Legislative Council Panel on Constitutional Affairs

Report on the Work

of the Office of the Privacy Commissioner for Personal Data in 2023

The Privacy Commissioner for Personal Data (Privacy Commissioner) will brief Members at the meeting of the Legislative Council Panel on Constitutional Affairs on 19 February 2024 on the work of the Office of the Privacy Commissioner for Personal Data (PCPD) in 2023. This paper updates Members on the PCPD's work in 2023.

(I) Overview

- 2. The Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) came into effect on 8 October 2021 to strengthen the combat of doxxing acts that are intrusive to personal data privacy, and empower the Privacy Commissioner to issue cessation notices to cease the disclosure of doxxing messages, and carry out criminal investigations and institute prosecutions in respect of doxxing-related offences. Following the PCPD's first arrest in a doxxing case in 2021, and the first successful prosecution of a doxxing case in 2022, in 2023 the PCPD hit record highs in both the number of criminal investigations commenced and the number of arrests made in respect of doxxing cases. In addition, the PCPD's continuous enforcement actions greatly ameliorated the doxxing problem as the number of doxxing messages on the Internet has notably reduced.
- 3. To further enhance public awareness of and compliance with the Amendment Ordinance, the PCPD continued to carry out a series of publicity and educational campaigns during 2023. Highlight events included organising the School Touring

of Anti-doxxing Education Talks to explain the seriousness of cyberbullying and doxxing crimes to secondary school students face-to-face, as well as publishing a new Chinese book entitled 《私隱法·保一了解你的個人資料私隱》 ("The Treasure-trove of Privacy – Understanding Your Personal Data Privacy"), which included a dedicated chapter on the new doxxing offences.

- 4. During the reporting year, the PCPD continued to respond to or advise on major issues relating to personal data privacy by issuing guidances, releasing media statements, responding to media enquiries, giving radio, television and newspaper interviews, and publishing articles in newspapers and professional or trade magazines. The topics included the prevention of personal data breach incidents and data security, children and youngsters' privacy, the personal data privacy challenges brought about by generative artificial intelligence (AI) and taking precautions against personal data fraud, etc.
- 5. With the subsiding of COVID-19 pandemic during the year, the PCPD seized the opportunity to organise more face-to-face talks or seminars to actively promote the message of protecting personal data privacy to members of the public. Besides, the PCPD continued to, through participation in international meetings, closely liaise and collaborate with data or privacy protection authorities in other jurisdictions.
- 6. As an international financial centre and innovation and technology hub, the Government of the Hong Kong SAR has been actively promoting the development of digital economy. Data security, along with the orderly flow and use of data, play a crucial role in driving the development of the digital economy. Apart from serving as the foundation of digital economy, data security is also a key component of national security. Given that data encompasses personal data, preventing infringements on personal data privacy is a fundamental aspect of data security. To align with the Government's policy, the PCPD has been launching initiatives to safeguard and promote data security. In 2023, the PCPD published guidelines and

articles as well as organised training courses to promote data security. To help enterprises enhance their capabilities in safeguarding data security, the PCPD also launched a thematic webpage on data security, the "Data Security Scanner", as well as a data security hotline.

(II) Enforcement of the Ordinance

Handling of Complaints

7. In 2023, the PCPD received 3 582 complaints¹, representing a decrease of 7% when compared to 3 848 cases in 2022. Of these 3 582 complaint cases, 58% of the complaints were lodged against the private sector (2 082 cases), 8% against the public sector/government departments (298 cases) and 34% against individuals (1 202 cases). In regard to the complaints against the private sector, the highest number of complaints (198 cases) were received in respect of the financial and monetary sector. These complaints involved not only complaints against banks, but also complaints against financial institutions and money lending companies (117 cases), and the complaints mainly concerned the improper collection and use of personal data of their customers. It is believed that after the PCPD had released an investigation report on the TE Credit Reference System in 2023, the public was more concerned about the need for financial institutions and money lending companies to comply with the requirements of the Personal Data (Privacy) Ordinance (Ordinance), and this had led to the lodging of more complaints against financial institutions and money lending companies. The property management sector (178 cases) was the sector which attracted the second highest number of complaints, most of which were about excessive collection of personal data for visitor registration and posting of notices containing residents' personal data at lobbies or other areas.

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¹ This complaint figure included 525 doxxing-related complaints and 231 doxxing cases uncovered by online patrols.

Investigation Report on Unauthorised Access to Credit Data in the TE Credit
Reference System²

- 8. In June 2023, the PCPD published an investigation report on unauthorised access to credit data in the TE Credit Reference System. The TE Credit Reference System was operated by Softmedia Technology Company Limited (Softmedia). Around 680 money lending companies used the TE Credit Reference System, which contained the credit data of about 180 000 borrowers. The investigation arose from a complaint lodged by a complainant reporting that his credit data in the TE Credit Reference System was accessed a number of times by eight money lending companies unknown to him without his knowledge or consent. The complainant was of the view that the TE Credit Reference System did not put in place adequate security measures to protect his personal data, thus he lodged a complaint to the PCPD.
- 9. As a result of the investigation, the Privacy Commissioner found that there were deficiencies in the security measures taken by Softmedia to protect personal data and in the retention period of credit data in the following three aspects:
 - Failure to take practicable steps to protect the credit data of borrowing from unauthorised access, processing or use;
 - Weak password management; and
 - Prolonged retention of over 50 000 credit records of borrowers who had completed their repayments more than five years ago.
- 10. In the circumstances, the Privacy Commissioner was of the opinion that Softmedia had failed to take all practicable steps to protect the personal data in the TE Credit Reference System against unauthorised or accidental access, processing,

² The Executive Summary of the Investigation Report can be downloaded via the following link: https://www.pcpd.org.hk/english/enforcement/commissioners_findings/files/r23_21242_e.pdf

or use, thereby contravening Data Protection Principle (DPP) 4(1) in Schedule 1 to the Ordinance relating to the security of personal data. Softmedia also failed to take all practicable steps to ensure that the personal data concerned was not kept longer than was necessary, thus contravening DPP 2(2). Consequently, the Privacy Commissioner served an Enforcement Notice on Softmedia, directing it to remedy the contraventions and prevent recurrence of similar contraventions.

