

私隱專員簡報

Privacy
Commissioner's Overview

Introduction

This is my fourth annual report since my appointment as Privacy Commissioner and covers the year from 1 April 1999 to 31 March 2000.

The new millennium heralds an era of unprecedented technological development that will undoubtedly pose fresh challenges to personal data privacy. The most immediate examples of the changes we are witnessing would be: the global reach of computer based networks; the consolidation of the "information economy"; the evolution and diffusion of E-commerce; the advent of the smart card society; electronic road pricing; sophisticated workplace surveillance systems; and advances in biometrics.

Throughout the year the PCO has remained vigilant in its monitoring of these developments and has sought to expand its dialogue with Privacy Commissioners in other jurisdictions, and leading figures in the international privacy community. The highlight of the year was the hosting, in Hong Kong, of the 21st International Conference on Privacy and Personal Data Protection, which explored the theme of the privacy of personal data, information technology and global business in the next millennium. The conference afforded an excellent opportunity to showcase the achievements of the PCO over the past four years.

During the course of the year, I have been constantly reminded of the fact that technology is both scourge and saviour to personal data privacy interests. What this tells me is that there is a very real need to ensure that privacy-enhancing technologies, and appropriate legal provisions, continue to prevent any erosion of the personal data rights of Hong Kong citizens. The evidence, revealed in our 2000 Opinion Survey ("the Survey"), suggests that there are broad based and genuinely held concerns regarding the balance that currently exists between the benefits that computer-based technologies can confer, and the potential they have for intruding upon our privacy. An example of the dilemma confronting the community is illustrated by the availability of online shopping and consumers perceptions towards the potential privacy risks to that the individual may be



個人資料私隱專員劉嘉敏

Mr. Stephen Lau Ka-men,
Privacy Commissioner for Personal Data

引言

這是本人出任私隱專員以來的第四份年報。年報的覆蓋期由一九九九年四月一日至二零零零年三月三十一日。

新紀元的來臨見證了一個科技發達的新年代。毫無疑問，這個前所未有的現象亦會對個人資料私隱帶來新的挑戰。最近，我們目睹的轉變包括：電腦網絡貫通全球；“資訊經濟”的鞏固；電子商貿的進展及滲透；智能咭社會的來臨；電子道路收費；工作地點的先進監察系統，以及生物識辨系統的先進科技等。

在本年報期間，個人資料私隱專員公署（下稱“公署”）一直密切監察這方面的進展，並致力與其他司法地區的私隱專員及國際私隱界的要員加強溝通。年內的盛事包括在香港舉辦第二十一屆國際私隱及個人資料保障研討會，藉以對新紀元的個人資料私隱、資訊科技及環球商業等課題作出探究。研討會亦讓我們有機會展示公署在過去四年的工作成果。

年內，本人注意到科技不單是危害個人資料私隱權益的罪魁禍首，但同時亦是保障資料私隱的救世者。本人從這點得到啟示，就是我們確實有需要採取保障私隱科技、制訂合適的法例，以及繼續致力防止香港市民的個人資料權益受到剝奪。二零零零年意見調查的結果顯示，市民廣泛及確實關注到必須在現今電腦科技發達所帶來的好處，與這些科技可能對私隱構成侵犯之間求取平衡。一個充滿矛盾的例子是顧客在享受網上購物所帶來的方便之餘，同時亦關注到私隱可能因此而受到衝擊。其中一項調查結果顯示當受訪者被要求就網上交易發表意見時，市民均對金錢及個人資料的保安問題深表關注。在香港這個網絡化社會，這點是值得大家深究的。這現象所傳遞的訊息是，除非網上業務經營者能激發顧客對網上交易系統在保障個人資料私隱方面的信任和信心，以及顧客有選擇的權利，否則備受注目的新經濟效益，在目前階段仍然是遙不可及的。

公署除與私營機構、行業及專業聯會，以及政府部門及代表機構合力促使各方注意隨電子商貿而來的私隱問題外，還與有關各方攜手合作解決有關問題。在過去一年，無論在本港、亞洲地區及國際方面，本人及公署的同事均努力不懈，力求與快速的改變同步前進，並且有策略地對所察覺到的趨勢作出恰當的回應。其中一個例子是本公署近期對工作地點的監察現象所作出的研究。公署在這方面的動

susceptible. One of the findings of the Survey was that security concerns regarding money and personal data remained uppermost in the minds of the public when asked to reflect upon online transactions. In a society as wired as Hong Kong, this is indeed food for thought. The message conveyed is that unless and until E-commerce ventures instill trust and confidence in the capacity of their systems to ensure personal data privacy, and the right of informed choice, the much publicized rewards of the new economy will be a long time coming.

