管理團隊及部門主管
Senior Management Team
and Division Heads



審查及政策部 Compliance and Policy Division

- 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
- 就個人資料私隱問題制定政策立場
- 就私隱專員擬發表意見的問題，進行比較研究及擬備立場書；及
- 協助草擬實務守則
- Dealing with general enquiries from members of the public and organisations concerning the provisions of the Ordinance
- Carrying out compliance checks and self-initiated investigations in relation to practices of data users that might be inconsistent with the requirements of the Ordinance
- Handling applications from data users for approval of automated data matching procedures; and
- Undertaking inspections of personal data systems and making recommendations to the data users concerned for improved compliance with the provisions of the Ordinance
- Developing policy positions on issues with respect to privacy in relation to personal data
- Undertaking comparative research and drafting position papers on such issues for publication by the Commissioner; and
- Assisting in the preparation of codes of practices





執行部 Operations Division

- 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；及
- 就可能對個人資料私隱有所影響的事宜提供意見
- Receiving and taking action on complaints lodged with the Commissioner
- Conducting investigations of suspected breaches of the Ordinance and taking appropriate follow-up actions to ensure compliance with its provisions; and
- Providing advice on matters that may affect the privacy of individuals in relation to personal data



資訊科技部 Information Technology Division

- 就資訊科技發展對個人資料私隱的影響進行研究及提供建議
- 為資料使用者及資料當事人制定有關使用資訊及通訊科技的一般指引及提供培訓
- 參與調查、循規審查和視察，以及就個人資料資訊系統的設計及保安提供建議
- 統籌科技發展常務委員會會議，並提供秘書支援服務；及
- 管理公署內部的資訊系統
- Undertaking research into and advising on information technology developments that impact on personal data privacy
- Developing general guidelines and providing training for data users and data subjects in relation to the use of information and communication technologies
- Participating in investigations, compliance check and inspections, and advising on the design and security of information systems that hold personal data
- Coordinating and providing secretarial support to the Standing Committee on Technological Development; and
- Managing the internal PCPD information systems



機構傳訊部 Corporate Communications 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；及
- 管理中文繁體、中文簡體及英文網站，為市民提供有關條例及公署動向的資訊，以及網上資源
- Developing and implementing promotion and public education programmes
- Building and developing media and stakeholders relationship
- Organising seminars and presentations for organisations to educate them on the requirements under the Ordinance
- Producing publications and training materials to promote the Ordinance
- Responding to media enquiries and arranging press conferences; and
- Maintaining a website, in traditional Chinese, simplified Chinese and English, to provide comprehensive information about the Ordinance, PCPD news and activities and online resources



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
- 作為人力資源管理職能的一部分，就根據《公開資料守則》提出的查閱資料要求，及根據《個人資料(私隱)條例》提出的查閱資料要求，統籌公署的回覆；及
- 為個人資料(私隱)諮詢委員會提供統籌及秘書支援服務
- Strategic planning and management of human resources
- Providing office administration and translation support
- Coordinating the office's responses to requests for access to information under the Code on Access to Information and data access requests under the PDPO as part of the human resource management function; and
- Coordinating and providing secretarial support to the Personal Data (Privacy) Advisory Committee

財務部 Finance Division

- 管理會計、工資及採購系統；及
- 提供財務支援，確保財務政策有效制定及施行
- Maintaining the accounting, payroll and procurement systems; and
- Providing financial support by ensuring that financial policies are developed and administered effectively



法律部 Legal Division

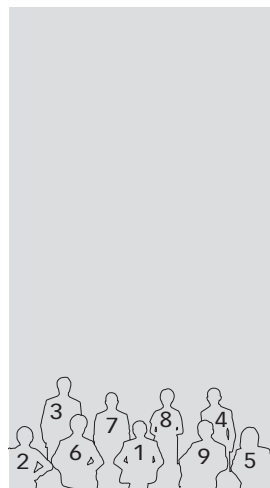
- 為公署各方面的工作提供法律意見並處理一切法律事宜
- 監察與公署工作有關的海外資料保障法律的發展
- 檢討可能對個人資料私隱構成影響的現行及建議中的香港法例
- 協助政府檢討《個人資料(私隱)條例》
- 代表私隱專員出席法庭及行政上訴委員會的聆訊；及
- 執行法律協助計劃
- Providing legal advice in respect of all aspects of the work of the PCPD and dealing with all legal matters
- Monitoring developments in overseas data protection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

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。

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.



組成 (2013年10月1日至2015年9月30日)

Membership (from 1 October 2013 to 30 September 2015)

主席

- 1 蔣任宏先生, SBS**
個人資料私隱專員

CHAIRMAN

- 1 Mr Allan CHIANG, SBS**
Privacy Commissioner for Personal Data

成員

- 2 夏淑玲女士**
冠軍科技集團有限公司董事
(自2009年10月1日起)
- 3 孔慶全先生**
紹邦企業有限公司董事
(自2011年10月1日起)
- 4 郭振華先生**
永保化工(香港)有限公司董事總經理
(自2013年10月1日起)
- 5 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)
- 6 蕭世和先生**
星島新聞集團有限公司行政總裁
(自2008年10月1日起)
- 7 溫卓勳先生**
渣打銀行(香港)有限公司
合規及審核部主管
(自2013年10月1日起)
- 8 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)
- 9 梁松泰先生, JP**
政制及內地事務局副秘書長

MEMBERS

- 2 Ms Shirley HA Suk-ling**
Director, Champion Technology Holdings Ltd
(since 1 October 2009)
- 3 Mr Billy HUNG Hing-chuen**
Director, Shiu Pong Enterprises Ltd
(since 1 October 2011)
- 4 Mr Jimmy KWOK Chun-wah**
Managing Director, Rambo Chemical (Hong Kong) Ltd
(since 1 October 2013)
- 5 Ms Susanna SHEN Shuk-ching**
Head, Information Technology, The Hong Kong and China Gas Co Ltd
(since 1 October 2011)
- 6 Mr SIU Sai-wo**
Chief Executive Officer, Sing Tao News Corporation Ltd
(since 1 October 2008)
- 7 Mr David WAN Chuck-fan**
Head, Compliance, Hong Kong Compliance Department,
Standard Chartered Bank (Hong Kong) Ltd
(since 1 October 2013)
- 8 Ms Winnie YEUNG Cheung-wah**
Director, Legal & Corporate Affairs, Microsoft Hong Kong Ltd
(since 1 October 2013)
- 9 Mr Gordan LEUNG, JP**
Deputy 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。

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.



聯合主席

- 1 蔣任宏先生, SBS
個人資料私隱專員
- 2 黃錦卿女士
副個人資料私隱專員

CO-CHAIRPERSONS

- 1 Mr Allan CHIANG, SBS
Privacy Commissioner for Personal Data
- 2 Ms Fanny WONG
Deputy Privacy Commissioner for Personal Data

成員

- 3 白景崇教授
香港大學社會科學研究中心總監
- 4 鄒錦沛博士
香港大學計算機科學系副教授
- 5 譚偉豪博士, JP
權智(國際)有限公司主席
- 6 楊月波教授
香港城市大學資訊系統學系特約教授

MEMBERS

- 3 Professor John BACON-SHONE
Director, Social Sciences Research Centre,
The University of Hong Kong
- 4 Dr K P CHOW
Associate Professor, Department of Computer Science,
The University of Hong Kong
- 5 Dr Samson TAM Wai-ho, JP
Chairman, Group Sense (International) Ltd
- 6 Professor YB YEUNG
Adjunct Professor, Department of Information Systems,
City University of Hong Kong

Monitoring Compliance with Technology Challenges

監督循規 迎接科技挑戰

審查及政策部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 and Policy Division monitors and promotes compliance with the provisions of the Ordinance. Due to 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.



2014年的流動應用程式抽查及跟進行動

本地流動應用程式開發商應改善其私隱政策透明度

公署於2014年5月抽查60款由本地機構開發的熱門流動應用程式（「程式」），結果顯示這些程式的《私隱政策聲明》透明度明顯不足，而與2013年同樣的抽查比較，亦無顯著改善。

2014年抽查結果

在抽查的程式中，少於一半程式提供《私隱政策聲明》。而且大部分的聲明都有不足之處，例如相關性低、難於閱讀及不易查閱。此外，大部分程式要求的讀取權限，相比於該程式的功能，調查員都認為超乎適度。

2014 MOBILE APP SURVEY AND FOLLOW-UP

Privacy Policy Transparency Needed in Local Mobile Applications

In May 2014, the PCPD conducted a survey of 60 popular mobile applications (“apps”) developed by Hong Kong companies and found that their transparency in terms of privacy policy statements (“PPSs”) was clearly inadequate, and there was no noticeable improvement compared with the results of a similar survey conducted in 2013.

2014 survey findings

Less than half of the apps assessed did not provide any form of PPS. Most of the PPSs that were provided were inadequate in terms of relevance, readability and accessibility. Furthermore, most of the apps seemed to have sought permissions for data access beyond what the testers expected based on the app’s functionality.

	2014年的抽查（總共60個程式） 2014 Survey (total = 60 apps)	2013年的抽查（總共60個程式） 2013 Survey (total = 60 apps)
程式沒有提供《私隱政策聲明》 Apps that did not provide PPSs	27 (45%)	24 (40%)
《私隱政策聲明》不是為程式而編寫的 PPSs that were not tailored to apps	28/33 (85%)	33/36 (92%)
《私隱政策聲明》所用的語文與程式不同或不易查閱 PPSs that were written in a language different from the app or not easily accessible	2/33 (6%)	4/36 (11%)
沒有提供或不能確定聯絡資料（電郵、電話、地址等） Contact details (email, phone, address, etc.) not provided or ascertained	5 (8%)	24 (40%)
沒有說明會否讀取資料、哪些資料及為何讀取；或者上述資訊並不清晰 Unclear or missing information as regards whether data would be accessed, and if so, what data and why	43 (72%)	沒有抽查 Not surveyed
與程式的主要功能相比，要求的權限可能屬超乎用家的期望 Permission for data access beyond users’ expectations based on the app’s functionality	51 (85%)	沒有抽查 Not surveyed

保障私隱的程式是可行的

雖然抽查結果發現私隱政策透明度強差人意，但公署認為「我的天文台」程式是值得參考的。該程式提供了易於理解及具體的《私隱政策聲明》。而且，Android版本讓用戶選擇容許或不容許該程式讀取位置資料。這例子正好證明開發到既受歡迎、又實用及保障私隱的程式是可行的。

Privacy-friendly apps viable

Despite the prevalence of disappointing privacy features, the PCPD was impressed by the app *MyObservatory*, as it featured an easily understandable and specific PPS. Furthermore, the Android version allowed users to allow or disallow location information to be read by the app. This demonstrates that it is possible to develop an app that is popular, functional and privacy-friendly.

私隱專員的評論

「流動裝置非常普及，已改變了商業運作及我們的生活模式。置載有很多生活上的個人私隱。只需按鍵下，手機儲存的私密資料（包括相片、曾過的地方、在電郵中表達的政見）可能已傳送到互聯網，甚至在網上永久保留。因此，保障消費者使用這些裝置所引起的私隱事宜非常重要，而流動程式開發商便是肩負這重要責任的其中一員。」

The Commissioner's Comments

"Mobile devices are ubiquitous and have transformed business operations and our lives. For many people, they hold the privacies of life. With just a few clicks, the intimate details held in phones – photos, past locations, political opinions expressed in emails – may be transmitted to, and forever preserved on, the Internet. Safeguarding privacy in the use of these devices is therefore imperative and one major player who must live up to this responsibility is the mobile app developer."

開發流動應用程式最佳行事方式指引

由於抽查結果顯示程式私隱政策欠缺透明度，公署於2014年11月發出《開發流動應用程式最佳行事方式指引》（「指引」），協助開發商研發保障私隱的應用程式。

Best practice guide for mobile app development

As a result of the survey revealing the lack of privacy transparency among apps, the PCPD published the "*Best Practice Guide for Mobile App Development*" ("the Guide") in November 2014 to assist mobile app developers in building privacy-friendly apps.



這份指引是特別為中小企業提供支援而編製的，因為他們可能沒有足夠的資源，自行就個人資料私隱保障制訂詳細的程式開發指引。這份指引就有關法律的規定，提供簡便易明的概覽；並介紹如何以貫徹私隱的概念開發程式。這份指引亦提供詳細的檢查清單，為程式開發商闡述設計保障私隱的程式時須考慮的所有因素；亦建議一系列的最佳行事方式，讓程式開發商藉保障私隱爭取從商優勢，透過贏取客戶的信任而增強競爭力。

The Guide is especially tailored for small-to-medium enterprises which may not have sufficient resources to establish their own comprehensive app-development guide. It provides an easy-to-understand overview of the legal requirements and the Privacy by Design approach in developing apps. Adopting a comprehensive checklist approach, it draws the attention of app developers to all the factors that need to be considered in building a privacy-friendly app. It also recommends a set of best practices that enable app developers to distinguish themselves from the crowd by gaining enhanced trust from end-users.

這份指引對程式開發商、委託他人開發程式的人士，以及向程式開發商提供附加功能代碼的人士（例如廣告網絡或分析工具提供者）均可適用。

Android的權限模式有缺陷

在上述的程式抽查中，公署發現Android程式可以被編寫至在未有作出權限聲明的情況下，讀取Android 4.3或之前版本的流動裝置的公共記憶體。

Android一直以來聲稱，程式要讀取的資料會在安裝程式前呈現在「權限」頁面¹。然而，公署的測試揭示，程式有機會在毋須於權限頁面作有關聲明的情況下，仍可讀取Android裝置內的記憶體內容，包括相片、檔案及其他程式儲存在該記憶體的資料。雖然可以讀取公共記憶體的缺陷已在Android 4.4的裝置糾正，但可以讀取部分內部記憶體的情況，仍有可能於Android 4.4發生，故值得關注。再者，在發現這漏洞之時，有三分之二的Android用戶仍在用Android 4.3或更舊的版本，當中很多裝置因缺乏製造商的支援而無法更新至Android 4.4。

The Guide should be read by app developers and those who commission their work, as well as those who provide codes for app developers for added features, including advertising networks and analytics tool providers.

Privacy failure in Android's permission model

During the app survey, the PCPD discovered that it would be possible for an Android app to read the shared memory in a mobile device running on Android 4.3 or earlier versions without the need to make a prior permission declaration.

Android had all along claimed that, prior to app installation, all intended access to data stored in an Android device would be fully disclosed on the Permission Page¹. However, the PCPD's tests revealed that it would be possible to develop an app that read the memory of Android devices, including photos, files, and any data other apps choose to store in the devices, without the need to inform app users on the Permission Page. Although the flaw was corrected for Android 4.4 for access to the shared memory, it could still be a cause for grave concern, as partial access to the internal memory was still possible for Android 4.4. Furthermore, at the time that the flaw was discovered, two-thirds of Android users were still using devices running on earlier versions of the platform, and many of them would never be upgraded to Android 4.4 due to the lack of support from their manufacturers.

私隱專員的評論

「隨著科技應用融入在生活細節之內，消費者在日常生活提供的個人資料愈來愈多，而且往往是不知不覺的。所有負責收集及使用個人資料的持份者，必須加倍小心，負起保障消費者私隱的責任。這些持份者不單是指直接收集資料的機構（例如程式開發商及軟件公司），亦包括提供網絡服務或其他基本設施的公司，裝置或操作系統生產商。」

The Commissioner's Comments

"As technology evolves, consumers are giving up more and more of their personal data, often without even knowing it. It is increasingly incumbent upon all stakeholders responsible for the collection and use of personal data to take greater care and responsibility to safeguard the privacy of consumers. They include not only the organisations collecting data directly, such as app developers and software companies, but also the infrastructure companies and device or operating system manufacturers."

下表概括描述由公署開發的一個測試程式，在未有事先聲明的情況下，仍可讀取裝置的記憶體：

The table summarises the flaw uncovered by using a test app developed by the PCPD which does not declare its access to the device's memory:

裝置上的Android版本 Versions on devices	權限頁面有否顯示任何權限？ Permission shown under Permission Page	可否讀取公共記憶體儲存的相片、檔案及其他程式的資料？ Access to shared memory containing photos, files or other app data	可否讀取部分內部記憶體可能含有關於裝置的敏感資料？ Partial access to internal memory containing potentially sensitive data about the device
Android 4.3或之前 Android 4.3 or earlier	否 No	可 Yes	可 Yes
Android 4.4 Android 4.4	否 No	否 No	可 Yes

1 developer.android.com/guide/topics/security/permissions.html

公署已聯絡Google，證實這缺陷的存在。公署於2014年11月27日要求Google採取補救措施，及／或警告受影響的用戶有關惡意程式可以在其不知情、甚至不允許的情況下，讀取資料而存在風險。

The PCPD contacted Google Inc. and confirmed the flaw. Google was requested on 27 November 2014 to take corrective action and/or warn the end-users concerned that they are subject to the risk of data access by malicious apps without their knowledge and permission.

讚賞 Compliment

私隱專員明言情況（香港流動應用程式私隱政策透明度不足）不理想，除了會調查投訴個案外，更會主動就懷疑有問題的程式作出調查和執法。這個取態和行動，值得公眾支持。

The Commissioner stated clearly the situation (privacy policy transparency of apps in Hong Kong was inadequate) was far from ideal. In addition to investigating the complaint cases, the PCPD also initiated an investigation and took enforcement action against flawed apps. This proactive approach deserves public support.

頭條日報社評
Editorial, Headline Daily
(2014.12.16)



新入職員工 Newcomer

儘管私隱法例在香港已有接近二十年歷史，但今日它仍是發展最快的其中一個法律與政策範疇，尤其是因為數碼科技發展迅速，以及經互聯網轉移個人資料的智能小型裝置應用廣泛。因此，公署密切注意科技發展對私隱的影響，並與海外規管者保持緊密聯繫，分享執法和政策發展的見解，實在非常重要。我的工作包括國際關係及政策研究，刺激又變化多端，經常帶來新挑戰。

Even though privacy law has been in place in Hong Kong for the better part of nearly 20 years, personal data privacy is today one of the fastest evolving legal and policy areas – not least because of the rapid advances in digital technology and explosion of smart gadgets that transfer personal data via the Internet. For these reasons, it is of paramount importance for the PCPD to keep tabs on the privacy impact of advancing technology, as well as to maintain an effective working relationship with overseas regulators in sharing insights on enforcement and policy developments. My new role in international relations and policy research is an exciting and highly dynamic one that constantly brings fresh challenges.

周鳴飛
助理個人資料主任（研究）
Michael CHAU
Assistant Personal Data Officer (Research)

諮詢工作

本年度，香港警務處就擬議實施的電子定額罰款通知書（「電子通知書」）徵詢公署的意見。

這個電子通知書解決方案包括電子手帳、手提打印機及支援網絡系統。警員在發出電子通知書時，只需在電子手帳輸入最少量的資料，例如車輛登記號碼及違例事項編號，便可即場列印電子通知書。推行電子通知書是提高前線人員工作效率及減少紙張的一個方法。

私隱專員讚賞這正面措施，回應了他於2014年10月24日發出的「警務處接連遺失載有個人資料的警隊文件」調查報告所作的建議。警務處當時曾承諾檢視有關儲存有個人資料的警務文件器材，以提升資料保安的程度。

由於公署所得的資料有限，因此公署重點提出一些整體意見及關注範疇，讓警方考慮。

公署建議警方在實施電子通知書之前，由獨立專業人士進行私隱影響評估。

公署亦建議警方就採取的技術措施，進行資訊科技保安風險評估。

警方亦可考慮向公署提供下列詳情：(a)當遺失電子手帳時，銷毀手帳內資料的「計時炸彈」措施；及(b)在資料保安、裝置保安、網絡/連接保安及應用保安上，電子通知書解決方案的保密和整體措施。

由於警方在打擊交通罪行的執法工作上，以新方式收集及處理個人資料，警方應檢討目前的職員培訓、指引及管理控制措施，以確保能查閱電子通知書解決方案的警務人員有良好操守、審慎態度及辦事能力。警方制定有清晰的政策及指引，以免過度收集個人資料，更要避免為交通罪行以外的目的而追蹤個人行蹤及匯集個人的活動資料。警方亦應評估個人資料的保留期限，尤其當要延長檢控期限時，應保留資料多久。

公署亦建議警方檢討目前的收集個人資料聲明及私隱政策聲明，以衡量是否需要為增加透明度而作出修訂。

CONSULTATION

During the year, the Hong Kong Police Force (the “Police”) sought our views on the proposed implementation of Electronic Ticketing (“E-Ticketing”) for Traffic Fixed Penalty Tickets.

The E-Ticketing solution comprises a personal digital assistant, a portable printer and a supporting network system. When issuing E-Tickets, ticketing officers would need only to key in a minimum amount of data in the personal digital assistant, such as vehicle registration mark and contravention code, before printing out an E-Ticket on the spot. E-Ticketing is identified as a way to enhance frontline officers’ efficiency and to reduce their reliance on paper-based processes.

The PCPD appreciated the initiative as a positive step in response to the Commissioner’s recommendation in the Investigation Report entitled “Hong Kong Police Force’s Repeated Loss of Documents Containing Personal Data”, dated 24 October 2013, that a review of equipment used for holding police documentation containing personal data be undertaken to enhance data security.

Given the limited information available to the PCPD, the PCPD highlighted general comments and areas of concern for the Police’s consideration.

The PCPD advised the Police to undertake a Privacy Impact Assessment, which should be conducted by an independent professional party before implementing E-Ticketing.

The PCPD also recommended the Police conduct an Information Technology Security Risk Assessment in respect of the technical measures to be adopted.

The Police may also consider providing the PCPD with further details of: (a) a “time-bomb” measure for data destruction in the personal digital assistant in the event of device loss; and (b) measures on the confidentiality and integrity of the E-Ticketing solution in respect of data security, device security, network/connectivity security and application security.

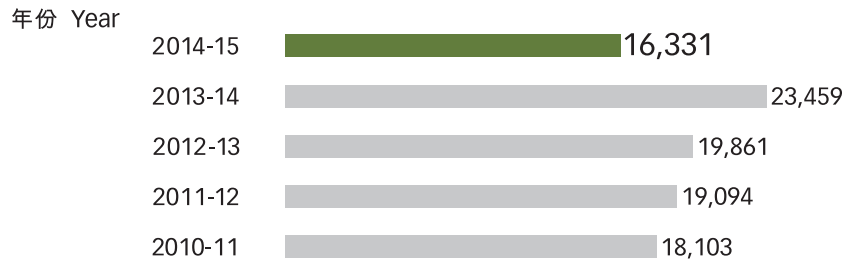
Given the new approach to collecting and processing personal data for enforcement work against traffic offences, the Police should review the existing measures for staff training, guidance and management control to ensure the integrity, prudence and competence of police officers who have access to the E-Ticketing solution. A clear policy and guidelines should be set up to avoid the excessive collection of personal data, and to prevent movement tracking and information compilation of the activity profile of individuals for purposes other than those related to traffic offences. The retention period of the personal data collected should also be evaluated as and when required by the Police, for example, in the event of an extension of the time bar for prosecution.

The PCPD also suggested that the Police should review its existing personal information collection statement and privacy policy statement to determine whether amendments are required for the purpose of transparency.

處理查詢

公署在本年度共處理16,331宗查詢個案，比上年度減少30%；平均每個工作天處理66宗查詢（圖2.1）。

圖2.1：全年查詢個案



HANDLING ENQUIRIES

A total of 16,331 enquiry cases were handled during the year, down 30% from that of the previous year. On average, 66 enquiry cases were handled per working day (Figure 2.1).

Figure 2.1: Annual enquiry caseload

讚賞 Compliment

非常感謝個人資料主任簡玉華的迅速回應，並提供了詳細資料，其中有不少值得探討和研究的論點，非常有用。

Thank you very much for your (Ms Loreen KAN, Personal Data Officer) quick and informative response. Even from the first brief look at your answers, I can see that there are a number of interesting points that will be very useful for our comparative overview.

Mr ILYUK
RESPECT ("Rules, Expectations & Security through Privacy-Enhanced Convenient Technologies")
research project

感言 Response

在收到研究項目RESPECT（該項目獲歐洲委員會支持，研究國家資料保障機構在官方監視中如何保障核心私隱利益）的一項查詢後，我們認為有責任提供資料，因這可能影響環球私隱保障的發展。在上司的支援下，我能夠於公署承諾的一半時間內回覆了這個查詢，並獲得負責這個項目的教授讚許，十分高興。

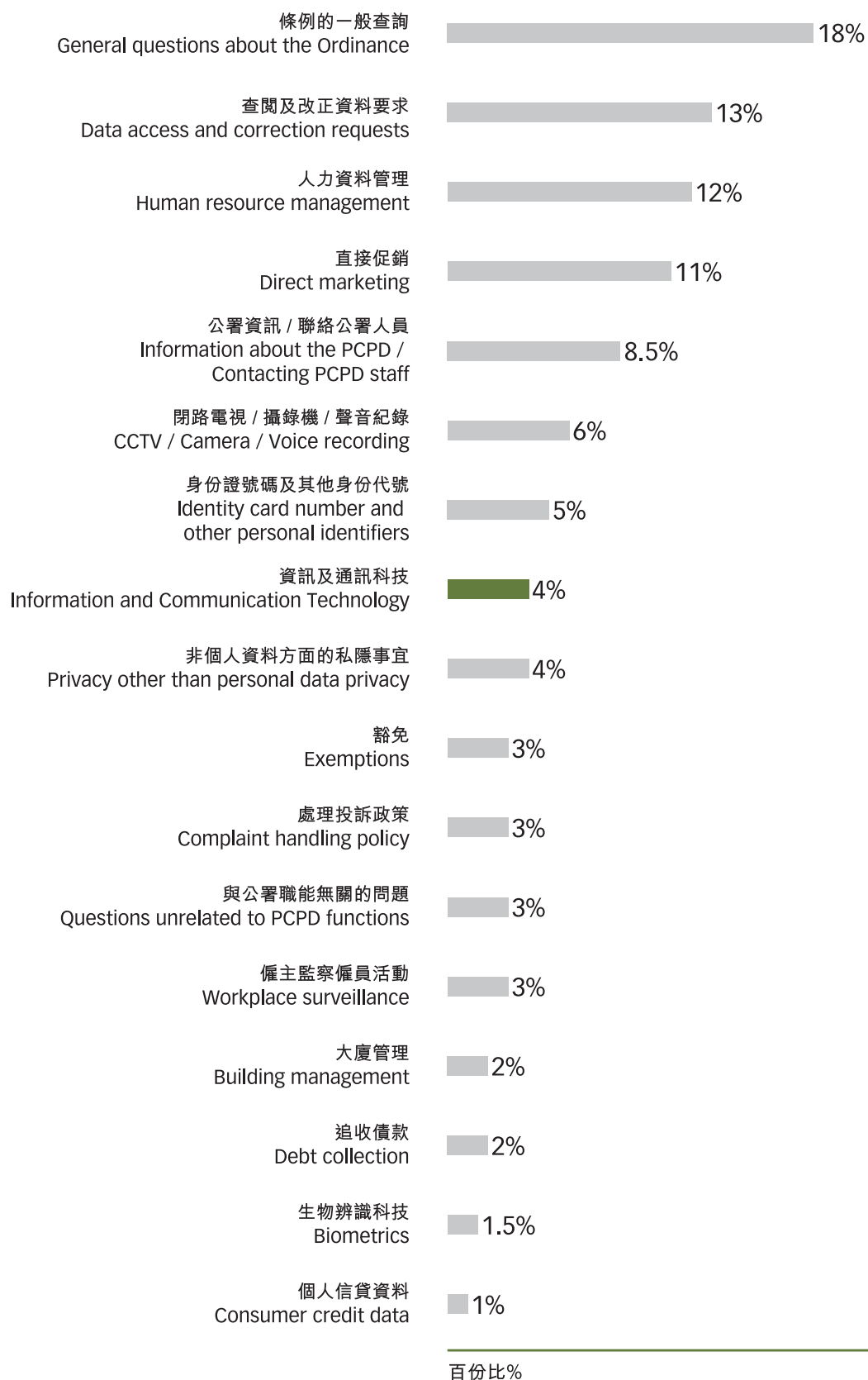
On receiving an enquiry from the research project RESPECT, which is supported by the European Commission to study the role of national data protection authorities in safeguarding core privacy interests from official surveillance, we felt duty bound to provide useful information which might have an impact on the development of privacy protection on a global platform. With the support of my superiors, I was able to answer their enquiries in half the time pledged by the Office and was delighted to receive a compliment from the professor in charge of the project.



簡玉華
個人資料主任
Ms Loreen KAN
Personal Data Officer

圖2.2：查詢個案的性質

Figure 2.2: Nature of enquiry cases



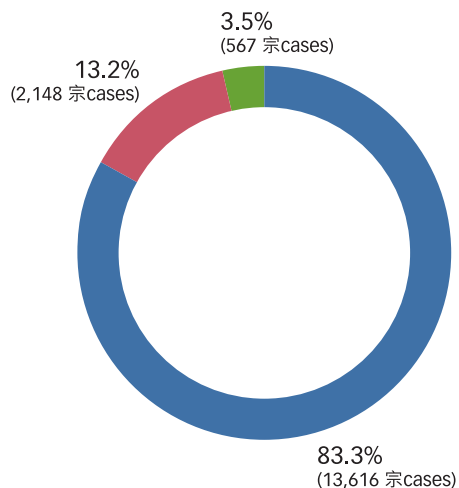
大部分(83.3%)查詢經由公署的電話熱線(2827 2827)提出(圖2.3)。

The majority of the enquiries (83.3%) were made via the PCPD hotline (2827 2827) (Figure 2.3).

圖2.3：提出查詢的途徑

Figure 2.3: Means by which enquiries were made

- 電話熱線
Hotline
- 書面
Written
- 親身查詢
Walk-in



新入職員工 Newcomer

我的職責主要是為公眾人士解答與條例有關的問題，為他們提供建議，讓他們更了解條例的規定和保障。雖然我入職時間尚短，在審查及政策部可以處理不同類型的電話和書面查詢，很感謝公署及同事給我學習的機會。

My duty is to answer enquiries from the public and explain the provisions of the Ordinance. I am relatively a new member of the team. I feel truly grateful for the opportunity to learn from my colleagues in the Compliance and Policy Division that I can deal with a wide range of telephone and written enquiries.

陳溢珍

審查及政策部行政助理

Jenny CHAN

Administrative Assistant, Compliance & Policy Division

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。

在本年度，私隱專員共進行了227次循規審查行動。74%的循規審查對象為私營機構，其餘26%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。

在網誌張貼客戶的個人資料

一間銀行向公署通報，該銀行位於廣州的外判電話中心，其一名前僱員在一個中文網誌張貼了三名客戶（全是香港知名人士）的個人資料，包括姓名、香港身份證號碼、出生日期、辦公和住宅地址、電話號碼及電郵地址。

該銀行在回應公署的查詢時解釋，該名負責客戶關係及電話促銷信用卡產品的前僱員，把有關資料抄寫在紙上，回家輸入電腦後上載至該網誌。該電話中心已發信要求該網誌的營運者永久刪除該網誌訊息。有關資料已被移除。

該銀行採取了下述補救行動，防止日後再發生類似事件：

- (1) 在電話中心實施無紙化的工作環境；
- (2) 禁止在電話中心使用智能電話及攝影機，並規定所有職員在進入電話中心前把私人物品鎖在櫃內；
- (3) 把巡邏電話中心的次數增加一倍；
- (4) 每星期由主管進行審計追蹤及系統查閱的抽查；及
- (5) 規定電話中心所有職員完成資訊保安的網上學習課程。

COMPLIANCE CHECKS

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

During the year, the Commissioner carried out 227 compliance checks. Of these, 74% were conducted on private sector organisations, while the remaining 26% were on public sector organisations, including government departments, statutory bodies, non-government organisations and government-funded educational institutions.

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

Customers' Personal Data Posted on a Blog

A bank reported to the PCPD that the personal data, including name, Hong Kong Identity Card number, date of birth, office and residential address, telephone number and email address, of three of its customers (all Hong Kong celebrities) was posted on a Chinese blog by an ex-employee of the bank's contracted call centre in Guangzhou, China.

In response to the PCPD's enquiries, the bank explained that the ex-employee, who had been responsible for maintaining customer relationships and offering credit card products by making outbound calls, had accessed the data concerned, written it on paper, recorded it on his computer at home and uploaded it to the blog. The call centre issued a letter to the platform operator of the blog to request the permanent deletion of the concerned blog message and the data was taken down.

The bank took the following remedial action to prevent a recurrence of the problem:

- (1) Implementing a paper-free operating environment in the call centre;
- (2) Prohibiting the use of smartphones and cameras in the call centre and requiring all staff to leave their personal belongings in lockable pedestals before entering the call centre;
- (3) Doubling the patrols in the call centre;
- (4) Implementing weekly audit trails and system-access spot-checks by supervisors; and
- (5) Requiring all staff of the call centre to complete an Information Security e-learning course.

載有15,747名人士個人資料的伺服器遭黑客入侵

一間大學向公署通報，某學院兩個連接網絡的儲存伺服器遭黑客入侵，導致載有15,547名病人及200名學生及／或職員個人資料的檔案被惡意加密，該大學被勒索比特幣以換取解密鑰匙。涉及的個人資料包括受影響人士的姓名、身份證號碼、出生日期、電話號碼、地址、化學測試資料及檢查結果。

該大學在回應公署的查詢時確認，事件是由於伺服器欠缺適當的保安修補程式，讓黑客有機可乘，利用勒索軟件在使用舊版作業系統的伺服器找出保安漏洞。不過，該大學表示，沒有證據顯示伺服器所載的個人資料外洩。

該大學因應事件採取了下述補救行動，防止日後再發生類似事件：

- (1) 按大學的伺服器保障指引，協助該學院安裝新的伺服器；
- (2) 定期維修新的伺服器，包括定期檢查和更新系統及修補管理，為儲存的資料提供最大保障；
- (3) 找出該學院未做防護的檔案伺服器（如有），以防火牆保護；
- (4) 按ISO/IEC 27001標準，檢討部門的資訊保安，以評估現行資訊系統及基建的潛在風險，並建議（如有）適當的跟進行動，以減低對該學院的風險；及
- (5) 透過電郵及定期會議，提升部門資訊科技職員的資料保安的意識。

Servers Containing Personal Data of 15,747 Individuals Hacked

A university reported to the PCPD that two network-attached storage servers of a faculty had been hacked and, as a result, files containing personal data of approximately 15,547 patients and 200 students and/or staff members stored in the servers had been maliciously encrypted by a hacker, who subsequently attempted to blackmail the university for bitcoins in exchange for the decryption key. The personal data involved in the incident included the names, Hong Kong Identity Card numbers, date of birth, telephone number, address, clinical data and laboratory test data of the affected people.

In response to the PCPD's enquiries, the university confirmed that the incident had been caused by lack of proper security patches on the servers, which allowed the hacker to use ransomware to exploit the security vulnerabilities of some servers running older versions of the operating system. However, the university advised that there was no evidence that personal data contained in the servers had been leaked.

The university subsequently took the following remedial action to prevent recurrence of the incident:

- (1) Assisting the faculty to set up a new server following the university's guidelines on server protection;
- (2) Performing regular maintenance on the new server, including regular checks for system updates and patch management so as to provide maximum protection for the data stored in the servers;
- (3) Identifying unprotected file servers used by the faculty, if any, and protecting them behind its firewall;
- (4) Conducting a departmental information security review that adheres to ISO/IEC 27001 standards, to assess the potential risks of the existing information systems and infrastructure and to recommend, if any, appropriate follow-up action to mitigate risks within the faculty; and
- (5) Reinforcing awareness of its departmental IT staff members of data security through emails and regular meetings.

資料經電郵外洩 涉及3,300名大學申請人

一間大學向公署通報，一名職員把入學活動的邀請電郵發給3,300名大學聯合招生辦法（「大學聯招」）申請人時，發生錯誤。錯誤起因是該職員進行郵件合併時出現人為錯誤，把個別申請人的電郵地址，錯配上另一位申請人的姓名及大學聯招申請編號。涉及的個人資料包括申請人的姓名及大學聯招申請編號。

該大學在事發後立即通知所有受影響的申請人，並要求並非收件人的大學聯招申請人刪除該電郵，不要向他人披露有關個人資料。

該大學在回應公署的查詢時表示，已採取下述補救行動，防止日後再發生類似事件：

- (1) 制定個人資料管理及保安的新指引，規定職員(i)將資料輸入資料庫時，進行兩輪反複核對；及(ii)發出任何信件或電郵訊息前，進行兩輪反複核對；
- (2) 設計資料保障的循規檢查清單，以供部門的資料保安及私隱人員使用；
- (3) 除非有絕對需要發出個人化信件，否則一般大量郵件或電郵不應顯示個人資料；及
- (4) 規定所有負責處理個人資料的職員，每年必須出席資料保障講座。

Data Leakage via Email Involving 3,300 Applicants for a University

A university informed the PCPD that a staff member had mistakenly sent an invitation email for admission activities to 3,300 Joint University Programme Admissions System ("JUPAS") applicants. The mistake was due to human error in conducting a mail merge, which caused a mismatch in the applicants' email addresses with their names and JUPAS application numbers. The personal data involved in the incident included the names and JUPAS application numbers of the applicants.

Immediately after the incident, the university notified all affected applicants and requested the applicants to delete the email and not to disclose the personal data to anyone.

In response to the PCPD's enquiries, the university reported that it had taken the following remedial action to prevent similar incidents:

- (1) Establishing new guidelines on the management and security of personal data, which required staff to: (i) conduct two rounds of cross-checking for raw data entry into the database; and (ii) conduct two rounds of cross-checking before sending out any letters or email messages;
- (2) Designing a compliance checklist on data protection for departmental data security and privacy officers to use;
- (3) Sending general mass mails or emails with no personal data shown instead of personalised correspondence, unless absolutely necessary; and
- (4) Providing annual talks on data protection for all staff responsible for handling personal data, to be attended on a mandatory basis.

主動調查

香港航空旅遊有限公司不慎使用流動應用程式「俠客行•旅行」外洩個人資料

俠客行由香港航空旅遊有限公司擁有，是一個提供在線服務的流動應用程式，包括預訂及購買機票、航程管理，及為旅客提供社交網絡平台。會員及非會員均可透過俠客行進行交易。

非會員首次使用預訂服務時，須輸入乘客的個人資料及聯絡人的個人資料。當再次進行交易時，非會員即可以其流動裝置的MAC位址¹確認其身份。

2013年9月18日，蘋果公司推出新的流動操作系統iOS7。以保護私隱為由，iOS7阻止所有應用程式讀取MAC位址作為識別流動裝置的持有人。在回應應用程式要求讀取MAC位址時，iOS7會向程式提供相同的虛假數字。然而，俠客行的保養承辦商沒有就該改動作出任何相應的糾正，於2013年9月19日起，每當非會員在iOS7版本的流動裝置進行交易時，iOS7均會以相同的虛假MAC位址回應，所有交易均因此被視為由同一個人作出。當非會員以運行iOS7版本的流動裝置預訂機票或查詢訂購紀錄時，俠客行在裝置的螢幕上不單顯示他的紀錄，還會顯示其他非會員的個人資料。直至事件於2013年9月25日被揭發為止，共有六名顧客的個人資料因這方式而外洩予其他非會員。

私隱專員於2014年12月15日就此事發表調查報告，指出俠客行的保養承辦商並無就iOS7推出新增保障私隱的功能（阻止程式讀取MAC位址作為識別流動裝置）而及時地作出相應行動，以致香港航空旅遊有限公司外洩顧客的個人資料。

私隱專員的決定

俠客行的保養承辦商向公署提出不知情的解釋，私隱專員並不接受。即使俠客行的保養承辦商宣稱在2013年9月才登記參與iOS開發商計劃，而之前從未收過蘋果公司的電郵通知，但作為專門從事程式開發的科技公司，它應緊貼蘋果公司的消息及最新科技資訊。再者，保養承辦商最後亦承認

PCPD-INITIATED INVESTIGATIONS

Personal Data Leaked through the Inadvertent Use of Mobile App “TravelBud” by HKA Holidays Limited

“TravelBud”, owned by HKA Holidays Limited, was a mobile application providing online services for mobile device users, including flight ticket reservations and purchase, flight itinerary management, and a social networking platform for travellers. It supported transactions made by both registered members and non-member customers.

When making reservations for the first time, non-member customers had to input the personal data of the passenger and a contact person. For subsequent transactions, non-member customers were recognised by the MAC address¹ of the mobile device they used.

On 18 September 2013, Apple Inc. launched a new mobile operating system, iOS 7, which, for privacy protection, blocked apps from reading the MAC address as a mobile device identifier. In response to an app asking for the MAC address of a particular mobile device, iOS 7 provided the same fictitious number for all app requests. However, TravelBud’s maintenance contractor failed to take any corrective action in response to this change of MAC address behaviour, so all non-member customers making transactions with devices using iOS 7 from 19 September 2013 onwards were identified by the same fictitious MAC address, as if they were all the same person. As a result, when a non-member customer sought to reserve a flight or order a history enquiry on a mobile device using iOS 7, TravelBud would show on the screen of the mobile device not only his records and personal data, but also those of other non-member customers who had made transactions through TravelBud on devices using iOS 7. The personal data of six non-member customers was leaked in this way before the incident was identified on 25 September 2013.

On 15 December 2014, the Commissioner published an investigation report on the leakage of the personal data of customers of HKA Holidays Limited through TravelBud, which concluded that TravelBud’s maintenance contractor had failed to respond to the new privacy protection feature of iOS 7 that blocked apps from reading by the MAC address as a device identifier.