Investigation Report on Improper Retention and Use of Personal Data of Employees/Former Employees by Employers³

- 11. During the past five years, the PCPD received on average over a hundred complaints relating to human resource management per annum. To raise the awareness amongst employers and human resource managers of their duties in protecting personal data privacy and in complying with the relevant statutory requirements, the Privacy Commissioner published an investigation report in December 2023 in respect of four complaints received by the PCPD concerning human resource management. The four complaints involved four organisations, which were, respectively:-
 - Kwong Wah Hospital managed by the Hospital Authority (HA) Staff improperly disclosed personal data in instant messaging application chat group;
 - Christian Louboutin Asia Limited (Christian Louboutin) Staff improperly disclosed personal data in instant messaging application chat groups;
 - Star Entertainment (Universe) Limited (Star Entertainment) Continued to use a former employee's personal data as the user of a corporate bank account after he had left employment; and

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³ The Executive Summary of the Investigation Report can be downloaded via the following link: https://www.pcpd.org.hk/english/enforcement/commissioners_findings/files/r23_18465_e.pdf

- Ngan Yuet Health and Beauty Limited (Ngan Yuet) Used the old address of a former employee for filing and mailing a tax return.
- 12. Upon investigation, the Privacy Commissioner found that the HA, Christian Louboutin and Star Entertainment had contravened DPP 3(1) as regards the use (including the disclosure) of personal data, and Ngan Yuet had contravened DPP 2(1) as regards the accuracy of personal data and DPP 4(1) as regards the security of personal data. The Privacy Commissioner therefore served Enforcement Notices on the four organisations, directing them to remedy their respective contraventions and prevent recurrence of similar contraventions in future. The PCPD also provided recommendations to the employers in the report on how to safeguard personal data privacy, and issued an updated information leaflet for them in parallel.

Combatting Doxxing Offences

- 13. Under the Amendment Ordinance, the PCPD is given new criminal investigation and prosecution powers to handle doxxing cases on a "one-stop" basis from criminal investigation to collection of evidence and prosecution. The streamlined process can effectively expedite enforcement and prosecution actions against doxxing cases. To perform these functions, the PCPD has set up a Criminal Investigation Division which include former members of law enforcement agencies who were specialised in criminal investigations and lawyers with extensive criminal prosecutions experience to provide legal support. The PCPD entered into Memoranda of Understanding with the Police and the Department of Justice respectively relating to the arrangements of criminal investigations, collection of evidence and prosecutions in respect of doxxing-related offences.
- 14. Upon receipt of a doxxing complaint, the PCPD would commence a criminal investigation on any case that involved suspected contravention of the doxxing related offences by assigning criminal investigators to directly follow up the

investigation, collect evidence and conduct analysis so as to decide whether further enforcement action should be taken. If necessary, joint operations were undertaken with the police. In accordance with the aforementioned Memoranda of Understanding, the PCPD would seek legal advice from the Department of Justice on the further actions to be taken in cases involving the general doxxing offence under section 64(3A)⁴ of the Ordinance. On the other hand, if the case involved the more serious doxxing offence under section 64(3C) of the Ordinance where the act of doxxing had caused specified harm to the victim, or if the case involved other criminal offences outside the purview of the Ordinance, the PCPD would refer the case to the police for further follow-up.

- 15. In 2023, the PCPD handled 756 doxxing cases (including doxxing cases proactively uncovered by PCPD's online patrols and doxxing-related complaints received). The figure significantly dropped by 57% when compared to 1 764 cases in 2022. This was mainly due to the fact that the number of doxxing cases uncovered through online patrols dropped significantly from 1 134 cases in 2022 to 231 cases in 2023, which indicated that the problem of doxxing on the Internet had significantly reduced because of the PCPD's strenuous efforts in combatting doxxing acts. Among the 756 doxxing cases mentioned above, 525 were doxxing complaints received by the PCPD. The nature of disputes leading to these 525 doxxing cases were mainly monetary disputes (43%), as well as family and relationship disputes (20%).
- 16. During the year, the PCPD initiated 140 criminal investigations, and 31 doxxing cases which involved suspected contravention of section 64(3C) of the

⁴ Pursuant to section 64(3A) of the Ordinance, a person commits an offence if the person discloses any personal data of a data subject without the relevant consent of the data subject—

⁽a) with an intent to cause any specified harm to the data subject or any family member of the data subject; or

⁽b) being reckless as to whether any specified harm would be, or would likely be, caused to the data subject or any family member of the data subject.

Ordinance and/or other offences outside the purview of the Ordinance were referred to the Police for further investigation.

17. 30 arrests were made (including two arrests made under joint operations with the police) in 2023 with 31 persons arrested. The doxxing acts were mainly committed on social media platforms and instant messaging apps (90%), as well as through posters (7%) and mail (3%).

18. Among the doxxing complaints handled by the PCPD, the nature of disputes that led to doxxing of the victims were as follows: -

Motives of doxxing	October 2021 to 2022	Percentage	2023 (cases)	Percentage	Total (cases)
uoamig	(cases)		(cases)		(cases)
Monetary	220	28%	225	43%	445
disputes					
Family &	216	27%	104	20%	320
relationship					
disputes					
Work disputes	108	14%	28	5%	136
Political	110	14%	13	2%	123
disputes					
Property	35	4%	7	1%	42
management					
and					
neighbourhood					
disputes					
Online activity	10	1%	5	1%	15
disputes					
Pet-related	5	1%	2	1%	7
disputes					
Others	87	11%	141	27%	228
Total	791	100%	525	100%	1 316