In conjunction with the private sector, industry and professional associations and government departments and agencies, we are working hard not merely to raise awareness of the privacy issues brought into sharp focus by E-commerce, but to operate on a combined front to address them. Over the year, in Hong Kong, the Asian region, and internationally, my colleagues and I have sought to keep abreast of the rapid pace of change and respond with strategies that provide a measured reaction to the trends we have observed. One illustration of this is the project that we have recently embarked upon to investigate the phenomenon of workplace surveillance. Our involvement in this arena was motivated, in part, by a consultation paper issued in August by the Law Reform Commission (“the LRC”) on Civil Liability for Invasion of Privacy. One of the recommendations put forward by the LRC was that the PCO should give consideration to issuing a Code of Practice on workplace surveillance. I decided to support this suggestion and the PCO is now committed to producing a Code of Practice that will provide a guidance on surveillance activities. The LRC’s observations were reinforced by the findings of the PCO’s Survey, which were very telling in terms of the prevalence of workplace surveillance in Hong Kong. The Code will offer pragmatic guidelines designed to benefit employers and employees alike and will be subject to a public consultation exercise.

In addition to making a submission in response to the LRC’s consultation paper on Civil Liability for Invasion of Privacy the PCO also submitted a detailed response to a second consultation paper issued by the LRC in August on Media Intrusion. Our major proposal in response to this paper was that a

力部分來自法律改革委員會(下稱“法改會”)所發表的“侵犯私隱的民事責任”諮詢文件。法改會提出的其中一項建議,就是公署應考慮就工作地點的監察活動發出實務守則。本人決定支持這項建議,而公署現正牽頭就工作地點的監察活動制訂實務守則。至於法改會的觀察所得,亦因公署所進行的意見調查而得以證實。我們的調查證實在工作地點進行監察活動的現象頗為普遍。預料實務守則會為僱主及僱員提供實務性指引,令雙方受惠。此外,公署亦會就守則進行公眾諮詢。

除就“侵犯私隱的民事責任”諮詢文件向法改會提交建議書外,公署亦對法改會在一九九九年八月發表的第二份諮詢文件——“傳播媒介的侵犯私隱行為”作出詳盡的回應。公署對此諮詢文件所提出的一項主要建議,是應在香港設立一個成員包括各界代表的自願性質但能發揮效力的報業評議會。報業評議會的其中一項首要工作是制訂一套新聞從業員實務守則,以及可對針對新聞界的投訴進行調查及作出裁決。

鑑於結合了科技與前所未有的數碼力量於一身的系統比比皆是,故本人在上文所提及的情況,可視作有關系統可能會對個人資料私隱構成嚴重的威脅。不過,本人並不相信這會導致科技末日,令大家近期在保障資料私隱方面取得的成果白費。相反來說,本人認為有理由對此表示樂觀。正如法國大文豪雨果(Victor Hugo)所言:“世上所有切合時宜的概念,其雷霆萬鈞之勢是無法可抗拒的”。本人深信各公私營機構,不論規模大小,都會因實施良好的個人資料政策及行事方式而受惠,此點是毋庸置疑的。這個概念的種子早已播下。在私營機構方面已出現了令人鼓舞的跡象,顯示採取良好的私隱保障措施有助建立機構的聲譽、令產品增值,並且令有關人士倍感安心。簡而言之,良好的個人資料私隱措施有助加強機構的管理,而採取良好的管理措施是明智的。

voluntary, but effective, Press Council representing broad based interests be established in Hong Kong. Among the more important duties envisaged for the Press Council would be the development of a Code of Practice for journalists and the capacity to investigate and rule on complaints brought by members of the public against the press.