The Commissioner’s determination

TravelBud’s maintenance contractor pleaded ignorance of the change in MAC address behaviour, but this was rejected by the Commissioner. As a technology company specialising in app development, TravelBud’s maintenance contractor should have kept abreast of the news and technology updates from Apple Inc., even though it did not register with the iOS Developer Program until September 2013 and would not have received the relevant email

¹ 媒體存取控制位址 (“MAC位址”) 是編配予網絡界面的獨一無二的識別碼，作為實體網絡分段的溝通之用。它是一組共有48位元的數字，以16進位表示，通常由網絡界面的製造商編配。此位址存在於所有具網絡接駁功能的流動電腦裝置中。

¹ A media access control address (“MAC address”) is a unique identifier assigned to network interfaces for communications on the physical network segment. It is a 48-bit hexadecimal number most often assigned by the manufacturer of a network interface and exists on all mobile computing devices with network connectivity.

他在2013年9月11日知悉有關更新，這距離iOS7於2013年9月18日正式推出尚有一個星期時間，保養承辦商理應有足夠時間採取行動，防止資料外洩。

由於俠客行的保養承辦商在事件中只是港航旅遊的外判代理，亦未有受託付處理顧客的個人資料，所以私隱專員認為該保養承辦商不屬條例下的資料使用者。

然而，根據條例第65(2)條，港航旅遊作為該保養承辦商的主事人，須為該保養承辦商的錯失負責。港航旅遊沒有採取所有合理地切實可行的步驟，確保經俠客行處理的個人資料受保護而不受未經准許或意外的查閱，違反了保障資料第4(1)原則。

補救行動

非會員透過俠客行預訂及購買機票時，港航旅遊不再以MAC位址作為識別流動裝置的持有人。由於在事件後，俠客行的法律擁有權已轉移予一間內地公司，私隱專員未有向港航旅遊送達執行通知。不過，私隱專員已向港航旅遊作出警告，如它日後在類似情況中沒有遵守條例的相關規定，私隱專員會採取執法行動。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R14_6453_c.pdf

notifications from Apple Inc. before that date. Furthermore, as the maintenance contractor admitted that it learnt of the update on 11 September 2013 finally but iOS 7 was not launched until 18 September 2013, there was still time for the maintenance contractor to prevent the data breach.

As TravelBud's maintenance contractor was only an outsourced agent of HKA Holidays and was not entrusted with any personal data of the latter's customers for processing, the Commissioner concluded that it was not a data user as defined in the Ordinance.

The Commissioner also held that HKA Holidays, as the principal of the maintenance contractor, was responsible for the latter's misdeed by virtue of section 65(2) of the Ordinance. It contravened DPP4(1) for failing to take all reasonably practicable steps to ensure that the personal data handled through TravelBud was protected against unauthorised or accidental access.

Remedial action

HKA Holidays stopped using the MAC address as the identifier of mobile devices for non-member customers who reserved and purchased flight tickets through TravelBud. As HKA Holidays sold TravelBud to a Mainland company after the incident, no enforcement notice was served on HKA Holidays. Instead, the Commissioner warned HKA Holidays that enforcement action would be taken should it fail to observe the relevant requirements of the Ordinance in similar situations in the future.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R14_6453_e.pdf



翱翔旅遊的流動應用程式：未有提供私隱政策並收集過度個人資料

私隱專員於2014年12月15日發表一份調查報告，指翱翔旅遊有限公司（「翱翔遊」）在顧客(i)參加客戶獎賞計劃「翱翔天地」（「該計劃」）及(ii)於流動應用程式（「該程式」）查詢該計劃的積分時，收集過量的個人資料。該程式由縱橫旅遊有限公司（「縱橫遊」）開發及由翱翔遊營運。翱翔遊和縱橫遊兩間公司均沒有透過私隱政策、應用程式供應平台上的敘述或其他溝通渠道，向該程式的用戶解釋收集資料的用途。兩間公司均違反保障資料第1原則。

縱橫遊是一間批發旅遊產品的本地旅行社，翱翔遊是縱橫遊的指定銷售代理。該計劃是由翱翔遊獨自管理。顧客購買旅遊產品後，可以加入成為該計劃會員，之後再惠顧便可賺取積分，積分可以在將來消費時兌換成折扣優惠。顧客填寫申請表格時要提供姓名、性別、出生日期、香港身份證號碼、住址、電郵地址、流動及住宅電話號碼。申請經接受後，顧客會獲發一個會員編號。

在三萬名登記會員中，約二千人沒有提供出生日期，三千人沒有提供身份證號碼，但申請仍然被翱翔遊接納。

會員要查詢積分餘額，可親身前往翱翔遊分行、致電客戶服務熱線或在流動裝置使用該程式。如使用該程式的話，會員須輸入英文姓名、出生日期及香港身份證號碼。

私隱專員的決定

過度收集個人資料

私隱專員接納該計劃在會員申請入會時，可收集上述的個人資料，惟不應收集相對比較敏感的出生日期及香港身份證號碼。

翱翔遊宣稱收集這些資料是為會員查詢其帳戶資料、查詢／換取積分時核實其身份。不過，從翱翔遊的實際運作反映，其他私隱敏感度較低的個人資料已達至同一目的。例如，在親身及致電熱線查詢時，會員只須提供會員編號或姓名、電郵地址及／或流動電話號碼，便足以辨識其身份。更重要的是，即使申請人在申請表上沒有提供出生日期或香港身份證號碼，翱翔遊其實仍會接受其申請。因此，收集出生日期及香港身份證號碼是不必要及過量的。

Excessive Collection of Personal Data through a Mobile App by Worldwide Package Travel Service Limited Operating with a No Privacy Policy

On 15 December 2014, the Commissioner published an investigation report concerning the excessive collection of personal data by Worldwide Package Travel Service Limited from customers when they enrolled in the company's loyalty programme and when making online enquiries about the reward points under the programme using the mobile app developed by Package Tours (Hong Kong) Limited and operated by Worldwide Travel. Neither Worldwide Travel nor Package Tours explained to app users through a privacy policy, app marketplace description or other communication means the purpose of use of their personal data they collected. The two companies therefore contravened DPP1.

Package Tours is a local travel agent providing wholesale travel products, and Worldwide Travel is its designated sales agent. The loyalty programme is exclusively administered by Worldwide Travel. After purchasing the company's travel products, customers can join the programme and earn reward points, which can be redeemed as discounts for future purchases. When completing the programme application form, the customers supply their name, gender, date of birth, Hong Kong Identity ("HKID") Card Number, home address, email address, and mobile and home telephone numbers. Upon enrolment, they are assigned a membership number.

There were about 30,000 registered members under the loyalty programme. Of these, around 2,000 members did not provide their date of birth, and around 3,000 members did not provide their HKID Card Number, but Worldwide Travel still accepted their applications.

Members can check their reward points balance by visiting Worldwide Travel branches in person, through its customer service hotline, or by using an app on a mobile device. When using the app, they have to input their English name, date of birth and HKID Card Number.

The Commissioner's determination

Excessive collection of personal data

The Commissioner concluded that Worldwide's collection of its customers' personal data for loyalty programme enrolment was acceptable, except for the relatively more sensitive data of date of birth and HKID Card Number.

The company alleged that these two data items were required to identify the customers when they enquired about their account details, or checked or redeemed reward points. However, the company's actual practice indicated clearly that other less sensitive personal data in the company's possession served the same purpose. For example, for in-person and hotline enquiries, customers were required to identify themselves only by providing their membership number or name, email address and/or mobile number. Importantly, the company accepted member enrolment even if the date of birth or HKID Card Number was missing on the application form. Accordingly, the collection of date of birth and HKID Card Number was unnecessary and excessive.

同樣地，在該程式處理網上積分查詢時，要收集顧客的出生日期及香港身份證號碼作為先決條件，也是不必要及過量的。顧客在查詢一些相對不太重要的事宜時，理應可以提供其他私隱敏感度較低的個人資料（如會員編號、姓名及／或聯絡資料）來核實其身份。

私隱政策欠奉

翱翔遊及縱橫遊在管理旅遊產品的銷售時，共用同一個資料庫及電腦系統。翱翔遊負責接收和確認流動裝置經該程式發送的網上訂單，縱橫遊則負責向航空公司購買機票及團體旅遊保險。就「網上訂購」功能而言，兩者均控制會員個人資料的收集、持有、處理及使用，所以在條例下被視為聯合資料使用者。

根據保障資料第1(3)(b)原則，資料使用者須採取所有切實可行的步驟，以確保在收集個人資料之時或之前，資料當事人獲明確告知該資料會用於甚麼目的，及該資料可能轉移予甚麼類別的人。此外，在首次使用資料前，資料當事人應獲告知他有權要求查閱和改正資料，以及處理這些要求的人士的姓名或職銜及地址。

兩間公司都沒有遵從這項規定，因為他們在該程式的「網上訂購」功能沒有提供這些資訊。另外，翱翔遊作為該程式中的「積分查詢」功能的獨立資料使用者，同樣沒有提供相關資訊。

執法行動

私隱專員已向翱翔遊送達執行通知，指令他採取一系列的改善措施，包括(i)停止向該計劃的申請人及透過該程式的「積分查詢」功能，向顧客收集出生日期及香港身份證號碼；(ii)完全刪除在該計劃所收集的出生日期及香港身份證號碼；及(iii)根據保障資料第1(3)(b)原則的規定，聯同縱橫遊在該程式提供《收集個人資料聲明》述明資料的使用目的。

私隱專員亦向縱橫遊送達執行通知，指令縱橫遊要根據保障資料第1(3)(b)原則的規定，聯同翱翔遊在該程式提供《收集個人資料聲明》。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R14_9945_c.pdf

Similarly, the collection of date of birth and HKID Card Number as a requirement for online enquiries about reward points using the app was unnecessary and excessive. These enquiries were relatively inconsequential matters, and it should have been possible for customers making the enquiries to identify themselves by providing less sensitive personal data, such as their membership number, their name, and/or their contact information.

No privacy policy

Worldwide Travel and Package Tours share the same database and computer system for managing the sale of their travel products. Worldwide Travel is responsible for receiving and acknowledging online purchase orders made through mobile devices via the app, and Package Tours is responsible for issuing flight tickets and handling purchases of group travel insurance. They both control the collection, holding, processing and use of customers' personal data for the online purchases and are regarded as joint data users under the Ordinance.

Pursuant to DPP1(3)(b), a data user is obliged to take all practicable steps to ensure that on or before collection of the data, the data subject is explicitly informed of the purpose for which the data is to be collected and the classes of persons to whom the data may be transferred. In addition, before the first use of the data, the data subjects must be informed of their right to request access to and correction of the data and the name or job title, and address of the individual who is to handle any such requests.

The two companies failed to comply with this requirement as they did not provide any such information in relation to the use of the app by customers making online purchases. Worldwide Travel also failed to provide such information in relation to the use of the app by customers making enquiries about reward points.

Enforcement action

The Commissioner served an enforcement notice on Worldwide Travel directing it to, among other things: (i) stop collecting the date of birth and HKID Card Number from customers when they enrol in the loyalty programme or when they use the app to make online enquiries about the programme's reward points; (ii) delete from the programme the date of birth and HKID Card Number collected in the past; and (iii) jointly with Package Tours, provide a Personal Information Collection Statement in relation to the use of the app as prescribed in DPP1(3)(b).

He also served an enforcement notice on Package Tours to provide, jointly with Worldwide Travel, a Personal Information Collection Statement in relation to the use of the app as prescribed under DPP1(3)(b).

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R14_9945_e.pdf

私隱專員譴責69則匿名招聘廣告不公平收集求職者的個人資料

公署發現機構沒有披露其身份而刊登69則匿名招聘廣告（即「匿名廣告」），並以不公平方式收集求職者的個人資料。

過去五年，公署共接獲550宗有關匿名廣告的查詢。雖然公署曾向刊登匿名廣告的機構進行循規審查及發出勸喻信，但違規行為並無減少。公署於2014年3月15至22日期間審視七個主要廣告平台，發現以匿名方式刊登招聘廣告，依然常見。

私隱專員的決定

在隨機抽出進行調查的71則匿名廣告中，69則被發現違反保障資料第1(2)原則的規定（該原則規定個人資料必須以合法及公平的方式收集）。餘下2宗個案則沒有違反保障資料第1原則，因為私隱專員接納有關公司的解釋，即是招聘廣告中看來像是縮寫的公司名稱，實際上是有關公司日常營運時使用的正式名稱。

執法行動

私隱專員已向涉及匿名廣告的69個刊登廣告者發出執行通知，指令機構刪除已收集的個人資料，除非是必須為符合其他法律規定而保留資料，或為了繼續進行招聘程序；在這種情況下，求職者須獲告知其資料會被保留，而他們亦有權要求刪除其個人資料。

六個主要招聘媒體，包括求職廣場(JobMarket)，Recruit，招職(JiuJik)，Classified Post，JobsDB及Career Times，已承諾會打擊匿名廣告。這些招聘媒體應

The Commissioner Condemned 69 Blind Recruitment Advertisements for the Unfair Collection of Job Applicants' Personal Data

A number of organisations were found in breach of DPP1(2) of the Ordinance for placing 69 job advertisements without disclosing their identities ("Blind Ads"), thus soliciting job applicants' personal data in an unfair manner.

The PCPD received 550 enquiries in relation to Blind Ads over the previous five years. Compliance checks were conducted and advisory letters were issued to the organisations placing the Blind Ads but the malpractice continued unabated. A survey conducted from 15 to 22 March 2014 in respect of seven major advertising platforms revealed that Blind Ads were preponderant.

The Commissioner's determination

Of 71 Blind Ads selected on a random basis for investigation, 69 were found to be in breach of DPP1(2) of the Ordinance, which requires that personal data be collected in a lawful and fair manner. In the remaining two cases, there was no contravention of DPP1, as the Commissioner accepted the company's explanation that what appeared to be an abbreviation of the company's name in a recruitment advertisement was in fact the company's trade name used in its day-to-day business operations.

Enforcement action

The advertisers involved in the 69 Blind Ads were issued an enforcement notice directing them to delete the personal data collected, unless it had to be retained to satisfy certain legal requirements, or for a continuing recruitment process, in which case the job seekers had to be informed and given the option of having their personal data deleted.

Six recruitment media, namely JobMarket, Recruit, JiuJik, Classified Post, JobsDB and Career Times, pledged to fight Blind Ads, heeding the Commissioner's advice to act as gatekeepers to prevent the unfair collection of job seekers' personal data through such ads.



私隱專員的勸籲，承諾會做好把關工作，防止有人透過匿名廣告不公平收集個人資料。它們積極打擊匿名廣告的做法包括：

- (1) 篩選接到的廣告，如有需要，會要求刊登廣告者作出改正；
- (2) 設立提示訊息及告示，以教育刊登廣告者及求職者，及
- (3) 要求刊登廣告者提供商業登記證副本。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R14_9945_c.pdf

視察行動

公署根據條例第36條，在2014年3月至7月期間視察勞工處就業服務的個人資料系統。

勞工處提供全面的就業服務，於2011至2013年期間，每年的登記求職者及就業轉介數目，平均分別有96,000人及172,000宗。勞工處為提供上述服務，所收集、持有、處理及使用求職者的個人資料類別相當多，包括姓名、香港身份證號碼、聯絡資料、教育背景、工作經驗及技能等。

公署知悉勞工處實行多項的資料保障措施，均符合最佳行事方式，甚至高於法例的要求。

不過，私隱專員也提出14項勞工處可以優化現時個人資料系統的建議，並促請勞工處尤其注意下列五項：

- (a) 從僱主收集求職者的資料：在面試完成後，勞工處會向僱主收集面試結果、已聘職位、僱用日期及薪金資料，但勞工處並沒有清晰地告知求職者會從僱主收集個人資料的種類，以及收集該些資料的目的。私隱專員建議勞工處糾正這做法。
- (b) 如期銷毀資料：根據勞工處的內部指引，求職者的登記表格會在完成資料輸入後兩年銷毀，但實地視察仍發現有2008年的登記表格未被銷毀。私隱專員建議勞工處引入管控機制，確保載有個人資料的表格如期銷毀。

The proactive steps they are taking to combat Blind Ads include the following:

- (1) Screening the ads and seeking advertisers' rectification where necessary;
- (2) Setting up alert messages and notices to educate advertisers and job applicants; and
- (3) Requiring advertisers to provide a copy of their business registration certificate.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R14_6242_e.pdf

INSPECTION

The PCPD inspected the personal data system of the Labour Department's employment services, pursuant to section 36 of the Ordinance, between March and July 2014.

The Labour Department provides comprehensive employment services. From 2011 to 2013, it handled an annual average of 96,000 registered job seekers and 172,000 job referrals. In providing these services, the Labour Department collects, holds, processes and uses a wide range of personal data of the job seekers, including name, Hong Kong Identity Card number, contact details, education background, work experience, skills, etc.

The Labour Department has a number of data protection measures in place which amount to best practices over and above the legal requirements.

The Commissioner made 14 recommendations for improving the existing personal data system. In particular, the following five recommendations called for the Labour Department's prompt attention:

- (a) Collection of job seekers' data from employers: After job interviews, the Labour Department collected from the prospective employers the interview results, position filled, date of employment and salary offered, without clearly informing the job seekers of the types of personal data that would be collected from the employer and the purpose of collecting the data. The Commissioner recommended that the Labour Department rectify this communication gap.
- (b) Destruction of data according to schedule: According to the Labour Department's internal guidelines, the registration forms of job seekers must be destroyed two years after data input, but registration forms dating back in 2008 were found during the site inspection. The Commissioner recommended introducing management controls to ensure the destruction of forms containing personal data according to the schedule.

(c) 僱主應披露身份，才要求求職者提供履歷：勞工處可能會要求求職者直接把履歷發送給準僱主。雖然勞工處會向求職者披露準僱主的身份及聯絡方法，但有關披露僱主身份的做法，未有列入在指引內。為確保僱主收集個人資料符合公平原則，披露僱主的身份是必要的。因此，私隱專員建議勞工處制訂明確指引，以便職員遵從。

(d) 防止擅闖儲存或處理個人資料的重地：由於勞工處職員面見求職者的服務櫃位設在辦公範圍內，因此存在未獲授權人士可以擅自闖入儲存或處理求職者個人資料重地的風險。私隱專員建議制訂措施，例如在入口處安裝電子鎖、陪同求職者進入內部辦公範圍，及在顯眼位置張貼告示，清楚分隔服務櫃位範圍和內部辦公範圍，以阻止擅自闖入的情況。

(e) 未有制訂閉路電視政策及／或程序：為保安目的，勞工處在就業中心的公共地方安裝了閉路電視，但沒有足夠措施防止閉路電視系統被未獲授權查閱，亦沒有就如何使用閉路電視制訂書面指示。例如，查閱影像和登入系統無需密碼，及查閱閉路電視的控制板及顯示器，無需存放在上鎖的櫃或房間內。私隱專員建議制訂及實施閉路電視政策及程序，指明獲授權查閱閉路電視影像的人士、閉路電視系統的保安措施及閉路電視影像的保留時期。

(c) Disclosure of employer's identity to a job seeker who was required to provide his resume: The Labour Department might ask a job seeker to send his resume to the prospective employer directly, and the unwritten rule is to disclose the prospective employer's identity and contact means to the job seeker during the referral process. To ensure the fair collection of personal data by the employer, the disclosure of the employer's identity is imperative; hence the Commissioner recommends devising clear guidelines for the staff to follow.

(d) Preventing trespass into restricted areas where personal data is stored or processed: The service booths where the Labour Department staff interview job seekers are located inside the office, so there is a risk of trespass by unauthorised persons into restricted areas where personal data is stored or processed. The Commissioner recommends introducing means to curb such trespass, such as installing electronic locks at the entrance to internal office areas, escorting job seekers, and posting prominent signs to clearly demarcate the service booth area and the internal office area.

(e) Lack of CCTV policies and/or procedure: The Labour Department has installed for security purposes CCTV cameras in the public areas of the Job Centres, but there are insufficient measures to prevent unauthorised access to the CCTV systems and no specific written instructions on the use of CCTV. For example, no login or password is required to access the footage or system; and CCTV control panels and monitors are not required to be stored in a locked cabinet or room. The Commissioner recommends devising and implementing CCTV policies and a procedure specifying who is authorised to access the captured CCTV images, measures to safeguard the security of the CCTV systems, and the maximum retention period of the captured CCTV images.

視察報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/inspection_reports/files/R14_3849_c.pdf

Inspection Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/inspection_reports/files/R14_3849_e.pdf

讚賞 Compliment

我們希望藉此機會，多謝公署協助我們檢視資料保障系統，並在視察過程中提供寶貴的改善建議。

We would like to take this opportunity to express our gratitude to PCPD for helping us review our data protection system and offering valuable advice for improvement throughout the inspection process.

嚴麗群女士
勞工處高級勞工事務主任
Ms Cindy YIM
Senior Labour Officer, Labour Department

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，並向機構指出明顯的不足之處，建議他們採取補救措施，防止同類事故重演。

DATA BREACH NOTIFICATION

A data breach is generally understood to mean a suspected 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 Data Protection Principle 4. When a data breach occurs, data users are strongly advised to give formal data breach notification ("DBN") to the affected data subjects, the Commissioner, and any other relevant parties.

Upon receipt of a DBN from a data user (which can be submitted using the designated form), the PCPD assesses the information provided in the DBN and decides whether a compliance check is warranted. For DBN cases where the Commissioner decides to conduct compliance checks, the Commissioner alerts the data users in writing, pointing out the apparent deficiency and inviting them, where appropriate, to take remedial action to prevent a recurrence of the incident or a similar one.

在本年度，公署接獲66宗資料外洩事故通報（**41**宗來自公營機構；**25**宗來自私營機構），牽涉**77,409**名人士的個人資料。公署對肇事機構展開**66**項循規審查行動。

During the year, the PCPD received 66 data breach notifications (**41** from the public sector and **25** from the private sector), affecting **77,409** individuals. In response, the PCPD conducted **66** compliance checks.

個人資料的核對程序

在本年度，私隱專員共收到13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七宗申請。截至2015年3月31日，私隱專員尚在考慮六宗申請。

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 year, the Commissioner received a total of 13 applications for approval to carry out matching procedures. All of the applications came from government departments and public-sector organisations.

Upon examination, seven applications were approved, subject to conditions imposed by the Commissioner. As at 31 March 2015, the remaining six applications were under consideration by the Commissioner.

Following are some of the matching procedures approved by the Commissioner:

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
香港房屋委員會 Hong Kong Housing Authority	把香港房屋委員會從居者有其屋計劃申請人及其家人收集的個人資料，與轄下各項房屋資助計劃的個人資料互相比較，以避免公屋資源遭濫用。 Comparing the personal data collected by the Hong Kong Housing Authority ("HA") from applicants for the Home Ownership Scheme and their family members with the personal data collected in the HA's various subsidised housing schemes, in order to prevent the abuse of public housing resources.
入境事務處 Immigration Department	把入境事務處從部門宿舍申請人及其配偶收集的個人資料，與香港房屋委員會從資助房屋的租戶、業主及申請人收集的個人資料互相比較，以避免有申請人得到雙重房屋福利。 Comparing the personal data collected by the Immigration Department from applicants for departmental quarters and their spouses with the personal data collected by the HA from the tenants, owners and applicants for subsidised housing, in order to prevent the collection of double housing benefits.
選舉事務處 Registration and Electoral Office	把選舉事務處從地方選區登記參選人收集的個人資料，與民政事務局為居民代表選舉及街坊代表選舉的選民登記而收集的個人資料互相比較，以提高選民登記冊的準確性。 Comparing the personal data collected by the Registration and Electoral Office from the registered electors of geographical constituencies with the personal data collected by the Home Affairs Department for voter registration for the Resident Representative Election and Kaifong Representative Election, in order to enhance the accuracy of the voter register.
民政事務局 Home Affairs Bureau	把民政事務局從關愛基金的「非公屋、非綜援的低收入住戶一次過生活津貼」申請人收集的個人資料，與土地註冊處收集的註冊業主資料互相比較，以確定申請人的資格。 Comparing the personal data collected by the Home Affairs Bureau from the applicants for the "One-off living subsidy for low-income households not living in public housing and not receiving Comprehensive Social Security Assistance" under the Community Care Fund with the personal data collected by the Land Registry from registered property owners, in order to ascertain the eligibility of the applicants.

Enforcing Data Protection

執法保障資料

調查不偏不倚

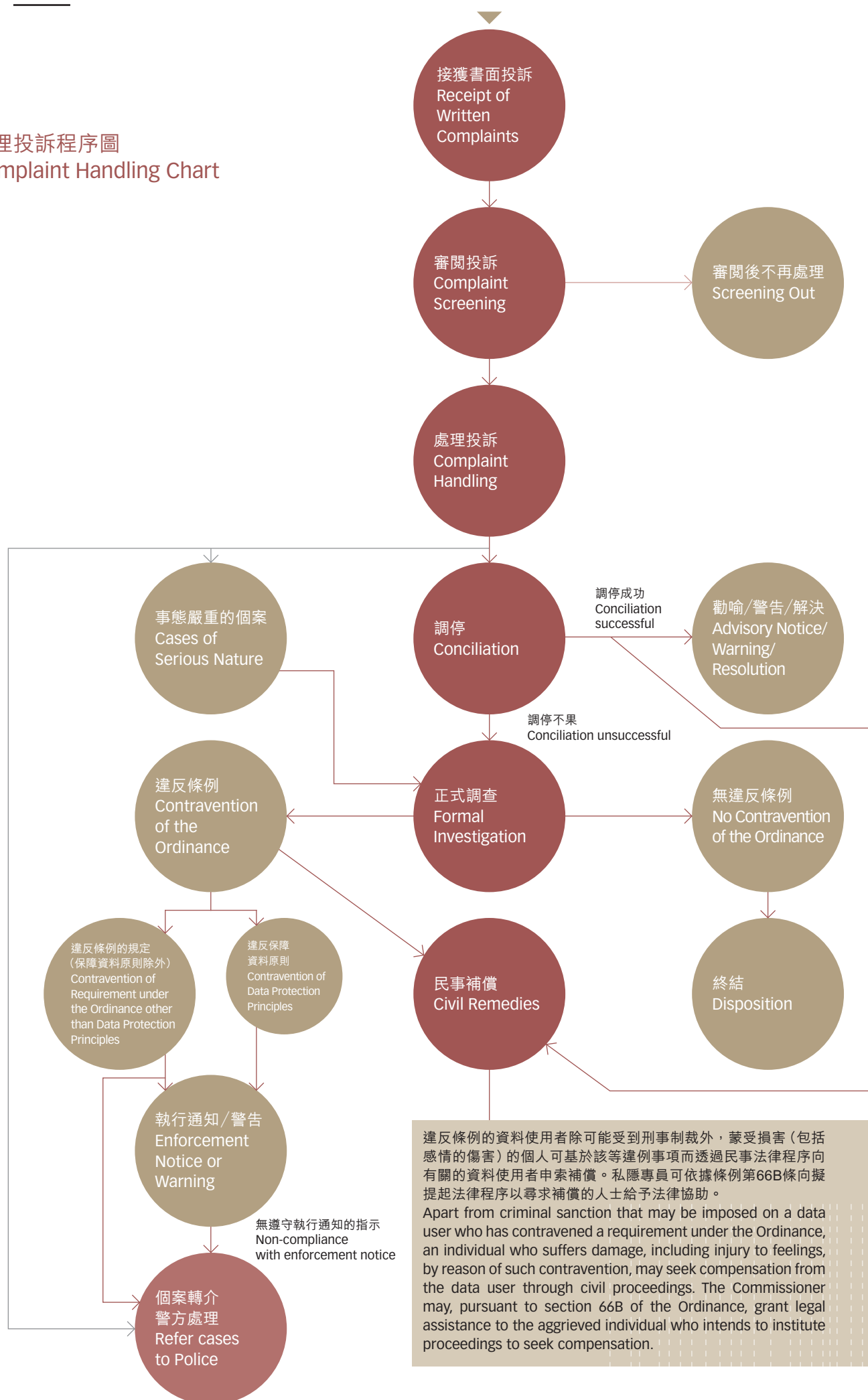
執行部分為投訴審閱組和調查組，對於市民的投訴，我們會作出具效率、公平公正的調查及處理。若發現有顯著私隱風險的情況存在，我們更會主動作出調查。

Thorough and Impartial Investigations

The Operations Division, comprising the Complaint Screening Team and the Investigation Team, investigates and resolves complaints efficiently and in a manner that is fair to all parties concerned, and proactively investigate areas where privacy risks are significant.



處理投訴程序圖
Complaint Handling Chart

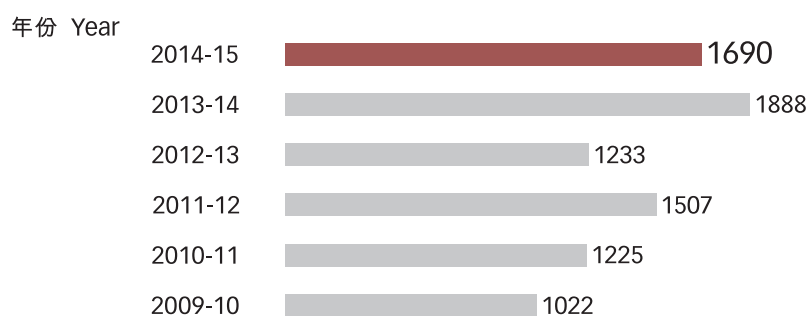


調查投訴

接獲有關個人資料私隱的投訴

公署在2014至15年度共接獲1,690宗投訴個案，較上年度下降了10%。**有關使用資訊及通訊科技的投訴有上升的趨勢**。由於公私營機構對直接促銷的新規管條文已較以前熟悉，直接促銷有關的投訴數字已見下跌。(圖3.1)

圖3.1：投訴個案數字



COMPLAINT INVESTIGATION

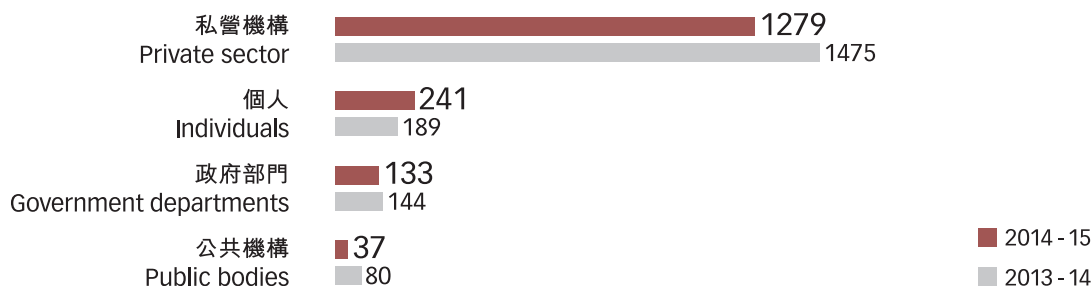
Data Privacy Complaints Received

A total of 1,690 complaint cases were received in 2014-15, a 10% decrease from that of the previous year. Although **there was a rising trend in the number of complaints in relation to the use of information and communication technology ("ICT")**, the number of direct marketing-related complaints dropped as the public and organisations became more familiar with the requirements under the new direct marketing regime. (Figure 3.1)

Figure 3.1: Number of complaint cases received

本年度大多數個案都是投訴私營機構，共有1,279宗，佔76%；另有241宗投訴個人，佔14%；及170宗投訴公營機構（即政府部門及公共機構），佔10%。(圖3.2)

圖3.2：被投訴者類別



During the year, the majority (76%) of the complaints were against private-sector organisations (1,279 cases); 14% were against individuals (241 cases); and 10% were against public-sector organisations (170 cases), including government departments and other public bodies (Figure 3.2).

Figure 3.2: Types of parties complained against

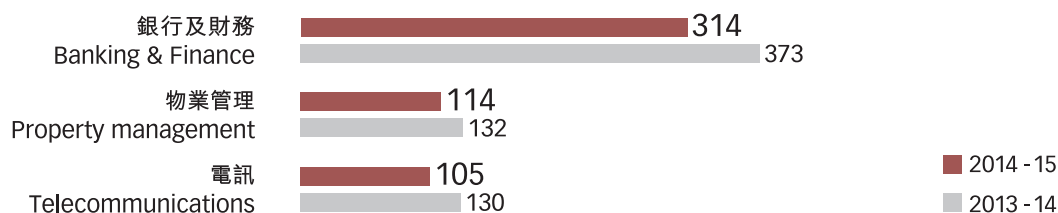
投訴個案數目 Number of complaint cases

在私營機構方面，銀行及財務機構接獲最多投訴；其次是物業管理及電訊。而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3.3)

The private-sector organisations that generated the most complaints were in the banking and financial sector, followed by the property management and telecommunications sectors. The majority of the complaints against companies in the telecommunications and financial sectors were related to the collection of personal data and breaches of the new direct marketing provisions of the Ordinance. (Figure 3.3)

圖3.3：對私營機構的投訴

Figure 3.3: Complaints against private-sector organisations



投訴個案數目 Number of complaint cases

投訴公營機構的個案中，大部分涉及：

The majority of complaints against public-sector organisations involved allegations of:

- 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 (32%)；
- 過度或不公平收集個人資料 (23%)；
- 未能遵守查閱資料要求或改正資料要求 (22%)；或
- 欠缺保障個人資料的保安措施 (17%)。

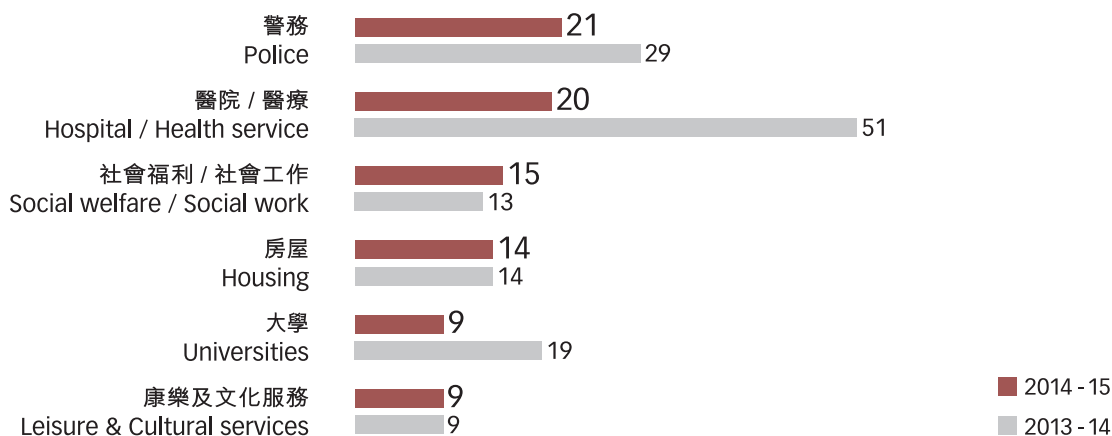
- the use or disclosure of personal data beyond the scope of the collection purpose and without the consent of the individual (32%);
- the excessive or unfair collection of personal data (23%);
- non-compliance with data access or correction requests (22%); or
- lack of security measures to protect personal data (17%).

涉及警務、醫院／醫療服務，以及社會福利／社會工作的投訴最多。(圖3.4)

The police force, hospital/health service organisations and social welfare/social work organisations generated the most complaints. (Figure 3.4)

圖3.4：對公營機構的投訴

Figure 3.4: Complaints against public-sector organisations



投訴個案數目 Number of complaint cases

公署於2014至15年度接獲的1,690宗投訴個案，涉及2,082項違反條例規定的指稱。當中，1,662項（80%）指稱違反保障資料原則（本身不構成刑事罪行），其餘420項（20%）則指稱違反條例的條文。

投訴最多是指稱個人資料在未經同意的情況下被使用，佔689項；其次是有關收集資料的目的及方式，有666項；直接促銷佔286項；資料保安有193項；依從查閱或改正資料要求有131項，以及107項有關資料準確性及保留期。（圖3.5）

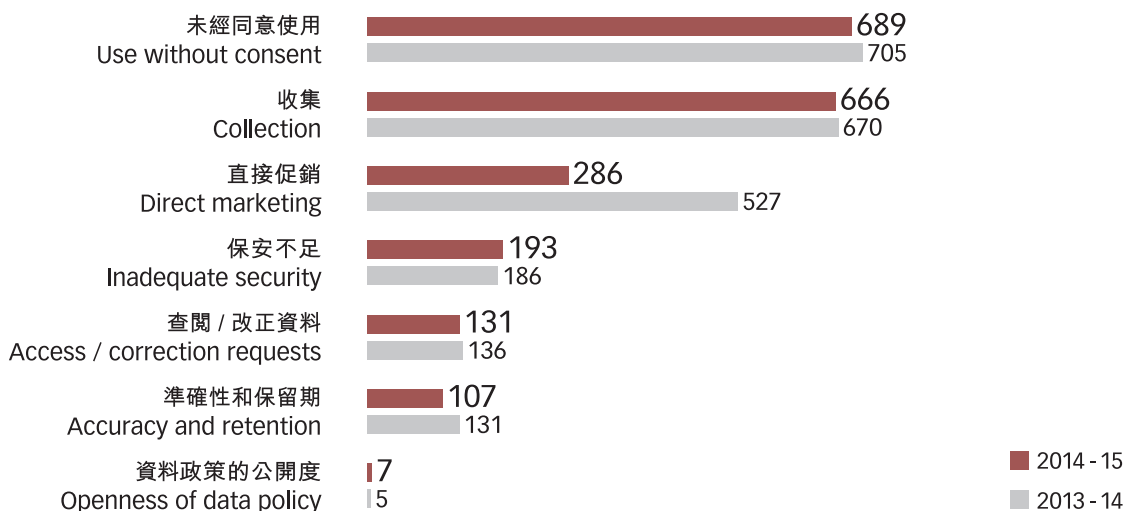
值得注意的是，有關直接促銷的私隱投訴由2013至14年度的歷史高位527宗，下降至2014至15年度的286宗。在這286宗投訴中，150宗（52%）關於資料使用者沒有依從拒絕直銷服務要求；91宗（32%）關於資料使用者未經資料當事人同意而將其個人資料用於直接促銷；及32宗（11%）關於資料使用者在使用資料當事人的個人資料作直接促銷前，沒有採取指明行動。

The 1,690 complaints received in 2014-15 involved a total of 2,082 alleged breaches of the requirements under the Ordinance. Of these, 1,662 (80%) were alleged breaches of the data protection principles (not a criminal offence) and 420 (20%) were alleged contraventions of the provisions of the Ordinance.

The complaints involved mostly the use of personal data without the consent of the individual concerned (689 alleged breaches), followed by complaints about the purpose and manner of data collection (666 alleged breaches), direct marketing (286 alleged breaches), data security (193 alleged breaches), compliance with data access or correction requests (131 alleged breaches), and accuracy and period of retention (107 alleged breaches) (Figure 3.5).

It is worth noting that the number of direct marketing-related privacy complaints received dropped by 46%, from a record high 527 cases in 2013-14 to 286 cases in 2014-15. Of those 286 complaints, 150 (52%) concerned data users' failure to comply with opt-out requests; 91 (32%) involved data users' use of data subjects' personal data for direct marketing without the data subjects' consent; and 32 (11%) related to data users' failure to take specified action before using their data subjects' personal data for direct marketing.

圖3.5：投訴的性質



涉嫌違例事項數目 Number of alleged breaches

涉及提供私人貸款的促銷電話數量很多。有些電話聲稱是由某銀行來電，但經調查後，該銀行否認曾授權職員致電，反而發現有其他貸款機構及中介公司牽涉其中。這些個案中，很多電話其實是在香港境外打出的，卻使用由本地電訊服務供應商所編配的八位數字香港電話號碼。要追查這些境外的來電，識別究竟是哪一家香港公司需為這些來電負責，是非常困難的。而來電者經常更改電話號碼，令追查更難上加難。公署已經與律政司及警方展開工作，設法解決這些困難。

圖3.6顯示投訴涉及的範疇。**2014至15年度有關資訊及通訊科技的投訴達223宗，為歷年最多，較上年度飆升89%。在這些個案中，98宗關於社交網絡的使用；79宗關於智能電話應用程式的使用；66宗關於在互聯網上披露或洩漏個人資料；34宗關於網絡欺凌，其餘11宗屬其他事項。數字大幅上升的主要原因是智能電話和互聯網的使用日益普遍。**

「佔領運動」的發生亦是導致網絡欺凌投訴上升的原因之一。公署在該段期間接獲不少來自兩派陣營人士、警務人員及其家屬關於這類投訴的個案。

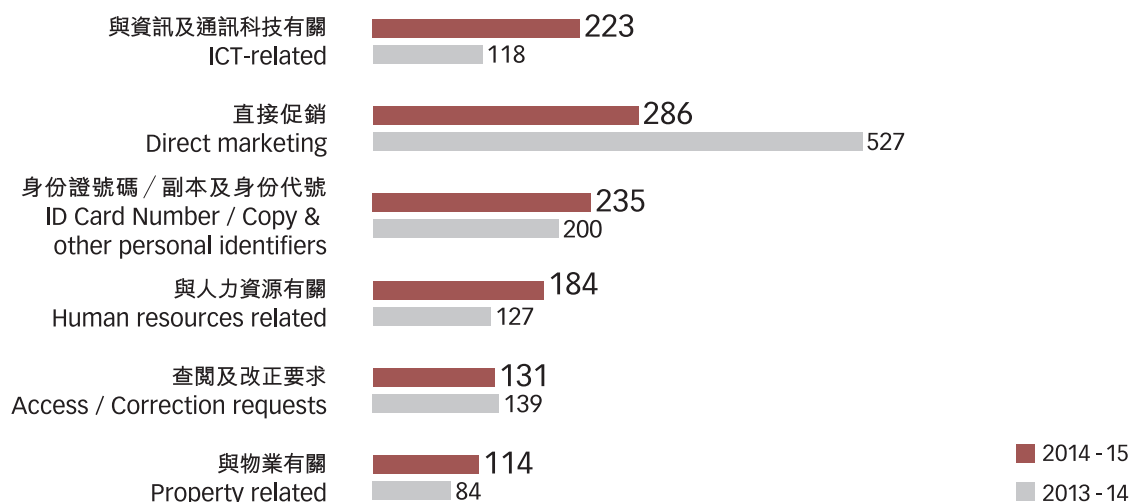
There has been a preponderance of telemarketing calls involving offers of personal loans. The calls in question were purportedly made by a bank, but upon investigation, the bank denied having authorised its staff to make the calls. Instead, other lending institutions and intermediaries were involved. The calls were often made outside Hong Kong but using the 8-digit numbers assigned by local telecommunications service providers. There were difficulties in tracing the Hong Kong companies responsible for the marketing calls, compounded by the callers' practice to change their numbers regularly. The PCPD has been working with the Department of Justice and the Police to address these difficulties.

