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

# Data Stewardship in Action

實踐數據管治

2018-19

Annual Report 年報



# 目錄 CONTENTS

2	<b>私隱專員的話</b>	<b>PRIVACY COMMISSIONER'S MESSAGE</b>
8	<b>數據管治</b> 數據道德 私隱管理系統與數據道德 金融科技	<b>DATA STEWARDSHIP</b> Data Ethics Privacy Management Programme and Data Ethics Fintech
14	<b>公署簡介</b> 全年活動一覽 數字回顧 使命 公署架構 委員會	<b>ABOUT US</b> One Year at-a-glance A Year in Numbers Mission Statement Our Organisation Committees
30	<b>監督符規 擁抱挑戰</b>  循規行動 視察行動 資料外洩通報 2018 年抽查報告 個人資料的核對程序	<b>MONITORING COMPLIANCE EMBRACING CHALLENGES</b> Compliance Actions Inspection Data Breach Notifications Privacy Sweep 2018 Data Matching Procedure
52	<b>執法保障資料</b> 處理查詢 調查投訴 個案選錄 • 以作借鑑 檢控及定罪個案	<b>ENFORCING DATA PROTECTION</b> Handling Enquiries Complaints Investigation Summaries of Selected Cases • Lessons Learnt Prosecution and Conviction Cases
84	<b>捍衛法律保障</b> 公署就公眾諮詢所提交的意見書 公署對建議中的法例及行政措施所作的評論 向行政上訴委員會提出的上訴 法律協助計劃	<b>UPHOLDING LEGAL PROTECTION</b> Submissions Made in Respect of Public Consultations Comments Made on Proposed Legislation and Administrative Measures Appeals Lodged with the Administrative Appeals Board Legal Assistance Scheme
106	<b>推廣資料保障和尊重</b> 透過傳媒加強訊息傳播 推動機構保障資料 走進社區	<b>PROMOTING DATA PROTECTION AND RESPECT</b> Amplifying Messages through the Media Engaging Organisations in Data Protection Promoting Awareness in the Community
140	<b>加強對外聯繫</b> 國際資料保障及私隱專員會議 亞太區私隱機構 全球私隱執法機關網絡 亞太區經濟合作組織 — 電子商貿督導小組 資料私隱分組 與海外及內地資料保障機構 及私隱專家的交流 接待海外及內地訪客	<b>STRENGTHENING EXTERNAL CONNECTIONS</b> International Conference of Data Protection and Privacy Commissioners Asia Pacific Privacy Authorities Global Privacy Enforcement Network Asia Pacific Economic Cooperation Electronic Commerce Steering Group Data Privacy Subgroup Exchanges with Overseas and Mainland Data Protection Authorities and Privacy Experts Reception of Overseas and Mainland Delegations
148	<b>建立高質素專業團隊</b> 問責、公開、透明 內部管控 辦公地方 公開資料守則 提升服務質素 員工培訓及發展 專業精神 再獲肯定 嘉許 建立和諧共融的機構文化 招聘 支持員工事業發展 促進溝通 慈善活動 環保管理	<b>BUILDING A HIGH QUALITY PROFESSIONAL TEAM</b> Accountability, Openness and Transparency Internal Control Office Accommodation Code on Access to Information Service Enhancement Staff Training and Development Public Mission Well Received Staff Commendation Creating a Cohesive Organisational Culture Recruitment Supporting Personal Development Fostering Communication Charity Events Green Management
156	<b>財務報表</b>	<b>FINANCIAL STATEMENTS</b>
178	<b>附錄</b> 一：保障資料原則 二：公署發出的新聞稿 三：公署曾提供講座的機構 四：學校夥伴嘉許名單	<b>APPENDIX</b> 1: Data Protection Principles 2: Media Statements Issued by the PCPD 3: Organisations to Which the PCPD Delivered Talks 4: Partnering Schools of the Recognition Scheme

# PRIVACY COMMISSIONER'S MESSAGE

## 私隱專員的話

香港的公司及機構在這個數碼主導經濟的年代應作好準備，採納主動的數據管理作為企業價值、道德及責任，把法律要求融入以風險為本、可驗證及可執行的企業行事方式和管控措施，以應對全球的規管改變；實行最新的業務模式、數碼化、全球化，並確保資料保障、可持續性及信任。

**Companies and organisations in Hong Kong should be well poised to adopt proactive data management as corporate digital values, ethics and responsibilities in this era of data driven economy, translating legal requirements into risk-based, verifiable and enforceable corporate practices and controls, to address regulatory changes worldwide; enable updated business models, digitalisation, globalisation and ensure data protection, sustainability and trust.**

黃繼兒

香港個人資料私隱專員

**Stephen Kai-yi WONG**

Privacy Commissioner for Personal Data,  
Hong Kong





在 2018-19 年度，《通用數據保障條例》生效，不單對歐盟帶來一定影響，亦對全球的私隱規管架構和形勢帶來一些改變。該條例對傳統的資料保障作出更新，亦清楚訂明歐盟以外的機構須在指明的情況下遵從規例。該條例實在開創了新趨勢，是改變的催化劑。此外，香港和世界各地發生了不少大型的資料外洩事故，顯示提升資料保安已成為機構的迫切工作。公眾對數據管治的關注亦因這些事件而大幅增加。

### 執行法律

我們去年接獲 1,878 宗投訴，較上一年增加 16%。在接獲的投訴中，71.8% 是投訴私營機構（1,348 宗），主要涉及銀行及財務公司、物業管理公司，以及交通運輸公司。政府部門及公共機構約佔 12%（225 宗），主要涉及醫院或醫療機構、警務處，以及房屋管理機構。我們接獲與資訊科技有關的投訴有明顯上升的趨勢，升幅達 102%。有關資訊科技的投訴中，關於在互聯網上披露或洩漏個人資料的投訴宗數大幅上升超過三倍，而涉及社交網絡或智能手機應用程式的投訴，亦顯著上升。

去年，公署接獲 113 宗資料外洩事故通報。雖然數字與上一年度相若，似乎沒有大幅飆升，但這些數字卻未足以反映事件性質的複雜和嚴重程度，或受影響人數之多，至於我們在事件中為應付專業團隊而在技術和法律上付出的實質工作之多，更加不用多說了。一如以往，我們與有關機構並肩，協助它們採取即時補救行動，以減輕對受影響人士可能造成的損失。我們亦採取措施協助機構重建顧客的信心，以減少它們因事件而被顧客離棄的情況。

雖然個人資料不像其他動產（例如鈔票）或不動產般屬有形的資產，但那亦不足以免除企業沒有妥善地保護資料及沒有在達致有關目的而不再需要該資料時徹底銷毀資料的責任。《個人資料（私隱）條例》（《私隱條例》）規定機構有責任採取所有切實可行的步驟及措施，確保以適當的人士保障消費者的個人資料私隱權。顧客（資料當事人）及監管機構合理地期望企業能擁有一個完備、有效及可行、能適切企業的規模與需要、並可全面實施的私隱循規政策和計劃，以落實法例要求。這些政策和計劃是與有關企業相關的及可擴展的，以及在企業內外皆證明可行的。所要求的保安不單是以系統為本，而且是以數據為本。

During the year under review (2018-19), the EU General Data Protection Regulation (GDPR) came into effect, making quite an impact not only on the EU, but the global privacy regulatory frameworks and landscapes. It was indeed a trendsetter and a catalyst for change, given its updated data protection conventionally and the explicit requirement of compliance by organisations established outside EU in specified circumstances. In addition, a number of large-scale data breach incidents took place both in Hong Kong and in international arena, indicating that enhancing data security has now become a pressing task for organisations. Public concerns about data governance were also significantly heightened as a result.

### LAW ENFORCEMENT

We received 1,878 complaints last year, a 16% increase from the year before. Among the complaints received, 71.8% were on private organisations (1,348 cases), the majority of which included banking and finance institutions, property management companies and transportation companies. The government departments and public organisations accounted for about 12% (225 cases), most of which included healthcare services institutions, the Hong Kong Police Force and housing organisations. The number of complaints received relating to information technology has significantly increased by 102%. Among these IT related complaints, those relating to disclosure or leakage of personal data on the Internet has increased by more than three times, while complaints involving social networking or smartphone applications have also gone up significantly.

Last year, my office received 113 data breach notifications. While the figure was comparable to that of the preceding year and did not seem to show any alarming trend, it did not reflect the complexity and severity of the nature of the incidents, or the large number of individuals affected, not to mention the substantive technical and legal issues advanced in defence by the professional teams. As always, we worked hand in hand with the relevant organisations and engaged them to take immediate remedial actions to contain the possible damage to the attacked individuals. We also put forward steps to re-establish their consumers' trust with a view to reducing their defection.

The fact that personal data is less tangible than other personalty (e.g. bank notes) or realty does not absolve organisations of their failures to keep it safely and to obliterate it when it is no longer necessary for the fulfilment of the purpose for which the data is or is to be used. Our Personal Data (Privacy) Ordinance (Ordinance) provides that it is the responsibility of organisations to take all practicable steps and measures to ensure, *inter alia*, the right persons are engaged to protect the personal data privacy right of consumers. To give effect to the legal requirements, there is also an expectation of comprehensive, effective and evidenced privacy compliance policies and programmes being put in place, relevant and scalable for the businesses concerned, as well as demonstrable internally and externally. The security required is not merely system-centric but data-centric. This legitimate expectation comes from both the consumers, who are the data subjects, and the regulators.



## 合理期望

我們作為規管者一直向所有持份者（尤其是作為資料使用者的機構）強調，個人資料不屬於任何機構，而是屬於被收集資料的人士。因此，個人預期自己有權管控其個人資料是完全合理的。當然，純粹因為個人的資料私隱而鎖上資料是不會對公眾有利。在這個數碼主導的經濟中，大數據與資訊及通訊科技不斷發展，科學進步和社交互動帶來了巨大的利益。我們的重點是在資料保障與各方面的利益和權利之間取得平衡。

事實上，儘管資料保障法例不斷被修訂更新，但資訊及通訊科技的發展速度總是超越規管架構的組成。因此，單是符合規管要求是不足以有效地保障資料私隱及達到個人對私隱保障的期望。很多人因而認為資料保障法例應包含私隱問責性。

## 數據管治

良好的數據管理和管治或問責性的概念已多方面反映在很多法域的新法例中，例如歐盟的《通用數據保障條例》。雖然《私隱條例》尚未包含類似的問責原則，但香港的公司及機構在這個數碼主導經濟的年代應作好準備，採納主動的數據管理作為企業價值、道德及責任，把法律要求融入以風險為本、可證實及可執行的企業行事方式和管控措施，以應對環球的規管改變；實行最新的業務模式、數碼化、全球化，並確保資料保障、可持續性及信任。

當問責性開始佔一席位，在遵循法規之外輔以數據道德，在充滿變化的時期，成為培育資料保障的基石。數據道德價值一般集中於公平、尊重及互惠。實際上是涉及真正的選擇、有意義的同意、透明度、沒有偏見或歧視，以及機構與個人之間的公平磋商或交易。

由於使用資訊及通訊科技會帶來私隱風險，我們合理地預期機構會實施恰當的政策及措施，以辨識、評估和減低私隱及資料保安的風險。機構透過採納道德數據管理框架，在計劃及進行數據處理活動時會考慮所有持份者的權利、利益和自由。持份者不單包括機構的客戶和顧客，亦包括受數據處理活動影響的其他人士，以及整個社會。

## LEGITIMATE EXPECTATION

We as regulator have been stressing to all stakeholders, especially organisations as data users, that personal data does not belong to any organisations, but the individuals from whom the data is collected. With that in mind, it is entirely legitimate for individuals to expect that they are entitled to have control over it. Of course, it would not be in the interest of the public to have data locked up merely because of individuals' data privacy. We see the tremendous benefits brought about by scientific advancement and social interactions in this data-driven economy that keeps growing in parallel with Big Data and ICT developments. All we are talking about is to strike a balance between data protection and a variety of competing interests and rights.

Indeed, despite relentless attempts to revamp data protection laws, the ICT developments invariably outpace the formulation of regulatory framework. As a result, meeting regulatory requirements alone would not be effective enough to adequately protect data privacy, and live up to individuals' expectations of privacy protection. It is therefore widely believed that data protection laws should embody privacy accountability.

## DATA STEWARDSHIP

The idea of good data stewardship and governance, or accountability has in many ways been reflected, if not incorporated, in the new laws and regulations of many jurisdictions, to say the least the EU GDPR. While similar principle of accountability is yet to be provided for in our Ordinance, companies and organisations in Hong Kong should be well poised to adopt proactive data management as corporate digital values, ethics and responsibilities in this era of data driven economy, translating legal requirements into risk-based, verifiable and enforceable corporate practices and controls, to address regulatory changes worldwide; enable updated business models, digitalisation, globalisation and ensure data protection, sustainability and trust.

Whilst resonance of accountability has started to tune up, complementing compliance with the law by adopting data ethics will form the bedrock for nurturing and flourishing data protection in times of change. Data ethical values typically centre at fairness, respect and mutual benefits. In practical terms, they involve genuine choices, meaningful consent, transparency, no bias or discrimination and fair negotiation or exchange on a level playing field between organisations and individuals.

Given the privacy risks that may arise from the use of modern ICT, organisations are reasonably expected to implement proper policies and measures to identify, assess and mitigate privacy and data security risks. By adopting an ethical data stewardship framework, an organisation is expected to take into account the rights, interests and freedoms of all stakeholders in planning and conducting its data processing activities. The stakeholders do not include only the clients and customers of the organisation, but also other individuals that may be impacted by the data processing activities, as well as society as a whole.



在報告年度內，公署發布「處理數據的正當性」研究項目的報告，題為「中國香港可採用的道德問責框架」，倡議以數據管理問責要素及價值彌合法例要求和持份者期望兩者之間的落差。同時，自 2014 年以來，我們一直倡議透過私隱管理系統進行範式轉變，在良好的企業管治和高層的承諾下，由符規轉為問責，令法律和良好措施可以更為鞏固。我們修訂了最佳行事方式指引，以具體例子、簡潔圖表及相關問卷／清單範本協助機構建立全面的私隱管理系統。

在 2018 年 10 月於比利時布魯塞爾舉行的第四十屆國際資料保障及私隱專員會議通過了「人工智能的道德及資料保障宣言」，公署是共同提出者之一。大會依據該宣言成立了一個新的常設工作小組，在全球進一步推廣及發展該宣言所指明的指導原則。公署作為該常設工作小組的聯合主席，會繼續與本地及海外的持份者緊密合作，培養尊重私隱的文化和環境。

## 對外聯繫

我們透過與海外（九個國際會議）及內地（十個區域會議及訪問）的相關機構和學者建立的工作關係，繼續與世界各地的私隱同業加強跨境聯繫及互通性。在面對無疆界的數碼資料流動，要尋求有效的資料保障，各地規管者倘不能達成一個統一框架，便應共同研究一個互通的規管框架。同樣地，國際上與互聯網有關的機構更有理由就如何在個人私隱和保安與普及的內容和服務之間取得最佳平衡達成共識。

## 推廣及教育

我們在推廣及教育方面的工作一直不遺餘力地進行。我們除了為公營機構舉辦 201 場講座、研討會、會議及度新訂造課程，亦為不同界別的私營機構舉辦 153 場有關培訓；我們亦為政府部門（本港主要的資料使用者）舉辦了 70 個培訓項目。我個人則作出了 228 場演講。隨著金融科技的發展及其所帶來的影響，我們為營運者和使用者出版了有關金融科技的指引。此外，在報告年度內，我們發出或修訂了一些刊物，包括《資料外洩事故的處理及通報指引》、《私隱管理系統最佳行事方式指引》、《個人資料 由你掌握：

During the report year, my office released the report of the research “Legitimacy of Data Processing Project”, entitled “Ethical Accountability Framework for Hong Kong, China”, advocating Data Stewardship Accountability Elements and Values as the solution in bridging the gap between legal requirements and the stakeholders’ expectations. Meanwhile, since 2014, we have been advocating a paradigm shift through the Privacy Management Programme (PMP) by which law and good practices could be entrenched, and compliance be transformed to accountability alongside the commitment of the top management in better corporate governance. We have revised the best practice guide with more concrete examples, charts, templates of questionnaire and checklist to assist organisations in constructing a comprehensive PMP of their own.

At the 40<sup>th</sup> International Conference of Data Protection and Privacy Commissioners held in Brussels in October 2018, a Declaration on Ethics and Data Protection in Artificial Intelligence was passed, of which my office was one of the co-sponsors. A new permanent working group has been set up pursuant to the Declaration to further promote and develop the guiding principles as illustrated in the Declaration across the globe. Being one of the co-chairs of the permanent working group, my office will continue to work closely with stakeholders, both at home and abroad, to nourish a culture and environment that respects privacy.

## EXTERNAL CONNECTIONS

We continued to strengthen our cross-border/boundary ties and interoperability with privacy landscape architects and designers around the world via the established work relationship with the relevant authorities and academia, not only overseas (nine international conferences) but also in the mainland of China (ten regional conferences and visits). In the pursuit of effective data protection while facing the borderless/boundary-less nature of digital data flow, regulators are widely expected to put their heads together for an interoperable regulatory framework, if not a harmonised one. Similarly, international Internet-related organisations will have all the reasons to reach a consensus on how best personal privacy and security with popular content and services could be balanced.

## PROMOTION AND EDUCATION

We spared no efforts in promotion and education. In addition to 201 lectures, talks, seminars, symposiums and training courses customised for public organisations and 153 for private sectors, we organised 70 training programmes for government departments, being the major data users in Hong Kong. I personally made 228 speaking engagements. With the growing presence and impact of Fintech, we issued guidance on Fintech for the operators and users. In addition, during the reporting year, we issued or revised the publications including the Guidance on Data Breach Handling and the Giving of Breach Notifications, Privacy Management Programme: A Best Practice Guide, Children Privacy Extras: Personal Data Protection in Your Hands, as well as the

兒童號外篇》，以及處理投訴政策。我們因應內地的發展而就內地的主要個人資料規例所製作的教材，亦即將推出。在與公眾溝通方面，我們共發出 30 份新聞稿、在 171 個場合中回應傳媒查詢，以及接受了 82 次傳媒訪問。

## 條例檢討

有人認為數據是這個年代的新黃金或新石油。機構在沒有完全理解所涉的風險前，已急於收集及儲存個人資料，而它們所保存的大量數據令它們成為網絡攻擊的主要目標。2018 年，環顧國際和本地，航空公司、酒店、社交媒體平台成為網絡攻擊的受害者，事件登上國際頭條。從最近的資料外洩事故、環球的資料保障規例的改革（包括歐盟的《通用數據保障條例》），以及傳媒、社會及立法會的意見（包括 2019 年 5 月 22 日立法會通過的動議）來看，全面檢討《私隱條例》是必要的。

因此，公署正進行全面檢討條例的工作，考慮的因素包括：

- (a) 修例工作的合法目的；
- (b) 修例工作的迫切需要；
- (c) 擬議的更改與要達致的合法目的是否相稱；
- (d) 除了透過修訂條例，是否還有其他實際有效的方法處理有關問題；
- (e) 環球的資料私隱趨勢；
- (f) 本地的情況；
- (g) 所有持份者的利益；及
- (h) 社會大眾的利益。

## 香港作為區域性的數據樞紐

在「一國兩制」的成功落實和香港獨特及無可取代的優勢得以利用下，我有信心香港能在資訊自由流通與個人資料私隱之間取得平衡，而無損經濟和資訊及通訊科技的發展，從而促進香港發展為區域性的數據樞紐，尤其作為「一帶一路」經濟體和大灣區的經濟、社會及文化發展的關鍵聯繫和主要平台。

Complaint Handling Policy. We drafted educational materials on major personal data protection regulations in the mainland of China, given its recent developments in this aspect, ready to be issued. For public consumption, we also issued 30 press releases, responded to media enquiries on 171 occasions, and attended 82 media interviews.

## REVIEW OF THE ORDINANCE

It is said that data is the new gold or new oil of this era. Without fully appraising the risks involved, organisations are attracted to collect and amass personal data and the massive data organisations retained as a result makes them prime targets for cyber-attacks. In 2018, globally and even locally we witnessed that airlines, hotels, social media platform have fallen prey of cyber-attacks which made international headlines. The recent data breach incidents, complied with the recent global transformation of data protection regulation including the EU GDPR, and views expressed in the media, society and Legislative Council (LegCo) including the motion passed by the LegCo on 22 May 2019 seem to have made a comprehensive review of the Ordinance indispensable.

Against this background, my office was in the process of conducting a comprehensive review of the Ordinance, guided by a consideration of factors including:

- (a) the legitimate purpose of the reform;
- (b) the pressing need for the reform;
- (c) the proportionality between the proposed change and the pursuance of the legitimate purpose;
- (d) whether there are any other practical and effective means to address the problem (other than amending the Ordinance);
- (e) the global data privacy landscape;
- (f) the local circumstances;
- (g) the interest of all stakeholders; and
- (h) the interest of the community at large.

## HONG KONG AS A REGIONAL DATA HUB

With the successful implementation of "One Country, Two Systems" and capitalisation of Hong Kong's unique and irreplaceable attributes, I am confident that Hong Kong is able to strike a balance between free flow of information and personal data privacy protection without compromising economic and ICT development, so as to facilitate Hong Kong to develop as a regional data hub, as well as a key link and prime platform for economic, social and cultural development particularly in the Belt and Road economies and the Greater Bay Area.





公署會繼續公平執法，加強在教育及宣傳方面的工作，同時在規管框架之外，倡議機構引入私隱管理問責及數據道德標準，以培養保障、尊重私隱和個人資料掌控的文化。我們除了擔當執法者及教育者之外，亦協助機構（包括政府）進行涉及個人資料私隱的工作，包括智慧城市項目及就條例檢討提供建議。

## 面對挑戰

基本上，當個人就其個人資料與機構溝通時，他們並不預期出現令人驚訝的事。個人的期望及他們的行為資料彙編在機構的需求函數中是個常數，要與產品或服務的供應達成平衡，是需要不時作出調整。

在涉及感官能力、認知能力、機械人、機器學習、雲服務等技術的廣泛應用下，規管者現時所面對的其中一項挑戰，是如何在法律及道德框架下協助開放和分享個人資料，以可持續的方式從資料中獲取最大益處，而同時又能夠將相關風險和傷害減至最低，與經濟增長創造健康的協同效應，在後數據導向的經濟中找出及確立創新使用個人資料的方法。隨著時間過去，很多我們今天認為屬於私人的資訊或行為，他日不會如是，這幾乎是無可避免的。

資料保障政策、規例及措施總是落後於資訊及通訊科技的發展。當私隱保障科技繼續在能量和規模方面發展之餘，私隱侵犯技術亦會不斷發展。我們以前不會身處無處不在的監察環境，亦沒有網上社交平台或應用程式，用來達成預料不到的政治結果。不過，個人縱使並非只為追求時尚，而是講求便捷，都會較以前放棄更多的個人資料，這在新興的經濟體中尤其如此。今日不論是規管者或機構所要作出的平衡工作，看來在未來十年內未必可行。

我期望繼續與所有本地和國際公私營機構的持份者、公署委員會成員及同事並肩迎接未來的挑戰和機遇。

### 黃繼兒

香港個人資料私隱專員

My office will continue to enforce the law fairly and step up its educational and publicity efforts, and at the same time advocate the introduction of privacy management accountability and data ethical standards in organisations, complementing the regulatory framework, so as to foster a culture of protect, respect privacy and personal data control. In addition to our role as enforcer and educator, we will facilitate organisations including the Government on initiatives involving personal data privacy, including the Smart City initiatives and making recommendations on the review of the Ordinance.

## THE CHALLENGES AHEAD

Essentially, individuals expect no surprises when they deal with organisations in relation to their personal data. Individuals' expectations, alongside their behavioural profiling, will become a constant in the organisations' demand function and the equilibrium against their supply of products or services will need to be adjusted from time to time.

One of the challenges that regulators have to continue to meet will be how they could help unlock and share personal data within the legal and ethical frameworks in the midst of widely applied sensory ability, cognition, robotics, machine learning and cloud services, etc., with a view to maximising the benefits of data in a sustainable way, minimising the risks and harms, creating healthy synergy with economic growth, identifying and securing the innovative use of personal data in a post-data-driven economy. It is almost inevitable that much of the information or behavior that we consider private today will not be so as time goes on.

Data protection policies, regulations and practices are invariably lagging behind ICT developments. Whilst privacy-protective technology will continue to grow in power and magnitude, so will privacy-intrusive technology. We have never had ubiquitous surveillance before. Nor have we had Internet social platforms or applications to achieve unexpected political results. That said, individuals will tend to give up more and more of their personal data than before for ease and convenience, if not for being trendy, especially in the emerging economies. The balancing exercise, whether on the part of regulators or organisations, that is working today may not be seen as workable in 10 years' time.

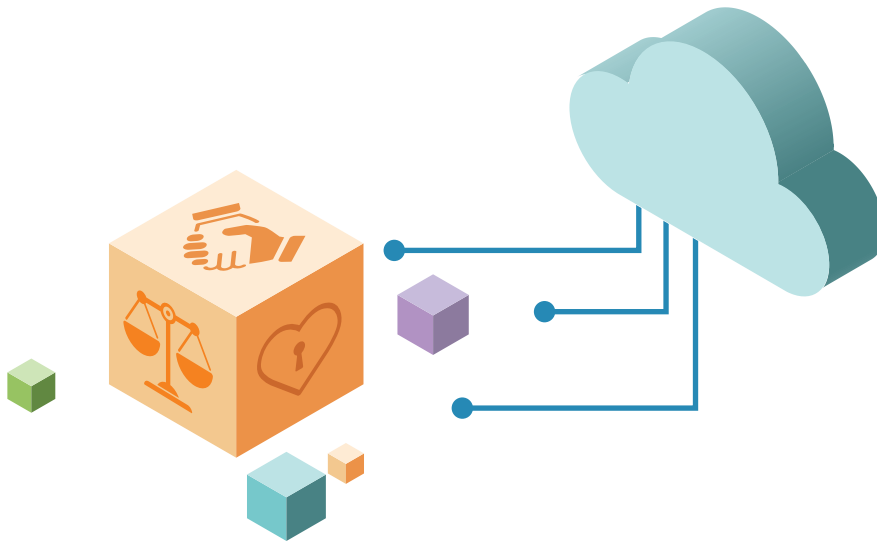
I look forward to continuing to work with all stakeholders, public and private, local and inter-regional, as well as committee members and colleagues in embracing further challenges and opportunities.

### Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong



## 數據管治 DATA STEWARDSHIP



### 數據道德

#### 擁抱「尊重」、「互惠」及「公平」 的道德價值 實施數據管治，以建立信任

隨著社交媒體、大數據分析及人工智能等的數碼服務及數據科技的興起，資料保障工作的挑戰愈趨嚴峻。傳統的資料保障原則（例如透明度、資料使用限制、資料最少化）的成效開始受到質疑。在資料保障方面，消費者不再滿足於機構只遵循法律規定的做法，而是要求數據道德。

公署於2018年2月委託顧問進行了一個名為「處理數據的正當性」的研究，目的是找出數據道德的核心價值，並制定方法協助機構將數據道德應用於實際操作。超過20間來自銀行、保險、電訊、醫療服務和交通運輸等行業的香港機構應邀參與該研究及提供意見。顧問研究於2018年10月完成，並發布了名為「中國香港可採用的道德問責框架」的報告。顧問報告的全文可於公署網頁下載：  
[https://www.pcpd.org.hk/tc\\_chi/resources\\_centre/publications/surveys/surveys.html](https://www.pcpd.org.hk/tc_chi/resources_centre/publications/surveys/surveys.html)

### DATA ETHICS

#### CULTIVATE TRUST BY EMBRACING THE ETHICAL VALUES OF RESPECTFUL, BENEFICIAL AND FAIR, AND IMPLEMENTING DATA STEWARDSHIP

Challenges to data protection are increasingly acute with the rise of digital services and data technologies such as social media, big data analytics and artificial intelligence. Effectiveness of the conventional data protection principles (e.g. transparency, use limitation of data, data minimisation) is beginning to be called into question. Consumers are no longer content with mere legal compliance by organisations in data protection, but are calling for data ethics.

Against the background, the PCPD commissioned a consultancy study known as the “Legitimacy of Data Processing Project” in February 2018 with a view to identifying the core values of data ethics and developing tools to assist organisations to put data ethics into practice. More than 20 Hong Kong organisations from banking, insurance, telecommunications, healthcare services, transportation and other sectors participated in the study by invitation to provide advice. The study was completed with the consultancy report published in October 2018, titled “Ethical Accountability Framework for Hong Kong, China”. The full report can be downloaded from the PCPD’s website:  
[https://www.pcpd.org.hk/english/resources\\_centre/publications/surveys/surveys.html](https://www.pcpd.org.hk/english/resources_centre/publications/surveys/surveys.html)

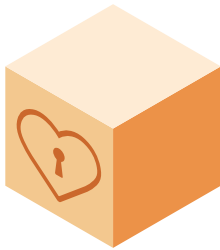


## 數據道德的三個核心價值

報告建議，當機構進行數據處理活動，尤其是大數據分析、機器學習、人工智能等高階數據處理活動，並因此可能對個人的權利、自由和利益帶來重大影響，便應遵守以下三個數據道德的核心價值。

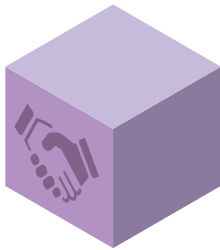
## Three core values of data ethics

The study recommended the following three core values of data ethics that organisations should embrace when conducting data processing activities that might have significant impact on the rights, freedoms and interests of individuals, particularly in advanced data processing activities such as big data analytics, machine learning and artificial intelligence.



### 尊重 Respectful

- 機構須就其開展的高階數據處理活動負責，並要顧及對所有持份者的影響。
- 針對個人所作出的決定及其決策過程應能夠清楚解釋及合理。
- 對受高階數據處理活動影響的個人，應向他們提供適當且具意義的參與和控制權。
- 若高階數據處理活動對個人造成影響，有關個人應可提出查詢、索取解釋，並且在有須要時提出反對。
- Organisations should be accountable for conducting advanced data processing activities with the interest of all stakeholders in mind.
- Decisions made about individuals and the decision-making process should be explainable and reasonable.
- Individuals should be provided with appropriate and meaningful engagement and control over advanced data processing activities that impact them.
- Individuals should always be able to make inquiries, to obtain explanations and, if necessary, to appeal against decisions made by advanced data processing activities that impact them.



### 互惠 Beneficial

- 若高階數據處理活動可能會對個人造成影響，應確定和衡量當中的好處和風險。
- 確定所有風險後，應採取適當的措施以減低風險，及平衡各方利益。
- Where advanced data processing activities may have impact on individuals, all the benefits and risks of the activities should be identified and assessed.
- Once all risks are identified, appropriate ways to mitigate those risks and to balance the interests of different parties should be implemented.



### 公平 Fair

- 高階數據處理活動必須避免引起不恰當或具侵犯性的行動。
- 不公平的歧視行為應被禁止。
- 應定期檢視用於決策的數據運算法和模型的準確度和關聯性，消除錯誤、偏見和歧視。
- 高階數據處理活動應與機構的道德價值一致。
- Advanced data processing activities must avoid actions that seem inappropriate or offensive.
- Unfair discrimination should be prohibited.
- The accuracy and relevancy of algorithms and models used in decision-making should be regularly reviewed to remove errors, bias and discrimination.
- Advanced data processing activities should be consistent with the ethical values of the organisation.

## 數據管治問責要素

研究定出道德數據管治問責要素，要求機構：

1. 界定數據管治價值，再發展成各項指導原則，繼而轉化成機構的道德數據處理政策和實務措施；
2. 採用「貫切道德的設計」流程，確保所有持份者（例如個人、群體及社會）可從高階數據處理活動中獲益；
3. 當高階數據處理活動可能對人造成顯著的影響，或涉及純機器的自動決策，便應進行「數據道德影響評估」（見下文）；
4. 進行內部審核以確保數據管治問責要素和數據道德影響評估有恰當地執行；
5. 對數據處理活動保持透明度；及
6. 若數據處理可能對人造成顯著影響，應隨時準備好向監管機構解釋其內部流程的健全度。

## 評估模式

為協助機構實施道德數據管治和落實數據道德價值，研究報告建議使用以下兩個評估模式：

- 數據道德影響評估-用於評估數據處理活動對所有持份者的影響；及
- 流程監督-用於監督機構如何將道德價值轉化為各項原則、政策和實務措施。

公署希望是次顧問研究的建議能協助香港以至其他地區的機構在日常營運中實施數據道德，並在保障和尊重個人基本權利（包括私隱權）、自由和利益的同時，亦能充分享受數據經濟帶來的好處。

## Data Stewardship Accountability Elements

The study outlined the Ethical Data Stewardship Accountability Elements that call for organisations to:

1. define data stewardship values, develop them into guiding principles and then translate them into organisational policies and practices for ethical data processing;
2. adopt “ethics by design” to ensure that all stakeholders (e.g. individuals, groups of individuals and society as a whole) will gain from the data processing activities;
3. conduct Ethical Data Impact Assessments (see below) when advanced data processing activities may be impactful on people in a significant manner and/or when data-enabled decisions are being made solely by machines automatically;
4. conduct internal review to ensure that Data Stewardship Accountability Elements and Ethical Data Impact Assessments have been properly implemented;
5. be transparent about the data processing activities; and
6. stand ready to demonstrate the soundness of internal processes to the regulators when data processing activities may be impactful on people in a significant manner.

## Assessment models

In order to assist organisations in implementing the Data Stewardship Accountability Elements and the core values of data ethics, two assessment models are recommended by the consultancy report:

- Ethical Data Impact Assessment – for assessing the impact of an advanced data processing activity on all stakeholders; and
- Process Oversight – for evaluating how an organisation translates the ethical values into principles, policies and practices.

The PCPD hopes that the recommendations of the consultancy study will assist organisations in Hong Kong and beyond to implement data ethics in their daily operations, and to fully reap the benefits of the data-driven economy while protecting and respecting the fundamental rights (including the right to privacy), freedoms and interests of individuals.

## 私隱管理系統

### 私隱管理系統與數據道德

公署自2014年起提倡各機構建立自己的私隱管理系統，由最高管理層（例如董事會）做起，將個人資料保障視為其企業管治責任，並將之納入處理業務中不可或缺的一環，由上而下貫徹地在機構中執行有關保障個人資料的政策。從個人資料獲取利益的機構企業應摒棄在營運時只達致最低監管要求的想法。相反，它們應恪守更高的道德標準，在符合相關法例和監管要求的同時，亦符合持份者的期望。因此，數據道德可填補法例要求和持份者期望兩者之間的落差。在數據推動的經濟下，掌握及實踐數據道德，會令機構企業更有優勢。

因此，機構企業最佳的行事方式是建立及全面執行私隱管理系統，數據管治應涵蓋整體業務常規、操作程序、產品和服務設計、實體建築，以至網絡基礎設施。在策略層面，機構可採用私隱管理系統作為框架，輔以行之有效的檢討及監察程序，建立健全的私隱保障基建，藉以配合機構遵從《私隱條例》的規定，與顧客共享公平、尊重和互惠。

在報告年度，公署曾

- 舉辦私隱管理系統專業研習班；
- 協助三個選定的政府部門/決策局建立及完成其私隱管理系統操作手冊；
- 為政府不同政策局及部門舉辦兩場私隱管理系統工作坊，講解建立私隱管理系統的重點及實用建議；
- 協助擬備私隱管理系統操作手冊的一般性參考指引，供其他政府部門/決策局發展、推行及改進其私隱管理系統；
- 修訂《私隱管理系統 – 最佳行事方式指引》，向機構提供實務建議，並輔以具體例子、簡潔圖表及相關問卷及清單範本等供參考；及
- 參照私隱管理系統框架，視察及評估機構處理個人資料的程序。

## PRIVACY MANAGEMENT PROGRAMME

### PRIVACY MANAGEMENT PROGRAMME (PMP) AND DATA ETHICS

The PCPD has advocated since 2014 that organisations should develop their own PMP. Organisations should embrace personal data protection as part of their corporate governance responsibilities and apply them as a business imperative throughout the organisation, starting from the boardroom. Organisations/Enterprises that derive benefits from personal data should ditch the mindset of conducting their operations to meet the minimum regulatory requirements only. They should instead be held to a higher ethical standard that meets the stakeholders' expectations alongside the requirements of laws and regulations. Data ethics can therefore bridge the gap between legal requirements and the stakeholders' expectations. In a data-driven economy, organisations/enterprises will benefit by grasping and implementing data ethics.

In this connection, organisations/enterprises should formulate and maintain a comprehensive PMP as a best practice. Data stewardship should cover the overall business practices, operational processes, product and service design, physical architectures and network infrastructure. The PMP, supported by an effective ongoing review and monitoring process to facilitate its compliance with the requirements under the Ordinance, serves as a strategic framework to assist organisations in building a robust privacy infrastructure and to share mutual fairness, respect and benefit with their customers.

During the reporting year, the PCPD

- conducted PMP professional workshops;
- assisted three government bureau/departments selected for developing and completing their PMP manuals;
- organised two training workshops for government bureau and departments to highlight and elaborate the major aspects and practical advice in developing PMP;
- assisted to develop a General Reference Guide for use by other bureaux/departments in developing, implementing and refining their PMPs;
- issued the revised Best Practice Guide on Privacy Management Programme with more concrete examples, charts, templates of questionnaire and checklist for reference; and
- conducted inspection by using PMP framework to assess personal data handling process of organisations.



## 金融科技

### 在金融科技的熱潮中保障及尊重個人資料私隱

「金融科技」是指用以提供金融服務的資訊及通訊科技。金融科技在香港以及其他地區的發展勢頭強勁。金融科技帶來創新的金融服務，逐漸改變金融行業的運作。金融發展局認為，為追求創新及確保香港在未來的金融服務業中穩佔一席位，發展金融科技是順理成章的下一步。

2016年3月，香港金融管理局（金管局）成立了金融科技促進辦公室，以促進香港金融科技業的穩健發展，並推動香港成為亞洲的金融科技樞紐。同年，金管局發出了13個儲值支付工具（即電子錢包）牌照。金管局並於2018年7月發布銀行業開放應用程式介面框架，促進銀行和第三方服務提供者之間合作及數據分享，以為客戶帶來創新的金融服務。金管局亦於2019年3月發出了首批虛擬銀行牌照。

除銀行業外，保險業監管局（保監局）於2017年9月推出保險科技沙盒，以便保險公司在商業運作上試行應用創新保險科技。2018年12月，保監局宣布向一間使用全數碼分銷渠道的新保險公司，發出首個快速通道授權，標誌著香港保險科技發展的一個重要里程碑。

金融科技並無明確的界限。電腦運算能力的提升、互聯網無遠弗屆的連接性、流動電話技術的進步，加上人們對便捷、低成本及個人化的金融服務需求強勁，令金融科技蓬勃發展。

金融科技會以不同形式呈現，並支援不同的金融服務和運作，例如：

- 電子支付及匯款（例如：電子錢包）；
- 金融投資（例如：機械人投資顧問及算法交易）；
- 點對點融資（例如：點對點網貸及眾籌）；
- 支援金融機構運作的數據分析（例如：信貸評分）；
- 資訊共享（例如：開放應用程式介面）；及
- 分佈式分類帳技術（區塊鏈技術是分佈式分類帳技術的特定類型；分佈式分類帳技術的應用例子包括加密貨幣的交易及智能合約程式）。

## FINTECH

### PROTECT AND RESPECT PERSONAL DATA PRIVACY IN FINTECH BOOM

Fintech refers to information and communications technology used for the provision of financial services. Fintech is gaining momentum in Hong Kong and beyond. It enables innovation in financial services, and is transforming the operations of the financial industry. According to the Financial Services Development Council, development of Fintech is a logical next step for Hong Kong in seeking innovation and securing a place in the future of financial services.

In March 2016, the Hong Kong Monetary Authority (HKMA) established its Fintech Facilitation Office to facilitate the healthy development of the Fintech ecosystem in Hong Kong and to promote Hong Kong as a Fintech hub in Asia. Subsequently, 13 licences for stored value facility (i.e. e-wallet) were issued by the HKMA in 2016. An Open Application Programming Interface Framework for the Hong Kong banking sector was published by the HKMA in July 2018 to allow banks and their partners to work closely and share data in order to develop innovative financial services. The first batch of virtual banking licences was also granted by the HKMA in March 2019.

Apart from the banking sector, the Insurance Authority also launched an InsurTech Sandbox in September 2017 to facilitate a pilot run of innovative technology by insurers in their business operations. In December 2018, the Insurance Authority announced that it had granted the first authorisation under the Fast Track of a new insurer operating solely digital distribution channels, marking a significant milestone of Insurtech development in Hong Kong.

There is no precise boundary of Fintech. The advancement in computational powers, Internet connectivity and mobile technologies, together with the strong demand for efficient, low-cost and personalised financial services, have given a strong boost to the proliferation of Fintech.

Fintech may come in different forms, and support different kinds of financial services and operations, such as:

- electronic payments and remittances (e.g. e-wallet);
- financial investments (e.g. robo-advisors and algorithmic trading);
- peer-to-peer (P2P) financing (e.g. P2P lending and crowdfunding);
- data analytics that support the operations of financial institutions (e.g. credit scoring);
- information sharing (e.g. open Application Programme Interface (API)); and
- Distributed Ledger Technology (DLT) (a specific type of DLT is blockchain technology; examples of uses of DLT include cryptocurrency transactions and smart contract applications).



與此同時，金融科技發展無遠弗屆，並帶來無限商機及便利，但其對私隱的影響亦不容忽視，例如：

- 在使用者不知情或未有具意義的同意下收集及使用個人資料；
- 以不公平或歧視方式使用個人資料；
- 欠缺有效方式刪除或改正過時或不準確的個人資料；
- 資料保安風險；及
- 資料使用者及資料處理者的身份模糊不清。

因應上述私隱風險，公署在2019年3月發布了「金融科技」資料單張，提醒消費者在使用金融科技時保持警惕，例如：

- 細心閱讀私隱政策；
- 審慎評估個人資料要求及檢視私隱設定；
- 在安全環境下操作金融科技應用軟件；及
- 定期監察帳戶活動。

有關資料單張亦建議金融科技供應商/營運者採取的良好行事方式以保障消費者的個人資料，例如：

- 具透明度；
- 減少收集及保留個人資料；
- 向使用者提供清晰及真正的選擇；
- 確保數據準確及算法可靠；
- 確保資料安全；
- 監察資料處理者；及
- 進行私隱影響評估及採用「貫徹私隱的設計」。



公署深信，個人資料保障的法規不應阻礙科技及經濟發展。與此同時，科技應該以人為本。作為服務人們的一種工具，機構在使用金融科技時，應該保障及尊重消費者的個人資料及私隱權以達至雙贏。

Fintech development is ubiquitous and brings about tremendous business opportunities and convenience. Yet the privacy impacts of Fintech have to be addressed, such as:

- collection and use of personal data without notice or meaningful consent of the users;
- use of personal data in unfair or discriminatory ways;
- lack of effective means to erase or rectify obsolete or inaccurate personal data;
- data security risks; and
- obscurity of the identities of data users and data processors.

In light of the above privacy risks, the PCPD published the information leaflet "Fintech" in March 2019 to remind consumers to maintain vigilance when using Fintech, such as:

- carefully read the privacy policies;
- critically assess requests for personal data and review privacy settings;
- operate the application software of Fintech under a safe environment; and
- monitor account activities regularly.

The information leaflet also recommends good practices for providers/operators of Fintech for protecting consumers' personal data, i.e.:

- be transparent;
- minimise personal data collection and retention;
- provide clear and genuine options to consumers;
- ensure accuracy of data and reliability of algorithms;
- ensure data security;
- monitor data processors; and
- conduct privacy impact assessments and adopt privacy by design.

The PCPD firmly believes that personal data protection regulations should not stand in the way of technological and economic developments. Meanwhile, technology should be human-centric. As a means to serve people, organisations employing Fintech should protect and respect personal data and privacy rights of consumers in order to achieve a win-win situation.

# ONE YEAR AT-A-GLANCE 全年活動一覽

## 5月 MAY

舉辦「關注私隱運動」，主題是「保障私隱 坐言起行」

Spearheaded the annual Privacy Awareness Week with the theme "Privacy: From Principles to Practice"



# 2018

## 8月 AUG

發出《私隱管理系統 - 最佳行事方式指引》推動機構將個人資料保障視為企業管治責任

Issued Best Practice Guide on Privacy Management Programme to encourage organisations to embrace personal data protection as part of corporate governance responsibilities



## 5月 MAY

公署獲僱員再培訓局嘉許為「人才企業」

PCPD was awarded "Manpower Developer" in the "Government Department, Public Body and NGO" category by the Employees Retraining Board



## 6月 JUN

出席在美國三藩市舉行的第四十九屆「亞太區私隱機構論壇」

Attended the 49<sup>th</sup> Asia Pacific Privacy Authorities (APPA) Forum in San Francisco, United States





## 8月 AUG

一間電訊公司沒有依從資料當事人的拒收直銷訊息要求，繼續使用其個人資料作直接促銷，被判罰款兩萬元

A telecommunications company was convicted and fined \$20,000 for failing to comply with the requirement from the data subject to cease to use her personal data in direct marketing

## 9月 SEPT

與新加坡個人資料保護委員會成員會面商討兩地資料私隱保障和相互協作

Met with officials of the Personal Data Protection Commission, Singapore on data privacy protection and collaboration



## 9月 SEPT



頒發第六屆「私隱及資料保障法律獎學金」予得獎學生，表揚其撰寫有關侵犯私隱的民事責任的學術文章之優異水平

Presented the sixth Privacy Commissioner Prize in Privacy and Data Protection Law to recognise the best student essay in 2017/18 with a topic focusing on civil liability for invasion of privacy in Hong Kong

## 10月 OCT

舉行工作坊協助政府各政策局及部門建立其私隱管理系統

Organised a training workshop to assist government bureaux and departments to develop their own Privacy Management Programme





# ONE YEAR AT-A-GLANCE

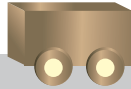
## 全年活動一覽

### 12月 DEC



出席在新西蘭威靈頓舉行的第五十屆「亞太區私隱機構論壇」

Attended the 50<sup>th</sup> APPA Forum in Wellington, New Zealand



### 10月 OCT

於比利時布魯塞爾舉行的第四十屆國際資料保障及私隱專員會議上公布「處理數據的正當性」研究項目的報告（題為「中國香港可採用的道德問責框架」），並成為該會議一個新成立的常設工作小組的聯席主席，推廣「人工智能的道德與資料保障宣言」

Released the report of the research “Legitimacy of Data Processing Project”, titled “Ethical Accountability Framework for Hong Kong, China” at the 40<sup>th</sup> International Conference of Data Protection and Privacy Commissioners (ICDPPC) in Brussels, Belgium, and took up the role as a co-chair of the newly established permanent working group of the ICDPPC to promote the “Declaration on Ethics and Data Protection in Artificial Intelligence”





## 3月 MAR

向立法會政制事務委員會匯報  
公署過去一年的工作

Delivered a Report on the work  
of PCPD in 2018 at a meeting  
of Legislative Council Panel on  
Constitutional Affairs

# 2019



## 12月 DEC

發表私營補習服務行業的個人  
資料系統視察報告，鼓勵機構  
提升數據管治

Released an inspection report  
on personal data systems  
of private tutorial services  
industry to encourage  
organisations to enhance data  
stewardship

## 3月 MAR

發表《2018年抽查報告：  
資料使用者實施私隱管理系  
統的情況》

Released the “2018 Study  
Report on Implementation  
of Privacy Management  
Programme by Data Users”



# APRIL 2018 - MARCH 2019: A YEAR IN NUMBERS

## 2018年4月-2019年3月：數字回顧

### 35,096 人次

參加公署的講座、研習班及工作坊，了解條例的要求，比去年增長30%

35,096 people attended our talks, seminars and workshops to learn about the requirements under the Ordinance, 30% year-on-year increase



### 585 名

會員加入保障資料主任聯會，比去年增加1%

585 members joined the Data Protection Officers' Club, 1% year-on-year increase

### 超過 60,000 名

中學生參與保障私隱學生大使計劃·學校夥伴嘉許計劃，人數創歷年新高

More than 60,000 secondary school students participated in the Student Ambassador for Privacy Protection Programme – Partnering Schools Recognition Scheme. The number of participants has reached a record high



接獲

### 1,878 宗

投訴個案，比去年增加16%

1,878 complaints were received, 16% year-on-year increase

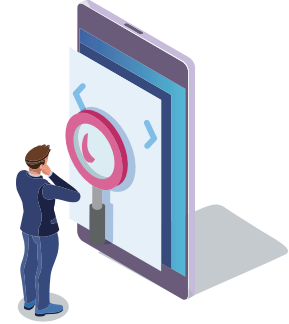


處理

**17,168** 宗

查詢個案，比去年增加 9%

17,168 enquiries were handled, 9% year-on-year increase



進行

**311** 個

循規行動，比去年增加 14%

311 compliance actions were carried out, 14% year-on-year increase



**2,700** 則

與公署相關的新聞於不同的傳媒平台報道，比去年增加 18%

2,700 PCPD-related news stories were published on various media platforms, 18% increase from last year



接受

**82** 次

傳媒訪問，比去年增加 21 %

Gave 82 media interviews, 21% increase from last year



每月平均有

**106,445** 人次

瀏覽公署主網站，比去年增加 20%

An average of 106,445 visits to PCPD main website per month were made, 20% year-on-year increase





## 使命 MISSION STATEMENT

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

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

## 策略與主要目標 STRATEGIES AND KEY GOALS

	策略 Strategies	主要目標 Key Goals
執法 Enforcement	<ul style="list-style-type: none"> <li>確保公正、公平和具效率的運作</li> <li>獨立、不偏不倚、無畏無懼地行事</li> <li>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</li> <li>與海外的保障資料機構合作處理跨境的私隱問題與投訴</li> <li>To ensure equity, fairness and operational efficiency</li> <li>To act independently, impartially and without fear or favour</li> <li>To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers</li> <li>To partner with overseas data protection authorities for handling cross-border privacy issues and complaints</li> </ul>	<ul style="list-style-type: none"> <li>調查及具效率與持平地解決投訴個案</li> <li>專業而有效率地回應查詢</li> <li>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</li> <li>Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned</li> <li>Enquiries are responded to professionally and efficiently</li> <li>Meritorious applications for legal assistance are entertained and aggrieved individuals compensated</li> </ul>
監察及監管符規 Monitoring and Supervising Compliance	<ul style="list-style-type: none"> <li>主動及公正調查私隱風險顯著的範疇</li> <li>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</li> <li>與海外的保障資料機構合作處理跨境的私隱問題與投訴</li> <li>To investigate proactively and fairly into areas where the privacy risks are significant</li> <li>To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers</li> <li>To partner with overseas data protection authorities for handling cross-border privacy issues and complaints</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>Organisational data users are facilitated to meet their data protection obligations and adopt good privacy practices</li> </ul>
推廣 Promotion	<ul style="list-style-type: none"> <li>促進社會各界全面參與保障私隱</li> <li>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</li> <li>利用網站、出版和傳媒，發揮廣泛的宣傳和教育效用</li> <li>To seek proactively the holistic engagement of stakeholders</li> <li>To promote best practices among organisational data users on top of meeting minimum legal requirements</li> <li>To maximise publicity and education impact through websites, publications and media exposure</li> </ul>	<ul style="list-style-type: none"> <li>社會更清楚理解法律與原則，不但認識個人資料保障方面的權利和責任，而且對保障有適當期望和了解限制</li> <li>公、私營機構皆認識作為資料使用者在法例下的責任，並付諸實行</li> <li>A better understanding of the laws and principles in the community is articulated, recognising not only the rights and obligations but also expectations and limitations in personal data protection</li> <li>Organisations in public and private sectors understand their obligations as data users under the Ordinance and the ways to meet them</li> </ul>

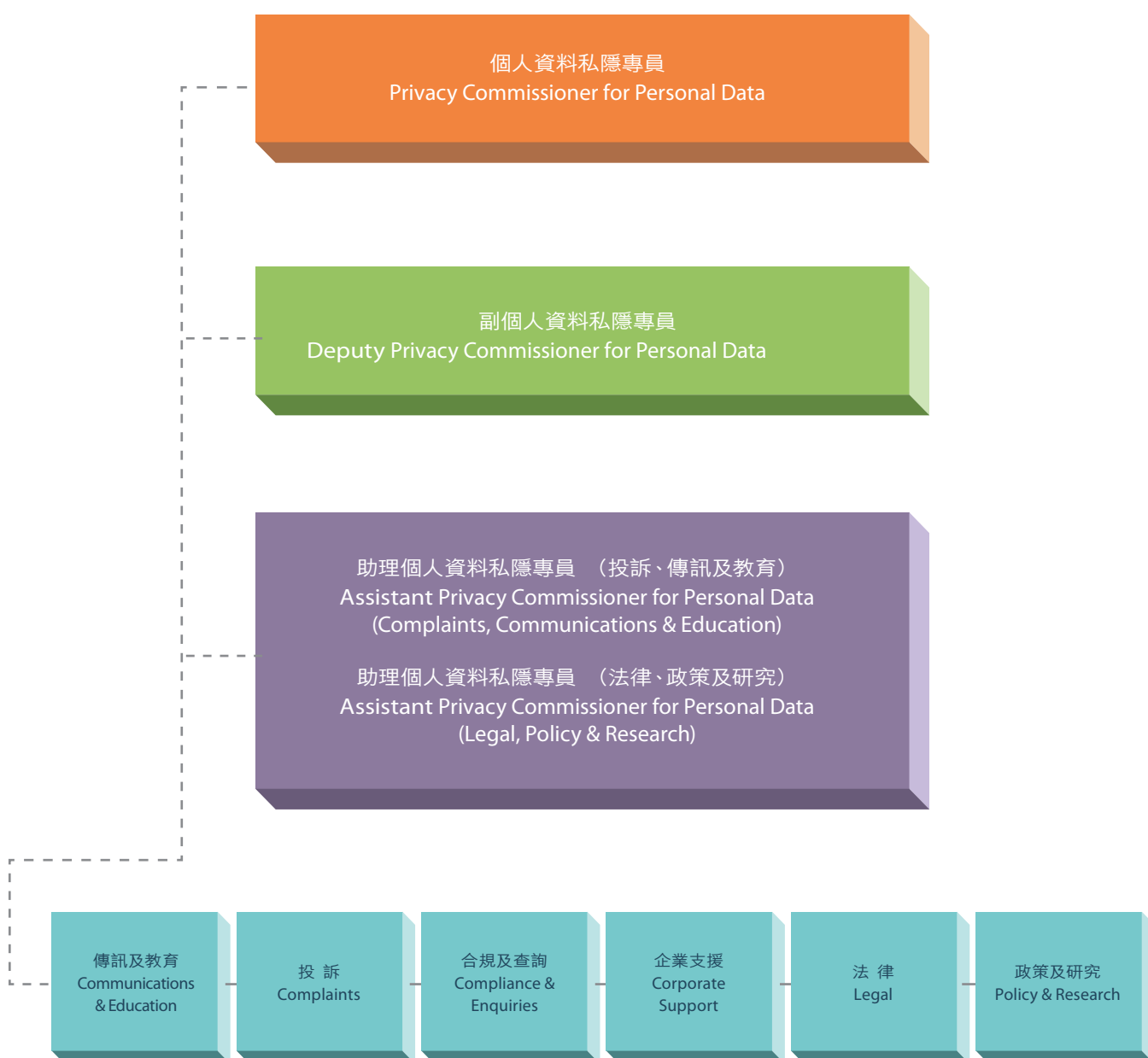


	策略 Strategies	主要目標 Key Goals
<p>推廣 Promotion</p>	<ul style="list-style-type: none"> <li>• 走進社區，特別多接觸年青人</li> <li>• 藉調查個案所得的啟示，教育資料使用者和資料當事人</li> <li>• To engage the community, in particular, young people</li> <li>• To use lessons learnt from investigations as a means of educating data users and data subjects</li> </ul>	<ul style="list-style-type: none"> <li>• 讓個人和機構的資料使用者都認識公署的角色及可提供的支援</li> <li>• Individuals and organisational data users understand the role of the PCPD and the assistance the PCPD may provide</li> </ul>
<p>機構管治 Corporate Governance</p>	<ul style="list-style-type: none"> <li>• 奉行具透明度和問責性的原則</li> <li>• 善用資源以達致經濟效益、效率及效用</li> <li>• 持續精簡工作程序</li> <li>• 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</li> <li>• 建立及維持忠心和專業的團隊</li> <li>• To adhere to the principles of transparency and accountability</li> <li>• To maximise utilisation of resources to achieve economy, efficiency and effectiveness</li> <li>• To make continuous effort to streamline work procedures</li> <li>• To apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact</li> <li>• To build and maintain a loyal and professional team</li> </ul>	<ul style="list-style-type: none"> <li>• 達致高水平的管治</li> <li>• High standard of corporate governance is achieved</li> </ul>
<p>迎合需求轉變 Meeting Changing Needs</p>	<ul style="list-style-type: none"> <li>• 緊貼科技發展</li> <li>• 監察國際發展及趨勢</li> <li>• 留意本地不斷轉化的私隱期望</li> <li>• To keep abreast of technological development</li> <li>• To monitor international development and trend</li> <li>• To keep track of evolving local privacy expectation</li> </ul>	<ul style="list-style-type: none"> <li>• 現行及建議的法律和規管機制切合需要及有效</li> <li>• Existing and proposed laws and regulatory systems are relevant and effective</li> </ul>

## 公署架構 OUR ORGANISATION

公署由個人資料私隱專員（私隱專員）領導。私隱專員負責全面推廣、監察和監管《私隱條例》的施行，促使各界遵從《私隱條例》的規定（詳見附錄一）。在報告年度完結時，公署的職員數目為 71 人。

The PCPD is headed by the Privacy Commissioner for Personal Data (Privacy 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 71 staff members at the end of the reporting year.