The scenarios I touched upon earlier should be treated as potentially serious threats to personal data privacy by virtue of the pervasiveness of systems that harness convergent technologies and unprecedented digital power. Nonetheless, I do not believe that we are headed for a technological doomsday that will lay to waste the personal data achievements of the recent past. On the contrary, I see grounds for optimism. As Victor Hugo observed, “Nothing in this world is so powerful as an idea whose time has come.” My personal conviction is that the day is rapidly dawning when organizations, large and small, in the private and public sectors, will regard good personal data policies and practices as essential for their well-being. The seeds of that concept have already been planted. There are encouraging signs in the private sector that best practice applied to the privacy arena will enhance corporate reputation, add value to the brand, and give peace of mind to a broad range of stakeholders. In short, good personal data privacy practices add up to good corporate governance and good corporate governance makes good sense.

I am committed to disseminating this message and influencing appropriate responses to the call for organizations to elevate the profile of personal data privacy on the corporate agenda. It is with that thought in mind that I turn to a review of those aspects of our work that, in the preceding year, have contributed to that goal.

Enquiries, Complaints and Investigations

I reported this time last year that our enquiry and complaint workload had increased substantially and that picture is repeated in the statistics for the year under review. Against a background of tight financial constraint the PCO handled a total of 15,557

本人有責任將這個訊息傳播開去，並設法鼓勵各機構對本人的呼喚作出回應，將適當的個人資料私隱保障政策納入公司的議程之內。基於這個信念，本人現對公署去年的工作作出檢討，這些工作有助我們邁向上述目標。

查詢、投訴及調查

上年這個時候，本人在年報中指出公署的查詢及投訴個案大幅上升，而本年度的情況亦大致相同。在財政緊絀的情況下，公署在年內共處理了15,557宗查詢個案，即每個工作日達57宗。在公署接獲的每10宗查詢中，有6宗與個人在某種情況下的私隱權利有關。值得我們更加關注的是公署在年內共接獲568宗投訴個案，比去年的418宗上升36%。在所有投訴個案中，70%投訴私營機構，而與個人之間的恩怨有關的投訴則由一九九八至九九年度的47宗增至本年度的97宗，增幅超過一倍。

在本年報期間經審閱後加以處理的397宗投訴個案中，303宗已在本年報期內完結，其中45%的個案透過調解得到解決。在調查期間，公署共向有關機構發出21封警告信，其後則須就4宗個案發出執行通知，以及將2宗個案轉介警方處理。

公署將運作程序精簡、提高個別人員的生產力，並且繼續在工作量增多時聘用臨時職員，藉以騰出更多資源來處理所增加的工作量。這些措施的效果之一，是公署的個人資料主任可加強各項查察有否遵守條例規定的行動。這些查察行動是公署的重點工作之一。透過有關行動，公署的人員可深入社會，親自得悉社會上各行各業的人士在工作地點所採取的措施。這有助我們與各行業的主要經營者建立寶貴的關係。

enquiries which amounted to 57 cases every working day. Six out of every ten enquiries we received involved privacy rights specific to the individual's situation. Of greater concern though was the increase in complaints which rose to 568 cases from 418 in the previous year, an increase of 36%. Of the total, fully 70% were made against private sector organizations although personal grievances between individuals have more than doubled from 47 cases in 1998-99 to 97 cases this year.

Of the 397 complaint cases screened for handling during the year, 303 were completed, with 45% of cases being resolved through mediation. During the course of investigations 21 warning notices were sent to organizations, 4 cases resulted in the issuing of enforcement notices, and two cases were referred to the Police.

We have sought to be resourceful in handling the increased workload by refining our operational procedures, enhancing individual productivity and continuing to deploy temporary staff when volume peaked. One of the effects of these measures has been that our personal data officers have been more active in the sphere of compliance checks. These checks are an important part of the work of the PCO in that they take us into the community thereby gaining hands-on experience of workplace practices and developing valuable relations with key players in a variety of industries.