Figure 3.6 shows the breakdown of complaints by topic. **The record high 223 ICT-related complaints in 2014-15 represented an 89% year-on-year increase. Of these, 98 related specifically to use of social networks, 79 were about use of smartphone applications, 66 concerned disclosure or leakage of personal data on the Internet, 34 involved cyber-bullying and 11 related to other sub-topics. The rising trend is principally attributable to the increasing popularity of smartphones and the Internet.**

The "Occupy Movement" also contributed to the upward trend of cyber-bullying, with reported cases involving participants in the two opposing camps, as well as police officers and their family members.

圖3.6：投訴涉及的範疇

Figure 3.6: Complaints by topics



投訴個案數目 Number of complaint cases

在本年度，公署處理了329宗由上年度帶下來的投訴，加上新接獲的投訴，年內共需處理2,019宗投訴。在這些個案中，1,766宗(87%)在本年報期內已經完結，而餘下的253宗(13%)截至2015年3月31日，仍在處理中。

In addition to the new complaints received, the PCPD handled 329 complaints carried forward from the previous year, bringing the total number of complaints handled during the year to 2,019. Of these, 1,766 (87%) were completed during the reporting year, and 253 (13%) were in still progress on 31 March 2015.

年度投訴摘要

Summary of complaints handled in the year

	2014-15	2013-14	2012-13	2011-12
上年轉來的投訴 Complaints carried forward	329	393	381	376
接獲的投訴 Complaints received	1,690	1,888	1,233	1,507
經處理的投訴 Total complaints processed	2,019	2,281	1,614	1,883
已完結的投訴 Complaints completed	1,766	1,952	1,221	1,502
未完結的投訴 Complaints outstanding	253	329	393	381

讚賞 Compliment

我想借此機會，讚賞公署的黃駿霆先生表現出色，積極地跟進我的個案，並且採取迅速的行動。

I would like to take this opportunity to commend Mr Austin Wong of the PCPD for his outstanding performance. He monitored my case closely and took quick action.

陳太
投訴人
Mrs CHAN
Complainant

感言 Response

儘管個案往往涉及繁瑣的文件，我深信適時的跟進和將心比心的處理是投訴人可以體會的。每個嘉許都使我工作起來更有幹勁和熱誠，這也是同事們團結協作的成果，更是投訴人對公署保障個人資料私隱這專業的肯定和信任的象徵，因此每個表揚我都會珍而重之。

Although complaint cases involve complicated documents, I strongly believe that the complainants will appreciate timely follow-up actions and our handling of the cases with empathy. Every compliment is the drive and enthusiasm to my work. It is the result of collaboration of our colleagues, as well as the recognition and trust of the complainant to the work of the PCPD on protection of personal data privacy. Therefore, I treasure every compliment.



黃駿霆
助理個人資料主任
Austin WONG
Assistant Personal Data Officer

投訴結果

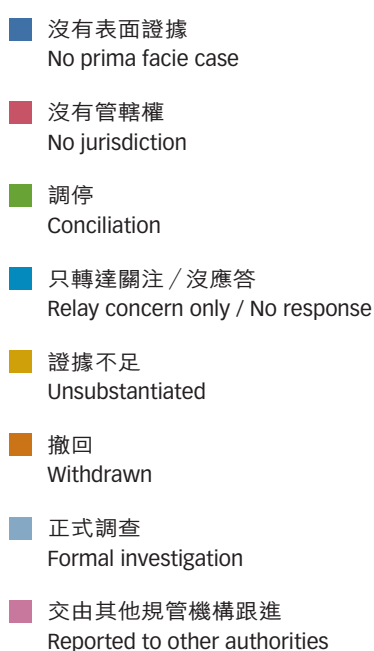
在本年報期內結案的1,766宗個案中，235宗（14%）在初步查訊期間經公署調停而得到解決，被投訴者對投訴人提出的問題作出適當的糾正，私隱專員並向其中194間機構提出勸喻及／或建議。另外，42宗個案（2%）在正式調查後獲得解決（當中有22宗（52%）經公署調停後得到解決（見下文「正式調查結果」））；及18宗（1%）交由其他規管機構例如警方跟進。（圖3.7）

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。

不能展開調查的投訴個案：

- 646宗（37%）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；
- 269宗（15%）沒有表面證據證明違規；
- 230宗（13%）不在條例的管轄範圍；
- 164宗（9%）在公署向被投訴者查詢後發現證據不足；
- 162宗（9%）在初步查詢期間投訴人撤回投訴。

圖3.7：投訴結果



Outcome of complaint handling

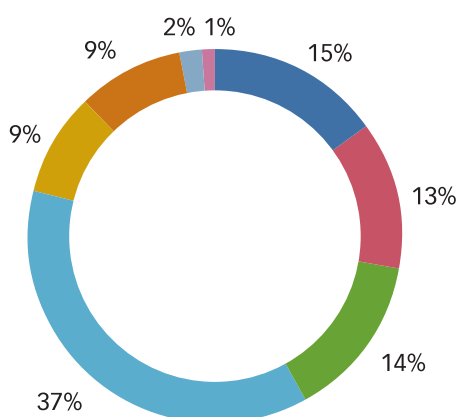
Of the 1,766 cases completed during the reporting period, 235 (14%) were resolved through conciliation during preliminary enquiries, i.e. the problems raised by the complainants were remedied by the parties complained against. The Commissioner gave advice and/or recommendations to 194 organisations involved in these cases; 42 (2%) were resolved after formal investigation, and of these, 22 cases (52%) were resolved through conciliation, (see “Results of formal investigations” below). Eighteen cases (1%) were transferred or reported to the other authorities e.g. Hong Kong Police (Figure 3.7).

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

Among the other cases which were not investigated:

- 646 cases (37%) 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;
- 269 cases (15%) were found to have no *prima facie* case of contravention;
- 230 cases (13%) were outside the jurisdiction of the Ordinance;
- 164 cases (9%) were found to be unsubstantiated after enquiries with the parties complained against; and
- 162 cases (9%) were withdrawn by the complainants during the preliminary enquiries.

Figure 3.7: Outcome of complaint handling



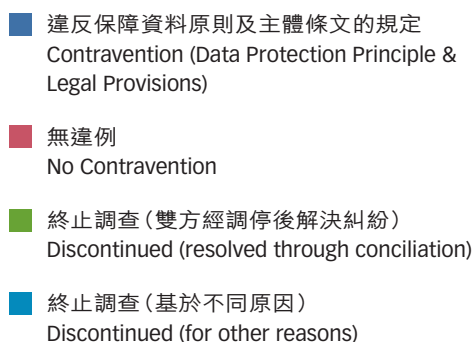
投訴個案的調查結果

正式調查結果

公署在本年報期內完成42宗正式調查，當中有七宗（17%）有違反條例規定的情況（包括違反法定條文及保障資料原則）。

而餘下的個案中，22宗（52%）在調查期間因雙方經調停後解決糾紛，12宗（29%）因不同原因而終止調查，一宗（2%）則沒有違反條例規定的情況。故此，在這些餘下個案中，私隱專員無需再就是否有任何違反情況作出結論。（圖3.8）

圖3.8：正式調查結果



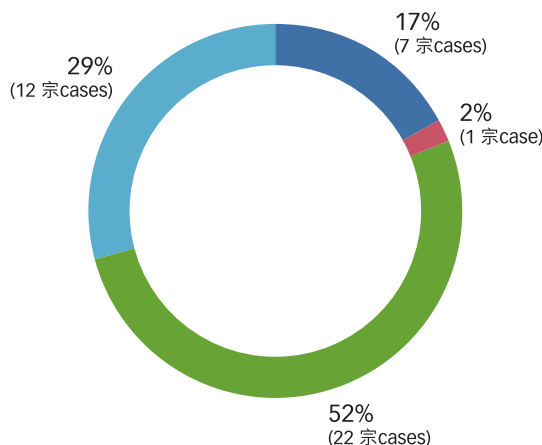
RESULTS OF INVESTIGATIONS OF COMPLAINT CASES

Results of Formal Investigations

During the reporting period, the PCPD completed 42 formal investigations and found seven cases (17%) involved contravention of the requirements under the Ordinance (both the statutory provisions and the Data Protection Principles).

Of the remaining cases, 22 (52%) were resolved through conciliation during the investigation, while 12 (29%) were discontinued for various reasons, and for one case (2%) there was no contravention. So 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)

Figure 3.8: Results of formal investigations



新入職員工 Newcomer

投訴的個案針對不同行業，在處理這些個案的過程中，我發現市民普遍對保護自身個人資料的意識較以前高。每當透過調停方式成功處理個案，令到資料使用者明白並承諾遵從條例的規定後，我感到很欣慰，這亦推動我繼續肩負寓執法於教育的使命。

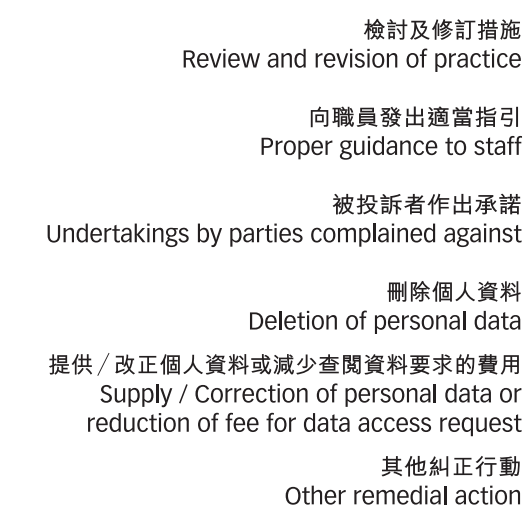
After handling many complaint cases against organisations in different industries, I realise that there is growing privacy awareness among the general public. It gives me great satisfaction to see cases resolved successfully through conciliation, and to see the data users understand and comply with the requirements under the Ordinance. This provides me with the incentive to pursue the mission of enforcement through education.

陳潤蓮
個人資料主任
Christine CHAN
Personal Data Officer

經調停而終止調查個案的糾正行動性質

在22宗經公署調停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（在同一宗個案中，被投訴者採取的糾正行動可能多於一項）。

圖3.9：糾正行動的性質

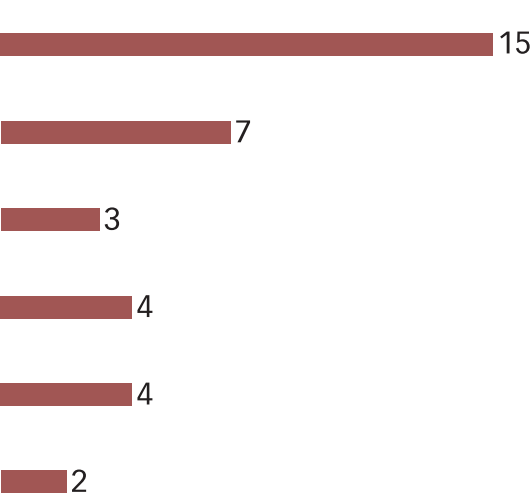


在34宗經公署調停而得到解決的個案或終止調查的個案中，私隱專員對13宗個案的被投訴者發出警告。

Nature of Remedial Action in Conciliated and Discontinued Cases

The nature of remedial action taken by the parties complained against in the 22 cases resolved through conciliation are categorised in Figure 3.9. (note that more than one type of remedial action may have been taken by the party complained against in some cases).

Figure 3.9: Nature of remedial action



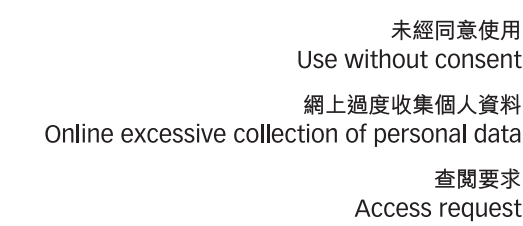
正式調查個案數目 Number of formal investigation cases

Of the 34 conciliated or discontinued cases, the Commissioner issued warning notices to the parties complained against in 13 cases.

違例事項的性質

在確定違例的七宗個案中，六宗涉及違反保障資料原則，一宗涉及違反條例中有關依從查閱資料要求的條文。這七宗個案所涉及違例性質的分類，請見圖3.10。

圖3.10：違例事項的性質



Nature of Contravention

Among the seven cases where the requirements under the Ordinance were found to have been contravened, six cases involved a contravention of one of the Data Protection Principles; and one case involved a contravention of the requirements of the main body of the Ordinance relating to compliance with data access requests. The classification of the nature of all the contraventions involved in these seven cases can be found in Figure 3.10.

Figure 3.10: Nature of contravention



違例事項數目 Number of contraventions

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七宗個案中，私隱專員向被投訴者發出執行通知，以制止或防止他們的違規行為。

Enforcement Action

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

In the seven cases found to involve contraventions of the requirements under the Ordinance, the Commissioner issued enforcement notices to the parties complained about to stop or prevent contraventions.

讚賞 Compliment

感謝你和貴署盡心協助我，並給我一個肯定。你我素不相識，我在貴署只是一個檔案編號，你也願意作出關懷體恤。

My heartfelt thanks to you and the PCPD's assistance and support. I feel that my case is treated with respect and genuine empathy, although I am a stranger to you, and only a case number in your filing.

曾小姐
投訴人
Ms TSANG
Complainant

感言 Response

我記得當初投訴人是因某團體不當使用其個人資料而向公署求助；後來收到曾小姐的感謝函，是對我處理投訴工作的一大鼓勵及認同。以調停的方式處理投訴個案，往往會更有效解決投訴人和被投訴人之間的爭端；而以同理心理解市民的需要，則令我的工作更有意義。

The complainant sought help from the PCPD because she opined that her personal data was unduly used. After completing her complaint case, I received her letter of thanks. This is a recognition and encouragement of my work. Conciliation is always an effective option to deal with the dispute between the complainant and the party complained against. I believe a great empathy with the citizens will make my work more meaningful.



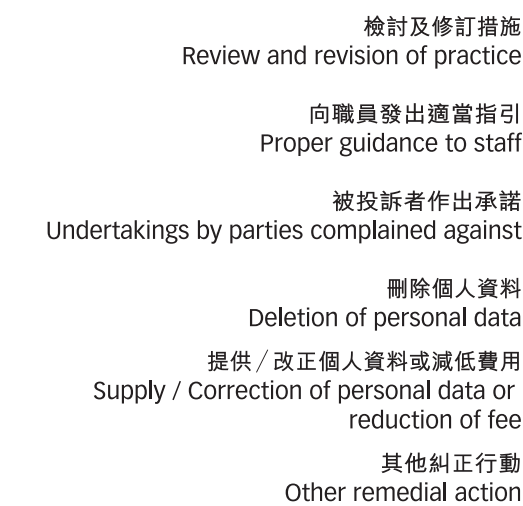
盧浩榮
助理個人資料主任
John LO
Assistant Personal Data Officer

個案經調停而解決的的糾正行動性質

在本年報期間，共有257宗個案在初步查訊或調查期間，經公署調停便得到解決（包括235宗在初步查詢期間得到解決的個案，及22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）：

- 被投訴者修訂操作的行事方式，以免日後再發生同類違規事件（113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（99宗）；
- 被投訴者承諾停止導致被投訴的不當行為（93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（86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（50宗）；
- 符合投訴人期望的其他糾正行動（20宗）。

圖3.11：個案經調停而解決的糾正行動性質

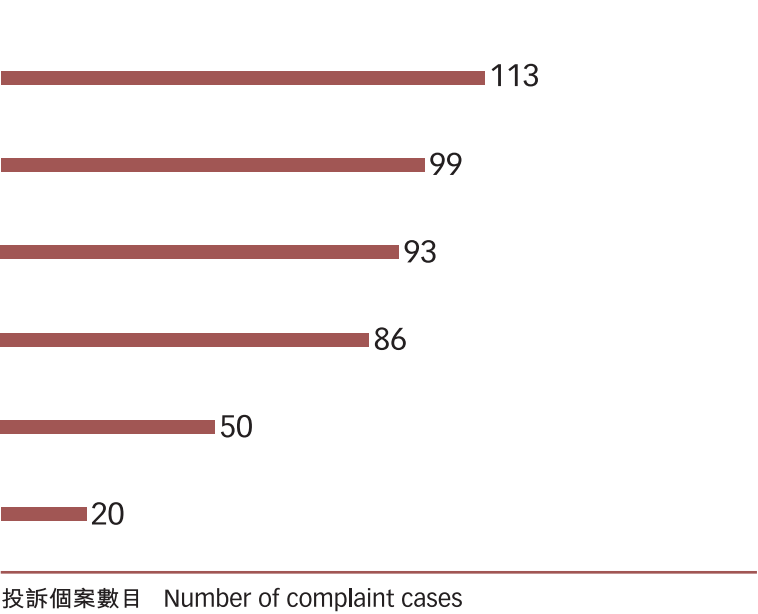


Nature of Remedial Action in Conciliated Cases

During the reporting period, 257 cases were resolved through conciliation (235 during the preliminary enquiries and 22 during formal investigations), i.e. the problems raised by the complainants were remedied by the parties complained about. The remedial actions taken by the parties complained against are categorised in Figure 3.11 (note that more than one type of remedial action may have been taken by the party complained about in some cases) and are summarised as follows:

- Revision of operational practices by the party complained about to prevent a similar breach in the future (113 cases);
- Proper guidance given by the party complained about to the staff concerned to ensure compliance with the Ordinance (99 cases);
- Undertakings by the party complained about to cease the malpractice leading to the complaint (93 cases);
- Deletion of personal data unnecessarily collected by the party complained about or disclosed to third parties (86 cases);
- Supply / correction of the personal data by the party complained about as per the complainants' data access/correction requests, or reduction in the fee for complying with the data-access requests (50 cases);
- Other remedial actions taken which met the complainants' expectations (20 cases).

Figure 3.11: Nature of remedial action in conciliated cases



個案研究：指導資料使用者遵守條例規定

私隱專員可根據條例第39條拒絕對某投訴進行調查或決定終止調查。在這類個案中，私隱專員的決定及建議對資料保障仍可帶出正面的訊息，此有助資料使用者明白在實務上應如何提升個人資料的保障，以遵從條例的相關規定。

以下個案顯示資料使用者如何在私隱專員的指導下，採取適當措施改善其保障資料的做法。

CASE STUDY: GUIDING DATA USERS TOWARDS COMPLIANCE

The Commissioner may decline to investigate a complaint or terminate an investigation under section 39 of the Ordinance. In such cases, the Commissioner's decision and recommendation can still have a positive impact by helping data users understand in practice how to enhance personal data protection in order to comply with the requirements under the Ordinance.

The following cases in the reporting year illustrate how data users complained about can improve their data protection practices by taking appropriate measures under the Commissioner's guidance.

商戶不應強制客戶加入尊賞會員計劃，才可接受其產品保養及維修登記，亦不應收集加入計劃人士的完整出生日期資料 — 保障資料第1(1)及1(2)原則

投訴內容

投訴人購買了某品牌的打印機，並欲透過售賣商戶（「該商戶」）的網頁，替產品登記保養及維修服務（「該登記」）。在這過程中，投訴人發現她必須登入該商戶的尊賞會員計劃（「該計劃」）的專頁，才能進行登記。由於投訴人並非該計劃的現有會員，她必須先登記成為該計劃的會員，及提供其個人資料，才可享有產品保養及維修服務。投訴人認為該商戶強制要她提供其個人資料，她亦不滿該商戶要求登記加入該計劃的人士提供其出生日期，因而向公署作出投訴。

該商戶澄清，客戶一般憑購物單據及產品記錄卡，已可享售後的保養及維修服務，惟該計劃的會員可獲取額外三個月的保養及維修服務。由於該登記是為該計劃的會員而設，故客戶若選擇就已購買的產品進行登記，則須先加入該計劃成為會員；然後在該商戶的網頁輸入相關會員帳號及密碼，進行登記。

A vendor should not compulsorily require customers to join its membership programme for registration of product maintenance and repair, and should not collect the full date of birth of individuals joining the programme – DPP 1(1) and 1(2)

The Complaint

The Complainant purchased a printer and wanted to register for the maintenance and repair service ("the Registration") of the Vendor ("the Vendor") through the Vendor's webpage. However, the Complainant found that she had to log into the webpage of the Vendor's membership programme ("the Programme") before registering. As the Complainant was not a member of the Programme, she was required to provide her personal data for membership registration before applying for the maintenance and repair service. The Complainant said that the Vendor had unnecessarily required her to provide her personal data to join the Programme, including her date of birth. Hence, she lodged a complaint with the PCPD.

The Vendor explained that all customers could generally get the after-sale maintenance and repair service with their purchase invoice and product record card. However, to get an extra three months' maintenance and repair service, they had to join the Programme. As the Registration extension was offered only to members of the Programme, customers who wanted to get the extension had to become Programme members first and then register by entering their member account number and password on the Programme webpage.

至於收集加入該計劃人士的出生日期，該商戶解釋，客戶的出生年份有助他們分析市場趨勢及客戶的消費習慣，而出生月份是為了向客戶提供生日優惠或禮品。

結果

私隱專員認為，客戶為其購買的產品進行保養及維修服務登記是消費者的基本權利，至於客戶是否商戶的尊賞會員計劃的會員，理應不影響客戶享有售後服務的權利。雖然該商戶解釋，持有購物單據及產品記錄卡的客戶，亦享保養及維修服務，該商戶最終接納私隱專員的建議，修改其網頁內容，註明客戶除了加入成為該計劃的會員，可享額外三個月的保養及維修服務外，仍可透過另一途徑獲取為期較短的保養及維修服務。

至於收集會員的出生日期，私隱專員認為，該商戶應讓登記加入該計劃的客戶得知收集該資料的目的（即為了分析市場趨勢及客戶的消費習慣，以及向會員提供生日優惠或禮品），及在客戶自願的情況下，才可收集他們的出生年份及月份。該商戶其後已停止收集會員的完整出生日期，改為只收集出生月份，並向公署承諾會銷毀早前所收集得的會員出生年份及日子。

Regarding the collection of the full date of birth of individuals joining the Programme, the Vendor explained that the year of birth was important for analysing market trends and customer consumption habits, and the month of birth was collected to provide birthday privileges or gifts to members.

Outcome

The Commissioner was of the view that registering for maintenance and repair service for purchased products was a basic right of customers. The right to receive after-sales service should not depend on whether customers are members of the Programme. Although the Vendor explained that its customers could get the standard maintenance and repair service with their purchase invoice and product record card, the Vendor accepted the Commissioner's recommendation by amending its webpage to specify that customers could receive the standard maintenance and repair service by producing their purchase invoice and product record card, but that they could receive the three months' extension only by joining the Programme.

Regarding the collection of members' full date of birth, the Commissioner recommended that the Vendor inform the customers joining the Programme of the purpose of collecting their personal data (i.e. for analysis of market trends and consumption habits, and for providing birthday privileges or gifts to members), and explain that it would collect their year and month of birth only with their voluntary consent. The Vendor stopped collecting the full date of birth of members. Instead, it now collects only the month of birth. It also undertook to destroy the records of year and date of birth of members previously collected.

過度收集月租車位申請人的個人資料 — 保障資料第1(1)原則

投訴內容

投訴人向公署投訴某政府部門（「該部門」）在處理他的公共屋邨停車場月租車位申請時，不必要地收集其住戶證明文件、駕駛執照及汽車第三者保險保單。

該部門向私隱專員解釋，由於公共屋邨停車場的車位有限而需求又高，部門的政策是屋邨住戶可優先獲批月租車位。故此，他們會要求車位申請者提供住戶證明文件以核實其身份。同時，為證明申請人是有需要使用泊車位，以避免出現濫用車位的情況，該部門亦有需要收集申請人的駕駛執照。

就汽車第三者保險保單而言，該部門解釋，這資料有助他們確定申請人是否已符合《汽車保險（第三者風險）條例》的相關規定，即申請人必須為其車輛備有一份有效的第三者風險保險，以確保在意外發生時，第三者的權益受到保障。

結果

就收集申請人的住戶證明文件及駕駛執照而言，私隱專員認為，該部門收集這些資料，明顯地是確認申請人的申請資格及優先次序，這與處理申請月租車位的目的直接有關，所收集的資料恰當、不超乎適度。

然而，就汽車第三者保險保單而言，由於《汽車保險（第三者風險）條例》並無要求管理停車場的機構，須確保停車場使用者已為其車輛備有有效的第三者風險保險；而收集這資料，與該部門考慮車位申請人的申請資格及優先次序，並無直接關係。私隱專員因而認為，該部門在考慮投訴人申請車位時收集他的汽車第三者保險保單，是違反了保障資料第1(1)原則。

因應這投訴個案，該部門已同意日後在處理月租車位申請時，停止收集申請人的汽車第三者保險保單，並刪除過往收集得的汽車第三者保險保單記錄。

Excessive collection of the personal data of applicants for a monthly car park space – DPP1(1)

The Complaint

The Complainant lodged a complaint with the PCPD against a government department ("the Department") for the unnecessary collection of his tenant identification document, driving licence and third party insurance policy when processing his application for a space in his public housing estate's monthly car park.

The Department explained to the Commissioner that due to the limited number of parking spaces and high demand, it was the Department's policy to give priority to tenants of the estate. Car park applicants were required to provide tenant identification documents for identity verification. To prove that applicants actually needed the parking space for their own use and to prevent misuse, the Department also needed to collect a copy of their driving licence.

As regards motor vehicle third party insurance, the Department explained that it needed this information to ascertain whether applicants met the requirements under the Motor Vehicle Insurance (Third Party Risks) Ordinance, i.e. applicants must have valid insurance for third party risks to protect the third party's right in case of accidents.

Outcome

With regard to the collection of copies of applicants' tenant identification document and driving licence, the Commissioner was of the view that it was obvious that the Department collected this information to confirm applicants' eligibility and priority. The Commissioners considered this to be directly related to the handling of applications for monthly car park spaces and found the data collected to be adequate and not excessive.

As for the motor vehicle third party insurance policy, however, the Motor Vehicle Insurance (Third Party Risks) Ordinance did not require the management company of a car park to ensure that car park users had valid insurance for third party risks, and hence the collection of this data was not directly related to the Department's consideration of the eligibility and priority of applicants. So the Commissioner held the view that the Department had contravened DPP1(1) in this respect.

As a result of this complaint case, the Department agreed to stop collecting applicants' motor vehicle third party insurance policies when handling applications for monthly car park spaces in future and to destroy all the relevant records previously collected.

銀行為執行盡職審查而收集現金支票持票人的香港身份證副本，屬超乎適度——保障資料第1(1)原則

投訴內容

投訴人到某銀行兌現一張約港幣二萬元的現金支票，由於銀行職員已記錄了他的姓名及香港身份證號碼，他質疑該銀行是否有必要再收集其身份證副本。

該銀行向私隱專員解釋，根據香港金融管理局（「金管局」）發出的《打擊洗錢及恐怖分子資金籌集指引》，認可機構（包括該銀行）在替非賬戶持有人辦理現金交易（包括兌現現金支票）時，如現金總額達港幣12萬元或以上，需將進行交易人士的身份證明文件副本存檔，目的是執行預防詐騙及洗錢的盡職審查。然而，該銀行考慮到日常業務需要，及為防止不法者以一連串較低金額的相連交易，以避開金管局所訂的較高門檻，該銀行因而將上述現金總額設定為一個遠低於港幣12萬元的金額，規定職員在涉及該金額或以上的交易時，必須收集現金支票持票人的身份證明文件副本。由於投訴人並非該銀行的賬戶持有人，而其交易金額超過該銀行自行定出的較低門檻，該銀行為了執行盡職審查，遂收集投訴人的香港身份證副本。

結果

私隱專員認為，既然金管局已定下一套執行盡職審查的標準供業界依從，該銀行不應因為其日常業務很少涉及大額現金支票交易，而訂出一個較金管局為低的金額。因此，該銀行在並非為了符合金管局的要求，而收集現金支票持票人的香港身份證副本，屬超乎適度，違反了保障資料第1(1)原則的規定。

經公署介入後，該銀行已修訂該規定，將該金額提高至港幣12萬元，即與金管局的要求一致。此外，該銀行亦承諾銷毀過去在涉及金額低於港幣12萬元的交易中，向現金支票持票人收集得的身份證明文件副本。

Unnecessary collection of a copy of a cash cheque bearer's Hong Kong identity card ("HKID") for due diligence by a bank – DPP1(1)

The Complaint

The Complainant cashed a cash cheque of about HK\$20,000 at a bank. As the bank recorded his name and HKID card number, he asked why it was necessary to take a copy of his HKID card.

The bank explained to the Commissioner that according to the Guideline on Anti-Money Laundering and Counter-Terrorist Financing issued by the Hong Kong Monetary Authority ("HKMA"), authorised institutions (including banks) need to file copies of identification documents of customers who are non-account holders when handling cash transactions (including encashing cash cheques) equal to or exceeding an aggregate value of HK\$120,000 to conduct customer due diligence for the prevention of fraud and money laundering. However, to cope with its daily business needs and prevent evasion of the high threshold set by the HKMA by a series of low-amount linked transactions, the bank set its own aggregate amount far below HK\$120,000 and required its staff to collect copies of identification documents of cash cheque bearers when transactions exceeded this amount. As the Complainant was not an account holder of the bank and his transaction exceeded the bank's threshold, the bank collected a copy of the Complainant's HKID card for customer due diligence.

Outcome

In the Commissioner's view, as the HKMA had established an industry standard for compliance with customer due diligence requirements, the bank should not set its own amount lower than that of the HKMA solely because it rarely had to handle cash cheques worth HK\$120,000 or more. Hence, the bank's collection of a copy of the cash cheque bearer's HKID card for amounts below the HKMA's requirement was excessive and contravened DPP1(1).

After the PCPD's intervention, the bank revised its practice by raising the amount to HK\$120,000 (i.e. the HKMA's requirement). Moreover, the bank undertook to destroy all copies of identification documents previously collected from bearers of cash cheques under HK\$120,000.

網上商店不應未經顧客同意而把其個人資料披露予另一顧客，以進行貨品交換 — 保障資料第3原則

投訴內容

顧客A向一間網上眼鏡公司訂購隱形眼鏡時，提供了其個人資料，包括姓名、流動電話號碼及送貨地址。該公司職員其後通知顧客A，他們把她的隱形眼鏡誤送予顧客B，建議顧客A自行與顧客B換回隱形眼鏡。該公司未經顧客A的同意，把其資料披露予顧客B，以致她的流動電話號碼收到顧客B的短訊，要求換回隱形眼鏡。因此顧客A向公署投訴該公司。

該公司向私隱專員解釋，由於顧客B急需取回隱形眼鏡，他們建議兩位顧客自行換回隱形眼鏡。該職員向兩位顧客發出電郵，詢問他們對該建議的意見。顧客B表示，同意該建議及同意該公司把其聯絡資料轉交顧客A。然而，該職員誤以為是顧客A同意該建議，因而誤把其資料披露予顧客B。

結果

由於該公司收集顧客A的個人資料的原本目的，是為顧客A的網上訂購提供服務。私隱專員認為，該公司未取得顧客A的同意，大意地把顧客A的個人資料披露予顧客B，以進行貨品交換，違反了保障資料第3原則。

該公司接受私隱專員的建議，致函顧客B要求刪除顧客A的個人資料。該公司亦向職員發出指引，提醒他們把顧客的個人資料保密，在向第三者披露顧客的個人資料前，必須取得同意。

An online shop should not disclose a customer's personal data to another customer for product exchange without consent – DPP3

The Complaint

Customer A provided her personal data, including her name, mobile phone number and delivery address, to an online Optical Company ("the Company") when she placed an order for contact lenses. She was later informed by the Company's staff that they had mistakenly delivered her contact lenses to Customer B and delivered Customer B's lenses to her. The staff member suggested Customer A exchange the contact lenses direct with Customer B. The Company then disclosed Customer A's personal data without her consent to Customer B, resulting in her receipt of an SMS message from the latter to her mobile phone number asking her to exchange the contact lenses. Customer A lodged a complaint to the PCPD about the Company.

The Company explained that as Customer B needed the correct contact lenses urgently, they sent an email to both Customer A and Customer B suggesting they swap the contact lenses between themselves and asking for their views on the suggestion. The Company mistakenly recorded Customer A as having agreed to the suggestion, so her contact details were wrongly passed on to Customer B. In fact, it was Customer B who had agreed to the suggestion.

Outcome

Given that the Company's original purpose for collecting Customer A's personal data was to deliver her online order, the Commissioner took the view that the inadvertent disclosure of Customer A's personal data to Customer B by the Company for the purpose of product exchange, without Customer A's prior consent, violated DPP3.

The Company accepted the Commissioner's recommendations and wrote to Customer B to request the deletion of Customer A's personal data. They also issued guidelines to their staff reminding them to keep customers' personal data confidential and to obtain their customers' prior consent before disclosing their personal data to a third party.

電腦應用系統出現程式錯誤，以致員工的個人資料外洩 — 保障資料第4原則

投訴內容

投訴人的同事登入其受聘機構的內聯網，使用一個供員工申請年假用的應用系統（「該系統」），卻被錯誤連接到投訴人的帳戶，因此，能查看該系統內關於投訴人的個人資料。就此，投訴人向公署投訴該機構未有保障其個人資料。

該機構向私隱專員解釋，事件源於該系統的一項程式錯誤，以致投訴人與該名同事同時登入該系統時，該名同事可查看該系統內屬於投訴人的個人資料。該機構表示，儘管他們已定期進行保安漏洞掃描，以及每半年為獲授權的用戶帳號，進行認證，以確保只有獲授權的員工，才能登入有關系統。然而，由於該錯誤只在特定的情況下才會顯現，故他們未能在上述的檢查中偵測該錯誤。

結果

本案的情況看來只屬個別事件，該機構已採取行動，修正錯誤，並進行測試，以確保日後再有兩位使用者同時登入該系統時，不會再出現本案的情況。

鑑於資訊科技的發展急速，為系統保安工作帶來極大挑戰。在私隱專員的建議下，該機構同意不時檢視及優化資訊系統的保安措施，包括檢查其他採用類似軟件的系統，評估類近的程式錯誤會否同時對其他系統構成影響，以便作出修正。長遠而言，該機構表示，會強化其資料保安系統，以提高對員工個人資料私隱的保障。

A programme error in a computer application system led to leakage of employees' personal data – DPP4

The Complaint

When a colleague of the Complainant logged into a leave-application system ("the System") in the intranet of his employer, he was mistakenly connected to the Complainant's account, enabling him to see the Complainant's personal data in the System. The Complainant therefore complained to the PCPD that his employer had failed to safeguard his personal data.

The employer explained to the Commissioner that due to a programming error in the System, the Complainant's personal data was disclosed to his colleague when they both logged into the System at the same time. The employer stated that it conducted vulnerability scans regularly and authentication of authorised user accounts semi-annually to ensure that only authorised staff could log into the System. However, as the programme error occurred under specific conditions, it could not detect the error in the scans or account checks mentioned above.

Outcome

The incident appears to have been an isolated one. The employer rectified the error and conducted tests to ensure that when two users log into the System at the same time in future, the same incident will not occur.

In view of the great challenges brought by the rapid growth of information technology to system security, the employer, on the Commissioner's recommendation, agreed to review and optimise the security measures of its information system from time to time, including checking other systems that use similar software, to evaluate if they have similar programming errors and if so, to rectify them. In the long run, the employer said it would also strengthen its data security system to enhance the protection of its staff's personal data.

檢控及定罪個案

在本年報期間，一名前保險代理因在私隱專員調查他誤導投訴人關於保單的承保人身份時，向私隱專員作出虛假陳述，被控違反條例第50B(1)(c)(i)條。此外，該代理亦被控違反《盜竊罪條例》及《刑事罪行條例》的罪名。

在2014年12月於屯門裁判法院的聆訊中，該代理承認控罪，被判監禁四個星期。

今次是條例自1996年生效以來，首宗在私隱專員執行其法定職能時因被誤導，而被告被判違反條例及定罪的個案，亦是首宗判監的個案。

PROSECUTION AND CONVICTION CASES

In the reporting year, a former insurance agent was charged with the offence under section 50B(1)(c)(i) of making a false statement to the Commissioner during an investigation into his misleading a complainant regarding the identity of the issuer of the insurance policy to be sold to the complainant. The agent was also charged with other criminal offences under the Theft Ordinance and the Crimes Ordinance.

At the hearing in December 2014 at the Tuen Mun Magistrates' Court, the agent pleaded guilty to the charges and was sentenced to four weeks' imprisonment.

Since the Ordinance came into force in 1996, this was the first conviction for misleading the Commissioner in discharging his statutory functions and the first conviction with a custodial sentence.

長期服務員工 Long Serving Staff

時光飛逝，屈指一算我已在公署工作了超過15年。個人資料私隱由當初沒甚麼人了解和關心，到現在差不多每天讀報也發現有海外或本地相關的報道；加上資訊科技的發展一日千里，保障個人資料私隱的工作，變得更多元化、有趣和充滿挑戰。我慶幸我加入了公署，我亦深深欣賞現任及歷屆私隱專員對保障個人資料私隱的決心及無私的奉獻。

How time flies! I have been working with the PCPD for over 15 years. In the past, few people were concerned about personal data protection. But nowadays, we can read privacy-related stories in local or overseas news media almost every day. The job of personal data protection has become very diverse, interesting and challenging. I feel proud to be a part of the PCPD and greatly appreciate the determination and selfless devotion to protecting personal data privacy by the current commissioner and his predecessors.

陳美儀
高級個人資料主任
Amy CHAN
Senior Personal Data Officer



從調查投訴中學習

投訴個案1

一名律師及一間律師行在傳真載有個人資料的法律文件時，沒有採取足夠的保障設施，以保障資料免受未經准許的查閱——保障資料第4原則

投訴內容

投訴人是一間保險公司的僱員，他亦與一位律師經營另一業務。投訴人與該律師其後發生業務糾紛。該律師指示由她擔任顧問的律師行作為其法律代表，處理這宗糾紛。一日，該律師行未經投訴人同意，就該業務糾紛把一些載有投訴人個人資料的法庭文件，傳真至投訴人受僱的公司。在該保險公司的傳真機，是可以由其他使用者使用的，而傳真有關文件時並無任何加密。

該律師行承認，為向投訴人送達文件，而把文件傳真至投訴人的僱主的傳真號碼，是違反其政策；而該律師聲稱，把投訴人的文件送往保險公司地址，以及他們合營業務的辦公地址，他均拒絕接收。她聲稱沒有其他方法，唯有指示該律師行把文件傳真至投訴人的僱主的傳真號碼。

結果

以沒有加密的方式，把載有投訴人個人資料的法律文件傳真至投訴人的僱主的傳真號碼。在這事件中，誰是資料使用者？

調查顯示，該律師把其業務糾紛轉介該律師行處理及追討投訴人後，亦成為該律師行的顧問，代表該律師行處理這宗業務糾紛。事實上，她就是傳真沒有加密的文件的人。因此，該律師行嘗試跟事件保持距離，聲稱只有該律師（不是律師行）是資料使用者。

該律師把其業務糾紛轉介該律師行，並指示該律師行追討投訴人，因此該律師是該律師行的客戶。當該律師指示該律師行把那些沒有加密的文件傳真至投訴人的僱主時，她是管有投訴人的個人資料，因此是資料使用者。

在這個案中，該律師行作為該律師的法律代表，在接獲及執行該律師的指示，把文件傳真至投訴人的僱主後，亦是資料使用

LESSONS LEARNT FROM COMPLAINTS

Complaint Case 1

A solicitor and a law firm failed to take adequate measures to safeguard personal data in legal documents against unauthorised access when sending the documents by fax – DPP4

The Complaint

The Complainant was an employee of an insurance company, and he separately owned a business with a solicitor. The Complainant and the solicitor subsequently had a dispute over the business. The solicitor instructed the law firm for which she worked as a consultant to act as her legal representative to handle the dispute. One day, without the Complainant's consent, the law firm faxed to a fax number of the Complainant's employer some legal documents in connection with the disputed business which contained the Complainant's personal data. The fax machine at the insurance company was accessible to other users, and the documents were faxed without any encryption.

The law firm admitted that faxing the legal documents to the Complainant to the fax number of the Complainant's employer contravened its policy, but the solicitor claimed that the Complainant had refused to accept the documents that were served on him personally at the insurance company's address or the office address of their disputed business. She claimed to have no alternative but to instruct the law firm to fax the documents to the fax number of the Complainant's employer.

Outcome

Who was the data user when sending the unencrypted legal documents which contained the Complainant's personal data to a fax number of his employer?

The investigation showed that the solicitor, after referring her business dispute to the law firm to deal with and pursue the Complainant, also worked as the law firm's consultant to handle this business dispute on behalf of the law firm. In fact, she was the one who faxed the unencrypted document in question. The firm therefore tried to distance itself by claiming that only the solicitor, not the firm, was the data user.

In referring her business dispute to the law firm and instructing the law firm to pursue the Complainant, the solicitor was a client of the law firm. When the solicitor instructed the law firm to fax the unencrypted documents to the Complainant's employer, she had control of the Complainant's personal data and was the data user.