## 首長級人員 DIRECTORATE

- |   |                                          |   |                                                                                                                            |
|---|------------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>黃繼兒先生</b><br>個人資料私隱專員                 | 1 | <b>Mr Stephen Kai-yi WONG</b><br>Privacy Commissioner for Personal Data                                                    |
| 2 | <b>林植廷先生</b><br>副個人資料私隱專員                | 2 | <b>Mr Tony Chik-ting LAM</b><br>Deputy Privacy Commissioner for Personal Data                                              |
| 3 | <b>謝敏傑先生</b><br>助理個人資料私隱專員<br>(投訴、傳訊及教育) | 3 | <b>Mr Eric Mun-kit TSE</b><br>Assistant Privacy Commissioner for Personal Data<br>(Complaints, Communications & Education) |
| 4 | <b>楊秀玲女士</b><br>助理個人資料私隱專員<br>(法律、政策及研究) | 4 | <b>Ms Raina Sau-ling YEUNG</b><br>Assistant Privacy Commissioner for Personal Data<br>(Legal, Policy & Research)           |





## 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《私隱條例》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 Privacy Commissioner on matters relevant to the privacy of individuals in relation to personal data and the implementation of the Ordinance.

### 主席 CHAIRMAN



黃繼兒先生  
香港個人資料私隱專員

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

### 成員 MEMBERS



郭振華先生, SBS, BBS, MH, JP  
永保化工(香港)有限公司董事總經理

**Mr Jimmy Chun-wah KWOK,**  
**SBS, BBS, MH, JP**  
Managing Director,  
Rambo Chemical (Hong Kong) Limited



溫卓勳先生  
渣打銀行(香港)有限公司大中華及  
北亞洲地區合規部主管

**Mr David Chuck-fan WAN**  
Regional Head, Compliance,  
Greater China & North Asia,  
Standard Chartered Bank (Hong Kong) Limited



楊長華女士  
微軟香港有限公司法務及公司事務部總監

**Ms Winnie Cheung-wah YEUNG**  
Director, Legal & Corporate Affairs,  
Microsoft Hong Kong Limited



鍾郝儀女士  
Clarksdale Investment Limited 董事長  
**Ms Cordelia CHUNG**  
Chairman, Clarksdale Investment Limited



羅燦先生  
路訊通傳媒集團有限公司董事總經理  
**Mr Stephen Chan LOH**  
Managing Director, RoadShow Media Group Limited



林翠華女士  
中華電力有限公司人力資源總監  
**Ms Connie Tsui-wa LAM**  
Human Resources Director,  
The CLP Power Hong Kong Limited



黃偉雄先生, MH  
中原地產代理有限公司亞太區總裁  
**Mr Addy Wai-hung WONG, MH**  
Chief Executive Officer (Asia Pacific),  
The Centaline Property Agency Limited

政制及內地事務局副秘書長  
Deputy Secretary for Constitutional and  
Mainland Affairs

政制及內地事務局首席助理秘書長  
Principal Assistant Secretary for Constitutional  
and Mainland Affairs

## 科技發展常務委員會

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

## STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

The Standing Committee was established to advise the Privacy 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 CO-CHAIRPERSONS



黃繼兒先生  
個人資料私隱專員

**Mr Stephen Kai-yi WONG**  
Privacy Commissioner for Personal Data



林植廷先生  
副個人資料私隱專員

**Mr Tony Chik-ting LAM**  
Deputy Privacy Commissioner for Personal Data

### 成員 MEMBERS



白景崇教授  
香港大學社會科學研究中心總監

**Professor John BACON-SHONE**  
Director, Social Sciences Research Centre,  
University of Hong Kong



鄒錦沛博士  
香港大學計算機科學系副教授

**Dr K P CHOW**  
Associate Professor,  
Department of Computer Science,  
University of Hong Kong



楊月波教授  
香港浸會大學計算機科學系特邀教授

**Professor YB YEUNG**  
Adjunct Professor,  
Department of Computer Science,  
Hong Kong Baptist University



栢雅盛先生  
霍金路律師行合伙人

**Mr Mark PARSONS**  
Partner, Hogan Lovells



方保僑先生  
香港資訊科技商會榮譽會長

**Mr Francis Po-kiu FONG**  
Honorary President,  
Hong Kong Information Technology Federation



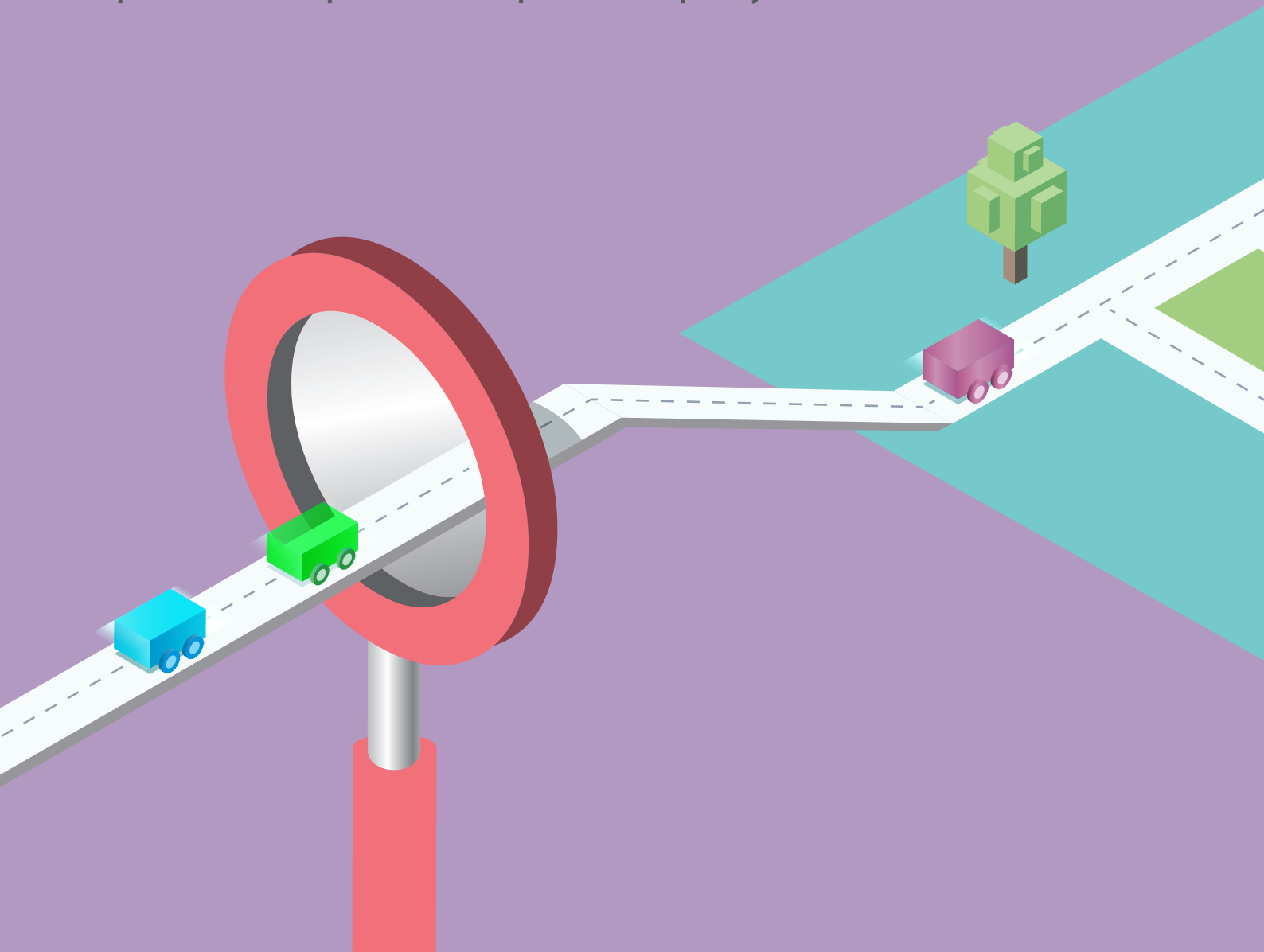
# MONITORING COMPLIANCE EMBRACING CHALLENGES

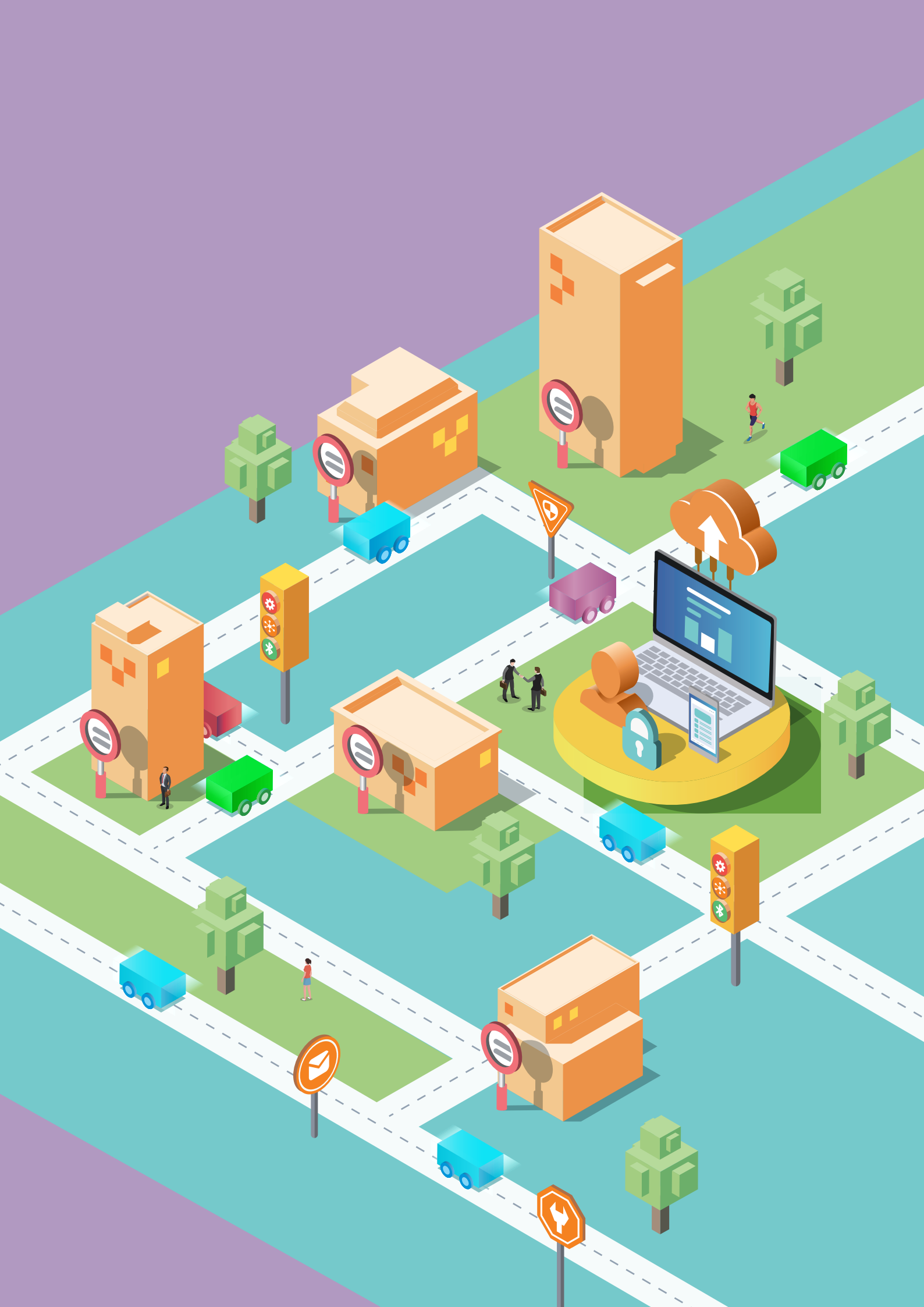
## 監督符規 擁抱挑戰

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公署監察和推動資料使用者要循規以符合《私隱條例》的規定。隨著資訊科技急速發展而衍生的私隱風險，公署鼓勵和支援機構採取合乎道德的措施保障個人資料，並尊重消費者的個人資料私隱。

**The PCPD monitors and promotes compliance with the provisions of the Ordinance. In view of the privacy risks brought about by the rapid advancement in information and communications technology, we encourage and facilitate organisations to adopt ethical measures to ensure personal data protection and respect consumers' personal data privacy.**







## 循規行動

當有足夠理由相信有機構的行事方式與《私隱條例》規定不相符時，私隱專員會展開循規審查或調查。在完成循規審查或調查後，私隱專員會書面告知有關機構，指出與《私隱條例》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和採取預防措施。

在報告年度內，私隱專員共進行了307次循規審查，較2017/18年度的272次上升13%。在報告年度內亦主動進行四次循規調查，較2017/18年度的一次上升三倍。

下文重點介紹在年內進行的部分循規行動。

## 循規調查

### 未獲授權取覽或查閱一間航空公司約940萬名乘客個人資料

一間航空公司在2018年10月24日代表其本身及其附屬公司（統稱「該航空公司」）就有關其發現約有940萬名乘客的個人資料曾被未獲授權而取覽或查閱一事，向公署作出資料外洩事故通報。該航空公司於2018年3月13日首次在系統中發現可疑活動跡象，因而發現事件。

受影響的資料當事人均屬該航空公司的乘客，當中包括兩個計劃的會員及註冊用戶，來自超過260個國家／法域／地區。涉及的個人資料主要包括受影響乘客的姓名、航班編號及日期、稱謂、電郵地址、會員號碼、地址及電話號碼等。由於事件涉及大量本地及海外人士的敏感個人資料，私隱專員於2018年11月5日就事件展開調查。

## COMPLIANCE ACTIONS

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

During the reporting year, the Privacy Commissioner carried out 307 compliance checks and four compliance investigations, as compared with 272 compliance checks and one compliance investigation in 2017/18, representing 13% and three-fold increases respectively.

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

## COMPLIANCE INVESTIGATION

### Unauthorised access to personal data of approximately 9.4 million passengers of an airline company

On 24 October 2018, an airline company on behalf of itself and its group entities (collectively referred to as Airline) gave a data breach notification to the PCPD in relation to its discovery of unauthorised access to personal data of approximately 9.4 million passengers of the Airline. The incident was discovered when the Airline first detected suspicious activity on its network on 13 March 2018.

The data subjects affected were the Airline's passengers including members of two programmes and registered users from over 260 countries/jurisdictions/locations. The personal data involved consisted mainly of the affected passengers' name, flight number and date, title, email address, membership number, address, phone number, etc. In light of the voluminous and sensitive personal data of local and foreign citizens involved, the Privacy Commissioner initiated an investigation on 5 November 2018.



## 調查結果

調查發現該航空公司的資料保安，資料保留及資料外洩事故通報的做法存有下列問題：

### 資料保安

- 未能識辨一個廣為人知及可被加以利用的保安漏洞，亦未能識辨利用該漏洞的行為，同時沒有採取合理地切實可行的步驟在建立一個連接互聯網的伺服器（該伺服器）時進行適當的部署；
- 只為該伺服器每年進行一次漏洞掃描，就有效保障其資訊系統以面對不斷變化的數碼威脅的做法屬流於表面及過份鬆懈；
- 沒有採取合理地切實可行的步驟，避免該伺服器的管理員控制台埠曝露於互聯網，因此導致為攻擊者開啟一個入口；
- 未有對涉及存取其資訊系統內個人資料的所有遙距使用者實施有效的多重身份認證；
- 在沒有採取有效的保安管控措施下，為了方便遷移數據中心而建立未經加密的數據庫備份檔案，因而導致受影響乘客的個人資料曝露予攻擊者；
- 未有建立有效的個人資料庫存以涵蓋所有載有個人資料的系統；及
- 對風險的警覺性低，在2017年的保安事故發生後沒有採取合理地切實可行的步驟，以減低資訊系統被植入惡意軟件及被入侵的風險。

## Result of investigation

The investigation revealed the following issues in relation to the data security, data retention and data breach notification practices of the Airline:

### Data Security

- Failure to identify the commonly known exploitable vulnerability and the exploitation, and failure to take reasonably practicable steps to accord due deployment of an Internet-facing server;
- Vulnerability scanning exercise for the Internet-facing server at a yearly interval being too lax in the context of effectively protecting its information systems against evolving digital threats;
- Failure to take reasonably practicable steps not to expose the administrator console port of the Internet-facing server to the Internet, as a result of which a gateway for attackers was opened;
- Failure to apply effective multi-factor authentication to all remote access users for accessing its IT system involving personal data;
- Producing unencrypted database backup files to facilitate migration of data centre without adopting effective security controls, thus exposing the personal data of the affected passengers to attackers;
- Failure to have an effective personal data inventory to cover all systems containing personal data; and
- Risk alertness being low and failure to take reasonably practicable steps to reduce the risk of malware infections and intrusions to its IT system after the earlier security incident in 2017.





### 資料保留

- 沒有採取所有合理地切實可行的步驟，確保受影響乘客的香港身份證號碼的保留時間不超過達致已廢除的核實身份的目的。

### 資料外洩事故通報

目前《私隱條例》沒有規定資料使用者須向私隱專員及資料當事人通報資料外洩事故，亦沒有規定資料使用者須在指定時間內作出通報。因此，私隱專員認為該航空公司沒有違反《私隱條例》的規定。不過，該航空公司當初應能在2018年3月發現可疑活動時立即通知受影響乘客，並建議他們提前採取適當的步驟，以符合他們的合理期望。

鑑於本案所揭露的事實及所有相關情況，私隱專員認為該航空公司在漏洞管理、採用有效的技術保安措施，以及資料管治方面，沒有採取所有合理地切實可行的步驟，以保障受影響乘客的個人資料免受未獲授權的取覽或查閱，違反了保障資料第4(1)原則（資料保安原則），及沒有採取所有合理地切實可行的步驟，確保受影響乘客的香港身份證號碼的保留時間不超過達致已廢除的核實身份的目的，違反了保障資料第2(2)原則（資料刪除原則）。

### Data Retention

- Failure to take all reasonably practicable steps to ensure that the Hong Kong Identity Card numbers of the affected passengers were not kept longer than was necessary for the fulfilment of the defunct verification purpose for which the data was used.

### Data Breach Notification

There being no statutory requirements under the Ordinance for a data breach notification, whether to the Privacy Commissioner or the affected passengers, and whether within a particular period of time or otherwise, the Privacy Commissioner found no contravention of the Ordinance in this connection. Nevertheless, the Airline could have notified the affected passengers of the suspicious activity once detected back in March 2018 and advised them of the appropriate steps to take earlier to meet their legitimate expectation.

In light of the facts revealed and in all the circumstances of the case, the Privacy Commissioner found that the Airline contravened Data Protection Principle 4(1) (Data Security Principle) of Schedule 1 to the Ordinance by failing to protect the affected passengers' personal data against unauthorised access in terms of vulnerability management, adoption of effective technical security measures and data governance, and Data Protection Principle 2(2) (Data Erasure) by failing to take all reasonably practicable steps to ensure that the Hong Kong Identity Card numbers of the affected passengers were not kept longer than was necessary for the fulfilment of the purpose.



## 執行通知

私隱專員向該航空公司送達執行通知，指示該航空公司：

- 聘請獨立的資料保安專家徹底檢修載有個人資料的系統；
- 為所有會存取載有個人資料的資訊系統的遙距使用者實施有效的多重身份認證，並承諾定期檢視遙距存取的權限；
- 定期在伺服器及／或應用程式層面進行有效的漏洞掃描；
- 聘請獨立的資料保安專家定期對其網絡的保安進行檢視／測試；
- 制定清晰的資料保留政策，訂明每個系統內的乘客資料的保留期限，即不超過將其保存以貫徹該資料被使用於的目的，並承諾實施有效措施以確保政策獲有效執行；及
- 從所有系統徹底銷毀從一個會員計劃所收集的所有不必要的香港身份證號碼。

## 借鑒

雖然個人資料不像其他動產（例如鈔票）或不動產般屬有形的資產，但那亦不足以免除企業沒有妥善地保護資料及沒有在達致有關目的而不再需要該資料時徹底銷毀資料的責任。顧客（資料當事人）及監管機構合理地期望企業能擁有一個完備、有效及可行、能適切企業的規模與需要、並可全面實施的私隱循規政策和計劃，以落實法例要求。

## Enforcement notice

The Privacy Commissioner served an Enforcement Notice to direct the Airline to:

- engage an independent data security expert to overhaul the systems containing personal data;
- implement effective multi-factor authentication to all remote users for accessing its IT system involving personal data and undertake to conduct regular review of remote access privileges;
- conduct effective vulnerability scans at server and application levels;
- engage an independent data security expert to conduct reviews/tests of the security of the Airline's network;
- devise a clear data retention policy to specify the retention period(s) of passengers' data, which is no longer than is necessary for the fulfilment of the purpose, and undertake to implement effective measures to ensure effective execution; and
- completely obliterate all unnecessary Hong Kong Identity Card numbers collected from one of its membership programmes from all systems.

## Lesson learnt

The fact that personal data is less tangible than other personalty (e.g. bank notes) or realty does not absolve businesses of their failures to keep it safely and to obliterate it when it is no longer necessary for the fulfilment of the purpose for which the data is or is to be used. To give effect to the legal requirements, there is an expectation of comprehensive, effective and evidenced privacy compliance policies and programmes being put in place, relevant and scalable for the businesses concerned, as well as demonstrable internally and externally. This legitimate expectation comes from both the customers, who are the data subjects, and the regulators.



## 循規調查

### 電訊商載有 38 萬名客戶及服務申請者個人資料的客戶資料庫遭入侵事件

2018年4月16日，一間電訊商發現一個已停用的資料庫遭未經授權入侵，導致近38萬名客戶及服務申請者的個人資料外洩。儲存在涉事資料庫內的個人資料包括姓名、電郵地址、通訊地址、電話號碼、身份證號碼和選擇以信用卡付款的人士的信用卡資料（例如持卡人姓名、信用卡號碼和到期日）。由於涉及大量及敏感的個人資料，私隱專員就事件展開調查<sup>1</sup>。

## 調查結果

事發時，該電訊商將客戶資料儲存在三個資料庫內。遭黑客入侵的資料庫是一個已停用的資料庫，儲存截至2012年的客戶和服務申請者的個人資料。調查發現：

- 涉事資料庫本應在2012年完成系統遷移後被刪除，卻因人為疏忽而被保留下來，並繼續連接內部網絡，該電訊商遺忘了涉事資料庫的存在；
- 該電訊商在系統遷移後沒有作全面及審慎的檢查，以致未有適時刪除涉事資料庫；

## COMPLIANCE INVESTIGATION

### Intrusion into a telecommunications company's customer database containing personal data of 380,000 customers and service applicants

On 16 April 2018, a telecommunications company uncovered unauthorised access to its inactive customer database, which caused leakage of personal data of nearly 380,000 customers and service applicants. The types of personal data contained in the database in question included name, email address, correspondence address, telephone number, Hong Kong Identity Card number and credit card information such as the name of cardholder, credit card number and date of expiry (if the customers opted for credit card payment). In light of the voluminous and sensitive personal data involved, the Privacy Commissioner initiated an investigation<sup>1</sup>.

## Result of investigation

At the time of the incident, the telecommunications company stored customers' data in three databases. The database in question was inactive, containing personal data of customers and service applicants as of 2012. The investigation found that:

- The database in question should have been deleted after a system migration in 2012, but was nevertheless retained and remained connected to internal network owing to human oversight. Its existence escaped the memory and attention of the telecommunications company;
- The telecommunications company failed to conduct a comprehensive and prudent review after system migration, leading to the failure to delete the database in question;

<sup>1</sup> 調查報告於2019年2月21日發表。

<sup>1</sup> The investigation report was published on 21 February 2019.



- 該電訊商在事發前沒有仔細考量舊客戶個人資料的保留期限和制定資料保留的內部指引，以及保留舊客戶的資料時間過長；
- 涉事資料庫的保安措施不足，沒有更新修補程式及將資料作加密處理；及
- 該電訊商未能充分掌握其資訊科技設備和保安措施的實施情況。

基於調查中所得和該電訊商所承認的事實，以及本個案的所有情況，私隱專員認為該電訊商 (i) 沒有採取所有切實可行的步驟刪除已不再需要的資料庫，加上保留舊客戶的個人資料時間過長，因而違反《私隱條例》第 26 條 (資料刪除) 和《私隱條例》附表 1 的保障資料第 2(2) 原則 (資料保留)；和 (ii) 沒有採取所有切實可行的步驟以確保涉事資料庫內的個人資料受保障而不受未獲准許的查閱，因而違反《私隱條例》附表 1 的保障資料第 4(1) 原則 (資料保安)。

- The telecommunications company failed to give due consideration to the retention period of former customers' personal data or provide relevant internal guidance. It also retained, for an excessive period of time, data of former customers;
- The safeguards for the database in question had been insufficient. No updating of security patches or encryption was carried out with that database; and
- The telecommunications company failed to exercise control over its IT and security facilities.

In light of the facts revealed and admitted by the telecommunications company in the investigation, and in all the circumstances of the case, the Privacy Commissioner found that the telecommunications company contravened (i) section 26 of the Ordinance (Data Erasure) and Data Protection Principle 2(2) of Schedule 1 to the Ordinance (Data Retention) by failing to take all practicable steps to erase personal data stored in the database in question, where it was no longer needed, and retained personal data of former customers for an excessive period of time, and (ii) Data Protection Principle 4(1) (Data Security Principle) by failing to take all practicable steps to ensure that personal data held in the database in question was protected against unauthorised access.





## 執行通知

私隱專員向該電訊商送達執行通知，並指令其：

- 制定清晰的程序，訂明系統遷移後刪除不再需要的資料庫內的個人資料的步驟、時限和監察措施；
- 制定清晰的資料保留政策，訂明客戶及服務申請者個人資料的保留期限，不得超過將其保存以貫徹該資料被使用於或會被使用於的目的所需的時間；
- 制定清晰的資料保安政策，訂明定期檢視用戶權限及遠程接達服務的保安措施；
- 實施有效的措施，確保有關員工知悉和執行上述項目所訂的政策及程序；及
- 根據上述所訂的資料保留政策，刪除所有超過保留期限的客戶及服務申請者的個人資料。

## 借鑑

此個案源於黑客入侵一間電訊商的網絡及從一個已停用的資料庫中下載客戶資料。如該電訊商在系統遷移後已適時妥善刪除資料庫，事件對客戶造成的損害本可避免。公署自 2014 年起提倡私隱管理系統，其中一項系統管理措施是個人資料庫存。按時更新的個人資料庫存可讓機構清楚了解所持有的個人資料種類、儲存資料的地點及保留期限等。私隱專員因此建議機構（尤其是儲存大量個人資料的機構）慎重檢視資料庫存和保留期限，以免成為黑客入侵的受害者。

## Enforcement notice

The Privacy Commissioner served an enforcement notice on the telecommunications company directing it to:

- devise clear procedures to specify the steps, time limits and monitoring measures for deleting personal data in obsolete database(s) after system migration;
- devise a clear data retention policy to specify the retention period(s) of personal data of customers and service applicants, which is no longer than is necessary for the fulfillment of the purpose;
- devise a clear data security policy to cover regular review of user privileges and security controls of remote access service;
- implement effective measures to ensure that the policies and procedures would be expressly informed to relevant staff members and effectively executed; and
- erase all the personal data of customers and service applicants which is retained longer than the retention period(s) as specified in the data retention policy devised.

## Lesson learnt

This case originated from a hacking incident where a hacker infiltrated a telecommunications company's network and downloaded customers' data from a database that was no longer in use. Damage to customers could have been avoided if the database had been deleted by the company after system migration in a considered and timely manner. An updated personal data inventory, which is one of the programme controls of privacy management programme advocated by the Privacy Commissioner since 2014, will provide an organisation with a clearer picture of the kinds of personal data it holds, the location of data storage, the respective retention period, etc. The Privacy Commissioner recommends organisations, particularly those storing an enormous amount of personal data, to critically review their data inventories and retention periods, to prevent from falling prey to cyberattacks.



## 循規審查

### 商場會員計劃及網上推廣活動的個人資料收集

為了解香港商場營運商收集個人資料的情況，同時因應公眾對網上推廣活動收集個人資料的行為的關注，公署於2018年共巡視100間商場和審視300個要求提供個人資料以換取優惠的網頁，並對有設立會員計劃的41間商場及表面看來有過度收集個人資料的19間網頁營運商，展開循規審查<sup>1</sup>。

#### 商場會員計劃

公署向商場展開的循規審查結果顯示，31個會員計劃（佔巡視期間發現的52個會員計劃<sup>2</sup>之中的60%）收集個人資料（包括聯絡方法、敏感個人資料和個人及家庭狀況相關的資料）時抱有「寧濫勿缺」的心態，有違《私隱條例》下不過度收集資料的原則和收集最少資料的行事方式。

結果亦顯示：

- 部分商場會員計劃收集的個人資料，除了基本的聯絡資料（如姓名、電話、地址和電郵地址）外，亦包括較敏感的個人資料（如生日資料、年齡、香港身份證號碼），以至個人及家庭狀況（如每月收入、婚姻狀況、是否車主，及車牌號碼等）；
- 有三個會員計劃（佔52個會員計劃之中的6%）收集18項個人資料；
- 有20個會員計劃（佔52個會員計劃之中的38%）要求會員強制提供不必要的個人資料；及
- 有八個會員計劃（佔52個會員計劃之中的15%）在設計上強迫顧客同意有關機構可使用其個人資料作直接促銷用途，而顧客就此沒有其他選擇。

<sup>1</sup> 循規審查報告於2019年4月25日發表。

<sup>2</sup> 41間商場合共設有52個會員計劃。



## COMPLIANCE CHECK

### Personal Data Collection in Shopping Mall Membership Programmes and Online Promotion Activities

In order to understand the collection of personal data by shopping mall operators in Hong Kong, and in response to the concerns about personal data collection during online promotion activities, PCPD visited 100 shopping malls and reviewed 300 webpages requesting personal data in exchange for benefits in 2018, and subsequently initiated compliance checks<sup>1</sup> against 41 shopping malls that had membership programmes and 19 website operators that appeared to have excessive collection of personal data.

#### Shopping mall membership programmes

The results of the compliance checks on shopping malls revealed that 31 membership programmes (60% of a total of 52<sup>2</sup> membership programmes found in the site visits) adopted a “the more the merrier” approach when collecting personal data including contact information, sensitive personal data and information relating to personal and family status, contrary to the no excessive data collection principle under the Ordinance and the practice of collecting minimum information for the purpose of data collection.

The results also showed that:

- Apart from collecting basic contact information (e.g. name, telephone number, address and email address), some shopping mall membership programmes also collected sensitive personal data (e.g. date of birth, age, Hong Kong Identity Card number) and personal data relating to personal and family status (e.g. monthly income, marital status, whether a car owner or not and vehicle registration mark);
- Three membership programmes (6% of the 52 membership programmes) required collection of 18 personal data items;
- 20 membership programmes (38% of the 52 membership programmes) required compulsory provision of unnecessary personal data; and
- The design of eight membership programmes (15% of the 52 membership programmes) forced customers to agree that the relevant organisations could use their personal data for direct marketing purposes, leaving individual customers with no choice at all.

<sup>1</sup> The compliance checks report was published on 25 April 2019.

<sup>2</sup> These 52 membership programmes were hosted by the 41 shopping malls.



在上述「網綁式同意」的做法及設計下所獲取的同意，不能視為真正和有意義的同意。其做法及設計實際上構成不公平收集個人資料，因此應予以停止，而有關商場亦已作出相應更改。

就商場會員計劃所收集的個人資料方面，一般而言，私隱專員接受為識辨身份和通訊目的而收集聯絡資料。然而，會員計劃收集香港身份證號碼一般會被視為過度收集個人資料，因為香港身份證號碼屬敏感的個人資料，處理不當會造成如身份盜竊等不必要的風險。至於為市場分析及提供合適優惠的目的而收集個人及家庭狀況有關的個人資料，一般而言可以接受，但同時會員應有不提供這些資料的選擇。

就身份證號碼與個人及家庭狀況的個人資料方面，私隱專員欣悉在巡視的52個會員計劃之中：

- 45 個（佔52 個會員計劃之中的87%）未有收集會員的香港身份證號碼；及
- 32 個（佔52 個會員計劃之中的62%）給予會員可不提供部份個人資訊（如年齡、工作地區、職業等）及家庭狀況的選項，或完全沒有要求這些資料。

### 網上推廣活動

在網上推廣活動方面，是次循規審查行動的結果顯示：

- 相比其他行業，美容、教育、保健產品及服務業較多利用網上推廣活動，分別佔是次審查的300個網頁之中的44%、18%和8%；及
- 由於網上推廣活動的目的只為吸引顧客領取推廣優惠，只有20個網上推廣活動（佔300 個網頁之中的6%）涉及過度收集個人資料，包括香港身份證號碼、生日資料、年齡及每月收入。

### 補救措施

有關商場和網頁營運商已跟從公署的意見停止收集被視為超乎適度的個人資料，銷毀所有在以往收集的有關資料，並重新修訂申請表格及《收集個人資料聲明》以符合《私隱條例》中收集資料方面的要求。

The said “bundled consent” design and practice obtained no meaningful and real consent, and practically constituted unfair collection of personal data. Such practice therefore should be discontinued, and the malls concerned had rectified the situation accordingly.

With regard to personal data collected by shopping mall membership programmes, in general, the Privacy Commissioner accepts the collection of contact information for the purposes of identification and communication. However, the collection of HKID Card number by membership programmes is generally considered excessive because HKID Card number is sensitive in nature, and improper processing of this data may cause unnecessary risks such as identity theft, etc. Meanwhile, collection of personal data relating to personal and family status is generally acceptable for the purposes of market analyses and provision of suitable offers, but members should be given a choice of not providing such information.

Concerning the personal data related to HKID Card number as well as personal and family information, the Privacy Commissioner was pleased to note that:

- 45 membership programmes (87% of the 52 membership programmes) did not collect HKID Card number; and
- 32 membership programmes (62% of the 52 membership programmes) either provided members with an option not to provide certain personal information (such as age, working district, occupation, etc.) and family status or did not request such information at all.

### Online promotion activities

For online promotion activities, the results of the compliance checks revealed that:

- Beauty, education institutions as well as health products and services industry used more online promotion activities than other industries did, accounting for 44%, 18% and 8% of the 300 webpages reviewed respectively; and
- Given that the purpose was simply to attract customers for promotional offers, only 20 online promotion activities (6% of the 300 webpages) involved excessive collection of personal data, such as HKID Card number, date of birth, age and monthly income.

### Remedial actions

With the PCPD’s advice, the shopping malls and website operators in question had ceased to collect personal data that was considered excessive, destroyed all such data collected previously, and revised the application forms and Personal Information Collection Statement to comply with the data collection requirements under the Ordinance.



## 借鑑

隨著大數據和資訊及通訊科技的發展及應用日增，衍生的網絡安全風險已上升至前所未見的高水平並日趨嚴重。收集的個人資料越多，相關的風險越大。私隱專員支持及提倡在不損害個人私隱權的情況下，合法運用大數據，並極力建議以收集最少個人資料的方式行事。

機構亦應將個人資料保障納入為其企業管治責任的一部分，並由董事局開始，以應用私隱管理系統於整個機構中為業務重點。私隱專員進一步建議機構應將數據管治和管理以至數據道德- 尊重、互惠和公平，納入機構管治之中，方為長遠應對個人資料私隱保障的方案。

## Lesson learnt

With the development and increasing application of big data, and information and communications technology, the resulting network security risks have elevated to an unprecedented high level and will only become more serious over time. The more personal data collected, the greater the risk associated. The Privacy Commissioner advocates and facilitates the legitimate use of big data without compromising individuals' privacy right, and highly recommends the practice of minimum collection of personal data.

Organisations should also embrace personal data protection as part of their corporate governance responsibilities and apply the programme as a business imperative throughout the organisation, starting from the boardroom. The Privacy Commissioner further recommends that organisations should incorporate data governance, stewardship and ethics – being respectful, beneficial and fair, as part of corporate governance and a long term solution for personal data protection.





## 循規審查

### 未經授權在社交媒體網絡中發放載有個人資料的機密文件

某政府部門向公署通報，表示其員工未經授權上傳了一份便箋至 WhatsApp 群組，當中載有 138 名即將參加內部考試的人員的姓名、職員編號、職級、職位、駐守單位和考試日期。

本案源於負責員工在收到便箋後，留意到所有即將參加考試的人員都已下班。由於她被要求通知有關人員其考試日期以便為考試作準備，她便輯錄了便箋的相關影像並將圖像發放給 WhatsApp 群組的成員，以防止不必要的延誤。在收到圖像後，WhatsApp 群組中的一名成員進一步將圖像轉發給另一個由他的小隊成員組成的 WhatsApp 群組。

為了防止同類事件重演，該部門傳閱電子備忘錄，提醒員工須注意安全使用社交媒體網絡及正確處理個人資料和機密文件。同時，該部門亦透過引用此事件為例子，透過備忘錄向相關員工簡述遵守電子備忘錄的重要性，並提供持續培訓，以提高員工對保障個人資料隱私的意識。

## 借鑑

案中那類的即時通訊程式為通訊帶來便利。但如果使用不當，可能會對個人資料私隱產生不利影響。本案中負責的人員顯然沒有充分考慮到關於使用社交媒體網絡正確處理載有個人資料的機密文件的內部程序，有關行為可無意中導致個人資料外洩。這類行為應可避免。

## COMPLIANCE CHECK

### Unauthorised circulation of confidential documents containing personal data in social media network

A government department reported to the PCPD that a staff member had uploaded a memo containing the names, service numbers, ranks, posting, stationed units and examination dates of 138 service members who would sit for an internal examination in a WhatsApp group without authorisation.

This case originated from the staff member concerned, who noted that all those service members who would sit for the examination were off duty when she received the memo. As she had been requested to disseminate the respective examination dates to the members concerned for preparation of examination, she captured the relevant pages of the memo and shared the image to the members involved in the WhatsApp group to prevent unnecessary delay. Upon receipt of the images, one member in the WhatsApp group further forwarded the image to another WhatsApp group comprising his squad members.

To prevent recurrence of similar incidents, the department circulated e-memos to remind its service members to observe the safe use of social media networks and the proper handling of personal data and confidential documents. The department also enhanced staff awareness of personal data privacy protection by issuing another memo citing this incident as an example, briefing the relevant staff members on the importance of compliance with the e-memos, providing ongoing training to all members concerned, etc.

## Lesson learnt

Instant messaging applications like that in this case enhance convenience for communication. If used improperly, however, it may create adverse effects on the privacy of individuals in relation to personal data. The staff concerned in this case had obviously failed to give due consideration to the established protocols on the proper handling of confidential documents containing personal data when using social media networks. Such act could result in inadvertent disclosure of personal data which should be avoided.





## 招聘網站錯誤將載有工作履歷資料的電郵寄出

公署接獲某招聘網站通報，指他們錯誤將載有4,201名求職者履歷資料的電郵寄予1,692間公司。被洩漏的個人資料包括中英文姓名、居住地址、手提電話號碼、電郵地址、性別、出生日期、國籍、身份證號碼、婚姻狀況、教育背景及工作經驗。得悉事件後，公署決定展開循規審查。

在循規審查的過程中，公署發現該公司的伺服器因錯誤配置關係，導致有人手重寄過程的需要，而負責整理該人手重寄過程的職員犯下人為失誤，最終令致資料外洩。

事發後，該公司成立跨部門工作小組，以評估是次事故帶來的影響、解決問題、及與內外持份者溝通。為免同類事情再發生，該公司將採用全自動程序以及引入核對機制，以避免日後再需要人手操作。

### 借鑑

就算高度機械主導的系統也偶爾需要人手介入，而發生錯誤的機會也會因此而增加，所以公署欣悉有關的資料使用者遷移至全自動程序。儘管如此，一定程度的核對機制能確保個人資料私隱得到最佳的保障。

## Recruitment platform wrongfully sent out emails containing CV information

A recruitment platform reported to the PCPD that job application emails containing CVs of 4,201 job applicants were erroneously sent to 1,692 companies. Personal data involved included job applicants' full English and Chinese names, home addresses, mobile numbers, email addresses, genders, dates of birth, nationalities, identity card numbers, marital statuses, education background and work experience. On knowing the incident, the PCPD initiated a compliance check.

In the compliance check process, the PCPD revealed that the incident occurred when a server misconfiguration prompted a manual job application resending process, and a human sorting error caused the data mismatch and job applications being sent incorrectly to the companies.

After the incident, the recruitment platform formed a cross-functional task force to assess impact, resolve the issue, and communicate with external and internal stakeholders. To remove the risk of data mismatch in the future, a fully automated process which eliminates the need for manual interaction with datasets was implemented in addition to a checking mechanism to ensure that job application emails will not be sent out to irrelevant companies.

### Lesson learnt

Even systems which are predominantly machine-operated may at times require human intervention (such as server misconfiguration in this case). Human interaction is prone to errors. So, completely automated processes are mostly welcomed, albeit some form of auditing mechanism would still be beneficial.





## 視察行動

### 視察原因

本港私營補習服務業持續興旺，服務種類繁多；補習服務機構需要處理龐大數量的個人資料，加上其服務對象主要為學童，此群組人士的個人資料私隱尤其需要受到特別的保障，私隱專員遂根據《私隱條例》第36條，對三所不同營商模式（連鎖式、特許經營、網上平台）的補習服務機構的個人資料系統進行視察，就業界處理個人資料方面作出建議，藉以加強它們依從《私隱條例》的認知。

### 視察結果及建議

視察結果顯示三所補習服務機構在處理個人資料方面皆存有不同的理念及認知，導致它們的個人資料系統在不同範疇各有長短。整體而言，私隱專員滿意三所機構均視學童、家長及導師的個人資料為重要資產，不會胡亂處理或濫用個人資料，亦致力確保該等資料得到妥善管理。它們在營運過程及常規中均有採取保障個人資料的措施，但相關措施只在個別職能中體現，未能將私隱保障納入其企業管理中。

私隱專員指出，機構最佳的行事方式是建立及全面執行私隱管理系統。數據管治應涵蓋整體業務常規、操作程序、產品和服務設計、實體建築，以至網絡基礎設施。在策略層面，機構可採用私隱管理系統作為框架，輔以行之有效的檢討及監察程序，建立健全的私隱保障基建，藉以配合機構遵從《私隱條例》的規定，與顧客共享公平、尊重和互惠。

## INSPECTION

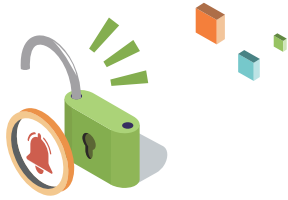
### Reasons for inspection

The private tutorial services industry in Hong Kong continues to thrive and provides a wide range of services. Tutorial institutions need to handle a vast amount of personal data. Since the main target clients are minors, being an age group that should be given special protection of personal data privacy, the Privacy Commissioner conducted an inspection of the personal data systems of three private tutorial institutions (the Institutions) with different business models (chain-run, franchised, and online) pursuant to section 36 of the Ordinance. Through the inspection exercise, the Privacy Commissioner made recommendations to this class of data users in relation to the handling of personal data so as to promote compliance with the provisions of the Ordinance.

### Findings and recommendations

The inspection showed that the institutions had different understanding and perceptions about personal data handling, resulting in different strengths and weaknesses of their personal data systems. On the whole, the Privacy Commissioner was satisfied that the Institutions viewed the personal data of children, parents and tutors as important assets and they would not handle or use the data indiscriminately. The Institutions were also committed to ensuring that the data was properly managed. They had taken measures to protect personal data in their operational procedures and practices. However, only fragmented measures were in place and data privacy protection was not included as part of their corporate governance.

The Privacy Commissioner considered that, as a best practice, organisations should formulate and maintain a comprehensive privacy management programme (PMP). Data stewardship should cover the overall business practices, operational processes, product and service design, physical architecture and network infrastructure. The PMP, supported by an effective ongoing review and monitoring process to facilitate its compliance with the requirements under the Ordinance, serves as a strategic framework to assist the organisations in building a robust privacy infrastructure and to share mutual fairness, respect and benefit with their customers.



參照全面的私隱管理系統的要求，以及按《私隱條例》的有關的規定，私隱專員對私營補習市場的機構提出以下建議：

- 將私隱保障納入企業管治，並從管理層中委任保障資料主任管理相關事務；
- 將私隱保障納入新產品及服務設計之中，並就個人資料私隱進行評估；
- 制定全面的私隱政策，並須適時通知所有僱員有關規定；
- 建立有效的個人資料匯報及監控系統和資料外洩事故通報機制；
- 定期提供教育及培訓予所有員工以提高其對私隱保障的意識；
- 檢視其收集個人資料的情況，停止不必要或過量收集個人資料；
- 訂立保留個人資料期限的政策，以及銷毀已超過保留期限的資料的程序及方式；
- 就使用個人資料情況進行全面檢視，確保其使用目的與當初收集資料的目的的一致或直接有關，或已獲取資料當事人的訂明同意；
- 制定全面的資訊保安政策（包括資訊科技系統及實體保安措施）；
- 以合約方式規範資料處理者在處理其委託的個人資料的情況，並需定期進行監控及審查程序，確保符合有關私隱保障的要求；及
- 恪守更高的數據道德標準，在實際營運上符合持份者的期望。

Based on the elements of the PMP and the related requirements under the Ordinance, the Privacy Commissioner made the following recommendations to institutions in the industry:

- Integrate the ideas of data privacy protection into corporate governance, and to designate a data protection officer from top management to oversee data protection matters;
- Incorporate privacy protection when designing new products and services, and assess the relevant impact on personal data privacy;
- Formulate a comprehensive privacy policy, and inform all staff members about the related measures;
- Establish effective personal data reporting and monitoring mechanism, as well as data breach notification mechanism;
- Provide regular education and training to all employees in order to raise their awareness of privacy protection;
- Review personal data collection practices, and cease excessive or unnecessary data collection;
- Establish personal data retention policies as well as the procedures and methods for destroying such data;
- Conduct a comprehensive review on the use of personal data to ensure that such use is consistent with or directly related to the purpose for which the data was originally collected, or has obtained prescribed consent from the data subject concerned;
- Develop a comprehensive information security policy (covering information technology systems and physical security measures);
- Adopt contractual means to manage the personal data entrusted to data processors, and conduct regular monitoring and compliance procedures to ensure data processors' compliance with the requirements of privacy protection; and
- To be held to a higher data ethical standard that meets stakeholders' expectation in actual operation.

## 資料外洩通報

資料外洩事故一般是指資料使用者所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。雖然《私隱條例》並未有規定資料使用者就資料外洩事故作出通報，但為符合數據道德標準，公署一直鼓勵資料使用者一旦發生資料外洩事故，須通知受影響的資料當事人、私隱專員和其他相關人士。

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

在報告年度內，公署接獲 113 宗資料外洩事故通報(61 宗來自公營機構；52 宗來自私營機構)，與上一報告年度的 116 宗相約，牽涉 349,545,512 名人士的個人資料。這些外洩事故涉及黑客入侵、系統設定有誤、遺失文件或便攜式裝置、經傳真、電郵或郵遞意外披露個人資料等。公署對所有肇事機構均展開循規審查行動。

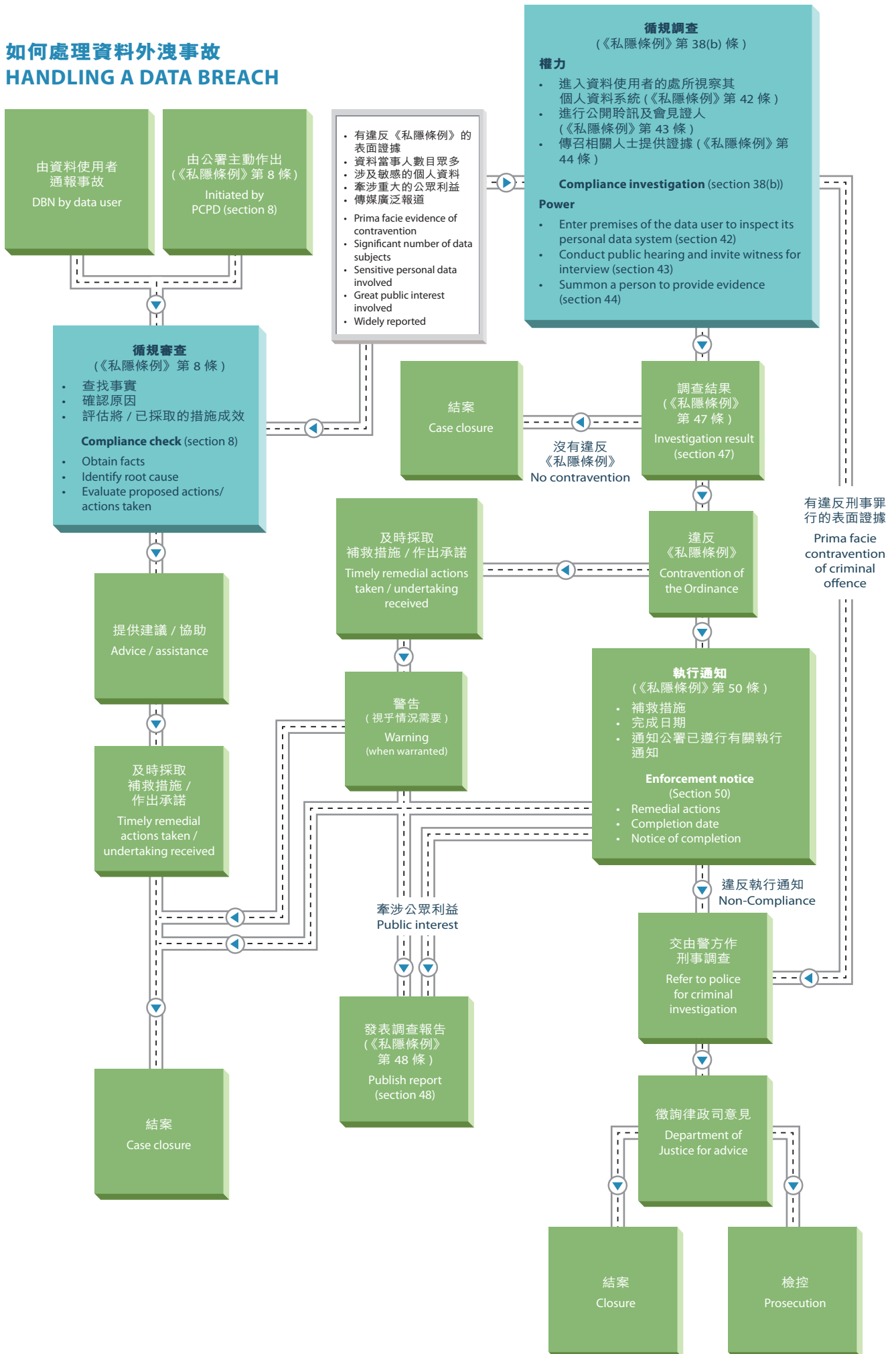
## DATA BREACH NOTIFICATIONS

Generally speaking, a data breach is a breach of security of personal data held by a data user, which results in exposing the data to the risk of unauthorised or accidental access, processing, erasure, loss or use. The breach may amount to a contravention of Data Protection Principle 4. Although the Ordinance does not require data users to give data breach notification (DBN), the PCPD has always encouraged data users, in line of data ethical standards, to give such notification to the affected data subjects, the Privacy Commissioner, and other relevant parties when a data breach has occurred.