Many of the compliance checks have involved Hong Kong based web sites that collect personal data online. This emphasis was inspired by a survey undertaken by the PCO in 1998 which found many such web sites to be non-compliant. In the year under review 121 sites were found to have failed to respond to previous PCO efforts to encourage the adoption and display of a Privacy Policy Statement (PPS) and Personal Information Collection Statement (PICS). Follow-up action was taken against those sites found to be in violation of the Ordinance and I am pleased to report that in excess of 90 sites responded with remedial action.

It has always been our preference at the PCO to resolve disputes among parties, and related privacy issues, through discussion, mediation, consultation

許多查察行動都與在網上收集個人資料的本港網址有關。公署在一九九八年進行的調查中發現上述許多網址並無遵守規定，因而觸發了有關查察行動。在本年報期間，公署發現121個網址並無接納公署的建議，在網上展示私隱政策聲明及收集個人資料聲明。公署因此向違反規定的網址採取跟進行動。本人很高興告訴大家，超過90個網址已作出回應，對違例事項採取糾正措施。

公署一向都希望藉著商討、調解、諮詢及自願遵守規定來解決有關各方的爭端及有關的私隱問題，而非行使《個人資料(私隱)條例》(下稱“條例”)所賦予的執法權力。主要的原因是這個方法一向行之有效，而且在保障個人資料私隱之同時，並無引起市民對公署及保障私隱訊息的反感。

年內，公署共發出兩份小冊子，以協助解決執行部人員所面對的一些問題。第一份是關乎條例第37條的《處理投訴政策》，目的是要澄清甚麼才構成條例所指的投訴，並知會投訴各方公署在處理投訴時所採取的標準政策，令市民對公署的處理投訴程序有基本的認識，並且對公署如何處理投訴個案有實際的期望。

執行部的職員注意到市民在行使個人的查閱及改正資料要求時往往面對一些問題。第二份刊物是為此而印發的。本人決定這應是行使條例第67條所賦予的權力的適當時候，即指定文件的格式的權力。公署在十二月發出了一款標準查閱資料要求表格，將查閱及改正資料要求的程序簡化，藉以減輕市民在行使查閱及改正資料權利時所遇到的一些程序上的困難。

公署在十二月委託顧問，就設立選擇性資料使用者登記冊計劃進行可行性研究。條例第15條訂明專員須備存一份資料使用者登記冊，列載資料使用者所收集的個人資料類別及收集資料的目的。其中一類

and voluntarily compliance rather than to resort to the powers of enforcement provided for in the Personal Data (Privacy) Ordinance (“the Ordinance”). In the main, this approach has worked well, in that the PCO has been able to defend individual privacy rights without alienating itself and its message from the community.

During the year the PCO issued two leaflets that were designed to address some of the issues encountered by operations officers. The first of these, The Complaint Handling Policy, drew upon Section 37 of the Ordinance. The purpose of the leaflet is to clarify what constitutes a complaint under the Ordinance, and inform parties to any complaint of the PCO's standard policy. Our intention is to develop a basic understanding of the complaint handling process with a view to establishing realistic expectations among the public about how a complaint is processed.

The second publication was also a response to a trend noted by operations staff regarding problems encountered by the public in exercising their rights to request access to, and correction of, their personal data. I decided that it was appropriate to invoke the powers invested in me under Section 67 of the Ordinance which relates to the specification of documents. In December the PCO launched a standard Data Access Request Form which has streamlined the process of requesting data access and correction by removing procedural difficulties that had complicated some earlier attempts by the public to secure this right.

In December we commissioned consultants to undertake a feasibility study to investigate the establishment of a selective data users registration scheme. This is provided for under Section 15 of the Ordinance and would require data users to register the type of personal data they collect and the purpose of collection. One of the groups selected for possible registration are Hong Kong based web sites that collect personal data online. The final report of the consultants has only recently been submitted. We will examine very thoroughly the impact of the recommendations upon the business community before taking a final decision on the register.