But the law firm was also the data user in this case, as it was the solicitor's legal representative after having received and subsequently executed the instructions from the solicitor to fax the

者。這可從該律師行向該律師與投訴人合營的公司發出的服務帳單，可作證明，而它在致公署的回信中，亦承認這點。

公署認為根據條例第65(2)條，該律師行須對其顧問所作的違規行為負上責任，不論傳真一事，實際上是由該律師或該律師行的其他顧問作出。若傳真一事是由該律師行的其他律師或僱員作出，根據第65(1)條，該律師行作為資料使用者，仍須負上責任。

documents to the Complainant's employer. There was proof of this relationship in the service charges billed by the firm to the company co-owned by the solicitor and the Complainant; and in its admission in its reply letter to the PCPD.

The PCPD was of the view that the law firm was responsible for the offending acts of its consultant, under section 65(2) of the Ordinance, irrespective of whether the faxing was actually done by the solicitor or by other consultants of the firm. If the faxing was done by the law firm's other solicitors or employees, the law firm would still be held responsible as the data user under section 65(1).

讚賞 Compliment

香港是亞洲中最早訂立全面的資料私隱法律的地區……在私隱標準、執法架構和應用，及透明度的整體評估方面，香港完全可跟其他管轄區媲美。

Hong Kong has the longest-established comprehensive data privacy law in Asia... To make an overall assessment of its privacy standards, enforcement structures and their use, and transparency, Hong Kong compares well with other jurisdictions.

Professor Graham Greenleaf
Author of Asian Data Privacy Laws (OUP) 2014

投訴個案2

私家醫院在依從病人的查閱資料要求時，收取超乎適度的費用 — 第28(3)條

投訴內容

投訴人在一間私家醫院進行小手術。由於他不滿該醫院的服務，他向該醫院作出投訴，並提出查閱資料要求，索取其醫療記錄。

該醫院就九頁文件向投訴人收取超過三千港元。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。

九頁文件的收費超過三千港元，表面看來過高，故該醫院有責任證明收取的費用，不是超乎適度。然而，在調查過程中，該醫院拒絕解釋或估算處理該查閱資料要求的職員的時薪，以及所花的時間。由於該醫院沒有特別就它在條例第28(3)條下的責任而制定政策或程序，該醫院試圖以在大量病歷中查找投訴人的醫療記錄，及要加倍小心核實有關記錄所涉及的「巨大」職員成本，作為收費合理的理由。但考慮到有關文件只是關於投訴人在很短時期（兩日）的記錄，而且該醫院應有適當的病歷索引系統，因此，私隱專員認為，找出有關文件並不需要很長時間。

由於該醫院沒有提供依從該查閱資料要求所涉的人力成本分項，以及如何計算費用的政策／程序，私隱專員認為，該醫院未能解除其舉證責任，證明就該查閱資料要求收取三千港元的費用不是超乎適度。因此，該醫院違反了條例第28(3)條。

該醫院在調查過程中，已把款項退回投訴人。私隱專員亦向該醫院送達執行通知，指令它根據行政上訴委員會上訴案件第37/2009號的決定中的原則，參考「最少的直接及必需成本」的測試，檢討其現行依從查閱資料要求的收費標準。

Complaint Case 2

A private hospital charged an excessive fee for complying with a patient's data-access request – Section 28(3)

The Complaint

The Complainant was a patient in a private hospital for minor surgery. He was dissatisfied with the service at the hospital, so he lodged a complaint to the hospital and made a data-access request ("DAR") for his medical records.

The hospital charged the Complainant over HK\$3,000 for a document of nine pages. The Complainant considered the fee to be excessive.

Outcome

According to the principle laid down in the decision of the case of Administrative Appeal No. 37/2009, a data user is allowed to charge the requester 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 fee that exceeds the costs of compliance would be considered excessive.

As the charge of over HK\$3,000 for nine pages appeared, on the face of it, to be exorbitant, the burden was on the hospital to prove that the fee it had charged was not excessive. However, in the course of the investigation, the hospital refused to account for or estimate the hourly rate of its staff and the time spent by each staff member concerned in processing the DAR. In the absence of policies or procedures that specifically address its obligation under section 28(3) of the Ordinance, the hospital attempted to justify the fee on the basis of the "substantial" staff costs incurred in tracing and retrieving the Complainant's medical records among the vast number of medical records held by the hospital, and in verifying the medical records with extra care and attention. However, taking into account the fact that the documents only concerned the Complainant's records over a very short period of time (two days) and that the hospital should have a proper indexing system for its medical records, the Commissioner did not accept that an extensive search over a long period of time was required to locate the documents concerned.

As the hospital failed to provide a breakdown of the labour costs incurred in complying with the DAR and its policies and procedure governing how fees should be calculated, the Commissioner took the view that the hospital had failed to prove that the fee of HK\$3,000 for the DAR was not excessive and that the hospital had thus contravened section 28(3) of the Ordinance.

The hospital refunded the fee to the Complainant during the investigation. The Commissioner served an enforcement notice on the hospital, directing it to review its current charging scale for complying with DARs with reference to the test of "minimum direct and necessary costs" in accordance with the principle laid down in the decision of Administrative Appeal No. 37/2009.

投訴個案3

私隱專員向重複違反保障資料第3原則的大廈業主立案法團，送達執行通知

投訴內容

一名居民因其單位的維修保養問題與大廈的業主立案法團發生糾紛後，欠交管理費。該業主立案法團聘請律師向該居民發信追討欠款。信中表示，業主立案法團打算對該居民採取法律行動，信內載有該居民的全名、地址及尚欠的管理費詳情。該業主立案法團在大廈的大堂張貼該信的副本。該業主立案法團表示，展示該信是為了提醒該居民繳付欠款。

該業主立案法團之前曾被另一居民投訴，因為它未經資料當事人同意而不必要地展示個人資料。在之前的投訴中，該業主立案法團曾承諾在公眾地方展示任何文件前，會刪除可識別居民身份的資料，當時私隱專員向該業主立案法團發出警告。

結果

由於該律師發出的信件已寄給該居民，該業主立案法團展示該信件以作提醒，是不必要的。如該業主立案法團真的希望提醒該居民，可以採取私隱侵犯程度較低的方法，例如，把信的副本放入該居民的信箱。該業主立案法團在公眾地方展示該信件，是有意令該居民大為尷尬，而事實上亦做到了。私隱專員認為該業主立案法團違反了保障資料第3原則，因為令該居民尷尬這個目的與最初收集該居民個人資料的目的無關。儘管私隱專員之前曾發出警告，但該業主立案法團仍在類似情況中重複違反保障資料第3原則。因此，私隱專員向該業主立案法團送達執行通知，指令它制定政策及程序，以防止日後再發生類似的違規情況。

Complaint Case 3

The Commissioner served an enforcement notice on the incorporated owners of a building after repeated contraventions of DPP3

The Complaint

A resident of a building defaulted on the management fees after he had a dispute with the Incorporated Owners of the building ("IO") over the repair and maintenance of his flat. The IO engaged a solicitor to issue the resident with a letter to recover the outstanding fees. The letter stated that the IO intended to take legal action against the resident, and it also contained the resident's full name and address, and the details of the outstanding management fees. The IO posted a copy of the letter in the lobby of the building. The IO stated that the letter was displayed in order to remind the resident to pay the outstanding fees.

The IO had previously been the subject of a complaint by another resident for displaying personal data unnecessarily without the data subject's consent. In the previous complaint, the IO undertook to remove information that might identify a resident before displaying any documents in the public area, and the Commissioner then gave the IO a warning.

Outcome

As the original letter issued by the solicitor had already been mailed to the resident, it was unnecessary for the IO to display the letter as a reminder. If the IO really wished to remind the resident, it could have done so in a less privacy-intrusive manner, such as by putting a copy of the letter in the resident's mailbox. By displaying the letter in public, the IO caused great embarrassment to the resident. The Commissioner opined that the IO had contravened DPP3, as the aim of embarrassing the resident was not related to the original purpose of collecting the resident's personal data. In addition, it was a repeated contravention of DPP3 by the IO, despite the Commissioner's previous warning in similar circumstances. In view of this, the Commissioner served an enforcement notice on the IO directing it to formulate a policy and procedure to prevent a similar contravention in the future.

投訴個案4

獸醫診所出售寵物食品時，過度收集顧客的個人資料 — 保障資料第1(1)原則

投訴內容

一名貓主向一間獸醫診所購買貓糧時，被要求提供全名、電話號碼及香港身份證號碼。他之前曾向這間診所購買貓糧，但毋須提供任何個人資料。他的貓亦不是這間診所的病人。該名貓主認為，純粹為購買貓糧而收集其個人資料，尤其是身份證號碼，屬超乎適度。

雖然該名貓主所購買的貓糧，不是須由獸醫處方的特別食品，但該診所表示希望能識別貓主，以便日後跟進貓兒的健康狀況。

結果

身份證號碼屬敏感的個人資料，不應隨便收集。資料使用者只可在私隱專員於《身分證號碼及其他身分代號實務守則》中訂明的情況，才可收集個人的香港身份證號碼。由於該診所不能根據該實務守則解釋其收集身份證號碼的做法是合理的，私隱專員裁定該診所違反了保障資料第1(1)原則。在調查的過程中，該診所已停止收集顧客的香港身份證號碼，並銷毀了之前所收集的記錄。因此，私隱專員決定不向該診所送達執行通知，但發出警告，提醒它在收集個人資料時依從條例的規定。

Complaint Case 4

Excessive collection of customers' personal data by a veterinary clinic when selling pet food – DPP1(1)

The Complaint

A cat owner was requested to provide his full name, telephone number and Hong Kong Identity Card (HKID) Card Number when he purchased cat food from a veterinary clinic. He had bought cat food from the clinic before, but he was not required to provide any personal data on previous occasions. The owner's cat was not a patient of the clinic either. The owner felt that the collection of his personal data, in particular his HKID Card Number, was excessive for the sole purpose of purchasing cat food.

Although the cat food bought by the owner was not special diet pet food that required a prescription from a veterinarian, the clinic stated that it wished to be able to identify the cat owner and follow up with him on the health condition of the cat in the future.

Outcome

As a HKID Card Number is a sensitive piece of personal data, it should not be collected lightly. A data user may only collect a HKID Card Number from an individual in the circumstances permitted under the Code of Practice on the Identity Card Number and other Personal Identifiers prescribed by the Commissioner. As the clinic could not justify its collection of the complainant's HKID Card Number under the Code of Practice, the Commissioner held that the clinic had contravened DPP1(1). During the investigation, the clinic ceased the practice of collecting customers' HKID Card number and destroyed the records that it had previously collected from pet owners. Hence, the Commissioner decided not to serve an enforcement notice, but issued a warning to the clinic reminding it to comply with the Ordinance in the collection of personal data.

根據第48(2)條發表的調查報告

調查報告：外籍家庭傭工中介網站過度收集及在網上披露個人資料

私隱專員對10間外籍家庭傭工中介公司（「外傭中介公司」）主動展開正式調查，以確定它們向外籍家庭傭工申請人（「申請人」）收集個人資料，及在其網站披露有關個人資料是否屬必需而不超乎適度。這些外傭中介公司是根據《僱傭條例》註冊，主要業務是為準僱主介紹有意來港工作的外傭。

調查源於私隱專員留意到很多外傭中介公司在其網站展示申請人的大量個人資料。除此之外，外傭中介公司為了向準僱主介紹申請人，亦不必要地展示申請人的家屬及前僱主的個人資料。

下表臚列外傭中介公司所收集，及部分在網上披露的申請人個人資料：

A 作識辨申請人身份及聯絡之用的資料 申請人的姓名、護照號碼、香港身份證號碼（如申請人曾在港工作）及住址	Identification and contact information of the Applicants The Applicant's name, passport number, Hong Kong Identity Card ("HKID") number (if the Applicant has worked in Hong Kong) and address
B 供準僱主挑選合適家傭的資料 申請人的相片、國籍、身高、體重、年齡、工作經驗、學歷、生活習慣（例如是否吸煙者）、宗教、婚姻狀況、子女數目、家中排行及兄弟姊妹數目	Information to facilitate the selection of suitable foreign domestic helpers by prospective employers The Applicant's photo, nationality, height, weight, age, work experience, education level, personal habits (e.g. smoking), religion, marital status, number of children, and number of siblings, and the Applicant's ranking of the Applicants
C 家屬的個人資料 申請人的家屬姓名、年齡及職業	Personal data of family members The name, age and occupation of the Applicant's family members
D 前僱主的個人資料 申請人的前僱主姓名、國籍、職業、住址、電話號碼、家庭成員數目及子女年齡	Personal data of former employers The name of Applicant's former employer(s), along with their nationality, occupation, address, telephone number, number of family members and age of children

PUBLICATION OF INVESTIGATION REPORT UNDER SECTION 48(2)

Investigation Report: Excessive Collection and Online Disclosure of Personal Data by Recruitment Agencies Placing for Foreign Domestic Helpers

The Commissioner initiated formal investigations against 10 employment agencies for foreign domestic helpers (the "Employment Agencies") to ascertain whether the collection of personal data from foreign domestic helper applicants (the "Applicants") and the disclosure of such personal data on their websites was necessary and not excessive. The employment agencies were registered under the Employment Ordinance, and their business was to recruit overseas job seekers for placement as domestic helpers with employers in Hong Kong.

The investigations stemmed from the Commissioner's observation that a number of employment agencies were unnecessarily displaying on their websites extensive personal data provided by the Applicants for the purpose of introducing the Applicants to prospective employers. This included the personal data of the Applicants, their family members and their former employers.

Table below lists the personal data of the Applicants collected and partially disclosed online by the Employment Agencies.

調查結果

Findings of the investigation



公署的調查揭示，外傭中介公司透過申請表格收集申請人、其家屬及其前僱主的個人資料。外傭中介公司有必要收集該些個人資料，以協助這些申請人成功找尋工作，及符合勞工處和入境事務處的相關程序。但當中並不應包括申請人家屬的個人資料（姓名、年齡及職業）。申請人成功獲聘用後，外傭中介公司或僱主需要收集其家屬的資料作緊急聯絡之用，這是可以理解的。但獲聘用的外傭應在自願情況下提供家屬資料，而不應該在招聘初期被要求提供該資料。因此，私隱專員總結，外傭中介公司收集家屬的個人資料屬不必要，構成過度收集個人資料，因而違反保障資料第1(1)原則的資料收集規定。

而本案發現最大的問題是該些外傭中介公司在其網站展示申請人、其家屬及其前僱主（包括香港僱主）的個人資料。

外傭的工作性質有別於其他工種，她們需要長時間與僱主及其家庭成員共同生活，朝夕相對的程度猶如家人般關係密切。因此，私隱專員接納該些外傭中介公司為協助準僱主挑選合適家傭，而在網上披露大部分申請人提供的個人資料（包括其相片）。然而，私隱專員不認同外傭中介公司在網上披露申請人的姓名、住址、護照號碼或香港身份證號碼。他認為，這些資料無助準僱主挑選合適外傭。

The PCPD's investigation revealed that the Employment Agencies collected in prescribed forms the personal data of the Applicants, members of their families and former employers. To enable successful job placement and to meet the procedural requirements imposed by the Labour Department and the Immigration Department, the collection of some of the data was necessary, but not the personal data (name, age and occupation) of the Applicants' family members. Conceivably, after a placement is confirmed, the Employment Agency or employer might wish to obtain from the selected employee a named member of her family as an emergency contact. In the circumstances, the selected employee might provide the requested data on a voluntary basis. But there should be no obligation for her to provide such data at the outset. The Commissioner therefore concluded that the Employment Agencies' collection of the personal data of family members was unnecessary and amounted to excessive collection of personal data, thus contravening DPP1(1) on data collection.

The main problem revealed in the investigation was Employment Agencies' posting on their websites the personal data provided by the Applicants, which related to the Applicants themselves, their family members and their past employers, including Hong Kong employers.

One of the unique aspects of being a domestic helper in Hong Kong is that they live with the family of their employer and are often treated as a member of the family, interacting intimately with all family members day in and day out. The Commissioner therefore accepted that posting most of the personal data provided by the Applicants on the Employment Agencies' websites, including their photos, helped prospective employers screen helpers. However, posting the Applicants' names, addresses and passport and/or HKID Card numbers was not acceptable because it was inconceivable that this data was instrumental in the prospective employer's initial selection process.

基於同一原因，在網上披露申請人家屬的個人資料（例如姓名、年齡及職業）及其前僱主的姓名及住址也是不被接納的。因此，私隱專員認為外傭中介公司違反了保障資料第3原則的資料使用規定。

執行通知及建議

私隱專員向外傭中介公司分別送達執行通知，指令它們停止收集及披露有關個人資料。外傭中介公司其後依從了執行通知的指令。

確立行業做法

香港約有33萬名外傭。私隱專員發表調查報告可以對外傭中介公司有關收集及在網上披露個人資料的做法，作出具規範性的指引。此舉獲業界歡迎。其後，公署聯同有關的行業協會，特別為外傭中介公司的營運者舉辦了三場教育講座，詳細解釋條例的規定及調查報告的含意。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R14_1382_c.pdf

For the same reason, displaying the personal data (e.g. name, age and occupation) of the Applicants' family members and past employers' names and addresses on the websites was not acceptable. The Commissioner therefore found the Employment Agencies' in contravention of DPP3 on data use.

Enforcement notice and advice

An enforcement notice was served on each of the Employment Agencies directing them to stop collecting and disclosing the personal data concerned. The Employment Agencies subsequently complied with the enforcement notice.

Establishing industry practice

There were a total of about 330,000 foreign domestic helpers in Hong Kong. Through publication of the investigation report, the Commissioner has in effect provided guidelines to all Employment Agencies in respect of their collection and online disclosure of personal data. This approach was favourably received by the industry. Subsequently, in conjunction with related trade associations, the PCPD held three educational seminars for all operators of employment agencies for foreign domestic helpers. They served to explain in detail the requirements under the Ordinance and the implications of the investigation report.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R14_1382_e.pdf

調查報告：補習中介網站在網上向導師收集超乎適度的個人資料

私隱專員主動展開正式調查，了解六個由五間公司經營的補習中介網站（「該些網站」）在導師登記過程中，收集導師的身份證號碼及聯絡人資料，是否屬超乎適度。該些網站在網上收集求職的補習導師及徵求私人補習服務的家長/學生的個人資料，然後根據他們提出的要求和條件，作出配對。該些網站在成功作出配對後，可賺取相等於兩星期補習學費的佣金。

調查源於一宗對其中一個補習中介網站的投訴，該網站收集登記導師的身份證號碼及聯絡人資料，包括聯絡人的姓名、電話號碼及與導師的關係。公署在調查過程中，亦隨機檢視了其他五個同樣提供補習中介服務的網站，以了解它們收集登記導師的個人資料的情況。公署發現，該五個網站均收集導師的身份證號碼，其中四個網站同時收集導師的聯絡人資料，包括聯絡人的姓名、電話號碼及與導師的關係。

調查結果

身份證號碼

該些網站解釋，有需要收集身份證號碼以核實補習導師的身份，以避免出現「冒認」的情況，並防止發生影響網站及／或學生和家長的不正當或欺詐行為。但事實上，該些網站並不是受《僱傭條例》監管的職業介紹所，沒有法律責任收集求職者的身份證號碼。它們的商業模式屬低成本運作，所以並不可能面見每一位補習導師以查實身份。在網上收集補習導師的身份證號碼來辨識身份，可以說是毫無作用。

其實，在進行配對過程中，該些網站必需使用補習導師所提供的地址、電郵地址或電話，跟他們聯絡。即使求職者有不當行為如拖欠行政費，中介網站憑這些聯絡資料，已足夠讓警方跟進，或向小額錢債審裁處作出申索。

Investigation Report: Excessive Online Collection of Private Tutors' Personal Data of Tutorial Service Agency Websites

The Commissioner initiated formal investigations of six tutorial service agency websites (the "Websites") operated by five website operators for the unnecessary collection of Hong Kong Identity Card ("HKID Card") numbers of private tutors and the personal particulars of their contact persons in the Websites' online registration systems. The Websites collected information online from both private tutors seeking private tutor jobs and parents and students looking for private tutors. They provided a matching service and received a commission equivalent to two weeks' tuition fees for successfully matching a tutor and student.

The investigations stemmed from a complaint against one of the six Websites, which collected the Hong Kong Identity Card ("HKID Card") numbers of the private tutors, and details of the tutor's contact person, including the contact person's name, telephone number and relationship with the tutor. During the investigation, the PCPD also randomly reviewed five other tutorial service agency websites to better understand the scope of their collection of personal data from private tutors. The PCPD found that all five websites collected the HKID Card numbers of the private tutors, and four of them also collected the personal details of the tutor's contact person, including the person's name, telephone number and relationship with the tutor.

Findings of the investigation

HKID Card Number

The Websites argued that collection of the HKID Card numbers was necessary to authenticate the identity of the private tutors so as to prevent impersonation or other improper or fraudulent activities which could be committed by the job seekers to the detriment of the Websites and/or the parents and students. In fact, the Website operators are not employment agencies regulated under the Employment Ordinance; if they were, they would have a legal obligation to collect job seekers' HKID Card numbers. However, operating on a low-investment model, they did not interview the private tutors in person for employment checking and identity verification. The online collection of the private tutors' HKID Card numbers for identification was therefore a farce.

The Website operators routinely liaised with the private tutors and parents, and checked information with them by phone, mail, email or SMS. The use of these confirmed communication channels should suffice for reporting to the police any problem in case of need, and for lodging a claim with the Small Claims Tribunal in the event of failure to collect the commission from the job seeker after successful placement.

聯絡人資料

該些補習中介網站解釋，需要補習導師的聯絡人姓名與電話號碼，以便發生事故時可作緊急聯絡用途。這做法看來無可厚非，但該些網站應讓個別導師按其所需，自行決定是否提供聯絡人資料，而毋須在導師登記過程中強制收集。

私隱專員總結，該些網站收集補習導師的身份證號碼及其聯絡人的資料屬超乎適度，因而違反了條例保障資料第1(1)原則的規定。

執行通知及建議

私隱專員向外該些網站的經營者送達執行通知，指令它們採取步驟，糾正違反事項及防止違反事項再次發生。一名網站經營者向行政上訴委員會提出上訴，反對執行通知，現正等待聆訊；其餘四個網站經營者則依從了執行通知的指令。

確立行業做法

個案涉及六個補習中介網站及52萬名人士的個人資料。調查報告可以為補習服務行業在收集客戶的個人資料方面，提供準則。

機構及消費者都必須了解，進行電子商貿活動及使用網上服務平台可能帶來私隱風險，例如資料外洩、資料被不明人士再使用，因而對當事人造成不必要的滋擾及身份盜竊。經營網站的機構須確保它們收集及使用的個人資料真正符合業務所需，而習慣了在網上向服務供應商提供個人資料的消費者，亦應多加警惕，不要因為急於獲取某些服務而白白犧牲自己的個人資料私隱。個案中過度收集的個人資料是身份證號碼。這是獨一無二的身份代號，是終生不能更改的個人資料，應被視為高度私隱及敏感的資料，需要加以保護。

調查報告：

www.pcpd.org.hk/tc_chi/enforcement/commissioners_findings/investigation_reports/files/R14_19675_c.pdf

Contact person's information

The Website operators also explained that they required the name and telephone number of the private tutor's contact person as a fall-back or emergency contact in the event that the private tutor could not be reached. While these explanations might make sense in some cases for some private tutors, the private tutor must be given the option of whether to provide the name and telephone number of a contact person. It should not be a prerequisite for service enrolment.

The Commissioner concluded that the collection of the private tutors' HKID Card numbers and their contact person's information by the Websites was excessive, thereby contravening DPP1(1) of the Ordinance.

Enforcement notice and advice

An enforcement notice was served on the operators of the Websites directing them to take steps to remedy the contravention and prevent its recurrence. One website operator lodged an appeal against the enforcement notice with the Administrative Appeals Board; a hearing is pending. The remaining four website operators complied with the enforcement notice.

Establishing industry practice

The case involved six tutorial service agency websites and the personal data of about 520,000 persons. The investigation report served to set a standard for the tutorial service industry in respect of online collection of personal data from clients.

The report also emphasises that organisations and consumers that engage in e-commerce and other online services must be aware of the associated privacy risks such as data breach and unanticipated secondary use of the data by unknown third parties including unwanted communication and identity theft. Website operators must ensure that they are capturing and using personal data for reasonable business purposes. Web consumers accustomed to submitting personal information to various service providers in order to obtain desired services must be more vigilant about the release of such information. The personal data excessively collected in the case in point is HKID Card number. This is a unique personal identifier which cannot be altered throughout one's life. It should be treated as highly personal and sensitive data, and should be well protected.

Investigation Report:

www.pcpd.org.hk/english/enforcement/commissioners_findings/investigation_reports/files/R14_19675_e.pdf

Enhancing Legal Protection

加強法律保障

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.



規管個人資料跨境流動

條例第33條對資料轉移至香港以外的地方作出嚴謹和全面的規管。除非在條例指明如下的情況，明確禁止把個人資料轉移到香港以外的地方：

- (a) 私隱專員指明該地方有與條例大體上相似、或達致與條例的目的相同的目的之法律正在生效；及
- (b) 資料使用者已採取所有合理的預防措施及作出所有應作出的努力，以確保在該地方處理有關資料的方式不會違反條例的規定（「克盡職責的規定」）。

然而，第33條自條例於1995年實施至今尚未生效。因此，目前對轉移至海外地區的個人資料保障是相對薄弱及十分不全面。

今時今日，全球數據流動的情況已跟條例於九十年代制定時大為不同。隨著科技進步，加上機構的業務模式和行事方式改變，個人資料的轉移已變成數據化。跨境數據流動持續不斷，而且規模越來越大。機構包括中小企不停地提升效率、方便用戶及引進新產品，當中對全球數據流動有一定的影響。有些機構透過雲端運算技術把數據分散存放在不同的司法管轄區，有些則把處理資料的工序外判給世界各地的承辦商。國際間在人力資源、金融財務、電子商貿、公共安全和醫療研究方面的電子資料轉移，已是當今全球經濟不可分割的部分。世界各地都紛紛採取機制，加強保障跨境數據流動方面的個人資料私隱。

為協助政府重新正視實施條例第33條，以確保香港維持國際金融中心和數據樞紐的地位，私隱專員於2013年聘請顧問對50個司法區的私隱法例進行調查，制定了一份白名單，羅列與條例大體上相似、或達致與條例的目的相同的目的之資料保障法律正在生效的地區。公署已把報告提交政府，但報告內容須保密。

2014年12月私隱專員發出了《保障個人資料：跨境資料轉移指引》，協助機構為第33條的實施作好準備，加強跨境資料轉移的私隱保障，也讓機構更清楚他們在第33條下須承擔的法律責任。

REGULATING CROSS-BORDER FLOWS OF PERSONAL DATA

Section 33 of the Ordinance provides stringent and comprehensive regulation of the transfer of personal data outside Hong Kong. It expressly prohibits the transfer of personal data to places outside Hong Kong except in circumstances such as the following:

- (a) if the destination is specified by the Commissioner as one which has in force a data-protection law which is substantially similar to, or serves the same purpose as, the Ordinance; and
- (b) if the data user has taken all reasonable precautions and exercised all due diligence to ensure that the data will not, in the destination, be handled in a manner tantamount to a contravention of the requirements under the Ordinance (the “Due Diligence Requirement”).

However, section 33 of the Ordinance has not been brought into force since its enactment in 1995. Hence, the current protection for personal data transferred to overseas jurisdictions is relatively weak and far from comprehensive.

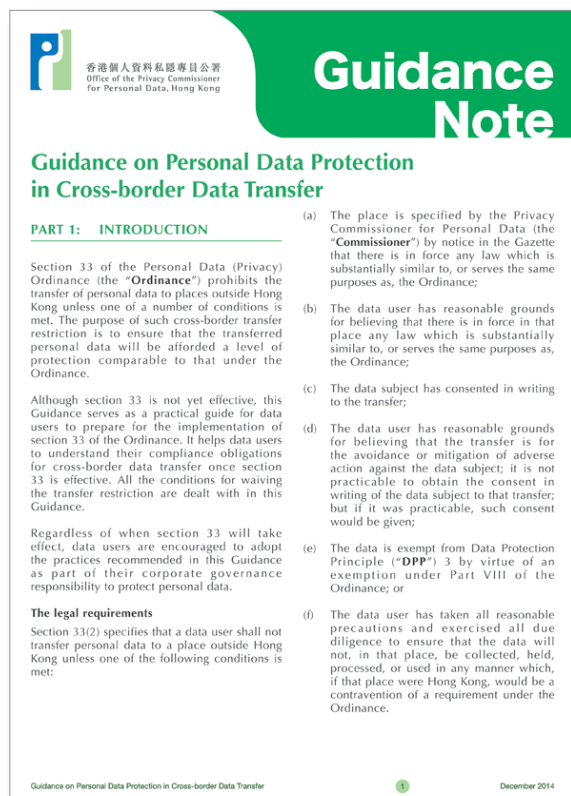
The situation of global data flows is markedly different today than in the 1990s when the Ordinance was enacted. Advances in technology, along with changes in organisations’ business models and practices, have turned personal data transfers into personal data flows. Data is moving across borders continuously and on a far greater scale. Organisations, including small and medium enterprises, are enhancing their efficiency, improving user convenience and introducing new products by practices which have implications for global data flows. They vary from storing data in different jurisdictions via the ‘cloud’ to outsourcing activities to sub-contractors around the world. Electronic international data transfers in areas such as human resources, financial services, education, e-commerce, public safety, and health research are now an integral part of the global economy. Countries worldwide are adopting a range of mechanisms to protect the personal data privacy of individuals in the context of cross-border data flows.

To assist the Government to have a renewed focus on section 33 of the Ordinance so as to preserve Hong Kong’ status as an international financial centre and data hub, the Commissioner engaged a consultant to complete a survey of the privacy laws of 50 jurisdictions in 2013; and come up with a white list of places which have in force a data protection law which is substantially similar to, or serves the same purpose as, the Ordinance. A copy of the report, which remains confidential, has been forwarded to the Government.

In December 2014, the Commissioner published a guidance note entitled *Guidance on Personal Data Protection in Cross-border Data Transfer* (the “Guidance”) to help organisations prepare for the eventual implementation of section 33 of the Ordinance and enhance privacy protection for cross-border data transfers. The Guidance helps organisations understand their compliance obligations under section 33.

該指引詳細解釋條例第33(2)(a)至(2)(f)條豁免跨境資料轉移限制的所有情況。關於機構要符合克盡職責的規定，該指引提供了一份建議範本條文，協助機構制定與海外資料接收者的跨境資料轉移協議。機構可按其商業需要作出修改或增添。

The Guidance contains detailed explanations of all the specified conditions contained in sections 33(2)(a) to (2)(f) of the Ordinance for waiving cross-border data transfer restrictions. As regards the steps organisations need to take to satisfy the Due Diligence Requirement, the Guidance provides a set of recommended model data transfer clauses to assist organisations in developing cross-border data transfer agreements with their overseas data recipients. Organisations can adapt or add to the clauses according to their specific commercial needs.



保障個人資料：跨境資料轉移指引
Guidance on Personal Data Protection
in Cross-border Data Transfer

私隱專員鼓勵機構在條例第33條生效前，自願採取指引中的建議，以履行其企業管治的責任。公署會舉辦講座介紹該指引、依從第33條的責任，及指引建議的良好行事方式。

The Commissioner encourages organisations to adopt, voluntarily, the practices recommended in the Guidance as part of their corporate governance responsibility before section 33 of the Ordinance comes into operation. Seminars on the Guidance will be conducted to promote understanding of the target audience on the compliance obligations under section 33 and the practices recommended in the Guidance.

電子健康紀錄互通系統

電子健康紀錄指以電子方式儲存的紀錄，內載與個人健康有關的資料。電子健康紀錄互通系統（「互通系統」）為公私營醫護提供者（包括醫生及其他醫護專業人員）提供資訊基建平台，讓他們在取得病人的同意後，上載並取閱病人的電子健康紀錄，作醫護相關用途。

電子健康紀錄內的病人健康紀錄屬個人資料，因此由條例規管。毫無疑問，互通系統的好處是可以令到以病人為本的醫護協作模式更有效率；但同時亦對保障私隱及個人資料方面構成重大挑戰。為確保病人的個人資料在互通系統下獲得適當保障，公署自2007年起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。

2014年4月14日，食物及衛生局就設立互通系統、分享及使用互通系統中的資料及資訊、保障互通系統，以及其他附帶及相關事宜，向立法會提交《電子健康紀錄互通系統條例草案》（「草案」）。

該草案建立健全的法律框架，為個人資料私隱提供的保障，不能低過現行條例所提供的保障，並與病歷的敏感程度相符，這是非常重要的。公署在審視該草案後，認為某些範疇需要進一步考慮及修訂。

公署提出了下述主要關注：

- (a) 醫護專業人員應只按「有需要知道」的情況，才查閱病人相關的健康資料；
- (b) 有需要提供一個「保險箱」，以儲存病人的某些特別敏感的病歷資料（如精神科疾病、精神狀況或遺傳疾病），及加強控制查閱該些資料；
- (c) 即使是「獲書面授權的人士」，也不能代表資料當事人對其儲存於互通系統的健康資料行使查閱及改正權利，這安排並不合理；
- (d) 電子健康紀錄專員可允許「直接或間接提供醫護服務」的團體和「涉及提供醫護服務」的政策局或部門在互通系統登記，該酌情權過於寬鬆；

ELECTRONIC HEALTH RECORD SHARING SYSTEM

An electronic health record (“eHR”) refers to a record in electronic format containing an individual’s health-related data. An eHR Sharing System (“System”) provides an information infrastructure for public and private healthcare providers, including doctors and other healthcare professionals, to upload and access a patient’s eHRs for healthcare-related purposes, subject to the patient’s consent.

A patient’s eHR is personal data and thus falls within the regulation of the Ordinance. There is little doubt that the System will provide collaborative, patient-centred care more efficiently, but it also poses serious challenges to privacy and data protection. To ensure that patients’ personal data will be duly protected under the System, the PCPD has participated in the Government’s Working Group on Legal, Privacy and Security Issues of the System since 2007.

On 14 April 2014, the Food and Health Bureau submitted to the Legislative Council the Electronic Health Record Sharing System Bill (the “eHRSS Bill”), which provides for the establishment of the System, the sharing and using of data and information in the System, the protection of the System, and other incidental and connected matters.

It is of paramount importance that the eHRSS Bill should establish a robust legal framework to protect personal data privacy at a level no less than that provided under the Ordinance and commensurate with the sensitivity of the health data involved. After examining the eHRSS Bill, the PCPD opined that certain aspects of the bill require further deliberation and amendments.

Among other issues, the PCPD raised the following major concerns:

- (a) that healthcare professionals should access the health records of a patient only on a strictly “need-to-know” basis;
- (b) the need to provide a “safe deposit box” that allows the separate storage of certain particularly sensitive health data (such as psychiatric diseases, mental conditions or hereditary diseases) with enhanced access control by the patient;
- (c) the unreasonable denial of a patient’s right to authorise a representative in writing to exercise his data access and correction rights in respect of his health data kept in the System;
- (d) the unduly wide discretion of the eHR Commissioner in allowing registration under the System of bodies who “directly or indirectly provide healthcare” and government bureaux or departments that are “involved in providing healthcare”;

- (e) 電子健康紀錄專員並無法律責任檢視已登記的醫護提供者的電子醫療紀錄系統，這安排不能令人接受；及
- (f) 有需要把未獲授權下採用電腦以外其他途徑查閱電子健康紀錄的行為或不當使用（直接促銷以外）該些資料，也訂為罪行（例如民事刑罰）。

為方便立法會法案委員會審閱該草案，公署向法案委員會提交下述文件，並出席了四次會議，解釋公署的關注。

- (i) 公署對該草案的主要關注¹；
- (ii) 公署對該草案的主要關注及進一步意見的概要²；及
- (iii) 公署就公私營醫療合作－醫療病歷互聯試驗計劃的保障病人私隱措施提交的文件³。

除(f)項外，政府接納了公署提出的其他所有關注，已就該草案作出委員會審議階段修正案。

- (e) the unacceptable arrangement to relieve the eHR Commissioner from the legal obligation to inspect the information systems used by the healthcare providers participating in the System; and
- (f) the need to introduce offences such as civil penalties for unauthorised access to eHR records by means other than the use of computer and for unauthorised use of the data other than for direct marketing.

To help the Legislative Council Bills Committee examine the Bill and to explain the PCPD's concerns, the PCPD attended four meetings of the Bills Committee and lodged the following papers:

- (i) The PCPD's major concerns regarding the eHRSS Bill¹;
- (ii) A summary of the PCPD's major concerns and further comments on the eHRSS Bill²; and
- (iii) A paper on the safeguards for the protection of patient privacy under the Public Private Interface-Electronic Patient Record Sharing Pilot Project³.

The Government was convinced of all the concerns raised by the PCPD except item (f). Draft Committee Stage amendments to the HRSS Bill were made accordingly.

1 詳情請參閱：
www.pcpd.org.hk/tc_chi/news_events/speech/files/eHR_legco_paper_c.pdf

2 詳情請參閱：
www.pcpd.org.hk/tc_chi/news_events/speech/files/eHR_summary_legco_paper_c.pdf

3 立法會CB(2)2078/13-14(01)號文件：
www.legco.gov.hk/yr13-14/chinese/bc/bc56/papers/bc56cb2-2078-1-c.pdf

1 Details of the paper are available at:
www.pcpd.org.hk/english/news_events/speech/files/eHR_legco_paper_e.pdf

2 Details of the paper are available at:
www.pcpd.org.hk/english/news_events/speech/files/eHR_summary_legco_paper_e.pdf

3 LC Paper No. CB(2)2078/13-14(01) available at:
www.legco.gov.hk/yr13-14/english/bc/bc56/papers/bc56cb2-2078-1-e.pdf

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決定提出的上訴，並作出裁決。

在2014至15年度決定的／接獲的行政上訴案件的統計資料

本年度共有22宗上訴個案完結，及接獲26宗新提出的上訴個案。

大部分上訴個案最終被行政上訴委員會駁回，或由上訴人撤回。(圖4.1)

圖4.1：上訴的結果

- 上訴被駁回
Appeal dismissed
- 上訴被撤回
Appeal withdrawn
- 上訴得直
Appeal allowed

APPEAL LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

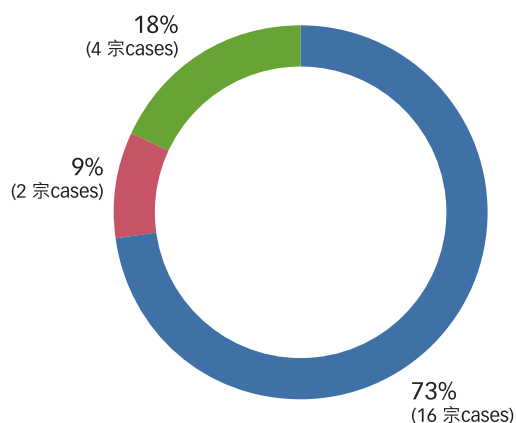
The Administrative Appeals Board ("AAB"), established under the AAB Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Commissioner's decisions by a complainant or the relevant data user complained of.

Statistics of AAB cases concluded/received in the 2014 –15

During the reporting year, 22 appeal cases were concluded and 26 new appeal cases were received.

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

Figure 4.1: Results of appeal cases



在本年度接獲的26宗上訴個案中，24宗是關於私隱專員不作調查的決定。私隱專員作出該等決定，主要是基於沒有表面證據支持指稱的違反行為，及／或被投訴者已採取補救行動糾正所指稱的違反行為。

其餘兩宗上訴則是反對私隱專員在完成調查後送達執行通知的決定。(圖4.2)

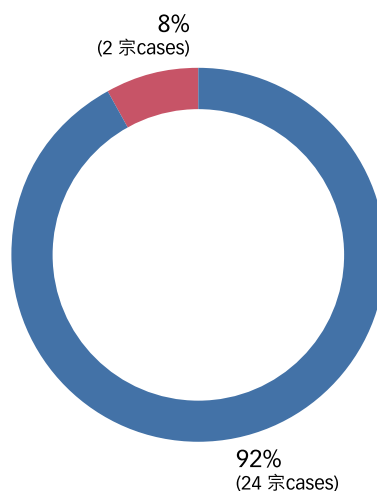
Of the 26 appeal cases received during the year, 24 were related to the Commissioner's decision not to carry out an investigation as there was no *prima facie* evidence to support the alleged contravention and/or the party complained against had taken remedial action to rectify the alleged contraventions.

The remaining two cases were appeals against the Commissioner's decision to serve an enforcement notice after the conclusion of an investigation. (Figure 4.2)

圖4.2：上訴所涉的性質

- 針對私隱專員決定不進行調查的上訴
Appeal against the Commissioner's decision not to carry out an investigation
- 針對私隱專員調查後決定的上訴
Appeal against the Commissioner's decision after conclusion of investigation

Figure 4.2: Nature of the appeals



讚賞 Compliment

……條例沒有授予私隱專員足夠權力，以全面落實私隱原則。2012年對條例作出一些主要修訂後，(現任)私隱專員積極執行，加上行政上訴委員會一些傾向私隱保障的裁決，已開始克服這些限制，為這法例賦予『新生命』。

... the Ordinance lacked sufficient powers for the Commissioners to fully enforce its privacy principles. Major reforms to the Ordinance in 2012, an activist approach to enforcement by the (current) Commissioner, and some pro-privacy tribunal decisions, have started to overcome these limitations and give this established law a 'new lease of life'.