Upon receipt of a DBN from a data user (which could be submitted through the PCPD-designated DBN form or other means of communication), the PCPD would assess the information provided in the DBN and decide whether a compliance check is warranted. Upon completion of a compliance check, the Privacy Commissioner would point out the obvious deficiency and suggest the data user to take remedial actions to prevent recurrence of the incident.

During the reporting year, the PCPD received 113 DBNs (61 from the public sector and 52 from the private sector), which is comparable to 116 DBNs received in the preceding year, and involved personal data of 349,545,512 individuals. The data breach incidents involved hacking, system misconfiguration, the loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, etc. The PCPD conducted compliance check in each of these 113 incidents.

# 如何處理資料外洩事故 HANDLING A DATA BREACH







## 2018 年抽查報告：資料使用者實施私隱管理系統的情況

在 2018 年，香港個人資料私隱專員公署（公署）連續第六年參與「全球私隱執法機關網絡」（Global Privacy Enforcement Network）的抽查行動。本年抽查行動的主題是「私隱問責制的實施」。18 個來自世界各地的私隱執法機關（包括公署）參與了抽查行動，當中主要透過分析機構實施私隱管理系統的情況，以評估機構在保障個人資料方面達致問責的程度，及他們在業務過程中管理私隱風險的能力。

公署於 2018 年 10 月至 11 月期間向 26 間不同行業的機構（包括保險、金融、電訊、公用事業及交通運輸）進行抽查行動，以了解它們實施私隱管理系統的情況。

全球方面，私隱執法機關共聯絡了 356 間不同行業的機構參加抽查行動，包括（但不限於）教育、電子商務、金融及保險、健康護理、法律、市場推廣、公共事業（包括中央及地區政府）、零售、電訊、旅遊、交通及康樂。

### 主要觀察結果

公署在香港的抽查結果大致與全球抽查結果一致。公署在抽查行動所得的主要觀察結果簡述如下：

1. 所有參加機構均有制訂符合法律要求的內部個人資料私隱政策，並將有關政策納入機構日常運作中。
2. 儘管並非《私隱條例》的規定，大部分參加機構已委任高級人員負責私隱管治和管理的事宜。
3. 大部分機構均向員工提供全面的保障個人資料培訓。
4. 所有參加機構均將其私隱政策上載於機構的網站中，並易於查閱。

## PRIVACY SWEEP 2018 – IMPLEMENTATION OF PRIVACY MANAGEMENT PROGRAMME BY DATA USERS

The PCPD participated in the Privacy Sweep of the Global Privacy Enforcement Network (GPEN) for the sixth consecutive year in 2018. The theme of the global Privacy Sweep 2018 was “Privacy Accountability”. 18 privacy enforcement authorities from around the world, including the PCPD, participated in the Privacy Sweep to assess how well organisations have implemented accountability principle through Privacy Management Programme (PMP) and their ability to manage privacy risks in all business processes.

During the Sweep period between October and November 2018, the PCPD examined 26 organisations from different sectors (including insurance, finance, telecommunications, public utilities and transportation) to understand their implementation of PMP within their organisations.

Globally, the privacy enforcement authorities made contact with a total of 356 organisations from various sectors including (but not limited to) education, electronic commerce, finance and insurance, health industry, legal, marketing, public sector (including central and local governments), retail, telecommunications, tourism, transport and leisure.

### Key observations

The PCPD’s observations about the local situation were largely in line with the global ones. The key observations of the PCPD are summarised below:

1. All participating organisations had internal data privacy policy (in compliance with legal requirements) and this had been embedded into everyday practices.
2. Although not a legal requirement under the Ordinance, majority of the participating organisations had appointed sufficiently senior level staff for handling privacy governance and management matters.
3. Majority of the participating organisations provided comprehensive training on personal data protection to their staff.
4. All participating organisations maintained privacy policies easily accessible on their websites.



5. 幾乎所有參加機構有書面制訂資料外洩事故的處理程序。
6. 只有部分參加機構有就發生資料外洩事故時通知受影響的資料當事人及向監管機構匯報方面制訂相關程序。
7. 絕大部分參加機構在計劃推出新項目、產品或服務前，會進行私隱影響評估，並有書面記錄。
8. 部分參加機構備有完整的個人資料庫存。
9. 部分參加機構有就轉移個人資料給第三方備存完整記錄。

### 建議

公署對機構在推行私隱管理系統方面有以下建議，藉以遵從《私隱條例》的規定的同時，亦能與客戶及員工共享公平、尊重和互惠：

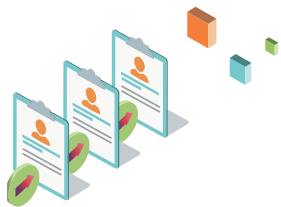
1. **提供足夠的保障資料培訓：**確保員工了解《私隱條例》的規定及遵守有關保障個人資料的政策。如機構處理個人資料的政策或《私隱條例》有修訂，機構應立即通知員工。
2. **定期進行審核：**定期審核機構處理個人資料的做法是否符合《私隱條例》的規定，以及是否有優化的空間。
3. **資料外洩事故的處理：**制訂書面程序，述明發生資料外洩事故時通知受影響的個人及向監管機構匯報所需考慮的因素、機制及行事方式。
4. **完整的個人資料庫存：**各部門應擬備部門所屬的個人資料庫存，就轄下載有個人資料的系統作記錄。
5. **轉移個人資料的記錄：**對所轉移的個人資料備存記錄。日後如有需要，便可迅速地翻查有關資料。

5. Almost all participating organisations maintained a documented incident response procedure.
6. Only some of the participating organisations had a procedure in place to notify affected individuals and report the breach to the regulator.
7. Majority of the participating organisations conducted and documented Privacy Impact Assessment (PIA) before introducing a new product or service.
8. Some of the participating organisations maintained a comprehensive personal data inventory.
9. Some of the participating organisations maintained a record of data transfer to third parties.

### Recommendations

To assist organisations in complying with the requirements of the Ordinance and enjoying fairness, respect and benefit with their customers and employees, the PCPD had the following recommendations to organisations in implementation of PMP:

1. **Provide adequate data protection training:** organisations should ensure that their staff members understand the requirements under the Ordinance and to observe the organisation's policy in relation to personal data handling. If amendments are made to the organisation's policy in relation to personal data handling or the Ordinance, the organisation should notify its staff immediately.
2. **Conduct regular audit:** Conduct regular audit to ensure that the policies and practices of the organisations are in compliance with the Ordinance and to identify whether there is room for improvement.
3. **Handling of data breach incident:** Devise written procedures in relation to the factors to be considered, mechanism and practices when assessing whether data breach notification should be given to affected individuals and regulatory bodies.
4. **Maintain a comprehensive personal data inventory:** Each department of an organisation should prepare its own inventory of personal data held.
5. **Maintain a record of data flow:** Recording data flow can facilitate organisations to easily check and retrieve relevant information in future when necessary.



## 個人資料的核對程序

核對程序是指以電子方法比較因不同目的而收集的個人資料，從中得出的結果可用作對有關資料當事人採取不利行動的程序。資料使用者如無資料當事人的訂明同意或私隱專員的同意，不得進行核對程序。

在本年度，私隱專員共收到 38 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全部申請。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

A data matching procedure is a process by which personal data collected for one purpose is compared electronically with personal data collected for other purposes with the aim of taking adverse action against the data subjects concerned. A data user shall not carry out a matching procedure unless it has obtained the data subjects' prescribed consent or the Privacy Commissioner's consent.

During the reporting year, the Privacy Commissioner received 38 applications for approval to carry out matching procedures. All of these applications came from government departments and public-sector organisations.

Upon examination, all applications were approved, subject to conditions imposed by the Privacy Commissioner. The followings are some of the matching procedures approved by the Privacy Commissioner.



提出要求機構 Requesting Parties	核准的資料核對程序詳情 Details of the Approved Data Matching Procedures
衛生署 Department of Health	<p>把衛生署從「大腸癌篩查先導計劃」參加者收集的個人資料，與入境事務處的人事登記記錄中的個人資料互相比較，以核實參加者的資格。</p> <p>Comparing the personal data collected by the Department of Health from the participants of the Colorectal Cancer Screening Programme with the personal data held in registration of persons records of the Immigration Department, in order to assess the eligibility of the participants.</p>
香港海關 Customs and Excise Department	<p>把香港海關從部門宿舍申請人及居住人與其配偶收集的個人資料，與香港房屋委員會從資助房屋業戶、租戶及申請人收集的個人資料互相比較，以避免給予雙重房屋福利。</p> <p>Comparing the personal data collected by the Customs and Excise Department from the applicants and occupants of departmental quarters and their spouses with the personal data collected by the Hong Kong Housing Authority from the owners, tenants and applicants of subsidised housing, in order to prevent the collection of double housing benefits.</p>
市區重建局 Urban Renewal Authority	<p>把市區重建局從「港人首次置業先導項目」申請人及其於申請表列出的家庭成員收集的個人資料，與香港房屋委員會從資助房屋業戶、租戶及申請人收集的個人資料互相比較，以防止濫用公共房屋資源。</p> <p>Comparing the personal data collected by the Urban Renewal Authority from the applicants and listed family members of the Starter Home Pilot Project and with the personal data collected by the Hong Kong Housing Authority from the owners, tenants and applicants of subsidised housing, in order to prevent abuse of public housing resources.</p>
在職家庭及學生資助事務處 Working Family and Student Financial Assistance Agency	<p>把在職家庭及學生資助事務處從「關愛共享計劃」申請人收集的個人資料，與社會福利署從「綜合社會保障援助計劃」及「公共福利金計劃」受助人收集的個人資料互相比較，以辨識符合資格的申請人。</p> <p>Comparing the personal data collected by the Working Family and Student Financial Assistance Agency from the applicants of the Caring and Sharing Scheme with the personal data collected by the Social Welfare Department from beneficiaries of the Comprehensive Social Security Assistance and Social Security Allowance Scheme, in order to assess the eligibility of the applicants.</p>

# ENFORCING DATA PROTECTION

## 執法保障資料

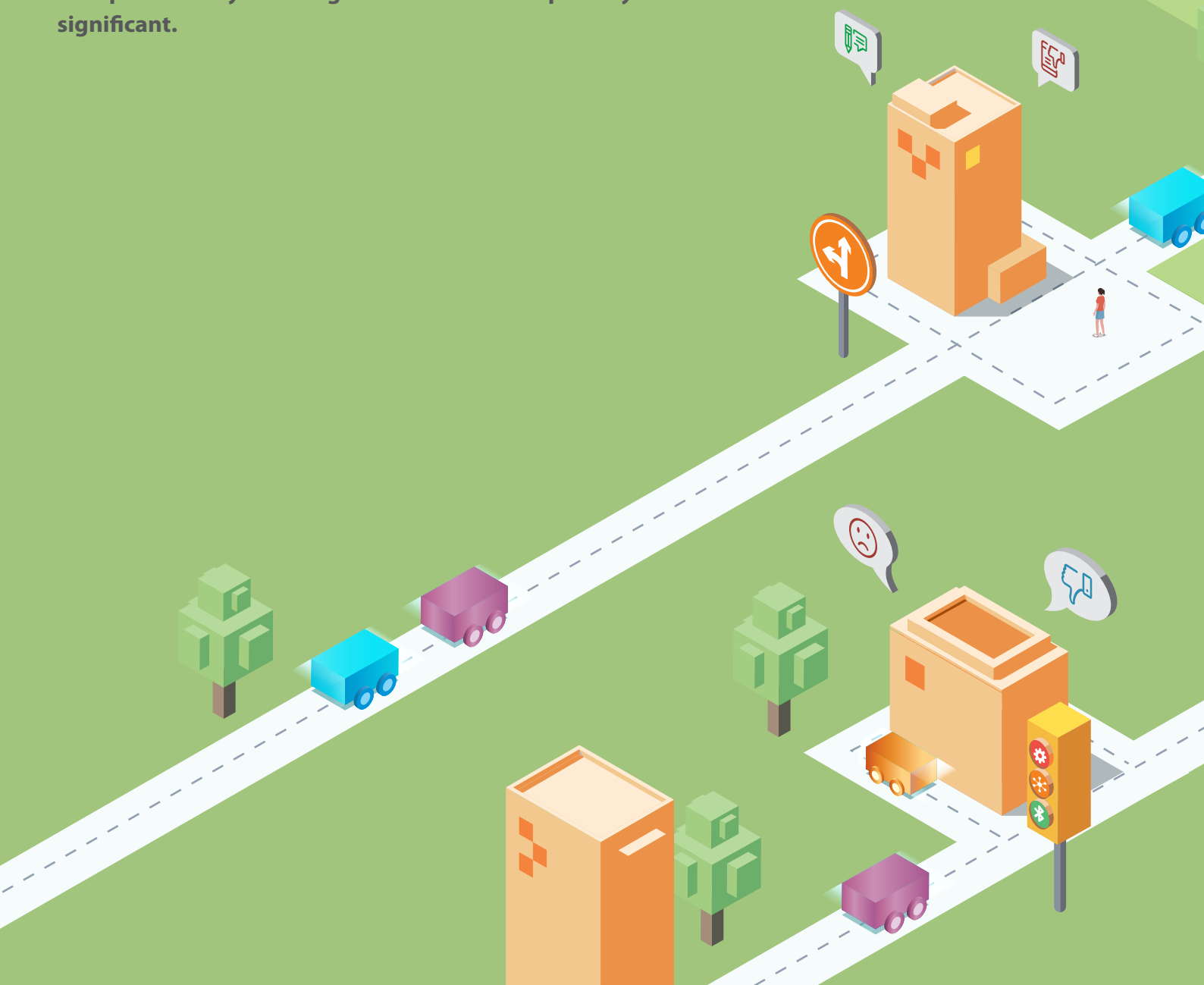
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### 調查不偏不倚

對於市民的投訴及查詢，公署具效率、公平公正地調查及排解。若發現有重大私隱風險的情況存在，我們主動作出調查。

### THOROUGH AND IMPARTIAL INVESTIGATIONS

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





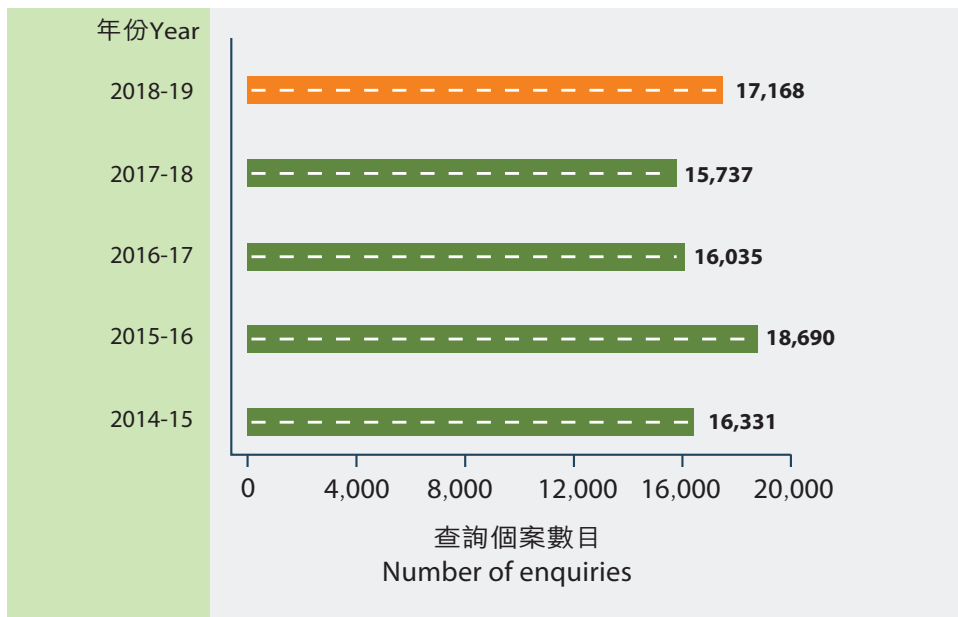


## 處理查詢

公署在報告年度共接獲 17,168 宗<sup>1</sup>查詢個案，較 2017/18 年度的 15,737 宗上升 9%，平均每個工作天處理 70 宗查詢。大部分查詢 (85%) 經由公署的查詢熱線 (2827 2827) 及中小型企業的專屬諮詢熱線 (2110 1155) 提出。至於查詢的主要性質，32% 是關於收集及使用個人資料 (例如香港身份證號碼及副本)、10% 是與僱傭事宜相關；6% 是與查閱及改正資料要求相關。

報告年度發生多宗大規模的資料外洩事故，與資料外洩事故相關的查詢數字亦由 2017/18 年度的 146 宗上升至 259 宗。此外，歐盟的《通用數據保障條例》於 2018 年 5 月生效，相關的查詢由 2017/18 年度的 12 宗上升至報告年度的 252 宗。以上種種提高大眾對個人資料私隱的關注，促使查詢個案數字回升。

圖 5.1 – 查詢個案數目



## HANDLING ENQUIRIES

During the reporting year, the PCPD received a total of 17,168 enquiries<sup>1</sup>, which represented an increase of 9% as compared with 15,737 enquiries in 2017/18. On average, 70 enquiries were handled per working day. The majority of the enquiries (85%) were made through the PCPD hotline (2827 2827) and the designated hotline for small and medium enterprises (2110 1155). The enquiries were mainly related to the collection and use of personal data (e.g. Hong Kong Identity Card numbers or copies) (32%), employment (10%), and data access and correction request (6%).

A number of large-scale data breach incidents happened during the reporting year, and the number of enquiries related to data breach incidents increased from 146 cases in 2017/18 to 259 cases in the reporting year. In addition, the European Union General Data Protection Regulation came into effect in May 2018, and the number of related enquiries received increased from 12 cases in 2017/18 to 252 cases in the reporting year. All of the above has heightened public concern about personal data privacy, which in turn contributed to the rise of number of enquiries.

Figure 5.1 – Number of enquiries received

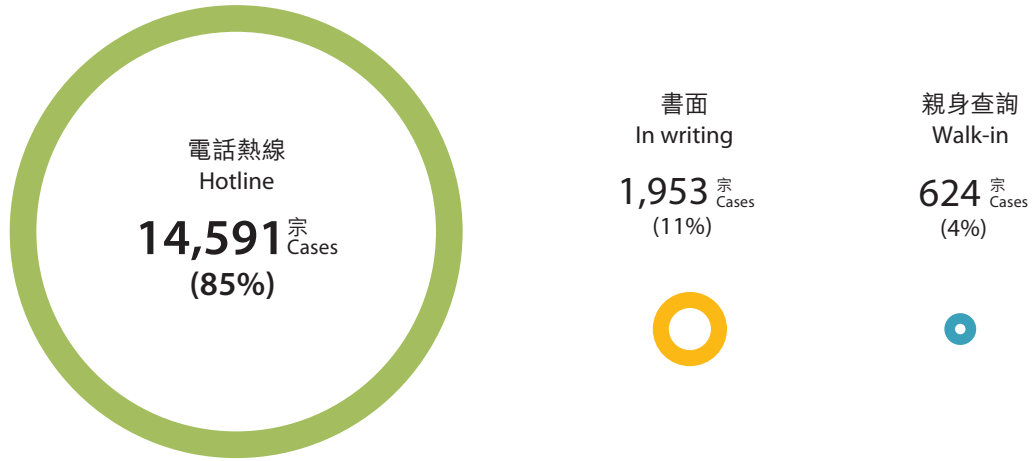
<sup>1</sup> 一宗查詢可能涉及多項性質。

<sup>1</sup> An enquiry may cut across different categories.



圖 5.2 – 提出查詢的途徑

Figure 5.2 – Means by which enquiries were made



總數：17,168 宗  
Total: 17,168 Cases

## 調查投訴

### 投訴的整體趨勢

在本報告年度發生多宗資訊科技系統外洩個人資料的重大事故，引起了公眾對保障網上個人資料私隱的廣泛關注。在過去兩個報告年度(2016/17及2017/18年度)，公署接獲的投訴數字均下降，但在本報告年度的投訴數字回復上升。與資訊及通訊科技應用相關的投訴個案亦比上個報告年度更上升超過一倍，其中涉及在互聯網披露或洩漏個人資料的投訴大增，創近年新高。

另一方面，近年公署先採用調停方式解決爭議，嘗試排解資料當事人與被投訴者之間的糾紛，達88%的投訴成功調停。在處理投訴的過程中，公署致力讓投訴人對《私隱條例》所賦予的權利加深認識，並協助資料使用者履行其在《私隱條例》下的責任。

在私隱保障的新趨勢下，公署提倡公私營機構在依從監管要求的最低標準上，以尊重、互惠和公平等數據道德價值處理關於個人資料的實務。在處理投訴期間，公署除了提醒向被投訴者採取糾正措施外，還會根據個案情況作出建議(詳情見第66-79頁)，鼓勵資料使用者建立尊重個人資料的良好行事方式。

## COMPLAINTS INVESTIGATION

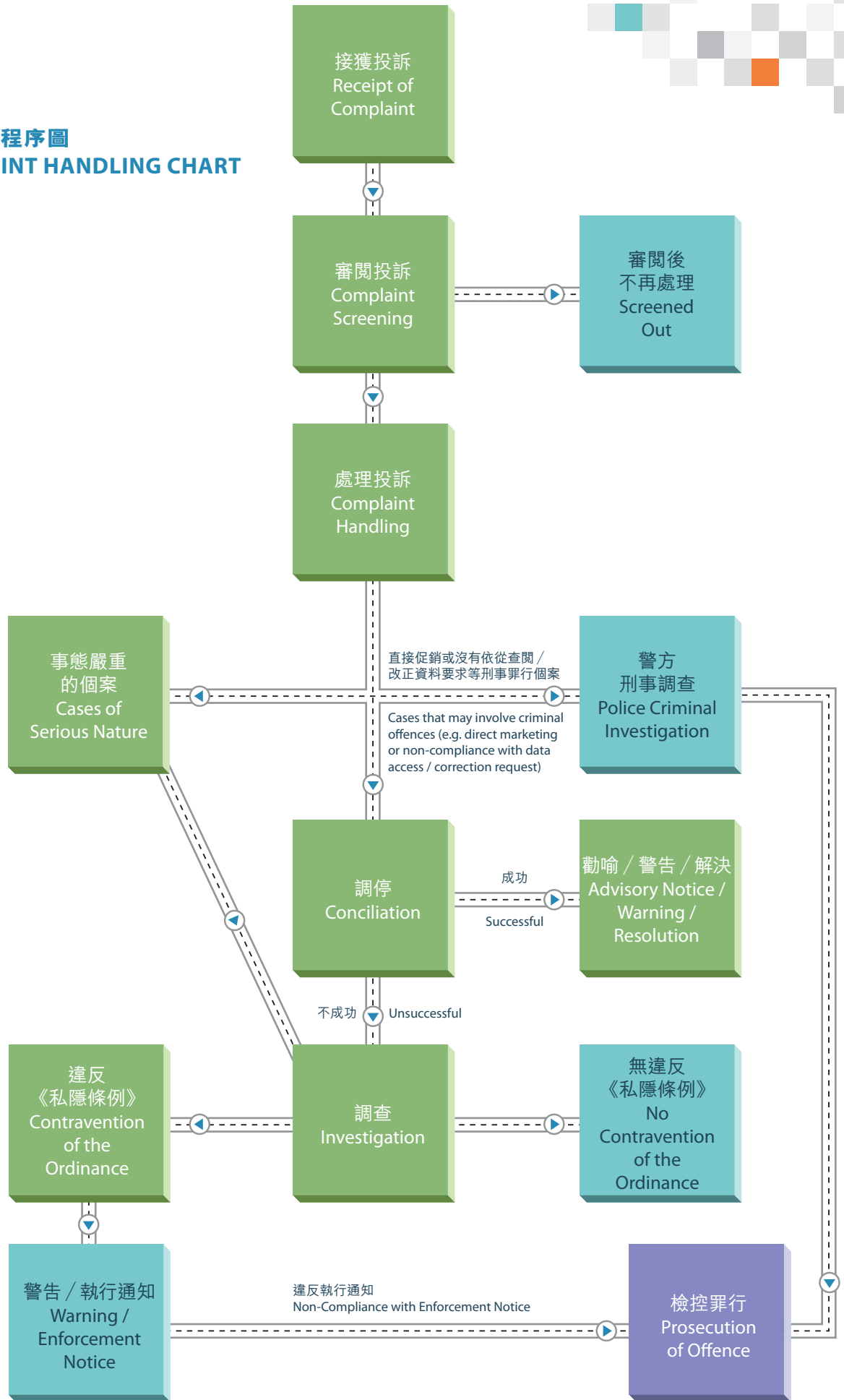
### Overall trend of complaints

A number of major incidents related to the leakage of personal data from information technology systems happened during the reporting year, causing widespread public concern about protection of personal data privacy online. Despite the decrease in the number of complaints received by this office in the past two reporting years (2016/17 and 2017/18), the number of complaints in this reporting year has reverted to an uptrend. At the same time, the number of information technology-related complaints has also increased more than a double comparing with that of the last reporting year. The number of complaints involving disclosure or leakage of personal data on the Internet has increased significantly, reaching a record high in recent years.

The PCPD has in recent years adopted conciliation as a means to resolve disputes between data subjects and the parties being complained against. 88% of the complaints received were successfully conciliated. In the course of handling complaints, this office is committed to enhancing complainants' understanding of their rights under the Ordinance and to assist data users in fulfilling their responsibilities under the Ordinance.

In the new trend of privacy protection, this office advocates public and private organisations to adopt, in addition to complying with the regulation, the values of data ethics advocated by the PCPD, namely "Respectful, Beneficial and Fair" when handling personal data in practice. In handling complaints, the PCPD does not only remind the parties being complained against to take remedial actions, but also makes recommendations to them according to the circumstances of the cases, so as to encourage the data users to establish a good practice of respecting personal data (please refer to P.66-79 for details).

### 處理投訴程序圖 COMPLAINT HANDLING CHART





## 接獲的投訴個案

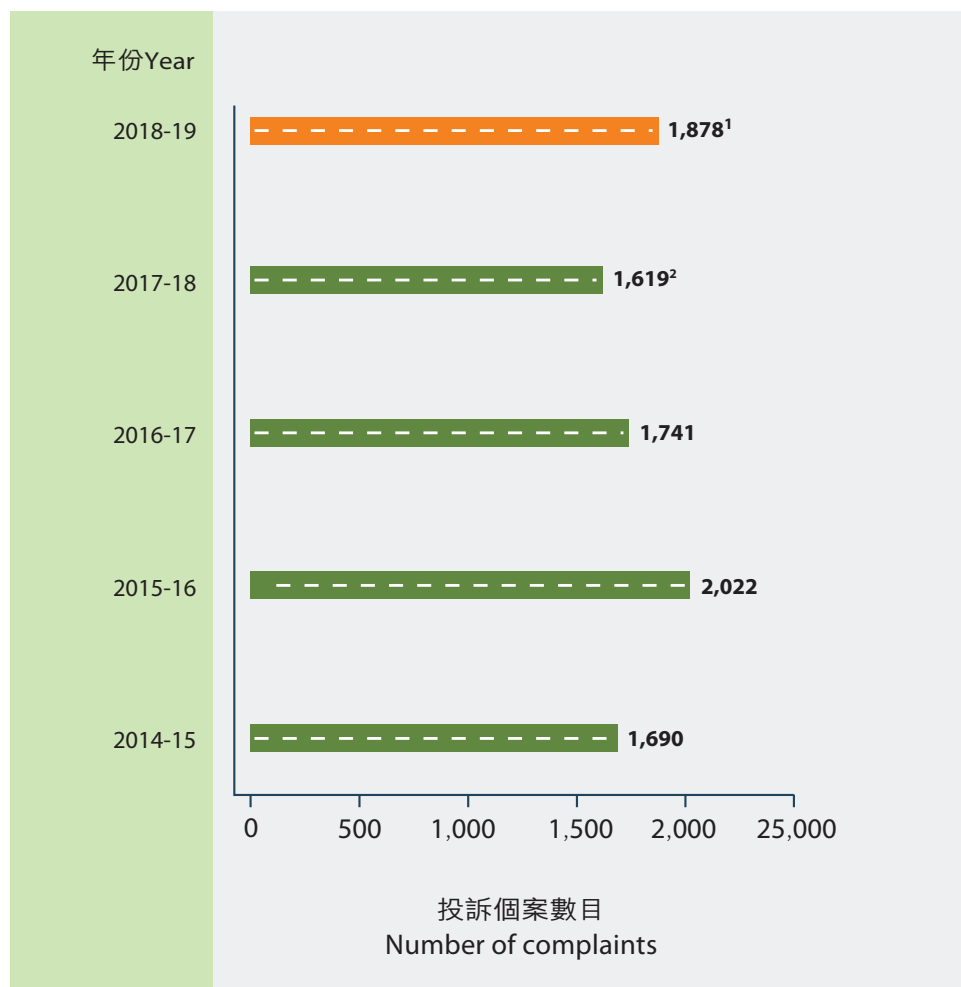
公署在本報告年度共接獲 1,878 宗<sup>1</sup>有關個人資料私隱的投訴，比上年度增加 16%。(圖 5.3)

## Complaints received

1,878 complaints<sup>1</sup> were received in 2018-19, being a 16% increase from last year. (Figure 5.3)

圖 5.3 – 投訴個案數目

Figure 5.3 – Number of complaints received



<sup>1</sup> 當中包括 143 宗有關國泰航空有限公司外洩客戶個人資料事件的投訴。

<sup>1</sup> 143 complaints were about Cathay Pacific Airways Limited data leakage incident.

<sup>2</sup> 為統計目的，公署在該報告年度收到有關選舉事務處遺失載有選民個人資料的手提電腦的 1,944 宗同類投訴，只作一宗投訴計算。

<sup>2</sup> For statistical purpose, the 1,944 complaints received in relation to the suspected theft of computers of the Registration and Electoral Office that contained personal data of registered electors were counted as one complaint.



### 被投訴者類別

在接獲的 1,878 宗投訴個案中，被投訴者可分為以下類別：

- 私營機構 (1,348 宗)，主要涉及：銀行及財務公司、物業管理公司，以及交通運輸公司；
- 個人 (305 宗)；及
- 政府部門及公共機構 (225 宗)，主要涉及：醫院或醫療機構、警務處，以及房屋管理機構。(圖 5.4)

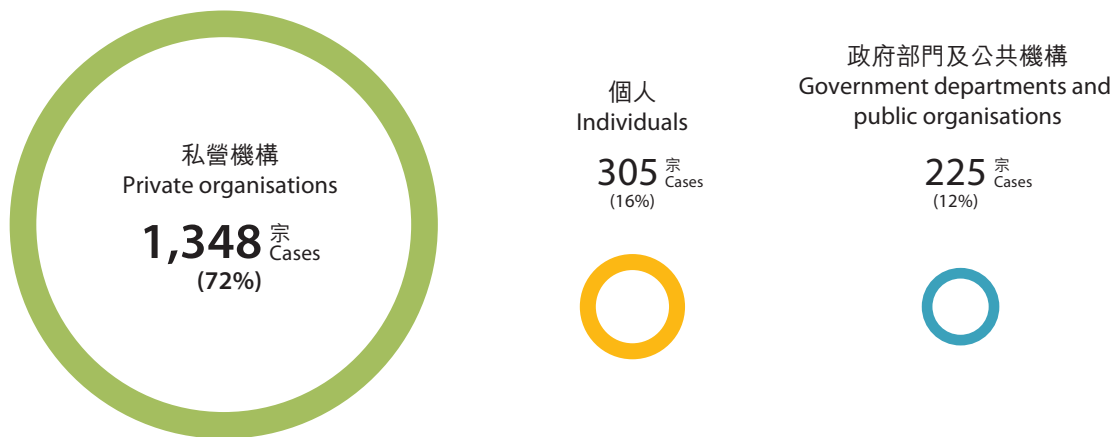
圖 5.4 – 被投訴者類別

### Types of parties being complained against

Among the 1,878 complaints received, the types of parties being complained against are as follows:

- private organisations (1,348 cases), with the majority including banking and finance institutions, property management companies and transportation companies;
- individuals (305 cases); and
- government departments and public organisations (225 cases), with the majority including healthcare services institutions, the Hong Kong Police Force and housing organisations. (Figure 5.4)

Figure 5.4 – Types of parties being complained against

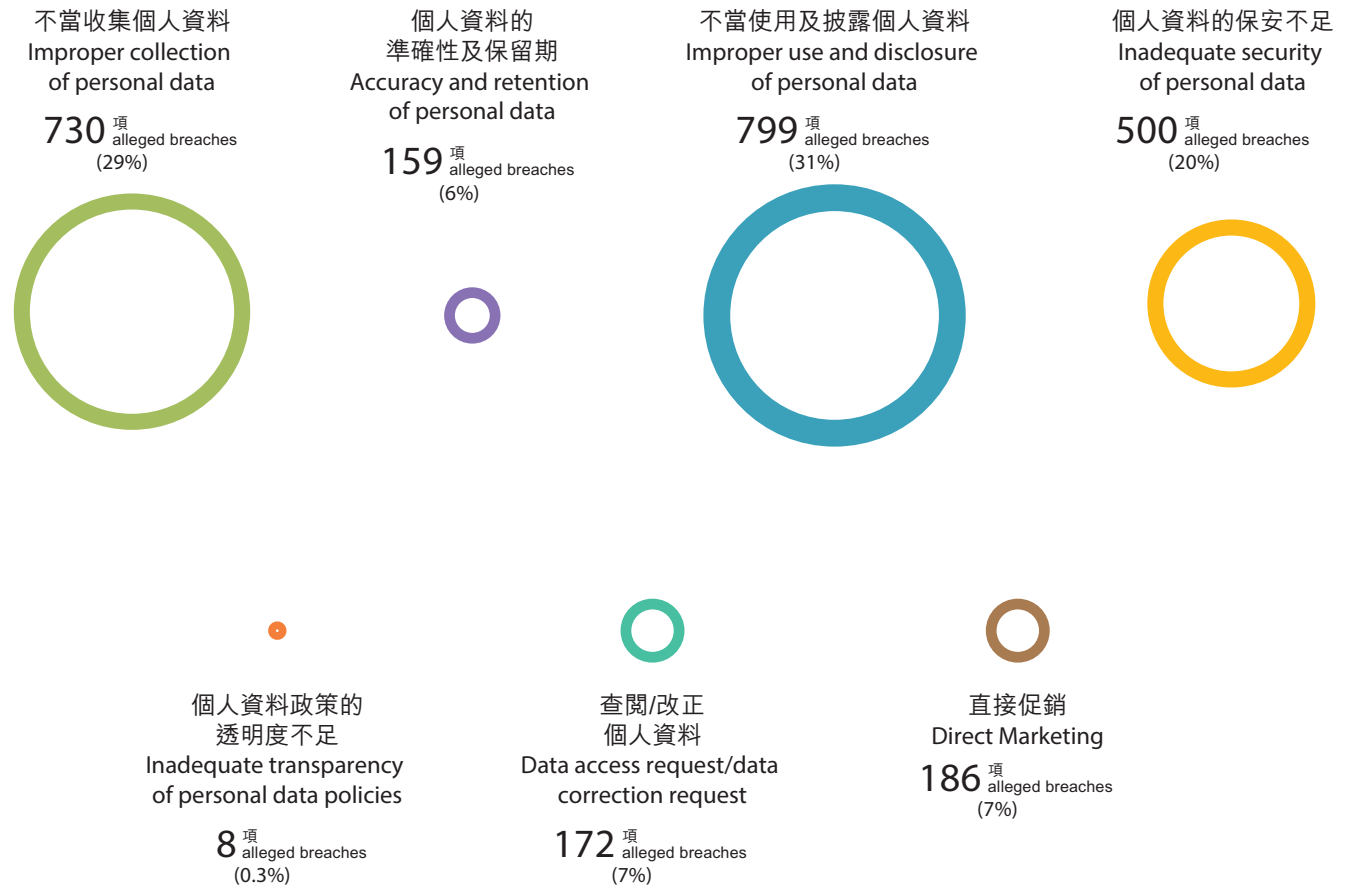


總數：  
Total: 1,878 宗 Cases

## 就違反《私隱條例》的投訴指稱

在本報告年度內接獲的 1,878 宗投訴中，共涉及 2,554 項違反《私隱條例》規定的指稱（同一宗投訴個案可涉及多於一項指稱），該些投訴指稱見圖 5.5。

圖 5.5 – 就違反《私隱條例》的投訴指稱



## Nature of alleged breaches under the Ordinance

The 1,878 complaints involved a total of 2,554 alleged breaches under the Ordinance (one complaint case may have more than one allegation). The nature of the alleged breaches is shown in Figure 5.5.

Figure 5.5 – Nature of alleged breaches



### 投訴所涉的主要範疇

跟上一個報告年度比較，公署於本報告年度收到的投訴中，與資訊科技有關的投訴有明顯上升的趨勢，升幅達 102%。(圖 5.6)

有關資訊科技的投訴中，關於在互聯網上披露或洩漏個人資料的投訴宗數較上一個報告年度大幅上升超過三倍，相信與年內發生了多宗資訊科技系統外洩個人資料事故有關，而涉及社交網絡或智能手機應用程式的投訴，亦錄得顯著升幅。

除直接促銷外，其他主要範疇的個案均有上升趨勢，當中以涉及身份證號碼/副本的個案升幅最大，達 17%，主要與身份證號碼/副本的收集及其後的使用有關。其次是有關查閱/改正資料要求的個案，有 13% 的升幅，主要涉及未有依從查閱/改正資料要求。

### Major subjects of complaints

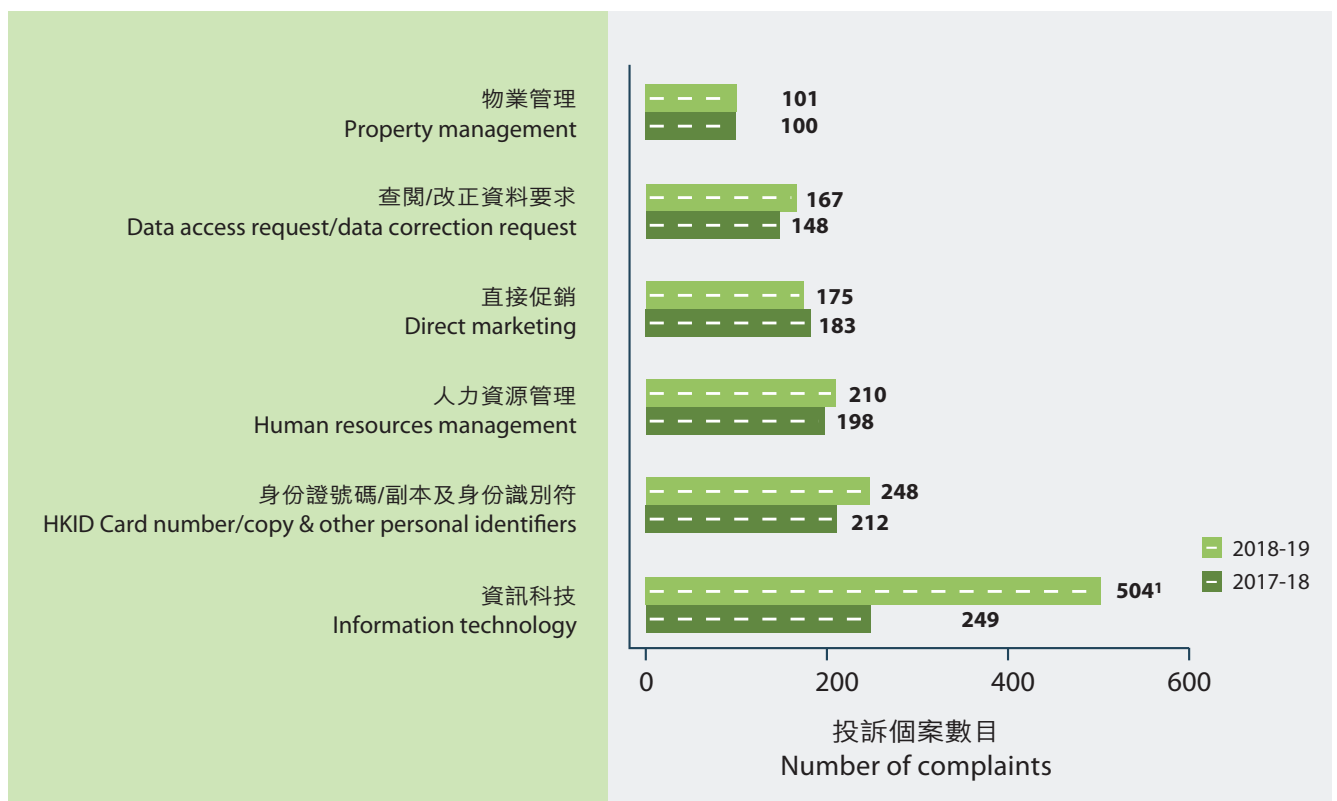
Compared with the last reporting year, the number of complaints received by the office in the reporting year relating to information technology has significantly increased by 102%. (Figure 5.6)

Among the complaints related to information technology, the number of complaints about the disclosure or leakage of personal data on the Internet has increased by more than three times compared with that in the previous reporting year. Understandably, that was a result of a number of major incidents of data breach related to information technology systems. The number of complaints involving social networking or smartphone applications has also recorded a significant increase.

Except for direct marketing, complaints in other major areas have shown an upward trend. Among them, the number of cases involving Hong Kong Identity Card (HKID) numbers/copies has increased the most, by 17%, mainly related to the collection of HKID numbers/copies and subsequent use. This is followed by a 13% increase in the number of cases related to data access/correction requests, which were mainly about non-compliance with the said requests.

圖 5.6 – 投訴所涉的主要範疇

Figure 5.6 – Major subjects of complaints



<sup>1</sup> 當中包括 143 宗有關國泰航空有限公司外洩客戶個人資料事件的投訴。

<sup>1</sup> 143 complaints were about Cathay Pacific Airways Limited data leakage incident.

## 年度投訴摘要

在本報告年度，公署處理了191宗承接上年度的投訴，加上新接獲的1,878宗投訴，年內共須處理2,069宗投訴。在這些個案中，1,777宗(86%)在本報告年度內經已完結，而餘下的292宗(14%)，截至2019年3月31日仍在處理中。(圖5.7)

圖 5.7 – 過去五個年度投訴摘要

## Summary of complaints handled during the reporting year

During the reporting year, the PCPD handled 1,878 newly received complaints, and 191 complaints carried forward from the last reporting year, bringing the total number of complaints handled during the reporting year to 2,069. Of these, 1,777 (86%) were completed during the year, and 292 (14%) were still in progress as at 31 March 2019. (Figure 5.7)

Figure 5.7 – Summary of complaints handled in the past five years

	2018-19	2017-18	2016-17	2015-16	2014-15
承接上年度的投訴 Complaints carried forward	191	193	262	253	329
接獲的投訴 Complaints received	1,878	1,619	1,741	2,022	1,690
共須處理的投訴 Total complaints processed	2,069	1,812	2,003	2,275	2,019
已完結的投訴 Complaints completed	1,777	1,621	1,810	2,013	1,766
未完結的投訴 Complaints under processing	292	191	193	262	253





## 本年度已完結的投訴個案分類 (圖 5.8)

在本報告年度內已經完結的 1,777 宗投訴，當中 899 宗經公署初步審研後，基於以下原因結案：

- (i) 個案不符合《私隱條例》第 37 條定義的「投訴」，例如不涉及「個人資料」。部分個案則未能指明被投訴者的身份或匿名投訴等；
- (ii) 投訴人撤回投訴；
- (iii) 公署要求投訴人加以述明其指稱或提供補充資料後，投訴人未有作出回應；
- (iv) 投訴內容不在《私隱條例》的管轄範圍；或
- (v) 沒有違反《私隱條例》的表面證據。

其餘 878 宗個案獲公署接納作更深入處理。

圖 5.8 – 本年度已完結的投訴個案分類

## Categorisation of completed complaints (Figure 5.8)

Of the 1,777 complaints completed during the reporting year, 899 were concluded after our preliminary assessment, on the grounds set out below:

- (i) the matters complained of fell outside the definition of “complaint” under section 37 of the Ordinance. For instance, the matters complained of did not involve “personal data”. In some cases, the complainants failed to specify the identities of the parties being complained against or the complaints were anonymous etc.;
- (ii) the complaints were withdrawn by the complainants;
- (iii) the complainants did not respond to the PCPD’s requests to provide evidence in support of their allegations;
- (iv) the matters complained of were outside the jurisdiction of the Ordinance; or
- (v) no prima facie evidence of contravention.

The remaining 878 complaints were accepted for further handling.

Figure 5.8 – Categorisation of completed complaints



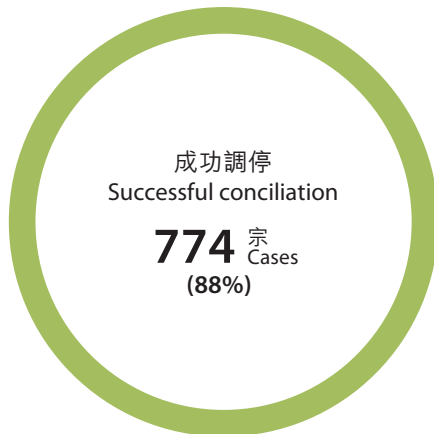
## 公署處理投訴的方式

就該 878 宗獲公署接納作更深入處理的投訴，公署先以調停這種較便捷的方式，嘗試解決資料當事人與被投訴者之間的糾紛。當中達 88% 經公署介入後得到解決(圖 5.9)，並基於以下原因結案：

- (i) 被投訴者就投訴事項採取相應的糾正措施；
- (ii) 公署向投訴人分析所有在案資料後，投訴人不再追究；或
- (iii) 公署應投訴人要求向被投訴者表達關注，以讓被投訴者作出跟進。

此外，公署在調停期間，發現六宗投訴涉及刑事成份(全都是有關直接促銷的條文)，在公署確立表面證據成立後，投訴人同意轉介個案予警方進一步處理。

**圖 5.9 – 調停、轉介警方與展開調查的投訴個案**



展開調查  
Investigation

98 宗  
Cases  
(11%)



轉介警方作  
刑事調查  
Referral to the Police for  
criminal investigation

6 宗  
Cases  
(1%)



## Modes of complaints handling

For those 878 complaints accepted for further handling, the PCPD attempted to resolve disputes between the data subjects and the parties being complained against by conciliation as a speedy and convenient alternative. 774 complaints (88%) were successfully resolved (Figure 5.9) on the following grounds:

- (i) remedial actions have been taken by the parties being complained against to resolve the problems raised by the complainants;
- (ii) the complainants withdrew their complaints after the PCPD had explained the information in hand to them; or
- (iii) the PCPD had conveyed the complainants' concerns to the parties being complained against for their follow-up actions.

In the course of conciliation, six complaints were found involving criminal elements (all of them were direct marketing-related cases). Those complaints were referred to the Police when prima facie evidence of contravention was established and the complainants' consent for referral was obtained.

**Figure 5.9 – Complaints resolved by conciliation, referral to the Police and investigation**



餘下 98 宗的投訴因不適合或不能成功調停，而須展開調查，當中：

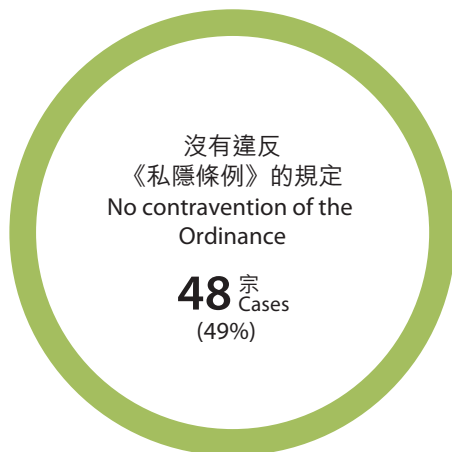
- 公署要求 50 宗的被投訴者採取符合《私隱條例》規定的相應糾正措施，公署並向部份被投訴者發出警告。
- 餘下的 48 宗的被投訴者沒有違反《私隱條例》的規定，公署給予部份被投訴者建議，鼓勵他們建立保障個人資料的良好行事方式。(圖 5.10)

Investigations were carried out for the remaining 98 complaints, which were unsuitable for conciliation or cannot be conciliated:

- in 50 complaints, the PCPD had urged the parties being complained against to take remedial actions in order to comply with the requirements of the Ordinance. Some of them were issued with warnings by the PCPD.
- no contravention of the Ordinance was found in the remaining 48 complaints. Recommendations were given to some of the parties being complained against to encourage them to establish good practice in data protection. (Figure 5.10)

圖 5.10 – 展開調查的個案結果分類

Figure 5.10 – Categorisation of investigation cases



## 公署給予被投訴者的建議

公署除了向涉及違反《私隱條例》的被投訴者發出警告或執行通知外，在調停或調查的過程中亦會視乎情況提示或建議被投訴者採取糾正措施，以免重蹈覆轍，或鼓勵他們建立保障個人資料的良好行事方式。在本報告年度中，公署曾向被投訴者作出超過1,400項建議，要求他們：

- 遵從《私隱條例》的相關規定；
- 修訂與個人資料有關的政策和行事情序，以免再發生同類違規事件；
- 向職員發出指引，要求他們遵從有關的政策和行事情序；
- 依從投訴人的查閱／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；
- 刪除不必要地收集或向第三者披露的個人資料；
- 承諾停止被投訴的不當行為；
- 依從投訴人的拒絕接收直銷訊息要求；及
- 跟進公署轉達投訴人對其私隱的關注。

## Recommendations given to the parties being complained against

Apart from issuing Enforcement Notices and warnings, the PCPD also, in some cases, advises the parties being complained against to carry out remedial actions in the course of conciliation or investigation, with a view to preventing the recurrence of similar irregularities in future, and/or encourage them to establish good practices in personal data protection. During the reporting year, more than 1,400 recommendations were made to the parties being complained against to advise them to take the following actions:

- observe relevant requirements under the Ordinance;
- revise personal data-related policies and practices to prevent similar breach in future;
- provide proper guidance to staff to require compliance with relevant policies and practices;
- supply/correct personal data to comply with the complainants' data access/correction requests, or reduce the fee for complying with the data access requests;
- delete personal data that was collected or disclosed to third parties unnecessarily;
- undertake to cease the malpractices leading to the complaints;
- comply with opt-out requests for not receiving direct marketing messages; and
- follow up on privacy-related concern of the complainants.



## 個案選錄 · 以作借鑑

公司或機構在運用個人資料為業務或服務增值之餘，亦須有道德地顧及其作為對資料當事人所帶來的影響。以下選錄中的一些個案，說明個人資料私隱一旦被侵犯，對當事人的尊嚴、權利或利益可造成損害。

公署如認為投訴有理據，會建議涉事公司或機構作出糾正或補救。由資料當事人提出的投訴，可以令不當的處理個人資料方式得以修正，繼而惠及他人。公署希望個案選錄可供資料使用者作為借鑑，提升企業尊重個人資料的意識，在日常業務中實踐數據道德，而市民可了解其個人資料私隱的權利。

## SUMMARIES OF SELECTED CASES • LESSONS LEARNT

Companies or organisations, when making use of personal data in enhancing businesses or services, are under ethical obligations to carefully consider the possible impact on the data subjects. These selected cases illustrate how intrusion of personal data privacy may infringe the data subjects' dignity, rights and interests.

If complaints are found to be substantiated, the PCPD would recommend the companies or organisations involved to take corrective or remedial actions. Complaints made by data subjects can bring about the correction of malpractices of personal data handling, and subsequently benefit the community at large. By publishing these case summaries, we wish to provide data users with good lessons to learn, raise the organisational awareness of respecting personal data and applying data ethics in daily businesses, and to enhance data subjects' understanding of their privacy rights.







## 個案一：收集超乎適度的個人資料作汽車保險報價用途 — 保障資料第1原則

### 投訴內容

投訴人有意透過一間車行購買汽車保險，遂向車行索取保險報價資料。車行要求投訴人填寫投保表格及提供身份證明文件，並解釋這是保險公司的規定。投訴人不滿車行及保險公司為報價目的而收集過多的個人資料。

車行向公署表示，作為保險中介人，他們一貫依照保險公司的指示向保險客戶收集資料。保險公司則向公署解釋，他們只要求索取初步報價的客戶，提供與受保汽車有關的基本資料。保險公司相信，事件源於作為中介人的車行，誤以為索取初步報價的要求，亦如同正式投保般處理。

### 結果

公署認為，投訴人純粹查詢報價而非正式投保，保險公司實在無需要求投訴人填寫投保表格及提供身份證明文件。雖然保險公司將事件歸咎於車行未有按既定政策行事，惟作為主事人，對於車行在本案中的行為，保險公司亦責無旁貸。

經公署介入後，保險公司承諾與車行加強溝通，並向車行職員提供定期培訓，確保車行職員清楚知悉保險公司的政策，並有效地處理報價查詢。另外，車行亦確認已向保險公司澄清有關政策，並獲保險公司提供書面指引，供處理報價查詢的前線職員遵從。

## Case 1: Excessive collection of personal data for the purposes of preparing car insurance quotation – DPP1

### The Complaint

The complainant intended to purchase a car insurance policy and sought a quotation via a car dealer. The complainant was requested by the car dealer to submit an insurance application form and his identification documents. The car dealer claimed that this was the requirement of the insurance company to provide a quotation. The complainant took the view that the car dealer and the insurance company had collected excessive personal data from him for the purposes of preparing a quotation.