- 19. Apart from bringing doxxers to justice through criminal investigation and prosecution, it is imperative that doxxing messages are removed promptly to prevent further harm to victims. In this regard, the Amendment Ordinance confers statutory powers on the Privacy Commissioner to serve cessation notices on online platforms to demand the removal of doxxing messages. In 2023, the PCPD issued 378 cessation notices to 23 online platforms, requesting removal of over 10 600 doxxing messages. Apart from the removal of individual doxxing messages, 117 doxxing channels were also successfully removed by the PCPD by issuing cessation notices. Even though most of the cessation notices were served on overseas operators of online platforms, the overall compliance rate on the removal of doxxing messages was over 95%.
- 20. Since the Amendment Ordinance took effect in October 2021, up to 31 December 2023 the PCPD handled 2 884 doxxing cases (including 1 316 doxxing-related complaints and 1 568 doxxing cases proactively uncovered by PCPD's online patrols) and initiated 254 criminal investigations. In the same period, the PCPD issued 1 878 cessation notices to 41 online platforms, requesting removal of over 28 300 doxxing messages. The overall compliance rate on the removal of doxxing messages was also over 95%. Apart from the removal of individual doxxing messages, 192 doxxing channels were also successfully removed by the PCPD by issuing cessation notices.
- 21. 42 arrests were made in the same period (including three arrests made under joint operations with the Police) with 43 persons arrested for doxxing related offences. In addition, 63 doxxing cases were referred to the Police for further investigation.

Compliance Checks and Data Breach Incidents

- 22. In 2023, the PCPD received 157 personal data breach notifications, which represented an increase of nearly 50% as compared to 105 notifications received in 2022. The personal data breach incidents involved hacking, loss of documents or portable devices, system misconfiguration, unauthorised access to personal data by employees, inadvertent disclosure of personal data by email, post or fax, etc. Private organisations and non-private organisations accounted for 69% and 31% of the reported personal data breach notifications respectively.
- 23. In 2023, the PCPD conducted 393 compliance checks, which is similar to the number of compliance checks conducted (i.e. 392) in 2022.

Investigation Report on Ransomware Attack on the Servers of The Hong Kong

Institute of Bankers (HKIB)⁵

- 24. In February 2023, the PCPD published a report on the ransomware attack on the servers of HKIB. The investigation arose from a personal data breach notification lodged by HKIB reporting that six servers which contained personal data had been attacked by ransomware and maliciously encrypted, and that a hacker had threatened to upload the files in the servers to the Internet and demanded a ransom from HKIB to unlock the encrypted files. The personal data of over 13 000 members and about 100 000 non-members had been leaked in the incident.
- 25. Upon conclusion of the investigation, the Privacy Commissioner found that there were apparent deficiencies in the personal data security risk management and the personal data security measures of HKIB, which led to the ransomware attack on its servers which contained personal data. The Privacy Commissioner considered

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⁵ The executive summary of the investigation report can be downloaded via the following link: https://www.pcpd.org.hk/english/enforcement/commissioners findings/files/r23 6319 e.pdf

that HKIB lacked effective personal data security risk management mechanism and adopted a lax approach towards service providers in the maintenance of critical network infrastructure. As a result, the security measures of the information system which contained personal data were ineffective in addressing cybersecurity risks and threats. The Privacy Commissioner considered that HKIB had not taken all practicable steps to ensure that the personal data involved was protected from unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) concerning the security of personal data. Consequently, the Privacy Commissioner served an enforcement notice on HKIB, directing it to remedy and prevent recurrence of the contravention.

Investigation Report on Unauthorised Scraping of the Personal Data of Carousell Users⁶

26. In December 2023, the PCPD published a report on unauthorised scraping of the personal data of Carousell users. The investigation arose from a personal data breach notification lodged by Carousell Limited reporting that a listing posted on an online forum offered for sale the personal data of 2.6 million Carousell users, which included the personal data of 324 232 user accounts in Hong Kong. According to Carousell Limited, the personal data breach incident was caused by a security vulnerability during a system migration in January 2022.

27. Upon conclusion of the investigation, the Privacy Commissioner found that although Carousell Limited in Hong Kong was at all material times using the information systems and database under the centralised model of the Carousell Group based in Singapore, Carousell Limited as a data user in Hong Kong had a positive duty to safeguard the security of the personal data under its control. The Privacy Commissioner considered that the incident could have been avoided if some

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⁶ The investigation report can be downloaded via the following link: https://www.pcpd.org.hk/english/enforcement/commissioners_findings/files/r23_0665_e.pdf

general risk and security assessment procedures and measures had been implemented. Based on the above reasons, the Privacy Commissioner considered that Carousell Limited had not taken all practicable steps in relation to the system migration to ensure that the personal data involved were protected from unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) concerning the security of personal data. The Privacy Commissioner served an Enforcement Notice on Carousell Limited, directing it to remedy and prevent recurrence of the contravention.

Publication of Report on "Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms" and Leaflet on "Tips for Users of Online Shopping Platforms"

28. In June 2023, the PCPD published a report on "Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms", which reviewed the privacy settings of 10 online shopping platforms commonly used in Hong Kong (namely, Baby Kingdom – BKmall, Carousell, eBay, Fortress, HKTVmall, JD.COM, PlayStation App, Price.com.hk, Samsung and Taobao), including the websites and mobile applications of the relevant operators, to understand how these online shopping platforms collect and use personal data of users. On the basis of the review findings, the PCPD provided specific recommendations to the operators of these online shopping platforms on enhancement of personal data protection.

29. Simultaneously, the PCPD published a leaflet on "Tips for Users of Online Shopping Platforms" which provided tips to users of online shopping platform on how to carry out online shopping safely while protecting their personal data privacy.

https://www.pcpd.org.hk/english/resources_centre/publications/files/pcpd_digitalage_pamphlet.pdf

https://www.pcpd.org.hk/english/resources_centre/publications/files/pcpd_digitalage_leaflet.pdf

⁷ The report can be downloaded via the following link:

⁸ The leaflet can be downloaded via the following link:

Inspection Reports

30. In 2023, the PCPD published inspection reports on the personal data systems of the Registration and Electoral Office (REO) and ZA Bank Limited (ZA Bank).