被列為可能須予登記的資料使用者是在網上收集個人資料的本港網址。顧問已在最近呈交最後報告。公署在就登記冊一事作出最後決定前，會對報告所載的建議詳加研究，以評估有關建議對商界的影響。

公署在三月出版了另一份刊物——《自我評估資料套》(Privacy.SAFE)，為有否遵守條例規定提供一項有系統的自我評估工具。公署編製自我評估資料套的目的，是要協助資料使用者評估本身的個人資料管理措施及程序，是否符合條例中的六項保障資料原則及相關條文的規定。資料套包括自我評估指引資料、自我評估有否遵守私隱規定的查對表，以及一片內載指引及評估材料的光碟。對公署來說，自我評估資料套的出版標誌著一項重要的發展，因為公署可藉此而以深具成本效益的方法來履行公署的使命，即確保各方遵守條例規定的使命。在目前的財政狀況下，公署實在無法藉經常進行實地視察，以達上述目的。

實務守則

條例第12條賦予本人在進行公眾諮詢後核准實務守則的權利。在本年報期間，公署在擬備人力資源管理實務守則方面取得了實質進展，藉以在僱傭資料管理方面，為僱主及人力資源管理者提供實際指引。觸發公署發出此實務守則的部分原因，是人力資源管理者不斷就個人資料的私隱問題，例如查閱在工作表現評核中所使用的資料，要求公署提供協助。在制訂實務守則的過程中，公署一直與香港人力資源管理學會保持密切聯絡，而該學會亦一直對公署大力支持。公署在十二月與該學會聯合舉辦公開舉座，吸引了150名參加者，從他們當中收集了許多寶貴意見。此外，講座中有答問時間，讓參加者在生動的環境下提問問題。

March saw the launch of another PCO product, the Privacy.SAFE kit. This is a systematic self-assessment tool for evaluating compliance with the Ordinance. Privacy.SAFE is designed to assist data users in assessing whether their personal data management practices and procedures comply with the requirements of the six data protection principles and related provisions of the Ordinance. The kit comprises guidance notes for self-assessment, checklists for privacy compliance self-assessment and a CD-ROM containing the guidance and assessment materials. Privacy.SAFE is an important product development for the PCO in that it is a very cost-effective means of addressing a central aspect of our mission which is to ensure compliance. To achieve that objective with frequent on-site physical inspections is largely beyond the current financial resources of the PCO.

Codes of Practice

Section 12 of the Ordinance empowers me to approve Codes of Practice on the condition that they are subject to public consultation. Over the year in review we have made solid progress in developing the Code of Practice on Human Resource Management which offers practical guidelines to HRM practitioners and employers on the management of employment-related data. This Code of Practice was partially motivated as a response to requests from HRM practitioners for assistance with personal data privacy issues that have been problematic in nature e.g. accessing personal data used in conjunction with performance appraisal exercises. Throughout the development of the Code we have remained in contact with the Hong Kong Institute of Human Resource Management ("the HKIHRM") who have been most supportive of the initiative. A forum jointly organized by the HKIHRM and the PCO, held in December, was attended by 150 participants and resulted in valuable feedback, and a lively Q&A session.

The Code has been designed to give reasonably comprehensive coverage to personal data privacy issues in three key areas: recruitment, current employment and former employees' matters. We have gone to some lengths to ensure that the final

上述守則旨在涵蓋三大方面的個人資料私隱問題，即招聘、現職僱員及前僱員事宜。守則的內容頗為詳盡，以確保守則的最終版本內載的條文是務實及實際可行的，而非單是空談理想。守則的每一條文之後均列舉例子及良好的行事方式，以反映公署在處理投訴方面所取得的經驗及繼公眾諮詢後所提出的建議。

守則將進行詳細的第二輪公眾諮詢。公署預計可在九月發出有關守則。

二月同時見證了另一本實務守則的誕生。該守則是香港互聯網供應商協會(下稱“協會”)、電訊管理局及公署攜手合作的成果，是一份自律性的行業實務守則，旨在處理未經要求而發出的商業電子郵件(一般稱為“濫發電郵”(SPAM))。守則規定互聯網服務供應商必須遵守當中的條文、列述違反規定的罰則及制裁方案，以及准許遵從守則規定的互聯網服務供應商，根據協會的標籤計劃展示識別標記。