The car dealer stated that being an intermediary, it always followed the company's instructions in collecting customers' personal data. The insurance company stated that only basic information of the vehicle was required for preparing a quotation. The insurance company believed that the car dealer had mistakenly handled a request for quotation as an application for insurance.

### Outcome

The PCPD considered that for the purposes of providing an insurance policy quotation, it was unnecessary for the insurance company to obtain a completed application form and identification documents from the complainant. Although the insurance company attributed the incident to the car dealer's failure to adhere to its policy in handling a request for quotation, it did not extricate its liability (being the principal) in relation to the car dealer's acts in this case.

After the PCPD's intervention, the insurance company undertook to enhance its communications with the car dealer and provide regular training to its staff, so as to ensure that quotation enquiries were properly dealt with. The car dealer also confirmed that it had made clarification with the insurance company on the procedures for seeking quotations and the insurance company had provided written guidelines to its staff to follow.



## 借鑑

在商業世界，中介服務提供者擔任機構與客戶之間的橋樑，能促成交易及帶來商機。作為中介，往往需要代表機構處理客戶個人資料，假如中介在處理客戶個人資料時出錯，委託該中介執行有關工作的機構作為主事人，亦須對該中介的疏忽負上責任。

在本案中，保險公司明顯未有適時採取措施，向車行發出明確的資料收集指引，亦沒有有效監察指引的執行情況，以致車行過早向詢問報價的客戶收集個人資料，此舉並無必要。

所有委託中介代為處理客戶個人資料的機構，應以此案為鑑。機構應制訂完善的監察制度，確保中介在個人資料方面的行事方式，符合機構本身的私隱政策。否則，中介的疏忽或會間接影響機構經營多時的商譽。

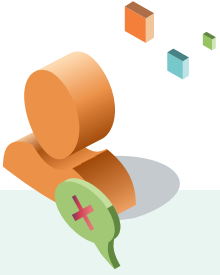
## Lesson learnt

Intermediary services bring about business opportunities by bridging communications between companies and their clients. When an intermediary wrongfully handles customers' personal data, the company commissioning the intermediary is also held liable for the intermediary's negligence.

The insurance company in this case had obviously failed to take steps to issue clear personal data collection guidelines to the car dealer, or monitor its compliance with the guidelines. As a result, the car dealer collected personal data from potential clients seeking quotation information at a premature stage. Such collection of personal data was unnecessary.

Companies can take reference from this case as an example to establish an effective monitoring system, to ensure that their privacy policies are followed by the intermediaries commissioned. Otherwise, negligence of the intermediaries may indirectly damage the companies' hard earned reputation.





## 個案二：政府部門在未經投訴人同意下向警方披露投訴資料 – 保障資料第3原則

### 投訴內容

投訴人向某政府部門投訴一項舞獅活動涉嫌阻塞通道。其後，投訴人突然收到警方電話，欲跟進上述投訴。由於投訴事項不屬警方範疇，投訴人不滿該政府部門如此向警方披露其投訴資料，遂向公署作出投訴。

該政府部門向公署表示，當時其職員基於舉辦舞獅活動須向警方申請，遂決定將投訴人的投訴轉介警方。根據該政府部門事發時實施的指引，並無規定職員在轉介投訴予其他機構或政府部門前，必須徵求投訴人的同意。不過，該政府部門在事後已修訂上述指引，要求職員必須取得投訴人的同意後，方可向轉介部門提供當事人的個人資料。

### 結果

雖然該政府部門收到的投訴源於一項須向警方作出申請的舞獅活動，但明顯地投訴人的投訴事項是關乎涉嫌阻塞通道，而非關乎主辦者有否就此活動向警方作出申請。因此，公署認為，該政府部門在未得投訴人同意下，如此向警方披露他的個人資料，此舉涉及違反保障資料第3原則的規定。

因應本案，公署在完成調查後向該政府部門發出書面警告，要求該政府部門嚴加監察並確保其人員在處理個人資料時，必須按照既定政策行事，以保障市民的個人資料私隱。

## Case 2: A government department disclosed complaint details to the Police without the complainant's consent – DPP3

### The Complaint

The complainant made a complaint to a government department against an obstruction to an emergency vehicle access by a lion dance performance. After he made the complaint, he received a follow-up telephone call from the Police. As the matter he complained against was not under the Police's purview, the complainant was dissatisfied that the government department had disclosed his complaint details to the Police. He hence made a complaint to the PCPD.

According to the government department, having considered that a permit from the Police was required for holding a lion dance performance, the handling officer decided to refer the case to the Police. The government department also revealed that its standing policy did not mandate officers to obtain consent from the complainant before making a referral. After this incident, the government department had revised its policy so that no referral would be made unless the complainant's consent has been obtained.

### Outcome

It was obvious that the complainant's concern was about the obstruction caused by the lion dance performance, not about whether the performance organiser had obtained a permit from the Police. In such case, the PCPD considered that the government department had contravened DPP3 by disclosing the complainant's personal data to the Police without his consent.

The PCPD served a written warning on the government department after the investigation of this case. It was requested to closely monitor staff compliance with its policy in handling personal data, so as to protect the personal data privacy of citizens.



## 借鑑

政府部門在處理投訴時，如發現可能涉及非其管轄範圍的違法行為，實有責任向相關部門作出通報。負責職員在通報時，應按實際情況考慮，視乎需要決定是否必須向轉介部門提供投訴人的身份資料，而非機械式地將所有資料自動披露予轉介部門。

此外，不論公共或私營機構亦應注意，空有保障個人資料的政策並不足夠，清楚訂明執行上的權責及分工，讓職員有所遵循，亦同樣重要。否則的話，私隱政策便會淪為紙上談兵。

## Lesson learnt

When handling complaints, if government departments note any suspected breach of legal requirements which are beyond their purview, they have an obligation to report the matters to the appropriate authority. In doing so, the officer concerned should ascertain the need to disclose the complainant's identity to the other party by taking into account the actual circumstances, instead of making indiscriminate disclosure of the information to the latter.

Private and public organisations alike, it is insufficient to merely establish a privacy policy without supplementing it with an execution plan. It is equally important to clearly define the role and responsibilities of relevant officers for their compliance in the privacy policy. Otherwise, the privacy policy will only be empty talk.





### 個案三：透過查閱資料要求以找尋資料作訴訟用途 – 保障資料第6原則

#### 投訴內容

投訴人為保險公司的經紀。事緣該保險公司早前曾向投訴人發出一封警告信，當中指根據投訴人上司向該公司提供的錄影片段，投訴人曾承認數項導致公司遭受重大損失的過錯。在發出警告信後不久，該保險公司終止與該名經紀之間的服务合約。

投訴人隨後向該保險公司遞交一份查閱資料要求表格，以查閱警告信中所提及的錄影片段。投訴人書面向該保險公司表示，她索取該片段的目的是為了追討該保險公司不合法及不當地終止她的服務合約，而令她蒙受的損害。

該保險公司最終以謄本的形式，向投訴人提供該片段內有關她的個人資料。投訴人不滿該保險公司沒有以原本的影像格式向她提供有關的錄影片段，遂向公署投訴該保險公司未有依從其查閱資料要求。

#### 結果

在司法覆核個案胡潔冰訴行政上訴委員會（法院案件編號HCAL 60/2007）中，法官表示《私隱條例》的原意為保障個人資料私隱，提供渠道以供資料當事人查閱資料使用者持有他的個人資料，以及在發現不準確時要求資料使用者作出更正。法庭裁決中亦指出，《私隱條例》賦予資料當事人查閱資料的權利不可濫用，亦不得用以替代或取代其他適當途徑以補充法律程序中的文件透露權，亦不是為找尋資料作訴訟用途。

### Case 3: Requested copy of personal data for litigation purpose – DPP6

#### The Complaint

The complainant was an agent of an insurance company. The company had issued a warning letter to the complainant, mentioning that according to a video recording submitted by her supervisors, she had admitted several wrongdoings that had caused serious damage to the company. Shortly after the issuance of the warning letter, the company terminated the complainant's service contract.

The complainant therefore submitted a data access request to the company, requesting a copy of her personal data contained in the video recording. The complainant also stated that her purpose of obtaining the video recording was to pursue her claim against the company for the wrongful and unlawful termination of her service contract and for all damage suffered.

The Company agreed to comply with the data access request in the form of a transcript. As the complainant stated that she would only accept a copy of the video recording in a video format, she made a complaint to this office.

#### Outcome

In the judicial review case of Wu Kit Ping v. Administrative Appeals Board HCAL 60/2007, the Judge held that the purpose of the Ordinance is to protect the privacy of an individual, and to enable an individual to check on and if necessary rectify, data held by a data user. In accordance with the court judgment, the data access right conferred upon a data subject under the Ordinance should not be abused nor should it be exercised to substitute or replace other proper channels for discovery of documents.





此外，行政上訴委員會在上訴案件第 10/2013 號中，同意公署指個案中的上訴人明顯是希望透過查閱資料要求去搜集有關他控告相關資料使用者的證據，認同公署持充份理據指個案中的主要事項與個人資料私隱無關，而根據《私隱條例》第 39(2)(ca) 條不繼續處理其投訴。

本個案明顯源於投訴人與該保險公司之間的僱傭糾紛。公署認為，投訴人利用查閱資料要求的機制補充或替代法律程序中的文件披露權，希望取得該片段從而找尋資料作訴訟用途，就她被該保險公司終止服務合約一事作出追討。在考慮上述司法覆核及行政上訴委員會案件中的裁決後，公署認為該保險公司以謄本的形式依從投訴人的查閱資料要求，已符合《私隱條例》下的相關規定，亦已彰顯《私隱條例》下賦予資料當事人查閱資料權的立法原意。

### 借鑑

《私隱條例》賦予市民查閱資料的重要權利，而資料使用者亦須按法例規定妥善處理市民的相關要求。然而，市民經常誤會《私隱條例》下賦予他們有關權利的用意，以為這權利可用作補充或取代法律程序中的文件披露權利。事實上，查閱資料的權利在於讓個人知悉某資料使用者是否持有他的個人資料，以及索取一份該資料的複本，並在認為他的個人資料不準確時，有權向資料使用者提出改正資料要求。故此，市民不應期望可以透過行使查閱資料權利以找尋資料作訴訟用途，亦不應利用此權利解決他與資料使用者之間的糾紛。

Besides, in the case of Administrative Appeal No. 10/2013, the Administrative Appeal Board agreed that the appellant was clearly attempting to gather evidence to substantiate his case against the data user by making the data access request in question, and the PCPD was fully justified and had rightly relied on section 39(2)(ca) of the Ordinance to not pursue the case further of which the primary subject matter of the complaint was not about personal data privacy.

This complaint obviously stemmed from an employment dispute between the complainant and the company. The PCPD was of the view that the complainant was using the mechanism of data access requests to supplement or as replacement for the rights of discovery in legal proceedings arising from an employment dispute between the company and her. In this regard, the PCPD considered that the provision of the transcript was sufficient for the compliance with the data access request under the Ordinance, and to manifest the complainant's personal data privacy right.

### Lesson learnt

The Ordinance provides an important right to members of the public to access their personal data, and the data user is obligated to handle data access requests in accordance with the Ordinance. However, individuals often misunderstand the right given to them under the Ordinance, and use it to supplement or as replacement for the rights of discovery in legal proceedings. In fact, the legislative intent of data access request is to provide a channel to a data subject to access his or her personal data held by a data user, and to request correction when an inaccuracy is noted. Individuals should not expect to obtain information for litigation purpose or resolve their disputes with the data user by using the mechanism of data access request.



## 個案四：保險公司發信至客戶已報稱失效的地址 — 保障資料第 2(1) 原則

### 投訴內容

投訴人是某保險公司的客戶。投訴人不滿該保險公司在收到其更改地址要求後，仍發信至他已報稱失效的地址以確認其更改地址要求。

### 結果

該保險公司向公署解釋，該公司在收到客戶更改地址要求後，將確認更改地址要求的信件分別發送至客戶新及舊的地址屬其一貫做法，目的是防止詐騙，以免客戶在不知情下被第三者更改資料。

經公署介入後，該保險公司已修訂上述做法，確認日後在收到客戶更改地址要求後，會以短訊或其他除舊地址以外的聯絡方法向客戶確認其更改地址要求，以取代現時發信至舊地址的做法。此外，該保險公司亦承諾不會再發信至投訴人的舊地址。

### 借鑑

在本案中，保險公司為了保障客戶，希望對其更改地址要求作出確認，出發點本是良好。然而，將載有客戶個人資料的信件寄往客戶已表明失效的地址，實在有一定風險，亦不符合客戶的合理期望。

今時今日，客戶大多會提供手機號碼、電郵地址等聯絡方法，發信至舊地址已非保險公司向客戶確認其更改地址要求的唯一方法。如保險公司繼續蕭規曹隨，未能與時並進，善用科技保障客戶的個人資料，將難以贏取客戶的信任。

資料使用者應定時審視其保障個人資料的現有措施，在處理個人資料的過程中，應同時從企業及客戶的角度，考慮是否有其他能更有效地保障個人資料，亦同時符合《私隱條例》的做法，以制訂切合時宜的保障個人資料方案。

## Case 4: An insurance company issued a letter to an invalid address reported by the customer – DPP2(1)

### The Complaint

The complainant was a customer of an insurance company. He was dissatisfied that after he had made a change of address request to the company, the insurance company still issued a letter to his invalid address to confirm the said request.

### Outcome

The insurance company stated that it was its usual practice to confirm customers' change of address requests by sending letters to both the new and former addresses. Such practice was designed for fraud prevention, and avoiding change of address requests being made by third parties without the knowledge of the customers.

After the PCPD's intervention, the insurance company revised its practice. Whenever it received address update requests, instead of using the former addresses, the insurance company would contact the customers by other means, such as SMS to confirm the requests. Besides, the insurance company undertook not to issue letter to the complainant's former address.

### Lesson learnt

For protection of customers' personal data, the insurance company took steps to confirm address update requests. The initiative was well intended. However, sending letters containing personal data to invalid addresses entailed certain security risks. The act also fell short of the customers' privacy expectation.

Nowadays, it is common for customers to provide mobile numbers and email addresses for contact purpose. Sending letters to former addresses is no longer the only means by which insurance companies can confirm address update requests with customers. If insurance companies simply follow past practices, and fail to adapt to change of times by adopting technology to facilitate data protection, it would be difficult for them to gain the customers' trust.

Data users should regularly review their personal data protection measures. When handling personal data, organisations should take into account the perspectives of themselves and the customers, explore alternative measures that can better protect personal data as well as comply with the requirements under the Ordinance, so as to develop data protection mechanisms that cater to today's needs.



個案五：信貸資料機構未有按《私隱條例》處理更改資料要求，並且將無關的資料納入個人信貸報告中 — 《私隱條例》第 23、25 條及保障資料第 2(1) 原則

### 投訴內容

投訴人為一名律師，他被委託擔任一名破產人士的受託人。該名破產人士為一宗民事索償案件的被告。

投訴人其後發現信貸資料機構在其個人信貸報告中，錯誤地記錄他為上述索償案件的被告。投訴人遂根據《私隱條例》向信貸資料機構提出更改資料要求，並向信貸資料機構提供該案件的誓章副本以證明他並非案中的被告，而是被告的受託人。

然而，信貸資料機構其後沒有從投訴人的信貸報告中，刪除有關該索償案件的資料，只按投訴人提供的誓章內容，更新了該索償案件的進度。投訴人遂向公署投訴該信貸資料機構。

### 結果

信貸資料機構未能向公署解釋，為何投訴人身為受託人（而非被告）一事，與他的個人信貸有關。公署認為，信貸資料機構未有確保投訴人的個人信貸報告準確，違反《私隱條例》的保障資料第 2(1) 原則。經公署介入，信貸資料機構最終從投訴人的個人信貸報告中，刪除有關該索償案件的資料，並向投訴人提供更正的報告。信貸資料機構同時修訂相關措施，確保日後不會將破產人士的訴訟資料，記錄於受託人的個人信貸報告中。

Case 5: A credit reference agency had not handled a data correction request in line with the requirements of the Ordinance, and recorded irrelevant information in a credit report – section 23, section 25 and DPP 2(1).

### The Complaint

The complainant was a lawyer. He was appointed as a trustee of a bankruptcy order. The person subject to the order was a defendant of a civil lawsuit.

The complainant discovered that a credit reference agency had erroneously recorded him as the defendant of the civil lawsuit in his credit report. The complainant thereby made a data correction request to the credit reference agency seeking rectification. To support his data correction request, the complainant provided the credit reference agency with the affirmation of the lawsuit illustrating that he was not the defendant of the case but the trustee instead.

The credit reference agency, however, did not remove the lawsuit from the complainant's credit record. It only updated the status of the lawsuit with reference to the affirmation provided by the complainant. The complainant then made a complaint to this office against the credit reference agency.

### Outcome

The credit reference agency failed to explain to the PCPD how the fact that being a trustee (as opposed to being a defendant in a lawsuit) was related to the complainant's personal credit reference. The PCPD was of the view that the credit reference agency had failed to ensure the accuracy of the complainant's credit report, in breach of Data Protection Principle 2(1). Following the PCPD's intervention, the credit reference agency eventually removed the lawsuit from the complainant's credit report, and furnished the complainant with the corrected report. The credit reference agency also revised its measures to ensure that court cases relating bankruptcy orders would not be recorded in the credit reports of the trustees of the orders.

資料使用者在依從更改資料要求時，須根據《私隱條例》第 23 條向要求者提供經改正的個人資料複本。若涉事資料在資料使用者依從改正資料要求當日之前的 12 個月內曾被披露予第三者，資料使用者須向該第三者提供經改正的個人資料複本。假如資料使用者拒絕更改資料要求，資料使用者則須按《私隱條例》第 25 條，以書面回覆要求者，述明拒絕依從的理由。在本案中，該信貸資料機構並沒有根據《私隱條例》的上述規定，回應投訴人提出的更改資料要求。

因應本案的結果，公署向信貸資料機構發警告信，要求該機構務必緊遵《私隱條例》的規定，確保個人信貸資料的準確性，以及正確處理更改資料要求。

### 借鑑

根據公署依據《私隱條例》第 12 條發出的《個人信貸資料實務守則》，信貸資料機構可從公眾記錄中（例如法庭資料和破產記錄）收集個人資料，並將有關資料收錄在個人信貸報告中。不過，信貸資料機構有責任確保所收錄的資料是與該人的個人信貸有關。公署認為，假如信貸資料機構稍加審視傳訊令狀的內容，理應知悉投訴人並非案件的被告，便可避免本案的發生。

在數據推動的經濟下，客戶的個人資料已轉化成經營及推展企業業務的珍貴資產。信貸資料機構坐擁龐大的客戶資料庫，應恪守更高的道德標準，在符合《私隱條例》的同時，亦符合持份者的期望，以尊重、互惠和公平的方式使用客戶的個人資料。

When handling a data correction request, the data user should provide the requestor with a copy of the corrected data in accordance with section 23 of the Ordinance. If the data in dispute had been disclosed to a third party within 12 months before the receipt of the data access request, the data user should also forward the corrected data to the third party. If the data user decides to refuse a data correction request, the data user should notify the requestor the refusal as well as the reason(s) of the refusal in writing as required by section 25 of the Ordinance. In the present case, the credit reference agency failed to handle the complainant's data correction request in accordance with the above requirements of the Ordinance.

In view of the findings of this complaint, the PCPD served a warning letter on the credit reference agency, urging it to comply with the Ordinance in ensuring the accuracy of personal credit data and proper handling of data correction request.

### Lesson learnt

According to the Code of Practice on Consumer Credit Data issued by PCPD by virtue of section 12 of the Ordinance, a credit reference agency may collect personal data from public domain (such as court case and bankruptcy record) and include the data in the credit report. Notwithstanding that, a credit reference agency is required to ensure that the data recorded in a credit report relates to one's personal credit. In our opinion, this complaint could have been avoided. If the credit reference agency had examined the writ of summon with due care, it would have noted that the complainant was not the defendant of the case.

In the data-driven economy, customer data has transformed to valuable asset for business operation and promotion. Credit reference agencies, holding a database with enormous customer data, should adhere to higher ethical standards. Apart from complying with the requirements under the Ordinance, credit reference agencies should also aim to meet the stakeholders' expectation, and use customers' personal data in a respectful, mutually beneficial and fair manner.



## 個案六：試用智能產品後應緊記刪除資料 – 保障資料第 4 原則

### 投訴內容

投訴人曾於某智能電話零售公司的分店，試用一部智能電話，期間曾在該電話上短暫登入其雲端儲存戶口。數月後，投訴人收到一位不認識的人士的來電，該人士表示在他的雲端儲存戶口中，發現投訴人的雲端儲存戶口的資料。投訴人擔心有關雲端儲存服務存在保安漏洞，遂向公署作出投訴。

### 結果

公署經查詢後得悉，雖然投訴人在試用該電話後已登出其雲端儲存戶口，但她在離開分店前沒有在該電話上刪除登入期間已同步（即自動由投訴人的雲端儲存戶口下載）至該電話的資料。

該人士其後曾於上述分店試用該電話，期間同樣曾登入其雲端儲存戶口，遺留在該電話內的屬於投訴人的資料，便因而被同步至該人士的雲端儲存戶口。

公署認為，本案並非涉事的雲端儲存服務存在漏洞，而是源於投訴人以該電話登入其雲端儲存服務時，沒有顧及該戶口及該電話之間會進行資料同步，有關資料便因而被遺留於該電話內。

## Case 6: Advisable to delete data after trying out smart products – DPP4

### The Complaint

The complainant tried out a smart phone at a telecommunications company. During the tryout, she logged into her Cloud storage account on a trial phone for a short period of time. A few months later, the complainant received a call from an unknown person, telling her that he was able to access her personal data in her Cloud storage account via such account of his. The complainant was worried about the security vulnerabilities of the relevant Cloud storage service, and hence made a complaint to the PCPD.

### Outcome

Our investigation revealed that although the complainant had logged out of her Cloud storage account after trying out the smart phone, she did not delete the data synchronised to the trial phone (i.e. the data which had been automatically downloaded from the complainant's Cloud storage to the trial phone after she had logged into her Cloud storage account) before logging out.

At a later time, the unknown person visited the same store and tried out the same trial phone. During the tryout, he had also used the trial phone to log into his Cloud storage account. As a result, the complainant's data which had been synchronised to the trial phone earlier, was then synchronised to the person's Cloud storage account.

The PCPD considered that this incident was not caused by any security vulnerabilities in the Cloud storage service, but the complainant's ignorance of the data synchronisation between her Cloud storage account and the trial phone.



公署遂向該公司發信，建議該公司透過張貼告示等方法，提醒客戶試用器材時避免使用自己的網上服務戶口，以及離開前應確保試用期間被下載至有關器材的資料已被刪除。

### 借鑑

在數碼產品推陳出新的年代，市民在試用智能電話、平板電腦及電腦等器材時，應小心考慮在該等裝置上登入其網上服務（特別是網上理財、電郵、雲端儲存、網上購物、社交網站及相簿等）會帶來的私隱風險，並應在完成試用後徹底檢查及刪除所有使用期間被下載至有關器材的資料，以免留下數碼足跡，令私隱無所遁形。

The PCPD had therefore sent a letter to the company, suggesting it to remind its customers (by posting notices or otherwise) not to use their online service accounts when trying out devices, and to ensure that data downloaded to the relevant device is deleted before leaving company.

### Lesson learnt

When trying or borrowing devices like smart phones, tablets and computers, users should be mindful of the privacy risks associated with using the devices to log into their own online services accounts (in particular accounts concerning online banking, email, Cloud storage, online shopping, social networking sites and photo albums, etc.). Customers are also reminded to delete all data downloaded to the trial devices during tryout to prevent leaving any digital footprints.



## 個案七：旅行社不應向所有旅行團員分發航班行程表(包含所有旅行團員的姓名和電子機票號碼) – 保障資料第4原則

### 投訴內容

投訴人參加了某旅行社舉辦的旅行團。在出發當天，旅行團的領隊向所有團友分發了一個航班行程清單。該清單包含所有團友的全名、電子機票號碼和預訂參考號碼。由於以該些資料登入相關航空公司的網站後，便可查閱得到有關乘客的出生日期、國籍、護照號碼和護照有效期，故該旅行團的所有團友均能透過行程清單上的該些資料得知彼此的上述個人資料。

### 結果

旅行社承認該名領隊如此分發該行程清單是不必要的，亦同意此舉可能會增加個人資料外洩的風險。在公署介入事件後，該旅行社已提醒其職員不可向團友分發任何類似本個案的清單。旅行社亦已書面通知涉案的團友，他們的個人資料在本案中可能外洩的情況。專員向旅行社發出警告。

### 借鑑

大部分航空公司允許乘客以他們的姓名和預訂參考號碼/電子機票號碼登入其網站，以管理他們的預訂航班，當中普遍涉及乘客在確認機位時已輸入的個人資料，如護照號碼、護照有效期和出生日期等頗為敏感的個人資料。在這情況下，乘客的姓名和預訂參考號碼/電子機票號碼便等同成為了讀取乘客個人資料的鑰匙，一經無關的第三者登入，乘客的個人資料便如取如攜。

公署認為，即使領隊需要團友核實個人資料，或有航班資訊要通知團友，亦不應貪圖一時便捷，隨便地將該航班行程清單分發予所有團友。領隊肩負照顧團友的責任，那應包括保障他們的個人資料。

## Case 7: Travel agency should not distribute flight itinerary list (containing all tour members' names and e-ticket numbers) to all tour members – DPP4

### The Complaint

The complainant joined a group tour of a travel agency. On the date of departure, the tour guide distributed a flight itinerary to all members of the tour group. The list contained all group members' full names, e-ticket numbers and booking reference numbers. Such information could be used for checking passengers' date of birth, nationality, passport number and passport expiry date by logging into the relevant airline's website. In other words, the group members were able to access the personal data of each other.

### Outcome

The travel agency admitted that the distribution of the flight itinerary was unnecessary, and it might give rise to possible risk of personal data leakage. After PCPD's intervention, the travel agency had reminded its staff members not to distribute any similar list to tour group members. The travel agency also wrote to inform all members of the tour group concerned regarding the possible leakage of their personal data in the present case. The PCPD issued a warning to the travel agency.

### Lesson learnt

Most airlines allow passengers to login to airline websites using the passengers' names and booking reference numbers/e-ticket numbers for managing flight bookings. During the flight confirmation process, passengers are able to access their personal data, including sensitive personal data such as nationalities, passport numbers, passport expiry dates and dates of birth. In this circumstances, passengers' names, booking references/e-ticket numbers are practically keys to unlock passengers' personal data maintained by airlines. If these keys are exposed to third parties, passengers' personal data would be subjected to risks of unrestricted access.

The PCPD considered that even though tour guides might need to verify personal data with tour group members, or to inform them of flight information, they should not take the short cut by including information of all tour members on the same list and distribute it to all members. Tour guides have a duty to look after tour group members, and protecting members' personal data is also part of that duty.



## 個案八：機構不公平收集求職者的個人資料 – 保障資料第 1 原則

### 投訴內容

投訴人根據求職廣告的資料，向A公司郵寄了他的履歷，申請秘書一職。當他出席面試時，負責面試的職員游說他填寫另一份應徵B公司營業員職位的申請表格。投訴人認為，A公司以招聘秘書為幌子，實質上是為B公司招聘營業員，因此他向公署投訴B公司。

### 結果

公署調查所得資料顯示，有關面試不單於B公司的物業內進行，並由B公司的職員主持，介紹內容亦是營業員的工作範圍，與秘書一職無關。

《私隱條例》的保障資料第1(2)原則訂明，個人資料須以合法及在有關個案的所有情況下屬公平的方法收集。

公署介入後，B公司已對該負責面試的職員發出書面警告，並確認他已銷毀有關個人資料。此外，B公司亦採取糾正措施，提醒職員在刊登招聘廣告時必須讓求職者清楚識別該公司的身份及招聘職位。

公署已就上述投訴向B公司發出書面警告，要求該公司必須採取措施，確保職員不會透過誤導的方式招聘營業員，以緊遵《私隱條例》的相關規定。

## Case 8: A company unfairly collected a job applicant's personal data – DPP1

### The Complaint

According to the information given in a recruitment advertisement, the complainant applied to Company A for a clerical post. However, when the complainant attended the selection interview, the interviewer persuaded him to fill in an application form for a sales position of Company B. The complainant considered that Company A used the recruitment for clerk as a pretext for recruiting sales representative by Company B. He therefore made a complaint to this office.

### Outcome

As revealed in the investigation, the selection interview was conducted in the office of Company B by a sales agent of Company B. Job descriptions given in the interview were related to the sales vacancy of Company B, not the clerical post of Company A.

DPP 1(2) under the Ordinance requires a data user to collect personal data by lawful and fair means.

After the PCPD's intervention, Company B issued a written warning to its staff member conducting the selection interview, and confirmed that he had destroyed the relevant personal data. In addition, Company B also reminded its staff to clearly state the vacancy to be filled and Company B's identity as the employer when posting job advertisements.

Consequently, the PCPD issued a warning letter to Company B, urging it to take practicable measures to ensure that its staff would not recruit sales agent through misleading means, so as to strictly comply with the requirements of the Ordinance.



## 借鑑

求職者是根據招聘廣告的資訊提供個人資料，自然預期自己的個人資料只被僱主使用於招聘廣告所示的職位申請。假若機構當中根本沒有此空缺，如此收集個人資料便會構成《私隱條例》下的不公平收集，繼續使用該些個人資料游說求職者應徵其他機構的工作，更遠超求職者的合理期望。

招聘過程可算是僱主與求職者的第一次正式接觸，僱主應該自發地做好保障求職者個人資料的工作，視尊重個人資料私隱為良好公司管治不可或缺的一環，同時展現道德企業形象，吸納更多人才。

## Lesson learnt

Job applicants provide their personal data in response to the information detailed in job advertisements. They naturally expect their personal data to be used only for the purpose of processing their applications for the advertised posts. If the advertised post does not actually exist, such collection of personal data may constitute unfair collection under the Ordinance. It is beyond job applicants' reasonable expectation if the personal data collected from them is subsequently used for persuading them to apply other companies' jobs.

Recruitment is the first contact between job applicants and employers. Employers should proactively protect job applicants' personal data, and embrace respecting personal data privacy as an indispensable part of corporate governance. It helps employers portrait themselves as ethical corporates and attract high caliber talents.

## 檢控及定罪個案

在本報告年度有一宗被檢控及被定罪的個案，涉及使用個人資料作直接促銷。



### 一間電訊公司被控沒有依從拒收直銷訊息要求 –《私隱條例》第35G條

#### 投訴內容

投訴人是一電訊公司的客戶。在2016年5月，投訴人曾透過電話向該公司提出拒收直銷訊息要求，但其後仍分別於同年6月及8月收到該公司向她推廣服務的來電。

#### 結果

該公司被控違反兩項《私隱條例》的罪行。兩項控罪均指被告沒有依從資料當事人的拒收直銷訊息要求，而繼續使用其個人資料作直接促銷，違反了《私隱條例》第35G(3)條。該公司承認控罪，每項控罪分別被判罰款10,000元，共被判罰款20,000元。

## PROSECUTION AND CONVICTION CASES

During the reporting period, one case had been prosecuted and convicted, which was related to the use of personal data in direct marketing.

### A telecommunications company convicted for failing to comply with an opt-out request – section 35G of the Ordinance

#### The Complaint

The complainant was a customer of a telecommunications company. In May 2016, she made her opt-out request in direct marketing by phone to the company. However, the complainant still received direct marketing calls in June and August 2016 promoting the company's services.

#### Outcome

The company was charged with two offences under section 35G(3) of the Ordinance for failing to comply with the requirement from a data subject to cease to use her personal data in direct marketing. The company pleaded guilty to both charges, and was fined HK\$20,000 in total (HK\$10,000 in respect of each charge).





## 借鑑

為了有效地依從客戶的拒絕直銷服務要求，服務供應商應備存一份拒收直銷訊息的客戶名單，並適時發放至有關部門同事，以停止使用名單內的客戶資料作直銷用途。此外，服務供應商亦應制定內部查閱及更新拒收直銷訊息的客戶名單的正規程序，及向員工提供適當的培訓，確保員工了解並依從。

即使外判服務承辦商（作為資料處理者）進行直接促銷，服務供應商（作為資料使用者）亦須採取合約規範方法或其他方法，確保其直接促銷活動符合《私隱條例》的規定，並應在承辦商進行直接促銷前，與其核對最新的拒收直銷訊息的名單，以及訂立機制適時地把已更新的名單通知對方。

機構把不希望收到直接促銷信息的客戶，加入拒收直銷訊息的客戶名單，並向客戶交代此做法，在符合《私隱條例》的規定之餘，亦屬尊重客戶意願的表現。這樣不但可加強顧客的信心，更能彰顯機構對保障個人資料私隱的承擔，體現問責原則，從而提升商譽和增強競爭優勢。

## Lesson learnt

In order to comply with customers' opt-out requests effectively, service providers have to maintain a list of all customers who have indicated that they do not wish to receive further marketing approaches (i.e. the Opt-Out List) and distribute the Opt-Out List to the staff members of the relevant department in a timely manner. Service providers should also have standing procedures for its staff members to follow and provide appropriate training with regard to accessing and updating the Opt-Out List for compliance with opt-out requests by their customers.

Even a service provider outsources the direct marketing to an agent (as a data processor), the service provider (as a data user) is required to adopt contractual or other means to ensure that the direct marketing activities comply with the requirements under the Ordinance. The service provider should check with the agent its latest Opt-Out List before making any direct marketing approaches, and introduce a mechanism to notify the agent the updated List from time to time.

To comply with the requirements of the Ordinance and show respect to customers' wishes, organisations should add customers who do not wish to receive direct marketing materials to the Opt-Out List, and inform the customers of such arrangement. This approach would not only reinforce consumer trust but also exemplify organisations' commitment to personal data privacy protection and realise the principle of accountability, thereby elevating their reputation and increasing their competitiveness.

# UPHOLDING LEGAL PROTECTION

## 捍衛法律保障

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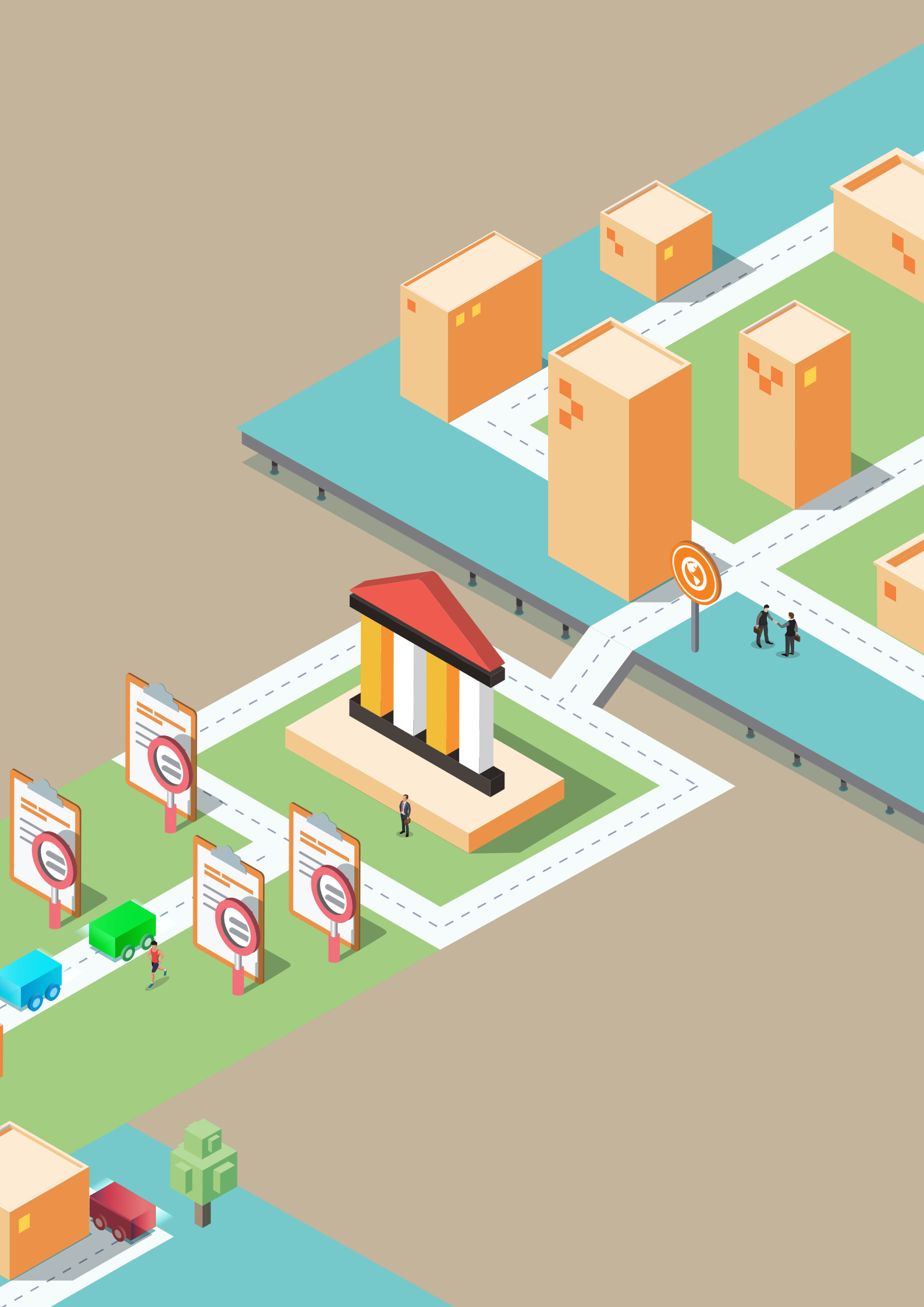
### 公平公正

公署檢視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。公署亦提供法律協助計劃，以及跟進有關私隱專員的決定在法庭或行政上訴委員會的聆訊。

### FAIRNESS AND EQUITY

**The PCPD reviews existing and proposed legislation and government policies that may affect the privacy of individuals with respect to personal data. The PCPD monitors developments in overseas data protection laws that are relevant to its work. The PCPD also operates a Legal Assistance Scheme, and follows through the hearings on Privacy Commissioner's decisions before the courts or the Administrative Appeals Board.**





## 公署就公眾諮詢所提交的意見書

本報告年度私隱專員就以下公眾諮詢提交保障個人資料私隱的意見。

## SUBMISSIONS MADE IN RESPECT OF PUBLIC CONSULTATIONS

During the reporting period, the Privacy Commissioner provided advice on personal data privacy protection in response to the following public consultations.

徵詢意見的部門 Consulting Organisation	諮詢文件 Consultation Paper
香港法律改革委員會 The Law Reform Commission of Hong Kong	《雜項性罪行》的諮詢文件 Consultation Paper on Miscellaneous Sexual Offences
保險業監管局 Insurance Authority	就持牌保險中介人 (i)「適當人選」準則；及 (ii) 持續專業培訓要求建議指引的諮詢文件 Consultation Paper on Draft Guidelines on (i) Fit and Proper Criteria for Licensed Insurance Intermediaries under the Insurance Ordinance (Cap. 41); and (ii) Continuing Professional Development for Licensed Insurance Intermediaries  《保險(持牌保險經紀公司的財務及其他要求)規則》草擬本的諮詢文件 Public Consultation on Draft Insurance (Financial and Other Requirements for Licensed Insurance Broker Companies) Rules





## 公署對建議中的法例及行政措施所作的評論

本報告年度私隱專員就以下的立法建議和行政措施建議提出意見。

## COMMENTS MADE ON PROPOSED LEGISLATION AND ADMINISTRATIVE MEASURES

During the reporting year, the Privacy Commissioner provided comments on the following proposed legislation and administrative measures.

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
漁農自然護理署 Agriculture, Fisheries and Conservation Department	2014年獸醫註冊(修訂)條例草案 Veterinary Surgeons Registration (Amendment) Bill 2014
民航意外調查機構 Air Accident Investigation Authority	適用於健康理由而披露個人資料的《個人資料(私隱)條例》豁免條文 Applicable exemption provisions under the Personal Data (Privacy) Ordinance for disclosure of personal data based on health grounds
土木工程拓展署 Civil Engineering and Development Department	評估報告將軍澳 – 藍田隧道收費系統的私隱影響 Privacy Impact Assessment Report for Toll Collection System for Tseung Kwan O – Lam Tin Tunnel
商務及經濟發展局 Commerce and Economic Development Bureau	擬議法定的人對人拒收訊息登記冊 Proposed statutory Persons-to-Persons Do-Not-Call Register
懲教署 Correctional Services Department	兩份私隱影響評估報告 – (1) 於壁屋監獄安裝在囚人士行為影像分析及監察系統；及(2) 於壁屋懲教所安裝具有面部識別功能的電子系統 Two Privacy Impact Assessment Reports – (1) Installation of Video Analytic Monitoring System for Behaviour of Persons in Custody in Pik Uk Prison; and (2) Installation of Electric Locks Security System with Facial Recognition Features at Pik Uk Correctional Institution  兩份私隱影響評估報告 – 於羅湖懲教所安裝(1) 在囚人士維生指標監察系統；及(2) 在囚人士移動及位置監察系統 Two Privacy Impact Assessments Reports – Installation of (1) Health Signs Monitoring System; and (2) Passage Surveillance System in Lo Wu Correctional Institution
香港海關 Customs and Excise Department	應用《個人資料(私隱)條例》對大量現金和不記名可轉讓票據的點票過程進行語音及視像記錄 Application of the Personal Data (Privacy) Ordinance in taking audio and video-recording of the counting process of a large amount of cash and bearer negotiable instruments
衛生署 Department of Health	在政府車輛內安裝行車記錄器和使用視頻記錄 Installation of dash cam inside government vehicles and use of video records
發展局 Development Bureau	以視頻分析科技執行有關交通違法行為準備工作的私隱影響評估報告 Privacy Impact Assessment Report on Preparatory Work for Traffic Offence Enforcement by Video Analytic Technology

機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
教育局 Education Bureau	對特殊教育需要兒童的個人資料轉移選擇的「拒絕」機制 "Opt-out Mechanism" for transfer of personal data of children with special educational needs
選舉管理委員會 Electoral Affairs Commission	選舉指引草擬 Draft Guidelines on Election
電子健康記錄統籌處 Electronic Health Record Office	關於病人平台和數據共享的諮詢研究 Consultancy Study on Patient Portal and Data Sharing Restriction
環境保護署 Environmental Protection Department	安裝閉路電視監控以執行有關海上亂拋垃圾罪行 Installation of CCTV surveillance for enforcement of marine littering offences
食物環境衛生署 Food and Environmental Hygiene Department	在沿海地帶安裝 360 度相機 Installation of 360 degrees cameras in coastal areas <hr/> 在公共廁所安裝相機計算人流 Installation of people counting camera at public toilets
食物及衛生局 Food and Health Bureau	自願醫保計劃 Voluntary Health Insurance Scheme
民政事務局 Home Affairs Department	由地政專員提供土地持牌人的聯絡資料 Provision of land licensees' contact information by District Lands Officers <hr/> 2019 年建築物管理(修訂)條例草案 – 法律草擬指示 Building Management (Amendment) Bill 2019 – Drafting Instructions
香港房屋委員會 Hong Kong Housing Authority	要求其他政府部門提供個人資料的免責條款 Exemption clause on requesting other government departments for providing personal information <hr/> 有關資助出售房屋計劃申請 Application under Subsidised Sales Flats Schemes
入境事務處 Immigration Department	私隱影響評估對新一代智能護照系統的系統分析和設計 Privacy Impact Assessment on the System Analysis and Design of the Next Generation Electronic Passport System <hr/> 新出入境管制系統第三階段實施的私隱影響評估報告(第二部份) Privacy Impact Assessment (Part 2) on the Phase III Implementation of the new Immigration Control System
勞工處 Labour Department	刊登職業介紹所的不利記錄 Publication of adverse records of employment agencies





機構 Organisation	建議的法例 / 行政措施 Proposed legislation/administrative measures
強制性公積金計劃管理局 Mandatory Provident Fund Schemes Authority	發放強積金的有關資訊和向個人帳戶電子查詢用戶傳遞訊息的諮詢 Consultation on dissemination of mandatory provident fund information and messages to users of e-enquiry of personal account
政府資訊科技總監辦公室 Office of the Government Chief Information Officer	多功能智慧燈柱試驗計劃 Multi-functional Smart Lampposts Pilot Scheme
差餉物業估價署 Rating and Valuation Department	根據《個人資料(私隱)條例》獲取個人資料 Acquisition of personal data under the Personal Data (Privacy) Ordinance
運輸署 Transport Department	在的士車廂內安裝閉路電視(CCTV)系統的指引 Guidelines for Installation of Closed Circuit Television (CCTV) Systems inside Taxi Compartments  大潭道(水壩段)智能交通燈系統的私隱影響評估報告 Smart Traffic Control System for Tai Tam Road (Dam Section) Privacy Impact Assessment Report  在專線小巴服務申請新的電子支付系統 Application for new electronic payment system in green minibus service  一站式流動應用程式「香港出行易」的諮詢 Consultation on All-in-One Mobile Application "Hong Kong eMobility"  在主要幹道上安裝交通探測器 – 設計和施工的私隱影響評估報告 Privacy Impact Assessment Report on Installation of Traffic Detectors on Selected Strategic Routes – Design and Construction  研究在車載裝置系統內收費和高階設計的私隱影響評估 Privacy Impact Assessment Report on Study and High-level Design on In-vehicle Units System for Toll Collection  研究增強在連道/樂活道視頻行人檢測及試驗自動交通測量系統的私隱影響評估 Privacy Impact Assessment Report – Study on Enhancement Works for the Video Pedestrian Detection System at Link Road/Broadwood Road and Pilot Automatic Traffic Survey System
運輸及房屋局 Transport and Housing Bureau	公共交通費用補貼計劃 Public Transport Fare Subsidy Scheme

### 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，負責聆訊投訴人或投訴的資料使用者對私隱專員的決定而提出的上訴，並作出裁決。在報告年度內的有關上訴數字及部分選取的個案簡述列於下文。

### 在報告年度已完結的行政上訴案件的統計資料

本報告年度共接獲16宗上訴個案，共有16宗上訴個案完結。

除兩宗上訴案件之外，其餘14宗已完結的上訴案件最終都被委員會駁回或由上訴人自行撤回。(圖1.1)

圖 1.1 – 上訴的結果



### APPEALS LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

The Administrative Appeals Board (AAB), established under the Administrative Appeals Board Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Privacy Commissioner’s decisions by a complainant, or by the relevant data user being complained of. The statistics and some notable case notes during the reporting year are found in the ensuing paragraphs.

### Statistics of AAB cases concluded in the reporting year

A total of 16 appeal cases were received and a total of 16 appeals were concluded during the reporting year.

Except for two appeal cases, the remaining 14 appeal cases were eventually dismissed by the AAB or withdrawn by the appellants. (Figure 1.1)

Figure 1.1 – Results of appeal cases

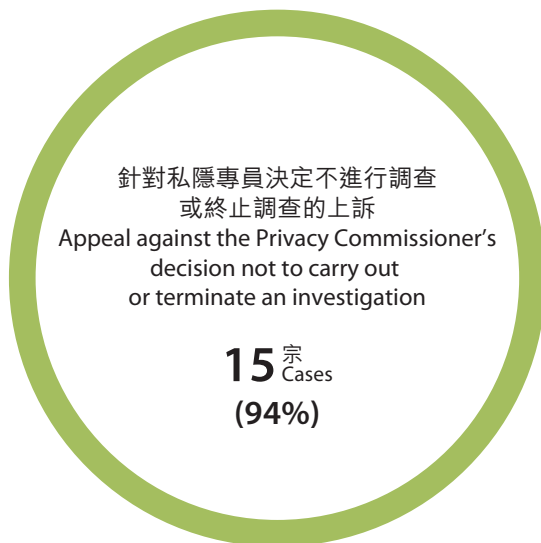


## 在報告年度新接獲的及仍在處理中的行政上訴案件的統計

在本報告年度新接獲的16宗上訴的個案當中，15宗是上訴私隱專員不進行或終止調查的決定。私隱專員作出該等決定可基於(i)沒有表面證據支持指稱的違反行為；(ii)被投訴者已採取補救行動糾正所指稱的違反行為；(iii)投訴的主要事項與個人資料私隱無關；(iv)投訴被視為無理取鬧；(v)投訴被視為不是真誠地作出；(vi)因應沒有收集個人資料而完全沒有涉及保障資料原則，及/或(vii)投訴人投訴的動機與私隱及資料的保障無關。

一宗是上訴私隱專員在作出調查後不送達執行通知的決定。(圖 1.2)

圖 1.2 – 上訴所涉的性質



## Statistics of AAB cases newly received/under processing in the reporting year

Of the 16 appeal cases received in the reporting year, 15 appealed against the Privacy Commissioner's decision not to carry out or terminate an investigation. The Privacy Commissioner could make these decisions on the grounds that: (i) there was no prima facie evidence to support the alleged contravention; (ii) the party being complained against had taken remedial action to rectify the alleged contraventions; (iii) the primary subject matter of the complaint was considered not to be related to personal data privacy; (iv) the complaints were considered to be vexatious; (v) the complaints were not considered to have been made in good faith; (vi) the DPPs were considered not to be engaged at all, in that there had been no collection of personal data and/or (vii) the ulterior motive of the complaint in question did not concern privacy and data protection.

One appeal was against the Privacy Commissioner's decision not to serve an enforcement notice after investigation. (Figure 1.2)

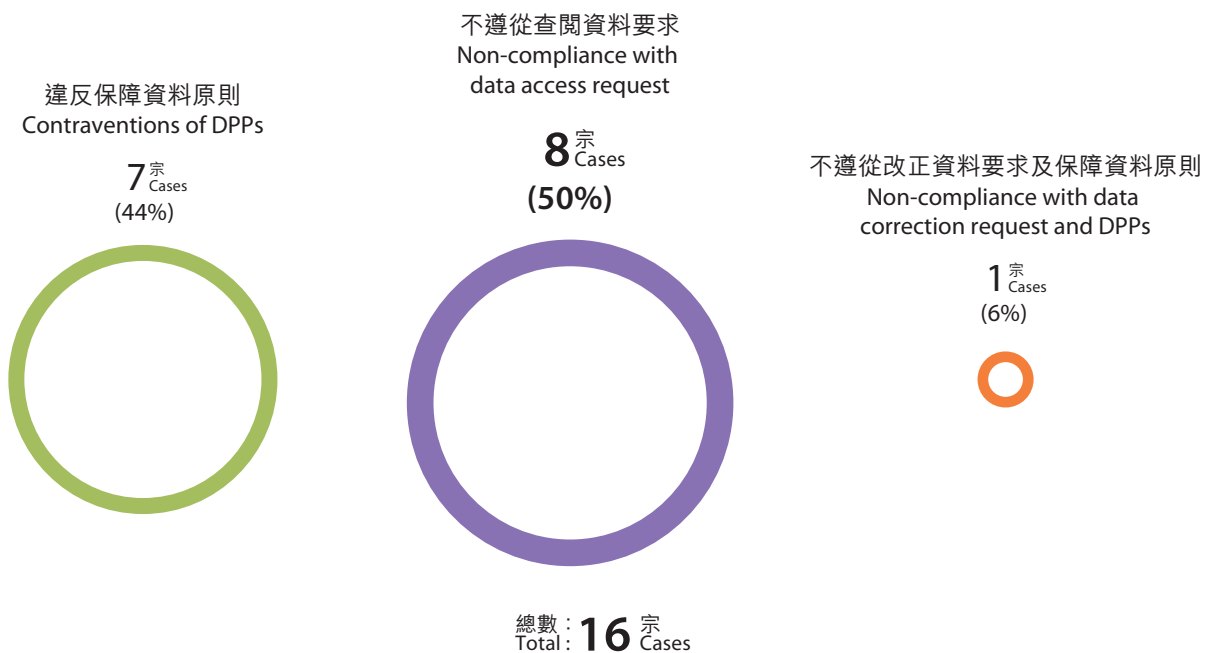
Figure 1.2 – Nature of the appeals



總數：16 宗  
Total: 16 Cases

而在上述 16 宗新接獲及仍在處理的上訴個案當中，七宗涉及指稱違反《私隱條例》的保障資料原則。八宗涉及指稱不遵從查閱資料要求，而其餘一宗則涉及同時指稱不遵從改正資料要求及保障資料原則。（圖 1.3）

圖 1.3 – 上訴所涉的《私隱條例》的規定



有關指稱違反保障資料原則的上訴個案中（一宗個案可牽涉多於一項保障資料原則），六宗涉及超乎適度及/或不公平收集個人資料；兩宗涉及個人資料的準確性及保留期間；四宗涉及未經資料當事人同意下使用及/或披露其個人資料；三宗涉及個人資料的保安及一宗涉及資料使用者的私隱政策及實務。

Of these 16 newly received appeal cases which were still under processing, seven cases involved alleged contraventions of the Data Protection Principles of the Ordinance, eight cases involved alleged non-compliance with data access request and the remaining one involved alleged non-compliance with a data correction request and DPPs. (Figure 1.3)

Figure 1.3 – The provisions of the Ordinance involved in the appeals

Of those appeal cases involving the alleged contraventions of Data Protection Principles (one appeal might involve more than one Data Protection Principle), six cases involved excessive and/or unfair collection of personal data; two cases involved accuracy and duration of retention of personal data; four cases involved the use and/or disclosure of personal data without the data subject's prior consent; three cases involved security of personal data and one case involved the data user's privacy policies and practices.



以下為報告年度內完結的 16 宗上訴個案中，其中四宗選取的個案簡述。

The following are four notable case notes out of the 16 completed AAB cases during the reporting year.