Inspection Report on the Personal Data System of the REO⁹

- 31. Given the fact that there had been repeated data breach incidents relating to the personal data held by the REO, the Privacy Commissioner invoked the power vested in her under section 36 of the Ordinance to carry out an inspection of the personal data system of the REO, with a view to strengthening the protection of the personal data in the possession of the REO and preventing the reoccurrence of similar incidents in future. In September 2023, the Privacy Commissioner published the inspection report on the personal data system of the REO. The findings of the inspection revealed that the REO had implemented a Personal Data Privacy Management Programme and had established a robust infrastructure to protect personal data privacy. The REO also sought to ensure compliance with the requirements under the Ordinance through ongoing review and monitoring of the Programme.
- 32. The above notwithstanding, the Privacy Commissioner made ten recommendations to the REO in the report to enhance the security of the personal data held by the REO. In addition, the Privacy Commissioner strongly encouraged the REO to continuously strive to instil and maintain a strong culture of personal data protection among all staff members to better protect the privacy and security of the personal data of its stakeholders and demonstrate its commitment to good data governance.

⁹ The inspection report can be downloaded via the following link: https://www.pcpd.org.hk/english/enforcement/commissioners_findings/files/r23_1738.pdf

Inspection Report on the Customers' Personal Data System of ZA Bank¹⁰

- 33. Having considered that virtual banks handle vast amounts of sensitive personal data on a daily basis, the Privacy Commissioner invoked the power vested in her under section 36 of the Ordinance to carry out an inspection to review the customers' personal data system of ZA Bank, in particular to ensure the security of the system, and published an inspection report in October 2023. The findings of the inspection revealed that ZA Bank had established a Personal Data Privacy Management Programme and appointed a dedicated Data Protection Officer to systematically and responsibly develop a system to comply with the requirements the Ordinance and to manage customers' personal data. In addition, ZA Bank was committed to protecting personal data privacy through measures such as implementing a paperless office environment, conducting drill exercises to prevent the threat of phishing attacks and promoting a privacy-friendly culture in the workplace. Overall, the Privacy Commissioner considered that ZA Bank had generally complied with the requirements of DPPs of the Ordinance in the handling of customers' personal data.
- 34. Nevertheless, the Privacy Commissioner recommended ZA Bank should strengthen its management of data processors, enhance the monitoring capabilities of the personal data loss prevention system, limit the time for staff to access customers' personal data, centralise the management of internal policies and guidelines on the handling of personal data, and continuously and regularly review its personal data system so as to enhance the protection of customers' personal data.

¹⁰ The inspection report can be downloaded via the following link:

(III) Work done on Data Security

- 35. Data security is a key component of national security and the foundation of cyber security. Given that data includes personal data, it is crucial to protect personal data privacy so as to safeguard data security. The PCPD publicised, promoted and strove to safeguard data security through different means, including:
 - With a view to providing enterprises with a one-stop platform on information concerning data security, the PCPD launched the Data Security thematic webpage and the "Data Security Scanner" in November 2023. The data security hotline was introduced at the same time;
 - The PCPD and the Hong Kong Productivity Council Cyber Security jointly released the results of the "Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness" survey report in November 2023;
 - The PCPD published a leaflet on the "Guidance on Data Security Measures for Information and Communications Technology" in February 2023, with a view to explaining the recommended data security measures;
 - The PCPD issued a new "Guidance on Data Breach Handling and Data Breach Notifications" in June 2023 to assist organisations to prepare for the contingency of a data breach and to handle a data breach incident so as to contain the damage and harm that follows from such incident;
 - The PCPD published a leaflet entitled "10 TIPS for Users of AI
 Chatbots" in September 2023 so as to help users protect their personal
 data privacy when using AI chatbots. The Privacy Commissioner also
 publishes articles from time to time on the privacy risks in relation to AI;
 - The PCPD invoked its power of compliance check or investigation (sections 8(1) and 38(b) of the Ordinance) to handle 236 self-initiated

compliance checks and 157 data breach notifications in 2023, with a view to assisting the organisations concerned in handling the relevant incidents and taking remedial measures to comply with the requirements of the Ordinance and minimising recurrence of similar incidents. In addition, the PCPD also invoked its power of handling complaints or investigations (section 38(a) of the Ordinance) to handle complaints relating to deficiencies in data security. In 2023, the PCPD received 272 complaints relating to data security;

- Section 36 of the Ordinance also empowers the Privacy Commissioner to conduct inspections of the personal data systems established by organisations. As a precautionary measure, the PCPD provides organisations with specific recommendations to enhance their protection of personal data privacy and data security through on-site inspections of their personal data systems so as to assist them in complying with the requirements of the Ordinance. Organisations inspected in 2023 include REO and ZA Bank;
- The PCPD published an investigation report on the unauthorised access to the credit data in the TE Credit Reference System in June last year. In the light of the findings of the investigation report and the concern raised by the community on the handling of borrowers' credit data by credit reference agencies in Hong Kong, the PCPD proactively commenced compliance checks of all credit reference agencies in Hong Kong to ascertain whether the security measures and retention periods adopted by credit reference agencies regarding the credit data of borrowers comply with the requirements of the Ordinance;
- The PCPD also actively organised or participated in different seminars or conferences to explain the importance of cyber security and data security. The PCPD also enhanced the awareness of organisations to safeguard data security through training courses and promotional

- activities. The PCPD organised in-house seminars for a total of 115 organisations in 2023; and
- The Privacy Commissioner also published articles from time to time to educate the public and different sectors on the importance of data security and the potential risks that they need to beware of.

(IV) Responding to Enquiries

36. In 2023, the PCPD received a total of 15 914 enquiries, representing an increase of 7% as compared with 14 929 enquiries in 2022. Most of the enquiries related to the collection and use of personal data (32%), PCPD's complaint handling policy (8%), application of the Ordinance (6%), employment issues (6%), and access to and correction of personal data (6%). In 2023, the PCPD received 793 enquiries relating to suspected personal data fraud, an increase of 12% when compared to 707 cases in 2022.

(V) Appeals lodged with the Administrative Appeals Board

37. A total of 20 appeal cases were received in 2023, of which 13 were made against the Privacy Commissioner's decisions of not carrying out a formal investigation or terminating an investigation, and seven against the Privacy Commissioner's decisions of not serving an Enforcement Notice after investigation. During the year, the Administrative Appeals Board handed down a total of four decisions (including decisions on the appeals lodged in the previous years), in which three cases were dismissed and one case was partly allowed.