Professor Graham Greenleaf
Author of Asian Data Privacy Laws (OUP) 2014

在26宗上訴個案中，18宗涉及指稱違反保障資料原則。四宗個案涉及指稱不依從查閱資料要求及／或改正資料要求，而其餘四宗則涉及同時指稱不依從查閱資料要求及保障資料原則。（圖4.3）

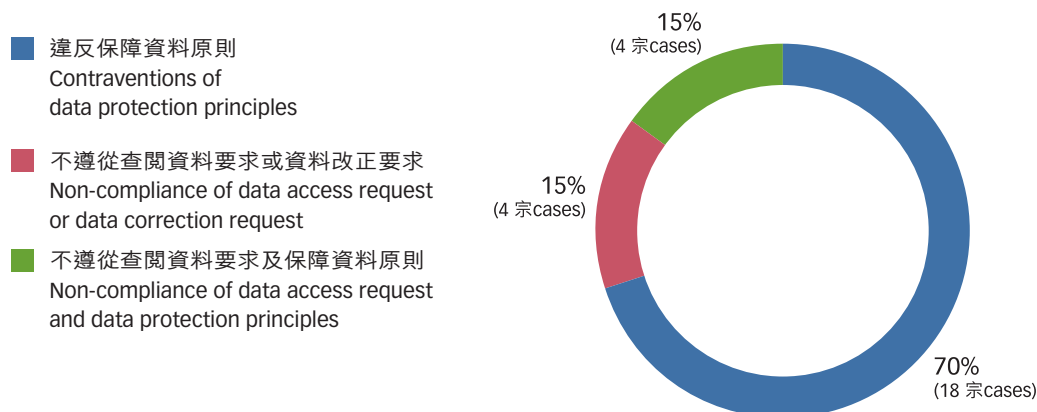
有關涉及不依從保障資料原則的22宗個案中，八項指稱涉及超乎適度及／或不公平收集個人資料；六項涉及個人資料的保留期間；17項涉及未經資料當事人事前同意而使用及／或披露其個人資料；四項涉及個人資料保安措施的不足及一項涉及未能提供資料使用者政策。

Of the 26 appeal cases, 18 involved alleged breaches of Data Protection Principles. Four cases involved alleged non-compliance with a data access request and/or data correction request, and the remaining four cases involved alleged non-compliance with both a data access request and Data Protection Principles (Figure 4.3).

Of the 22 cases involving non-compliance with the Data Protection Principles, eight allegations involved the excessive and/or unfair collection of personal data; six involved the duration of retention of personal data; 17 involved the use and/or disclosure of personal data without the data subject's prior consent; four involved the inadequacy of security safeguards of personal data, and one involved the unavailability of a data user's policy.

圖4.3：上訴所涉及的條例的規定

Figure 4.3: The provisions of the Ordinance involved in the appeals





上訴個案簡述 1 (行政上訴委員會上訴案件第24/2013號)

上訴人投訴快易通有限公司在他申請戶口時收集其身份證副本及身份證號碼。行政上訴委員會裁定收集有關資料是符合《身分證號碼及其他身分代號實務守則》的相關條文。

投訴內容

快易通是本港電子道路收費系統的服務提供者。該系統把人手收費過程自動化，在駕駛者的預繳戶口中扣除費用。上訴人投訴快易通的戶口申請表，規定申請人提供多項個人資料，包括身份證號碼及副本。

私隱專員的決定

快易通在回應私隱專員的查詢時辯稱，收集申請人的身份證號碼是必需的，以避免在某些情況下，發生超過輕微程度的損失或損害。根據快易通提供的數字，2012年個人每月平均總欠款是34萬1千元，而這類戶口的每月平均數目是3,459個。每月戶口欠款超過1,000元的平均戶口數目是10.33個，平均欠款1,852元，而最高欠款額為14,294元。在2009至2012年，總欠款超過5,000元的戶口數目是14個，平均欠款10,438元，而最高欠款額為28,777元。

《身分證號碼及其他身分代號實務守則》(「守則」)第2.3.3.3段規定，資料使用者在下述情況可收集個人的身份證號碼：藉以在目前或將來正確識別身份證持證人的身份或正確認出其個人資料，而為了避免對資料使用者造成在有關情況下屬超過輕微程度的損害或損失，作出如此正確識別或認出，是有需要的。

私隱專員以1,000元作為基準，這是根據公署調查報告R10-9866(八達通日日賞計劃)及R12-3890(易賞錢計劃)而得出的。在調查報告中，按每名顧客計，潛在損失是800至1,000元，被視為輕微。私隱專員在考慮快易通的營運模式及所提供的統計數字後，認為快易通的顧客戶口欠款

Appeal Case Note 1 (AAB Appeal No. 24 of 2013)

The Appellant filed a complaint against Autotoll for collecting a copy of his Hong Kong Identity Card and the card number when applying for an account. The AAB concluded that the collection of such data complied with the relevant provisions under the Code of Practice on Identity Card Numbers and other Personal Identifiers.

The complaint

Autotoll is the service provider of the Electronic Toll Collection System ("ETC System") in Hong Kong. It allows the manual in-lane toll collection process to be automated by deducting the toll from a motorist's pre-paid account. The Appellant complained that on the application form for an account with Autotoll, applicants are required to supply various personal data, including their Hong Kong Identity Card ("HKID Card") number and HKID Card copy.

The Commissioner's decision

In response to the Commissioner's enquiries, Autotoll argued that the collection of HKID Card numbers from the applicants was necessary to safeguard against loss or damage which was more than trivial in the circumstances. According to the figures provided by Autotoll, in 2012 the monthly average total negative balance owed by individuals was \$341,000 and the average number of such accounts was 3,459 per month. The monthly average number of accounts of individuals with a negative balance exceeding \$1,000 was 10.33 with an average negative balance of \$1,852, and the highest amount owed was \$14,294. Between 2009 and 2012, there were 14 accounts in which the total undercharged toll exceeded \$5,000. The average amount outstanding was \$10,438 and the highest amount was \$28,777.

Paragraph 2.3.3.3 of the Code of Practice on Identity Card Numbers and other Personal Identifiers (the "Code") provides that a data user should not collect the HKID Card number of an individual except to enable the present or future correct identification of, or correct attribution of personal data to, the holder of the HKID Card, where such correct identification or attribution is or will be necessary to safeguard against damage or loss on the part of the data user which is more than trivial in the circumstances.

The Commissioner used the sum of HK\$1,000 as the benchmark, based on previous Investigation Reports R10-9866 (Octopus Rewards Program) and R12-3890 (Moneyback Program), in which a potential loss of \$1,000 and \$800 per customer, respectively, was considered trivial. Having considered the operational mode of Autotoll and the statistics provided, the Commissioner found that the loss and damage from negative balances of Autotoll's customer accounts

所招致的損失及損害，屬超過輕微程度。故私隱專員總結認為，根據守則第2.3.3.3段，有關收集身份證號碼的做法屬於合理。

關於收集身份證副本，私隱專員留意到，只有不是由申請人親身提出的申請，才須提交身份證副本以供核實。守則第3.2.2.3段規定，資料使用者在下述情況，可收集個人的身份證副本：守則第二部准許資料使用者收集個人的身份證號碼，而資料使用者進一步收集身份證副本，作為收集或核對任何個人的身份證號碼的方法，而該人本可選擇親自提供其身份證，以代替資料使用者收集其身份證副本，卻選擇不如此做。由於快易通收集身份證號碼是守則准許的，私隱專員認為快易通在申請人未能親自作出申請時，進一步收集身份證副本是符合守則第3.2.2.3段的規定。

上訴人不滿私隱專員的決定，提出上訴。

上訴

行政上訴委員會認為，收集身份證號碼的目的是令電子道路收費系統正常運作，即恰當及適時地向負責任的戶口持有人收取通行費。行政上訴委員會認為，快易通是一門生意，不應因為顧客可以選擇不披露其資料而被迫蒙受收入損失。

行政上訴委員會認為，硬性規定一個數字（不論是800元、1,000元或更高）作為基準，都是不恰當的，應把服務提供者的真正營運損失，與人為造成的損失（例如積分或獎賞錢）區分開來。收取少付及未付的通行費涉及快易通的業務核心。在一個戶口失效前，快易通需要就所有少付及未付的通行費，向隧道及收費道路營運者負責的。快易通向戶口持有人收取上述費用，對其業務十分重要。

行政上訴委員會認為，不單只看個別損失，還要看整體損失。基於龐大的顧客數目，每名顧客的小額欠款可以累積為非常龐大的數目。現時，快易通聘用收數公司追收欠款，並備存壞賬名單。它們需要識別欠款戶口持有人的身份。行政上訴委員會認為，如快易通不獲准收集身份證號碼，可能被迫採取其他方法來保障其業務利益。這可能包括上訴人建議的零餘欠

was more than trivial and concluded that the collection of HKID Card numbers was justified under paragraph 2.3.3.3 of the Code.

With regard to the collection of a HKID Card copy, the Commissioner noted that it was only in cases in which the application was not made in person that the applicant was required to submit a HKID Card copy for verification. In this connection, paragraph 3.2.2.3 of the Code provides that a data user should not collect an HKID Card copy except (1) where the collection of the HKID Card number of the individual by the data user is permissible under Part II of the Code, (2) the copy of the HKID Card is collected by the data user as a means to collect or check the HKID Card number of the individual, and (3) the individual has been given the alternative of physical production of the HKID Card in lieu of collection of a copy by the data user, but has chosen not to do so. Having found that the collection of HKID Card numbers by Autotoll was permissible under the Code, the Commissioner concluded that the collection of the HKID Card copy by Autotoll when the application was not made in person was consistent with paragraph 3.2.2.3 of the Code.

Dissatisfied with the Commissioner's decision, the Appellant appealed against the Commissioner's decision.

The appeal

The AAB considered that the purpose of collecting the HKID Card number was to enable the proper running of the ETC System, namely the proper and timely collection of tolls from responsible account holders. The AAB concluded that Autotoll should not be compelled to suffer a loss of business revenue because its customers could choose not to disclose their personal data.

The AAB opined that it was inappropriate to draw a line by adopting an arbitrary figure, whether it be \$800, \$1,000 or a higher figure. The line should be drawn by distinguishing genuine commercial loss essential to the very operation of a service provider from artificially created loss, such as bonus points and cash rewards. The collection of undercharges and unpaid tolls went right to the heart of Autotoll's business. Autotoll remains liable to the tunnel and toll road operators for all undercharges and unpaid tolls incurred before an account is invalidated. It is vital to the business of Autotoll that it can collect these amounts from the account holders.

The AAB accepted that one must look not only at individual losses, but also at the total loss. Given the large customer base, a small debt per customer can build up to a very substantial sum. Autotoll uses debt collectors and maintains a bad-debt list to deal with account holders in default. They require positive identification of the delinquent account holders to do so. The AAB considered that if the collection of HKID Card numbers was disallowed, Autotoll might be forced to take other measures to protect their business interests. This might include a zero credit policy suggested by the Appellant,

政策。在這政策中，純粹因大意而未能及時為戶口增值的顧客會受到影響，而快易通可能會收到大量有關客戶服務欠佳的投訴。隧道及收費道路營運者亦會受影響，因為它們要直接向登記車主（他們可能是、或可能不是應受懲罰的戶口持有人）收取款項。

此外，如失效標籤大幅增加，隧道及收費道路營運者便可能不想快易通車道維持目前的狀況——無人看守及無障礙物，可以讓車輛通過。鑑於這可能對快易通業務和隧道及收費道路營運者的利益，構成深遠影響，行政上訴委員會不會以保障資料的名義，而干涉合法的業務運作，並同意私隱專員的觀點，認為八達通公司已按守則第2.3.3.3段行事。

行政上訴委員會接著考慮守則第2.3.4.1段的適用性。該段准許資料使用者為下述目的而收集身份證號碼：加插入確立任何人士的法律權利、利益或責任（不屬於短暫性質或在有關情況下，不屬於輕微性質）的文件。行政上訴委員會認為，該申請表及其條款與細則包含重要的權利和責任，例如戶口持有人恰當安裝標籤、在指定車輛安裝正確的標籤、更換指定車輛後通知快易通、及維持預繳款額等責任。行政上訴委員會認為，這些權利和責任對電子道路收費系統的妥善運作很重要，性質不屬於短暫及輕微。因此，行政上訴委員會裁定守則第2.3.4.1段適用，並獲得遵從。

關於收集身份證副本，行政上訴委員會認為，該申請表沒有規定申請人提交身份證副本，但快易通有權收集副本，以核實申請人的資料。申請快易通戶口的人士可透過親身、郵寄、電話或網上申請。如親身作出申請，快易通會即場檢查申請人的身份證，以核實身份。只有親身申請以外的申請，才須提交申請人的身份證副本，而有關副本會在核實後銷毀。行政上訴委員會同意私隱專員的觀點，認為快易通收集身份證副本是符合守則第3.2.2.3段的規定。

行政上訴委員會的決定

行政上訴委員會裁定快易通沒有違反保障資料第1(1)原則或守則的規定。私隱專員的決定獲確認，上訴被駁回。

in which case those customers who failed to top up their ETC card in time by mere inadvertence would suffer; and Autotoll might consequently be flooded with complaints of poor customer service. The tunnel and toll road operators would suffer too, as they would need to recover the amount due directly from the registered vehicle owners (who may or may not be the culpable account holders).

Further, if there was a significant increase in the number of invalidated tags, the tunnel and toll road operators might no longer be willing to continue the Autotoll lanes as they are now, unmanned and free of barriers. In view of the far-reaching implications this might have on Autotoll's business and the interests of the tunnel and toll road operators, the AAB did not assume any right to interfere with legitimate business operations in the name of data protection and agreed with the Commissioner that paragraph 2.3.3.3 of the Code was complied with.

The AAB next considered the application of paragraph 2.3.4.1 of the Code, which allows a data user to collect HKID Card numbers for insertion in a document for establishing a legal right, interest or liability of any person which is not of a transient nature or trivial in the circumstances. The AAB considered that the application form, together with its terms and conditions, contain a host of important rights and liabilities: e.g. the duties of an account holder to properly install the tag, to apply the correct tag to the specified vehicle, to inform Autotoll if the specified vehicle is replaced, and to maintain the prepaid amount. These rights and liabilities were found by the AAB to be crucial to the proper operation of the ETC System and therefore neither transient nor trivial. Accordingly, the AAB decided that paragraph 2.3.4.1 of the Code was applicable and complied with.

With regard to the collection of HKID Card copies, the AAB found that the application form does not require an applicant to submit a HKID Card copy, but Autotoll reserves the right to collect a copy for verification of the applicant's information. A person can apply for an Autotoll account in person, by post, by telephone or online. If an application is made in person, then verification is done by checking the applicant's HKID Card on the spot. It is only where the application is not made in person that the applicant is required to submit a copy of his HKID Card, which is destroyed after verification. The AAB agreed with the view of the Commissioner that the collection of the HKID Card copy by Autotoll was consistent with paragraph 3.2.2.3 of the Code.

The AAB's decision

The AAB decided that there was no contravention of Data Protection Principle 1(1) or the Code. The Commissioner's decision was affirmed and the appeal was dismissed.



上訴個案簡述 2 (行政上訴委員會上訴案件第26/2013號)

上訴人出席一個求職面試，簽署了授權書讓該公司索取及核證她以往的受僱資料。其後，她向該公司提出兩項查閱資料要求，要求查閱兩名前僱主所提供的推薦信。行政上訴委員會考慮該公司向有關前僱主所作的保密保證，是否構成拒絕依從她查閱資料要求的有效理由。

投訴內容

上訴人到一間公司出席求職面試，簽署了授權書讓該公司索取及核證她以往的受僱資料。該公司其後從僱主X及Y取得有關上訴人的推薦信。

上訴人後來依據條例第18(1)條，向該公司提出兩項查閱資料要求，要求查閱X及Y對她作出的推薦信。該公司拒絕依從她的要求。因此，上訴人向私隱專員投訴該公司。

私隱專員的決定

該公司回覆私隱專員的查詢時，確認持有X及Y以保密條件提供的推薦信。該公司進一步援引條例第56條的豁免，但私隱專員拒絕，因為他並不認為有關推薦信是寫信人在職責以外作出的。

該公司其後尋求X及Y的同意，以便向上訴人透露推薦信的內容。X同意，但Y堅持該公司應履行承諾，把推薦信保密。

私隱專員認為，Y控制了推薦信的使用，令該公司無法依從上訴人的查閱資料要求。因此，憑藉條例第20(3)(d)條，該公司有權拒絕依從上訴人的查閱資料要求。私隱專員再得悉上訴人已直接向Y提出查閱資料要求，索取推薦信的副本，因此認為進一步調查該個案，不大可能取得更佳結果。他因而通知上訴人不繼續調查的決定。

Appeal Case Note 2 (AAB Appeal No. 26 of 2013)

The Appellant attended a job interview and signed an authorisation permitting the company to obtain and validate her previous employment data. Later, she made two data-access requests to the company seeking access to the reference letters supplied by her two former employers. The AAB considered whether the company's assurance of confidentiality to the former employers would constitute a valid ground for refusal to comply with her data access requests.

The complaint

The Appellant attended a job interview with a company and signed a written authorisation for the company to obtain and validate her previous employment data. The company subsequently obtained references regarding the Appellant from employers X and Y.

The Appellant later made two data-access requests to the company, pursuant to section 18(1) of the Ordinance, seeking access to the reference letters regarding her from X and Y. The company refused to comply with her requests. Therefore, the Appellant lodged a complaint with the Commissioner against the company.

The Commissioner's decision

In response to the Commissioner's enquiries, the company confirmed that it possessed the references, which had been provided by X and Y on the basis that they would be kept strictly confidential. The company further relied on the exemption under section 56 of the Ordinance, but this was rejected by the Commissioner as he was not convinced that the references were given by the writers other than in the ordinary course of their occupations.

The company subsequently sought to obtain consent from X and Y for the release of the reference letters to the Appellant. While X gave its consent, Y maintained that the company should honour its promise to keep the reference letter strictly confidential.

The Commissioner considered that Y had controlled the use of the reference letter in a way that prohibited the company from complying with the Appellant's data access request. Accordingly, by virtue of section 20(3)(d) of the Ordinance, the company was entitled to refuse to comply with the Appellant's data-access request. Noting further that the Appellant had lodged a data-access request with Y directly to obtain a copy of the reference letter, the Commissioner considered that further investigation of the case was unlikely to yield a better result. He informed the Appellant accordingly of his decision not to continue the investigation.

上訴

在上訴過程中，上訴人向行政上訴委員會披露Y的一封信件，Y聲稱已銷毀有關推薦信，因此不能向她提供副本。

行政上訴委員會同意私隱專員的觀點，認為第56條的豁免不適用於該公司。提供推薦信給上訴人的是Y的助理經理。因此，行政上訴委員會認為，她是在其職責的正常過程中提供的。

對於該公司援引保密承諾來拒絕依從上訴人的查閱資料要求，行政上訴委員會認為，條例並沒有訂明保密承諾是容許資料使用者拒絕依從查閱資料要求的理由。因此，一個收到資料或提供資料的資料使用者，均不能以保密承諾作為理由。

行政上訴委員會認為，Y沒有表明他場是否禁止該公司依從上訴人的查閱資料要求。如果有表明，Y會被視為根據第18(4)條持有有關資料，他便應依從該要求。如沒有表明，則第20(3)(d)條不適用於該公司。行政上訴委員會認為，Y的立場模糊及矛盾，有需要進一步調查，以確定Y是否否認第18(4)條對他適用；若是，是基於甚麼原因。

行政上訴委員會的決定

行政上訴委員會判決上訴得直，把個案發回私隱專員繼續調查。

The appeal

In the course of the appeal, the Appellant disclosed to the AAB a letter from Y claiming that it had already destroyed the reference letter and therefore it could not provide a copy of the reference letter to her.

The AAB agreed with the Commissioner's view that the exemption under section 56 was not applicable to the company. The person who gave the reference gave it in her capacity as the Assistant Manager of Y. As such, the AAB could only conclude that she had done so in the ordinary course of her occupation.

Regarding the company's reliance on confidentiality to refuse to comply with the Appellant's data access request, the AAB opined that confidentiality is not a reason stipulated in the Ordinance to permit a data user to refuse to comply with a data access request. It is not a reason afforded to a data user who received the data upon an assurance of confidentiality, nor is it a reason afforded to a data user who supplied the data on the strength of such an assurance.

The AAB took the view that Y did not state whether it prohibited the company from complying with the Appellant's data access request. If it did, then Y would be deemed to hold the data under section 18(4) and should comply with the request. If it did not, then section 20(3)(d) could not apply to extricate the company. The AAB found Y's stance to be ambiguous and contradictory and concluded that further investigation was required to ascertain, amongst others, whether Y denied that section 18(4) was applicable to it and if so, for what reason.

The AAB's decision

The AAB allowed the appeal and ordered that the case be sent back to the Commissioner for further investigation.



上訴個案簡述3（行政上訴委員會上訴案件第19/2014號）

一宗離婚訴訟案件的答辯人投訴代表呈請人的律師行，在送達訴訟文件給他時，把文件在上訴人居所的大廈大堂展示，並在大廈管理員面前拍照，又將文件擺放在他居所門外。行政上訴委員會認為，律師行把文件擺放在上訴人居所外，以證明文件已送達到上訴人的做法，並無違反保障資料第4原則。然而，把文件在大廈大堂展示並拍照的做法，須由私隱專員進一步查究是否有違保障資料第4原則。

投訴內容

上訴人是一宗離婚訴訟個案的答辯人。上訴人向私隱專員投訴代表呈請人的律師行嚴重違反保障資料第4原則，沒有保障他的個人資料的安全。他投訴該律師行在送達訴訟文件給他時（一）把文件擺放在他的居所門外走廊公眾地方，會引致文件容易遺失因而外洩其個人資料；及（二）在他居所的大廈大堂展示每份文件封面，並在大廈管理員面前拍照，經過的住客可隨意閱讀文件首頁的內容，因而可能會外洩了他正辦離婚手續一事的私隱。

私隱專員的決定

該律師行回覆私隱專員的查詢時，解釋將訴訟文件擺放在上訴人的居所門外走廊，是依照《婚姻訴訟規則》第111(1)(b)(ii)條下進行。至於在大廈大堂拍照，該律師行稱，是要向法庭證明已把訴訟文件送達到正確的地址。

就第一項投訴，私隱專員接納該律師行的解釋，認為把訴訟文件放在信封袋內，用繩索裹好後，放在上訴人的居所門外，再通知大廈管理員，這做法雖然不能完全防止資料外洩，但為求達到確保文件不受未獲准許的、或意外的查閱這目的來說，已屬於採取了切實可行的步驟，所以沒有違反保障資料第4原則。

至於第二項投訴，私隱專員認為，在大廈大堂展示文件、並為其拍照，以證明已成功送達，做法合理，並相信展示和拍照的

Appeal Case Note 3 (AAB Appeal No. 19 of 2014)

The Respondent in divorce proceedings complained that the solicitors' firm representing the Petitioner displayed the court documents in the lobby of his residence, took photos of the court documents in front of the security guard, and placed the court documents outside his flat. The AAB concluded that the act of placing the court documents outside the Appellant's flat to prove due service had not contravened Data Protection Principle 4, but that whether displaying the court documents in the lobby and taking photos of them there had contravened Data Protection Principle 4 would require further investigation by the Commissioner.

The complaint

The Appellant, the Respondent in divorce proceedings, filed a complaint with the Commissioner against the solicitors' firm representing the Petitioner for failing to safeguard his personal data, in contravention of Data Protection Principle 4. The complaints were that when the solicitors' firm served the court documents on him, (1) the documents were placed in the corridor outside his flat and could therefore be easily lost, thus compromising the personal data contained therein; and (2) the cover pages of the bundles of documents were displayed in the lobby of his residence and photographed in front of the security guard; this arrangement might have revealed evidence of the divorce proceedings to passers-by who read the contents of the cover pages.

The Commissioner's decision

In response to the Commissioner's enquiries, the solicitors' firm explained that the court documents were placed outside the Appellant's flat according to section 111(1)(b)(ii) of the Matrimonial Causes Rules. With regard to taking photos of the documents in the lobby, the solicitors' firm stated that the purpose was to prove to the court that the court documents had been duly delivered to the correct address.

Regarding the first complaint, the Commissioner accepted the explanation of the solicitors' firm that although the act of placing the court documents (which were packed in an envelope and tied with a string) outside the Appellant's flat, coupled with notification to the security guard, might not totally prevent data leakage, practicable steps had been taken to ensure protection against unauthorised or accidental access. Therefore, there was no contravention of Data Protection Principle 4.

As for the second complaint, the Commissioner opined that displaying the covering pages of the bundles of documents in the lobby and taking photos of them to prove due service were

時間只屬短暫，即使有住客經過也不能詳細閱讀文件當中的內容。私隱專員建議上訴人為避免同類事情再次發生，應與該律師行聯絡、或留下聯絡電話號碼，以便安排日後送達訴訟文件的事宜。

基於上述理由，私隱專員決定不繼續進一步處理上訴人的投訴。上訴人不滿該決定，向行政上訴委員會提出上訴。

上訴

就第一項投訴，行政上訴委員會認為，根據《婚姻訴訟規則》，除非法庭另有指示，否則該律師行是有權選擇用哪種送達方式，毋須考慮該方式會洩漏資料的風險。既然上訴人已向處理離婚訴訟案件的聆訊法官投訴送達方式不恰當，但不獲受理；他現在不能再次以該律師行選擇不當的送達方式作出投訴。對私隱專員這一決定，行政上訴委員會並無異議。

至於第二項投訴，行政上訴委員會認為，雖然該律師行在大廈大堂展示文件冊封面並進行拍照的時間只屬短暫，但私隱專員也不能確實地認為經過的住客不會閱讀到文件封面上的資料。該律師行的唯一解釋，是他們需要證明訴訟文件已送達到正確的地址。但該律師行沒有解釋為何必須要這樣做，才可證明把訴訟文件送達給上訴人。

行政上訴委員會又認為，該律師行煞有介事地在大廈大堂展示訴訟文件及拍照，會更引起經過住客的注意，增加資料外洩的風險，做法值得商榷。行政上訴委員會進一步指出，該律師行在上訴人居所門外的照片，已能顯示出對面單位的特徵和上訴人住所鐵閘的情況，這些資料或可已辨識送達的地址。雖然這些照片是否可真正達到此作用，仍屬未知之數，但私隱專員應該考慮這些因素，才可以公平地說該律師行已採取所有切實可行的步驟。

行政上訴委員會的決定

行政上訴委員會駁回第一項投訴的上訴，但裁定第二項投訴的表面證據成立，因而發還私隱專員繼續處理。

reasonable. In reaching the decision, the Commissioner noted that the duration of time for displaying and taking the photos of the bundles of documents was minimal, and that even if there were passers-by, they could not have read the details on the cover pages. In this regard, the Commissioner recommended that the Appellant should liaise with the solicitors' firm or leave his phone number for future service of court documents to avoid a recurrence of the problem.

Based on the above grounds, the Commissioner decided not to further pursue the Appellant's complaints. The Appellant was dissatisfied with the decision and lodged an appeal with the AAB.

The appeal

Regarding the first complaint, the AAB opined that unless the court directed otherwise, the solicitors' firm had the right to choose the mode of delivery of court documents under the Matrimonial Causes Rules without considering the need to minimise data leakage. As the Appellant had already complained in vain to the judge who heard the divorce proceedings about the improper delivery of the court documents, he could not now complain to the Commissioner that the solicitors' firm had chosen an improper mode of service. Therefore, the AAB agreed with the Commissioner's decision.

Regarding the second complaint, the AAB opined that although the duration of time for displaying the covering pages of the bundles of documents in the lobby and taking photos of the bundles was minimal, the Commissioner could not conclusively rule out any possibility for passers-by to read what was on the cover pages. The sole explanation given by the solicitors' firm was the necessity to prove delivery of the court documents to the correct address. However, the solicitors' firm did not explain why it was necessary to handle it in this way.

In fact, the AAB questioned whether the solicitors' firm's obvious act of displaying and photographing the bundles of documents in the lobby might even have aroused the attention of passers-by, thus increasing the risk of data leakage. In particular, the AAB opined that the photos taken outside the Appellant's residence would have been sufficient to prove the correct address, with the features of the opposite flats and the iron gate of the Appellant's flat. Although it is still unknown whether the photos could achieve this purpose, the Commissioner should have taken these factors into account before deciding whether the solicitors' firm had taken all practicable steps to ensure compliance with Data Protection Principle 4.

The AAB's decision

The AAB dismissed the appeal in respect of the first complaint, but held that there was *prima facie* evidence to substantiate the second complaint, and thus ordered the second complaint be sent back to the Commissioner for further investigation.



上訴個案簡述4（行政上訴委員會上訴案件第20/2014號）

上訴人在使用一家銀行的櫃員存鈔機時，發現存款金額有異，故要求銀行保留閉路電視片段或向他提供複本。行政上訴委員會裁定該項要求並不屬於條例下的「查閱資料要求」。上訴人應清楚列明是要求資料的複本，而非給銀行選擇保留或提供資料。

投訴內容

上訴人使用一家銀行的櫃員存鈔機存款入他父親的戶口。在核對數目時，上訴人發覺所顯示的存款金額有誤，於是按鍵取消交易，存鈔機卻退少了五百元。上訴人為此損失先後向該銀行的職員查問究竟及填寫投訴表格，均不得要領。之後，上訴人兩度去信銀行詢問調查進展（「該等信件」）並提出以下三項要求：（1）讓他查看閉路電視有關存款交易的錄影片段（「該片段」）；（2）銀行須保存該片段直至獲得他同意刪除為止；或（3）給他該片段的複本。

後來，銀行去信戶口持有人（即上訴人的父親）交代上訴人的投訴。上訴人不滿銀行沒有直接回覆他，卻向其父親洩露了他的個人資料。

上訴人遂向私隱專員提出三項投訴：

- （一）該片段是他的個人資料，但該銀行無理拒絕他查看該片段；
- （二）該銀行處理他的書面查詢時，應該按照他的指示以電郵直接回覆他，而不是在未有獲得他的同意下，以書面回覆其父親，披露了他的個人資料；
- （三）銀行沒有在櫃員存鈔機範圍當眼處，張貼會以閉路電視收集個人資料的通知和其政策。

私隱專員的決定

關於第一項投訴，私隱專員認為，由於上訴人出現在該片段，加上該銀行已記錄了上訴人的投訴，便可以從此等資料辨別其身分，所以該片段屬上訴人的個人資料，而該銀行便涉及收集上訴人的個人資料。雖然如此，私隱專員認為，上訴人並沒有向該銀行提出條例下的「查閱資料要求」，因為上訴人在該等信件的措辭是給予該銀行作出選擇，保存該片段或向上訴

Appeal Case Note 4 (AAB Appeal No. 20 of 2014)

The Appellant found a discrepancy in the amount deposited when using an automatic teller machine ("ATM") of a bank, so he requested the bank to retain the CCTV footage or provide a copy of the footage to him. The AAB held that the request was not a data access request under the Ordinance. The Appellant should have clearly stated that he was requesting a copy of the data, instead of allowing the bank to choose between retaining the data and providing it.

The complaint

The Appellant tried to make a deposit into his father's bank account through an the ATM of a bank. Whilst checking the amount, the Appellant found that there was a discrepancy, so he cancelled the transaction. However, \$500 was missing after the ATM returned the deposit. The Appellant made enquiries with the bank and filled in the complaint form in respect of the loss, but the effort was in vain. Subsequently, the Appellant wrote to the bank twice to enquire about the progress of the investigation ("Letters") and made the following three requests: (1) allow him to watch the CCTV footage ("Footage") related to the deposit transaction; (2) retain the Footage until he consented to the deletion; or (3) give him a copy of the Footage.

Later, the bank wrote to the account holder (i.e. the Appellant's father) and informed him of the Appellant's complaint. The Appellant was dissatisfied that the bank did not reply to him direct and disclosed his personal data to his father.

The Appellant thus lodged three complaints with the Commissioner:

- (1) the Footage was his personal data, but the bank unreasonably rejected his request for access to the Footage;
- (2) when handling his written enquiries, the bank should have followed his instructions and given him a reply directly by email instead of giving a written reply to his father without the Appellant's consent, thus disclosing his personal data; and
- (3) the bank had not posted any notice regarding its policy on the collection of personal data by CCTV at prominent places near the ATM.

The Commissioner's decision

Regarding the first complaint, the Commissioner opined that as the Appellant had appeared in the Footage and the bank had recorded the Appellant's complaint, his identity could be ascertained from the data. Hence, the Footage constituted the Appellant's personal data and the bank was involved in its collection. However, the Commissioner was of the view that the Appellant had not made a data access request under the Ordinance because the Appellant had given the bank an option in the Letters to choose between retaining the Footage and providing a copy to him, with the bank choosing the

人提供複本，而銀行選擇了保存該片段。再者，該銀行也曾讓上訴人翻看該片段，故私隱專員認為，就此項投訴進行調查，亦不能合理地預計可帶來更滿意的結果。

至於第二項投訴，私隱專員認為，上訴人的父親是戶口的持有人，在事發當天，上訴人存款入該戶口是涉及其父親帳戶的交易及利益。因此，該銀行發信向其父親透露上訴人的投訴內容並非不合理。同時，該銀行向私隱專員表示，日後遇到同類情況時，會先直接回覆投訴人，然後才通知有關戶口持有人。

至於第三項投訴，上訴人同意不再向該銀行追究。

基於上述理由，私隱專員決定不進一步處理上訴人的投訴。上訴人不滿該決定，向行政上訴委員會提出上訴。

上訴

就投訴一而言，首先，行政上訴委員會認為，上訴人沒有以私隱專員指明的「查閱資料要求」表格作出要求，該銀行是有權拒絕提供該片段。然而，該銀行沒有以此作為理據去拒絕提供該片段的複本，而私隱專員亦不願意以這點作為答辯理由。

至於該等信件是否構成「查閱資料要求」，行政上訴委員會認為，該等信件無論是分開來看、還是一同來看，上訴人已明確地給予該銀行選擇，可保存該片段或提供複本。既然該銀行選擇了保存該片段，便沒有違反他的要求，所以上訴人的論點並不成立。若然上訴人沒有在該等信件中給予該銀行任何選擇，而單只是要求查閱其個人資料，則另作別論。基於上述理由，行政上訴委員會同意私隱專員的結論，是沒有表面證據可證明該銀行違反條例的規定，而繼續處理投訴亦不能合理地預計可帶來更滿意的結果。

至於第二項投訴，上訴人承認該銀行向他的父親匯報當天存鈔的情況，並沒有損害上訴人的私隱。行政上訴委員會認為，戶口持有人是有權得知其戶口的交易情況，包括存款人的身分。而該銀行只是透露了上訴人的姓氏，故並不構成違反條例的規定。

行政上訴委員會的決定
上訴被駁回。

former. Given the bank had also allowed the Appellant to view the Footage, the Commissioner considered that an investigation of the complaint could not reasonably be expected to bring about a more satisfactory result.

As for the second complaint, the Commissioner opined that as the Appellant's father was the account holder, and as the incident involved a transaction with his account, it was therefore in his interest, and it was reasonable for the bank to disclose the Appellant's complaint to the Appellant's father in writing. In addition, the bank assured the Commissioner that if it encounters similar cases in the future, it will reply to the complainant directly before informing the account holder.

As for the third complaint, the Appellant agreed not to pursue it any further.

Based on the above grounds, the Commissioner decided not to pursue the Appellant's complaints any further. The Appellant was dissatisfied with the decision and lodged an appeal with the AAB.

The appeal

Regarding the first complaint, the AAB opined that as the Appellant had not made a data access request with the form specified by the Commissioner, the bank had the right to refuse to provide the Footage. However, the bank had not relied on this ground for refusal and the Commissioner was unwilling to use this as a defence.

As to whether the Letters constituted a data access request, the AAB opined that regardless of whether the Letters were viewed separately or together, the Appellant expressly provided an option for the bank to choose between retaining the Footage and providing him with a copy. The bank chose to retain the Footage, which was among the options the Appellant requested. Hence, the Appellant's argument was untenable. The case would be different had the Appellant not provided any option to the bank in the Letters, and only requested access to his personal data. Based on the above grounds, the AAB agreed with the Commissioner's conclusion that there was no *prima facie* evidence that the bank had contravened the requirements under the Ordinance, and it could not reasonably be expected that further handling of the complaint would bring about a more satisfactory result for the Appellant.

Regarding the second complaint, the Appellant admitted that his privacy had not been infringed by the bank's reporting the incident to his father. The AAB was of the view that the account holder had the right to know the circumstances of the transaction involving his account, including the identity of the depositor. Since the bank had only disclosed the surname of the Appellant, there was no contravention of the Ordinance.

The AAB's decision
The appeal was dismissed.

公署就公眾諮詢所提交的意見書

本年度私隱專員回應以下公眾諮詢而提交意見書：

SUBMISSIONS MADE IN RESPONSE TO PUBLIC CONSULTATIONS

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

徵詢意見的部門 Consulting Organisation	事宜 Issue
終審法院首席法官轄下的家事訴訟程序規則工作小組 The Chief Justice's Working Party on Family Procedure Rules	家事訴訟程序規則檢討的諮詢 Consultation on the Review of Family Procedure Rules
食物及衛生局 Food and Health Bureau	自願醫保計劃的諮詢 Consultation on Voluntary Health Insurance Scheme
	私營醫療機構規管的諮詢 Consultation on the Regulation of Private Healthcare Facilities

(意見書全文可於公署網站瀏覽www.pcpd.org.hk/tc_chi/enforcement/response/legco_consulting_org.html)

(The full submission can be found on the PCPD website www.pcpd.org.hk/english/enforcement/response/legco_consulting_org.html)



新入職員工 Newcomer

科技發展一日千里，我認為個人資料私隱是其中一門重要的法律領域。加入公署的法律部，我的工作包括：就個案有否違反條例提供法律意見，研究跟政策有關的議題，以及草擬相關指引以倡導符規。令我高興的是過往在私人執業時獲得的經驗和技能，現在都可應用於保障個人資料私隱的工作。公署的同事友善而且富深厚知識，與他們一起共事，我有信心可迎接更多挑戰！

I believe that personal data privacy is one of the most important areas of law in this technological era. As a member of the PCPD's legal team, my daily tasks include advising on potential contraventions of the Ordinance, doing research on policy-related topics and preparing guidance materials on compliance with the requirements under the Ordinance. I am delighted that the skills I acquired in previous private practice can be effectively applied in the various tasks I am now engaging in to safeguard personal data privacy. With the support of my friendly and knowledgeable colleagues, I look forward to the challenges ahead!

吳鎧楓
律師
Dennis NG
Legal Counsel

公署對建議中的法例及行政措施所作的評論

《2015年截取通訊及監察(修訂)條例草案》

草案旨在修訂《截取通訊及監察條例》(第589章)，為截取通訊及監察事務專員提供明確權力，檢查受保護成果，包括享有或可能享有法律專業保密權的資料，以及實施多項技術性建議，以提高該條例下規管機制的有效性。

原則上，私隱專員支持建議，以提高截取通訊及監察事務專員的監察職能。然而，他關注建議的行政安排的細節，包括揀選受保護成果作檢查、獲授予檢查權力的人員數目及職級、監督及保安措施，以及違規時的紀律處分。私隱專員認為，所有人員(包括截取通訊及監察事務專員)應清楚知悉及依從這些安排。

此外，私隱專員向政府建議，《截取通訊及監察條例》應有明確條文(而不是透過實務守則的規例)，規定執法機構在知悉撤銷訂明授權後，不得在有關撤銷與實際終止截取或秘密監察的時間差距期間，查閱或使用這些受保護成果。

最近修訂的保障資料第4(1)原則，在規定個人資料須受保障而不受「未獲准許的或意外的查閱、處理、刪除或使用所影響」外，還明確規定個人資料須不受「喪失」所影響。為與有關規定一致，私隱專員亦借此機會，促請政府對《截取通訊及監察條例》第59(1)(b)條(關於對受保護成果的保障)作出相應修訂。

草案已於2015年2月6日提交立法會，法案委員會仍在審議中。

《物業管理服務條例草案》

草案旨在成立物業管理業監管局(「監管局」)，就發牌照予經營提供物業管理服務業務的個人或業務實體，訂定條文，以規管及管制物業管理服務的提供。

私隱專員知悉，物業管理服務牌照的申請及有關續牌，須載有訂明資料及附有訂明文件。監管局可透過規例訂明載有的資料，及

COMMENTS MADE ON PROPOSED LEGISLATION AND ADMINISTRATIVE MEASURES

Interception of Communications and Surveillance (Amendments) Bill 2015

The Bill seeks to introduce amendments to the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO") to provide express power for the Commissioner on Interception of Communications and Surveillance ("CICS") to inspect the protected products, including information that is or may be subject to legal professional privilege, as well as to implement a number of technical proposals to enhance the effectiveness of the regulatory regime under the ICSO.

In principle, the Commissioner supported the proposal to enhance the oversight function of the CICS. However, he was concerned about the details of the proposed administrative arrangements to be implemented, which include the selection of protected products for checking, the number and rank of staff that may be delegated with the extended power of checking, supervision and security measures, and the disciplinary arrangements in case of non-compliance. The Commissioner took the view that these arrangements should be clearly made known to, and observed by, all staff, including the CICS.

Furthermore, the Commissioner recommended to the Government that there should be an explicit provision in the ICSO (instead of regulation through a code of practice) requiring law enforcement agencies not to access or use such protected products obtained during the time gap between the revocation of a prescribed authorisation and the actual discontinuance of the interception or covert surveillance by the law enforcement agencies once they have notice of such revocation.

To align the ICSO with the recent amendment to Data Protection Principle 4(1), which explicitly requires protection against "loss" of personal data apart from "unauthorised or accidental access, processing, erasure or use", the Commissioner also took the opportunity to invite the Government to make a corresponding amendment to section 59(1)(b) of the ICSO (concerning safeguards for protected products).

The Bill was introduced into the Legislative Council on 6 February 2015 and is still being scrutinised by the Bills Committee.