### 上訴個案簡述一（行政上訴委員會上訴案件第 27/2017 號）

### Appeal Case Note One (AAB Appeal No. 27/2017)

某間教會應某個監管機構的投訴調查，披露投訴人妻子的個人資料予該監管機構 – 第 60B(c) 條豁免是否適用 – 第 60B(c) 條不應只局限於針對有關資料使用者提出的法律程序、法律申索或投訴的情況 – 第 60B(c) 條亦適用於資料使用者採取的任何適當預防行動，以避免情況激化成正式訴訟。

A church disclosed the personal data of the complainant's wife to a regulatory body in response to a complaint investigation by the regulatory body – whether section 60B(c) exemption applies – section 60B(c) should not be restricted to situations where legal proceedings, legal claims or complaints have been commenced or lodged against the relevant data user – section 60B(c) also applies to any appropriate prophylactic actions to be taken by the relevant data user to prevent the situation from ballooning into a formal dispute.

聆訊委員會成員：張金良先生（副主席）  
張楚勇博士（委員）  
潘詠賢女士（委員）

Coram: Mr Cheung Kam-leung (Deputy Chairman)  
Dr. Cheung Chor-yung (Member)  
Ms. Poon Wing-yin (Member)

裁決理由書日期：2018 年 12 月 31 日

Date of Decision: 31 December 2018

#### 投訴內容

#### The Complaint

上訴人及其丈夫是某一間香港教會（「教會」）的會員。由於該對夫婦與教會的其他會員之間有爭拗，該對夫婦只獲准出席教會的部分活動。

The Appellant and her husband were members of a church in Hong Kong ("Church"). Due to disagreement between the couple and other members of the Church, the couple was only allowed to attend limited activities of the Church.

該丈夫其後向平等機會委員會（「平機會」）投訴，指稱教會基於他的醫療狀況而對他施加有關限制。就教會對並無出現該醫療狀況的其他教會會員施加類似的限制，平機會要求教會提供相關個案的詳情。應平機會的要求，教會提述一些上訴人的過往不當行為，以支持教會的行動。

The husband subsequently made a complaint to the Equal Opportunities Commission ("EOC") alleging that the Church imposed such restriction on him due to his medical condition. In response to EOC's request for details of cases in which the Church imposed similar restriction on other church members without such medical condition, the Church mentioned a number of past improper conduct of the Appellant to substantiate the Church's action.

上訴人認為披露的事情與她丈夫向平機會作出的投訴並無關聯。教會亦無需要向平機會透露上訴人的身分，尤其平機會早已建議教會在回覆時將個別人士的名字匿名化。因此，上訴人向私隱專員作出投訴。

The Appellant considered that the matters disclosed were irrelevant to her husband's complaint to EOC. Revealing her identity to EOC was also unnecessary especially when EOC had already suggested that the Church could anonymise an individual's name in its response. Hence, the Appellant made a complaint to the Privacy Commissioner.

## 私隱專員的決定

私隱專員經調查後認為，教會有需要向平機會披露上訴人的個人資料，以便平機會處理在上訴人丈夫投訴中的一些指控，而有關投訴亦涉及作為受害人的上訴人。

此外，在平機會根據《殘疾歧視條例》進行的調查中，教會披露個人資料以維護其法律權利，因此《個人資料(私隱)條例》(「《私隱條例》」)第60B(c)條下的豁免適用於本個案。

私隱專員認為教會並無違反條例下的規定。私隱專員及後依據《私隱條例》第39(2)(d)條行使酌情權，不繼續處理上訴人的投訴。上訴人不滿私隱專員的決定，故向委員會提出上訴。

## 上訴

委員會同意私隱專員的看法，在上訴人丈夫作出的投訴中，由丈夫向平機會提交的大部分資料同時涉及他本人及上訴人二人。因此，教會有需要向平機會披露它曾限制上訴人參與教會活動的原因及細節，以反駁有關案件。

委員會亦注意到教會根據《殘疾歧視條例》行使權利，提交資料(包括披露上訴人的個人資料)供平機會考慮，以避免平機會作出任何針對教會的不利決定，及避免上訴人丈夫提出任何針對教會的可能申索。委員會認為教會的有關做法，符合《私隱條例》第60B(c)條所指的「為確立、行使或維護在香港的法律權利」而使用個人資料的豁免。

委員會進一步採納在行政上訴案件第55/2014號中的裁決，認為《私隱條例》第60B(c)條亦適用的情況為資料使用者決定採取的適當預防行動，以嘗試避免情況激化成正式訴訟。

## 行政上訴委員會的決定

委員會駁回上訴。

*上訴人親身應訊*

*程潔美律師代表答辯人(私隱專員)*

## The Privacy Commissioner's Decision

Upon completion of the investigation of the complaint, the Privacy Commissioner was of the view that the Church's disclosure of the Appellant's personal data to EOC was necessary in order to deal with some of the allegations contained in her husband's complaint to EOC which also involved the Appellant as a victim.

In addition, the exemption under section 60B(c) of the Ordinance applied to the present case where the Church disclosed personal data in order to defend its rights in an investigation conducted by EOC under the Disability Discrimination Ordinance.

The Privacy Commissioner considered that there was no contravention of the requirements under the Ordinance by the Church. The Privacy Commissioner then exercised his discretion not to investigate the matter further pursuant to section 39(2)(d) of the Ordinance. Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

## The Appeal

The AAB agreed with the Privacy Commissioner that in the husband's complaint, majority of the information submitted to EOC by the Appellant's husband involved himself and the Appellant. Therefore, it was necessary for the Church to disclose to EOC the reasons and details of the restriction imposed on the Appellant to attend Church activities to rebut the case.

The AAB also considered that the Church exercised its right under the Disability Discrimination Ordinance to submit information (including the disclosure of the Appellant's personal data) for EOC's consideration to prevent any adverse decision made against the Church by EOC or any possible claims against the Church by the Appellant's husband. This completely fell within the exemption of using the personal data for "establishing, exercising or defending legal rights in Hong Kong" under section 60B(c) of the Ordinance.

The AAB further adopted the ruling in AAB Appeal No. 55 of 2014 that section 60B(c) of the Ordinance applies to situation where the relevant data user would like to take appropriate prophylactic actions in a bid to prevent the situation from ballooning into a formal dispute.

## The AAB's Decision

The appeal was dismissed.

*The Appellant appeared in person*

*Miss Catherine Ching, Legal Counsel, for the Respondent (Privacy Commissioner)*





## 上訴個案簡述二 (行政上訴委員會上訴案件第 33/2017 號)

招股書中披露訴訟細節 – 省去上訴人的名字 – 是否仍屬「個人資料」– 辨識身分並非「合理地切實可行」– 《上市規例》本身並非成文法規 – 須一併考慮其他法例 – 第 60B(a) 條豁免

聆訊委員會成員：林定國先生 (主席)  
林德興先生 (委員)  
曾慕秋先生 (委員)

裁決理由書日期：2018 年 9 月 12 日

### 投訴內容

上訴人曾於一間醫療中心接受 Y 醫生施行的手術，之後她於香港高等法院提出訴訟，以醫療疏忽為由向 Y 醫生及該醫療中心索償，有關索償的細節 (包括上訴人的姓名) 被香港傳媒廣泛報導，而 Y 醫生在維基百科的檔案亦可查閱得到上訴人的姓名。

該醫療中心為 A 公司的全資子公司，而 Y 醫生亦是 A 公司的創辦人、主要股東、董事局主席和行政總裁。

A 公司向香港聯合交易所 (「聯交所」) 遞交主板上市申請的招股書中，雖然沒有披露上訴人的姓名，但卻提及她的醫療事故和上述訴訟，包括傳訊令狀的日期、醫療疏忽的敘述、索償金額和訴訟的進度 (「有關資料」)。

上訴人向私隱專員投訴，指稱有關資料屬她的個人資料，而 A 公司在招股書中披露有關資料前沒有取得她的同意。

## Appeal Case Note Two (AAB Appeal No. 33/2017)

Disclosure of particulars of a litigation in a prospectus – Redaction of name of the Appellant – Whether still constituted personal data – It was not reasonably practicable to ascertain the identity – Listing rules do not by themselves constitute enactments – Other ordinances must be considered together – Section 60B(a) exemption

Coram: Mr Paul LAM Ting-kwok, SC (Chairman)  
Mr LAM Tak-hing (Member)  
Mr TSANG Mo-chau (Member)

Date of decision: 12 September 2018

### The Complaint

The Appellant had received treatment from Doctor Y in a medical centre. Later, the Appellant commenced legal proceedings in the High Court of Hong Kong against Doctor Y and the medical centre to claim damages for medical negligence. The particulars of the claim (including the name of the Appellant) had been reported widely by the mass media in Hong Kong. The name of the Appellant could also be found in the entry concerning Doctor Y in Wikipedia.

The medical centre was a wholly-owned subsidiary of Company A. Doctor Y was the founder, a principal shareholder, chairman of the board of directors and an executive director of Company A.

In the application proof prospectus of Company A for its intended listing on the Main Board of the Stock Exchange of Hong Kong ("SEHK"), although Company A did not disclose the name of the Appellant, it mentioned the medical incident of the Appellant and the said litigation, including the date of the writ of summons, a description of the medical negligence, the amount of the claim and the stage of the legal proceedings ("Relevant Information").

The Appellant made a complaint with the Privacy Commissioner, alleging that the Relevant Information constituted her personal data and that Company A disclosed the Relevant Information in the prospectus without her prior consent.

## 私隱專員的決定

私隱專員根據以下的理據，決定不繼續處理上訴人的投訴：-

- (1) 招股書中的有關資料，由於沒有提及上訴人的姓名，從中未能辨識上訴人的身分，故不屬上訴人的個人資料。
- (2) A公司是根據法律的規定而在招股書中披露有關資料，雖則結合傳媒的報導能辨識上訴人的身分，但因此而阻止A公司披露有關資料並不合理，尤其是其他途徑已披露了她的身分。

## 上訴

### 有關資料是否屬個人資料

委員會認為由於有關資料並無提及上訴人的姓名，根據《個人資料(私隱)條例》(「《私穩條例》」)第2(1)條「個人資料」的定義，關鍵是從有關資料間接地確定上訴人的身分，這做法是否「合理地切實可行」(“reasonably practicable”)，單單是「切實可行」(“practicable”)或可能(“possible”)是不足夠的。

招股書中提及已備存律師行發出關於上述訴訟的法律意見書，供公眾人士查閱。委員會檢視了該法律意見書，發覺上訴人的姓名已被刪除，要從中確定上訴人的身分是不可能的(“impossible”)，而且A公司已確認並無任何公眾人士曾查閱該法律意見書。

## The Privacy Commissioner's Decision

The Privacy Commissioner decided not to pursue the Appellant's complaint further based on the following grounds:-

- (1) The Relevant Information did not constitute personal data of the Appellant because the name of the Appellant was not mentioned in the prospectus and the identity of the Appellant could not be discerned from the Relevant Information alone.
- (2) Company A complied with the requirements of laws to disclose the Relevant Information in the prospectus. Although the identity of the Appellant could be discerned by combining the Relevant Information and the reports in the mass media, it was not reasonable to prevent Company A from disclosing the Relevant Information, especially when the identity of the Appellant had already been disclosed through some other channels.

## The Appeal

### *Whether the Relevant Information constituted personal data*

The AAB considered that since the name of the Appellant was not mentioned in the Relevant Information, the critical question, according to the definition of “personal data” in section 2(1) of the Ordinance, was whether it was “reasonably practicable” (not simply “practicable” or “possible”) to ascertain the identity of the Appellant indirectly from the Relevant Information.

The prospectus stated that the letter of legal advice in respect of the said legal proceedings would be available for public inspection. Having examined the letter of legal advice, the ABB found that the name of the Appellant had been redacted in the letter and it was impossible to ascertain the identity of the Appellant from the letter. Further, Company A confirmed that no member of the public had actually inspected the letter.



上訴人堅稱由於有關資料載有傳訊令狀的日期，任何人得悉被告人的名字，大可從法院登記處的日誌查出上訴人的身分。委員會認同以這方法去確定上訴人的身分是可行的，但並非合理地切實可行，因為透過查閱法院登記處的日誌而確定上訴人的身分，需要一定的法律知識、工夫、時間和費用；況且對於潛在的投資者而言，上述訴訟中的原告人是誰根本是無關重要的。

雖然委員會認為以上理據足以撤銷本上訴，但仍就《私隱條例》第60B(a)條的豁免是否適用於本個案發表其意見。

#### *在招股書中披露有關資料是否獲豁免*

上訴人指A公司在招股書中使用有關資料，屬於新目的而未得上訴人的同意，故違反了保障資料第3原則。《上市規例》和聯交所的指引雖要求擬上市的公司及其董事若牽涉於重大的訴訟（無論已發生或將要發生的），必須在招股書中披露，有關要求並非「成文法則」（“enactment”），故《私隱條例》第60B(a)條的豁免並不適用。

委員會認為有關要求必須與《證券及期貨（在證券市場上市）規則》第2部第3條一併考慮。第3(a)條規定上市申請必須符合聯交所的規定。此外，根據第3(c)條，A公司必須披露待決訴訟的細節，因為投資者需要這些資料去評估A公司的財務狀況。

The Appellant asserted that since the Relevant Information contained the date of the writ of summons, anyone who knew the names of the defendants could find out the identity of the Appellant from a search of the daily log book kept by the Court Registry. While the AAB agreed that it would be “possible” for the identity of the Appellant to be ascertained by this means, the AAB could not satisfy itself that it was “reasonably practicable” to do so because ascertaining the identity of the Appellant through a search of the daily log book of the Court Registry required certain degree of legal knowledge, efforts, time and expenses. Further, the identity of the plaintiff in the said legal proceedings was immaterial to potential investors.

Although the AAB found that the appeal could be dismissed on the said ground alone, the AAB still gave its views on whether the exemption under section 60B(a) of the Ordinance applied to this case.

#### *Whether disclosure of the Relevant Information in a prospectus was exempted*

The Appellant alleged that the use of the Relevant Information in the prospectus by Company A was for a new purpose without the Appellant’s consent and hence contravened Data Protection Principle 3. Although the Listing Rules and guidance of SEHK required a company to be listed and its directors that were involved in a litigation of material importance (no matter the litigation had happened or would happen) to disclose the litigation in a prospectus, the relevant requirements did not constitute “enactments”. Therefore, the exemption under section 60B(a) of the Ordinance did not apply.

The AAB opined that relevant requirements must be considered together with section 3 in Part 2 of the Securities and Futures (Stock Market Listing) Rules. Section 3(a) provides that an application for listing must comply with the requirements imposed by SEHK. Further, under section 3(c), Company A was obliged to provide the particulars of pending legal proceedings because an investor needed this information to make an assessment of the financial position of Company A.

有關要求雖然沒有列明須披露的細節，但委員會認為A公司披露有關資料是必要的，因為：-

- (1) A公司的業務是提供醫療服務，醫療疏忽的索償對其聲譽和前景有潛在的影響；
- (2) 索償的金額對A公司的財政狀況可能有直接的影響；及
- (3) 訴訟何時開始及其進度，正好顯示其不良影響對A公司而言是否迫切。

委員會最終認為假使有關資料屬上訴人的個人資料，《私隱條例》第60B(a)條適用於本個案，即有關資料將獲豁免而不受保障資料第3原則所管限。

### 行政上訴委員會的決定

委員會駁回上訴。

嚴斯泰及梁思臨大律師獲李陳鄭律師行延聘，代表上訴人

陳淑音律師代表答辯人(私隱專員)

葉賜豪大律師獲何梁律師行延聘，代表受到遭上訴反對的決定所約束的人(A公司)

Although the relevant requirements did not specify what particulars need to be disclosed, the AAB took the view that it was a must for Company A to disclose the Relevant Information because:-

- (1) The business of Company A was to provide medical services. Medical negligence claims would have a potential impact on the reputation and prospects of Company A;
- (2) The amount of claim would have direct potential implications on the financial position of Company A; and
- (3) The time when legal proceedings were commenced, and the stage of the legal proceedings, would indicate how imminent or remote the company might suffer any adverse impact due to the legal proceedings.

The AAB concluded that, assuming that the Relevant Information constituted personal data of the Appellant, section 60B(a) of the Ordinance applied to this case. That is, the disclosure of the Relevant Information was exempted from Data Protection Principle 3.

### The AAB's Decision

The appeal was dismissed.

*Mr Valentine Yim See Tai and Mr Leung Sze Lum, Legal Counsels instructed by Messrs Lee Chan Cheng Solicitor, for the Appellant*

*Miss Cindy Chan, Legal Counsel, for the Respondent (Privacy Commissioner)*

*Mr Authur Yip, Legal Counsel instructed by Messrs Hoosenally & Neo Solicitors & Notaries, for the Person bound by the decision appealed against (Company A)*



### 上訴個案簡述三 (行政上訴委員會上訴案件第 1/2018 號)

消防員休班時受傷須向上級匯報傷勢及意外的資料 – 保障資料第 1 原則 – 修訂後表格只填寫傷勢及何時發生 – 屬必需及與消防處職能有關 – 上級收集附加的資料 – 行使酌情權須有合理理由及不能超乎適度

聆訊委員會 吳敏生先生 (副主席)  
 成員: 伍新華先生, M.H. (委員)  
 蘇耀榮先生 (委員)

裁決理由書日期: 2019 年 2 月 15 日

#### 投訴內容

上訴人為消防處的高級隊長。根據《消防條例》，消防處長可制訂《消防處常務訓令》(「《訓令》」) 規管屬下消防員有關執行職務的事宜。

《訓令》規定消防員若在休班時受傷，必須向其上級匯報，而消防處亦制訂表格要求須填寫以下資料：–

- (i) 傷勢的性質；
- (ii) 意外的敘述；
- (iii) 發生意外的日期和時間；
- (iv) 發生意外的地點；
- (v) 是/否附上證人供詞；
- (vi) 意外是否涉及刑事成份、警方報案編號 (如有的話)；
- (vii) 是否附上醫療證書；
- (viii) 是否附上其他醫療資料。

### Appeal Case Note Three (AAB Appeal No. 1/2018)

A service member of the Fire Services Department was required to report details of his or her injuries whilst off-duty – Data Protection Principle 1 – The revised reporting form only required provision of information as to nature of injury and time/date of occurrence – Information collected was necessary for and directly related to the functions of the Fire Services Department – Additional information collected by superiors – Discretion must be exercised with justifiable reasons and data collected must not be excessive

Coram: Mr Alan NG Man-sang (Deputy Chairman)  
 Mr Lawrence NG San-wa, M.H. (Member)  
 Mr SO Yiu-wing (Member)

Date of decision: 15 February 2019

#### The Complaint

The Appellant was a Senior Station Officer of the Fire Services Department (“FSD”). Under Fire Services Ordinance, the Director of Fire Services may make “Fire Services Department General Orders” (“Orders”) to provide for matters in relation to performance of duties by service members of FSD.

Pursuant to the Orders, if a service member sustained injuries whilst off-duty, the service member was required to report to his or her superiors. The FSD also devised a reporting form, requiring the provision of the following information:–

- (i) Nature of injury;
- (ii) Description of the accident;
- (iii) Time and date of occurrence;
- (iv) Place of occurrence;
- (v) Witness statement attached: yes/no;
- (vi) Whether or not the accident involves elements of crime, the Police Report Book Number (if any);
- (vii) Medical certificate attached: yes/no;
- (viii) Any other medical information: yes/no.

上訴人認為此匯報規定違反資料保障第1原則，遂向私隱專員作出投訴。

### 私隱專員的決定

私隱專員經調查後發現，其他紀律部隊並沒有要求其員工匯報休班時受傷的情況。另一方面，根據消防處提供的數字，過往五年只有四宗消防員在休班時醉酒或作出不恰當行為的事件，數字不足以支持消防處收集關於意外方面的資料(即(ii)、(iii)、(iv)、(v)及(vi)項)。惟考慮到消防處的主要職責為滅火救援，故消防處收集關於傷勢的資料(即(i)、(vii)及(viii)項)並不屬於超乎適度。

消防處之後修訂了有關表格，規定消防員若休班時受傷，只須填寫第一部分關於傷勢及何時發生的資料(即(i)、(iii)、(vii)及(viii)項)，當上級認為上述資料不足以評估有關消防員執行職務的能力時，才要求消防員提供第二部分的附加資料。

私隱專員認為消防處已採取了補救措施，符合保障資料第1原則關於收集個人資料的規定，故毋須繼續處理上訴人的投訴。

上訴人不滿私隱專員的決定，故向委員會提出上訴。

The Appellant considered that the said reporting requirement contravened Data Protection Principle 1 and made a complaint with the Privacy Commissioner.

### The Privacy Commissioner's Decision

Upon completion of investigation of the complaint, the Privacy Commissioner found that other disciplinary forces in Hong Kong did not require their service members to report details of their injuries whilst off duty. On the other hand, according to the figures provided by FSD, only four incidents in the past five years involved drunkenness or disorderly conduct of service members. The figures could not substantiate the collection of accident-related information (i.e. items (ii), (iii), (iv), (v) and (vi)). However, having considered that the main functions of FSD are fire suppression and rescue services, the collection of injury-related information (i.e. items (i), (vii) and (viii)) was not excessive.

Subsequently, the FSD revised the reporting form in that if a service member sustained injuries whilst off duty, the service member was required to complete only Part I of the revised reporting form that concerned nature of injury and the time and date of occurrence (i.e. items (i), (iii), (vii) and (viii)). A supervisor might require the service member to provide additional information in Part II of the revised reporting form only if the superior considered the said information insufficient to assess the suitability of the service member to perform his or her duties.

The Privacy Commissioner considered that FSD had taken remedial action to comply with the requirements for collection of personal data under the Data Protection Principle 1. Hence, the Privacy Commissioner decided not to pursue the Appellant's complaint.

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





## 上訴

委員會明白到消防員的工作對其體能有極高的要求，他們須在危難時拯救市民的生命，他們的傷勢不獨可能影響被拯救市民的安全，亦可能對其自身及同袍的生命造成威脅，故委員會認為消防處規定消防員作出匯報是必需的，並與消防處的職能直接有關。雖然消防處的上級並非醫療專才，但應較消防員本身更具能力評估是否須提供附加的資料。

此外，委員會認為賦予消防處的上級酌情權收集附加的資料，這做法是合適的。然而，消防處的上級必須有合理的理由相信有需要收集附加的資料，而該資料就收集目的而言，並非超乎適度。

委員會考慮到消防處已採取補救措施修訂其表格，亦明白進一步修改《訓令》須待本上訴有決定才能進行，故認同私隱專員的決定，繼續調查亦不能合理地預期得到更令人滿意的結果。

## 行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊

陳淑音律師代表答辯人(私隱專員)

遭上訴反對的決定所約束的人(消防處處長)由律政司署理高級政府律師張泳施代表

## The Appeal

The AAB acknowledged several facts – the duties of service members put a great demand on their physical fitness; service members were required to save lives of civilians when in danger; and injuries of service members might pose risk not only to the lives of civilians being rescued, but also the own lives of service members as well as the lives of their colleagues. The AAB therefore considered that the reporting requirement imposed by the FSD on the service members to be necessary and directly related to the functions of the FSD. Although the superiors of the FSD were not medical experts, they were better placed than the service members concerned to conduct the assessment as to whether additional information was required.

Further, the AAB considered that it was proper to confer upon a superior of the FSD discretion to seek additional information from service members. However, a superior of the FSD must have reasonable ground to substantiate his or her belief that the collection of additional information was necessary and that the additional information must not be excessive for the collection purpose.

Having considered that the FSD had taken remedial action to revise the reporting form, and having understood that further amendments to the Orders would only be made pending the decision of this appeal, the AAB agreed to the decision of the Privacy Commissioner that any further investigation of the case could not reasonably be expected to bring about a more satisfactory result.

## The AAB's Decision

The appeal was dismissed.

*The Appellant appeared in person*

*Miss Cindy Chan, Legal Counsel, for the Respondent (Privacy Commissioner)*

*Miss Venus Cheung, Senior Government Counsel (Ag.), for the Person bound by the decision appealed against (Director of Fire Services)*

## 上訴個案簡述四 (行政上訴委員會上訴案件第 11/2018 號)

出版商獲授權將一宗民事上訴案件的判案書輯錄在法律彙報 – 上訴案件的申請人聲稱出版商在刊登彙報案件過程中與司法機構通訊往來的文件載有申請人的個人資料 – 出版商拒絕申請人提出查閱資料要求 – 申請人認為出版商為商業利益處理其個人資料，所以屬資料使用者 – 《個人資料(私隱)條例》第 2(1) 及 (12) 條及有關保障資料第 2(4) 原則 – 出版商純粹代司法機構持有、處理或使用資料 – 出版商作為資料處理者無法律責任遵從查閱資料要求

聆訊委員會成員：沈士文先生 (副主席)  
陳文宜女士 (委員)  
黃朝龍先生 (委員)

裁決理由書日期：2019 年 2 月 21 日

### 投訴內容

上訴人為一宗民事上訴案件的申請人。X 公司 (「出版商」) 根據與司法機構的合約，獲授權將該案件的判案書輯錄在《香港法律彙報與摘錄》 (「《法律彙報》」)。出版商根據合約亦須在《法律彙報》刊登的彙報案件中撰寫「案件摘錄」 (headnote) 及「主詞彙」 (catchwords)。上訴人聲稱出版商在刊登有關彙報案件過程中與司法機構通訊往來的文件載有他的個人資料，提出查閱資料要求，要求出版商提供有關文件。出版商拒絕遵從有關要求。上訴人認為出版商為商業利益代司法機構處理其個人資料，身分屬於資料使用者，遂向私隱專員作出投訴。

## Appeal Case Note Four (AAB Appeal No. 11/2018)

A publisher was authorised to publish the judgment of a civil appeal case in law reports – The applicant of the appeal alleged that the correspondence exchanged between the publisher and the Judiciary in the course of publishing the judgment contained personal data of the applicant – The publisher refused a data access request made by the applicant – The applicant considered that the publisher was a data user as the publisher processed his personal data for commercial gain – Sections 2(1) and (12) of the Personal Data (Privacy) Ordinance and Data Protection Principle 2(4) – The publisher held, processed or used the data solely on behalf of the Judiciary – The publisher as a data processor was under no obligation in law to comply with the data access request

Coram: Mr Erik Ignatius SHUM Sze-man (Deputy Chairman)  
Ms Grace CHAN Man-yeet (Member)  
Mr Dennis WONG Chiu-lung (Member)

Date of decision: 21 February 2019

### The Complaint

The Appellant was an applicant of a civil appeal case. Under a contract between Company X (“Publisher”) and the Judiciary, the Publisher was authorised to report the judgment of the case in the Hong Kong Law Reports & Digests (“Law Reports”). The Publisher was also required to prepare the headnote and catchwords for the judgments reported in the Law Reports. The Appellant alleged that the correspondence exchanged between the publisher and the Judiciary in the course of publishing the judgment contained his personal data. The Appellant made a data access request (“DAR”) to the Publisher for copies of the correspondence. The Publisher refused the DAR. The Appellant considered that the publisher was a data user as the publisher processed his personal data on behalf of the Judiciary for commercial gain. Hence, the Appellant made a complaint with the Privacy Commissioner.



## 私隱專員的決定

私隱專員經調查後發現，上訴人在查閱資料要求中提述的通訊，屬附帶於出版商的合約責任。出版商為司法機構的承辦商，代司法機構出版《法律彙報》。出版商不能控制在《法律彙報》中的個人資料的收集、持有、處理或使用。根據《私隱條例》第2(12)條，出版商屬上訴人要求查閱資料的「資料處理者」而非「資料使用者」。因此，私隱專員認為《私隱條例》不適用於出版商，而出版商無責任遵從上訴人的查閱資料要求。

此外，經審視由出版商提供的相關文件的內容後，私隱專員發現雖然在出版商及司法機構的通訊中曾提述有關判案書的名稱及引稱，但是該等通訊的目的明顯是出版商向司法機構尋求批准，將有關《法律彙報》出版（此乃出版商的其中一項合約責任），而並非編製上訴人的個人資料。

基於上述的情況，私隱專員決定毋須繼續處理上訴人的投訴。

上訴人不滿私隱專員的決定，故向委員會提出上訴。

## 上訴

委員會就以下原因駁回上訴人的上訴 –

- (a) 「資料使用者」與「資料處理者」
- 根據《私隱條例》第2(12)條，如出版商純粹代司法機構（而非為其自身的任何目的）持有、處理或使用資料，則出版商並非為《私隱條例》定義下的資料使用者。
  - 在出版《法律彙報》之前，司法機構提供載於判案書的任何上訴人的個人資料，該資料會經理解消化後複製在「案件摘錄」及「主詞彙」。因此，出版商並無編製及收集不在判案書中的任何屬

## The Privacy Commissioner's Decision

Upon completion of investigation of the complaint, the Privacy Commissioner found that the communications as referred to in the DAR were incidental to the contractual duty of the Publisher. The Publisher was a contractor of the Judiciary to publish the Law Reports on the Judiciary's behalf. The publisher was unable to control the collection, holding, processing or use of the personal data in the Law Reports. In accordance with section 2(12) of the Ordinance, the Publisher was a "data processor", not a "data user" of the requested data. Therefore, the Privacy Commissioner considered that the Ordinance did not apply to the Publisher, and the Publisher was not obliged to comply with the Appellant's DAR.

Further, having examined the content of the relevant documents provided by the Publisher, the Privacy Commissioner found that although the name and the citation of the Judgment were mentioned in the communications between the Publisher and the Judiciary, the purpose of such communications was obviously to seek approval from the Judiciary by the Publisher in publishing the Law Reports (which was one of the contractual duties of the Publisher), not to compile the Appellant's personal data.

Based on the mentioned circumstances, the Commissioner decided not to pursue the Appellant's complaint.

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

## The Appeal

The AAB dismissed the Appellant's appeal based on the following grounds –

- (a) "Data user" or "data processor"
- Under section 2(12) of the Ordinance, if the Publisher was holding, processing or using the data solely on behalf of the Judiciary (but not for any of its own purposes), the Publisher was not a data user as defined in the Ordinance.
  - Before the publication of the Law Reports, any personal data of the Appellant in the judgment was supplied by the Judiciary, and the data would be digested and reproduced in the headnote and catchwords. Hence, the Publisher did not compile or collect any personal data of the Appellant that was not already included in the judgment.

上訴人的個人資料。因此，委員會的結論是出版商並無收集、持有或處理載於有關<<法律彙報>>的任何個人資料。

Therefore, the AAB concluded that the Publisher was not collecting, holding or processing any personal data of the Appellant in the Law Reports.

(b) 出版商為自身目的「使用」資料？

- 就出版商是否為其自身目的使用上訴人個人資料，委員會認為重點應放於司法機構在出版<<法律彙報>>之前，在「案件摘錄」及「主詞彙」的內容及格式上行使「控制權」，而非放於在<<法律彙報>>銷售後所帶來的收益。
- 再者，正由於司法機構的「完全控制權」，上訴人提出查閱資料要求的文件因而產生出來。
- 因為司法機構在「案件摘錄」及「主詞彙」上的「完全控制權」，出版商純粹代司法機構（而非為出版商自身的任何目的）使用「案件摘錄」及「主詞彙」。因此，出版商作為在《私穩條例》第2(12)條下的「資料處理者」，只純粹代司法機構使用個人資料於出版<<法律彙報>>。
- 在司法機構批准「案件摘錄」及「主詞彙」並在根據合約刊登<<法律彙報>>之後，就《條例》而言，出版商的後期工作（如銷售、出售及目標訂購者的控制）毫無關聯。

### 行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊

吳鎧楓律師代表答辯人（私隱專員）

遭上訴反對的決定所約束的人（X公司）  
由 Agatha Zhang 女士代表

(b) The Publisher “used” data for its own purposes?

- On the issue of whether the Publisher “used” any personal data of the Appellant for its own purposes, the AAB considered that emphasis should be placed on the “control” of the Judiciary on the contents and format of the headnote and catchwords before the publication of the Law Reports, not on the subsequent benefits after the sale of the Law Reports.
- In addition, the “complete control” of the Judiciary was exactly the cause for giving rise to the existence of the documents that were requested by the Appellant in the DAR.
- Due to the “complete control” of the Judiciary on the contents and format of the headnote and catchwords, the Publisher used the personal data in the headnote and catchwords solely on behalf of the Judiciary (not for the Publisher’s own purposes). Hence, the Publisher, as a “data processor” under section 2(12) of the Ordinance, solely used the personal data on behalf of the Judiciary for publishing the Law Reports.
- After the Judiciary approved the headnote and catchwords and had the Law Reports published as required under the contract, all subsequent work of the Publisher (such as marketing, sale and control of target subscribers) were totally irrelevant.

### The AAB’s decision

The appeal was dismissed.

*The Appellant appeared in person*

*Mr Dennis Ng, Legal Counsel for the Respondent (Privacy Commissioner)*

*Miss Agatha Zhang, for the Person bound by the decision appealed against (Company X)*



## 法律協助計劃

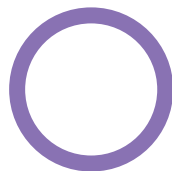
法律協助計劃於2013年4月1日開始。對於因資料使用者違反《私隱條例》規定而蒙受損害，並有意提出法律程序以尋求補償的個人，公署可提供協助。本報告年度內，公署接獲八宗法律協助申請，全部曾在事前向公署作出投訴。

這些申請涉及在下述方面的違規指稱：(i) 收集個人資料；(ii) 個人資料的準確性；(iii) 使用或披露個人資料；(iv) 個人資料的保安；及(v) 查閱及改正資料要求。

## 違規指控的性質

保障資料第1原則 —  
收集個人資料  
DPP1 - collection of  
personal data

2宗  
Cases  
(20%)



保障資料第2原則 —  
個人資料的準確性  
DPP2 - accuracy of  
personal data

3宗  
Cases  
(30%)

保障資料第3原則 —  
使用或披露個人資料  
DPP3 - use or disclosure of  
personal data

2宗  
Cases  
(20%)



保障資料第4原則 —  
個人資料的保安  
DPP4 - security of  
personal data

1宗  
Cases  
(10%)

保障資料第6原則 —  
查閱及改正資料要求  
DPP6 - data access and  
correction requests

2宗  
Cases  
(20%)



註：同一宗個案可牽涉違反多於一項保障資料原則

本報告年度內公署處理了11宗申請（包括上一個報告年度未完成的三宗）。在這些申請中，已完成的申請有六宗，其餘五宗申請在年結時仍在考慮中。

在已完成的六宗審批個案中，一宗由申請人撤回、三宗獲給予法律協助、兩宗被拒。申請被拒的主要因為不涉及法律原則及申請人未能舉出證據證明蒙受損害。

## LEGAL ASSISTANCE SCHEME

The Legal Assistance Scheme commenced on 1 April 2013. Under the scheme, the PCPD may provide assistance to a person who has suffered damage by reason of a contravention under the Ordinance and intends to institute proceedings to seek compensation from the data user at fault. In the reporting year, the PCPD received eight legal assistance applications, all of them were preceded by a complaint made with the PCPD.

These applications involved contraventions of the Ordinance in respect of: (i) collection of personal data; (ii) accuracy of personal data; (iii) the use or disclosure of personal data; (iv) security of personal data; and (v) data access and correction request.

## Nature of alleged contraventions

N.B.: One case may involve contravention of more than one DPP.

During the reporting year, the PCPD handled 11 applications (including three brought forward from last year). Of these applications, six applications were completed and five applications were still under consideration as at the end of the reporting period.

Of the six cases completed, one was withdrawn by the applicant, three were granted legal assistance and two were refused. The main reasons for refusing applications were the absence of a question of legal principle and the applicants' failure to provide evidence to substantiate any damage suffered.

# PROMOTING DATA PROTECTION AND RESPECT

## 推廣資料保障和尊重

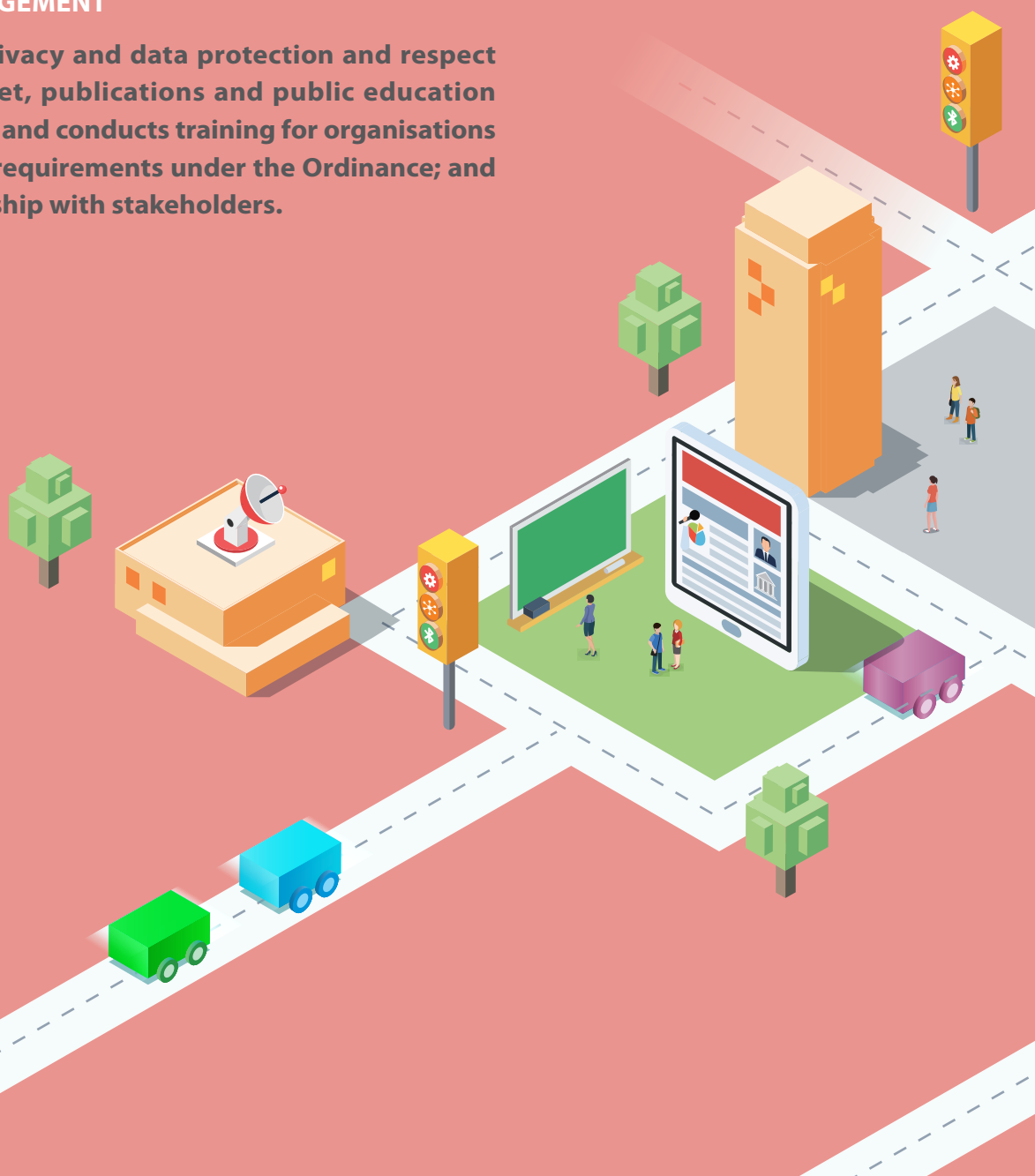
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### 教育及參與

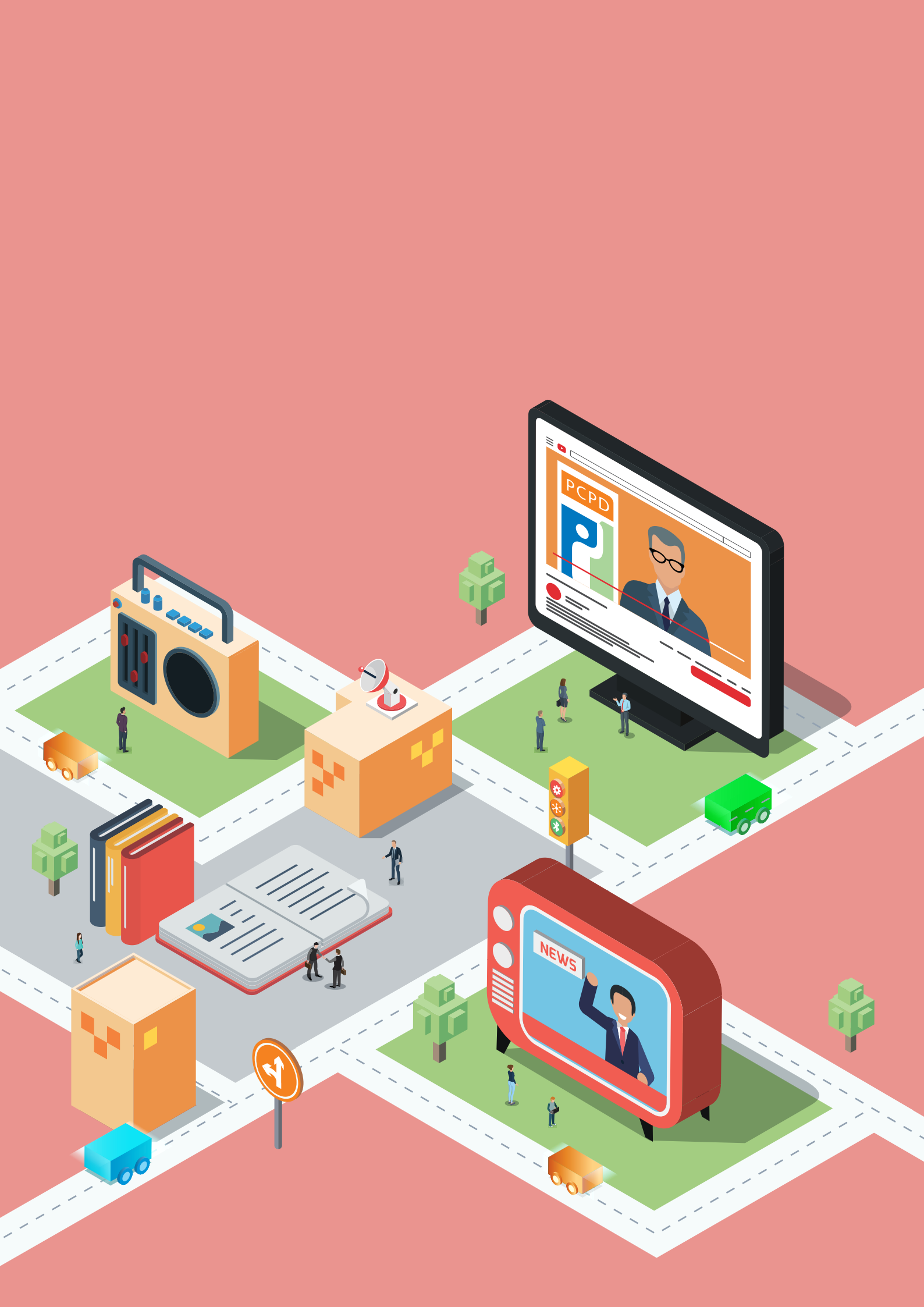
公署透過傳媒、互聯網、印刷刊物及公眾教育活動推廣私隱及資料保障和尊重，舉辦培訓以促進機構及個人認識《私隱條例》的規定，並與持份者建立工作關係。

### EDUCATION AND ENGAGEMENT

The PCPD promotes privacy and data protection and respect through media, Internet, publications and public education programmes; organises and conducts training for organisations and individuals on the requirements under the Ordinance; and manages work relationship with stakeholders.







## 透過傳媒加強訊息傳播

### 傳媒

本報告年度公署共發布了30篇新聞稿（詳見附錄二），回應了171宗與《私隱條例》和個人資料私隱時事議題相關的傳媒查詢。公署透過迅速回應傳媒查詢及發出新聞稿，把握社會當下對某些事件或議題的關注，發表與個人資料保障有關的資訊及意見，令社會各界對《私隱條例》的規定有更深入的了解。

私隱專員及其團隊亦先後接受82次傳媒訪問。透過互聯網、報章、雜誌以至電視及電台廣播，年內共錄得2,700則與公署相關的報道。

## AMPLIFYING MESSAGES THROUGH THE MEDIA

### Media

During the reporting year, the PCPD issued 30 media statements (please refer to Appendix 2), and responded to 171 media enquiries about topical issues on personal data privacy. Through responses to media enquiries and issuing media statements on incidents or topical issues of social concern, the PCPD disseminated information and views on personal data protection at opportune times, and thereby helped various sectors of society better understand the provisions of the Ordinance.

The Privacy Commissioner and his team also gave 82 media interviews. 2,700 related news stories were published via Internet, newspapers, magazines, television and radio.



### 數據道德管治價值

公署透過發放新聞稿、傳媒訪問及傳媒茶聚等渠道，積極推廣數據管治問責及三大數據道德價值，即尊重、互惠和公平。另透過回應不同範疇的傳媒查詢，持續將相關價值和訊息廣泛宣揚。

此外，私隱專員亦主動回應本地以至海外私隱相關的議題，年內曾就以下的事件表達關注及作出跟進：

### Data Ethics Stewardship and Values

Through issuing media statements, conducting media interviews with the Privacy Commissioner and organising media reception, the PCPD has been actively promoting data stewardship accountability as well as its three data ethics values (i.e. respectful, beneficial and fair). These values and messages were also widely communicated via media responses on various issues.

The Privacy Commissioner also responded proactively to local and global privacy issues, including the following:



## 資料保安事故

本報告年度內發生多宗大型資料外洩事件，其中2018年4月香港寬頻的客戶資料庫遭入侵，導致近38萬名客戶及服務申請者的個人資料外洩。私隱專員隨即發出新聞稿，表示已主動就事件展開循規審查。之後於2019年2月向公眾發表調查報告，交代主要調查結果和向香港寬頻發出執行通知。

## Data Security Incidents

A number of large-scale data breach incidents took place during the reporting year. In April 2018, Hong Kong Broadband Network (HKBN) customer database was intruded, resulting in the leakage of personal data of about 380,000 customers and service applicants. The Privacy Commissioner immediately issued a press release stating that he had initiated a compliance check on the incident. The investigation report was published in February 2019, giving an account of the major investigation findings and serving an enforcement notice to HKBN.



2018年9月下旬社交網站Facebook用戶帳號被黑客入侵，私隱專員分別在9月29日和10月3日發出新聞稿，對事件表示關注並展開循規審查，同時向社交網絡平台的用戶提供保障私隱建議。

In late September 2018, it was found that a number of Facebook's user accounts were hacked. The Privacy Commissioner issued media statements on 29 September and 3 October, stating his concern and the commencement of a compliance check on the incident. He also provided recommendations on personal data protection for users of the social media platform.

國泰航空於2018年10月底公布發生乘客個人資料外洩事故。私隱專員隨即發出新聞稿，表示非常關注事件並展開循規審查。公署同時建議國泰航空應盡快通知涉事客戶，及即時採取及闡釋有關的補救措施。私隱專員同時積極透過傳媒訪問及回應，提醒市民若發現其個人的國泰航空帳戶或信用卡帳戶有不尋常的活動紀錄，應主動聯絡國泰航空及相關財務機構以作跟進。私隱專員於11月5日收到國泰航空回覆後，於同日發出新聞稿，決定對國泰航空及其全資子公司港龍航空有限公司展開循規調查。

Cathay Pacific announced a data breach incident involving passengers' personal data in late October 2018. The Privacy Commissioner immediately issued a media statement to express his serious concern over the incident and to announce his decision of initiating a compliance check. The PCPD also advised the airline to notify affected clients as soon as possible, and to take remedial measures with details explained immediately. Via a series of media interviews and responses, the Privacy Commissioner reminded members of the public that if they found any abnormalities with their personal accounts of the airline concerned or credit card accounts, they should contact the airline and the related financial institutions. On 5 November, after receiving a reply from Cathay Pacific, the Privacy Commissioner issued a media statement on the same day announcing his decision to initiate a compliance investigation against Cathay Pacific and its wholly owned subsidiary, Hong Kong Dragon Airlines Limited.



私隱專員於2018年11月28日接獲香港環聯資訊有限公司通報，指索取信貸報告程序懷疑出現保安漏洞致資料外洩，同日發出新聞稿表示就事件已展開循規審查，並呼籲環聯和有關信貸或中介機構即時停止相關索取信貸報告程序，以堵塞懷疑的保安漏洞。公署稍後亦就事件展開循規調查。

The Privacy Commissioner received a data breach notification from TransUnion Limited on 28 November 2018 in respect of suspected security loopholes in the application procedures for credit reports. A media statement was issued on the same day, announcing his decision to initiate a compliance check on the incident, and appealing to TransUnion Limited and credit agencies or intermediaries to stop the application procedures in question and plug the suspected security loopholes. A compliance investigation was later launched on the incident.



### 立法會綜合大樓內監察及記錄個別議員的行蹤以及政府人員手提電話被取事件

私隱專員就2018年4月下旬一名立法會議員質疑政府職員紀錄議員出入立法會大樓的資料屬侵犯私隱並取去一名職員手機的事件發出新聞稿，確認政府執行通傳應變職務並不抵觸《私隱條例》，及後分別再於2018年5月3日及11日發出新聞稿，回應該名議員的公開查詢，以及就事件與一個關注組織會面後重申公署的立場。

### Monitoring and Recording Legislative Councillors' Locations in the Legislative Council Complex and Snatching a Government Official's Mobile Phone

The Privacy Commissioner issued a media statement in late April 2018 in response to a Legislative Council (LegCo) Member's queries on whether monitoring and recording LegCo Members' movements by public officers in the LegCo Complex had infringed the lawmakers' privacy, as well as the incident of snatching a public officer's mobile phone by that Member. The Privacy Commissioner confirmed that it was not a contravention of the Ordinance for the government to perform marshalling duties. The Privacy Commissioner made further media statements on 3 and 11 May 2018 to respond to the public enquiries of the LegCo Member and to reiterate PCPD's views after meeting with a concern group.



網站及社交媒體

公署透過網上和社交媒體平台，有效發放有關個人資料私隱保障的資訊和最新發展。

PCPD.org.hk

公署的一站式入門網站向公眾提供有關個人資料保障的最新資訊和資源，其中較多人瀏覽的內容包括「新聞稿」、「個案簡述」和「條例簡介」。公眾亦可透過此網站進入公署其他專題網站和社交媒體平台。

在報告年度內此網站共錄得 1,277,351 瀏覽人次，比去年的 1,065,629 人次上升約兩成。

Websites and social media

The PCPD disseminates information and communicates news of latest development of personal data privacy protection effectively through online channels and social media platforms.

PCPD.org.hk

Our website continues to be a one-stop portal for members of the public to get the most up-to-date information and resources related to personal data protection. The popular sections include “Media Statements”, “Case Notes” and “The Ordinance at a Glance”. People can also visit PCPD’s thematic websites and social media platforms via this portal.

During the reporting year, we recorded 1,277,351 visits to the website, representing an increase of about 20% compared to 1,065,629 visits the year before.



PCPD.org.hk



兒童私隱

此專題網站提供有關保障及尊重兒童個人資料私隱的資訊，老師及家長亦可運用其中的建議和資源協助教導其學生和子女如何保障個人資料。報告年度內新增「小學生保障私隱活動」專頁和一個小型網上遊戲，豐富網站內的教育資源。公署亦透過「保障私隱學生大使計劃」Facebook專頁向學生及老師推介和分享最新的計劃活動。

Children's Privacy

This thematic website is a portal for learning and understanding children's personal data privacy protection. It also provides useful tips and resources for teachers and parents to help those under their care on how to protect their personal data. A new section "Privacy Campaign for Primary School" and a mini-game were developed during the reporting year to enrich the educational resources in this portal. Its Facebook page "Student Ambassador for Privacy Protection Programme" is a social media platform for students and teachers to get the latest updates about the signature programme.



兒童私隱專題網站  
Children thematic website





**網上私隱要自保**

此專題網站連同其 Facebook 專頁為公眾提供最新的網上私隱趨勢和實用貼士，以助公眾保障其智能裝置和互聯網上的個人資料，從而減低網上私隱受侵犯的風險。專題網站附有「老友記天地」和「網上私隱有法保」小型網站，提供互動資訊和小測驗遊戲。

**Be SMART Online**

This thematic website, together with its Facebook page, serves as a resourceful platform to provide latest trends and practical tips for members of the public to protect personal data on their smart devices and the Internet so as to reduce the risks of online privacy breach. Two mini-sites, namely “Elderly Corner” and “Think Privacy! Be SMART Online”, are within the portal for relevant interactive information and quiz games.



**網上私隱有法保專題網站及其小型網站**  
Be SMART Online thematic website with two mini-sites

上述各個網站包括 PCPD.org.hk、兩個專題網站和兩個小型網站均榮獲《無障礙網頁嘉許計劃 18/19》網站組別金獎。

The above-mentioned PCPD websites including PCPD.org.hk, two thematic websites and two mini-websites won the Gold Awards of the Website Stream in the Web Accessibility Recognition Scheme 2018/19.



## YouTube 頻道

透過此電子資訊媒體，公署上載其機構簡介短片、教育短片及動畫以及電視劇集等供公眾下載或分享。

## YouTube Channel

The PCPD shares its corporate videos, education videos and animations as well as TV drama programmes via this digital information sharing media.



YouTube 頻道  
YouTube Channel

## 出版刊物

私隱專員於本報告年度共刊發或修訂了多份刊物，包括兩份指引資料、三份資料單張及兩份圖鑑，為各持份者提供各類的實用指引及合規建議。

隨著資訊及通訊科技在銀行及金融業的應用日趨普及，公署亦與時並進，出版《金融科技》資料單張，解釋金融科技應用的潛在私隱風險，並為消費者/使用者提供實用提示，以及向金融科技供應商/營運者建議良好的作業方式。

另外，私隱專員尤其關注兒童使用社交網絡及在其他網上活動的私隱保障，並刊發《個人資料·由你掌握：兒童號外篇》單張，以互動遊戲工作紙方式，教導兒童如何在網上保護其個人資料。

## Publications

During the reporting year, the Privacy Commissioner issued or revised a wide range of useful guidance and advice on compliance with the Ordinance for our stakeholders. These included two guidance notes, three information leaflets and two infographics.