(VI) Promotion, Publicity and Public Education

Promotional and Educational Work to Combat Doxxing

38. During the year, the PCPD organised 49 seminars or webinars on combatting doxxing for various sectors, such as education, legal and business sectors, and attracted nearly 13 000 participants. This included the School Touring of Antidoxxing Education Talks. The PCPD also published a new Chinese book entitled 《私隱法·保一了解你的個人資料私隱》 ("The Treasure-trove of Privacy – Understanding Your Personal Data Privacy"), which included a dedicated chapter on the new doxxing offences. In addition, the PCPD continued to broadcast promotional videos relating to the Amendment Ordinance and anti-doxxing on TV and online platforms to reach out to the wider public.

Disseminating Messages on the Protection of Personal Data Privacy

- 39. In 2023, the PCPD continued to organise physical or online seminars and professional workshops on various topics for stakeholders. A total of 416 professional workshops, talks, online or physical seminars and meetings with stakeholders were held with over 36 608 participants.
- 40. During the reporting year, the PCPD continued to provide stakeholders and members of the public with advice on a variety of issues relating to personal data privacy by issuing advisories, guidelines, pamphlets and media statements, and responding to media enquiries.
- 41. The PCPD issued a total of 63 media statements, responded to 155 media enquiries and gave 63 radio, television and newspaper interviews in 2023, which covered topics including a number of personal data breach incidents and data security, children and adolescent privacy, personal data privacy challenges brought

about by generative AI, precautions against personal data fraud, cross-boundary data flow, as well as the relationship between intimate images and personal data. Four media briefings were held in February, June, November and December 2023. The PCPD also issued 634 posts on different social media platforms to provide the latest news and developments pertinent to privacy protection.

- 42. Over the past year, the PCPD issued multiple publications on various hot topics, providing stakeholders with practical guidance and compliance recommendations. Insofar as emerging technologies is concerned, in view of the significant surge in the use of generative AI tools in 2023 which has led to the rising popularity of AI chatbots powered by generative AI, the PCPD issued a leaflet entitled "10 Tips for Users of AI Chatbots", which aims to help users protect their personal data privacy and provide tips on the safe use of AI chatbots. The PCPD also issued other publications in relation to emerging technologies and the use of online platforms or social media, including a report on "Privacy Protection in the Digital Age: A Comparison of Privacy Settings of 10 Online Shopping Platforms", a leaflet on "Tips for Users of Online Shopping Platforms" and a leaflet on "Sharenting Dos and Don'ts".
- 43. With the ever-evolving nature of technologies, organisations are confronted with escalating cybersecurity threats. As there has been an upward trend in personal data breach incidents, the PCPD issued a new "Guidance on Data Breach Handling and Data Breach Notifications" to assist organisations in preparing themselves in the event a data breach occurs. The Guidance also contains practical recommendations to help organisations handle personal data breaches so as to contain the damage and harm that follows from such incidents.
- 44. Separately, human resource management involves handling a vast amount of personal data, and the PCPD receives enquiries and complaints about human resource management practices and employment from time to time. As such, during

the reporting year, the PCPD issued two guidance materials on humans resources management and employment: "Human Resource Management: Common Questions" and the "Note for Job Applicants on Disclosure of Criminal Records". For other publications issued by PCPD, please refer to the Annex.

"Privacy-Friendly Awards"

45. During the reporting year, the PCPD launched its flagship event – the "Privacy-Friendly Awards 2023" under the theme of "Embrace Privacy Management Programme to Gain Trust and Benefits" to promote the establishment of a Personal Data Privacy Management Programme to organisations. The Awards Presentation Ceremony, officiated by Mr Erick TSANG Kwok-wai, Secretary for Constitutional and Mainland Affairs, was successfully held in August 2023. A total of 138 enterprises, including public and private organisations, as well as government departments, were awarded to recognise their commitment and performance in protecting personal data privacy.

Engaging Youngsters

- The PCPD launched a short video competition for primary school students themed "Respecting Privacy Begins with Me", which aimed to raise children's awareness of respecting and protecting personal data privacy through creating videos. Over 320 Primary 3 to 6 students from 41 schools participated in the competition, submitting a total of 74 entries. An awards presentation ceremony was successfully held in May 2023 to recognise the efforts of 23 outstanding primary school teams.
- 47. To raise secondary school students' awareness of personal data protection when using social media, and cultivate the right attitude of saying "no" to cyberbullying and doxxing, the PCPD has organised the School Touring of Antidoxxing Education Talks to explain relevant information to secondary school

students onsite. During the reporting year, the PCPD visited 25 secondary schools to hold the anti-doxxing education talks for over 9 300 students.

Launching a New Book 《私隱法·保—了解你的個人資料私隱》

48. In the light of the rapid technological changes and different challenges posed to personal data privacy in recent years, the PCPD collaborated with the City University of Hong Kong Press to publish a new book entitled 《私隱法·保一了解你的個人資料私隱》 ("The Treasure-trove of Privacy – Understanding Your Personal Data Privacy"). The book delves into the new doxxing offences and topical privacy issues arising from emerging technologies such as artificial intelligence, chatbot, Web 3.0 and the metaverse, with a view to enabling the public to better understand the requirements of the Ordinance and how to protect their personal data privacy in their daily lives.

Enhancing Public Awareness of Fraud Prevention

- 49. In view of the ever-evolving deceptive tactics used by fraudsters, it is crucial to raise public awareness of the prevention of fraud. The PCPD therefore launched a new dedicated webpage entitled "Anti-Fraud Tips" in January 2023 to provide a one-stop information portal for members of the public. The PCPD also issued media statements from time to time to urge the public and organisations to guard against fraudulent websites and SMS messages, as well as hijacking and misuse of WhatsApp account.
- 50. In addition, the PCPD launched a series of anti-fraud publicity activities under the theme of "Don't Hand Over Your Personal Data Beware of Fraudsters", which included inviting artists Alice FUNG So-bor (馮素波) and Timothy CHENG Tse-sing (鄭子誠) to perform as key roles in the promotional videos to convey the

message of fraud prevention in a realistic yet light-hearted way. The videos have been broadcast on local TV, online platforms and MTR in-train TVs in phases starting from June 2023. The PCPD also distributed anti-fraud promotional posters to District Offices, community centres, elderly centres and schools, and promoted anti-fraud messages across major public transportation networks and online platforms.