Property Management Services Bill

The Bill seeks to establish a Property Management Services Authority ("Authority") to provide for the licensing of individuals or entities carrying on the business of property management services, as well as regulating and controlling the provision of property management services.

The Commissioner noted that an application for a property management services licence and the renewal of such a licence must contain the prescribed information and be accompanied by the

申請續牌時附有的文件。然而，有關詳情尚未制定。私隱專員提醒政府，如訂明資料或文件包含個人資料，有關收集須符合保障資料第1(1)原則。

私隱專員亦得悉，監管局將備存成員的利益登記冊，以供公眾查閱。監管局成員須申報他們的利益。利益的類別或種類，仍有待監管局決定。建議的成員利益登記冊將包括有成員的姓名、及披露利益的詳情。同樣地，私隱專員提醒政府當局，有關資料收集亦須符合保障資料第1(1)原則。

此外，私隱專員關注監管局於憲報公佈持牌人名單（包括其姓名及牌照號碼），但沒有明確在草案表明要作此公佈的目的；私隱專員亦關注草案提出，在憲報刊登對持牌人的紀律制裁命令的公告。

私隱專員得悉，草案建議備存物業管理人登記冊。草案建議在互聯網或類似電子網絡上的物業管理人登記冊，不會包括該人就違紀行為或《物業管理服務條例》訂出的刑事罪行定罪紀錄。然而，若實地查閱該登記冊，則可查閱出定罪紀錄。私隱專員指出，個人的定罪紀錄屬敏感個人資料，除非是特別原因，否則不應隨便披露。

此外，私隱專員提醒政府，物業管理人登記冊及成員利益登記冊都屬於民政事務局長於2000年12月30日發出的「公共登記冊的檢討」便箋所訂的範疇。因此，該便箋所列的保障個人資料私隱步驟，應予依從。

政府回覆表示，知道監管局收集個人資料須依從保障資料第1原則，並會在相關的規例草擬本備妥後，徵詢私隱專員的意見。此外，政府會考慮修訂草案，以回應私隱專員的關注。修訂包括：賦權監管局向查閱持牌人定罪紀錄的人士查問原因，並明確列明公共登記冊的目的。在設立公共登記冊時，亦會確保遵從民政事務局的便箋。

草案已於2014年4月25日提交立法會，法案委員會仍在審議中。

prescribed documents. The Authority may, by regulation, prescribe the information to be contained in, and the documents to accompany an application for, a licence renewal. However, the details as such have not yet been formulated. The Commissioner reminded the Government that if the prescribed information or documents contain personal data, its collection should comply with Data Protection Principle 1(1).

The Commissioner further noted that a register of members' interest is to be maintained by the Authority for public inspection. All members of the Authority are required to disclose any interest that they have which is of a class or description to be determined by the Authority. The proposed register of members' interest will contain the members' names and the particulars of the disclosure. Similarly, the Commissioner reminded the Government that the data collection must be in compliance with Data Protection Principle 1(1).

The Commissioner raised a further concern regarding the Authority's publication of a list of licensees in the Gazette, including their names and licence numbers, without expressly spelling out the purpose of publishing them in the Bill. A similar concern was raised regarding the publication of a notice of a disciplinary order of a licensee in the Gazette under the Bill.

The Commissioner also noted that a Property Management Practitioner register is to be kept for the purposes of the Bill. It is proposed that the Property Management Practitioner register available on the internet or similar electronic network not include particulars of conviction records of any property management practitioners in relation to disciplinary offences or criminal offences under the Property Management Services Ordinance. However, this restriction does not apply to a physical inspection of the register. The Commissioner pointed out that conviction records of individuals are sensitive personal data and should be readily disclosed only for exceptional reasons.

The Commissioner also advised the Government that the register of property management practitioners and the register of members' interest are public registers within the scope of the Secretary for Home Affairs' memo dated 30 December 2000, entitled "Review of Public Registers". Therefore, the steps stipulated in the memo to protect personal data privacy should be followed.

The Government responded that it was aware that the collection of personal data by the Authority should comply with Data Protection Principle 1 and that it would seek the Commissioner's comments on the relevant draft regulation when it was available. In addition, it will consider amending the Bill to address the Commissioner's concerns. The amendments include, among others, empowering the Authority to enquire why a person needs to have access to the conviction record of a licensee and to expressly spell out the purposes of the public registers. When establishing the public registers, the Government will ensure that the Secretary for Home Affairs' memo is observed.

The Bill was introduced to the Legislative Council on 25 April 2014 and is being scrutinised by 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 made submissions on the following proposed legislation and administrative measures:

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
漁農自然護理署 Agriculture, Fisheries and Conservation Department	在香港實施南極海洋生物資源養護公約的立法建議 New legislation for implementing the Convention on the Conservation of Antarctic Marine Living Resources in Hong Kong
商務及經濟發展局 Commerce and Economic Development Bureau	《2014年聯合國制裁（利比里亞）規例》 United Nations Sanctions (Liberia) Regulation 2014
	《聯合國制裁（中非共和國）規例》 United Nations Sanctions (Central African Republic) Regulation
	《2014年聯合國制裁（剛果民主共和國）規例》 United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014
	《2014年競爭（修訂）條例草案》 Competition (Amendment) Bill 2014
	《聯合國制裁（也門）規例》 United Nations Sanctions (Yemen) Regulation
政制及內地事務局 Constitutional and Mainland Affairs Bureau	《2014年選舉法例（雜項修訂）條例草案》 Electoral Legislation (Miscellaneous Amendments) Bill 2014
環境局 Environment Bureau	《2015年促進循環再造及妥善處置（電氣設備及電子）設備（修訂）條例草案》 Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015
食物及衛生局 Food and Health Bureau	《2014年藥劑業及毒藥（修訂）條例草案》 Pharmacy and Poisons (Amendment) Bill 2014
	《2014年獸醫註冊（修訂）條例草案》 Veterinary Surgeons Registration (Amendment) Bill 2014
	《私營骨灰安置所條例草案》 Private Columbaria Bill
財經事務及庫務局 Financial Services and the Treasury Bureau	《2014年保險公司（修訂）條例草案》 Insurance Companies (Amendment) Bill 2014
	《2014年強制性公積金計劃（修訂）條例草案》 Mandatory Provident Fund Schemes (Amendment) Bill 2014
	優化公司破產法例的諮詢總結 Consultation Conclusions on the Legislative Proposals on the Improvement of Corporate Insolvency Law
	《交通銀行（香港）有限公司（合併）條例》的草稿 Draft provisions of the Bank of Communications (Hong Kong) Limited (Merger) Bill
海事處 Marine Department	本地載客船隻安裝船舶自動識別系統的立法建議 Legislative Proposal for the Requirement of the Installation of an Automatic Identification System on Large Local Passenger Vessels
保安局 Security Bureau	《2014年婚姻（修訂）條例草案》 Marriage (Amendment) Bill 2014

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，公署可向因機構違反條例規定而蒙受損害，並有意透過法律程序以尋求補償的人，提供協助。在2014年，公署接獲七宗新的法律協助申請，其中86%（即六宗）曾在事前向公署作出投訴。

這些申請涉及下述違規指稱：(i) 過度或不公平收集個人資料；(ii) 使用或披露個人資料；及(iii) 個人資料的保安。

LEGAL ASSISTANCE SCHEME

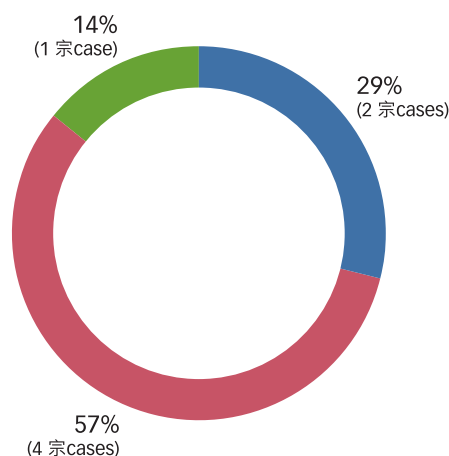
The Legal Assistance Scheme commenced on 1 April 2013. Under the scheme, the PCPD may provide assistance to a person who has suffered damage by reason of a contravention of the Ordinance and intends to seek compensation from the organisation at fault. In 2014, the PCPD received seven new applications for legal assistance, of which 86% (i.e. six cases) were preceded by a complaint lodged with the PCPD.

These applications involved alleged contraventions of the Ordinance in respect of (i) the excessive or unfair collection of personal data; (ii) the use or disclosure of personal data; or (iii) the security of personal data.

圖4.4：違規指控的性質

- 保障資料第1原則 — 過度或不公平收集個人資料
DPP1 – excessive or unfair collection of personal data
- 保障資料第3原則 — 使用或披露個人資料
DPP3 – use or disclosure of personal data
- 保障資料第4原則 — 個人資料的保安
DPP4 – security of personal data

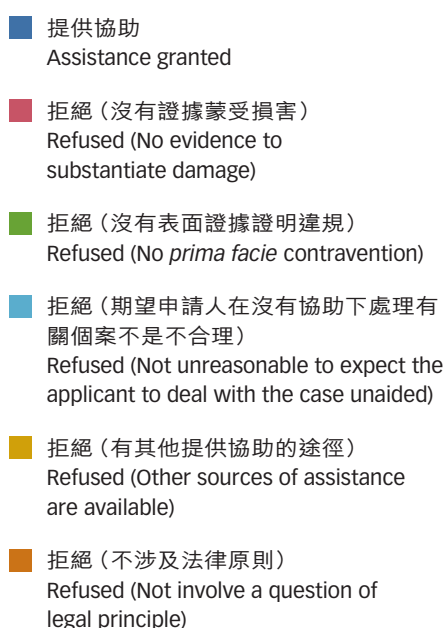
Figure 4.4: Nature of alleged contraventions



本年內公署處理了12宗申請（包括2013年未完成的五宗）。在這些申請中，公署完成了11宗，一宗申請在年結時仍在考慮中。

在已完成的11宗個案中，一宗獲給予法律協助，10宗被拒。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。拒絕給予法律協助的原因見圖4.5。

圖4.5：法律協助申請的結果

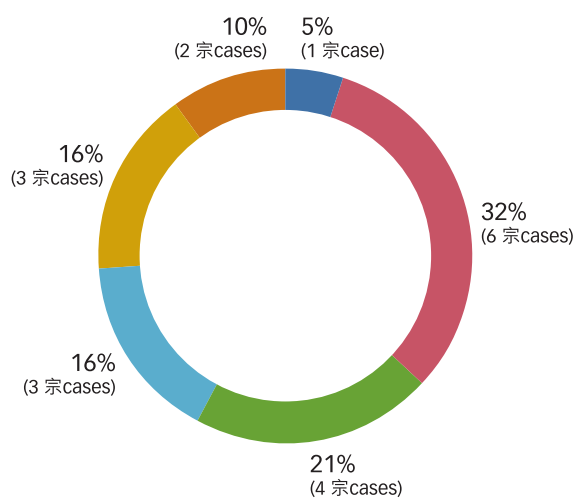


關於2013年已獲批法律協助的個案，外聘的律師認為法律申索成功機會很微，個案已於2014年結束。至於2014年已獲批法律協助的個案，在年結時尚未有申索補償金額的結果，亦未展開法庭程序。

During the year, the PCPD handled 12 applications (including five carried forward from 2013). Of these applications, 11 were completed by the PCPD during the year, and one was still under consideration as at the year end.

Of the 11 cases completed, one was granted legal assistance and 10 were refused. The main reasons for refusal were the failure to provide evidence to substantiate any damage suffered and the absence of *prima facie* evidence of contravention of the Ordinance. The reasons for refusal to grant legal assistance are summarised in Figure 4.5.

Figure 4.5: Outcome of legal assistance applications



The legal assistance case granted in 2013 was discharged in 2014 upon the advice of our outsourced solicitors that the chance of a successful legal claim was slim. Regarding the legal assistance case granted in 2014, no outcome as regards the amount compensation payable had been reached and no court proceedings had commenced as at the end of the reporting year.

Raising Data Protection Awareness

提升資料保障意識

教育及參與

機構傳訊部運用傳媒、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 Corporate Communications 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.



推動機構保障資料

行業保障私隱活動

本年度公署的重點工作是推動及監察流動應用程式業務的持份者遵從條例的規定。這是源於公署在2013年及2014年抽查流動應用程式時，發現它們的私隱政策透明度及行事方式均明顯不足。

公署自2014年1月開始加強向程式開發商推行培訓，共舉辦了九場「研發流動應用程式」講座，吸引了416名人士參與。

2014年11月，公署更發出《開發流動應用程式最佳行事方式指引》（「指引」），以協助開發商研發保障私隱的應用程式。指引為從事開發流動應用程式的人士提供全面及按部就班的實用指引；並且涵蓋在開發程式時需要考慮的因素，以達至尊重客戶的個人資料私隱，從而贏得他們的信任。

公署過去一年為流動程式開發商舉辦了多場講座，當中累積的經驗及香港無線科技商會提供的寶貴意見，對編製指引有莫大幫助。

ENGAGING ORGANISATIONS IN DATA PROTECTION

Industry-specific Privacy Campaign

A strategic focus of the PCPD for the year under review was promoting and ensuring compliance with the provisions of the Ordinance by stakeholders in the mobile app industry. This major initiative was triggered by the PCPD's survey findings in 2013 and 2014 that the transparency of mobile app developers' privacy policies and practices was clearly inadequate.

The PCPD has stepped up its educational efforts targeting apps developers. Nine seminars entitled "Developing Mobile Apps with Privacy Protection in Mind" have been conducted since January 2014, attracting 416 participants.

A "Best Practice Guide for Mobile App Development" (the "Guide") was published in November 2014 to assist mobile app developers in building privacy-friendly apps. The Guide provides comprehensive step-by-step practical guidance to mobile app developers; and includes all factors that need to be considered when developing apps in order to earn trust from customers by respecting their personal data privacy.

In compiling the Guide, the PCPD benefitted from its experience accumulated through conducting the seminars with mobile app developers and valuable input from the Hong Kong Wireless Technology Industry Association.



協辦機構與支持機構派員出席活動的開展儀式，以示支持。

Representatives of the co-organisers and the supporting organisations attended the inaugural ceremony to show their unstinting support.

公署於2015年1月開展了保障私隱活動，主題為「應用程式重私隱 創新科技贏信任」。資訊及通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。

In January 2015, the PCPD launched a 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 has to embrace the next wave of ICT advancement to power our economic and social development and that in the process, consumer privacy and data security must remain a priority.

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。

The Campaign was co-organised by **10** leading trade associations and supported by **10** professional/academic institutions in the field of information and communication technology.

合辦機構

1. 香港通訊業聯會
2. 香港互動市務商會
3. 香港電腦保安事故協調中心
4. 香港電腦學會
5. 香港工程師學會 — 資訊科技分部
6. 香港無線科技商會
7. 國際信息系統審計協會（中國香港分會）
8. 互聯網專業協會
9. 香港互聯網協會
10. 專業資訊保安協會

支持機構

1. 香港中文大學工程學院
2. 香港浸會大學理學院
3. 香港數碼港管理有限公司
4. 香港總商會
5. 香港專業教育學院
6. 香港理工大學電子計算學系
7. 香港生產力促進局
8. 香港科技園公司
9. 香港科技大學商學院
10. 政府資訊科技總監辦公室

Co-organisers

1. Communications Association of Hong Kong
2. Hong Kong Association of Interactive Marketing
3. Hong Kong Computer Emergency Response Team
4. Hong Kong Computer Society
5. Hong Kong Institution of Engineers, IT Division
6. Hong Kong Wireless Technology Industry Association
7. Information Systems Audit and Control Association, China Hong Kong Chapter
8. Internet Professionals Association
9. Internet Society Hong Kong
10. Professional Information Security Association

Supporting Organisations

1. Chinese University of Hong Kong (Faculty of Engineering)
2. Hong Kong Baptist University (Faculty of Science)
3. Hong Kong Cyberport Management Company Limited
4. Hong Kong General Chamber of Commerce
5. Hong Kong Institute of Vocational Education
6. Hong Kong Polytechnic University (Department of Computing)
7. Hong Kong Productivity Council
8. Hong Kong Science & Technology Parks Corporation
9. Hong Kong University of Science and Technology (School of Business and Management)
10. Office of the Government Chief Information Officer

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1月至3月舉行的各項活動。有關活動詳情，請瀏覽 www.pcpd.org.hk/mobileapps。

A series of educational activities were rolled out to help mobile app developers understand and comply with their legal obligations under the Ordinance. The following activities took place from January to March 2015 and the Campaign will continue thereafter. More details of the Campaign are available at www.pcpd.org.hk/mobileapps.

日期 Date	活動 Activity
2015.01.08	開展儀式暨講座 Inaugural Ceremony-cum-Seminar
2015.02.13	私隱關注研討會：流動應用程式開發時個人資料私隱事宜的最新發展 資訊保安周2015 — 理工大學資訊科技服務辦公室 Seminar on Privacy Concerns on New Development in Personal Data Privacy Related to Mobile App Development IT Security Week 2015 – Information Technology Services Office, The Hong Kong Polytechnic University
2015.03.28	香港科技大學資訊系統管理碩士課程學生講座 Talk to students in the Master of Science Programme in Information Systems Management The Hong Kong University of Science and Technology

讚賞 Compliment

設計程式時顧及私隱，可讓用戶更能掌控其資料如何被讀取及使用。提高私隱方面的透明度，更能提升資訊科技界的形象，贏取消費者的信任，從而令業界得益……公署透過出版最佳行事方式指引和推廣活動，致力讓業界參與其中及提供指引，為此我深表欣賞。

Designing apps with privacy in mind will allow users better control how their data is accessed and used. Being more transparent about user privacy will not only benefit the industry as a whole, but also enhance the image of the ICT industry and gain consumer trust... I appreciate what the PCPD has done to engage the industry and provide the guidance through the publication of the best practice guide and through the Campaign.

莫乃光先生
立法會議員(資訊科技界)
The Hon Charles MOK
Legislative Councillor (Information Technology)



保障個人資料專業研習班

公署在本年度舉辦了87個研習班，有超過2,000名人士參加。研習班得到28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
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

Professional Compliance Workshops

During the year under review, the PCPD held 87 workshops with over 2,000 participants. The workshops, which were supported by 28 professional organisations and trade associations, covered the following topics:

公署在本年度與香港零售管理協會合辦一系列零售管理研討會，推動業界了解條例對保障資料的要求，以及採取保障私隱的良好行事方式。2014年2月至8月期間共舉辦了五場研討會，由於獲得業界的正面回響，公署因此決定為零售業定期舉行研習班。公署亦於本年度重新推出物業管理研習班。

During the year, the PCPD, in partnership with the Hong Kong Retail Management Association, launched a series of seminars on Retail Operations, with a view to promoting understanding of the data protection requirements under the Ordinance and adopting good privacy practices among members of the retail industry. Five seminars were held between February and August 2014. In view of the positive feedback from the industry, this has become part of the PCPD's regular training programmes. The PCPD also resumed its workshops on Property Management Practices during the year.

讚賞 Compliment

……現任私隱專員積極行使其權力，這從不斷運用條例的所有執法機制，以及根據第48(2)條發表多份報告，可見一斑。他採取有系統的措施，例如透過教育、培訓，及視察權等，以鼓勵循規守法，跟其他地區同樣出色。

...the current Commissioner was already making vigorous use of his powers, as indicated by the increasing use of all of the enforcement mechanisms of the Ordinance, and his use of section 48(2)... reports. The use of systemic measures to encourage compliance, such as education and training, and inspection powers, is probably as good as is found anywhere.

Professor Graham Greenleaf
Author of Asian Data Privacy Laws (OUP) 2014

為個別機構提供講座

不少機構都希望增進了解修訂條例的新條文，公署在本年度為66間公私營機構提供了84場度身訂造的培訓講座。（有關詳情請參考附錄二）

In-house Seminars

To meet the growing demand for understanding the new provisions in the Amendment Ordinance, the PCPD delivered 84 tailor-made training sessions for 66 organisations in the public and business sectors during the year. (See Appendix 2 for details)

讚賞 Compliment

公署機構傳訊經理陳培玲小姐的講解十分專業，資料豐富，對我們日常工作非常有用。

The presentation by Ms Carol Chan, Corporate Communications Manager of the PCPD, was very professional, informative and useful to our daily work.

勞工處就業科
Employment Services Division
Labour Department

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。

公署於本年度為保障資料主任聯會的會員舉辦了四場簡報會和講座，講解保障私隱議題及私隱管理系統的最新發展情況。公署一直提倡機構應把個人資料和保障私隱納入為企業管治責任不可或缺的一環，並且由上而下貫徹地在機構中執行。八達通卡有限公司一名代表兼保障資料主任聯會會員分享該公司如何實施私隱管理系統。公署亦為會員展開了一系列午餐會講座，會員的回響令人鼓舞。

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.

During the year, the PCPD held four briefing sessions and talks for DPOC members in relation to the latest privacy protection issues and the implementation of the Ordinance. One of these was a briefing and sharing session on Privacy Management Programmes ("PMP"). The PCPD has been advocating that organisations should make personal data protection part of their corporate governance responsibilities and implement it throughout their organisations using a top-down approach. A representative of Octopus Cards Limited, also a DPOC member, shared the company's experience in implementing PMP. The PCPD also arranged a series of luncheon talks for the members. The feedback was encouraging.



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

八達通卡有限公司的保障資料主任任永達先生分享其公司實施私隱管理系統的經驗。

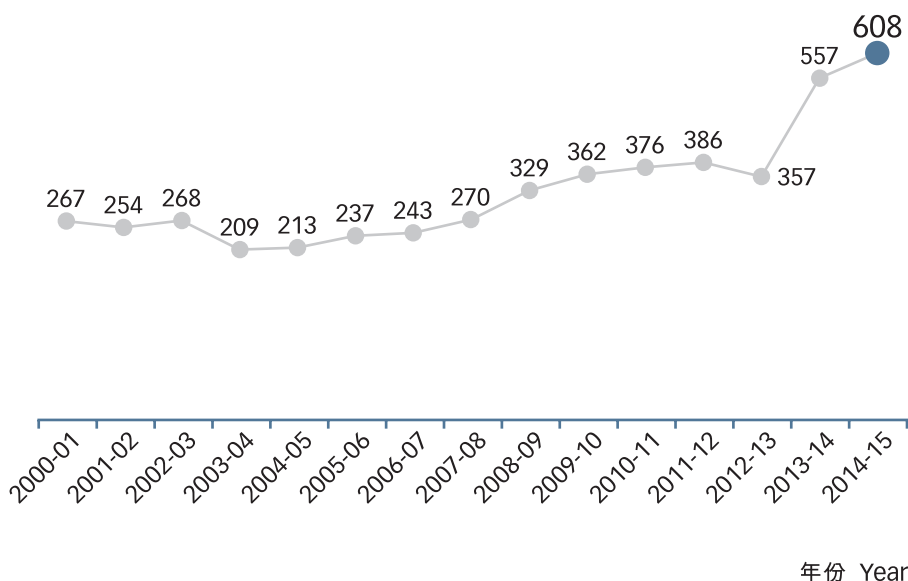
Mr Otto Yum, Data Protection Officer of Octopus Cards Limited, shared his company's experience on its Privacy Management Programme.

截至2015年3月底，聯會有608名會員（包括個人及機構會員），較上年度增加9%。會員來自公私營機構；他們分別具循規、法律事務、規管、執法和客戶服務方面的背景。

DPOC membership reached 608 by the end of March 2015, a 9% increase compared to that of last year. 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.

聯會成立至今的會員數目

Number of members since establishment of DPOC



Facebook大中華區廣告代理業務總經理黃緯賢先生於聯會午餐會講座上，向會員分享「從聯繫中建立互信」。

Mr Andrew Wong, Head of Agency/Reseller – Greater China of Facebook shared his experience with members on the topic “Building Trust Through Connection” at a DPOC luncheon talk.

讚賞 Compliment

非常感激有關方面舉辦今天的午餐演講會。演講內容十分豐富，生動有趣。這個活動非常有意思，希望來年亦會舉辦更多午餐演講會或同類型活動。

Thanks a lot for organising the luncheon talk today. The presentations were very informative and interesting. It was definitely a good experience, and it would be great if more luncheon talks or similar events could be held next year.

葉女士（保障資料主任聯會會員）

香港會計師公會人力資源部主管

Ms Anne IP (DPOC member)

Head of Human Resources

Hong Kong Institute of Certified Public Accountants

本地演講

為推動機構灌輸及建立尊重私隱的文化，私隱專員與公署人員在本年度向不同的持份者，特別是高層行政人員，發表了11次本地演講，鼓勵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。

Local Speaking Engagements

To foster the inculcation of a privacy-respectful culture in organisations, the Commissioner and his team delivered 11 speeches locally during the year, engaging a broad range of stakeholders, in particular senior executives, to encourage 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.

私隱專員蔣任宏的演講：

Speaking engagements by the Commissioner Mr Allan Chiang:

2014.04.10	在香港大學法律學院舉辦的「科技、法律及公眾利益：渥太華—香港大學會議」上，主講「在私隱權利及公眾利益之間取得平衡」	Keynote at the Balance between Privacy Rights and Public Interest at the Technology, Law and the Public Interest: Ottawa — HKU Conference, organised by the Faculty of Law of The University of Hong Kong
		
2014.04.10	為香港浸會大學新聞學系講座主講「如何在私隱保障及新聞自由之間取得平衡」	Guest lecture for journalism students on the topic How to Strike a Balance between Privacy Protection and Press Freedom , organised by Hong Kong Baptist University
2014.05.29	在香港中華總商會晚宴上主講「關於保障私隱和資料的迷思」	Speech on Myths about Privacy and Data Protection at the General Committee Dinner of the Chinese Manufacturers' Association of Hong Kong
2014.06.05	為麥堅時律師行舉辦的「2014資料私隱研討會：探討亞太區及全球資料私隱情況」演講，題目為「私隱管理系統 — 由符規到問責」	Keynote entitled Privacy Management Programme – from Compliance to Accountability at the 2014 Data Privacy Seminar on Navigating the Data Privacy Landscape across Asia Pacific and Globally, organised by Baker and McKenzie
		

2014.10.31	<p>在香港電腦學會舉辦的「2014香港國際電腦會議」主講「私隱權與智能及流動通訊」</p>	<p>Keynote on Privacy Rights and Issues in a Smart and Mobile Society at Hong Kong International Computer Conference 2014, organised by the Hong Kong Computer Society</p> 
2015.01.08	<p>在「應用程式重私隱 創新科技贏信任」的開展儀式上發表演說</p>	<p>Speech at the inauguration ceremony of the “Developing Mobile Apps: Privacy Matters” Campaign</p> 

其他場合 Other occasions

2014.04.11	<p>資訊科技顧問張宗頤博士參與由香港數碼港管理有限公司及政府資訊科技總監辦公室舉辦的資訊保安標準國際會議小組討論，議題為「國際標準及私隱保障」</p>	<p>IT Advisor Dr Henry Chang joined a panel discussion on International Standards and Privacy Protection at the International Conference on Information Security Standards, organised by Hong Kong Cyberport Management Company Limited and the Office of the Government Chief Information Officer</p>
2014.04.17	<p>資訊科技顧問張宗頤博士在香港電腦保安事故協調中心、政府資訊科技總監辦公室與香港警務處舉辦的共建安全網絡2014 — 「流動資訊保安 由我做起」研討會上主講「防止流動裝置的數據外洩」</p>	<p>IT Advisor Dr Henry Chang delivered a speech on Preventing Data Leakage in the use of Mobile Devices at Build a Secure Cyberspace 2014 – Mobile Security Starts from Everyone of Us, organised by Hong Kong Computer Emergency Response Team Coordination Centre, the Office of the Government Chief Information Officer, and the Hong Kong Police Force</p>

2014.11.26	資訊科技顧問張宗頤博士在《IT Pro 雜誌》舉辦的「資訊世界科技日」上主講「 大數據與創新分析 」	IT Advisor Dr Henry Chang delivered a talk entitled Big Data and Analytic Innovation at Data World Technology Day, organised by <i>IT Pro Magazine</i>
2014.11.28	資訊科技顧問張宗頤博士參與由香港大學法律及科技中心舉辦的「大中華區私隱討論會」小組討論，議題為「 健康數據的保障 」	IT Advisor Dr Henry Chang joined a panel discussion on Protection of Health Data at the Symposium on Privacy in Greater China, organised by the Law and Technology Centre, The University of Hong Kong
2015.01.23	公署律師程潔美女士出席香港中文大學的一個客席講座，向法律學院博士生講解「 個人資料私隱 — 由符規到問責 」	Legal Counsel Ms Catherine Ching conducted a guest lecture on Personal Data Privacy – From Compliance to Accountability to students of the Juris Doctor Programme of The Chinese University of Hong Kong



讚賞 Compliment

……我十分欣賞你（私隱專員）推廣私隱和資料保障的努力，並做得相當出色……

...Your (the Commissioner's) efforts in enhancing and promoting privacy and data protection are remarkable and highly appreciated...

劉燕卿女士, JP
香港申訴專員公署申訴專員
Ms Connie LAU, JP
The Ombudsman, Office of The Ombudsman, Hong Kong

走進社區

關注私隱運動

公署於2014年5月4日至10日舉辦「關注私隱運動2014」，與亞太區私隱機構合作繼續推廣對私隱的關注。香港「關注私隱運動2014」的主題是「個人資料私隱 自己作主話事」，鼓勵市民應盡責保護自己及他人的私隱。期間舉辦了一系列宣傳和教育活動，包括研討會、展覽和論壇，以滿足各行各業、公眾人士和年輕人的需要。

PROMOTING AWARENESS IN THE COMMUNITY

Privacy Awareness Week

The PCPD continued to promote privacy awareness in the region, together with members of the Asia Pacific Privacy Authorities, by organising Privacy Awareness Week 2014 ("PAW 2014") from 4 to 10 May 2014. The theme of PAW 2014 in Hong Kong was "Personal Data Privacy: Have My Say", as individuals were encouraged to exercise their rights and responsibility to protect their own privacy and the privacy of others. A diverse range of promotional and educational activities including seminars, exhibitions and forums, were held during the week, catering for the different needs of businesses, the general public and young people, respectively.



「關注私隱運動2014」開展儀式。
Inauguration ceremony of Privacy Awareness Week 2014.



在出版《機構智用社交網絡 尊重個人資料私隱》單張的同時，亦於「關注私隱運動2014」期間為商界舉辦了「機構智用社交網絡：私隱保障的重要」（左圖）及「研發流動應用程式 顧及保障個人資料」兩個研討會。

To coincide with the release of the information leaflet "Privacy Implications for Organisational Use of Social Networks", two seminars entitled "Using Social Networks by Organisations: Why Privacy Matters" (left photo) and "Developing Mobile Apps with Privacy Protection in Mind" were held for businesses during PAW 2014.



公署與香港青年協會賽馬會Media 21媒體空間合辦了網上直播講座「社交網絡私隱 自己作主話事」及青少年網上私隱論壇，與中學生就網上私隱問題互相交流。

A web-cast forum called "Have My Say – How to Use Social Networks While Protecting Your Privacy" and a Youth Forum on Online Privacy were organised for young people in collaboration with the Hong Kong Federation of Youth Groups Jockey Club Media 21.

為期一周的「關注私隱運動2014」，保障資料主任聯會的會員各自在其機構內推廣保障私隱的訊息。由來自69間學校夥伴的保障私隱學生大使亦在其校園內舉辦活動，推廣保障私隱訊息。

During the one week PAW 2014, members of the Data Protection Officers' Club promoted privacy awareness messages in their respective organisations. Student Ambassadors of the Privacy Protection Programme from 69 secondary school partners organised promotional activities on their campuses.



「關注私隱運動2014」期間，公署與澳門個人資料保護辦公室合作，於港鐵上環站以廣告推廣安全使用流動應用程式。

During PAW 2014, the PCPD and the Office for Personal Data Protection, Macao, jointly promoted the safe use of mobile apps through an advertisement in the Sheung Wan MTR Station.

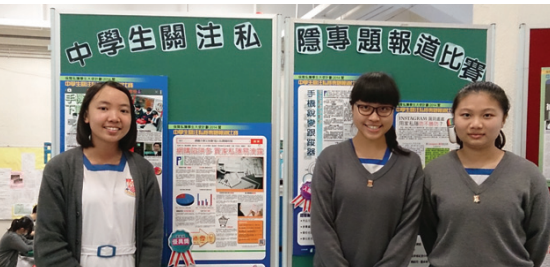
「關注私隱運動2014」吸引了超過**5,200**名中學生及**5,400**名公眾人士參與，比去年增加了**173%**。

PAW 2014 attracted the participation of over **5,200** students and about **5,400** other members of the public, an **173%** increase over that of last year.

保障私隱學生大使計劃

公署連續第四年舉辦保障私隱學生大使計劃。該計劃在2014年舉辦了中學生關注私隱專題報道比賽，來自46間中學逾700名中一至中六學生組隊參加，探討使用互聯網、社交網絡及智能電話的私隱問題，並且在專題報道內展示他們的研究結果。此外，公署職員亦走訪中學進行講座，超過1,400名學生參與。

截至2014年5月30日，共有69間學校夥伴參與保障私隱學生大使計劃（參看附件三）。



勝出隊伍在校園內向同學推廣保障私隱訊息。
The winning teams promoted privacy protection messages to their peers on school campuses.

Student Ambassador for Privacy Protection Programme

The PCPD has run the Student Ambassador for Privacy Protection Programme for four consecutive years. A Privacy News Reporting Competition was held in 2014 under the Programme. Over 700 form one to six students from 46 secondary schools took part in the competition in teams to look into privacy issues associated with the use of the Internet, social networks and smartphones, and presented their findings in a news article. To support the competition, PCPD staff visited schools and delivered educational talks on privacy to over 1,400 students.

As of 30 May 2014, 69 school partners participated in the Student Ambassador for Privacy Protection Programme (See Appendix 3).



教育局局長吳克儉主持頒獎典禮。
Secretary for Education Mr Eddie Ng officiated at the award presentation ceremony.



私隱專題報道比賽勝出作品。
Winning entries of the Privacy News Reporting Competition.

大學保障私隱活動

由2014年10月至12月，公署走訪了10所大專院校，推廣私隱和資料保障。公署職員亦在各院校設立服務台，現場解答師生就私隱保障方面的疑問及提供建議。為籌備是次校園活動，公署於2014年9月1日至28日進行了一個網上問卷調查，以了解大學生最關注哪些個人私隱事宜，獲得了1,283名大專學生回應。調查結果顯示，他們最關心的私隱事宜依次為：(1)直接促銷(2)社交媒體及網絡(3)求職以及(4)智能電話。

University Privacy Campaign

From October to December 2014, the PCPD visited the campuses of 10 local universities to promote privacy and data protection. Help desks were set up and manned by PCPD staff to answer queries and give advice. To prepare for the on-campus campaigns, the PCPD conducted an online survey from 1 to 28 September 2014 to find out which personal data privacy issues concerned university students most. The responses from 1,283 university students revealed that the privacy issues of greatest concern to them were, in descending order of importance, (1) direct marketing (2) social media and networks (3) job applications and (4) smartphones.



在各大專院校設立巡迴服務台，為師生及教職員提供保障資料貼士。

A roving help desk was set up to provide data protection tips on university campuses.

鑑於院校近年發生了多宗嚴重的個人資料外洩事故，公署為大專院校的教職員舉行了連串講座，講解在《個人資料(私隱)條例》下，他們作為資料使用者在行政、教學、資訊管理及研究工作方面應負的責任。超過34,000名大學生及教職員參加，人數較去年增加了51%。



在10所大專院校的大學生推廣資料保障訊息。

Promotion of data protection messages to university students of the 10 universities.

To address the privacy risks highlighted in a number of significant data breaches on university campuses in recent years, the PCPD organised a series of talks to explain to university staff the obligations of data users under the Ordinance in the areas of administration, teaching, IT management and research work. Over 34,000 university students and staff participated in the Campaign, which represented a 51% increase over that of last year.

讚賞 Compliment

有關大學行政及資訊科技管理的兩個講座，讓大學職員(尤其是需要處理個人資料的職員)更加了解《個人資料(私隱)條例》的要求。而資訊科技管理的資料保障研討會，讓資訊科技專業人士交流有用的資訊，並且認識他們日常工作中資料保障的最新科技。

Both seminars on university administration and IT management enabled university staff, in particular those who need to handle personal data, to better understand the requirements under the Personal Data (Privacy) Ordinance through relevant illustrations. The seminar on Data Protection in IT Management was useful for sharing knowledge amongst IT professionals, who learned about the latest technological aspects of data protection in their day-to-day work.

辛麗妍女士

香港中文大學秘書處主任

Ms Judy SAN, Assistant Secretary, University Secretariat
The Chinese University of Hong Kong

公眾講座提升意識

公署積極推展社區教育，向市民講解作為資料當事人，在條例之下享有的權利和如何行使有關權利。公署全年舉辦了27場免費的條例簡介講座。

通訊科技日新月異，公署獲得下列機構支持下，每月在港島、九龍及新界的公共圖書館舉辦講座，教導市民在日常生活中使用科技服務及產品時注重私隱保障：

- 互聯網專業協會
- 國際信息系統審計協會(中國香港分會)
- 網上服務供應商聯盟
- 康樂及文化事務署香港公共圖書館
- 中西區區議會
- 東區區議會
- 離島區議會
- 觀塘區議會
- 沙田區議會
- 油尖旺區議會

Public Awareness Seminar

The PCPD proactively reached out to the community to ensure that individuals were aware of their rights under the Ordinance as data subjects and how to exercise those rights. The PCPD organised 27 free introductory seminars for the general public during the year.

To educate the public on the proper use of the growing communication technologies in daily life, monthly seminars were held in public libraries across Hong Kong, Kowloon and the New Territories, with the support of the following organisations:

- Internet Professional Association
- Information Systems Audit and Control Association, China Hong Kong Chapter
- Online Service Providers Alliance
- Hong Kong Public Libraries, Leisure and Cultural Services Department
- Central and Western District Council
- Eastern District Council
- Islands District Council
- Kwun Tong District Council
- Shatin District Council
- Yau Tsim Mong District Council

長期服務員工 Long Serving Staff

入職15年，我見證公署逐漸成為本港其中一個具認受性的獨立法定機構。這些年來，公署努力向市民及機構推廣私隱條例，不單提高了市民的私隱意識，機構較以往更加重視私隱保障，成就絕非偶然！

Over the past 15 years, I have witnessed the PCPD's evolution into one of the most recognisable independent statutory organisations in Hong Kong. Through the PCPD's continuous efforts to promote the Privacy Ordinance to the public and organisations, not only has privacy awareness among the general public been raised, but organisations are also now paying more attention to privacy protection. These achievements are not accidental at all.

張建華
機構傳訊主任
Billy CHEUNG
Corporate Communications Executive



公眾教育巡迴展覽

公署參與了中西區區議會於2014年12月連續兩個周末舉辦的上環假日行人坊，吸引了4,000多名市民參觀公署攤位。



保障網上私隱貼士的射擊遊戲吸引了不同年齡的行人。

A shooting game with tips for online privacy protection attracted passers-by of different ages.

此外，由2014年12月28日至2015年1月10日，公署舉辦公眾教育展覽，以流動展覽車巡迴各區，向公眾講解條例，令公眾更認識條例所保障的個人資料私隱權利。巡迴展覽獲得六個區議會的支持，流動展覽車到訪了港島、九龍和新界26個不同地點，共吸引了145,000名人次參觀。流動展覽車內的展板為市民提供切身的保障個人資料貼士，例如如何回應直接促銷、及使用智能電話和社交網絡。



Public Education Roadshow

The PCPD took part in the Sheung Wan Promenade, organised by Central and Western District Council, for two consecutive weekends in December 2014. Over 4,000 members of public visited the booth.

展覽參觀人數增加
Roadshow visitors
increased

133%

From 28 December 2014 to 10 January 2015, the PCPD staged a public education road show, with an exhibition truck visiting different districts of the city to enhance public awareness of data privacy rights under the Ordinance. The road show, which attracted 145,000 visitors, was supported by six District Councils and covered 26 different locations on Hong Kong Island and in Kowloon and the New Territories. Display panels inside the exhibition truck provided practical tips for protecting personal data in everyday activities, such as responding to direct marketing approaches, and using smartphones and social networks.

人對人直接促銷電話調查

公署委託香港大學社會科學研究中心於2014年3月就人對人直銷電話進行了公眾意見調查，訪問了534名18歲或以上人士。比較2008年由通訊事務管理局辦公室進行的同類調查，2014年的調查結果顯示，人對人來電數量日漸增加，而公眾對這些電話亦愈來愈反感，而且愈來愈少人表示這些電話具任何價值。

SURVEY ON PERSON-TO-PERSON DIRECT MARKETING CALLS

The PCPD commissioned the Social Sciences Research Centre of The University of Hong Kong to conduct a public opinion survey on person-to-person direct marketing calls ("P2P calls") in March 2014, in which 534 respondents aged 18 or above were interviewed. Compared with a similar survey conducted by the Office of the Communications Authority ("OFCA") in 2008, the 2014 survey revealed that there was a growing preponderance of P2P calls, with more people responding negatively to the calls, and fewer people reporting any value from the calls.