With the prevalence of application of information and communications technology in banking and finance, the Privacy Commissioner published the “Fintech” information leaflet to explain the potential privacy risks of the Fintech applications. Tips to consumers/users for protecting personal data privacy and good practices for Fintech providers/operators for addressing the privacy risks are provided in this publication.

The Privacy Commissioner is particularly concerned about the privacy protection of children using social networks and in online activities. A leaflet entitled “Children Privacy Extras: Personal Data Protection in Your Hands” was issued. This educational worksheet provides useful tips with interactive games and quiz for children on how to protect their personal data in the online environment.



一系列的刊物可於公署網站 [www.PCPD.org.hk](http://www.PCPD.org.hk) 下載。

All publications are available on our website at [www.PCPD.org.hk](http://www.PCPD.org.hk).

報告年度內私隱專員刊發或修訂以下刊物。

Publications that were newly issued or revised during the reporting year are as follows.

### 指引資料 Guidance Notes

資料外洩事故的處理及通報指引  
(2019年1月 第二修訂版)  
Guidance on Data Breach Handling and the Giving of  
Breach Notifications  
(January 2019, Second Revision)

私隱管理系統最佳行事方式指引  
(2018年8月 第一修訂版  
2019年3月 第二修訂版)  
Privacy Management  
Programme: A Best Practice  
Guide  
(August 2018, First Revision  
March 2019, Second Revision)



### 資料單張 / 單張 Information Leaflet/Leaflet

個人資料·由你掌握：  
兒童號外篇  
(2018年7月)  
Children Privacy Extras:  
Personal Data Protection in  
Your Hands  
(July 2018)



金融科技  
(2019年3月)  
Fintech  
(March 2019)



處理投訴政策  
(2018年12月 第六修訂版)  
Complaint Handling Policy  
(December 2018, Sixth Revision)

### 圖鑑 Infographics

圖鑑：資料外洩事故  
(2019年1月 第二修訂版)  
Infographics: Data Breach Handling & Notifications  
(January 2019, Second Revision)

圖鑑：使用金融科技小貼士  
(2019年3月)  
Infographics: Tips for Using Fintech  
(March 2019)

## 公署 2017-18 年度年報

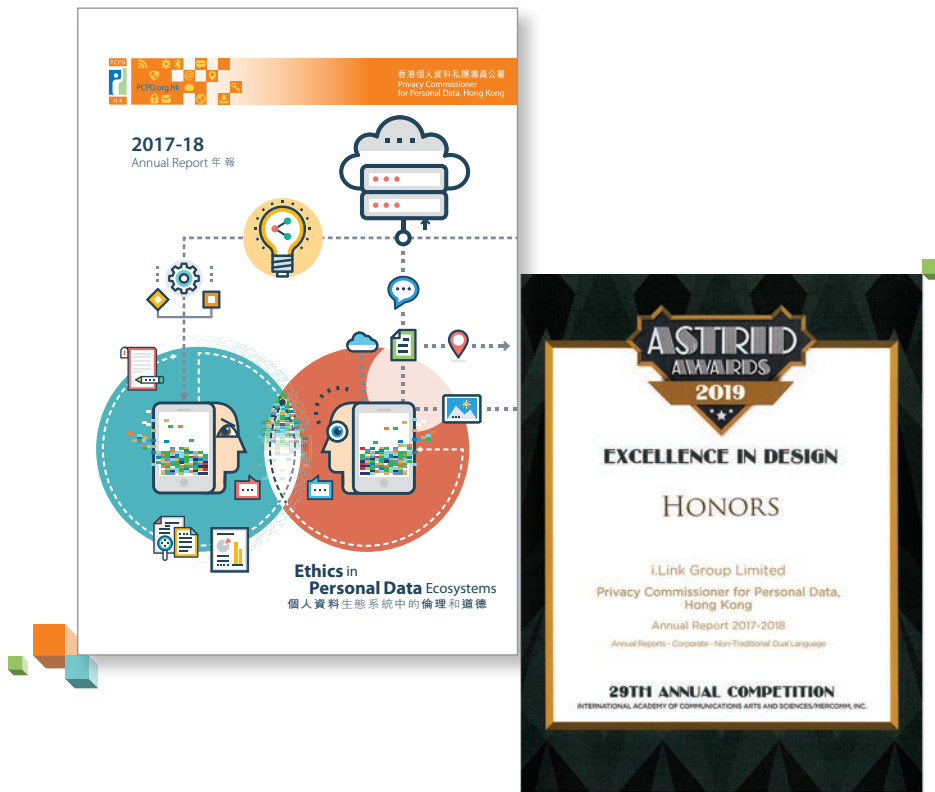
個人資料私隱專員公署 2017-18 年度年報榮獲第 29 屆國際 Astrid Awards「年報 — 企業 — 非傳統 — 雙語」組別的優異獎，以表揚公署別具創意的年報設計。

Astrid Awards 的宗旨是表揚設計傳訊方面的出色表現，參賽作品來自世界各地。由國際設計專才擔任的評判團，根據作品的設計意念、表達手法及製作質素進行評審。

## PCPD 2017-18 Annual Report

The PCPD 2017-18 Annual Report won the Honors of the 29<sup>th</sup> International Astrid Awards under the category of “Annual Reports – Corporate – Non-Traditional: Dual Language” in recognition of the creative design of the Annual Report.

With entries from around the world, the Astrid Awards aims to honour outstanding achievement in design communications. Entries are judged by international panels of design professionals on the basis of concept creativity, clarity and production quality.







## 推動機構保障資料

### 演講

私隱專員及其團隊在本報告年度應邀出席演講、研討會、講座及持份者報告會議，分享在數碼年代資料私隱保障的演變、數據道德管治價值和模式等，向不同的持份者，特別是高層行政人員，發表了多次演講，鼓勵機構制訂全面的保障私隱策略。

## ENGAGING ORGANISATIONS IN DATA PROTECTION

### Speaking engagements

During the reporting year, the Privacy Commissioner and his teams were invited to speak and share views on the evolution of data privacy protection in the digital age, data governance and ethics stewardship values and models, at many times of presentations, seminars, talks and meetings, with a broad range of stakeholders, in particular senior executives, to encourage them to incorporate a corporate-wide privacy strategy in their organisations.

03.04.2018	於數碼港午餐會進行演講 Lunch talk for Cyberport	
06.04.2018	在香港中華總商會會董會發表「緊貼世界資料保障趨勢」演講 Presentation on “Keep Abreast of the Global Data Protection Landscape” at the Chinese General Chamber of Commerce’s General Committee Meeting	
18.04.2018	為香港中小型律師行協會發表演講 Presentation for The Small and Medium Law Firms Association of Hong Kong	
19.04.2018	於公署與 Information Accountability Foundation 聯合舉行的活動上發表題為「資料處理的合法性」歡迎辭 Delivered welcoming speech on “Legitimacy of Data Processing” in Joint Project with Information Accountability Foundation	
19.04.2018	在香港浸會大學發表「新聞的私隱權與自由：持續平衡的運作」演講 Presentation on “Privacy Right & Freedom of the Press: An Enduring Balancing Exercise” at a seminar organised by Hong Kong Baptist University	
21.04.2018	為民主建港協進聯盟主講「處理個人資料操守：《個人資料(私隱)條例》於商業應用上的熱門議題及影響」 Presentation on “The Integrity of Personal Data: Some Topical Issues & Implications of PDPO for Businesses” organised by Democratic Alliance for the Betterment and Progress of Hong Kong	

25.04.2018	<p>為香港人力資源管理學會發表「人力資源管理的資料保障」演講 Presentation on “Data Protection in Human Resource Management” for Hong Kong Institute of Human Resource Management</p>
04.05.2018	<p>為香港互動市務商會發表「數碼營銷的資料保障議題」演講 Presentation on “Data Protection Issues in Digital Marketing” organised by Hong Kong Association of Interactive Marketing</p>
06.05.2018	<p>獲邀擔任香港電台與香港專上學生聯會合辦的《大專辯論賽2018》決賽評判 Acted as a judge of the “Hong Kong Inter-Collegiate Debate Competition 2018” co-organised by Radio Television Hong Kong and Hong Kong Federation of Students</p> 
08.05.2018 21.03.2019	<p>為香港警務處進行「警務人員對《個人資料(私隱)條例》及相關事宜的常問問題」培訓 Conducted training on the Ordinance for Hong Kong Police Force</p>
09.05.2018	<p>於金融安全發展聯盟舉辦的「金融穩定與金融科技」論壇發表演講 Presentation at the “Financial Stability and FinTech Forum 2018” organised by Alliance for Financial Stability with Information Technology Limited</p>
15.05.2018	<p>為香港無線科技商會有限公司發表演講 Presentation for Hong Kong Wireless Technology Industry Association</p>
16.05.2018	<p>私隱專員應邀擔任「香港亞太雲端科技博覽、雲端網絡安全展、大數據世界、香港智能物聯網展及世界數據中心展開幕禮」的主禮嘉賓，並於研討會上發表題為「網絡安全法、《通用數據保障條例》與數據資料道德」的演講 Privacy Commissioner was invited as the officiating guest of the “Joint Opening Ceremony of Cloud Expo Asia, Cloud &amp; Cyber Security Expo, Big Data World, Smart IoT Hong Kong and Data Centre World”, and delivered a presentation on “Cybersecurity Law, GDPR and Data Ethics”</p> 
29.05.2018	<p>為物流及供應鏈多元技術研發中心發表演講 Presentation for Logistics and Supply Chain MultiTech R&amp;D Centre</p>
31.05.2018	<p>於高偉紳律師事務所發表演講 Presentation for Clifford Chance</p>





05.06.2018	<p>為微軟及諾頓羅氏富布萊特合辦的講座發表題為「人工智能時代下負責任地使用數據」的演講 Presentation at a seminar on “Artificial Intelligence for Good – Responsible Use of Data in the Age of A.I.” organised by Microsoft and Norton Rose Fulbright</p>
08.06.2018	<p>為香港城市大學司法教育與研究中心籌辦之第十二屆中國高級法官研修班課程發表題為「香港個人資料保障：法律和制度」的演講 Presentation on “Personal Data Protection in Hong Kong: The Law and the System” for the 12th Advanced Programme for Chinese Senior Judges organised by Centre for Judicial Education and Research of City University of Hong Kong</p>
09.06.2018	<p>在香港大學及香港開放數據合辦的開放數據會議中發表「釋放開放數據的價值：在香港使用開放數據的最佳實踐與極速致勝之道」 Presentation on “Unlocking the Value of Open Data: Best practices and quick-wins for using open data in HK” at “Open Data Conference” co-organised by Social Sciences Research Centre of the University of Hong Kong and Open Data Hong Kong</p>
06.07.2018	<p>於香港互動市務商會舉辦的第六屆傳媒轉型大獎頒獎典禮上發表「新媒體的規則與預防措施」演講 Presentation on “Rules and Regulation and Precaution of New Media” at the 6th Media Convergence Awards Prize Presentation Ceremony organised by Hong Kong Association of Interactive Marketing</p>
16.07.2018	<p>在香港公共行政學院舉辦的涉港網信幹部培訓班主講「香港個人資料私隱的監管、執法與保障」 Presentation on “Supervision, Enforcement and Protection of Personal Data Privacy in Hong Kong” for a group of government officials from the mainland of China at a training session organised by Hong Kong Institute for Public Administration</p>
07.08.2018	<p>出席香港酒店業聯會舉辦的有關歐盟「通用數據保障條例」的研討會 Presentation at a seminar organised by Hong Kong Hotels Association concerning the European Union General Data Protection Regulation</p>
10.08.2018	<p>在政府資訊科技總監辦公室主辦的「提升保安意識講座」發表「數碼年代的私隱議題」演講 Presentation on “Privacy Issues in the Digital Age” at “Security Awareness Seminar” organised by Office of the Government Chief Information Officer</p>
31.08.2018	<p>在嶺南大學資訊安全講座2018主講「緊貼資料保障的最新發展」 Presentation on “Keep Abreast of Latest Development in Data Protection” at Annual Information Security Conference 2018 organised by Lingnan University</p>
04.09.2018	<p>於香港大學法律學院舉辦的「應對網絡欺凌：比較和跨學科研討會」上發表「從個人資料私隱角度看網絡欺凌」演講 Presentation on “Cyberbullying from a Personal Data Privacy Perspective” at the “Tackling Cyberbullying: A Comparative and Interdisciplinary Symposium” organised by Faculty of Law of the University of Hong Kong</p>



04.09.2018	出席香港大學新聞及傳媒研究中心舉辦的「社交媒體的第三隻眼」研討會 Participation in Symposium titled “The Third Eye of Social Media” organised by Journalism and Media Studies Centre of the University of Hong Kong	
05.09.2018	出席香港英商會題為「通用數據保障條例、開放銀行與數據共享」的午餐會 Participation in British Chamber’s lunch meeting on “GDPR, Open Banking and Data Sharing in the GBA”	
11.09.2018	於香港董事學會舉行的講座發表「在數據經濟下香港的公司應如何應對通用數據保障條例」演講 Presentation on “How Hong Kong Companies Respond to GDPR under Data Economy” at a seminar organised by Hong Kong Institute of Directors	
11.09.2018	為香港郵政發表「私隱管理系統」演講 Speech on “Privacy Management Programme” for Hongkong Post	
13.09.2018	於嶺南大學及香港潮屬社團總會合辦的講座主講「大數據及人工智能時代的資料私隱及保障」 Presentation at a seminar titled “Data Privacy Protection on Big Data and Artificial Intelligence” co-organised by Lingnan University and Federation of Hong Kong Chiu Chow Community Organisations	
14.09.2018	為香港金融管理局發表「大數據時代和創新商業模式下的個人資料私隱保障」演講 Presentation on “Personal Data Protection in Big Data Era and Innovative Business Models” for Hong Kong Monetary Authority	
18.09.2018	為香港各界婦女聯合協進會發表題為「香港作為『一帶一路』、『大灣區』數據中心的優勢」的演講 Delivered a presentation for the Hong Kong Federation of Women titled “Hong Kong’s Advantage as the Data Centre for the Belt and Road Initiative and the Greater Bay Area”	
19.09.2018	在律商聯訊的「通用數據保障條例會議：實施通用數據保障條例在國際、地區及本地帶來的影響」發表「通用數據保障條例的熱門議題與科技發展的相互作用」演講 Presentation on “The Interplay of Technological Development and the Trending Topics under GDPR” at “GDPR Conference: The International, Regional and Local Impact of the GDPR” organised by LexisNexis	
20.09.2018	於Facebook主辦的「數據的未來價值」講座主講 Presentation on “Future Value of Data, Hong Kong” for Facebook	
21.09.2018	應邀到第十屆內地與港澳法律研討會發表「香港作為『一帶一路』和『大灣區』信息（數據）中心」的演講 Presentation on “Hong Kong as Data Centre of the Belt and Road Initiative and the Bay Area” at the “10th Mainland, Hong Kong and Macao Legal Seminar”	




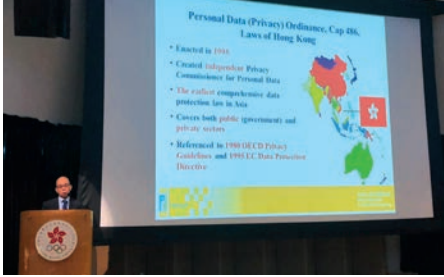
21.09.2018 12.10.2018	<p>為保安局及政府資訊科技總監辦公室舉辦的「政府資訊保安講座2018」發表「歐盟通用數據保障條例對政府服務的影響」演講</p> <p>Presentation on “The Impact of EU General Data Protection Regulation to Government Services” at “Government Information Security Seminar 2018” organised by Security Bureau and Office of the Government Chief Information Officer</p>
28.09.2018	<p>參與香港律師會主辦的「建構智能一帶一路：法律與人工智能、區塊鏈和雲端」會議中「雲端 – 數據私隱、網絡安全和雲端計算」論壇環節</p> <p>Participation in the Conference Session of “Cloud Stream – Data Privacy, Cybersecurity and Cloud Computing” at “The ABC to Building a Smart Belt and Road: Law and Artificial Intelligence, Blockchain and Cloud” Conference organised by the Law Society of Hong Kong</p>
03.10.2018	<p>為香港特許秘書公會主講「關於實施歐盟通用數據保障條例及其對香港影響的最新情況」</p> <p>Presentation on “Update on Implementation of GDPR and Its Impact in Hong Kong” for Hong Kong Institute of Chartered Secretaries</p>
09.10.2018	<p>於 Swinburne University of Technology 主辦的「工業 4.0 領導」峰會發表演說</p> <p>Delivered a speech at “The Industry 4.0 Leadership” Summit organised by Swinburne University of Technology</p>
09.10.2018	<p>應邀到 2018 年 Refinitiv 泛亞監管峰會中的「轉變中的數據規範領域：數據留岸及跨境私隱法則」專題研討環節發表題為「個人資料生態系統中的問責、倫理和道德」的演講</p> <p>Presentation on “Accountability &amp; Ethics in the Personal Data Ecosystem” at the panel themed “The changing landscape of data regulation: data onshoring and cross-border privacy rules” at the Refinitiv Pan Asian Regulatory Summit 2018</p>
24.10.2018	<p>於微軟香港有限公司主辦的「醫療保健業數碼轉型的關鍵 – 保安、數據私隱與人工智能」午餐會發表「醫療保健業的數碼轉型與合規」演講</p> <p>Presentation on “The Key Imperatives of Digital Transformation in Healthcare – Security, Data Privacy and AI” at “Digital Transformation and Compliance in Healthcare Industry” Luncheon organised by Microsoft Hong Kong Limited</p>
26.10.2018	<p>出席香港律師公會舉辦兩岸四地青年律師論壇 2018 並發表「法律創新：機會與挑戰」演講</p> <p>Participation in “Cross Strait Four Regions Young Lawyers Forum 2018” organised by Law Society of Hong Kong</p>



31.10.2018	<p>出席智慧城市聯盟主辦香港金融科技周2018「智慧城市與金融科技」小組討論</p> <p>Participation in panel discussion of “Smart City and Fintech” at 2018 Hong Kong Fintech Week organised by Smart City Consortium</p>	
17.11.2018	<p>為香港私人執業專科醫生協會主講「嶄新科技下的私隱和保安挑戰」</p> <p>Presentation on “Privacy and Security Challenges in New Technologies” for Association of Private Medical Specialists of Hong Kong</p>	
05.12.2018	<p>應邀到大數據治理公會啟動儀式暨數碼經濟大數據治理會議發表題為「大數據與人工智能治理：法律和道德」的演講</p> <p>Presentation on “Big Data &amp; AI Governance: The Laws and Ethics” at Institute of Big Data Governance: Inauguration-cum-Digital Economy and Big Data Governance Symposium</p>	
07.12.2018	<p>出席國際公益法律服務協會舉辦之論壇</p> <p>Participation in the Forum on “Cross-Jurisdictional Pro Bono Legal Services – Opportunities and Challenges” organised by International Probono Legal Services Association</p>	
11.12.2018	<p>為香港會計師公會主辦的講座發表「個人資料：跨越期望的分歧」演講</p> <p>Presentation on “Personal Data: Crossing the Chasms of Expectations” at a seminar organised by Hong Kong Institute of Certified Public Accountants</p>	
13.12.2018	<p>參與TRPC – Refinitiv香港及亞太區論壇中題為「在私隱和機遇間取得平衡」的小組討論</p> <p>Attended TRPC – Refinitiv Forum and joined the panel discussion on “Balancing Privacy with Opportunity in Hong Kong and the Asia Pacific Region”</p>	
18.01.2019	<p>應邀為國際商務委員會致辭</p> <p>Delivered Speech for International Business Committee</p>	
15.01.2019	<p>參與由數碼港主辦的亞洲金融論壇中「金融科技變革與傳統及新興經濟的融合」的小組討論</p> <p>Participation in Asian Financial Forum “FinTech Revolution with Traditional &amp; New Economy Integration” panel discussion organised by Cyberport</p>	





23.01.2019	<p>在香港銀行學會發表「銀行業的數據管治：在個人資料生態系統下的合規、問責與倫理道德」演講 Presentation on “Data governance in Banking Industry: Compliance, Accountability and Ethics in the Personal Data Ecosystem” for Hong Kong Institute of Bankers</p>	
12.03.2019	<p>於世勤律師事務所主辦的講座發表演講 Presentation at a seminar organised by Lewis Silkin Hong Kong</p>	
17.03.2019	<p>為香港西醫工會主講「以數據法規與道德迎合病人對私隱的期望」 Presentation on “Living up to Patients’ Privacy Expectation by Data Law &amp; Ethics” for Hong Kong Doctors Union</p>	
19.03.2019	<p>為香港中文大學法律系主講 Delivered Speech for the Faculty of Law of the Chinese University of Hong Kong</p>	
20.03.2019	<p>於中國香港體育協會暨奧林匹克委員會主辦之講座上向體育界人士講解個人資料私隱的保障 Presentation at a seminar on protection of personal data for sports sector organised by Sports Federation &amp; Olympic Committee of Hong Kong, China</p>	
21.03.2019	<p>於香港英商會舉辦的講座發表「數碼大灣區的資訊流動」演說 Presentation on “Movement of Information: The Digital Greater Bay Area” at a seminar organised by British Chamber of Commerce</p>	

## 為個別機構提供講座

機構對資料保障培訓的需求與日俱增。為此，公署代表到訪個別機構，為它們的員工講解《私隱條例》。公署在本報告年度共為94間機構提供了117場培訓講座。（詳情請參考附錄三）

## 其他講座

### 與《通用數據保障條例》相關的講座

歐盟的《通用數據保障條例》於2018年5月25日生效。作為香港保障個人資料私隱的監管者，私隱專員一直主動協助本地機構了解和遵守海外相關的資料保障法規。在本報告年度，公署舉辦了多項教育活動，讓機構/企業認識《通用數據保障條例》的條文規定及對其業務運作可能帶來的影響。

## In-house seminars

To meet the growing demand for acquiring data protection training from various organisations, PCPD representatives visited individual organisations to explain the requirements of the Ordinance to their staff. During the reporting year, the PCPD delivered 117 training sessions for 94 organisations. (See Appendix 3 for details)

## Other seminars

### GDPR-related seminars

The European Union's General Data Protection Regulation (GDPR) came into force on 25 May 2018. As the regulator on protection of personal data privacy in Hong Kong, the PCPD continues to proactively assist local organisations in understanding and complying with data protection regimes overseas. The PCPD has been organising educational activities during the reporting year to help organisations/businesses understand the GDPR's standards and the possible impact on their operations.







## 為政府部門而設的培訓

政府部門人員收集及使用大量市民的個人資料，故此需提高他們對資料保障的意識。

為了向執法機構成員提供有關《私隱條例》的最新資訊，並推動保障個人資料私隱的重要性，公署於2018年12月18日舉辦題為「跨越鴻溝：個人資料保障與執法」的研討會，約100名來自12個部門和組織的代表出席。

公署與入境事務處合作，為該處中高級人員舉辦「《個人資料(私隱)條例》訓練工作坊」。在本報告年度，共舉辦了兩次工作坊，超過150名入境事務處人員參加。

此外，公署亦曾為公務員培訓處安排講座，向不同職系的公務員介紹《私隱條例》的要求及如何在日常工作中保障市民的個人資料。

## Training for government departments

Government departments collect and use a large amount of citizens' personal data, so there is a need to raise their awareness of data protection.

To provide updated knowledge to members of law enforcement agencies on the interpretation of commonly-used provisions of the Ordinance and propagate the importance of protecting personal data privacy, the PCPD organised a seminar on "Crossing the Chasm: Personal Data Protection and Law Enforcement" on 18 December 2018, with about 100 representatives from 12 departments and organisations having attended.

The PCPD worked with the Immigration Department to organise "Training Workshops on Personal Data (Privacy) Ordinance" for their officers of middle to senior ranks. During the reporting year, two workshops were held with over 150 officers having attended.

The PCPD has also worked with the Civil Service Training and Development Institute to arrange seminars to civil servants of different grades, introducing the requirements of the Ordinance and how to protect citizens' personal data in their daily work.



## 公開簡介講座

公署定期為公眾舉辦有關保障個人資料私隱的免費講座，以提高各界人士對《私隱條例》的認識及理解。這類講座介紹《私隱條例》的背景資料，並以生活實例解釋六項保障資料原則的規定。在本報告年度，超過1,900人出席了《私隱條例》簡介公開講座。

## Introductory seminars

The PCPD runs regular free introductory seminars on personal data protection for the general public, with the aim of raising public awareness and understanding of the Ordinance. This kind of seminar provides background information on the Ordinance and explains the requirements of the six data protection principles by using real-life examples. During the reporting year, over 1,900 participants attended the seminars.



## 保障個人資料專業研習班

公署設計了一系列有關保障個人資料的專業研習班，以配合在不同工作範疇處理個人資料的人士的需要。公署在本年度舉辦了32個工作坊，吸引1,237名人士參加。工作坊得到30個專業機構及行業協會支持，涵蓋下列主題。

## Professional Workshops

The PCPD has developed a series of professional workshops on data protection tailored to the needs of those dealing with personal data in different work contexts. Participants will work through guidance notes issued by the PCPD and practical scenarios with expert guidance from PCPD's experienced trainers. During the year under review, the PCPD held 32 workshops with 1,237 participants. The workshops, which were supported by 30 professional organisations and trade associations, covered the following topics.

資料保障法律研習班	Practical Workshop on Data Protection Law
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
私隱管理系統	Privacy Management Programme
法院及行政上訴委員會近期的案例	Recent Court and Administrative Appeals Board Decisions



## 與持份者會面

為了解持份者對個人資料私隱保障的關注，公署與不同政府部門、機構、團體進行會面。

## Meeting with stakeholders

In order to understand stakeholders' concerns about personal data protection, the PCPD held meetings with various government departments, organisations and groups.

機構名稱	Organisation
支付寶	Alipay
Amazon Web Services	Amazon Web Services
美國律師協會	American Bar Association
Ankura Consulting Group, LCC	Ankura Consulting Group, LCC
Apple	Apple
澳洲駐香港總領事館	Australian Consulate-General Hong Kong
政府統計處	Census and Statistics Department
中西區關注組	Central and Western Concern Group
思科系統有限公司	Cisco Systems Hong Kong Limited
花旗銀行(香港)有限公司	Citibank (Hong Kong) Limited
香港城市大學	City University of Hong Kong
民航處	Civil Aviation Department
商務及經濟發展局	Commerce and Economic Development Bureau
Commonwealth Scientific and Industrial Research Organisation	Commonwealth Scientific and Industrial Research Organisation
競爭事務委員會	Competition Commission
政制及內地事務局	Constitutional and Mainland Affairs Bureau
芬蘭駐香港總領事館	Consulate General of Finland, Hong Kong
消費者委員會	Consumer Council
Cyberwatch Finland	Cyberwatch Finland
Deloitte Touche Tohmatsu Limited	Deloitte Touche Tohmatsu Limited
律政司	Department of Justice
電子健康紀錄統籌處	Electronic Health Record Office
平等機會委員會	Equal Opportunities Commission
Facebook	Facebook
財經事務及庫務局	Financial Services and the Treasury Bureau
香港金融發展局	Financial Services Development Council
消防處	Fire Services Department
食物及衛生局	Food and Health Bureau
豐盛社企學會	Fullness Social Enterprises Society Limited
Global Data Review	Global Data Review
Google	Google
Groupe Spécial Mobile Association (GSMA)	Groupe Spécial Mobile Association (GSMA)

杭州互聯網法院	Hangzhou Internet Court
霍金路偉律師行	Hogan Lovells
香港應用科技研究院有限公司	Hong Kong Applied Science and Technology Research Institute Company Limited
香港電腦學會	Hong Kong Computer Society
香港數碼港管理有限公司	Hong Kong Cyberport Management Company Limited
香港迪士尼樂園	Hong Kong Disneyland
香港考試及評核局	Hong Kong Examinations & Assessment Authority
香港出口信用保險局	Hong Kong Export Credit Insurance Corporation
香港國際仲裁中心(電子「一帶一路」仲裁與調解平台成員)	Hong Kong International Arbitration Centre (a member of the eBelt and Road Arbitration and Mediation)
香港金融管理局	Hong Kong Monetary Authority
香港演藝人協會	Hong Kong Performing Artistes Guild
香港郵政	Hong Kong Post
香港生產力促進局	Hong Kong Productivity Council
香港科技園公司	Hong Kong Science & Technology Parks Corporation
香港貿易發展局	Hong Kong Trade Development Council
醫院管理局	Hospital Authority
Information Accountability Foundation	Information Accountability Foundation
Information Commissioner's Office, United Kingdom	Information Commissioner's Office, United Kingdom
政府新聞處	Information Services Department
International Association of Privacy Professionals (IAPP)	International Association of Privacy Professionals (IAPP)
投資推廣署	InvestHK
Iipseity Network	Iipseity Network
摩根大通	JP Morgan
九龍城區議會	Kowloon City District Council
立法會政制事務委員會	Legislative Council - Panel on Constitutional Affairs
立法會財經事務委員會	Legislative Council - Panel on Financial Affairs
立法會秘書處(申訴及資源管理部)	Legislative Council Secretariat (Complaints and Resources Management Division)
物流及供應鏈多元技術研發中心	Logistics and Supply Chain MultiTech R&D Centre
強制性公積金計劃管理局	Mandatory Provident Fund Schemes Authority
商界助更生委員會	Merchants Support For Rehabilitated Offenders Committee Limited
微軟	Microsoft
MLex	MLex
香港鐵路有限公司	MTR Corporation Limited
諾華誠信有限公司	Nova Credit Limited
海洋公園公司	Ocean Park Corporation
澳門個人資料保護辦公室	Office for Personal Data Protection, Macao SAR



政府資訊科技總監辦公室	Office of the Government Chief Information Officer
香港申訴專員公署	Office of The Ombudsman, Hong Kong
Office of the Privacy Commissioner of Canada	Office of the Privacy Commissioner of Canada
PayPal Hong Kong Limited	PayPal Hong Kong Limited
演出業協會(香港)有限公司	Performing Industry Association (Hong Kong) Limited
新加坡個人資料保護委員會	Personal Data Protection Commission, Singapore
政策創新與統籌辦事處	Policy Innovation and Co-ordination Office
路訊通傳媒集團有限公司	Roadshow Media Group Limited
保安局	Security Bureau
智慧城市聯盟	Smart City Consortium
香港社會創投基金	Social Ventures Hong Kong
渣打銀行(香港)有限公司	Standard Chartered Bank (Hong Kong) Limited
香港永明金融有限公司	Sun Life Hong Kong Limited
香港機場管理局	The Airport Authority Hong Kong
東亞銀行有限公司	The Bank of East Asia, Limited
電腦倫理學會	The Computer Ethics Society
香港銀行公會	The Hong Kong Association of Banks
香港保險業聯會	The Hong Kong Federation of Insurers
香港董事學會	The Hong Kong Institute of Directors
香港理工大學	The Hong Kong Polytechnic University
香港上海滙豐銀行有限公司	The Hongkong and Shanghai Banking Corporation Limited
大數據治理公會	The Institute of Big Data Governance
香港律師會	The Law Society of Hong Kong
香港公開大學	The Open University of Hong Kong
香港大學	The University of Hong Kong
香港大學法律學院	The University of Hong Kong - Faculty of Law
香港大學 - 社會科學研究中心	The University of Hong Kong - Social Sciences Research Centre
西九文化區管理局	The West Kowloon Cultural District Authority
湯森路透	Thomson Reuters
運輸署	Transport Department
環聯資訊有限公司	TransUnion Limited
TraxComm Limited	TraxComm Limited
美國駐港澳總領事館	U.S. Consulate General in Hong Kong and Macau
市區重建局	Urban Renewal Authority
Visa 香港	Visa Hong Kong
在職家庭及學生資助事務處	Working Family and Student Financial Assistance Agency





## 保障資料主任聯會

公署於2000年創立保障資料主任聯會，為機構的保障資料人員提供交流經驗和培訓平台，以促進知識增長和符規實踐。截至2019年3月底，聯會共有585名會員（包括個人及機構會員），會員來自公私營機構，並有多元背景，包括循規、法律事務、規管、執法及客戶服務。

公署於本報告年度為保障資料主任聯會會員舉辦了四次講座，主題包括網絡安全、私隱與社交媒體營銷、私隱管理系統，以及中小企與客戶及僱員個人資料保障。

## Data Protection Officers' Club (DPOC)

The PCPD established the DPOC in 2000 to provide practising data protection officers with a platform for advancing their knowledge and practice of data privacy compliance through experience sharing and training. DPOC membership stood at 585 by the end of March 2019. The individual and organisational members come from a wide range of background, including compliance, legal affairs, regulatory affairs, law enforcement and customer relations, in both the public and private sectors.

During the reporting year, the PCPD held four seminars for DPOC members on cyber security, privacy and social media marketing, Privacy Management Programme as well as small and medium-sized enterprises (SMEs) and personal data protection for customers and employees.



## 行業保障私隱活動

公署一直致力推動商界（特別是中小微企）參與推廣保障及尊重個人資料私隱，以提升業界尊重個人資料私隱的文化。本年度公署繼續舉辦「中小企保障私隱運動」，推動中小型企業尊重個人資料私隱的企業文化。

就此，公署在本年度舉辦了數場研討會，主題包括網絡安全、歐洲聯盟《通用數據保障條例》與香港企業機構的關係、與《通用數據保障條例》相關的營銷推廣須知，以及中小企如何保障顧客個人資料，出席研討會人數逾千人。

## Industry-specific Privacy Campaign

The PCPD strives to engage the business sector (especially the micro and SMEs) in promoting the protection and respect of personal data privacy, with a view to enhancing the culture of respect of personal data privacy in the sector. In this regard, the PCPD once again organised the Privacy Protection Campaign for SMEs during the reporting year in order to raise the SMEs' awareness of personal data protection and to promote an organisational culture of personal data privacy protection.

The PCPD organised seminars on cyber security, the relevance of the EU General Data Protection Regulation (GDPR) to Hong Kong businesses/organisations, the best practice in marketing under the GDPR and the ways that SMEs could protect customers' personal data. Over 1,000 participants attended the seminars.



公署亦製作了五集題為《中小企保障個人資料你要知》的廣播劇，在電台廣播後，已上載於公署網頁，供中小企隨時收聽，了解《私隱條例》的規定。

A five-episode-radio drama series on personal data protection by SMEs were broadcast and uploaded on the PCPD's website for SMEs to catch up and know more about the Ordinance.

公署亦於工業貿易署中小企業支援與諮詢中心期刊《中小企脈搏》投稿，以具體例子解釋中小型企業經常遇到有關處理個人資料的問題，並簡介公署相關資源。

The PCPD also contributed an article to *SME Pulse*, a periodical publication of Support and Consultation Centre for SMEs (SUCCESS). The article gave a brief account of some common problems regarding handling of personal data by SMEs and the PCPD's relevant resource materials.

此外，公署繼續設立中小型企業的專屬諮詢熱線和電郵，為其提供便捷的《私隱條例》查詢渠道。

In addition, the PCPD continued launching a dedicated hotline and email service providing SMEs with a readily available channel to make enquiries about the Ordinance.



## 走進社區

### 關注私隱運動

自2007年起，公署每年均參與由亞太區私隱機構(Asia Pacific Privacy Authorities)各成員合辦的「關注私隱運動」，藉此加強區內對保障個人資料私隱的意識。在香港，「關注私隱運動2018」於5月7日至13日舉行，並以「保障私隱 坐言起行」為主題，以推動企業、機構及公眾認識和重視「保障、尊重個人資料」的文化。

「關注私隱運動2018」的開幕儀式由香港特別行政區行政會議非官守議員、立法會議員林健鋒先生，GBS，JP聯同私隱專員擔任主禮嘉賓，同場亦舉行「中小企保障私隱運動」的啟動儀式。儀式後舉行的「網絡安全論壇」，邀得香港數碼港管理有限公司行政總裁任景信先生、香港警務處網絡及科技罪案調查科偵察高級督察黃迪奇先生，以及公署高級個人資料主任鄧滙心女士擔任講者，並由香港資訊科技商會榮譽會長兼公署科技發展常務委員會成員方保僑先生主持論壇，分享他們對網絡安全範疇中涉及的資料保障問題的見解和經驗。活動吸引逾200名嘉賓及行業代表出席。

## PROMOTING AWARENESS IN THE COMMUNITY

### Privacy Awareness Week

Since 2007, the PCPD has been participating in the Privacy Awareness Week (PAW) jointly organised by members of the Asia Pacific Privacy Authorities to enhance the awareness of privacy protection in the region. The PAW 2018, with the theme of "Privacy: from Principles to Practice", was held on 7-13 May 2018. PAW 2018 aimed to raise awareness of "protect and respect personal data" culture among companies and organisations as well as members of the public.

The PAW 2018 Inauguration Ceremony, attended by an audience of over 200 members, coincided with the Kick-off Ceremony of the Privacy Campaign for SME. Officiating at the two ceremonies were Non-official Member of the Executive Council and Member of the Legislative Council, the Honourable Jeffrey Kin-fung LAM, GBS JP, and the Privacy Commissioner. A Forum on Cyber Security was staged after the Kick-off Ceremony. The panel featured Chief Executive Officer of the Hong Kong Cyberport Management Company Limited, Mr Peter King-shun Yan, Detective Senior Inspector, Cyber Security and Technology Crime Bureau of the Hong Kong Police Force, Mr Dicky Tik-ki Wong, and Ms Nicola Tang, Senior Personal Data Officer of the PCPD. Facilitated by Honorary President of The Hong Kong Information Technology Federation and Member of the Standing Committee on Technological Developments of the PCPD, Mr Francis Fong, the panel speakers shared their insights and experience concerning data protection in the context of cyber security.







在報告年度內，公署邀得資深傳媒人車淑梅小姐擔任「私隱特使」，透過她深入民心的正面形象，與公署攜手推動個人資料私隱保障。



During the reporting year, the PCPD has invited Ms Candy Shuk-mui CHEA, a renowned veteran media practitioner, to become the Privacy Special Ambassador. Her well-known positive image helped disseminate messages on personal data privacy protection.

私隱專員於「關注私隱運動 2018」期間舉辦的保障資料主任聯會迎新會暨「社交媒體行銷與私隱」的講座上發表演說，並邀得香港互動市務商會會長司徒廣釗先生聯同公署高級個人資料主任郭正熙先生與會員分享使用社交媒體行銷時須注意的私隱事項。

During the PAW 2018, the Privacy Commissioner delivered a speech to DPOC members at the Welcome Session cum Talk on “Privacy and Social Media Marketing”. Mr Ralph Szeto, Chairman of the Hong Kong Association of Interactive Marketing, and Mr Brad KWOK, Senior Personal Data Officer of the PCPD, shared with DPOC members their insights on privacy and social media marketing.



「關注私隱運動2018」共獲得逾400名來自各行各業的保障資料主任聯會會員的支持。公署更透過連串推廣和教育活動，包括製作電台廣播劇《中小企保障個人資料你要知》、傳媒訪問、播放保障網上私隱廣告短片、於港鐵車廂內張貼保障個人資料私隱的廣告、舉辦以學生及長者為對象的講座等，將保障個人資料訊息帶到社區。

The PAW 2018 was supported by over 400 members of the DPOC from various sectors. A series of promotion and public education activities including radio mini-drama series, media interviews, broadcast of TV advertisement on protecting online privacy, placement of advertisements in MTR train compartments to promote protection of personal data privacy, and talks for students and elderly were organised during the week.



四款由公署設計的「關注私隱運動2018」海報。  
Four posters designed by the PCPD for the PAW 2018.





## 向長者推廣保障私隱教育活動

為協助長者認識潛在的資料私隱風險，以免成為相關罪案的受害者，蒙受金錢上的損失，公署與多個社會福利機構合辦了16場講座，與長者分享日常生活中保障個人資料的錦囊，吸引超過1,200名長者參與。「私隱特使」車淑梅小姐更擔任講座主講，與公署攜手推動個人資料私隱保障。

另外，助理個人資料私隱專員（投訴、傳訊及教育）於無線電視翡翠台節目《快樂長門人》中為「老友記」講解《私隱條例》的知識，提醒「老友記」日常生活中各種保障個人資料所需注意的事項。

## Educational activities for senior citizens

To help senior citizens recognise potential data privacy risks and prevent them from being victimised by the associated crime and financial exploitation, 16 educational talks in collaboration with various social services organisations were held to share tips with the elderly on how to protect their personal data in daily life. Over 1,200 senior citizens attended the talks. The Privacy Special Ambassador Ms Candy Shuk-mui CHEA worked with the PCPD to convey privacy protection tips to the elderly.

Assistant Privacy Commissioner for Personal Data (Complaints, Communications & Education) attended an interview at an elderly programme "Happy Old Buddies" on TVB Jade to promote the understanding of the Ordinance and shared advices on safeguarding personal data in daily life among the elderly.



## 保障私隱學生大使計劃

公署連續第八年舉辦保障私隱學生大使計劃。透過這個計劃，公署希望鼓勵中學生身體力行，於校內舉辦與保障個人資料私隱相關的推廣活動及參與比賽，了解保護個人資料私隱的重要性，並向友儕傳遞此訊息。

本年的保障私隱學生大使計劃內容包括學校夥伴嘉許計劃，以及全港中學生「個人資料私隱保衛者」手機應用程式設計比賽。學校夥伴嘉許計劃設鑽石、金、銀、銅獎，以表揚在校園內實踐推廣保障個人資料私隱的中學，今年更首度頒發鑽石章予六間連續三年榮獲嘉許計劃金章的學校。本年共106間中學參與這個計劃，參與人數達六萬多人，人數創歷年新高。（詳見附錄四）。

## Student Ambassador for Privacy Protection Programme

The PCPD has run the Student Ambassador for Privacy Protection Programme for eight consecutive years. Under the Programme, secondary school students are encouraged to walk the walk – to learn the importance of protecting personal data privacy and to share the knowledge with peers through organising interactive inter-school competitions and on-campus promotion.

The Programme for 2018 consisted of a Partnering Schools Recognition Scheme and an inter-school mobile app competition. The Partnering Schools Recognition Scheme offered diamond, gold, silver and bronze awards to commend the achievements of secondary schools that demonstrated good practice in promoting personal data privacy protection on campuses. This year, for its first time, the Diamond Awards were presented to six schools that had won the Gold Award for three consecutive years. A total of 106 secondary schools took part in the Scheme with more than 60,000 participants. The number of participants has reached a record high (see Appendix 4 for details).





至於手機應用程式設計比賽，參加者須運用 STEM (科學、技術、工程及數學) 的知識，以「保障、尊重個人資料」為主題，設計及編寫手機應用程式。是次比賽共吸引約 240 名來自 39 間中學的同學參加。學校夥伴嘉許計劃及手機應用程式設計比賽的頒獎典禮於 2018 年 7 月 8 日在科學園舉行。

For the mobile app competition, participating students each designed a mobile app with the theme “protect and respect personal data” by making use of STEM (Science, Technology, Engineering and Mathematics) knowledge. About 240 students from 39 secondary schools took part in the competition. The award presentation ceremony of the Partnering Schools Recognition Scheme 2018 and Inter-school Mobile App Competition was held at Science Park on 8 July 2018.



## 小學生保障私隱活動 2018

在數碼時代，資訊及通訊科技急速發展，帶出兒童私隱能否得到充份重視和保障的問題。有見及此，公署希望能提升兒童網上個人資料私隱保障的意識，透過舉辦「小學生保障私隱活動」，走入小學生(6至12歲)及其老師和家長群體，讓他們藉著取得更多資訊，能在兒童學習階段身體力行保障個人資料。

活動於2018年5月至7月期間舉行，主題為「個人資料 由你掌握」，期間舉辦兩項親子比賽和學校講座，並邀得本地圖文作家為活動創作多篇四格漫畫故事，透過當中活潑生動的卡通人物，傳達保護個人資料私隱的訊息。公署收到逾4,000份參加填色及標語創作比賽以及四格漫畫創作比賽的學生作品，共有117間小學在校園推廣是次活動。整項活動的參與人數達93,000人。

## Privacy Campaign for Primary Schools 2018

The rapid development in ICT in digital age has raised the question of whether children's privacy is sufficiently valued and protected. The PCPD therefore would like to raise children's awareness of personal data privacy online. By introducing the privacy campaign for primary schools in 2018, the PCPD reached out to primary school students (aged 6-12) as well as their teachers and parents to keep them informed and engaged on personal data protection during childhood education.

Running between May and July 2018 with the theme "Data Protection in Your Hands", the campaign consisted of two parent-child competitions and student talks. A local comic illustrator was engaged to develop four-grid comic stories with lively and expressive cartoon characters to put across messages of protecting personal data privacy. More than 4,000 entries were received from students joining the Colouring Design and Slogan Competition, and the Comic Strip Competition, with 117 schools participating in the campaign promotion on campus. A total of 93,000 people participated in the campaign.







「個人資料 由你掌握」填色及四格漫畫創作比賽冠軍作品  
Winning entries of "Data Protection in Your Hands" Colouring and Comic Strip Competition





# STRENGTHENING EXTERNAL CONNECTIONS

## 加強對外聯繫

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### 回應跨法域區的議題

因應最新的本地及國際發展，公署就有關個人資料保障的政策及議題進行研究及提供意見。

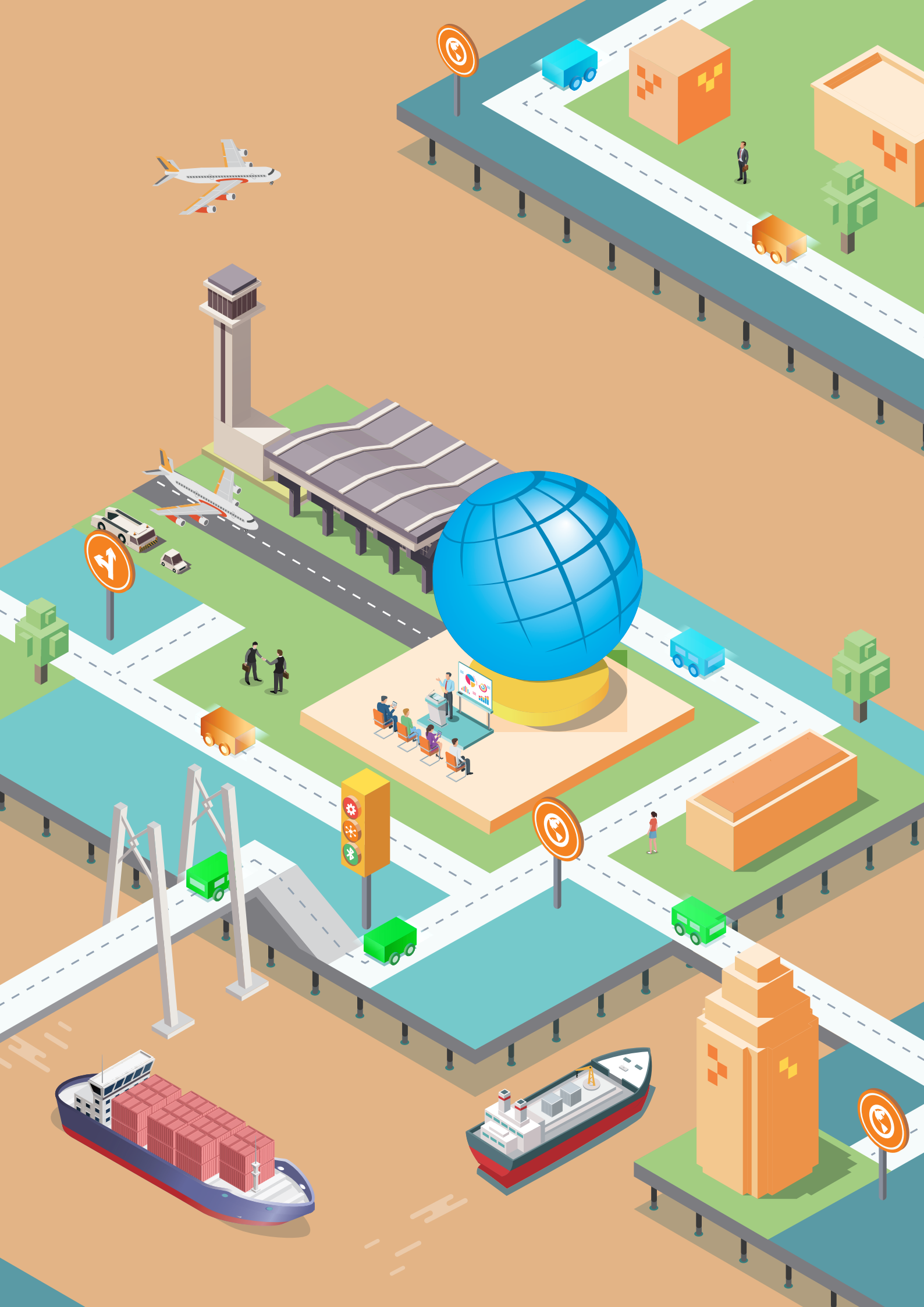
保障私隱跨越不同法域區，需要國際社會共同作出回應。公署與各地資料保障機構和私隱專家保持聯繫和工作關係，洞悉全球私隱保障的發展和趨勢。

### RESPONDING TO CROSS-JURISDICTION ISSUES

**The PCPD conducts research and provides advice on policy issues relating to personal data protection in the light of latest local and international development.**

**Privacy protection has become a cross-jurisdiction issue and thus calls for an international response. The PCPD liaises and works with data protection authorities and privacy experts around the world to keep abreast of global development and trends in privacy protection.**





## 繼續加強對外聯繫和合作以應對跨境私隱問題

資料無疆界。香港資訊自由流通，因此公署繼續與境外對口機構聯繫以加強保障香港市民的個人資料、完善本地以至外地的私隱政策及準則，以及提升全球各地的私隱保障法例的相互操作性。

### 國際資料保障及私隱專員會議

國際資料保障及私隱專員會議是全球私隱與資料保障監管機構的重要年度會議。在本報告年度中，私隱專員於10月參與了在布魯塞爾舉行的第40屆國際資料保障及私隱專員會議。在閉門會議期間，會員通過了公署有份聯合發起的「人工智能的道德與資料保障宣言」。有關宣言表達了監管機構對提倡有道德地發展及應用人工智能的承諾，務求令有關發展及應用能充份考慮及尊重人們的尊嚴及基本人權。

第40屆國際資料保障及私隱專員會議的主題為「辯論道德：數據驅動的生活中的尊嚴與尊重」，當中公開會議多場熱烈的討論，內容圍繞數據及控制著數據的機構如何影響人們的價值觀。其間，私隱專員在公開會議發表了一篇演說，闡述公署有關數據道德的顧問研究的建議，並呼籲各持份者溝通合作，以建立可持續的私隱文化所需的尊重和信任。

## Continues strengthening external connections and collaborations to address cross-border/boundary privacy issues

Data sees no border. With the free flow of information in Hong Kong, the PCPD continues engaging with our external counterparts to enhance personal data protection for Hong Kong citizens, improve privacy policies and standards at home and abroad, and increase the interoperability of the data protection laws around the globe.

### INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS (ICDPPC)

The ICDPPC is a premier annual world conference for privacy and data protection regulators. In the reporting year, the Privacy Commissioner participated in the 40th ICDPPC in Brussels in October. The “Declaration on Ethics and Data Protection in Artificial Intelligence” co-sponsored by the PCPD was adopted at the closed session of the 40th ICDPPC. The Declaration signifies the regulators’ commitment to promoting ethical development and use of artificial intelligence, with due consideration and respect for human dignity and fundamental human rights.

Under the main theme of “Debating Ethics: Dignity and Respect in Data Driven Life”, the open session of the 40th ICDPPC embodied a number of lively discussions on how data and those organisations controlling the data were influencing our values. The Privacy Commissioner gave a speech at the open session, elaborating the recommendations of the PCPD’s consultancy study on data ethics, and calling for multi-stakeholders engagement to develop the requisite respect and trust for a sustainable privacy culture.





公署並於第40屆國際資料保障及私隱專員會議期間舉辦了一個周邊會議以發布公署有關數據道德的顧問研究報告，以促進國際社會對相關議題的支持。

私隱專員作為國際資料保障及私隱專員會議的執行委員會成員的兩年任期在第40屆會議後屆滿。私隱專員繼而成為了該會議的一個新成立的常設工作小組的聯席主席。該工作小組的成立目的是向各持份者（包括政府、監管機構、人工智能研發者及用家、個人）推廣「人工智能的道德與資料保障宣言」。

### 亞太區私隱機構

亞太區私隱機構是亞太區內的資料保障監管機構的一個區域性網絡。公署於2018年6月及12月出席了分別在三藩市及威靈頓舉行的第49及50屆亞太區私隱機構論壇，與各成員機構討論區內以至區外的私隱時事議題，例如人工智能對私隱的影響、數據道德、資料外洩通報制度的發展及跨境資料轉移。

公署作為亞太區私隱機構的科技工作小組召集人，本年內繼續就與資訊科技相關的政策研究向網絡提供支援。公署同時亦繼續擔任亞太區私隱機構的管治委員會成員，該委員會與亞太區私隱機構的秘書處緊密合作以支援網絡的運作，例如籌備每半年一度的亞太區私隱機構論壇。

### 全球私隱執法機關網絡

全球私隱執法機關網絡是一個全球性、由私隱執法機關組成的網絡，其成立目的是促進在私隱執法行動及關注運動方面的跨境合作。公署作為網絡的委員會成員，本年內繼續就網絡的運作提供支援，並積極參與網絡的活動，例如每月舉行、用以促進網絡成員的知識交流的電話會議，以及私隱抽查行動。

公署在2018年10月宣布與澳門個人資料保護辦公室合辦第三屆全球私隱執法機關網絡執法人員工作坊，日期定於2019年5月16至17日，舉辦地點為澳門。工作坊的目的是促進調查人員在實際執法經驗方面的交流。

A side conference was also held by the PCPD to publish the consultancy report on data ethics at the sidelines of the 40th ICDPPC to gather more support from the international community on this topic.