- 51. On 8 December 2023, the PCPD organised a seminar on "Safe Use of WhatsApp and Social Media Platforms" to explain the deceptive tactics used by fraudsters to hijack WhatsApp accounts, attracting over 600 participants. To enhance the anti-fraud awareness of the elderly, the PCPD's Volunteer Team organised two talks on fraud prevention for the elderly during the Chinese New Year and Christmas periods in 2023.
- 52. Highlights and figures of the PCPD's promotion, publicity and public education work in 2023 are detailed in **Annex**.

(VII) International and Mainland Connections

- 53. In view of the global nature of the challenges in personal data privacy protection in this increasingly interconnected world, the PCPD actively participated in the activities and work of the data or privacy protection community at regional and international levels in 2023. By engaging in regular communications with data protection authorities around the globe, the PCPD strengthened the ties and shared insights and experiences in personal data privacy protection with fellow data protection authorities. The expertise obtained from these exchanges also enabled the PCPD to keep abreast of the latest global trends in privacy protection.
- 54. Besides, as the flow of data plays a crucial role in driving the development of Hong Kong as a smart city and the establishment of the "Digital Bay Area", the

PCPD engaged in multiple exchanges and collaborations with the relevant authorities and organisations in the Guangdong-Hong Kong-Macao Greater Bay Area (Greater Bay Area) in 2023 to share experiences and explore common privacy protection issues.

- 55. Hong Kong and Macao, being Special Administrative Regions of the country, are uniquely positioned in the Greater Bay Area. In April 2023, the PCPD and the Office for Personal Data Protection, Macao (GPDP) held a meeting in Macao to strengthen ties and explore opportunities to establish closer cooperation.
- 56. At the global level, in May 2023, the PCPD and the National Privacy Commission (NPC) of the Philippines signed a Memorandum of Understanding (MoU) in Hong Kong to strengthen ties and foster closer cooperation in the protection of personal data privacy. Under the MoU, the scope of collaboration includes the sharing of information involving investigations or any other enforcement actions, providing mutual assistance in joint investigations into cross border personal data incidents or breaches, and collaboration in training and education on current and emerging data protection issues. The MoU forms the basis of a closer relationship between the two authorities on matters of mutual regulatory interest.
- 57. During the year, the PCPD remained active in various international and regional forums of data protection authorities, including Global Privacy Assembly (GPA)¹¹, Asia Pacific Privacy Authorities (APPA)¹², Global Privacy Enforcement Network (GPEN)¹³ and the Data Privacy Sub-group under the Digital Economy

¹¹ The GPA is the leading international forum for over 130 data protection authorities from around the globe to discuss and exchange views on privacy issues and the latest international developments.

¹² The APPA is the principal forum for privacy and data protection authorities in the Asia Pacific region to strengthen cooperation, discuss best practices and share information on privacy regulation, new technologies and the handling of privacy-related enquiries and complaints.

¹³ The GPEN was established to foster cross-border cooperation among privacy enforcement authorities. It comprises over 70 law enforcement agencies around the globe that have enforcement powers on personal data and privacy protection.

Steering Group (DESG) of the Asia-Pacific Economic Cooperation (APEC) ¹⁴. Apart from attending the 59th APPA forum in Mexico, the 60th APPA forum in Australia and the 45th annual conference of the GPA in Bermuda, the PCPD continued to co-chair the International Enforcement Working Group (IEWG) of the GPA and co-hosted a capacity building workshop for participating GPA members on the topic of "Managing Breach Notifications and Investigations" on the margins of the 45th annual conference of the GPA.

- 58. In view of the potential personal data privacy risks brought about by technological developments, the PCPD has been actively collaborating with international counterparts to address the relevant challenges posed by rapid technological developments to personal data privacy. For instance, in response to the issue of mass data scraping from online platforms, particularly social media platforms, in recent years, which are often linked to the commission of data fraud and other crimes, the PCPD, as the co-chair of the IEWG, joined hands with 11 privacy/data protection authorities around the world to issue a joint statement to these online platforms in August 2023. The signatories promulgated global expectations and principles on privacy protection to the platforms, with a view to highlighting the key privacy risks associated with data scraping and reminding them of their responsibilities to protect personal data from unlawful data scraping. A series of measures were also recommended to be implemented by the platforms to mitigate the privacy risks of data scraping.
- 59. In view of the Government's policy initiative in advancing the development of digital government and promoting digital economy, the PCPD has been actively engaging in communications with the relevant organisations in the Guangdong-Hong Kong-Macao Greater Bay Area (Greater Bay Area), including visiting the

14 The DESG aims to facilitate the development of the internet and digital economy, including e-commerce and digital trade, by creating legal, regulatory and policy environments in the APEC region that are predictable.

digital trade, by creating legal, regulatory and policy environments in the APEC region that are predictable, transparent and consistent. The Data Privacy Subgroup under the DESG aims to analyse and identify best practices in promoting the cross-border flow of information.

Shenzhen Data Exchange, Nansha Planning Exhibition Hall and China Future Internet Engineering Center (Greater Bay Area Innovation Center) in June and September 2023 respectively to understand the development of the Mainland's digital economy.

(VIII) Strategic Focus 2024

Robust Enforcement

- 60. Since the Amendment Ordinance came into effect in October 2021, the PCPD has been striving to enforce the new provisions to deter and combat doxxing acts in order to safeguard personal data privacy.
- 61. Although the problem of doxxing on the Internet has greatly ameliorated, the Internet is still the main channel for the perpetration of doxxing acts. In the circumstances, apart from maintaining regular cyberpatrols, the PCPD will also strengthen its internal training on cyber-crime investigation and digital forensic examination to ensure that we can more effectively conduct criminal investigation and collection of evidence on a "one-stop" basis. In parallel, we will continue to raise public awareness through promotion and education to curb doxxing acts. In 2024, the PCPD will continue to organise the School Touring of Anti-doxxing Education Talks to promote anti-doxxing and anti-cyberbullying messages to more secondary school students.