	2008	2014
曾接收人對人直銷電話的受訪者 Proportion of respondents receiving calls	84%	91%
估計每星期收到六個或以上電話的受訪者 Frequency of calls as assessed by proportion of respondents receiving six or more calls per week	8%	23%
以「對來電者表明無興趣」來回應人對人直銷電話的受訪者 Proportion of respondents indicating to the caller they were not interested	43%	49%
會「先聆聽資訊再決定是否有興趣」的受訪者 Proportion of respondents who would listen to the caller before deciding if they were interested	46%	28%
不聆聽資訊便立即中斷電話的受訪者 Proportion of respondents who would discontinue the call without listening to the caller	11% (最多) (at most)	21%
表示人對人直銷電話構成不便的受訪者 Proportion of respondents reporting that the calls had caused inconvenience to them	81%	81%
表示人對人直銷電話帶來不便的受訪者，其中進一步指這些電話構成滋擾 Proportion of respondents reporting inconvenience who considered the calls had caused nuisance to them	—	99%
從一些人對人直銷電話中得到好處的受訪者 Proportion of respondents who had derived benefits from some (not all) of the calls	13%	6%
在一些電話中有作出商業交易的受訪者 Proportion of respondents who had concluded commercial transactions during some (not all) of the calls	21%	16%

根據這個趨勢及2014年的調查顯示，非應邀的人對人直銷電話問題較多來自不涉及使用個人資料的電話銷售，私隱專員呼籲政府擴大拒收訊息登記冊，納入人對人直銷電話。現時由通訊事務管理局管理的登記冊，讓電話用戶登記其電話號碼，拒絕接收非應邀商業電子訊息，包括傳真、短訊和預先錄製電話訊息，但不包括人對人電話。私隱專員認為，擴大登記冊可提供一站式的預防措施，讓消費者在源頭一次過登記拒絕所有非應邀的促銷電話，不論電話中有否使用個人資料。規管條例下涉及使用個人資料的人對人直銷電話與擴大拒收訊息登記冊，應該相輔相承。

報告全文（只有英文）：

www.pcpd.org.hk/english/publications/files/p2p_survey_e.pdf

調查摘要：

www.pcpd.org.hk/tc_chi/resources_centre/publications/surveys/files/p2p_survey_sum_c.pdf

On the basis of this trend and the further finding in the 2014 survey that the problem of unwanted P2P calls was due more to cold calls not involving the use of personal data, the Commissioner appealed to the Government to expand the Do-not-call ("DNC") registers to include P2P calls. The DNC registers, currently administered by the OFCA, allow telephone subscribers to register their telephone numbers to ward off unsolicited commercial electronic messages, which include at present fax messages, short messages and pre-recorded telephone messages, but exclude P2P calls. The Commissioner was of the view that an expanded register would provide a preventative one-stop shop that enables consumers to opt out of all unwanted P2P calls at one go and at the outset, regardless of whether personal data was used in the calls. Regulation of P2P calls involving use of personal data under the Ordinance and setting up of the expanded DNC register should complement each other.

The full survey report (with Executive Summary):

www.pcpd.org.hk/english/publications/files/p2p_survey_e.pdf



調查結果顯示，表示人對人直銷電話對他們帶來不便的受訪者當中，超過99%認為這些電話構成滋擾。

The survey revealed that over 99% of respondents reporting P2P DM calls had caused inconvenience to them considered the calls as nuisance.

讚賞 Compliment

政府宜因應社會及市場環境的轉變，加強規管真人電話直銷，包括按照私隱專員建議，讓市民可以在中央檔案登記，拒絕接收人對人直銷電話。

The government should strengthen the regulation of P2P calls in accordance with social and marketing changes, including taking the proposals made by the Commissioner to let the general public register their telephone numbers in the Do-not-call registers so as to ward off unsolicited P2P calls."

星島日報社論
Editorial, Sing Tao Daily
(2014.08.06)

私隱專員就這議題進一步發表過的文章：

專員網誌（2014年8月21日）：人對人直銷電話的拒收訊息登記冊最終由哪一個政策局負責？（www.pcpd.org.hk/tc_chi/news_events/commissioners_message/blog_21082014.html）

公署通訊第30期：有問有答：人對人直銷電話（www.pcpd.org.hk/chinese/resources_centre/publications/newsletter/files/newsletter_30.pdf）

The Commissioner further explained his views in the following publications:

The Commissioner's Blog (21 August 2014): Renewed Call to Set up a Do-not-call Register for Person-to-person Telemarketing Calls Caught between two Bureaux" (www.pcpd.org.hk/english/about_pcpd/commissioners_message/blog_21082014.html)

PCPD News Issue 30: Questions and Answers: Person-person Telemarketing Calls (www.pcpd.org.hk/english/resources_centre/publications/newsletter/files/newsletter_30.pdf)

讚賞 Compliment

我完全支持私隱專員的建議，政府及業界都應該積極地採取有效措施，儘量減低這些電話對市民造成的滋擾，包括用立法方式解決。

I completely support the proposal made by the Commissioner. Both the government and the industry should proactively take effective measures to minimize the nuisance of these P2P calls to the public, including resorting to legislation.

梁偉峰先生
香港零售科技商會副會長
Mr Joseph LEUNG, Vice Chairman
Hong Kong Retail Technology Industry Association Ltd
摘自 Quote: 電腦廣場 PC Market (2014.08.19)

讚賞 Compliment

公署作為私隱監管者應記一功，他們委託了香港大學的研究小組，就困擾數以百萬計電話使用者的議題，搜集他們的意見，而研究結果為當局提供有力數據，重新考慮採取禁制措施。

To the credit of the privacy watchdog, it commissioned a University of Hong Kong research team to canvass opinion on an issue that has been bothering millions of phone users, and this has given the bureau a much-needed push to reconsider a ban.

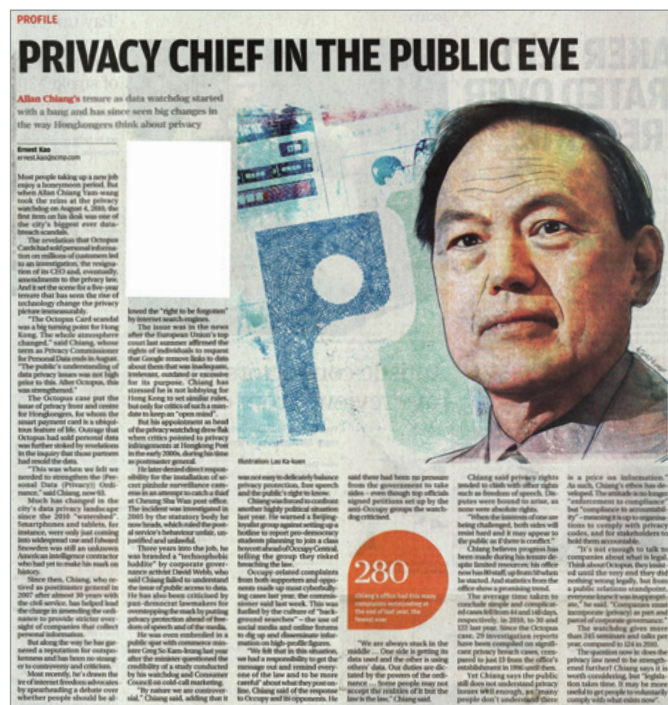
南華早報社論
Editorial, South China Morning Post
(2014.08.29)

透過媒體加強訊息傳播

新聞發佈會及訪問

本年度內公署發出了31篇新聞稿（詳見附錄四），答覆了128個關於私隱條例和個人資料私隱事宜的傳媒查詢。

私隱專員與同事們先後接受了36次傳媒的專訪，舉行了五次新聞發佈會，公佈循規審查和調查結果、簡佈重要的私隱議題，以及匯報年結工作報告。



南華早報提供報道圖片
Photo courtesy of South China Morning Post

AMPLIFYING MESSAGES THROUGH THE MEDIA

Press Conferences and Interviews

During the year, the PCPD issued 31 media statements (see Appendix 4) and responded to 128 media enquiries about the Ordinance and data privacy issues.

The Commissioner and his team gave 36 media interviews, hosted five press conferences to announce compliance and investigation reports, conduct briefing on topical privacy issues and deliver 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**974**則。
During the year, **974** 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

2014.05.29	發表調查報告，內容涉及48則匿名招聘報告不公平地收集個人資料。	Released an investigation report on 48 “blind” recruitment advertisements in relation to the fairness principle of personal data collection.
2014.08.05	公佈一項人對人直接促銷電話的意見調查結果。	Announced the finding of a public opinion survey on person-to-person direct marketing calls.
2014.11.20	公佈兩份有關補習中介公司及外籍家庭傭工中介公司在網上過度收集／披露個人資料的調查報告，以及公署視察勞工處個人資料系統的結果。	Released the results of two investigation reports on excessive online collection/disclosure of personal data by recruitment agencies for private tutors and foreign domestic helpers. An inspection report on the personal data system of a Labour Department was also released.
2014.12.15	發表一份有關本地流動應用程式私隱政策透明度的抽查報告，並公佈兩份調查報告，分別是：一間航空服務公司不慎使用流動應用程式外洩個人資料；兩間旅遊服務公司使用流動應用程式收集過量個人資料。	Released the results of a survey on the transparency of privacy practices of local mobile apps; and two investigation reports: Data Leakage through the Inadvertent Use of a Mobile App by an Airline Services Company; Excessive Collection of Personal Data by Two Travel Services Companies Using a Mobile App.
2015.01.27	舉行年結的傳媒茶聚，並就人對人直銷電話、跨境資料轉移、2015年展望等題目作出分享。	Hosted a year-end media reception and covered topics such as person-to-person direct marketing calls, cross-border data transfer and the outlook for 2015.



在新聞發佈會上匯報2014年公署的工作成果。
Media briefing on the accomplishments of PCPD in 2014.

重新設計網站以用家為本



公署網站一直是公署向公眾發放私隱資訊的主要平台。該網站(www.pcpd.org.hk)已全面更新，並於2014年11月重新推出。網頁介面重新設計，並重整網站內容，同時加入一系列新功能，就保障私隱事宜提供一站式服務。網頁設計以用家為主導，提供多個捷徑，讓用家更直接獲取有關「個別人士」(資料當事人)或「機構」(資料使用者)的資訊。快速指引讓用家可以輕易瀏覽大部分常用網頁。

全新網站更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(網站組別)。這嘉許計劃旨在表揚企業及機構致力讓公眾更容易瀏覽他們的網站。

本年度，網站錄得654,917人次，平均每月到訪次數為55,000次。高瀏覽量顯示公眾對私隱問題日益關注，及公署網站使用方便、資源豐富，容易獲取私隱資訊及網上資源。

Revamped Website with User-oriented Design



The PCPD website has become an important channel for the PCPD to reach out to the community with its growing wealth of privacy information. The website (www.pcpd.org.hk) was entirely revamped and re-launched in November 2014. The interface was redesigned, the contents were restructured, and a host of new features were added to provide a one-stop portal on privacy protection matters. A user-oriented approach provides short cuts for direct access to, or retrieval of, information with respect to “individuals” (data subjects) or “organisations” (data users). A quick guide allows easy access to the most popular pages.

It was awarded the Silver Award (Website Stream) in the “Web Accessibility Recognition Scheme 2015”, jointly organised by the Office of the Government Chief Information Officer (“OGCIO”) and the Equal Opportunities Commission. This Recognition Scheme aims to show appreciation to enterprises and organisations for making their websites accessible

During the year, the website received 654,917 visits, or an average of around 55,000 visits a month. The high traffic shows that there is growing interest in privacy issues and that visitors find the website a convenient and resourceful platform to obtain privacy information and online resources.

出版刊物

公署為不同界別的持份者出版刊物。年內，公署製作了六份指引資料、一份最佳行事方式指引、三份以資料使用者為對象的資料單張、兩份以資料當事人為對象的單張及一份圖鑑。

Our Publications

To provide our stakeholders with guidance and advice on compliance with the Ordinance, the PCPD published a range of publications during the year, including six guidance notes, one best practice guide, three information leaflets for data users, two leaflets for data subjects, and one infographic.

指引資料	Guidance Notes
個人資料的刪除與匿名化指引 (2014年4月，第一修訂版)	Guidance on Personal Data Erasure and Anonymisation (April 2014, First Revision)
經互聯網收集及使用個人資料：給資料使用者的指引 (2014年4月，第一修訂版)	Guidance for Data Users on the Collection and Use of Personal Data through the Internet (April 2014, First Revision)
使用便攜式儲存裝置指引 (2014年7月，第一修訂版)	Guidance on the Use of Portable Storage Devices (July 2014, First Revision)
銀行業界妥善處理客戶個人資料指引 (2014年10月)	Guidance on the Proper Handling of Customers' Personal Data for the Banking Industry (October 2014)
保障個人資料：跨境資料轉移指引 (2014年12月)	Guidance on Personal Data Protection in Cross-border Data Transfer (December 2014)
閉路電視監察及使用航拍機指引 (2015年3月，第一修訂版)	Guidance on CCTV Surveillance and the Use of Drones (March 2015, First Revision)
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 (2014年11月)	Best Practice Guide for Mobile App Development (November 2014)
以資料使用者為對象的資料單張	Information Leaflets for Data Users
機構智用社交網絡尊重個人資料私隱 (2014年4月)	Privacy Implications for Organisational Use of Social Networks (April 2014)
網上行為追蹤 (2014年4月)	Online Behavioural Tracking (April 2014)
《人力資源管理實務守則》的應用 — 招聘廣告方面的常問問題 (2014年11月，第二修訂版)	Understanding the Code of Practice on Human Resource Management – Frequently Asked Questions about Recruitment Advertisements (November 2014, Second Revision)

以資料當事人為對象的單張	Leaflets for Data Subjects
明智使用電腦及互聯網 (2014年4月，第一修訂版)	Protecting Privacy – Using Computers and the Internet Wisely (April 2014, First Revision)
網絡欺凌你要知！(2014年10月)	Cyber-bullying – What you need to know (October 2014)
圖鑑	Infographic
「接受直銷，有權話事，拒收無效，投訴莫遲！」圖鑑 (2014年12月，第一修訂版)	It is Your Choice to Accept or Refuse Direct Marketing. File a Complaint Against Failed Opt-Out Requests (December 2014, First Revision)



單張：明智使用電腦及互聯網
Leaflet: Protecting Privacy -
Using Computers and the Internet Wisely



新入職員工 Newcomer

當我還是孩童時，人們並不太著重個人資料的保障。隨著世界變得複雜，科技急速發展，部分並帶私隱風險，人們愈來愈關注自己的私隱和資料保障。推廣私隱權利和資料保障的知識，便成為一項有意義的工作，因為它關乎我們每一個人。

When I was a kid, people weren't very concerned about the protection of their personal data. But as the world becomes more complicated and technology advances so rapidly, with privacy implications, there is growing concern about privacy and data protection among the general public. It is a meaningful job to promote privacy rights and data protection knowledge, as it relates to everyone of us.

范傑揮
機構傳訊經理
Timothy FAN
Manager, Corporate Communications Division

公署通訊

《私隱專員公署通訊》是讓公眾了解公署保障私隱工作的另一個有效平台。公署致力為讀者提供有用和豐富的內容，每期均介紹公署最新發表的報告、建議及資源。這本雙語通訊的電子版可於公署網站瀏覽，印刷本的發行量為2,500份，另有約2,400人訂閱網上版。

Newsletter

The *PCPD News* is another effective channel the PCPD employs to keep the public abreast of its privacy protection efforts. The PCPD aims to produce a useful, informative magazine for readers with up-to-date reports, recommendations and resources from the PCPD. The e-edition of the bilingual newsletter is available on the PCPD website. The newsletter has a circulation of 2,500 in print and about 2,400 online subscribers.



公署在本年度出版了兩期公署通訊。第30期的專題報道為「流動應用程式的私隱風險」。

The PCPD published two "PCPD News" editions this year. The cover story of Issue 30 was "Privacy Risks of Mobile Application".

Strengthening International Connections

加強國際聯繫

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關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.



「全球私隱執法機關網絡」私隱抽查行動

全球性抽查行動的結果

公署於2014年聯同其他25個國際私隱執法機關，就私隱政策的透明度進行抽查行動。「全球私隱執法機關網絡」是由各地的私隱執法機關組成，宗旨是透過國際合作維護個人的私隱權。這是該全球組織第二次進行有關行動。抽查行動於2014年5月12日至18日期間進行，焦點是抽查檢視手機流動應用程式（「程式」）在保障私隱方面的行事方式。

調查結果揭示了部分國際間最流行的程式向用戶要求的權限種類，及開發商有否適當地通知用戶其對私隱有所影響的措施。

抽查行動

參與的私隱執法機關共抽查了1,211款流動應用程式，包括Apple及Android的程式、免費及付費的程式，以及公私營機構的程式。這些程式的種類廣泛，包括遊戲、健康／健康、新聞、銀行等。抽查重點是查看程式所要求的權限種類，以及這些權限相對這些程式的功能，是否超乎適度；而最重要的是，這些程式如何向用戶解釋需要讀取個人資料的理由，及準備如何使用該些個人資料。

關注重點

2014抽查行動結果重點：

- 75%的程式要求一項或更多的權限。最多程式要求的權限包括：定位位置；裝置的識別碼；讀取其他帳戶資料、鏡頭、通訊錄。鑑於上述要求權限的比率十分之高，而讀取的資料又有潛在敏感度，這顯示程式開發者在保障用戶私隱度方面，應該要有更高的透明度。
- 31%的程式所要求的權限，超越抽查者所理解的該程式的功能所需。
- 59%的程式令抽查者關注安裝程式前的私隱政策聲明。很多程式在下載前對於為何收集資料或如何使用資料，只提供很少資訊；又或者連結至某網頁，但該網頁提供的私隱政策卻並非為有關程式而度身訂造的。

GLOBAL PRIVACY ENFORCEMENT NETWORK PRIVACY SWEEP EXERCISE

Global Results of the Sweep

The PCPD joined forces with 25 other privacy enforcement authorities from around the globe to take part in an international Privacy Sweep exercise ("Sweep") to assess privacy issues in 2014. This was the second Sweep coordinated by the Global Privacy Enforcement Network ("GPEN"), which is a network of privacy enforcement authorities working together to protect the privacy rights of individuals. The 2014 Sweep took place between 12 and 18 May 2014, and its focus was on the privacy practices of mobile applications ("apps").

The results of the 2014 Sweep offer some insight into the types of permissions some of the world's most popular mobile apps seek from consumers and the extent to which organisations inform consumers about their privacy practices.

The Sweep

In total, 1,211 apps were examined globally, including a mix of Apple and Android apps, free and paid apps, and public and private sector apps, covering diversified areas ranging from games and health/fitness to news and banking. The sweepers examined the types of permissions that the apps were seeking, and whether or not the permissions exceeded expectations, bearing in mind the apps' functionality, and most importantly, how the apps explained to consumers the reasons for collecting their personal information and what they planned to do with it.

Common Concerns

The 2014 Sweep highlights were as follows:

- 75% of the apps requested one or more permissions, the most common being Location, Device ID, Access to Other Accounts, Camera and Contacts. The high proportion of apps requesting permissions and the potential sensitivity of the data accessed underlines the importance of transparency in the apps' privacy practices.
- For 31% of the apps, the requested permissions were believed to exceed what testers expected based on their understanding of the apps' functionality.
- 59% of the apps raised concern with respect to pre-installation privacy notices. Many apps provided little information about why the data was being collected or how it would be used, or they only provided links to their websites which had general privacy policies that were not tailored to the particular apps being downloaded.

- 43%的程式的私隱政策聲明未有顧及手機細小螢幕的需要，例如它們採用了細字體，而且篇幅冗長，不易於閱讀理解。

良好行事方式

不過，抽查行動亦發現一些良好行事方式的例子：

- 15%的程式有清楚解釋他們會如何收集、使用及披露個人資料。
- 程式會彈出資訊、分層資訊和及時通知，讓用戶能適時知道他們的個人資料將被收集或使用。

部分程式是市場中非常受歡迎的程式，由此可見，程式如能向用戶講解清楚，即使會收集資料，亦不會對下載量有負面影響。

全球私隱保障機關促請應用程式供應平台強程式開發商提供私隱政策連結

使用互聯網及智能手機而引起的私隱保障問題，是為國際關注的議題。國際間的私隱保障機關共同面對這些挑戰，並聯手應付。

因此，公署與加拿大私隱專員公署聯合發起，全球其他21個私隱保障機關聯署，向Google Play和Apple App Store等七個應用程式供應平台發出公開信，促請應用程式供應平台強制規定，若流動應用程式開發商要收集個人資料，必須在用戶下載程式前提供私隱政策連結。

- 43% of the apps failed to tailor their privacy notice to small smartphone screens, and used small print and lengthy descriptions that were not reader-friendly.

Best Practices

The participants also noted examples of best practices during the 2014 Sweep:

- 15% of the apps provided a clear explanation of how they would collect, use and disclose personal information.
- Pop-ups, layered information and just-in-time notifications were used to inform users of potential collection or use of information.

Given some of these examples were among the most popular apps, it demonstrates that when properly explained to consumers, the collection of information does not have a negative impact on downloads.

Global Privacy Guardians Urge App Marketplace Make Links to Privacy Policies Mandatory

Privacy has become an international issue in the Internet and mobile world, requiring an international response. The challenges are global, so the solutions need to be global as well.

To this end, the PCPD issued an open letter in December 2014, initiated jointly by the Office of the Privacy Commissioner of Canada, and signed by 21 other data protection authorities, urging seven app marketplaces (including Google Play and the Apple App Store) to make it mandatory for mobile app developers to post links to privacy policies before download if they are going to collect personal information.

讚賞 Compliment

香港的個人資料私隱專員是一位非常積極的規管者。他既公開評論海外的私隱法律發展，亦持續爭取擴大《個人資料（私隱）條例》的規管及執法權力。在2014全年都積極推動……在12月，他主動發起向七個國際主要應用程式供應平台發出公開信，呼籲它們在用戶下載程式前提供私隱政策；其後，他再向香港的流動應用程式開發商發出指引，繼續跟進。

Hong Kong's Privacy Commissioner for Personal Data is very much an activist regulator. He publicly comments on developments in privacy law abroad and continues to press for wider ranging regulation enforcement powers under the PDPO. This activist approach continued throughout 2014 ... In December, he initiated an open letter to seven of the world's leading app marketplaces calling on them to make app privacy policies available to users prior to downloading and followed this up with the publication of guidance directed at mobile app developers in Hong Kong.

Mr Mark PARSONS and Mr Peter COLEGATE
Partner and Associate respectively at Hogan Lovells

國際資料保障及私隱專員研討會 (2014年10月13至16日，毛里求斯)

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。參與代表來自逾60個國家約100個私隱執法及資料保障機構、非政府組織及觀察員。

私隱專員與資訊科技顧問於2014年10月出席在毛里求斯舉行的第36屆國際研討會。私隱專員在全體會議上發表題為「管理私隱及資料保障為企業管治責任」的演說。

各私隱專員舉行閉門會議後，大會發表了「毛里求斯宣言——物聯網」。這份宣言確認資訊及通訊科技發展對私隱及資料保安帶來挑戰；以及日益倚賴互聯網連繫，為商業和日常生活帶來巨大潛力。宣言主張使用這些裝置的私隱政策須具透明度，而科技開發商應採取「貫徹私隱的設計」的做法。宣言亦強調資料保障機構須採取執法行動，以確保私隱法例獲得遵從，以及所有持份者須就這項發展的影響，作出積極及具建設性的討論。

會議通過三項決議案：

- 聚焦於與使用**大數據**帶來的風險；
- **執法合作**的需要，為達致最佳的私隱及資料保障循規而制定新的合作安排；及
- **數碼年代的私隱**，確定會議的出席者準備參與聯合國的多方對話。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS (13-16 OCTOBER 2014, MAURITIUS)

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 about 100 privacy enforcement and data protection authorities, non-governmental organisations and observers from over 60 countries.

The Commissioner and the Information Technology Advisor attended the 36th International Conference in Mauritius in October 2014. The Commissioner delivered a presentation at the plenary session, entitled "Managing Privacy and Data Protection as Corporate Governance Responsibility".

The closed session of the meeting of privacy commissioners led to the release of the 'Mauritius Declaration on the Internet of Things'. This declaration recognises the privacy and data security challenges posed by this information and communication technology ("ICT") development, as well as the huge potential to business and to consumer convenience from increasing connectivity through the Internet. It advocates transparency in the privacy policies related to the use of these devices and the practice of Privacy by Design by the technology developers. It also emphasises the need for data protection authorities to ensure compliance with privacy laws, and for all stakeholders to engage in a strong, active and constructive debate on the implications of this development.

Three resolutions were adopted by the Conference focusing on the following:

- the risks associated with the use of **big data**;
- the need for **enforcement cooperation** by establishing new cooperative arrangements for better privacy and data protection compliance; and
- **privacy in the digital age**, affirming the conference participants' readiness to participate in UN multi-stakeholder dialogue.



The Commissioner (fourth from right, front row of above photo) attended the 36th International Conference of Data Protection and Privacy Commissioners, held in Balaclava, Mauritius.

私隱專員(上圖前排右四)出席了在毛里求斯巴拉克拉瓦舉行的第36屆國際資料保障及私隱專員研討會。

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署派員於2014年8月7日出席在中國北京舉行的第30屆亞太經合組織資料私隱分組會議。年內，日本加入了「跨境私隱規則機制」，連同美國及墨西哥兩個現有成員，該機制的參與者增至三個。加拿大提出參與意向書，現正由聯合監督小組考慮。

亞太經合組織於2015年1月核准了「處理者的私隱認可」文件。這文件列載一份資料處理者問卷，資料處理者要符合問卷內列出的一些基本要求，才可獲亞太經合組織認可責任代理的確認。這問卷是讓個人資料處理者協助資料使用者依從相關的私隱規定，並有助資料使用者識別合資格和負責任的資料處理者。

在年內，有多一個私隱執法機構加入了亞太經合組織跨境私隱執法安排，令成員增至25個（包括公署在內）。這項多邊安排讓亞太經合組織的私隱執法機構分享資訊，及提供跨境資料私隱執法的協助。現正進行三年一度的檢討。

APEC ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP

The PCPD was represented at the 30th meeting of the APEC Data Privacy Subgroup, which was held in Beijing, China on 7 August 2014. Japan joined the Cross-Border Privacy Rules ("CBPR") System during the year. Together with the existing participants, the United States and Mexico, there are now three participants in the CBPR System. Canada lodged a notice of intention to participate, which was being considered by the Joint Oversight Panel.

APEC endorsed the "Privacy Recognition for Processors" in January 2015. This document has an intake questionnaire which sets forth the baseline requirements that a processor must meet to be certified by an APEC-recognised Accountability Agent. It is designed to help personal information processors assist data users in complying with the relevant privacy obligations, and helps data users identify qualified and accountable processors.

During the year, one more privacy enforcement authority joined the APEC Cross-Border Privacy Enforcement Arrangement, making a total of 25 participants, including the PCPD. This multilateral arrangement provides for privacy enforcement authorities in the APEC region to share information and provide assistance in cross-border data privacy enforcement. It is currently undergoing a triennial review.



公署首席律師郭美玲（左二）出席在中國北京舉行的第30屆亞太區經濟合作組織分組會議。
Brenda Kwok (second from left), Chief Legal Counsel of the PCPD, at the 30th APEC subgroup meeting in Beijing, China.

讚賞 Compliment

有一位（資訊政策領導中心的）講者稱讚你（私隱專員）在研討會（於毛里求斯舉行的國際資料保障及私隱專員研討會）內的演講出色，因為內容十分務實。他亦讚賞你是資料保障新紀元的先鋒之一。我完全同意！

One of the speakers (of the Centre for Information Policy Leadership) indicated that your (the Commissioner's) talk and the approach you took was one of the stand-out moments in the conference (International Conference of Data Protection and Privacy Commissioners in Mauritius) because it was pragmatic. He also thought you were in the vanguard of the new era of data protection commissioners. As you know, I totally agree!

Mr Malcolm CROMPTON
Managing Director
Information Integrity Solutions Pty Ltd

亞太區私隱機構論壇

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、新科技及執法等事宜交流合作。目前有17名成員。

第41屆亞太區私隱機構論壇 (2014年6月17至18日，首爾)

私隱專員於2014年6月在首爾出席由韓國個人資料保護公署主辦的第41屆亞太區私隱機構論壇。論壇的主題是私隱教育及新科技帶來的挑戰。

各成員討論了保障跨境轉移個人資料的私隱原則及規例、國際合作、大數據對私隱的影響、公開資料政策、社交網絡、「貫徹私隱的設計」，以及個人資料的加密和「代幣化」。成員就重大的資料外洩事故作出匯報，並商討預防策略。論壇亦集中討論私隱法例應否強制規定通報資料外洩事故，抑或可自願通報的問題。

私隱專員呈交了有關在香港推廣及執行問責為本的私隱管理系統的文件，並匯報科技工作小組的工作。

ASIA PACIFIC PRIVACY AUTHORITIES FORUM

The Asia Pacific Privacy Authorities ("APPA"), formed in 1992, is the principal forum for data protection authorities in the Asia Pacific region to form partnerships and exchange ideas on privacy regulation, new technologies and enforcement. It currently has 17 members.

41st APPA (17-18 June 2014, Seoul)

The Commissioner attended the 41st APPA Forum, hosted by the Korean Personal Information Protection Commission in Seoul in June 2014. The two key themes of the forum were privacy education and the challenges posed by new technologies.

Members discussed privacy principles and regulation to protect personal data transferred across borders, international cooperation, the privacy implications of Big Data, open data policies, social networking, privacy by design, and the encryption and 'tokenisation' of personal information. Members reported on significant data breaches and discussed preventive strategies to assist organisations. Discussions also focussed on whether privacy laws should provide for mandatory or voluntary data breach reporting.

The Commissioner presented papers on the promotion and enforcement of accountability-based privacy management programmes in Hong Kong, and reported on the work of the Technology Working Group.



私隱專員出席在韓國首爾舉行的第41屆亞太區私隱機構論壇。

The Commissioner attended the 41st APPA in Seoul, Republic of Korea.

第42屆亞太區私隱機構論壇 (2014年12月1至4日，溫哥華)

私隱專員亦於2014年12月出席在溫哥華舉行的第42屆亞太區私隱機構論壇。新加坡的私隱法例於2014年7月生效，新加坡私隱專員公署成為亞太區私隱機構第17名成員。

閉門會議（參與者包括亞太區私隱機構成員及獲邀的觀察員）聚焦於法律改革、流動應用程式、健康資訊，以及有關國家安全和執法的事宜。其他討論事宜包括亞太區私隱機構的未來、亞太區私隱機構的借調架構、道德困境、環球私隱發展、跨境貿易及資料私隱規例。私隱專員就不同事宜發表科技工作小組的報告，包括歐洲法院對「被遺忘權」的裁決及搜尋引擎公司的回應。

在公開會議上（參與者包括私營機構、學者及政府官員），討論的題目包括公民社會團體如何與私隱規管者溝通、以風險為本的保障私隱方法、問責原則，以及可穿戴於身上的科技的概況。

42nd APPA (1-4 December 2014, Vancouver)

The Commissioner also attended the 42nd APPA Forum in Vancouver in December 2014. Singapore's privacy law came into force in July 2014, and its Personal Data Protection Commission became APPA's 17th member.

The closed session (involving APPA members and invited observers) focussed on law reform, mobile apps and health information, as well as issues pertaining to national security and law enforcement. Other discussion topics included the APPA's future, the APPA's secondment framework, ethical dilemmas, global privacy developments, cross-border trade, and data-privacy regulation. The Commissioner presented the report of the Technology Working Group on various issues, including the European Court of Justice's decision on the 'Right to be Forgotten' and the response from search engines.

In the open session (with the participation of private-sector organisations, academics and government officials), the topics included how civil-society groups interact with privacy regulators, a risk-based approach to privacy, the accountability principle, and an overview of wearable technology.



私隱專員（第三排右六）出席在加拿大溫哥華舉行的第42屆亞太區私隱機構論壇。
The Commissioner (sixth from right, third row) attended the 42nd APPA Forum in Vancouver, Canada.

讚賞 Compliment

（私隱專員）十分友善，跟我分享在公署建立尊重私隱文化的成就和經驗。我相信有你的支持和合作，我們可以進一步令市民大眾和商業機構培養出保障個人資料私隱的意識。

It was very kind of you (the Commissioner) to share with me the accomplishments and experience of your office in creating a privacy-assuring culture. I believe that with your support and cooperation, we will be able to further foster public and business awareness of the importance of personal data privacy protection.

馮文莊先生
澳門個人資料保護辦公室
Mr FONG Man-chong
Coordinator, Office for Personal Data Protection, Macao

與海外資料保障機構及私隱專家的交流

EXCHANGES WITH OVERSEAS DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

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下述交流：

The Commissioner and his team were engaged in the following exchanges with overseas data protection authorities, practitioners and the academia:

2014.04.07	<p>副私隱專員在香港消費者委員會與澳門消費者委員會合辦的第一屆兩岸四地推動消保權益論壇上演講，及參與「消費新紀元——個人私隱保障」的討論</p>  <p>第一屆兩岸四地推動消保權益論壇 保護消費權益——機遇與挑戰</p>	<p>The Deputy Privacy Commissioner delivered a speech and joined a discussion on The New Era of Consumption – Privacy Protection at the first Cross-strait Symposium on Consumer Protection, co-organised by the Hong Kong Consumer Council and the Macao SAR Government Consumer Council</p>
2014.05.26	<p>首席律師向澳門個人資料保護辦公室講述公共領域資料的再使用</p>	<p>The Chief Legal Counsel gave a presentation on the Reuse of Data in the Public Domain to the Office for Personal Data Protection, Macao</p>
2014.07.24	<p>私隱專員參與第六屆跨境資料探索及資料保障法律塞多納會議的「亞洲的資料探索、披露及資料轉移：亞太經合組織、日本和南韓」及「亞洲的資料探索、披露及資料轉移：中國和香港」的小組討論</p>	<p>The Commissioner participated in panel discussions on Discovery, Disclosure and Data Transfer in Asia: APEC, Japan and South Korea; and Discovery, Disclosure and Data Transfer in Asia: China and Hong Kong at the 6th Annual Sedona Conference International Programme on Cross-Border Discovery and Data Protection Laws</p>
2014.10.12	<p>私隱專員在全球私隱執法機關網絡就討論「利用宣傳手法規管循規」而舉辦的工作坊發表題為「執行點名指出違規者的政策」的演說</p>	<p>The Commissioner gave a presentation entitled Operating a Policy of Naming the Transgressors at a workshop held by the Global Privacy Enforcement Network to discuss The Use of Publicity as a Regulatory Compliance Technique</p>
2014.11.17	<p>私隱專員在澳紐私隱專業人士國際協會的高峰會 (Privacy @ Play iappANZ Summit) 介紹公署推廣問責為本的私隱管理系統的工作</p>	<p>The Commissioner presented the PCPD's efforts to promote accountability-based privacy-management programmes at the Privacy @ Play iappANZ Summit, International Association of Privacy Professionals, Australia-New Zealand</p>
2014.11.28	<p>私隱專員在香港大學法律學院舉辦的大中華私隱研討會上發表專題演說，題目為「管理私隱及資料保障為企業管治責任」</p> 	<p>The Commissioner delivered a keynote speech on Managing Privacy and Data Protection as Corporate Governance Responsibility at the Symposium on Privacy in Greater China, organised by the Faculty of Law, University of Hong Kong</p>

接待海外 / 內地訪客

RECEPTION OF OVERSEAS / MAINLAND DELEGATIONS

在2014至15年度，公署曾接待以下代表團：

In 2014-15, the PCPD received the following delegations:



2014年7月7日 – 由香港大律師公會率領北京大學法律系學生，以及由汕頭大學職業發展中心率領的12名學生到訪公署，公署人員向他們介紹公署的工作及私隱條例。

7 July 2014 – PCPD staff gave a briefing on the PCPD's work and the Ordinance to a group of law students from Peking University, led by the Hong Kong Bar Association, and 12 students from Shantou University, led by the Career Development Centre of Shantou University.



2014年8月1日 – 公署首席個人資料主任及高級個人資料主任向韓國網絡安全局的代表，分享公署規管的經驗。

1 August 2014 – The PCPD's Chief Personal Data Officer and the Senior Personal Data Officer met delegates of the Korea Internet & Security Agency to share the PCPD's regulatory experience.

讚賞 Compliment

妳的講解非常生動，學生獲益良多；他們對於香港保障個人資料的機制，留下深刻印象。現謹代表大律師公會，感謝妳的精彩講述，以及過去多年（公署）給予我們的支持和協助。

The students thoroughly enjoyed your presentation. Your delivery was so engaging; they were impressed by the mechanism for addressing the protection of personal data here in Hong Kong. On behalf of the Hong Kong Bar Association, thanks again for an impressive presentation, and the support and assistance rendered to us in the past years.

大中華事務委員會
香港大律師公會
Special Committee on Greater China Affairs
Hong Kong Bar Association

感言 Response

近年制訂私隱條例的司法管轄區數目顯著增加，香港是亞洲首個實施私隱條例的地區，一直有不少來自不同地區的私隱保障機構及學者向我們取經借鏡。我很榮幸能代表公署，向他們介紹條例和分享經驗，令更多人認識我們的工作，繼續推動資料保障的發展。

In recent years, the number of jurisdictions which have enacted privacy laws has been growing continuously. Hong Kong was the first jurisdiction in Asia to implement a privacy law. Many data protection authorities and academics from different places are eager to learn from the PCPD's experience in promoting the Ordinance. I feel very honoured to share with them our scope of work, and am proud to be part of the team.



余卓寧
助理傳訊經理
Charly YU
Assistant Corporate Communications Manager

Building a Professional Team

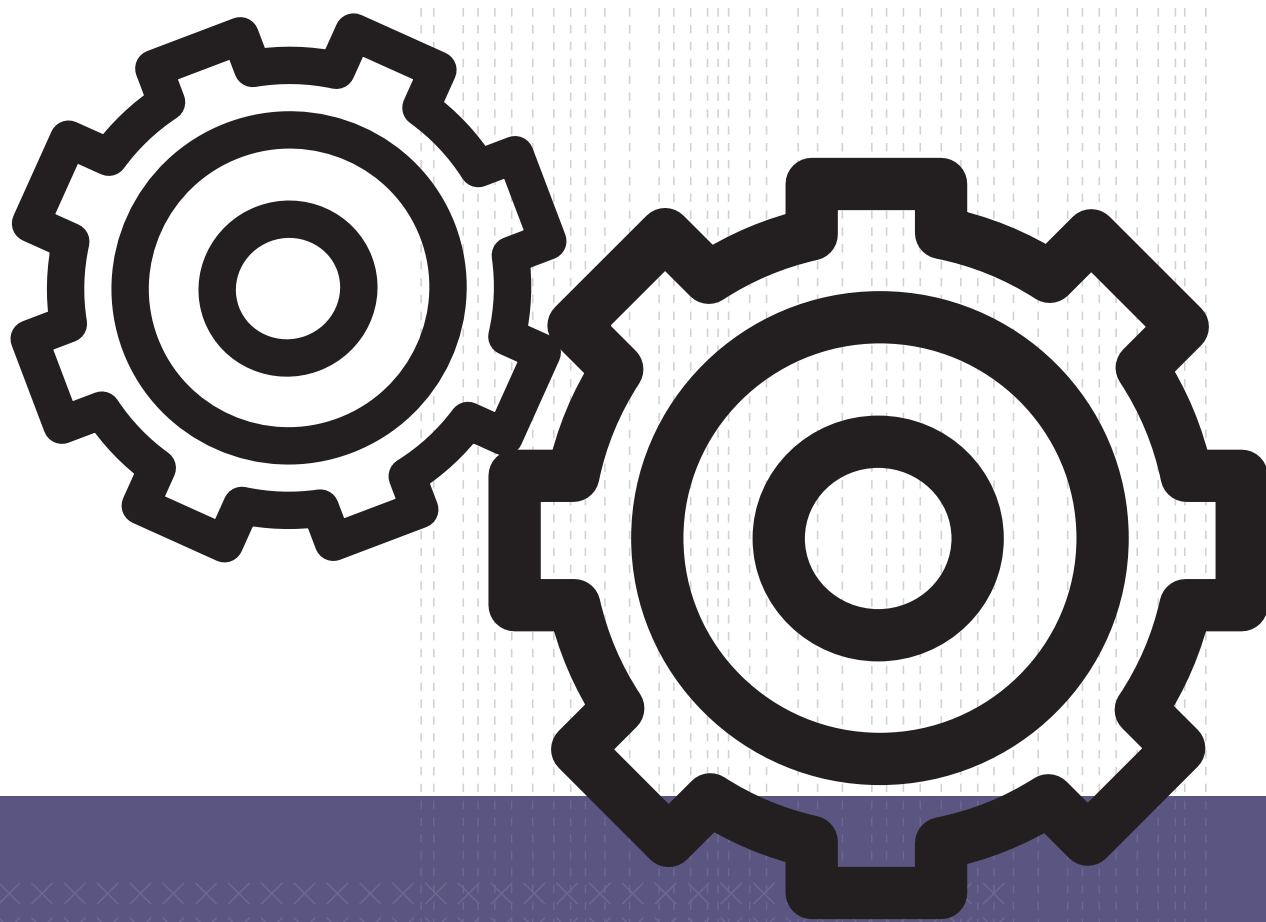
建立專業團隊

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.



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2014至15年度，公署共有兩名員工獲得晉升。

公署在2014年4月完成對員工培訓津貼措施的檢討，當中的改善措施包括預留了一筆相當可觀的培訓津貼，資助員工參加自選課程，讓員工持續進修及提升專業水平。與此同時，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
- 防火講座
- 存檔技巧工作坊
- 《個人資料（私隱）條例》主要豁免條文簡介會
- 服務供應商妥善發放資料簡介會
- 行政上訴委員會近期個案的分享會
- 時間管理的培訓
- 專業演講技巧的培訓
- 處理難纏的人士及回覆投訴的培訓

STAFF PROMOTION AND TRAINING

The PCPD is dedicated to the career development of all staff through training and promotion. In 2014-15, two staff members were promoted.