The Privacy Commissioner completed his two-year term as an Executive Committee member of the ICDPPC after the 40th ICDPPC. The Privacy Commissioner took up the role as a co-chair of a newly established permanent working group of the ICDPPC. The objective of the working group is to promote the “Declaration on Ethics and Data Protection in Artificial Intelligence” to all stakeholders (including governments, regulators, developers and users of artificial intelligence, individuals).

### ASIA PACIFIC PRIVACY AUTHORITIES (APPA)

APPA is a regional network of data protection regulators in Asia Pacific. The PCPD participated in the 49th and 50th APPA Forums held in San Francisco and Wellington in June and December 2018 respectively. The Forums discussed topical privacy issues in the region and beyond, such as the privacy impact of artificial intelligence, data ethics, development of data breach notification regimes and cross-border data transfer.

As the Convener of the Technology Working Group of APPA, the PCPD continued rendering support to APPA in policy researches relating to information technologies during the year. The PCPD also continued serving as a member of the Governance Committee of APPA, which works closely with the APPA Secretariat to support the operation of APPA, such as organising the semi-annual APPA Forums.

### GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN)

GPEN is a global network of privacy enforcement authorities with a mandate to foster cross-border cooperation in privacy enforcement actions and awareness campaigns. As a member of the GPEN Committee, the PCPD continued rendering support to the operations of GPEN, and actively participated in GPEN's activities during the year, such as the monthly teleconference of GPEN members for knowledge sharing and the global GPEN Sweep exercise.

In October 2018, the PCPD announced to jointly host the 3rd GPEN Enforcement Practitioners' Workshop with the Office for Personal Data Protection of Macao on 16-17 May 2019 in Macao. The objective of the Workshop is to facilitate sharing of practical enforcement experience among investigators.



## 亞太區經濟合作組織 – 電子商貿督導小組資料私隱分組

亞太區經濟合作組織的資料私隱分組設立的主要目的為發展並推廣「亞太區經濟合作組織私隱綱領」，以及其相關的執行機制，例如「跨境私隱保護規則」體系及「跨境私隱執法協議」。有關綱領及執行機制的目的是保障及便利資料跨境流動。2018年8月，公署參加了在巴布亞新畿內亞莫爾茲比港舉行的第38次資料私隱分組會議，並就相關議題向政府提供意見。

## 與海外及內地資料保障機構及私隱專家的交流

在報告年度內，私隱專員及其團隊與海外及內地資料保障機構、業界人員及學者曾作以下交流。

## ASIA PACIFIC ECONOMIC COOPERATION (APEC) ELECTRONIC COMMERCE STEERING GROUP DATA PRIVACY SUBGROUP (DPS)

The main objective of the DPS is to develop and promote the APEC Privacy Framework and its implementation mechanisms, such as the Cross-border Privacy Rules system and the Cross-border Privacy Enforcement Arrangement, which in turn aims at protecting and facilitating cross-border data flows. The PCPD participated in the 38th DPS meeting in Port Moresby, Papua New Guinea in August 2018, advising the Hong Kong Government on the relevant matters.

## EXCHANGES WITH OVERSEAS AND MAINLAND DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

During the reporting year, the Privacy Commissioner and his team were engaged in the following exchanges with overseas and mainland data protection authorities, practitioners and academia.

11.04.2018	<p>應邀到美國華盛頓舉行的第66屆美國律師協會2018年春季反壟斷法會議中的「保障消費者和競爭 – 國際新興科技」小組專題研討環節發表「以問責管理私隱」開幕演講</p> <p>Delivered opening remarks in a panel debate session entitled “Protecting Consumers and Competition – International Emerging Technologies” at the 66th American Bar Association Antitrust Law Spring Meeting 2018 held in Washington DC, United States</p>	
29.05.2018	<p>在第一屆菲律賓國家數據私隱會議發表「環球數據私隱保障框架」及「將私隱區分：保障私隱同時將數據貨幣化」演講</p> <p>Presentations on “Global Frameworks for Data Privacy Protection” and “Making Privacy a Differentiator: Monetizing Data while Upholding Privacy” at the First National Data Privacy Conference organised by the National Privacy Commission of the Philippines</p>	
26.07.2018	<p>應邀於Centre for Information Policy Leadership Workshop與新加坡私隱執法機關合辦的「以問責態度保障個人資料私隱」工作坊中發表演講</p> <p>Presentation at the Centre for Information Policy Leadership Workshop in collaboration with the Singapore Personal Data Protection Commission on “Implementing Accountability” in Singapore</p>	





07.09.2018	<p>於泰國為 GSMA – Mobile 360 Digital Societies Series 2018 發表「數碼社會的數據和信任：跨境轉移」演講 Presentation on “Trust and data in the digital society: Crossing borders” at a seminar organised by GSMA – Mobile 360 Digital Societies Series 2018 in Thailand</p>
25.10.2018	<p>於第四十屆國際資料保障及私隱專員會議中「與獨立資料保障執法機關的討論」主題環節上發表題為「數據法例與道德」的演講 Delivered a speech titled “Data Laws and Ethics” for the Open Session “In discussion with independent data protection authorities” at the 40th International Conference of Data Protection and Privacy Commissioners in Brussels, Belgium</p>
07.11.2018 08.11.2018	<p>在中國網絡空間研究院及浙江省委常委會合辦於烏鎮舉行的第五屆世界互聯網大會「互聯網之光」博覽會發表「數據管治：香港特別行政區的合規、問責與倫理道德」的演講 Presentation on “Data Governance: Compliance, Accountability and Ethics in Hong Kong SAR” at the 5th World Internet Conference organised by Cyberspace Administration of China and the People’s Government of Zhejiang Province in Wuzhen, China</p>
09.11.2018	<p>在澳門個人資料保護辦公室和澳門大學合辦的「數據治理研討會」發表題為「個人資料生態系統中的法律、問責、倫理和道德」的演講 Presentation on “Law, Accountability &amp; Ethics in the Personal Data Ecosystem” at a seminar on Data Governance co-organised by the Office for Personal Data Protection of Macau and University of Macau</p>
15.11.2018	<p>於清華大學港澳研究中心發表題為「香港特區的資料管治：合規、問責、倫理和道德」的演講 Presentation on “Data Governance: Compliance, Accountability and Ethics in Hong Kong SAR” at a seminar organised by Center for Hong Kong and Macao Research, Tsinghua University</p>
03.12.2018 04.12.2018	<p>在新西蘭威靈頓舉行的第 50 屆亞太區私隱機構論壇上發表「公平及符合倫理道德地處理的數據」及「人工智能 – 監管方法」演講 Presentations on “Fair and Ethical Processing of Data” and “Artificial Intelligence – Regulatory Approaches” at the 50th Asia Pacific Privacy Authorities Forum in Wellington, New Zealand</p>
15.12.2018	<p>於北京師範大學普通法及比較法研究中心舉辦的 2018 中國內地與香港信息/資料法律論壇研討會發表題為「香港特區的數據管治：合規、問責、倫理和道德」的演講 Delivered a presentation titled “Data Governance in Hong Kong SAR: Compliance, Accountability and Ethics” at the 2018 Symposium on Information Law in Mainland China and Hong Kong SAR organised by the Research Centre of Common Law and Comparative Law at Beijing Normal University</p>



21.12.2018

於清華大學港澳研究中心及中國法學會香港基本法澳門基本法研究會「粵港澳大灣區與一國兩制」學術研討會上發表「香港特區的獨特優勢：資訊自由流通和數據保障」的演講

Delivered a presentation titled “Hong Kong’s Unique Attribute: Free Flow of Information and Data Protection” at the “Greater Bay Area and One-Country-Two-Systems” Seminar organised by Centre for Hong Kong and Macau Studies, Tsinghua University and China Law Society



15.01.2019

於北京大學法治與發展研究院主辦的隱私保護與數據治理2019高峰論壇發表題為「香港特區的數據治理：合規、問責、倫理和道德」的演講

Delivered a presentation titled “Data Governance in the Hong Kong SAR: Compliance, Accountability and Ethics” at the Data Security and Personal Privacy Protection Summit 2019 organised by the Law and Development Academy of the Peking University



19.03.2019

20.03.2019

應邀到杭州出席羅漢堂主辦的隱私保護和數據治理研討會，發表題為「香港的跨境資料轉移」及「香港獨特且無可取代的優勢 – 資訊自由流通與個人資料私隱保障」的演講

Presentation on “Hong Kong’s Unique and Irreplaceable Attributes – Free Flow of Information and Personal Data Privacy Protection” and “Cross Border/Boundary Data Transfer in Hong Kong” at Luohan Academy Conference on Privacy Protection and Data Governance in Hangzhou, China





## 接待海外及內地訪客

## RECEPTION OF OVERSEAS AND MAINLAND DELEGATIONS

在報告年度內，公署曾接待以下代表團。

During the reporting year, the PCPD received the following delegations.

04.06.2018	<p>接待由律政司安排的「兩地人員相互交流培訓計劃」訪問團並發表「個人資料的保障 – 緊貼世界資料保障趨勢」的演講 Received a delegation arranged by the Department of Justice and delivered a talk on “Keeping Abreast of Global Data Protection Landscape”</p>	
11.09.2018	<p>與新加坡個人資料保護委員會代表團會面商討兩地資料私隱保障和相互協作 Received a delegation from Personal Data Protection Commission, Singapore to exchange views on personal data privacy issues of mutual concern</p>	
26.10.2018	<p>為香港城市大學司法教育與研究中心籌辦的第十三屆中國高級法官研修班學員發表「個人資料的保障」演講 Presentation on “Personal Data Protection” for the 13th Advanced Programme for Chinese Senior Judges organised by the City University of Hong Kong</p>	
10.12.2018	<p>接待青海省效能建設與社會管理服務專題研修班學員 Received a delegation from Qinghai, China</p>	

# BUILDING A HIGH QUALITY PROFESSIONAL TEAM

## 建立高質素專業團隊

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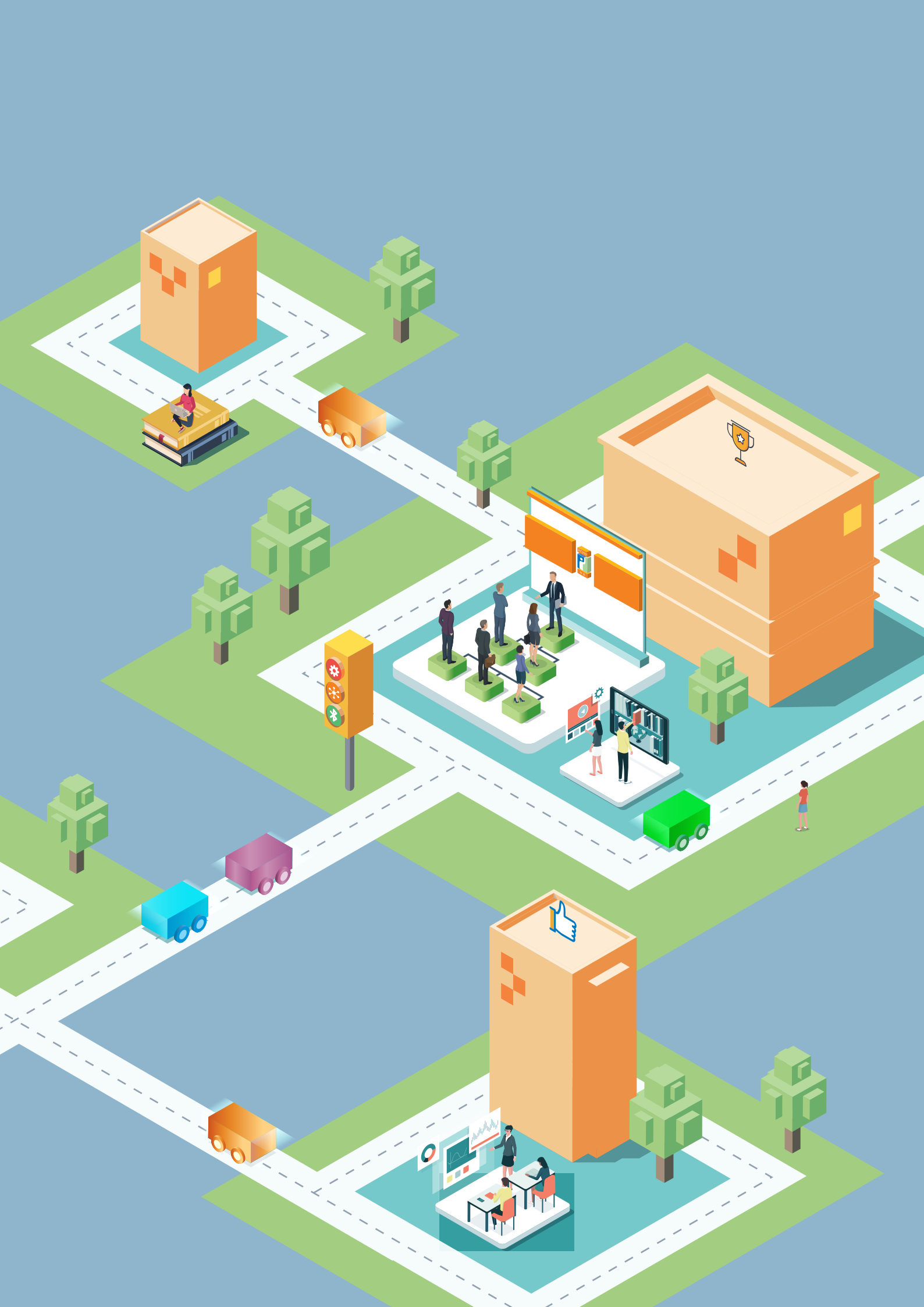
### 忠誠、效率及成本效益

公署一直透過不同措施提升士氣和效率，提供相關培訓，對員工的努力作出嘉許，同時致力精簡程序，以建立團隊最高水平的忠誠和歸屬感，並加強工作成本效益。

### LOYALTY, EFFICIENCY AND COST-EFFECTIVENESS

The PCPD makes continuous efforts to enhance staff morale and productivity, provide relevant training, promote staff recognition, and at the same time streamline work procedures. We aim to build the highest standards of honesty, integrity and sense of belonging, and meanwhile enhance cost-effectiveness.







## 建立高質素專業團隊

維持高水平的機構管治一直是公署其中一項首要工作。我們深信，以公開和負責任的態度管理公署以及奉行良好的機構管治，能給予公眾對公署的信心。

## 問責、公開、透明

公署作為受公帑資助的機構，時刻恪守審慎理財的原則。公署透過既定的採購政策和程序對所有開支進行嚴格的財務管控，合規情況由政制及內地事務局、外間獨立核數師及審計署查核。財務部每月對公署的財政狀況作分析和預測，並將報告呈交管理層審閱，以便對公署未來發展作出規劃。

除發表年報外，私隱專員亦透過每年向立法會政制事務委員會會議及每年分別三至四次舉行的個人資料(私隱)諮詢委員會和科技發展常務委員會匯報公署的工作，以提高公署工作的透明度。

## 內部管控

公署一直沿用嚴格的內部管控制度、適當的申報機制及程序，確保公署的資源得到最恰當和具成本效益的運用。每年公署均對財務、人事和管理有關的事宜進行內部循規審查。2017/18年度的審查於2018年10月至12月期間進行。是次審查發現兩個些微不符規情況，公署已作出改善及跟進行動，並將結果呈交個人資料(私隱)諮詢委員會。

## 辦公地方

公署現有辦事處的租務協議於2018年2月屆滿。面對租金不斷上升的壓力，公署曾物色數個適合搬遷的辦公室選址，並進行仔細的成本效益分析。公署最終選擇留在原有地方，但會放棄租用部分空間。這個方案能令公署每年節省50萬的租金和差餉開支，亦對員工不便、公署運作、效率、士氣的影響減至最低。

## BUILDING A HIGH-QUALITY PROFESSIONAL TEAM

Maintaining high standards of corporate governance has always been one of the PCPD's prime tasks. We believe that managing the office in an open and responsible manner, and following good corporate governance practices can gain public confidence.

## ACCOUNTABILITY, OPENNESS AND TRANSPARENCY

As a statutory body funded by the public purse, the PCPD is always conscious of the need to exercise great care and diligence in managing its finances. All expenditure items are subject to rigorous financial control through established procurement policies and procedures. Compliance with these guidelines is subject to the oversight of the Constitutional and Mainland Affairs Bureau, the housekeeping bureau of the PCPD, our external auditor and the Audit Commission. Financial reports and projections detailing the PCPD's financial position are submitted to Senior Management for scrutiny on a monthly basis to facilitate strategic planning.

To uphold transparency, in addition to the PCPD Annual Report, the Privacy Commissioner reports the work of the PCPD to the Legislative Council Panel on Constitutional Affairs annually; the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Development three to four times a year respectively.

## INTERNAL CONTROL

Stringent internal control systems, appropriate reporting mechanism and procedures and processes are in place to ensure that the PCPD utilises its resources in the most proper and cost-effective manner. Annual Internal Compliance Check (ICC) is conducted on areas related to finance, personnel and administration. 2017-18 ICC was conducted between October and December 2018. Two minor irregularities were identified and appropriate remedial or follow-up actions were taken. The findings were presented to the Personal Data (Privacy) Advisory Committee.

## OFFICE ACCOMMODATION

The tenancy agreement of the PCPD's office premises was due for renewal in February 2018. In face of frequent rental increases, the PCPD had explored a number of office premises that were suitable for removal. Detailed cost-and-benefit analysis was conducted. At last, the PCPD stayed on its existing premises but surrendered part of its office. This option had achieved an annual saving of \$0.5 million in office rental, accommodation charges and rates, and at the same time had caused the least interference to the PCPD's work, efficiency, colleagues' convenience and morale.



由於辦公室面積減少，公署需要重新設計其辦公室格局，以容納所有員工和充分利用減少了的面積。為作出最經濟和可行的選擇，公署仔細考慮不同方案。在重新設計辦公室時，公署嚴格遵從2009年審計署署長報告書的建議，盡量採用開放式設計，以增加同一空間內所能容納的員工數目。

## 公開資料守則

公署自願採納了《公開資料守則》，讓公眾人士廣泛查閱公署所持有的資料，充分體現公開開放和負責任的管治方針。

## 提升服務質素

為優化查詢熱線服務，公署於年內更新其電話系統。新功能包括來電者預約服務和輪候位置通知。新系統亦具更高的穩定性、擴展性和靈活度，同時可有效地監察對查詢部的人手需求，以作出適當的人手調配。

資訊科技部為公署提供穩定和安全的電腦支援，確保公署日常能暢順和高效運作。面對網絡攻擊日益嚴重的威脅，公署於年內聘請獨立資訊科技保安顧問公司檢視和評估公署資訊科技基礎設施的安全性。為確保公署的資訊科技系統持續可靠，公署自2018年4月起開展更新資訊科技基礎設施的計劃，逐步提升電腦系統能力，以提高運作效率，應對新興技術所帶來的挑戰。

With less office space, the office layout had to be re-designed to accommodate all staff and to maximise the use of the reduced space. Careful consideration of different options had been made to choose the most economical and practical solution. In particular, the recommendations in the Director of Audit's Report of 2009 had been strictly followed. Open floor plan with no partition was adopted as far as possible to accommodate a larger number of employees in the same area.

## CODE ON ACCESS TO INFORMATION

To give full play to the spirit of openness and accountability, the PCPD had taken the initiative to be bound by the Code on Access to Information. The public could access an extensive range of information held by the PCPD.

## SERVICE ENHANCEMENT

With a view to enhancing our enquiry service, the PCPD upgraded its telephone system during the reporting year. The new system features queue position announcement and caller appointment service. It also brought greater stability, scalability and flexibility, and could serve as an effective management tool for monitoring the demand for enquiry service and deployment of corresponding manpower to meet the demand.

The Information Technology (IT) Section rendered reliable and secure IT support for the smooth and efficient routine operation of the PCPD. In view of the growing risk of cyber attacks in the digital age, the PCPD commissioned an independent IT security audit consultancy firm to review and assess the security of the PCPD's IT infrastructure during the year under review. To ensure continued reliability of the PCPD's IT network, the PCPD kick-started an IT infrastructure overhaul project progressively from April 2018 onwards to update the system capabilities and enhance operational efficiency amid a challenging operational environment posed by emerging technologies.



## 員工培訓及發展

人力資源是公署的瑰寶。公署明白充足的培訓機會能令員工不斷學習，盡展所長。公署為各級員工安排內部和外間培訓，當中包括：

- 《通用數據保障條例》研討會
- 調解課程
- 金融科技及其對個人資料的風險研習班
- 法院及行政上訴委員會近期的案例分享會
- 《公開資料守則》分享會
- 入職培訓

為使員工可更有效地履行其職責，凡獲公署推薦或自發參與由外間機構舉辦、與工作有關的培訓課程之員工，均可獲全額或部分學費資助。公署透過崗位輪調擴闊員工眼界，亦安排員工參與海外會議，與其他監管機構互相分享經驗和知識。

公署於2018年5月在僱員再培訓局舉辦的「人才企業嘉許計劃」中榮獲「政府部門、公營機構及非政府組織」類別的「人才企業」，以肯定公署在人才培訓及發展工作方面的卓越表現。



## STAFF TRAINING AND DEVELOPMENT

Human capital is the greatest asset of the PCPD. We are fully aware of the importance of providing our staff with ample opportunities to learn, grow and thrive. Both in-house and external trainings were arranged for staff of different ranks. These included:

- GDPR seminars
- Mediation courses
- Workshops on Fintech and risks for personal data
- Sharing sessions on recent AAB and court cases
- Sharing sessions on Code on Access to Information
- New staff orientation

Staff members attending PCPD-initiated or self-initiated job-related training are sponsored on a full or partial reimbursement basis for honing their skills for more effective discharge of their duties. Job rotations are available to broaden exposure, and opportunities to participate in overseas conferences are arranged so that our staff could benefit from the experience and expertise of the PCPD's regulatory counterparts.

In recognition of our relentless efforts in manpower training and development, the PCPD was bestowed with the Manpower Developer Award under the "Government Department, Public Body and NGO" category in the Employees Retraining Board's Manpower Developer Award Scheme in May 2018.





## 專業精神 再獲肯定

公署職員連續第二年榮獲「申訴專員嘉許獎」公職人員獎，以嘉許他們於處理查詢和投訴時的專業及正面態度。

## 嘉許

年內，公署接獲 33 封來自公眾人士及不同機構的感謝信和讚賞，我們會繼續堅定地以專業態度服務市民。

## 建立和諧共融的機構文化

公署明白家庭對員工的重要性，實施家庭友善措施。自 2019 年 1 月起，公署將產假延長至 14 週，讓在職母親有更多時間陪伴和照顧初生嬰兒。

## PUBLIC MISSION WELL RECEIVED

The PCPD staff members had, for the second year in a row, been awarded the Individual Awards for Officers of Public Organisations in The Ombudsman's Awards for their professional and positive attitude in handling enquires and complaints.

## STAFF COMMENDATION

33 appreciation letters were received from individuals and organisations during the reporting year to recognise our staff's dedication. We would remain steadfast in our commitment to serving the public with professionalism.

## CREATING A COHESIVE ORGANISATIONAL CULTURE

Appreciating the importance of families among our staff, family-friendly initiatives were implemented. For example, we had extended maternity leave to 14 weeks since January 2019 to allow working mothers to spend more time with and take care of their new born babies.





## 招聘

聘用合適的人才對公署業務發展舉足輕重。為配合公眾對我們的服務需求，公署在本年度增聘人手，為不同職級進行了公開招聘。公署亦到本地大學舉辦就業資訊講座，提高畢業生對公署工作的認識。公署會繼續本著廣納賢能的理念招聘人才。

## 支持員工事業發展

公署透過正式的工作表現評核鼓勵有出色表現的員工。我們深信內部晉陞能讓公署留住員工的經驗和專業知識，鞏固公署作為監管者的角色。公署去年舉行升職遴選，以示公署對有發展潛能的員工的認同。年內共有五名員工獲得晉陞。

私隱專員每年頒發長期服務獎，以表揚同事多年來的忠誠服務，年內共有四名員工獲得十年長期服務獎。

## 促進溝通

公署定期透過電郵、內聯網和其他渠道讓員工掌握公署的最新動向。其中內聯網更是一站式平台，提供實用資訊，例如：公署手冊、常規指引、假期申請表格以及團體醫療保險索償表格等。私隱專員定期與全體員工會面，保持緊密溝通，讓他們得以了解公署的主要工作的進度。

公署亦設有職員協商委員會，管理層與職員代表透過共商與員工福利有關的事宜，達致更有效的溝通和合作，提高公署運作效率。

## RECRUITMENT

Recruiting the right talent is the key to success of the PCPD's operations. To cope with the rising demand for our services, we augmented our manpower and conducted open recruitment exercises for various ranks during the year. This year also saw the PCPD making its presence felt among university students as we conducted career talks at local universities to enhance graduates' understanding of our work. We would continue to cast our net wide in scouting for talent.

## SUPPORTING PERSONAL DEVELOPMENT

We recognise outstanding work performance using formal performance appraisal reviews. We believe that promoting from within enables experience and expertise to reside within the PCPD, and buttresses the quality of our regulatory role. A promotion exercise was conducted during the reporting year to recognise officers with potential for career development. Five officers were promoted during the reporting year.

Long Service Awards are presented annually by the Privacy Commissioner to honour staff members for their loyalty and commitment. During the reporting year, four staff members received the 10-year service awards.

## FOSTERING COMMUNICATION

Staff members are updated regularly via email, Intranet and other means on the work of the PCPD. The Intranet is a one-stop portal for accessing a wide range of useful information such as the PCPD's manuals, standing instructions, and leave application forms and Group medical insurance claim forms. The Privacy Commissioner maintains close dialogue with all staff through regular meetings to keep them abreast of the office's major work initiatives.

The Staff Consultative Group serves as a platform for achieving better understanding and cooperation between Management and staff through regular discussions on matters that affect the well-being of staff. Such discussions also help promote better efficiency in the PCPD.





## 慈善活動

公署支持各類公益慈善活動。2018/19年度，公署員工曾參與的慈善活動包括「公益綠識日」、「公益月餅」、「公益金便服日」。

## 環保管理

我們致力確保公署的運作合乎環保原則。公署實行多項減廢的措施，當中包括購買有一級能源效益標籤的電器產品、於茶水間擺放回收箱鼓勵回收、添置視像會議器材減少碳排放、定期提醒員工減少打印和節約能源，均令公署節省用電和耗紙量。

## CHARITY EVENTS

The PCPD supports charity events for worthy causes. In 2018/19, the PCPD staff participated in various charity activities, including the Community Chest Green Day, Mooncake for Charity and Dress Casual Day.

## GREEN MANAGEMENT

The PCPD endeavours to ensure that environmental protection is integrated into our daily operations. The PCPD had implemented a number of measures to reduce waste. These include purchasing electronic appliances with Grade 1 energy labels, placing a recycling bin at the pantry to promote recycling, setting up a video conferencing suite in the conference room to reduce carbon footprint, and sending regular reminders to staff to print less and save electricity. The measures had enabled the PCPD to cut down on its electricity and paper consumption.

# FINANCIAL STATEMENTS

## 財務報表

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### 問責及透明度

公署以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

**Accountability and transparency are the foundation of the PCPD's 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 INDEPENDENT AUDITOR'S REPORT

### 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)

### 意見

本核數師(以下簡稱「我們」)已審核列載於第159至177頁個人資料私隱專員的財務報表，此財務報表包括於2019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，以及財務報表附註(包括重要會計政策概要)。

我們認為，該等財務報表已根據香港會計師公會發出的《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2019年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

### 意見基準

我們已根據香港會計師公會頒佈的《香港核數準則》進行審核。我們於該等準則下的責任已於本報告的「核數師就審核財務報表須承擔的責任」一節進一步闡述。我們根據香港會計師公會制定的《專業會計師職業道德守則》(「守則」)獨立於個人資料私隱專員，我們亦已根據守則達致我們的其他道德責任。我們認為我們所獲得的審核憑證屬充足及適當以為我們的意見提供基準。

### 財務報表及其核數師報告以外的資料

個人資料私隱專員負責編製其他資料。其他資料包括年報所載的資料，但不包括財務報表及我們就此的核數師報告。

我們有關財務報表的意見並不涵蓋其他資料，我們並不會就此發表任何形式的核證結論。

就我們對財務報表的審核而言，我們的責任是閱讀其他資料，從而考慮其他資料是否與財務報表或我們在審核過程中獲悉的資料存在重大不符，或存在重大錯誤陳述。如我們基於已完成的工作認為其他資料出現重大錯誤陳述，我們須報告此一事實。我們就此並無報告事項。

### THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A CORPORATION SOLE IN HONG KONG ESTABLISHED UNDER THE PERSONAL DATA (PRIVACY) ORDINANCE)

### OPINION

We have audited the financial statements of The Privacy Commissioner for Personal Data (the "PCPD") set out on pages 159 to 177, which comprise the statement of financial position as at 31 March 2019, the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of the PCPD as at 31 March 2019, and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

### BASIS FOR OPINION

We conducted our audit in accordance with Hong Kong Standards on Auditing ("HKSA") issued by the HKICPA. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the PCPD in accordance with the HKICPA's Code of Ethics for Professional Accountants ("the Code"), and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### INFORMATION OTHER THAN THE FINANCIAL STATEMENTS AND AUDITOR'S REPORT THEREON

The Privacy Commissioner is responsible for the other information. The other information comprises the information included in the annual report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## 獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

### 個人資料私隱專員及管治層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佈的《香港財務報告準則》編製真實而公平的財務報表，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。

在編製財務報表時，個人資料私隱專員須負責評估其持續經營的能力，並披露與持續經營有關的事項（如適用）。除非個人資料私隱專員有意清盤，或停止營運，或除此之外並無其他實際可行的辦法，否則個人資料私隱專員須採用以持續經營為基礎的會計法。

管治層須負責監督個人資料私隱專員的財務報告流程。

### 核數師就審核財務報表須承擔的責任

我們的目標，是對整體財務報表是否不存在由於欺詐或錯誤而導致的重大錯誤陳述取得合理保證，並作出包括我們意見的核數師報告。本報告是根據協定的委聘條款僅向個人資料私隱專員作出，除此之外別無其他目的。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。合理保證是高水平的保證，但不能保證按照《香港核數準則》進行的審核在某一重大錯誤陳述存在時總能發現。錯誤陳述可以由欺詐或錯誤引起，如合理預期它們個別或匯總起來可能影響財務報表的使用者所作出的經濟決定，則有關的錯誤陳述可被視作重大。

我們根據《香港核數準則》進行審核的工作之一，是運用專業判斷，在整個審核過程中保持職業懷疑態度。我們亦：

- 識別和評估由於欺詐或錯誤而導致財務報表存在重大錯誤陳述的風險，設計及執行審核程序以應對該等風險，以及取得充足和適當的審核憑證，作為我們意見的基礎。由於欺詐可能涉及串謀、偽造、蓄意遺漏、虛假陳述，或凌駕於內部控制之上，因此未能發現因欺詐而導致的重大錯誤陳述的風險高於因錯誤而導致的重大錯誤陳述的風險。

### RESPONSIBILITIES OF THE PRIVACY COMMISSIONER AND THOSE CHARGED WITH GOVERNANCE FOR THE FINANCIAL STATEMENTS

The Privacy Commissioner is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA, 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.

In preparing the financial statements, the Privacy Commissioner is responsible for assessing the PCPD's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Privacy Commissioner either intends to liquidate the PCPD or to cease operations, or has no realistic alternative but to do so.

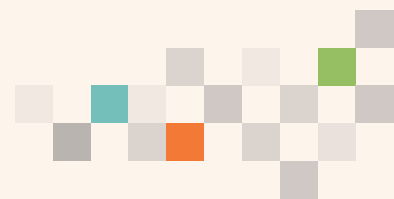
Those charged with governance are responsible for overseeing the PCPD's financial reporting process.

### AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with the agreed terms of engagement, and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.





## 獨立核數師報告 INDEPENDENT AUDITOR'S REPORT

- 了解與審核相關的內部控制，以設計適當的審核程序，但目的並非對個人資料私隱專員內部控制的效能發表意見。
- 評價個人資料私隱專員所採用會計政策的恰當性及所作出會計估計和相關披露資料的合理性。
- 對個人資料私隱專員採用持續經營會計基礎的恰當性作出結論。根據所得的審核憑證，決定是否存在與事件或情況有關的重大不確定性，而可能對個人資料私隱專員持續經營的能力構成重大疑慮。如我們認為存在重大不確定性，則有必要在核數師報告中提請使用者對財務報表中的相關披露資料的關注。如有關的披露資料不足，則修訂我們的意見。我們的結論是基於截至核數師報告日期所取得的審核憑證。然而，未來事件或情況可能導致個人資料私隱專員不能繼續持續經營。
- 評價財務報表(包括披露資料)的整體列報方式、結構及內容，以及財務報表是否公允反映有關交易和事項。
- Obtain an understanding of internal control relevant to the audit 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 PCPD's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Privacy Commissioner.
- Conclude on the appropriateness of the Privacy Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the PCPD's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the PCPD to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

我們與管治層就不同事項進行溝通，當中包括計劃的審核範圍、時間安排、重大審核發現，包括我們在審核期間識別出內部控制的任何重大缺陷。

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

## 黃龍德會計師事務所有限公司

執業會計師

曾卓鋒  
FCPA (Practising), MSCA  
香港執業會計師

執業證書號碼: P06369

香港，2019年8月27日

## PATRICK WONG C.P.A. LIMITED

Certified Public Accountants

TSANG CHEUK FUNG ANDY  
FCPA (Practising), MSCA  
Certified Public Accountant (Practising), Hong Kong

Practising Certificate Number: P06369

Hong Kong, 27 August 2019

# 全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至 2019 年 3 月 31 日止年度 Year ended 31 March 2019

	附註 Notes	2019 \$	2018 \$
<b>收入</b>	<b>Income</b>		
政府補助金	Government subventions 5	<b>78,325,974</b>	77,544,214
顧問費收入	Consultancy fee income 13	<b>2,016,000</b>	–
有關電子健康紀錄 互通系統執法工作的 政府資助金	Government funding for enforcement work related to the Electronic Health Record Sharing System	<b>2,305,625</b>	3,255,000
銀行利息	Bank interest	<b>531,873</b>	272,814
講座收費	Seminar fees	<b>1,458,310</b>	1,286,670
會員費	Membership fees	<b>118,700</b>	118,550
刊物銷售	Sales of publications	<b>2,500</b>	4,960
會議收入	Conference income	–	5,855,831
處置物業、機器及 設備的收益	Gain on disposal of property, plant and equipment	<b>1,000</b>	–
雜項收入	Miscellaneous income	<b>30,352</b>	89,697
		<b>84,790,334</b>	88,427,736
<b>支出</b>	<b>Expenditure</b>		
核數師酬金	Auditor's remuneration	<b>58,000</b>	58,000
行政費用	Administrative expenses	<b>1,417,517</b>	1,363,469
會議支出	Conference expenses	–	6,397,830
顧問服務	Consultancy services	<b>2,507,163</b>	–
物業、機器及 設備的折舊	Depreciation of property, plant and equipment		
– 由資本補助金支付	– financed by capital subvention fund 9	<b>160,400</b>	118,169
– 由其他資金來源支付	– financed by other sources of funds 9	<b>1,625,330</b>	592,490
僱員薪俸	Staff emoluments 6	<b>60,714,445</b>	60,912,185
辦公室的營運 租賃租金	Operating lease rentals in respect of office premises	<b>7,878,877</b>	8,090,636
海外訪問/會議支出	Overseas visit/conference	<b>528,994</b>	654,697
宣傳推廣及教育支出	Promotion and education expenses	<b>1,965,617</b>	2,142,367
法律協助計劃	Legal assistance scheme	<b>32,430</b>	34,103
處置物業、機器及 設備的損失	Loss on disposal of property, plant and equipment	<b>4,705</b>	–
其他營運費用	Other operating expenses	<b>4,570,997</b>	3,157,615
		<b>81,464,475</b>	83,521,561
<b>年內盈餘及 全面收益總額</b>	<b>Surplus and total comprehensive income for the year</b>	<b>3,325,859</b>	4,906,175

第 163 至 177 頁的附註屬本財務報表的組成部分。

The notes on pages 163 to 177 are an integral part of these financial statements.

## 財務狀況表 STATEMENT OF FINANCIAL POSITION

於2019年3月31日 At 31 March 2019

	附註 Notes	2019 \$	2018 \$
<b>非流動資產</b>	<b>Non-current asset</b>		
物業、機器及設備	Property, plant and equipment 9	<b>7,564,616</b>	2,757,162
<b>流動資產</b>	<b>Current assets</b>		
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments	<b>292,698</b>	526,856
銀行結存及現金	Bank balances and cash 10	<b>31,797,008</b>	33,173,308
		<b>32,089,706</b>	33,700,164
<b>流動負債</b>	<b>Current liabilities</b>		
應付款項及應計費用	Accounts payable and accruals	<b>2,014,188</b>	401,159
職員約滿酬金撥備	Provision for staff gratuity 11	<b>4,542,647</b>	2,299,964
未放取年假撥備	Provision for unutilised annual leave	<b>1,726,150</b>	1,568,783
預收政府補助金	Government subvention received in advance 12	<b>5,819,933</b>	4,400,000
預收政府費用	Government fee received in advance 13	<b>–</b>	2,016,000
		<b>14,102,918</b>	10,685,906
<b>流動資產淨值</b>	<b>Net current assets</b>	<b>17,986,788</b>	23,014,258
<b>資產總額減流動負債</b>	<b>Total assets less current liabilities</b>	<b>25,551,404</b>	25,771,420
<b>非流動負債</b>	<b>Non-current liabilities</b>		
政府的約滿酬金補助款	Government subvention for gratuity 14	<b>3,386,003</b>	3,352,510
職員約滿酬金撥備	Provision for staff gratuity 11	<b>2,403,129</b>	3,202,097
資本補助金	Capital subvention fund 15	<b>409,093</b>	569,493
		<b>6,198,225</b>	7,124,100
<b>資產淨值</b>	<b>Net assets</b>	<b>19,353,179</b>	18,647,320
<b>資金</b>	<b>Funds</b>		
一般儲備	General reserve 16	<b>19,353,179</b>	18,647,320

本財務報表已於2019年8月27日獲私隱專員批准及授權刊發。

Approved and authorised for issue by the Privacy Commissioner on 27 August 2019

黃繼兒

香港個人資料私隱專員

Stephen Kai-yi WONG

Privacy Commissioner for Personal Data, Hong Kong

第163至177頁的附註屬本財務報表的組成部分。

The notes on pages 163 to 177 are an integral part of these financial statements.

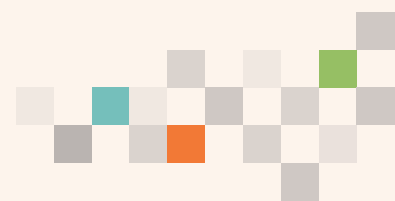
## 資金變動表 STATEMENT OF CHANGES IN FUNDS

截至2019年3月31日止年度 Year ended 31 March 2019

		全面收益表 Statement of comprehensive income \$	一般儲備 General reserve \$	總計 Total \$
<b>於2017年4月1日的結餘</b>	<b>Balance at 1 April 2017</b>	–	13,741,145	13,741,145
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	4,906,175	–	4,906,175
調撥	Transfer	(4,906,175)	4,906,175	–
<b>於2018年3月31日及 2018年4月1日的結餘</b>	<b>Balance at 31 March 2018 and at 1 April 2018</b>	–	18,647,320	18,647,320
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year	3,325,859	–	3,325,859
調撥	Transfer	(3,325,859)	3,325,859	–
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(2,620,000)	(2,620,000)
<b>於2019年3月31日的結餘</b>	<b>Balance at 31 March 2019</b>	–	19,353,179	19,353,179

第163至177頁的附註屬本財務報表的組成部分。

The notes on pages 163 to 177 are an integral part of these financial statements.



## 現金流量表 STATEMENT OF CASH FLOWS

截至2019年3月31日止年度 Year ended 31 March 2019

	附註 Note	2019 \$	2018 \$
<b>營運活動</b>	<b>Operating activities</b>		
年內盈餘	Surplus for the year	3,325,859	4,906,175
調整：	Adjustments for:		
– 折舊支出	– Depreciation expense	1,785,730	710,659
– 處置物業、機器及設備的損失	– Loss on disposal of property, plant and equipment	4,705	–
– 利息收入	– Interest income	(531,873)	(272,814)
– 政府收回上年盈餘	– Previous year's surplus recovered by Government	(2,620,000)	–
營運資本變動前的營運盈餘	Operating surplus before working capital changes	1,964,421	5,344,020
應收款項、按金及預付款項減少	Decrease in accounts receivable, deposits and prepayments	254,422	924,443
應付款項及應計費用增加/(減少)	Increase/(decrease) in accounts payable and accruals	1,613,029	(343,737)
職員約滿酬金撥備增加/(減少)	Increase/(decrease) in provision for staff gratuity	1,443,715	(150,677)
未放取年假撥備增加	Increase in provision for unutilised annual leave	157,367	307,252
預收政府補助金增加	Increase in government subvention received in advance	1,419,933	2,502,320
預收政府費用減少	Decrease in government fee received in advance	(2,016,000)	–
政府的約滿酬金補助款增加	Increase in government subvention for gratuity	33,493	240,635
資本補助金(減少)/增加	(Decrease)/increase in capital subvention fund	(160,400)	348,831
營運活動所得現金淨額	Net cash generated from operating activities	4,709,980	9,173,087
<b>投資活動</b>	<b>Investing activities</b>		
收取利息	Interest received	511,609	289,975
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	(163,907)	(107,663)
購置物業、機器及設備的付款	Payments for property, plant and equipment	(6,597,889)	(2,282,676)
投資活動所用現金淨額	Net cash used in investing activities	(6,250,187)	(2,100,364)
<b>現金及現金等值的(減少)/增加淨額</b>	<b>Net (decrease)/increase in cash and cash equivalents</b>	<b>(1,540,207)</b>	<b>7,072,723</b>
<b>年初的現金及現金等值</b>	<b>Cash and cash equivalents at the beginning of the year</b>	<b>23,727,133</b>	<b>16,654,410</b>
<b>年底的現金及現金等值</b>	<b>Cash and cash equivalents at the end of the year</b>	<b>22,186,926</b>	<b>23,727,133</b>
<b>現金及現金等值結存分析</b>	<b>Analysis of balances of cash and cash equivalents</b>		
銀行結存及現金	Bank balances and cash	10 31,797,008	33,173,308
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months	(9,610,082)	(9,446,175)
<b>年底的現金及現金等值</b>	<b>Cash and cash equivalents at the end of the year</b>	<b>22,186,926</b>	<b>23,727,133</b>

第163至177頁的附註屬本財務報表的組成部分。

The notes on pages 163 to 177 are an integral part of these financial statements.



# 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 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。

## 2. 遵從《香港財務報告準則》的聲明

個人資料私隱專員的財務報表是按照香港會計師公會頒佈的所有適用的《香港財務報告準則》(包含所有適用的個別《香港財務報告準則》、《香港會計準則》和詮釋)以及香港公認會計原則的規定編製。重要會計政策概要載列於附註3。

在2019年，個人資料私隱專員首次應用香港會計師公會頒佈於2018年4月1日或之後開始的會計期間首次生效的新訂及修訂的《香港財務報告準則》，包括：

《香港財務報告準則》第9號：金融工具  
《香港財務報告準則》第15號：客戶合約收益  
香港(國際財務報告詮釋委員會) – 詮釋第22號：外幣交易及預付代價

私隱專員認為採納這些新訂及修訂的《香港財務報告準則》並無對個人資料私隱專員本年度及過往年度的會計政策、財務報表的呈列及報告的數額構成重大變動。

## 3. 重要會計政策概要

- (a) 財務報表的編製基準  
編製本財務報表時是以歷史成本作為計量基礎。
- (b) 物業、機器及設備  
物業、機器及設備於財務狀況表按成本扣除累積折舊和其後的減值虧損(如有)列帳。

折舊是以直線法在以下估計可使用年內沖銷其成本(已扣除剩餘價值)而予以確認：

– 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
– 租賃物業裝修工程	3年

## 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.

## 2. STATEMENT OF COMPLIANCE WITH HONG KONG FINANCIAL REPORTING STANDARDS

The PCPD’s financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (“HKFRSs”), which includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (“HKASs”) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”) and accounting principles generally accepted in Hong Kong. A summary of significant accounting policies is set out in note 3.

In 2019, the PCPD has initially applied the new and revised HKFRSs issued by the HKICPA that are first effective for accounting periods beginning on or after 1 April 2018, including:

HKFRS 9, *Financial instruments*  
HKFRS 15, *Revenue from contracts with customers*  
HK(IFRIC) 22, *Foreign currency transactions and advance consideration*

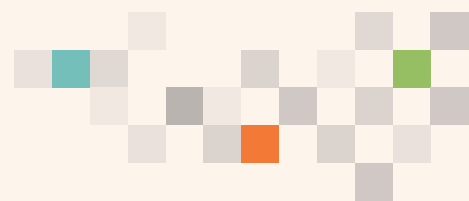
In the opinion of the Privacy Commissioner, the adoption of these new and revised HKFRSs did not result in significant changes to the PCPD’s accounting policies, presentation of the PCPD’s financial statements and amounts reported for the current year and prior years.

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

- (a) Basis of preparation of the financial statements  
The measurement basis used in preparing the financial statement is historical cost.
- (b) Property, plant and equipment  
Property, plant and equipment are stated in the statement of financial position at cost less accumulated depreciation and subsequent impairment losses, if any.

Depreciation is recognised so as to write off the cost of assets less their residual values over their estimated useful lives, using the straight-line method, as follows:

– Motor vehicle	3 years
– Computers and software	3 years
– Office equipment	5 years
– Furniture and fixtures	5 years
– Leasehold improvements	3 years



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 3. 重要會計政策概要(續)

## (b) 物業、機器及設備(續)

估計可使用年期、估計剩餘價值及折舊方法於各報告期末進行檢討，而任何估計變動的影響以預期基準列帳。

物業、機器及設備項目於出售或當預期持續使用該資產不再帶來未來經濟利益時終止確認。出售或廢棄物業、機器及設備項目產生之任何收益或虧損按出售所得款項與資產帳面值間之差額計算，並於全面收益表內確認。

## (c) 租賃

租賃是出租人讓承租人在商定的時期內有權使用某資產以換取一次或多次付款的一項協議。決定一個安排是否，或包含，租賃是取決於該安排的本質，及當履行該安排時，是否取決於特定資產的使用和資產使用權的轉移。

租賃被列為融資租賃時，租賃實質上是把所有權的風險和報酬轉移給承租人。所有其他租賃歸類為營運租賃。

## 營運租賃

營運租賃的付款於質期內以直線法在收益表內列為開支。

## (d) 確認及終止確認金融工具

金融資產及金融負債於個人資料私隱專員成為工具合約條文的訂約方時，於財務狀況表確認。

當從資產收取現金流量的合約權利屆滿；個人資料私隱專員實質上轉移資產擁有權的所有風險及回報；或個人資料私隱專員沒有實質上轉移或保留資產擁有權的所有風險及回報但亦無保留資產的控制權時，金融資產會被終止確認。在終止確認金融資產時，資產帳面值與已收代價之差額於損益確認。

當有關合約的特定責任獲解除、取消或屆滿時，金融負債會被終止確認。終止確認的金融負債帳面值與已付代價之差額於損益確認。

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

## (b) Property, plant and equipment (continued)

The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate accounted for on a prospective basis.

An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on the disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in the statement of comprehensive income.

## (c) Leases

A lease is an agreement whereby the lessor conveys to the lessee in return for a payment or series of payments the right to use an asset for an agreed period of time. Determining whether an arrangement is, or contains, a lease is based on the substance of the arrangement and requires an assessment of whether fulfilment of the arrangement is dependent on the use of a specific asset or assets and the arrangement conveys a right to use the asset.

Leases are classified as finance leases when the terms of leases transfer substantially all the risks and rewards of ownership to the lessee. All other leases are classified as operating leases.

## Operating leases

Lease payments under an operating lease are recognised as an expense on a straight-line basis over the lease term.

## (d) Recognition and derecognition of financial instruments

Financial assets and financial liabilities are recognised in the statement of financial position when the PCPD becomes a party to the contractual provisions of the instruments.

Financial assets are derecognised when the contractual rights to receive cash flows from the assets expire; the PCPD transfers substantially all the risks and rewards of ownership of the assets; or the PCPD neither transfers nor retains substantially all the risks and rewards of ownership of the assets but has not retained control on the assets. On derecognition of a financial asset, the difference between the assets' carrying amount and the sum of the consideration received is recognised in profit or loss.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expired. The difference between the carrying amount of the financial liability derecognised and the consideration paid is recognised in profit or loss.

## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 3. 重要會計政策概要(續)

## (e) 金融資產

金融資產按交易日基準確認及終止確認(其中金融資產的買賣所根據的合約條款規定須於有關市場設定的時限內交付金融資產)，並初步按公平值加直接應佔交易成本計量，惟按公平值計入損益的投資則除外。收購按公平值計入損益的投資之直接應佔交易成本即時於損益確認。

按攤銷成本計量的金融資產撥歸此類的金融資產(包括貿易及其他應收款項)須同時符合下列兩項條件：

- 持有資產的業務模式是以收取合約現金流量為目標；及
- 資產的合約條款於特定日期產生僅為支付本金及未償還本金利息的現金流量。

有關項目其後以實際利率方式按攤銷成本減預計信貸虧損的虧損撥備計算。

## (f) 預期信貸虧損的虧損撥備

個人資料私隱專員就按攤銷成本計量的金融資產的預期信貸虧損確認虧損撥備。預期信貸虧損為加權平均信貸虧損，以發生違約風險的金額作為加權數值。

在各報告期末，如金融工具的信貨風險自初始確認以來大幅增加，個人資料私隱專員會就貿易應收款項按金融工具的預計有效期內，所有可能違約事件產生的預期信貸虧損(「全期預期信貸虧損」)，計算該金融工具的虧損撥備。

如在報告期末，金融工具(貿易應收款項除外)的信貨風險自初始確認以來並無大幅增加，則個人資料私隱專員會按全期預期信貸虧損的部分，即報告期後12個月內，因可能發生的違約事件而預期產生的虧損，計算該金融工具的虧損撥備。

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

## (e) Financial assets

Financial assets are recognised and derecognised on a trade date basis where the purchase or sale of an asset is under a contract whose terms require delivery of the asset within the timeframe established by the market concerned, and are initially measured at fair value, plus directly attributable transaction costs except in the case of investments at fair value through profit or loss. Transaction costs directly attributable to the acquisition of investments at fair value through profit or loss are recognised immediately in profit or loss.

## Financial assets at amortised cost

Financial assets (including trade and other receivables) are classified under this category if they satisfy both of the following conditions:

- the assets are held within a business model whose objective is to hold assets in order to collect contractual cash flows; and
- the contractual terms of the assets give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

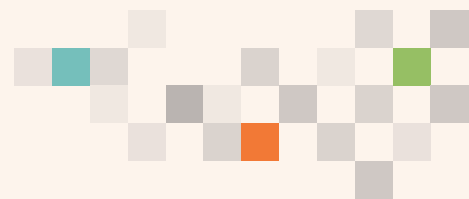
They are subsequently measured at amortised cost using the effective interest method less loss allowances for expected credit losses.

## (f) Loss allowances for expected credit losses

The PCPD recognises loss allowances for expected credit losses on financial assets at amortised cost. Expected credit losses are the weighted average of credit losses with the respective risks of a default occurring as the weights.

At the end of each reporting period, the PCPD measures the loss allowance for a financial instrument at an amount equal to the expected credit losses that result from all possible default events over the expected life of that financial instrument ("lifetime expected credit losses") for trade receivables, or if the credit risk on that financial instrument has increased significantly since initial recognition.

If, at the end of the reporting period, the credit risk on a financial instrument (other than trade receivables) has not increased significantly since initial recognition, the PCPD measures the loss allowance for that financial instrument at an amount equal to the portion of lifetime expected credit losses that represents the expected credit losses that result from default events on that financial instrument that are possible within 12 months after the reporting period.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 3. 重要會計政策概要(續)

- (f) 預期信貸虧損的虧損撥備(續)  
預期信貸虧損金額或為調整報告期末虧損撥備至所需金額所作撥回金額是於損益確認為減值收益或虧損。
- (g) 現金及現金等值  
現金包括銀行及手頭現金。現金等值是短期及高流動性的投資，這些投資可以隨時轉換為已知數額的現金，價值變動的風險不大。
- (h) 應付款項  
應付款項於初期按公平值確認，其後按攤銷成本列帳，但若短期應付款的折現影響並不重大，則按成本列帳。
- (i) 撥備及或然負債  
如果個人資料私隱專員須就已發生的事件承擔法律或推定責任，因而預期很可能會導致經濟利益流出，在有關金額能夠可靠地估計時，個人資料私隱專員便會對該時間或金額不確定的負債計提撥備。如果貨幣時間價值重大，則按預計履行責任所需費用的現值計提撥備。

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該責任披露為或然負債，但經濟利益流出的可能性極低則除外。如果個人資料私隱專員的責任須視乎某項或多項未來事件是否發生才能確定是否存在，除非經濟利益流出的可能性極低，該責任亦會被披露為或然負債。

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- (f) Loss allowances for expected credit losses (continued)  
The amount of expected credit losses or reversal to adjust the loss allowance at the end of the reporting period to the required amount is recognised in profit or loss as an impairment gain or loss.
- (g) Cash and cash equivalents  
Cash comprises cash on hand and at bank. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.
- (h) Accounts and other payables  
Accounts and other payables are initially measured at fair value and, after initial recognition, at amortised cost, except for short-term payables with no stated interest rate and the effect of discounting being immaterial, that are measured at their original invoice amount.
- (i) Provisions and contingent liabilities  
Provisions are recognised for liabilities of uncertain timing or amount when the PCPD has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 3. 重要會計政策概要(續)

## (j) 收入確認

## (i) 政府補助及資助金

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。

有關電子健康紀錄互通系統執法工作的政府資助金是在須與擬補償的成本產生時，在全面收益表確認。

## (ii) 銀行利息收入

銀行利息收入以實際利率方式計算。

## (iii) 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。

## (iv) 刊物銷售

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。

## (v) 顧問費收入

顧問費收入是在提供服務的期間在全面收益表確認。

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

## (j) Income recognition

## (i) Government subventions and funding

Government subventions 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.