Promoting Data Security, Strengthening Education

62. With the rapid development of technology in recent years, data security has become an important issue that has to be addressed. In view of this, the PCPD launched the Data Security thematic webpage, a "Data Security Scanner" and the data security hotline in 2023. The PCPD also reminded the public and organisations

of the importance of safeguarding data security in various ways such as issuing guidances and leaflets, organising seminars and publishing articles, etc.

63. In the coming year, the PCPD will continue with its publicity and public education work in different aspects and scales, including using data security as the theme in the annual flagship event "Privacy Awareness Week", conducting a series of promotional activities, organising seminars on data security for organisations, etc., with a view to improving the ability of organisations to safeguard data and enhancing public awareness of data security. In addition, the PCPD will continue to proactively reach out to the community, and advise the public on the enhancement of data security and cybersecurity. The PCPD has plans to issue information leaflets to advise the public on how to strengthen protection of personal data in the use of smartphones and other information technology devices such as cloud computing devices, portable storage devices and employees' own devices.

Strengthening privacy protection to support the development of digital economy

Development of the People's Republic of China and the Long-Range Objectives Through the Year 2035" ("14th Five-Year Plan") clearly states the Country's commitment to developing digital economy, promoting digital industrialisation and industry digitisation, and deepening the integration of digital technologies with the economy, thereby building a globally competitive cluster of digital-based industries. It also affirms support for Hong Kong's development as an international I&T hub. Besides, the "Hong Kong I&T Development Blueprint" promulgated by the Government in December 2022 also aimed to "promote digital economy development and develop Hong Kong into a smart city" and "accelerate the

development of digital economy and smart city to enhance citizens' quality of life" respectively as part of the four development directions and eight major strategies. 15

65. The PCPD has been keeping in view the Government's various measures to develop Hong Kong into a smart city, such as the "iAM Smart" application which facilitates citizens' use of one-stop electronic government services, and the Consented Data Exchange Gateway which facilitates data interchange within the Government, and providing professional advice and recommendations to the Government from the perspective of the protection of personal data privacy in a timely manner to ensure that the relevant measures comply with the requirements of the Ordinance.¹⁶

Besides, the Privacy Commissioner, as a member of the Sub-group on Cross-66. boundary Data Collaboration of the Digital Economy Development Committee set up by the Financial Secretary and a member of the Hong Kong Expert Group on Cross-boundary Data Collaboration, has also been providing professional advice on cross-boundary data flow.

67. To support the development of digital economy, the PCPD will actively make reference to the experience of other jurisdictions in facilitating the handling of personal data for promoting innovation, including studying relevant legal provisions and administrative measures in order to ensure that the Ordinance provides adequate protection for personal data while at the same time contributing to the development of innovation and technology.¹⁷ In supporting the development of Hong Kong as an international innovation, technology and data hub, the PCPD will also continue to offer professional and pertinent advice to the Government on matters relating to the protection of personal data privacy.

¹⁵ https://www.itib.gov.hk/assets/files/Policy Statement Eng.pdf (paras 2 and 9)

¹⁶ https://www.info.gov.hk/gia/general/202305/31/P2023053100488.htm (answer to O.3); https://www.itib.gov.hk/assets/files/Policy Statement Eng.pdf (paras 19(4.12) and (4.14)) https://www.info.gov.hk/gia/general/202305/31/P2023053100488.htm (answer to Q.3)

Addressing the challenges posed by the development of emerging technologies

- 68. In this digital era, the rapid development of technology has brought about numerous benefits and opportunities across various domains. The widespread adoption of emerging technologies such as artificial intelligence has revolutionalised the way individuals and organisations live and work. The results of the "Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness" survey report, which were jointly released by the PCPD and the Hong Kong Productivity Council Cyber Security in November 2023, revealed that around 40% of enterprises used emerging technologies such as generative AI and Internet of Things in their operations. Also, the enterprises in general were aware of the risks to privacy in using emerging technologies, and considered that the use of generative AI having the highest level of privacy risk. The PCPD shall continue to keep abreast of the developments of emerging technologies with a view to understanding and timely advising the public on the potential privacy risks.
- 69. It is anticipated that discussion around the advancement of AI will persist throughout the upcoming year. In 2023, our office has been closely monitoring the development of AI and its associated personal data privacy risks. Going forward, the PCPD will undertake more comprehensive studies and external engagements with stakeholders regarding the personal data privacy impacts brought by AI to its users, with particular focus on corporate users from various sectors. In particular, the PCPD intends to publish an AI governance framework in 2024, together with a compliance check report regarding the processing of personal data in the development or use of AI systems and provide practical advice to those organisations from the perspective of personal data protection. To foster engagement with stakeholders, the PCPD will also actively collaborate with different organisations and professional bodies to promote the importance of protecting personal data privacy to various sectors. In this regard, the PCPD has co-organised an

international conference in January 2024 with the Programme on Artificial Intelligence and the Law of the Faculty of Law and the AI & Humanity Lab of the University of Hong Kong, entitled "Enhancing Personal Data Protection in the Age of Artificial Intelligence".

- 70. The advancement of AI not only garners attention locally but also sparks extensive discussions among privacy regulators around the world. Recognising the alarming problem of massive data scraping for generative AI training purposes, and as part of the follow-up actions on the international joint statement on data scraping of which the PCPD is a co-signatory, the PCPD and other co-signatories will embark on discussions with major social media platforms with a view to finding appropriate solutions to the data scraping issue. In addition, as a member of the Ethics and Data Protection in AI Working Group of the GPA, the PCPD will continue to collaborate with overseas regulators to delve deeper into AI-related privacy issues.
- 71. Apart from AI, the privacy implications of other emerging technologies also call for our attention. The PCPD is committed to issuing guidance materials with practical tips for both individual users and organisations to raise their awareness about the responsible use of these technologies while adhering to the principles of privacy protection. For example, the PCPD plans to issue leaflets on the use of smartphones and social media in the first quarter of 2024, and will continue to advocate the implementation of Personal Data Privacy Management Program in 2024.