In April 2014, the PCPD completed a review of its staff training policies and practices. Among other improvements, a sizeable training budget was set aside to provide subsidy to staff attending self-arranged courses for continuous learning and professional growth. In parallel, to equip staff at different levels with the necessary knowledge and skill set 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
- Fire safety talk
- Workshop on filing skills
- Briefing session on *Major Exemptions from the Personal Data (Privacy) Ordinance*
- Briefing session on the *Proper Release of Information by Service Providers*
- Sharing session on recent AAB cases
- Training on time management
- Training on professional presentation skills
- Training on dealing with difficult people and replying to complaints



招聘

公署在本年度增聘了人手，為不同職系進行了10次公開招聘，以應付公眾對公署的諮詢服務及執法工作日益增加的需求。年內共有11名新職員加入公署各部門。



RECRUITMENT

To cope with the rising demand for the PCPD's advisory services and enforcement work, the PCPD conducted 10 open-recruitment exercises for various grades during the year. As a result, 11 new staff joined the PCPD in various divisions.

新入職員工 Newcomer

作為行政部的新成員，我希望能為公署提供適時及可靠的後勤支援。我相信在私隱專員的領導下，機構由「循規守法轉向至以問責為本」這個目標，將會很快在香港實現，而公署亦會在保障私隱及個人資料的範疇，再創佳績。

As a new member of the Administration Division, I hope to be able to provide timely and reliable back-office support to the PCPD.

I believe that under the leadership of the Commissioner, the goal of adopting the paradigm shift from compliance to accountability by organisations in Hong Kong will soon be realised, and the PCPD will achieve more in the area of privacy and personal data protection.

蕭美寶

助理經理（行政及人事）

Mabel SIU

Assistant Manager (Administration and Personnel)

內部循規審查

公署致力提高企業管治水平，在2014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。

來自不同部門的四名員工獲委任為查核人員，對2013至14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。審查發現些微需改善的地方，公署已作出或計劃作出適當的糾正或跟進行動，以提高內部管理及企業管治。

INTERNAL COMPLIANCE CHECK

As part of a package of improvement measures to enhance corporate governance, the PCPD conducted an Internal Compliance Check in 2014:

- (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.

Four officers from different divisions were appointed to conduct compliance checks of the 2013-14 records and report their findings directly to the Commissioner. Some minor irregularities were spotted and appropriate remedial or other follow-up action was taken or planned to enhance the PCPD's internal management and corporate governance.

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2014至15年度，共有四名員工獲獎。

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 2014-15, four staff members received the awards.



(左起)黃天賦先生、吳勝宇先生、陳慧兒女士和潘潔霖女士服務公署超過七年，獲私隱專員(中)頒發長期服務員工獎。

(From left) Mr Michael Wong, Mr Vincent Ng, Ms Zuki Chan and Ms Natalie Poon, who have served the PCPD for over seven years, received long service awards from the Commissioner (middle).

嘉許

榮獲2014年「申訴專員嘉許獎」

私隱專員公署署理高級個人資料主任盧迪凡先生，於2014年10月30日舉行的「第18屆申訴專員嘉許獎頒獎典禮」上獲頒公職人員獎。該獎項設立的目的，是表揚在處理投訴方面達到專業水平的政府部門及公營機構，同時在公共服務範疇推動正面的服務文化。

COMMENDATIONS

The Ombudsman's Award 2014

Acting Senior Personal Data Officer Mr D F Lo was awarded The Ombudsman's Award 2014 for Officers of Public Organisations at the 18th Ombudsman's Award Presentation Ceremony on 30 October 2014. The aim of the Ombudsman's Awards is to acknowledge professionalism in handling complaints and to foster a positive culture of service in the public sector.



感言 Response

在處理投訴時，能協助私隱受侵犯的人士，令我深感欣慰，這亦是推動我繼續做好工作的一大動力。

Helping the aggrieved is a very pleasant experience for me when handling complaints, and it motivates me to keep up my work.

盧迪凡
署理高級個人資料主任
LO Dik Fan
Acting Senior Personal Data Officer

員工活動

公署在本年度為員工舉辦了不同的活動，鼓勵同事間建立和諧的工作關係，包括迎新聚會、匡智慈善曲奇義賣、攝影工作坊、中秋節午餐聚會、萬聖節暢遊主題公園，及聖誕聯歡會。

STAFF ACTIVITIES

To encourage a harmonious working relationship among staff members, various activities were organised during the year, including a welcome reception for new staff, a Hong Chi Charity Cookies Sale, a photography workshop, a lunch gathering for the Mid-autumn Festival, a theme park tour for Halloween, and a Christmas Party.



Financial Statements

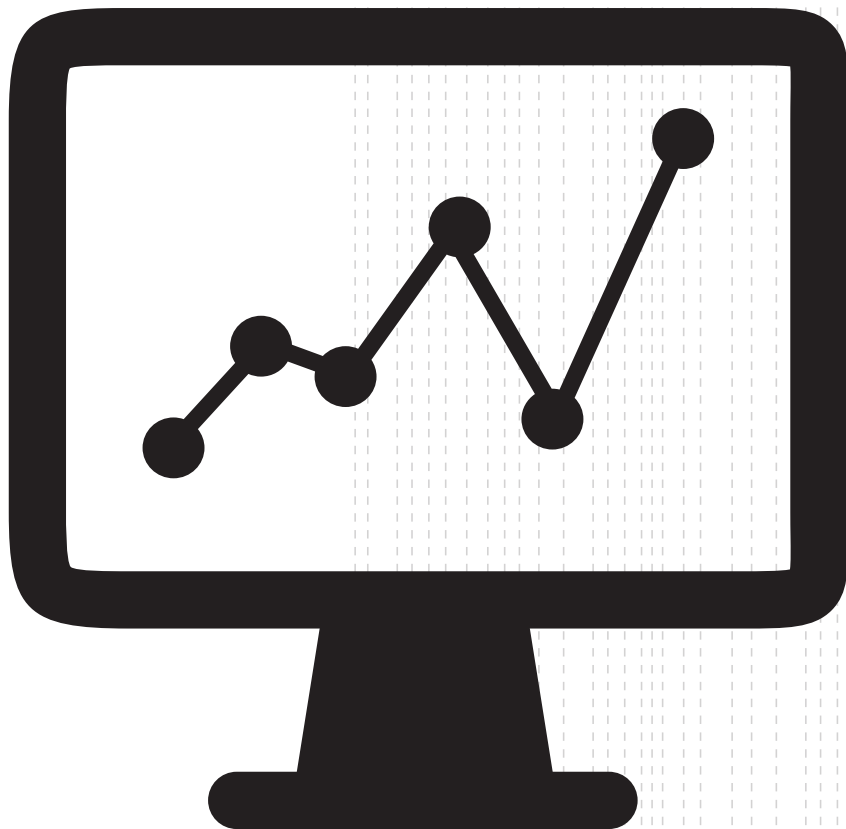
財務報表

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148至167頁個人資料私隱專員的財務報表，此財務報表包括於2015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。

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 148 to 167, which comprise the statement of financial position as at 31 March 2015, 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 and to report our opinion 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 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.

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2015年3月31日的事務狀況及截至該日止年度的盈餘及現金流量。

國衛會計師事務所有限公司
香港執業會計師

許振強
執業證書號碼：P05447

香港 2015年5月26日

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 state of affairs of the PCPD as at 31 March 2015, and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

HLB Hodgson Impey Cheng Limited
Certified Public Accountants

Hui Chun Keung, David
Practising Certificate Number: P05447

Hong Kong, 26 May 2015

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

	附註 Notes	2015	2014
收入	Income		
政府補助金	Government subventions 5	73,035,445	66,583,403
銀行利息	Bank interest	204,902	221,238
講座收費	Seminar fees	1,275,400	1,517,475
會員費	Membership fees	116,100	117,000
光碟及刊物銷售	Sales of compact discs and publications	2,450	1,060
會議收入	Conference income	–	220,560
出售物業、機器及設備的收益	Gain on disposal of property, plant and equipment	12,450	–
雜項收入	Miscellaneous income	22,927	5,657
		74,669,674	68,666,393
支出	Expenditure		
核數師酬金	Auditors' remuneration	60,000	60,000
行政費用	Administrative expenses	1,520,754	1,661,172
顧問服務	Consultancy services	373,750	1,113,400
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	384,567	267,637
• 由資本補助金支付	• financed by capital subvention fund 9	471,445	561,690
僱員福利支出	Employee benefit expenses 6	57,935,251	51,931,903
辦公室的營運租賃租金	Operating lease rentals in respect of office premises	7,285,386	6,017,706
海外訪問／會議支出	Overseas visit / conference	230,055	231,694
宣傳推廣及教育支出	Promotion and education expenses	2,521,855	2,769,481
法律協助計劃	Legal assistance scheme	19,106	54,383
其他營運費用	Other operating expenses	3,747,892	2,713,813
		74,550,061	67,382,879
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	119,613	1,283,514

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2015年3月31日（以港元計算） At 31 March 2015 (in HK dollars)

	附註 Notes	2015	2014
資產	Assets		
非流動資產	Non-current assets		
物業、機器及設備	Property, plant and equipment 9	1,042,688	1,371,028
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	384,612	259,055
銀行結存及現金	Bank balances and cash 12	29,120,708	23,847,767
		29,521,120	24,122,622
資產總額	Total assets	30,563,808	25,493,650
資金	Funds		
一般儲備	General reserve 13	13,389,171	13,269,558
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	3,560,974	3,623,715
職員約滿酬金撥備	Provision for staff gratuity 15	370,902	1,481,611
資本補助金	Capital subvention fund 16	392,237	498,162
預收政府補助金	Government subvention received in advance 17	–	1,166,960
		4,324,113	6,770,448
流動負債	Current liabilities		
其他應付款項及應計費用	Other payables and accruals	1,237,420	676,159
職員約滿酬金撥備	Provision for staff gratuity 15	4,495,413	1,583,140
未放取年假撥備	Provision for unutilised annual leave	1,293,800	1,100,155
預收政府補助金	Government subvention received in advance 17	4,273,891	2,094,190
預收政府費用	Government fee received in advance 18	1,550,000	–
		12,850,524	5,453,644
負債總額	Total liabilities	17,174,637	12,224,092
資金及負債總額	Total funds and liabilities	30,563,808	25,493,650

本財務報表已於2015年5月26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 26 May 2015.

蔣任宏

個人資料私隱專員

Allan CHIANG

Privacy Commissioner for Personal Data

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2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (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2013年4月1日	At 1 April 2013	–	15,118,044	15,118,044
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	1,283,514	–	1,283,514
調撥	Transfer	(1,283,514)	1,283,514	–
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(3,132,000)	(3,132,000)
於2014年3月31日及 2014年4月1日	At 31 March 2014 and 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	At 31 March 2015	–	13,389,171	13,389,171

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2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (in HK dollars)

	附註 Notes	2015	2014
營運活動的現金流量	Cash flows from operating activities		
年內盈餘	Surplus for the year	119,613	1,283,514
調整：	Adjustments for:		
• 折舊支出	• Depreciation expense	856,012	829,327
• 出售物業、機器及設備的收益	• Gain on disposal of property, plant and equipment	(12,450)	–
• 利息收入	• Interest income	(204,902)	(221,238)
• 政府收回上年盈餘	• Previous year's surplus recovered by Government	–	(3,132,000)
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	(95,031)	98,734
• 政府的約滿酬金補助款	• Government subvention for gratuity	(62,741)	(84,463)
• 職員約滿酬金撥備	• Provision for staff gratuity	1,801,564	(1,115,571)
• 資本補助金	• Capital subvention fund	(105,925)	(5,086,404)
• 其他應付款項及應計費用	• Other payables and accruals	561,261	(1,343,344)
• 未放取年假撥備	• Provision for unutilised annual leave	193,645	(25,570)
• 預收政府補助金	• Government subvention received in advance	1,012,741	1,855,900
• 預收政府費用	• Government fee received in advance	1,550,000	–
營運活動所得／(所用) 現金淨額	Net cash generated from / (used in) operating activities	5,613,787	(6,941,115)
投資活動的現金流量	Cash flows from investing activities		
收取利息	Interest received	174,376	163,221
三個月以上之短期銀行存款增加	Increase in short-term bank deposits with maturity more than three months	12,521,898	(13,210,301)
購置物業、機器及設備的付款	Payments for property, plant and equipment	(515,222)	(503,847)
投資活動所得／(所用) 現金淨額	Net cash generated from / (used in) investing activities	12,181,052	(13,550,927)
現金及現金等值的增加／(減少) 淨額	Net increase / (decrease) in cash and cash equivalents	17,794,839	(20,492,042)
年初的現金及現金等值	Cash and cash equivalents at beginning of the year	2,158,562	22,650,604
年底的現金及現金等值	Cash and cash equivalents at end of the year	19,953,401	2,158,562
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	29,120,708	23,847,767
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months	(9,167,307)	(21,689,205)
年底的現金及現金等值	Cash and cash equivalents at end of the year	19,953,401	2,158,562

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2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (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《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多項《香港財務報告準則》的修訂，這些修訂在個人資料私隱專員的本會計期間首次生效。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2015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 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 HKFRSs 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 several amendments to 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 2015 and which have not been adopted in these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (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）。

出售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 are 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 costs 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2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (in HK dollars)

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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (in HK dollars)

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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算） For the year ended 31 March 2015 (in HK dollars)

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.

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

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

(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。

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根據個人資料私隱專員核准的政策進行。財務部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。

- (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，財務部主要將存款存放於具信譽的銀行，以管理信貸風險。

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.

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.

- (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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

3. 財務風險管理（續）

3.1 財務風險因素（續）

- (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)

- (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
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
2014				
政府的約滿酬金補助款	Government subvention for gratuity	–	3,623,715	3,623,715
其他應付款項及應計費用	Other payables and accruals	664,559	–	664,559
		664,559	3,623,715	4,288,274

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2014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 2014.

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2015年及2014年3月31日的公平值並無重大差異。

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 2015 and 2014.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

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。

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. 政府補助金

5. GOVERNMENT SUBVENTIONS

		2015	2014
經常性及非經常性	Recurrent and non-recurrent	72,564,000	65,999,963
資本補助金（附註16）	Capital subvention fund (Note 16)	471,445	583,440
		73,035,445	66,583,403

6. 僱員福利支出

6. EMPLOYEE BENEFIT EXPENSES

		2015	2014
薪酬	Salaries	48,478,844	44,322,517
約滿酬金及其他津貼	Gratuities and other allowances	7,971,022	6,556,064
強積金計劃供款	Contributions to MPF Scheme	1,291,740	1,078,892
未放取年假撥備	Provision for unutilised annual leave	193,645	(25,570)
		57,935,251	51,931,903

7. 主要管理人員的報酬

7. KEY MANAGEMENT COMPENSATION

		2015	2014
短期僱員福利	Short-term employee benefits	14,770,986	13,340,443
離職後福利	Post-employment benefits	1,792,336	1,692,089
		16,563,322	15,032,532

8. 所得稅支出

8. INCOME TAX EXPENSE

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。

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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

9. 物業、機器及設備

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2013年4月1日	At 1 April 2013						
成本	Cost	306,789	5,296,588	1,363,864	1,166,324	3,306,621	11,440,186
累積折舊	Accumulated depreciation	(306,788)	(4,407,002)	(1,054,369)	(932,726)	(3,042,793)	(9,743,678)
帳面淨值	Net book amount	1	889,586	309,495	233,598	263,828	1,696,508
截至2014年3月31日止年度	Year ended 31 March 2014						
期初帳面淨值	Opening net book amount	1	889,586	309,495	233,598	263,828	1,696,508
增加	Additions	–	420,731	69,216	13,900	–	503,847
處置	Disposals						
• 成本	• cost	–	(805,968)	(8,773)	(3,756)	–	(818,497)
• 累積折舊	• accumulated depreciation	–	805,968	8,773	3,756	–	818,497
折舊	Depreciation	–	(546,963)	(106,935)	(59,212)	(116,217)	(829,327)
期末帳面淨值	Closing net book amount	1	763,354	271,776	188,286	147,611	1,371,028
於2014年3月31日	At 31 March 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

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

10. 按類別劃分的金融工具

10. FINANCIAL INSTRUMENTS BY CATEGORY

	附註 Notes	2015	2014
金融資產	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	108,030	138,884
銀行結存及現金	Bank balances and cash	29,120,708	23,847,767
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	3,560,974	3,623,715
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	661,000	664,559

11. 存貨

11. INVENTORIES

	2015	2014
培訓教材	15,800	15,800

12. 銀行結存及現金

12. BANK BALANCES AND CASH

	2015	2014
銀行及手頭現金	8,207,500	2,158,562
短期銀行存款	20,913,208	21,689,205
	29,120,708	23,847,767

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186天內不等（2014年：186天），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 186 days (2014: 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

		2015	2014
於4月1日	At 1 April	13,269,558	15,118,044
由全面收益表撥入	Transfer from statement of comprehensive income	119,613	1,283,514
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(3,132,000)
於3月31日	At 31 March	13,389,171	13,269,558

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.

在截至2014年3月31日止年度內，香港特別行政區政府（「政府」）從個人資料私隱專員收回3,132,000元，及在個人資料私隱專員的要求下，額外將2,917,400元補助金撥給個人資料私隱專員（附註17）。

During the year ended 31 March 2014, the Government of the Hong Kong Special Administrative Region (the "Government") recovered a sum of \$3,132,000 from the PCPD and, at the request of the PCPD, allocated an additional subvention of \$2,917,400 to the PCPD (Note 17).

14. 政府的約滿酬金補助款

14. GOVERNMENT SUBVENTION FOR GRATUITY

		2015	2014
於4月1日	At 1 April	3,623,715	3,708,178
年內確認的補助金	Subventions recognised for the year	(4,957,201)	(4,225,394)
沒收款	Forfeiture	74,460	290,931
已收政府的約滿酬金補助款	Gratuity subvention received from Government	4,820,000	3,850,000
於3月31日	At 31 March	3,560,974	3,623,715

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.

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截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

15. 職員約滿酬金撥備

15. PROVISION FOR STAFF GRATUITY

		2015	2014
於4月1日	At 1 April	3,064,751	4,180,322
已作出的撥備	Provision made	4,957,201	4,225,394
未動用款項撥回	Unused amounts reversed	(74,460)	(290,931)
年內支付的數額	Amount paid during the year	(3,081,177)	(5,050,034)
於3月31日	At 31 March	4,866,315	3,064,751
減：流動部分	Less: current portion	(4,495,413)	(1,583,140)
非流動部分	Non-current portion	370,902	1,481,611

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

16. CAPITAL SUBVENTION FUND

		安裝電腦 計劃 Computer installation project	汽車 Motor vehicle	電話系統 項目 Telephone system project	電腦設備 項目 Computer equipment projects	會計系統 Accounting system	裝修工程 Fitting-out works	總計 Total
於2013年4月1日	At 1 April 2013	4,497,097	–	74,904	464,498	162,473	385,594	5,584,566
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	–	–	(38,950)	(317,553)	(68,714)	(136,473)	(561,690)
• 系統培訓支出	• System training expense	–	–	–	–	(21,750)	–	(21,750)
退回政府款項	Refund to the Government	(4,497,097)	–	–	–	(5,867)	–	(4,502,964)
於2014年3月31日 及2014年4月1日	At 31 March 2014 and 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	At 31 March 2015	–	274,140	249	1,325	3,875	112,648	392,237

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

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

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截至2015年3月31日止年度（以港元計算）For the year ended 31 March 2015 (in HK dollars)

17. 預收政府補助金

17. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

		2015	2014
於4月1日	At 1 April	3,261,150	1,405,250
已收政府的額外補助金	Additional subvention received from Government	3,000,000	2,917,400
確認為收入的補助金	Subvention recognised as income	(1,987,259)	(1,061,500)
於3月31日	At 31 March	4,273,891	3,261,150
減：流動部分	Less: current portion	(4,273,891)	(2,094,190)
非流動部分	Non-current portion	–	1,166,960

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.

18. 預收政府費用

18. GOVERNMENT FEE RECEIVED IN ADVANCE

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顧問服務的同一時期在全面收益表中確認為收入。

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 consultancy services are provided.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

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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：

		2015	2014
不超過一年	No later than one year	6,027,000	7,232,000
一年以上至五年內	Later than one year and no later than five years	–	6,027,000
		6,027,000	13,259,000

辦公室的營運租賃為期2年（2014年：2年）。

19. COMMITMENTS UNDER OPERATING LEASES

At the end of the reporting period, the PCPD had future aggregate minimum lease payments under non-cancellable operating leases in respect of office premises as follows:

Operating leases relate to office premises with lease term of 2 years (2014: 2 years).

20. 訴訟

2012年2月，個人資料私隱專員因兩間機構違反《個人資料(私隱)條例》的規定而向該兩間機構發出執行通知。該兩間機構不滿個人資料私隱專員的決定，向行政上訴委員會作出上訴。2014年1月，行政上訴委員會駁回上訴，維持個人資料私隱專員發出執行通知的決定。

該兩間機構於是申請在高等法院進行司法覆核，以推翻個人資料私隱專員及行政上訴委員會的決定，而有關申請於2014年5月獲批。在本財務報表批准之日期，有關司法覆核的聆訊日期已定，但結果還未知。個人資料私隱專員已在本財務報表就司法覆核程序的抗辯訟費作撥備。最終的訴訟及其他費用數目會視乎案件的結果而定，目前尚未知悉。

20. LITIGATION

In February 2012, the Privacy Commissioner issued enforcement notices against two organisations in connection with allegation of the breach of a requirement of the Personal Data (Privacy) Ordinance. Being dissatisfied with the Privacy Commissioner's decisions, the two organisations appealed to the Administrative Appeals Board ("AAB"). In January 2014, the AAB dismissed the appeals and upheld the enforcement notices issued by the Privacy Commissioner.

The two organisations then applied and were granted leave in May 2014 to take out judicial review proceedings in the High Court to quash the respective decisions of the Privacy Commissioner and the AAB. As of the date of approval of these financial statements, the hearing for the judicial review proceedings has been fixed but the outcome is not yet known. Legal costs have been provided for in these financial statements by the PCPD in defending the judicial review proceedings. The final amount of legal and other costs to be incurred will depend on the outcome of the case, which is not yet known until conclusion of the matter.

附錄一 Appendix 1

保障資料原則 Data Protection Principles



收集
Collection



《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

公署曾提供講座的機構*

ORGANISATIONS* TO WHICH 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	2014.04.25 2014.09.18
2	民航處	Civil Aviation Department	2015.03.12
3	建造業議會	Construction Industry Council	2014.05.12 2015.02.05
4	懲教署	Correctional Services Department	2014.10.10 2015.01.28 2015.03.17
5	香港海關	Customs and Excise Department	2014.09.23
6	教育局	Education Bureau	2014.05.14 2015.02.10
7	機電工程署	Electrical and Mechanical Services Department	2015.01.06
8	僱員再培訓局	Employees Retraining Board	2015.03.24
9	地產代理監管局	Estate Agents Authority	2014.06.11 2014.11.14
10	香港出口信用保險局	Hong Kong Export Credit Insurance Corporation	2015.01.27
11	香港房屋協會	Hong Kong Housing Society	2014.10.20 2014.11.06
12	香港生產力促進局	Hong Kong Productivity Council	2014.08.25
13	香港郵政	Hongkong Post	2014.06.25
14	醫院管理局港島東聯網	Hospital Authority – Hong Kong East Cluster	2014.09.17 2015.02.04
15	房屋署	Housing Department	2015.01.23
16	勞工處	Labour Department	2015.01.14 2015.01.15
17	康樂及文化事務署	Leisure and Cultural Services Department	2015.01.20
18	強制性公積金計劃管理局	Mandatory Provident Fund Schemes Authority	2014.07.08
19	保安局禁毒處	Narcotics Division, Security Bureau	2014.10.08
20	香港生產力促進局	Hong Kong Productivity Council	2014.08.25
21	深水埗區議會	Sham Shui Po District Council	2014.09.15
22	學生資助辦事處	Student Financial Assistance Agency	2014.05.16
23	香港按揭證券有限公司	Hong Kong Mortgage Corporation Limited	2014.07.21
24	香港旅遊業議會	Travel Industry Council of Hong Kong	2014.09.24 2014.11.19
25	市區重建局	Urban Renewal Authority	2014.09.10
26	職業訓練局	Vocational Training Council	2014.05.26 2015.01.12

私營機構 Private Sector Organisations

	機構	Organisation	日期 Date
1	富通保險（亞洲）有限公司	Ageas Insurance Company (Asia) Limited	2015.02.12
2	銀聯信託有限公司	Bank Consortium Trust Company Limited	2014.09.04 2014.12.08
3	中信証券國際有限公司	CITIC Securities International Company Limited	2014.10.09
4	大昌行集團有限公司	Dah Chong Hong Holdings Limited	2014.04.23
5	富邦銀行（香港）有限公司	Fubon Bank (Hong Kong) Limited	2014.11.25
6	高衛物業管理有限公司	Goodwell Property Management Limited	2014.10.14 2014.10.22
7	恒隆地產有限公司	Hang Lung Properties Limited	2014.08.19 2014.08.22
8	夏利文物業管理有限公司	Harriman Property Management Limited	2015.03.25
9	香港港安醫院	Hong Kong Adventist Hospital	2014.11.18
10	香港商用航空中心有限公司	Hong Kong Business Aviation Centre	2015.03.04
11	希慎物業管理有限公司	Hysan Property Management Limited	2014.11.12
12	啟勝管理服務有限公司	Kai Shing Management Services Limited	2014.07.14 2014.12.04
13	嘉里發展有限公司	Kerry Properties (Hong Kong) Limited	2014.05.21
14	香港旺角朗豪酒店	Langham Place, Mongkok, Hong Kong	2014.10.28
15	瑞穗銀行有限公司	Mizuho Bank Limited	2014.11.28
16	東方金控（香港）	Orient Finance Holdings (Hong Kong) Limited	2014.04.09
17	邦民日本財務（香港）有限公司	Promise (Hong Kong) Company Limited	2014.10.29
18	三星電子香港有限公司	Samsung Electronics Hong Kong Company Limited	2014.09.01 2014.09.15
19	數碼通電訊有限公司	SmarTone Mobile Communications Limited	2014.11.10
20	渣打銀行（香港）有限公司	Standard Chartered Bank (Hong Kong) Limited	2014.10.30
21	新鴻基地產發展有限公司	Sun Hung Kai Properties Limited	2014.10.17
22	牛奶有限公司	The Dairy Farm Company Limited	2014.09.03 (2 sessions) 2014.09.12
23	鷹君物業管理有限公司	The Great Eagle Properties Management Company Limited	2014.08.06
24	香港電燈有限公司	The Hongkong Electric Company, Limited	2015.03.06
25	九龍巴士（一九三三）有限公司	The Kowloon Motor Bus Company (1933) Limited	2014.11.21
26	匯眾展覽服務有限公司	TKS Exhibition Services Limited	2014.06.13
27	仁安醫院	Union Hospital	2014.12.11
28	青年廣場	Youth Square	2014.09.25

專業團體及社團 Professional Bodies and Community Groups

	機構	Organisation	日期 Date
1	香港職業介紹所印尼協會有限公司	Asosiasi Pptki Hong Kong Limited	2014.12.19
2	志蓮淨苑志蓮護理安老院	Chi Lin Care & Attention Home	2015.03.20
3	亞洲傭工職介總會有限公司	Hong Kong Asia Employment Agencies Limited	2014.12.30
4	香港人力代理總會有限公司	General Chamber of Hong Kong Manpower Agencies Limited	2015.01.05
5	香港教育專業人員協會	Hong Kong Professional Teachers' Union	2014.12.06
6	香港紅十字會	Hong Kong Red Cross	2014.04.11
7	清水灣鄉村俱樂部	The Clearwater Bay Golf and Country Club	2014.10.15
8	香港耆康老人福利會	The Hong Kong Society for the Aged	2014.06.20
9	香港律師會	The Law Society of Hong Kong	2014.08.27
10	東華三院	Tung Wah Group of Hospitals	2014.12.03
11	仁愛堂	Yan Oi Tong	2014.06.16

教育機構 Educational Organisations

	機構	Organisation	日期 Date
1	孔聖堂中學	Confucius Hall Secondary School	2014.07.07
2	拔萃男書院	Diocesan Boys' School	2015.03.18
3	恒生管理學院	Hang Seng Management College	2014.12.02
4	香港大學專業進修學院	HKU School of Professional and Continuing Education	2015.01.07
5	香港浸會大學	Hong Kong Baptist University	2014.04.01 2014.04.02 2015.03.23
6	香港鄧鏡波書院	Hong Kong Tang King Po College	2014.09.18
7	聖母無玷聖心書院	Immaculate Heart of Mary College	2014.04.03
8	香港專業教育學院（柴灣分校）	Institution of Vocational Education (Chai Wan)	2015.02.13
9	香港專業教育學院（青衣分校）	Institute of Vocational Education (Tsing Yi)	2014.10.24 2014.11.12
10	英皇書院	King's College	2014.07.08 2014.07.09
11	嶺南大學	Lingnan University	2014.10.08
12	瑪利曼中學	Marymount Secondary School	2014.05.09 2014.11.07
13	慈幼學校	Salesian English School	2014.06.19
14	聖言中學	Sing Yin Secondary School	2015.03.16
15	香港高等科技教育學院	Technological and Higher Education Institute of Hong Kong	2014.11.06
16	博愛醫院歷屆總理聯誼會梁省德中學	The Association of Directors and Former Directors of Poi Oi Hospital Limited Leung Sing Tak College	2014.05.02
17	香港中文大學	The Chinese University of Hong Kong	2014.06.11 2015.02.02
18	香港理工大學	The Hong Kong Polytechnic University	2015.03.03
19	香港大學	The University of Hong Kong	2015.02.28
20	元朗商會中學	Yuen Long Merchants Association Secondary School	2014.12.18

* 機構按英文名稱順序排列
Organisations listed in alphabetical order

附錄三

Appendix 3

參與保障私隱學生大使計劃的學校夥伴*

SCHOOL PARTNERS* UNDER STUDENT AMBASSADOR FOR PRIVACY PROTECTION PROGRAMME

	學校	School
1	佛教沈香林紀念中學	Buddhist Sum Heung Lam Memorial College
2	佛教大雄中學	Buddhist Tai Hung College
3	明愛元朗陳震夏中學	Caritas Yuen Long Chan Chun Ha Secondary School
4	迦密唐賓南紀念中學	Carmel Bunnan Tong Memorial Secondary School
5	迦密主恩中學	Carmel Divine Grace Foundation Secondary School
6	中華基督教會全完中學	CCC Chuen Yuen College
7	中華基督教會方潤華中學	CCC Fong Yun Wah Secondary School
8	中華基督教會基新中學	CCC Kei San Secondary School
9	中華基督教會銘賢書院	CCC Ming Yin College
10	中華基督教會譚李麗芬紀念中學	CCC Tam Lee Lai Fun Memorial Secondary School
11	青松侯寶垣中學	Ching Chung Hau Po Woon Secondary School
12	趙聿修紀念中學	Chiu Lut Sau Memorial Secondary School
13	鐘聲慈善社胡陳金枝中學	Chung Sing Benevolent Society Mrs Aw Boon Haw Secondary School
14	金文泰中學	Clementi Secondary School
15	廠商會蔡章閣中學	CMA Choi Cheung Kok Secondary School
16	中華傳道會安柱中學	CNEC Christian College
17	孔教學院大成何郭佩珍中學	Confucian Tai Shing Ho Kwok Pui Chun College
18	香港中文大學校友會聯會張煊昌中學	CUHK FAA Thomas Cheung Secondary School
19	拔萃女書院	Diocesan Girls' School
20	香港四邑商工總會黃棣珊紀念中學	HKSYC&IA Wong Tai Shan Memorial College
21	聖母無玷聖心書院	Immaculate Heart of Mary College
22	觀塘瑪利諾書院	Kwun Tong Maryknoll College
23	荔景天主教中學	Lai King Catholic Secondary School
24	嶺南衡怡紀念中學	Lingnan Hang Yee Memorial Secondary School
25	嶺南中學	Lingnan Secondary School
26	路德會呂祥光中學	Lui Cheung Kwong Lutheran College
27	馬鞍山聖若瑟中學	Ma On Shan St. Joseph's Secondary School
28	循道中學	Methodist College

(續 continued)

	學校	School
29	新界鄉議局元朗區中學	N.T. Heung Yee Kuk Yuen Long District Secondary School
30	寧波第二中學	Ning Po No.2 College
31	聖母玫瑰書院	Our Lady of the Rosary College
32	加拿大神召會嘉智中學	PAOC Ka Chi Secondary School
33	保良局何蔭棠中學	Po Leung Kuk Celine Ho Yam Tong College
34	保良局甲子何玉清中學	Po Leung Kuk Ho Yuk Ching (1984) College
35	保良局馬錦明夫人章馥仙中學	Po Leung Kuk Mrs Ma Kam Ming-Cheung Fook Sien College
36	保良局唐乃勤初中書院	Po Leung Kuk Tong Nai Kan Junior Secondary College
37	培僑書院	Pui Kiu College
38	天主教培聖中學	Pui Shing Catholic Secondary School
39	伊利沙伯中學	Queen Elizabeth School
40	高主教書院	Raimondi College
41	聖公會諸聖中學	S.K.H. All Saints' Middle School
42	聖公會白約翰會督中學	S.K.H. Bishop Baker Secondary School
43	聖公會基孝中學	S.K.H. Kei Hau Secondary School
44	聖公會李福慶中學	S.K.H. Li Fook Hing Secondary School
45	聖公會李炳中學	S.K.H. Li Ping Secondary School
46	順德聯誼總會李兆基中學	S.T.F.A. Lee Shau Kee College
47	新會商會陳白沙紀念中學	S.W.C.S. Chan Pak Sha School
48	慈幼英文學校	Salesian English School
49	新會商會中學	San Wui Commercial Society Secondary School
50	沙田循道衛理中學	Sha Tin Methodist College
51	順德聯誼總會翁祐中學	Shun Tak Fraternal Association Yung Yau College
52	聖芳濟書院	St. Francis Xavier's College
53	藍田聖保祿中學	St. Paul's School (Lam Tin)
54	聖羅撒書院	St. Rose of Lima's College
55	聖士提反書院	St. Stephen's College
56	東華三院陳兆民中學	T.W.G.Hs Chen Zao Men College
57	東華三院呂潤財紀念中學	T.W.G.Hs Lui Yun Choy Memorial College
58	東華三院吳祥川紀念中學	T.W.G.Hs S C Gaw Memorial College
59	東華三院辛亥年總理中學	T.W.G.Hs Sun Hoi Directors' College
60	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

(續 continued)

	學校	School
61	循道衛理聯合教會李惠利中學	The Methodist Lee Wai Lee College
62	真光女書院	True Light Girls' College
63	曾璧山中學	Tsang Pik Shan Secondary School
64	荃灣官立中學	Tsuen Wan Government Secondary School
65	屯門官立中學	Tuen Mun Government Secondary School
66	華英中學	Wa Ying College
67	王肇枝中學	Wong Shiu Chi Secondary School
68	仁濟醫院靚次伯紀念中學	Yan Chai Hospital Lan Chi Pat Memorial Secondary School
69	元朗天主教中學	Yuen Long Catholic Secondary School

*學校按英文名稱順序排列
Schools listed in alphabetical order

至2014年5月30日
Till 30 May 2014

附錄四

Appendix 4

公署發出的新聞稿及專員網誌

MEDIA STATEMENTS AND THE COMMISSIONER'S BLOGS RELEASED BY THE PCPD

日期 Date	新聞稿 Media statement
2014.05.04	關注私隱運動－個人資料私隱：自己作主話事 Privacy Awareness Week – Personal Data Privacy: Have My Say
2014.05.05	公署出版《機構智用社交網絡 尊重個人資料私隱》資料單張 PCPD Published Information Leaflet “Privacy Implications for Organisational Use of Social Network”
2014.05.07	公署關注本地智能手機程式 PCPD Addresses Concern over Local Smartphone Apps
2014.05.14	個人資料保障 — 與Facebook的一席話 PCPD’s Dialogue with Facebook on Personal Data Protection
2014.05.21	私隱專員就《電子健康紀錄互通系統條例草案》提出關注 Privacy Commissioner Raised Concerns on Electronic Health Record Sharing System Bill
2014.05.29	私隱專員提倡私隱管理應從工作間著手 Privacy Commissioner Advocates Privacy Management Starts at Work
2014.05.29	私隱專員譴責48則匿名招聘廣告不公平收集求職者的個人資料 Privacy Commissioner Condemned 48 Blind Recruitment Advertisements for Unfair Collection of Job Applicants’ Personal Data
2014.08.04	私隱專員歡迎招聘媒體承諾打擊匿名招聘廣告 The Privacy Commissioner Welcomes Recruitment Media’s Pledge to Fight Blind Recruitment Advertisements
2014.08.05	私隱專員促請當局把人對人直銷電話納入拒收訊息登記冊 The Privacy Commissioner Urges the Administration to Expand the Do-not-call Registers to Include Person-to-person Calls
2014.08.18	公署為零售業界推出定期培訓及網上評估工具 Launch of Regular Training Programmes & Online Assessment Tool for Retail Industry
2014.09.10	公署回應傳媒查詢：有關《學校家長救救孩子》熱線事宜 Response to Media Enquiries about the Operation of a Hotline to Receive Reports on Class Boycotts in Secondary Schools
2014.09.12	「全球私隱執法機關網絡」聯合公佈第二次各地私隱政策透明度檢視結果－流動應用程式 Global Results of the Second International GPEN Privacy Sweep
2014.10.06	私隱專員發出指引籲銀行業界妥善處理客戶個人資料 Privacy Commissioner Published Guidance on the Proper Handling of Customers’ Personal Data for the Banking Industry
2014.10.30	「網絡欺凌」風熾熱惹關注 私隱專員發出單張提醒公眾守法 Privacy Commissioner Published Leaflet Reminding Internet Users to Abide by the Law as Cyber-Bullying Arouses Public Concern
2014.10.31	開展新一年的校園推廣保障個人資料活動 Annual Privacy Campaigns Commence on University and School Campuses
2014.11.20	私隱專員視察報告 建議勞工處就業服務優化個人資料系統 Privacy Commissioner Published Inspection Report to Assist Labour Department’s Employment Services to Improve Personal Data System
2014.11.20	補習導師及外籍家庭傭工中介網站過度收集及披露個人資料 Excessive Online Collection and Disclosure of Personal Data by Recruitment Agencies for Private Tutors and Foreign Domestic Helpers

(續 continued)

日期 Date	新聞稿 Media statement
2014.11.25	私隱專員發出《開發流動應用程式最佳行事方式指引》呼籲保障用戶私隱 Privacy Commissioner Published Best Practice Guide for Mobile App Development to Appeal for User Privacy Protection
2014.12.04	一名人士向私隱專員作出虛假陳述被判監禁 A Person was Sentenced to Imprisonment for Making False Statement to the Privacy Commissioner
2014.12.10	全球私隱保障機關促請應用程式供應平台 強程式開發商提供私隱政策連結 Global Privacy Guardians Urge App Marketplaces to Make Links to Privacy Policies Mandatory
2014.12.15	翱翔旅遊的流動應用程式：未有提供私隱政策並收集過度個人資料 Excessive Collection of Personal Data through Mobile Application by Worldwide Package Travel Service Operating with No Privacy Policy
2014.12.15	香港航空旅遊有限公司不慎使用流動應用程式「俠客行 • 旅行」外洩個人資料 Personal Data Leaked through Inadvertent Use of Mobile Application "TravelBud" by HKA Holidays
2014.12.15	私隱專員發現Android的權限模式有缺陷 Privacy Commissioner Uncovered Privacy Failure in Android's Permission Model
2014.12.15	流動應用程式私隱政策透明度欠奉：私隱專員促請本地開發商改善 Privacy Commissioner Finds Transparency of Privacy Policies Wanting in Local Mobile Applications
2014.12.23	個人資料私隱專員公署革新網站及舉辦巡迴展覽 推廣私隱權利 PCPD Revamps Website and Stages Roadshow to Promote Privacy Rights
2014.12.29	個人資料私隱專員公署發出《保障個人資料：跨境資料轉移指引》 PCPD Publishes Guidance on Personal Data Protection in Cross-border Data Transfer
2015.01.08	資訊科技界鼎力支持推動「應用程式重私隱 創新科技贏信任」保障私隱活動 Launch of Privacy Campaign "Developing Mobile Apps: Privacy Matters" with Overwhelming Support from the ICT Industry
2015.01.27	公署於2014年接獲有關使用資訊及通訊科技的私隱投訴增加兩倍 The Year 2014 Saw a Two-fold Increase in Privacy Complaints Related to Use of Information and Communications Technologies
2015.01.28	聘任副個人資料私隱專員 Appointment of Deputy Privacy Commissioner for Personal Data
2015.03.24	個人資料私隱專員回應申訴專員公署發表的兩份調查報告 Privacy Commissioner Responding to Two Investigation Reports by The Ombudsman
2015.03.31	新指引呼籲負責任地使用航拍機 New Guidance for the Responsible Use of Drones

日期 Date	專員網誌 The Commissioner's blog
2014.04.29	Google Glass和航拍機帶來的私隱挑戰 The Privacy Challenges of Google Glass and Drones
2014.06.13	「私隱」並非止於「保障個人資料」 Privacy is more than Personal Data Protection
2014.06.26	互聯網的「被遺忘權」 Right to be Forgotten
2014.08.21	人對人直銷電話的拒收訊息登記冊 最終由哪一個政策局負責？ Renewed Call to Set Up a Do-not-call ("DNC") Register for Person-to-person ("P2P") Telemarketing Calls caught between two Bureaux
2014.12.30	互聯網的「被遺忘權」(二) Right to be Forgotten (II)



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

香港灣仔皇后大道東248號陽光中心12樓
12/F, Sunlight Tower, 248 Queen's Road East
Wanchai, Hong Kong

電話 Tel 2827 2827
傳真 Fax 2877 7026
電郵 E-mail enquiry@pcpd.org.hk
www.pcpd.org.hk

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