Government funding for enforcement work related to the Electronic Health Record Sharing System is recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

## (ii) Bank interest income

Bank interest income is recognised using the effective interest method.

## (iii) Seminar, conference and membership fees income

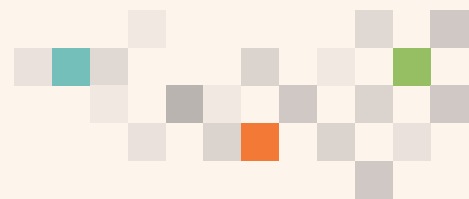
Seminar, conference and membership fees income are recognised on an accrual basis.

## (iv) Sales of publications

Income from the sales of 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.

## (v) Consultancy fee income

Consultancy fee income is recognised in the statement of comprehensive income in the same periods in which the services are provided.





## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 3. 重要會計政策概要(續)

## (k) 僱員薪俸

- (i) 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。

## (ii) 退休福利成本

個人資料私隱專員已經加入《強制性公積金條例》下成立的強制性公積金計劃(「強積金計劃」)。僱主的供款額為僱員有關入息的5%至強制性供款上限。該計劃的資產與個人資料私隱專員的資產分開持有，並由信託人以基金託管。

向強積金計劃支付的供款於到期日列作支出。

## (l) 資產減值

在報告期末，個人資料私隱專員會檢討具有限可使用年期的資產的帳面值，以判斷該資產是否出現減值虧損。當顯示可能出現減值虧損時，該資產的可收回值會被評估以計算其虧損幅度。如該資產的可收回值並不可能被評估，個人資料私隱專員會評估該資產所屬的現金產生單位可收回值。當確定了一個合理及一致的分類基礎時，企業資產會被分類為獨立現金產生單位或現金產生單位的最小組別。

## 3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

## (k) Staff emoluments

- (i) 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.

## (ii) Retirement benefit costs

The PCPD has joined the Mandatory Provident Fund Scheme (the MPF Scheme) established under the Mandatory Provident Fund Schemes Ordinance for its employees. The PCPD contributes 5% of the relevant income of staff members up to the maximum mandatory contributions under the MPF Scheme. The assets of the Scheme are held separately from those of the PCPD, in funds under the control of trustee.

Payments to the MPF Scheme are charged as an expense as they fall due.

## (l) Impairment assets

At the end of reporting period, the PCPD reviews the carrying amounts of its assets with finite useful lives to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss, if any. When it is not possible to estimate the recoverable amount of an individual asset, the PCPD estimates the recoverable amount of the cash-generating unit to which the asset belongs. When a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

**3. 重要會計政策概要 (續)**

## (m) 關聯方

- a) 一名人士或其近親被視為個人資料私隱專員的關聯方，如果該人士：
- (i) 能控制或共同控制個人資料私隱專員；
  - (ii) 能對個人資料私隱專員構成重大影響力；或
  - (iii) 為個人資料私隱專員的關鍵管理人員。
- b) 一個實體可視為個人資料私隱專員的關聯方，如果該實體符合以下任何情況：
- (i) 該實體是為個人資料私隱專員或個人資料私隱專員關聯方的僱員福利而設的離職後福利計劃。
  - (ii) 該實體由(a)中描述的人士控制或共同控制。
  - (iii) (a)(i)中描述的一名人士對該實體構成重大影響，或為該實體的關鍵管理人員。
  - (iv) 該實體，或屬該實體一部分的任何集團成員公司，向個人資料私隱專員提供關鍵管理人員服務。

**4. 重要會計推算及判斷**

按照《香港財務報告準則》編制財務報表時，個人資料私隱專員管理層會為影響到資產、負債、收入及開支的會計政策的應用作出判斷、估計及假設。這些判斷、估計及假設是以過往經驗及多項其他於有關情況下視作合理的因素為基準。儘管管理層對這些判斷、估計及假設作出持續檢討，實際結果可能有別於此等估計。

有關財務風險管理的某些主要假設及風險因素載列於附註18。對於本財務報表所作出的估計及假設，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。

**3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

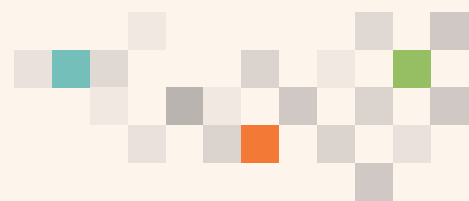
## (m) Related parties

- a) A person or a close member of that person's family is related to the PCPD if that person:
- (i) has control or joint control over the PCPD;
  - (ii) has significant influence over the PCPD; or
  - (iii) is a member of the key management personnel of the PCPD.
- b) An entity is related to the PCPD if any of the following conditions applies:
- (i) The entity is a post-employment benefit plan for the benefit of employees of either the PCPD or an entity related to the PCPD.
  - (ii) The entity is controlled or jointly controlled by a person identified in (a).
  - (iii) A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity.
  - (iv) The entity, or any member of a group of which it is a part, provides key management personnel services to the PCPD.

**4. CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENT**

The PCPD's management makes assumptions, estimates and judgements in the process of applying the PCPD's accounting policies that affect the assets, liabilities, income and expenses in the financial statements prepared in accordance with HKFRSs. The assumptions, estimates and judgements are based on historical experience and other factors that are believed to be reasonable under the circumstances. While the management reviews their judgements, estimates and assumptions continuously, the actual results will seldom equal to the estimates.

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 18. There are no other key sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amounts of asset and liabilities within the next financial year.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 5. 政府補助金

## 5. GOVERNMENT SUBVENTIONS

		2019 \$	2018 \$
經常性及非經常性	Recurrent and non-recurrent	<b>78,165,574</b>	75,726,045
資本補助金(附註15)	Capital subvention fund (Note 15)	<b>160,400</b>	118,169
資助一個會議的補助金	Subvention for a conference	-	1,700,000
		<b>78,325,974</b>	77,544,214

## 6. 僱員薪俸

## 6. STAFF EMOLUMENTS

		2019 \$	2018 \$
薪酬	Salaries	<b>50,849,025</b>	49,885,273
約滿酬金及其他津貼	Gratuities and other allowances	<b>8,506,438</b>	9,495,348
強積金計劃供款	Contributions to MPF Scheme	<b>1,201,615</b>	1,224,312
未放取年假撥備	Provision for unutilised annual leave	<b>157,367</b>	307,252
		<b>60,714,445</b>	60,912,185

## 7. 主要管理人員的報酬

## 7. KEY MANAGEMENT COMPENSATION

		2019 \$	2018 \$
短期僱員薪俸	Short-term staff emoluments	<b>14,912,356</b>	12,092,014
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	<b>2,029,637</b>	1,624,034
		<b>16,941,993</b>	13,716,048

## 8. 稅項

## 8. TAXATION

根據《個人資料(私隱)條例》附表2第6條的規定，個人資料私隱專員獲豁免課稅，因此個人資料私隱專員無須在本財務報表計提香港利得稅撥備。

No provision for Hong Kong Profits Tax has been made in the financial statements as the PCPD is exempted 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

2019年3月31日 31 March 2019

## 9. 物業、機器及設備

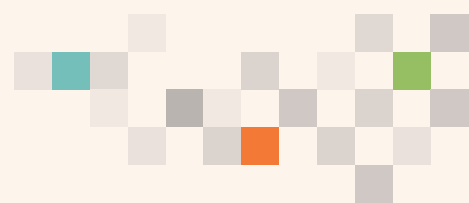
## 9. PROPERTY, PLANT AND EQUIPMENT

		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 \$	租賃資產 改善工程 Leasehold improvements \$	總計 Total \$
<b>成本</b>	<b>Cost</b>						
於2018年4月1日	At 1 April 2018	468,900	4,709,311	964,111	434,853	5,130,704	11,707,879
增加	Additions	-	1,354,414	893,928	335,230	4,014,317	6,597,889
處置	Disposals	-	(57,074)	(69,948)	(17,552)	-	(144,574)
於2019年3月31日	At 31 March 2019	468,900	6,006,651	1,788,091	752,531	9,145,021	18,161,194
<b>累積折舊</b>	<b>Accumulated depreciation</b>						
於2018年4月1日	At 1 April 2018	468,900	4,431,922	279,829	282,282	3,487,784	8,950,717
年內折舊	Charge for the year	-	226,888	205,393	82,092	1,271,357	1,785,730
處置核銷	Write back on disposals	-	(57,074)	(69,948)	(12,847)	-	(139,869)
於2019年3月31日	At 31 March 2019	468,900	4,601,736	415,274	351,527	4,759,141	10,596,578
<b>帳面淨值</b>	<b>Net book value</b>						
於2019年3月31日	At 31 March 2019	-	1,404,915	1,372,817	401,004	4,385,880	7,564,616
<b>成本</b>	<b>Cost</b>						
於2017年4月1日	At 1 April 2017	468,900	4,999,212	1,483,035	1,271,391	3,900,421	12,122,959
增加	Additions	-	54,173	600,300	81,570	1,546,633	2,282,676
處置	Disposals	-	(344,074)	(1,119,224)	(918,108)	(316,350)	(2,697,756)
於2018年3月31日	At 31 March 2018	468,900	4,709,311	964,111	434,853	5,130,704	11,707,879
<b>累積折舊</b>	<b>Accumulated depreciation</b>						
於2017年4月1日	At 1 April 2017	429,825	4,592,856	1,335,929	1,148,460	3,430,744	10,937,814
年內折舊	Charge for the year	39,075	183,140	63,124	51,930	373,390	710,659
處置核銷	Write back on disposals	-	(344,074)	(1,119,224)	(918,108)	(316,350)	(2,697,756)
於2018年3月31日	At 31 March 2018	468,900	4,431,922	279,829	282,282	3,487,784	8,950,717
<b>帳面淨值</b>	<b>Net book value</b>						
於2018年3月31日	At 31 March 2018	-	277,389	684,282	152,571	1,642,920	2,757,162

## 10. 銀行結存及現金

## 10. BANK BALANCES AND CASH

		2019 \$	2018 \$
銀行及手頭現金	Cash at banks and on hand	2,333,408	5,717,821
短期銀行存款	Short-term bank deposits	29,463,600	27,455,487
財務狀況表及現金流量表的 銀行結存及現金	Bank balances and cash in the statement of financial position and the statement of cash flows	31,797,008	33,173,308



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 11. 職員約滿酬金撥備

## 11. PROVISION FOR STAFF GRATUITY

		2019 \$	2018 \$
於4月1日的結餘	Balance as at 1 April	5,502,061	5,652,738
已作出的撥備	Provision made	6,188,660	6,312,323
未動用款項撥回	Unused amounts reversed	(772,153)	(52,958)
年內支付的數額	Amount paid during the year	(3,972,792)	(6,410,042)
於3月31日的結餘	Balance as at 31 March	6,945,776	5,502,061
減：流動部分	Less: current portion	(4,542,647)	(2,299,964)
非流動部分	Non-current portion	2,403,129	3,202,097

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.

## 12. 預收政府補助金

## 12. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

		2019 \$	2018 \$
於4月1日的結餘	Balance as at 1 April	4,400,000	1,897,680
已收補助金	Subvention received	1,500,000	3,000,000
年內確認為收入的數額	Recognised as income in the year	(80,067)	(497,680)
於3月31日的結餘	Balance as at 31 March	5,819,933	4,400,000

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.

## 13. 預收政府費用

## 13. GOVERNMENT FEE RECEIVED IN ADVANCE

		2019 \$	2018 \$
於4月1日的結餘	Balance as at 1 April	2,016,000	2,016,000
年內確認為收入的數額	Recognised as income in the year	(2,016,000)	-
於3月31日的結餘	Balance as at 31 March	-	2,016,000

預收政府費用指將於年結後向政府提供私隱  
管理系統的顧問服務而收取的費用，會遞延  
入帳及在提供服務的同一時期在全面收益表  
中確認為收入。

Government fee received in advance represents fee received in connection with the provision of consultancy on Privacy Management Programme to the Government to be provided after year end and is deferred and recognised as income in the statement of comprehensive income in the same periods in which the services are provided.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 14. 政府的約滿酬金補助款

## 14. GOVERNMENT SUBVENTION FOR GRATUITY

		2019 \$	2018 \$
於4月1日的結餘	Balance as at 1 April	3,352,510	3,111,875
年內確認的補助金	Subventions recognised for the year	(6,188,660)	(6,312,323)
沒收款	Forfeiture	772,153	52,958
已收政府的約滿酬金補助款	Gratuity subvention received from Government	5,450,000	6,500,000
於3月31日的結餘	Balance as at 31 March	3,386,003	3,352,510

這代表就個人資料私隱專員從政府收取的職員約滿酬金款項。

This represents funds received from the Government in respect of gratuity payments to staff of the PCPD.

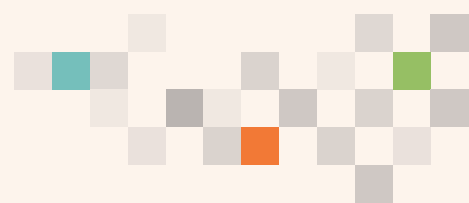
## 15. 資本補助金

## 15. CAPITAL SUBVENTION FUND

		汽車 Motor vehicle \$	裝修工程 Fitting-out works \$	提升 電腦系統 Upgrading of computer system \$	更換 電話系統 Replacement of telephone system \$	總計 Total \$
於2017年4月1日	At 1 April 2017	30,460	12,926	177,276	-	220,662
政府資本補助金	Government capital subvention	-	-	-	467,000	467,000
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	(30,460)	(12,926)	(67,000)	(7,783)	(118,169)
於2018年3月31日及2018年4月1日	At 31 March 2018 and 1 April 2018	-	-	110,276	459,217	569,493
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	-	-	(67,000)	(93,400)	(160,400)
於2019年3月31日	At 31 March 2019	-	-	43,276	365,817	409,093

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 the Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 16. 一般儲備

## 16. GENERAL RESERVE

		2019 \$	2018 \$
於4月1日	At 1 April	<b>18,647,320</b>	13,741,145
由全面收益表撥入	Transfer from statement of comprehensive income	<b>3,325,859</b>	4,906,175
政府收回上年盈餘	Previous year's surplus recovered by Government	<b>(2,620,000)</b>	–
於3月31日	At 31 March	<b>19,353,179</b>	18,647,320

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.

## 17. 承擔

## 17. COMMITMENTS

於2019年3月31日，根據不可取消的營運租賃在日後應付的物業最低租賃付款總額如下：

At 31 March 2019, the total future minimum lease payments under non-cancellable operating leases in respect of office premises are payable as follows:

		2019 \$	2018 \$
一年內	Within 1 year	<b>8,006,278</b>	7,692,936
一年後但五年內	After 1 year but within 5 years	<b>6,739,460</b>	14,103,716
		<b>14,745,738</b>	21,796,652

## 18. 金融工具

## 18. FINANCIAL INSTRUMENTS

個人資料私隱專員將其金融資產分為以下類別：

The PCPD has classified its financial assets in the following categories:

		按攤銷 成本計量的 金融資產 Financial assets at amortised cost 2019 \$	貸款及 應收款項 Loans and receivables 2018 \$
應收款項及按金	Accounts receivable and deposits	<b>220,502</b>	476,193
銀行結存及現金	Bank balances and cash	<b>31,797,008</b>	33,173,308
		<b>32,017,510</b>	33,649,501

## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 18. 金融工具(續)

個人資料私隱專員將其金融負債分為以下類別：

## 18. FINANCIAL INSTRUMENTS (CONTINUED)

The PCPD has classified its financial liabilities in the following categories:

	2019 \$	2018 \$
<b>按攤銷成本計量的金融負債 Financial liabilities at amortised cost</b>		
應付款項及應計費用 Accounts payable and accruals	<b>2,014,188</b>	401,159
政府的約滿酬金補助款 Government subvention for gratuity	<b>3,386,003</b>	3,352,510
	<b>5,400,191</b>	3,753,669

所有金融工具的帳面值相對2018年及2019年3月31日時的公平值均沒有重大差別。

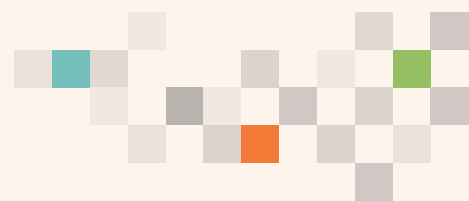
All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2019 and 2018.

個人資料私隱專員透過以下政策管理信貸風險、流動資金風險及市場風險，以減低該等風險對個人資料私隱專員的財務表現及狀況的潛在不利影響。

The PCPD's risk management objectives, policies and processes mainly focus on minimising the potential adverse effects of credit risk, liquidity risk and market risk on its financial performance and position by closely monitoring the individual exposure.

- (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，而最高信貸風險相等於金融資產所載有關帳面值。銀行存款的信貸風險是有限，因接受存款的銀行均為受香港《銀行業條例》規管的財務機構。
- (b) 流動資金風險  
個人資料私隱專員的流動資金風險是金融負債。個人資料私隱專員對資金作出謹慎管理，維持充裕的現金及現金等值，以滿足持續運作的需要。除了政府的約滿酬金補助款被歸類為非流動負債外，個人資料私隱專員的所有其他金融負債是不計息及須於一年內或於要求時償還的。
- (c) 市場風險  
利率風險  
個人資料私隱專員的利率風險主要來自銀行存款。個人資料私隱專員沒有對所產生的利率風險作敏感性分析，因為管理層評估此風險對個人資料私隱專員的財務狀況不會產生重大影響。
- (d) 以公平值計量的金融工具  
在報告期末，個人資料私隱專員並沒有金融工具以公平值列帳。

- (a) Credit risk  
The PCPD has no significant concentration of credit risk. The maximum exposure to credit risk is represented by the carrying amount of the financial assets. The credit risk on bank deposits is limited because the counterparties are authorised financial institutions regulated under the Hong Kong Banking Ordinance.
- (b) Liquidity risk  
The PCPD is exposed to liquidity risk on financial liabilities. It manages its funds conservatively by maintaining a comfortable level of cash and cash equivalents in order to meet continuous operational need. The PCPD ensures that it maintains sufficient cash which is available to meet its liquidity. Except for government subvention for gratuity which is classified as non-current liability, all other financial liabilities of the PCPD are non-interest bearing and repayable within one year or on demand.
- (c) Market risk  
Interest rate risk  
The PCPD's exposure on interest rate risk mainly arises from its cash deposits with bank. No sensitivity analysis for the PCPD's exposure to interest rate risk arising from deposits with bank is prepared since based on the management's assessment the exposure is considered not significant.
- (d) Financial instrument at fair value  
At the end of reporting period, there were no financial instruments stated at fair value.



## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

## 19. 已頒佈但於年內尚未生效的《香港財務報告準則》

以下是已頒佈但於年內尚未生效的《香港財務報告準則》，這些準則或與個人資料私隱專員的營運及財務報表有關：

## 19. HONG KONG FINANCIAL REPORTING STANDARDS ISSUED BUT NOT YET EFFECTIVE FOR THE YEAR

HKFRSs that have been issued but are not yet effective for the year include the following HKFRSs which may be relevant to the PCPD's operations and financial statements:

	於以下年度開始或以後生效 Effective for annual periods beginning on or after
《香港財務報告準則》第16號：租賃 HKFRS 16, <i>Leases</i>	2019年1月1日 1 January 2019
《香港財務報告準則》第17號：保險合約 HKFRS 17, <i>Insurance Contracts</i>	2021年1月1日 1 January 2021
香港（國際財務報告詮釋委員會）－詮釋第23號：所得稅處理的不確定性 HK(IFRIC) – Int 23, <i>Uncertainty over Income Tax Treatments</i>	2019年1月1日 1 January 2019
《香港財務報告準則》第9號（修訂本）：具有負補償的提前還款特性 Amendments to HKFRS 9, <i>Prepayment Features with Negative Compensation</i>	2019年1月1日 1 January 2019
《香港財務報告準則》第10號及《香港會計準則》第28號（修訂本）： 投資者與其聯營企業或合資企業之間的資產出售或投入 Amendments to HKFRS 10 and HKAS 28, <i>Sales or Contribution of Assets between an Investor and its Associate or Joint Venture</i>	尚未釐定 To be determined
《香港會計準則》第1號及《香港會計準則》第8號（修訂本）：重大的定義 Amendments to HKAS 1 and HKAS 8, <i>Definition of Material</i>	2020年1月1日 1 January 2020
《香港會計準則》第19號（修訂本）：計劃修訂、縮減或清償 Amendments to HKAS 19, <i>Plan Amendment, Curtailment or Settlement</i>	2019年1月1日 1 January 2019
《香港會計準則》第28號（修訂本）：於聯營企業及合資企業的長期權益 Amendments to HKAS 28, <i>Long-term Interests in Associates and Joint Ventures</i>	2019年1月1日 1 January 2019
《香港財務報告準則》（修訂本）：《香港財務報告準則》2015年至2017年周期的年度改進 Amendments to HKFRSs, <i>Annual Improvements to HKFRSs 2015 – 2017 Cycle</i>	2019年1月1日 1 January 2019

個人資料私隱專員在本年內並未採納該等《香港財務報告準則》。除下文所述者外，個人資料私隱專員預期應用所有其他新訂《香港財務報告準則》及《香港財務報告準則》的修訂本及詮釋於可見將來不會對其財務報表造成重大影響。

These HKFRSs have not yet been adopted in this year. Except as described below, the PCPD anticipates that the application of all other new and amendments to HKFRSs and interpretations will have no material impact on the financial statements of the PCPD in the foreseeable future.

《香港財務報告準則》第16號租賃  
《香港財務報告準則》第16號引入一個綜合模式以供識別租賃安排及承租人的會計處理。《香港財務報告準則》第16號生效時，會取代《香港會計準則》第17號「租賃」及相關的詮釋。

HKFRS 16 *Leases*  
HKFRS 16 introduces a comprehensive model for the identification of lease arrangements and accounting treatments for lessees. HKFRS 16 will supersede HKAS 17 “Leases” and the related interpretations when it becomes effective.

《香港財務報告準則》第16號以識別資產是否由客戶控制之基準區分租賃及服務合約。除短期租賃及低價值資產租賃外，就承租人會計處理而言，經營租賃及融資租賃的區分已被移除，並由一種承租人須確認所有租賃使用權資產及相應負債的模式取代。

HKFRS 16 distinguishes lease and service contracts on the basis of whether an identified asset is controlled by a customer. Distinctions of operating leases and finance leases are removed for lessee accounting, and is replaced by a model where a right-of-use asset and a corresponding liability have to be recognised for all leases by lessees, except for short-term leases and leases of low value assets.

## 財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2019年3月31日 31 March 2019

### 19. 已頒佈但於年內尚未生效的《香港財務報告準則》(續)

使用權資產初步按成本計量，而其後則按成本(若干例外情況除外)減累計折舊及減值虧損計量，並就租賃負債任何重新計量而作出調整。租賃負債初步按並非於該日支付之租賃付款現值計量。其後，租賃負債會就利息及租賃付款以及(其中包括)租賃修訂的影響而作出調整。對於現金流量分類，個人資料私隱專員目前將經營租賃付款項呈列作經營現金流量。在應用《香港財務報告準則》第16號後，個人資料私隱專員將有關租賃負債之租賃付款分配至本金及利息部分，並以融資現金流量呈列。

此外，《香港財務報告準則》第16號要求廣泛披露。

於2019年3月31日，誠如附註17所披露，個人資料私隱專員有14,745,738元的不可撤銷經營租賃承擔。初步評估顯示此等安排將符合租賃之定義。在應用《香港財務報告準則》第16號後，個人資料私隱專員將確認所有此等租賃的使用權資產和相應負債，惟屬於低價值或短期租賃除外。

此外，應用新規定可能導致上述的計量、呈列和披露有所變化。

### 20. 批准財務報表

本財務報表已於2019年8月27日獲個人資料私隱專員授權刊發。

### 19. HONG KONG FINANCIAL REPORTING STANDARDS ISSUED BUT NOT YET EFFECTIVE FOR THE YEAR (CONTINUED)

The right-of-use asset is initially measured at cost and subsequently measured at cost (subject to certain exceptions) less accumulated depreciation and impairment losses, adjusted for any remeasurement of the lease liability. The lease liability is initially measured at the present value of the lease payments that are not paid at that date. Subsequently, the lease liability is adjusted for interest and lease payments, as well as the impact of lease modifications, amongst others. For the classification of cash flows, the PCPD currently presents operating lease payments as operating cash flows. Upon application of HKFRS 16, lease payments in relation to lease liability will be allocated into a principal and interest portion which will be both presented as financing cash flows by the PCPD.

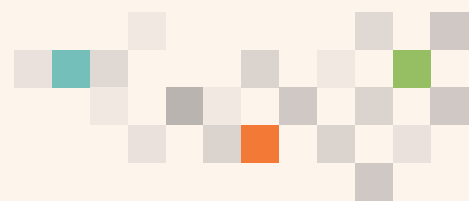
Furthermore, extensive disclosures are required by HKFRS 16.

As at 31 March 2019, the PCPD has non-cancellable operating lease commitments of \$14,745,738 as disclosed in note 17. A preliminary assessment indicates that these arrangements will meet the definition of a lease. Upon application of HKFRS 16, the PCPD will recognise a right-of-use asset and a corresponding liability in respect of all these leases unless they qualify for low value or short-term leases.

Furthermore, the application of new requirements may result in changes in measurement, presentation and disclosures as indicated above.

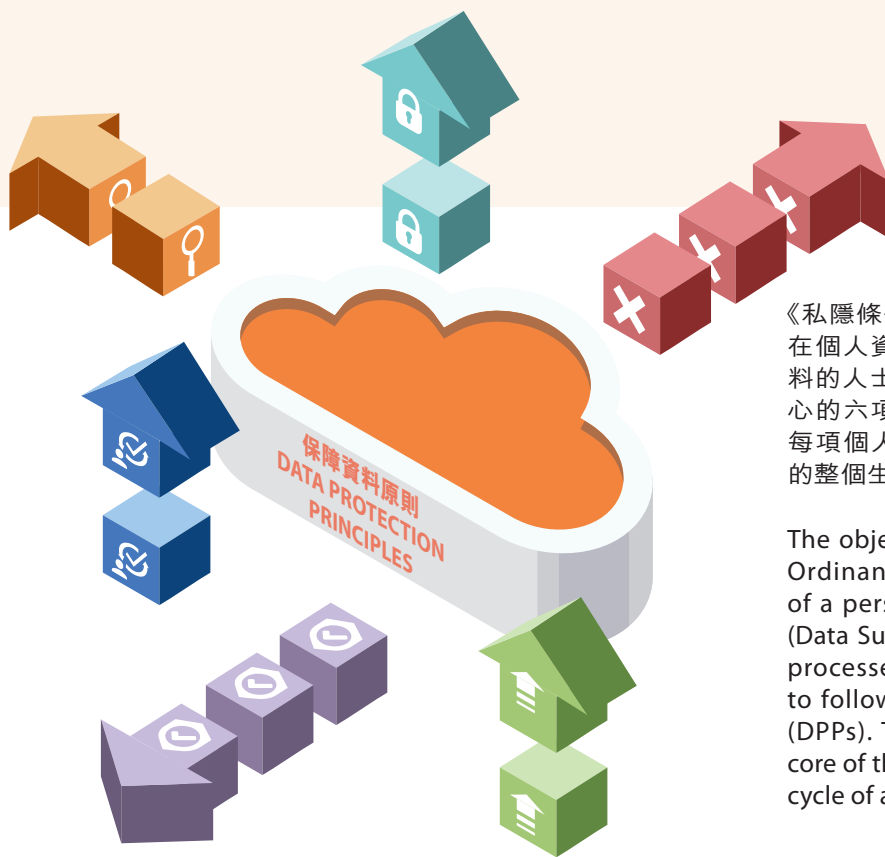
### 20. APPROVAL OF FINANCIAL STATEMENTS

These financial statements were authorised for issue by the PCPD on 27 August 2019.





## 附錄一 APPENDIX 1



《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《私隱條例》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.

### 第 1 原則 – 收集資料原則 DPP 1 – 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.

### 第 2 原則 – 資料準確及保留原則 DPP 2 – 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.

### 第 3 原則 – 使用資料原則 DPP 3 – 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.

## 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《私隱條例》保護的個人資料。

## 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。

## 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.

## 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.

### 第4原則 – 資料保安原則 DPP 4 – 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.

### 第6原則 – 查閱及改正原則 DPP 6 – 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.

### 第5原則 – 公開政策原則 DPP 5 – 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.

## 附錄二 APPENDIX 2

### 公署發出的新聞稿

#### MEDIA STATEMENTS ISSUED BY THE PCPD

<b>03.04.2018</b>	香港企業應如何為即將實施的歐盟通用數據保障新條例作好準備 How Hong Kong Businesses Should Prepare for the EU General Data Protection Regulation
<b>12.04.2018</b>	「新的私隱監管方案須以問責作框架，並以推動、鼓勵及提供誘因為方向」 私隱專員於美國華盛頓舉行的第66屆美國律師協會2018年春季反壟斷法會議中的小組專題研討環節作開幕演講 “Novel regulatory solutions with accountability as framework and engaging and incentivising approach needed” Privacy Commissioner Delivers Opening Remarks in Panel Session at 66th American Bar Association Antitrust Law Spring Meeting 2018 in the US
<b>18.04.2018</b>	私隱專員回應有關香港寬頻一宗懷疑客戶資料庫遭入侵事件 Privacy Commissioner's Response to the Suspected Intrusion into Hong Kong Broadband Network's Customer Database
<b>25.04.2018</b>	關於立法會綜合大樓內監察及記錄個別議員的行蹤以及政府人員手提電話被取事件 Monitoring and Recording Legislative Councillors' Location in the LegCo Complex and Snatching a Government Official's Mobile Phone
<b>03.05.2018</b>	私隱專員就許智峯議員公開查詢的回應 Privacy Commissioner's Response to Legislative Councillor Ted Hui's Public Inquiries
<b>04.05.2018</b>	私隱專員公署獲僱員再培訓局嘉許為「人才企業」 PCPD Awarded ERB “Manpower Developer” 聘任副個人資料私隱專員及助理個人資料私隱專員 Deputy Privacy Commissioner for Personal Data and Assistant Privacy Commissioner for Personal Data Appointed
<b>08.05.2018</b>	「關注私隱運動2018」－保障私隱 坐言起行 啟動中小企保障私隱運動－凝聚智慧 創建優勢 “Privacy: From Principles to Practice” – Privacy Awareness Week 2018 SME Privacy Protection Campaign Launches to Gather Wisdom and Build Sustainable Competitive Advantage
<b>11.05.2018</b>	私隱專員與中西區關注組就許智峯議員事件會面 Privacy Commissioner Meets Central and Western Concern Group Regarding Legislative Councillor Ted Hui's Incident
<b>07.07.2018</b>	私隱專員關注Typeform網上調查平台懷疑外洩用戶資料事件 Privacy Commissioner Expresses Concerns Over Typeform's Data Breach Incident
<b>08.07.2018</b>	發揮創科潛能 推廣保障私隱 公署舉辦保障私隱學生大使・學校夥伴嘉許計劃2018暨「個人資料私隱保衛者」手機應用程式設計比賽頒獎典禮 Unleashing Potential in Innovation and Technology – Promoting Data Privacy Protection Award Presentation Ceremony of Student Ambassador for Privacy Protection Programme
<b>16.08.2018</b>	私隱專員發出《私隱管理系統-最佳行事方式指引》推動機構將個人資料保障視為企業管治責任 Privacy Commissioner Issues Best Practice Guide on Privacy Management Programme and Encourages Organisations to Embrace Personal Data Protection as Part of Corporate Governance Responsibilities
<b>22.08.2018</b>	私隱專員完成有關Facebook與「劍橋分析」事件的循規審查 Privacy Commissioner Completed Compliance Check on Facebook and Cambridge Analytica Incident
<b>22.08.2018</b>	尊重客戶個人資料自決權 依從拒收直銷訊息的要求 Respect Customers' Rights of Personal Data Self-determination Follow Their Opt-out Requests in Direct Marketing
<b>03.09.2018</b>	私隱專員頒發2017/18年度「私隱及資料保障法律獎學金」表揚法律系學生在個人資料私隱範疇研究的優異表現 Privacy Commissioner Prize in Privacy and Data Protection Law 2017/18 to Recognise Student's Outstanding Performance in Study of Personal Data Privacy Protection

續 (continued)

<b>04.09.2018</b>	<p>建立「保障、尊重個人資料」文化 減少網絡欺凌行為  私隱專員於港大法律學院舉行的網絡欺凌研討會發表演講</p> <p>Reduce Cyberbullying by Nurturing Culture of “Protect, Respect Personal Data” Privacy Commissioner Delivers Panel Presentation at HKU Faculty of Law Symposium on Tackling Cyberbullying</p>
<b>13.09.2018</b>	<p>新加坡及香港私隱執法機構會面 商討兩地資料私隱保障和相互協作</p> <p>Singapore Meets Hong Kong on Data Privacy Protection and Collaboration</p>
<b>29.09.2018</b>	<p>私隱專員關注社交網站 Facebook 用戶帳號被黑客入侵事件 並就事件展開循規審查</p> <p>Privacy Commissioner Initiates Compliance Check on Facebook Security Breach</p>
<b>03.10.2018</b>	<p>私隱專員與 Facebook 接觸 就黑客入侵事件索取更多資訊 循規審查繼續進行</p> <p>Privacy Commissioner Contacted Facebook for Information on the Hacking Incident Compliance Check Continues</p>
<b>08.10.2018</b>	<p>政府個人資料私隱管治責任</p> <p>Personal Data Privacy Governance in the Government</p>
<b>24.10.2018</b>	<p>私隱專員公布研究報告 提倡尊重、互惠、公平的數據道德管理價值和模式</p> <p>Privacy Commissioner Released Research Report to Advocate Respect, Beneficial and Fair Data Ethics Stewardship Management Value and Models</p>
<b>25.10.2018</b>	<p>私隱專員非常關注國泰航空公司外洩客戶個人資料事件</p> <p>Privacy Commissioner Expresses Serious Concern on Cathay Pacific Airways Data Breach Incident</p>
<b>02.11.2018</b>	<p>私隱專員公署兩名員工榮獲「2018年申訴專員嘉許獎」公職人員獎</p> <p>Two PCPD Staff Members Receive Individual Awards in The Ombudsman's Awards 2018</p>
<b>04.11.2018</b>	<p>資料外洩事故與公眾關注的相關議題</p> <p>Data Breach and Associated Issues of Public Concerns</p>
<b>05.11.2018</b>	<p>國泰航空有限公司外洩客戶個人資料事件 私隱專員公署公正執法</p> <p>Cathay Pacific Airways Limited Data Breach Incident PCPD: Fair Enforcement of the Law</p>
<b>14.11.2018</b>	<p>公正執法</p> <p>Enforcing the Data Protection Law Fairly</p>
<b>28.11.2018</b>	<p>私隱專員接獲信貸資料外洩通報</p> <p>Privacy Commissioner Receives Credit Data Breach Notification</p>
<b>28.12.2018</b>	<p>私隱專員發表私營補習服務行業的個人資料系統視察報告 鼓勵機構提升數據管治 與顧客共享公平、尊重和互惠</p> <p>Privacy Commissioner Releases Inspection Report on Personal Data Systems of Private Tutorial Services Industry to Encourage Organisations in Enhancing Data Stewardship and Sharing Mutual Fairness, Respect and Benefit with Customers</p>
<b>31.01.2019</b>	<p>資料外洩事故通報、資訊及通訊科技應用相關投訴 去年皆創新高 數據保安成關注重點 除依法保障外 私隱專員提倡數據倫理道德價值及私隱管理問責 建立互信和尊重</p> <p>Data Breach Notifications and ICT-related Complaints at Record Highs in 2018 Data Security as Key Concern Privacy Commissioner Advocates Data Ethics and Privacy Management Accountability to Build Mutual Trust and Respect Complementing Compliance with Law</p>
<b>21.02.2019</b>	<p>私隱專員發表香港寬頻客戶資料庫遭入侵事件的調查報告</p> <p>Privacy Commissioner Publishes Investigation Report on the Incident of Intrusion into Hong Kong Broadband Network's Customer Database</p>
<b>05.03.2019</b>	<p>私隱專員發表抽查報告：資料使用者實施私隱管理系統的情況</p> <p>Privacy Commissioner Releases Study Report on Implementation of Privacy Management Programme by Data Users</p>

## 附錄三 APPENDIX 3

## 公署曾提供講座的機構\*

## ORGANISATIONS\* TO WHICH THE PCPD DELIVERED TALKS

## 政府及公營機構 Government and Public Bodies

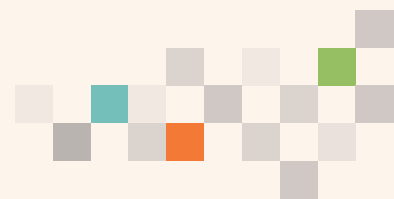
機構	Organisation	日期 Date
1 香港機場管理局	Airport Authority	28.11.2018
2 建造業議會	Construction Industry Council	24.04.2018 04.10.2018
3 懲教署	Correctional Services Department	31.07.2018
4 香港海關	Customs and Excise Department	19.09.2018
5 衛生署	Department of Health	02.05.2018 16.10.2018
6 衛生署牙科服務	Department of Health – Dental Service	05.07.2018
7 教育局	Education Bureau	12.04.2018 04.01.2019
8 地產代理監管局	Estate Agents Authority	09.07.2018 16.08.2018
9 香港消防處	Fire Services Department	20.12.2018
10 醫院管理局港島東聯網	Hong Kong East Cluster, Hospital Authority	31.10.2018 18.02.2019
11 香港房屋協會	Hong Kong Housing Society	23.10.2018 29.11.2018
12 香港金融管理局	Hong Kong Monetary Authority	16.05.2018
13 香港生產力促進局	Hong Kong Productivity Council	12.07.2018 13.02.2019
14 房屋署	Housing Department	18.01.2019
15 公務員薪俸及服務條件常務委員會	Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service	30.05.2018
16 勞工處	Labour Department	06.12.2018 25.10.2018 26.10.2018
17 康樂及文化事務署	Leisure and Cultural Services Department	17.08.2018
18 保安局禁毒處	Narcotics Division, Security Bureau	15.10.2018
19 醫院管理局新界西醫院聯網	New Territories West Cluster, Hospital Authority	26.07.2018
20 證券及期貨事務監察委員會	Securities and Futures Commission	13.09.2018
21 香港電燈有限公司	The Hongkong Electric Company Limited	21.06.2018 30.11.2018
22 司法機構	The Judiciary	26.03.2019
23 工業貿易署	Trade and Industry Department	18.04.2018
24 市區重建局	Urban Renewal Authority	08.01.2019
25 西九文化區管理局	West Kowloon Cultural District Authority	15.05.2018 10.10.2018 19.10.2018
26 在職家庭津貼辦事處	Working Family Allowance Office	17.04.2018

\* 機構按英文名稱順序排列  
Organisations listed in alphabetical order



## 私營機構 Private Sector Organisations

機構	Organisation	日期 Date
1 友邦保險(國際)有限公司	AIA International Limited	05.11.2018 14.02.2019 01.03.2019
2 雋耀專才策劃有限公司	AMCO HR Solutions Limited	08.03.2019
3 尚乘集團有限公司	AMTD Group Company Limited AMTD	10.09.2018
4 中銀集團保險有限公司	Bank of China Group Insurance Company Limited	05.03.2019
5 永豐銀行	Bank Sinopac	07.06.2018
6 中銀信用卡(國際)有限公司	BOC Credit Card (International) Limited	18.12.2018
7 中信銀行(國際)有限公司	China Citic Bank International Limited	06.07.2018
8 招商銀行股份有限公司 (香港分行)	China Merchants Bank Co. Limited, Hong Kong Branch	07.11.2018
9 招商證券國際有限公司	China Merchants Securities International Co., Limited	26.06.2018 12.11.2018
10 花旗銀行(香港)有限公司	Citibank (Hong Kong) Limited	25.10.2018
11 利亞零售有限公司	Convenience Retail Asia Limited	27.09.2018
12 康宏金融集團	Convoy Financial Group	16.01.2019
13 敦豪國際速遞(香港)有限公司	DHL Express (HK) Limited	25.03.2019
14 雅詩蘭黛(香港)有限公司	Estee Lauder Hong Kong	05.12.2018
15 高衛物業管理有限公司	Goodwell Property Management Limited	18.09.2018
16 國浩管理有限公司	Guoco Management Company Limited	23.07.2018
17 恒隆地產有限公司	Hang Lung Properties Limited – Session 1 Hang Lung Properties Limited – Session 2	08.06.2018 08.06.2018
18 恒生銀行有限公司	Hang Seng Bank	22.06.2018 14.09.2018
19 海港城置業有限公司	Harbour City Estates Limited	21.05.2018 11.01.2019
20 恒基兆業地產有限公司	Henderson Land Development Company Limited	30.10.2018
21 香港空運貨站有限公司	Hong Kong Air Cargo Terminals Limited	27.02.2019 12.03.2019
22 香港應用科技研究院	Hong Kong Applied Science and Technology Research Institute Company Limited	13.11.2018
23 香港科技園公司	Hong Kong Science & Technology Parks Corporation	26.11.2018
24 香港電訊有限公司	Hong Kong Telecommunications Limited	11.10.2018
25 合和實業有限公司	Hopewell Holdings Limited	22.10.2018
26 唯港薈	Hotel Icon	17.07.2018 28.08.2018



續 (continued)

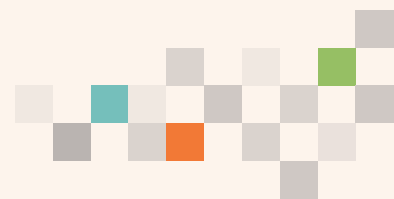
	機構	Organisation	日期 Date
27	希慎興業有限公司	Hysan Development Company Limited	13.04.2018
28	工銀信用卡中心(國際)	ICBC Credit Card Centre (International)	25.05.2018
29	啟勝管理服務有限公司	Kai Shing Management Services Limited	11.07.2018
30	康業信貸快遞	Konew Financial Express Limited	02.08.2018
31	馬哥孛羅香港酒店	Marco Polo Hotels – Hong Kong	06.09.2018
32	明德國際醫院	Matilda International Hospital	11.04.2018
33	梅賽德斯-奔馳香港有限公司	Mercedes-Benz Hong Kong Limited (Session 1)	07.09.2018 21.09.2018
34	三菱電機(香港)有限公司	Mitsubishi Electric (Hong Kong) Limited	19.12.2018
35	南豐集團	Nan Fung Group	06.08.2018
36	香港海洋公園	Ocean Park Hong Kong	29.05.2018 13.12.2018
37	Private Practicing Study Group Paediatricians Study Group	Private Practicing Study Group Paediatricians Study Group	29.01.2019
38	新翔(香港)有限公司	SATS HK Limited	15.06.2018
39	資生堂香港有限公司	Shiseido Hong Kong Limited	19.02.2019 26.02.2019
40	信和行政服務有限公司	Sino Administration Services Limited	12.09.2018
41	標準人壽保險(亞洲)有限公司	Standard Life (Asia) Limited	22.03.2019
42	新鴻基地產發展有限公司	Sun Hung Kai Properties Limited	29.08.2018
43	香港永明金融有限公司	Sun Life Hong Kong Limited	01.11.2018
44	香港恒生大學	The Hang Seng University of Hong Kong	21.01.2019
45	香港朗廷酒店	The Langham Hong Kong	22.01.2019
46	仁安醫院	Union Hospital	09.08.2018
47	維他奶國際集團有限公司	Vitasoy International Holdings Limited	27.04.2018
48	蘇黎世保險(香港)	Zurich Insurance (Hong Kong)	17.01.2019

## 社團 Community Groups

機構	Organisation	日期 Date
1 關懷愛滋基金有限公司	AIDS Concern Foundation Limited	26.09.2018
2 志蓮淨苑志蓮護理安老院	Chi Lin Care and Attention Home	21.11.2018
3 民主建港協進聯盟	Democratic Alliance for the Betterment and Progress of Hong Kong	30.08.2018
4 基督教香港信義會社會服務部	Evangelical Lutheran Church Social Service Head Office	03.08.2018
5 香港青少年服務處	Hong Kong Children and Youth Services	25.02.2019
6 香港家庭福利會	Hong Kong Family Welfare Society	13.06.2018
7 香港零售管理協會	Hong Kong Retail Management Association	26.04.2018
8 奧比斯	Project Orbis international	14.06.2018
9 香港小童群益會	The Boys' & Girls' Clubs Association of Hong Kong	08.10.2018
10 香港家庭計劃指導會	The Family Planning Association of Hong Kong	06.03.2019
11 香港耆康老人福利會	The Hong Kong Society for the Aged	20.08.2018
12 香港律師會	The Law Society of Hong Kong	20.07.2018
13 香港基督教青年會	YMCA of Hong Kong	23.01.2019

## 教育教構 Educational Organisations

機構	Organisation	日期 Date
1 香港大學專業進修學院	HKU SPACE	05.09.2018
2 香港體育學院	Hong Kong Sports Institute Limited	22.02.2019
3 香港科技大學	Hong Kong University of Science and Technology	10.07.2018 18.10.2018
4 嶺南大學	Lingnan University	30.01.2019
5 香港恒生大學	The Hang Seng University of Hong Kong	21.01.2019
6 香港演藝學院	The Hong Kong Academy for Performing Arts	21.03.2019



## 附錄四 APPENDIX 4

## 學校夥伴嘉許名單 PARTNERING SCHOOLS OF THE RECOGNITION SCHEME\*

學校名稱	Name of School
1 香港仔工業學校	Aberdeen Technical School
2 伯特利中學	Bethel High School
3 佛教沈香林紀念中學	Buddhist Sum Heung Lam Memorial College
4 佛教大雄中學	Buddhist Tai Hung College
5 佛教黃鳳翎中學	Buddhist Wong Fung Ling College
6 佛教黃允敞中學	Buddhist Wong Wan Tin College
7 中華基督教會方潤華中學	C.C.C. Fong Yun Wah Secondary School
8 明愛馬鞍山中學	Caritas Ma On Shan Secondary School
9 明愛元朗陳震夏中學	Caritas Yuen Long Chan Chun Ha Secondary School
10 迦密主恩中學	Carmel Divine Grace Foundation Secondary School
11 中華基督教會基智中學	CCC Kei Chi Secondary School
12 中華基督教會基新中學	CCC Kei San Secondary School
13 陳樹渠紀念中學	Chan Shu Kui Memorial School
14 青松侯寶垣中學	Ching Chung Hau Po Woon Secondary School
15 趙聿修紀念中學	Chiu Lut Sau Memorial Secondary School
16 張振興伉儷書院	Chong Gene Hang College
17 中華傳道會李賢堯紀念中學	CNEC Lee I Yao Memorial Secondary School
18 棉紡會中學	Cotton Spinners Association Secondary School
19 香港中文大學校友會聯會張煊昌學校	CUHK FAA Thomas Cheung School
20 天主教母佑會蕭明中學	Daughters of Mary Help of Christians Siu Ming Catholic Secondary School
21 基督教中國佈道會聖道迦南書院	ECF Saint Too Canaan College
22 鳳溪第一中學	Fung Kai No.1 Secondary School
23 東莞工商總會劉百樂中學	G.c.c. & I.t.k.d. Lau Pak Lok Secondary School
24 路德會西門英才中學	Gertrude Simon Lutheran Evening College
25 德望學校	Good Hope School
26 梁文燕紀念中學(沙田)	Helen Liang Memorial Secondary School (Shatin)
27 香海正覺蓮社佛教梁植偉中學	HHCKLA Buddhist Leung Chik Wai College
28 香港中國婦女會馮堯敬紀念中學	HKCWC Fung Yiu King Memorial Secondary School
29 香港教育工作者聯會黃楚標中學	HKFEW Wong Cho Bau Secondary School
30 香港青年協會李兆基書院	HKFYG Lee Shau Kee College
31 香港管理專業協會李國寶中學	HKMA David Li Kwok Po College
32 港大同學會書院	HKUGA College
33 薈色園主辦可譽中學暨可譽小學	Ho Yu College and Primary School (Sponsored By Sik Sik Yuen)
34 何文田官立中學	Homantin Government Secondary School

\* 學校按英文名稱順序排列  
schools listed in alphabetical order

續 (continued)

	學校名稱	Name of School
35	港九潮州公會中學	Hong Kong And Kowloon Chiu Chow Public Association Secondary School
36	聖母無玷聖心書院	Immaculate Heart of Mary College
37	裘錦秋中學(葵涌)	Ju Ching Chu Secondary School (Kwai Chung)
38	葵涌蘇浙公學	Kiangsu-Chekiang College (Kwai Chung)
39	英皇佐治五世學校	King George V School
40	景嶺書院	King Ling College
41	英皇書院	King's College
42	潔心林炳炎中學	Kit Sam Lam Bing Yim Secondary School
43	九龍真光中學	Kowloon True Light School
44	觀塘瑪利諾書院	Kwun Tong Maryknoll College
45	荔景天主教中學	Lai King Catholic Secondary School
46	嶺南衡怡紀念中學	Lingnan Hang Yee Memorial Secondary School
47	妙法寺劉金龍中學	Madam Lau Kam Lung Secondary School of MFBM
48	瑪利諾神父教會學校	Maryknoll Fathers' School
49	循道中學	Methodist College
50	民生書院	Munsang College
51	天主教伍華中學	Ng Wah Catholic Secondary School
52	寧波第二中學	Ning Po No.2 College
53	新生命教育協會呂郭碧鳳中學	NLSI Lui Kwok Pat Fong College
54	聖母院書院	Notre Dame College
55	五旬節聖潔會永光書院	Pentecostal Holiness Church Wing Kwong College
56	保良局百周年李兆忠紀念中學	PLK Centenary Li Shiu Chung Memorial College
57	保良局馬錦明中學	PLK Ma Kam Ming College
58	保良局姚連生中學	PLK Yao Ling Sun College
59	保良局何蔭棠中學	Po Leung Kuk Celine Ho Yam Tong College
60	保良局羅氏基金中學	Po Leung Kuk Laws Foundation College
61	保良局馬錦明夫人章馥仙中學	Po Leung Kuk Mrs Ma Kam Ming-Cheung Fook Sien College
62	保良局莊啓程預科書院	Po Leung Kuk Vicwood K. T. Chong Sixth Form College
63	保祿六世書院	Pope Paul VI College
64	寶血女子中學	Precious Blood Secondary School
65	培僑中學	Pui Kiu Middle School
66	聖公會林裘謀中學	S.K.H. Lam Kau Mow Secondary School
67	聖公會梁季彝中學	S.K.H. Leung Kwai Yee Secondary School
68	聖公會曾肇添中學	S.K.H. Tsang Shiu Tim Secondary School
69	順德聯誼總會鄭裕彤中學	S.T.F.A. Cheng Yu Tung Secondary School



續 (continued)

學校名稱	Name of School
70 新會商會中學	San Wui Commercial Society Secondary School
71 沙田循道衛理中學	Sha Tin Methodist College
72 沙田崇真中學	Shatin Tsung Tsin Secondary School
73 筲箕灣官立中學	Shau Kei Wan Government Secondary School
74 順德聯誼總會胡兆熾中學	Shun Tak Fraternal Association Seaward Woo College
75 順德聯誼總會翁祐中學	Shun Tak Fraternal Association Yung Yau College
76 天主教崇德英文書院	Shung Tak Catholic English College
77 聖公會諸聖中學	SKH All Saints' Middle School
78 聖公會白約翰會督中學	SKH Bishop Baker Secondary School
79 聖公會基孝中學	SKH Kei Hau Secondary School
80 聖公會呂明才中學	SKH Lui Ming Choi Secondary School
81 南屯門官立中學	South Tuen Mun Government Secondary School
82 聖芳濟各書院	St. Francis of Assisi's College
83 聖若瑟英文中學	St. Joseph's Anglo-Chinese School
84 聖類斯中學	St. Louis School
85 東華三院李潤田紀念中學	T.W.G.Hs. Lee Ching Dea Memorial College
86 中華基督教會何福堂書院	The Church of Christ in China Hoh Fuk Tong College
87 中華基督教會銘賢書院	The Church of Christ in China Ming Yin College
88 香港管理專業協會羅桂祥中學	The Hong Kong Management Association K S Lo College
89 圓玄學院妙法寺內明陳呂重德紀念中學	The Yuen Yuen Institute MFBM Nei Ming Chan Lui Chung Tak Memorial College
90 台山商會中學	Toi Shan Association College
91 荃灣官立中學	Tsuen Wan Government Secondary School
92 東華三院馮黃鳳亭中學	Tung Wah Group of Hospitals Mrs Fung Wong Fung Ting College
93 東華三院盧幹庭紀念中學	Tung Wah Group of Hospitals Lo Kon Ting Memorial College
94 東華三院伍若瑜夫人紀念中學	Tung Wah Group of Hospitals Mrs. Wu York Yu Memorial College
95 東華三院馬振玉紀念中學	TWGHs C. Y. Ma Memorial College
96 東華三院陳兆民中學	TWGHs Chen Zao Men College
97 東華三院郭一葦中學	TWGHs Kwok Yat Wai College
98 東華三院鄺錫坤伉儷中學	TWGHs Mr and Mrs. Kwong Sik Kwan College
99 東華三院辛亥年總理中學	TWGHS Sun Hoi Directors' College
100 惠僑英文中學	Wai Kiu College
101 仁濟醫院靚次伯紀念中學	Yan Chai Hospital Lan Chi Pat Memorial Secondary School
102 仁濟醫院第二中學	Yan Chai Hospital No.2 Secondary school
103 仁濟醫院王華湘中學	Yan Chai Hospital Wong Wah San Secondary School
104 英華書院	Ying Wa College
105 英華女學校	Ying Wa Girls' School
106 元朗天主教中學	Yuen Long Catholic Secondary School



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