Legislative Amendments to the Ordinance

72. The PCPD is working closely with the Government to comprehensively review the Ordinance and formulate concrete proposals for legislative amendments.

- 73. The PCPD will make reference to relevant laws and experience of other jurisdictions and take account of the actual situation in Hong Kong so as to put forward practicable legislative amendment proposals to align with international developments in privacy protection, strengthen the protection of personal data privacy and address the challenges posed by cyber technologies.
- 74. The proposed amendments to the Ordinance include establishing a mandatory data breach notification mechanism, requiring data users to formulate data retention policies, empowering the Privacy Commissioner to impose administrative fines, introducing direct regulation of data processors, and clarifying the definition of personal data, etc. The Government and the PCPD will consult the Legislative Council Panel on Constitutional Affairs of the specific legislative proposals concerning the Ordinance at an appropriate juncture.

Promotion, Publicity and Public Education

- 75. In 2024, the PCPD will continue to, through public education, enhance the public's awareness of and compliance with the Amendment Ordinance to combat doxxing acts. Besides, given numerous fraud cases in which personal data is swindled for fraudulent purposes, the PCPD will continue to roll out more publicity initiatives in 2024 to raise public awareness of guarding against fraud and protecting personal data privacy, thereby preventing them from falling prey to scams.
- 76. The PCPD will continue to, through talks and educational activities, promote the importance of respecting and protecting personal data privacy among youngsters. In 2024, the PCPD will organise the "Student Ambassador for Privacy Protection Programme Partnering Schools Recognition Scheme" to encourage all secondary schools to join the network of "partnering schools", with a view to fostering the culture of respecting and protecting personal data privacy in campus.

77. In addition, to promote good data governance, the PCPD will continue to

promote the establishment of a Personal Data Privacy Management Programme by

organising experience sharing sessions by Privacy-Friendly Awardees.

International and Mainland Connections

78. On the international front, the PCPD will continue to participate in

international and regional forums, including the Global Privacy Assembly, the Asia

Pacific Privacy Authorities and the Global Privacy Enforcement Network, with a

view to showcasing good stories of Hong Kong and establishing closer working

relationship with PCPD's counterparts in other jurisdictions.

79. Given the close integration of cities within the Greater Bay Area, the PCPD

will continue to strengthen its collaboration with the relevant organisations and

professionals in the region, exploring areas of closer cooperation to expedite the

establishment of the "Digital Bay Area" and contributing to the development of

digital country.

(IX) Conclusion

80. Members are invited to note the content of this paper.

Office of the Privacy Commissioner for Personal Data, Hong Kong

February 2024

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Highlights and Figures of the PCPD's Promotion, Publicity and Public Education Work in 2023

1. Publicity and Education Materials Published for Organisations and the General Public

Book:

 《私隱法·保 — 了解你的個人資料私隱》 ("The Treasure-trove of Privacy – Understanding Your Personal Data Privacy")

Guidance:

- Guidance on Data Breach Handling and Data Breach Notifications
- Guidance on Election Activities for Candidates, Government Departments,
 Public Opinion Research, Organisations and Members of the Public
- Guidance on Cross-boundary Data Transfer: Standard Contract for the Cross-boundary Flow of Personal Information Within the Guangdong– Hong Kong–Macao Greater Bay Area (Mainland, Hong Kong)

Report:

- Privacy Protection in the Digital Age: A Comparison of Privacy Settings of 10 Online Shopping Platforms
- Survey Report on "Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness"

Information Leaflet:

 Guidance on Data Security Measures for Information and Communications Technology

- Sharenting Dos and Don'ts
- Guidance on Data Breach Handling and Data Breach Notifications
- 10 Tips for Users of AI Chatbots
- Human Resource Management: Common Questions
- Note for Job Applicants on Disclosure of Criminal Records

2. Public Education

- 416 professional workshops, talks, seminars, webinars and meetings with stakeholders were held with 36 608 participants
- 23 promotional and educational activities, with 1 772 550 participants
- Privacy Awareness Week with the theme of "Building from the Foundation – Respect and Protect Personal Data Privacy"

3. Industry Specific Campaign

 Organisation of and participation in 12 seminars or webinars for five sectors, namely, education, information technology, estate agency, social service and medical and healthcare sectors, with a total of 2 777 participants

4. Social Media

• 634 social media posts uploaded under 165 topics

5. Promotional Activities for the Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance)

- Published a new Chinese book entitled 《私隱法·保一了解你的個人 資料私隱》 ("The Treasure-trove of Privacy – Understanding Your Personal Data Privacy") that contains a new chapter on the new doxxing offences
- Conducted 49 seminars or webinars for various sectors, such as education,
 legal and business sectors, with nearly 13 000 attendees

6. Thematic Seminars on Topical Personal Data Privacy Issues

- Webinar on "Preventing and Handling Students' Misbehaviour involving Cyberbullying and Doxxing"
- Webinar on "Protection of Personal Data Privacy for the Estate Agency Sector"
- Webinar for Parents on "Prevention and Handling of Cyberbullying and Doxxing Behaviour involving Students"
- Webinar on "Review and Practical Implementation of the Mainland's Personal Information Protection Law"
- Seminar on "Cybersecurity in Web 3.0 and Data Breach Handling"
- Webinar on "Review of the Implementation of the EU's General Data Protection Regulation and the Way Forward"
- Experience Sharing Session on "Using Standard Contracts for Transferring Personal Information Out of the Mainland"
- Seminar on "Enhancing Data Security to Prevent Cyber Attacks"
- Experience Sharing Session on Good Data Governance by Privacy-Friendly Awardees 2023
- Seminar on "Safe Use of WhatsApp and Social Media Platforms"

7. Educational Activities for Youngsters

- Organised Awards Presentation Ceremony of Short Video Competition for Primary School Students on "Respecting Privacy Begins with Me"
- Conducted School Touring of Anti-doxxing Education Talks for over
 9 300 students from 25 secondary schools