對法例的檢討

本人的其中一項法定職能是對建議中的法例作出檢討，以確保條例草案中的條文符合《個人資料(私隱)條例》(下稱“條例”)的規定。在本年報期內，本人曾對7條條例草案加以評論。公署會就法例的草擬本諮詢法律意見，然後將意見提交立法會的法案委員會考慮。公署對《危險藥物、總督特派廉政專員公署及警隊(修訂)條例草案》所提議的一些措施，特別是設立DNA資料庫的建議，表示極大的關注。據本人所知，全球只有一個國家有設立全國人口的DNA資料庫。在設立有關DNA資料庫後，市民對資料庫可能造成的影響大表關注。雖然上述條例草案並無建議設立全港人口的DNA資料庫，但我們仍密切留意該等敏感性建議的各有關事項。故此，我們建議重新草擬條例草案的一些條文。本人很高興告訴大家，多項建議中的修訂已納入提交立法會的條例草案之內。

product is a pragmatic working document rather than an exhortation to idealism. Each provision of the Code is accompanied by illustrative examples and best practices that reflect the PCO's operational experience in handling investigations, and suggestions made in response to the public consultation.

The Code is subject to a detailed second revision and is scheduled for publication in September 2000.

February saw the launch of a Code of Practice designed to tackle the problem of unsolicited commercial E-mail, more commonly known as “spam”. This Code is a good example of industry self-regulation and multi-party collaboration, involving the Hong Kong Internet Service Providers Association (“HKISPA”), the Office of the Telecommunications Authority and the PCO. The Code requires compliance with its provisions by Internet Service Providers (“ISPs”), under penalty of sanction for infringements of those conditions, and permits ISPs that conform with the Code to display an identification logo under a branding scheme launched by HKISPA.

Review of Legislation

One of my statutory duties is to review proposed legislation to ensure that the provisions contained in Bills are consistent with the provisions of the Personal Data (Privacy) Ordinance (“the Ordinance”). In the course of the year I gave my comments on 7 Bills. Legal counsel was sought on the draft legislation and the views of the PCO forwarded to the Legislative Council's Bills Committee for consideration. Our greatest concern was with the proposals set out in the Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill which, among other measures, proposed the establishment of a DNA database. There is, to the best of my knowledge, only one country in the world that has a population DNA database. Subsequent to the establishment of that database considerable concern has been expressed regarding its implications. Although the Bill referred to did not propose a population DNA database we are mindful of the lessons to be drawn

年內有一項裁決至為重要。事緣一名市民因反對他人在她不知情及未得她同意下拍攝及刊登她的相片，故向公署投訴。在司法覆核中，公署認為有關個案涉及雜誌的攝影記者以不公平的方式收集個人資料。法官在詢問個人的相片是否個人資料後，支持本人的決定及駁回有關雜誌的申請。其後，上訴法庭以二比一判有關雜誌得直。上訴法庭的裁決的要點是該雜誌已制訂指引，述明在收集個人資料時須遵守的規定。收集的定義是指蒐集資料使用者已識辨其身分的人或有意識辨其身分的人的資料。在本個案中，法庭認為投訴人的身分對刊登有關相片的雜誌來說是毫無意義的。有關裁決亦將資訊私隱與個人私隱兩者區分開來。後者雖然是法律改革委員會在一九九九年八月發表的諮詢文件的重點課題，但卻不受條例的管限。

二零零零年意見調查

香港大學社會科學研究中心為公署進行第四屆一年一度的意見調查。調查的主要目的是要研究市民對個人資料私隱的態度，並且調查資料使用者的態度及為依從條例規定所採取的措施。在本年的調查中，公署決定對傳媒曾廣泛報導的以下兩項活動加以探討：對互聯網上私隱的關注及工作地點的監察活動。調查結果證實我們的疑慮是有根據的。網上交易因消費者對在互聯網上提供個人資料感到憂慮而受到阻礙。至於工作地點的監察活動，不論是採用何種形式進行監察，這現象不單頗為普遍，而且有關人士亦甚少制訂這方面的書面政策。

調查結果顯示普羅大眾繼續對私隱問題甚表關注，認為其重要性僅次於失業及空氣污染問題。這反映出在舉辦各項環繞智能咭、傳媒與私隱及電子商貿的討論後，市民的私隱意識已經加強。結果顯示資

from such a sensitive proposal. Accordingly we made recommendations for the redrafting of some clauses. I am pleased to report that several of the proposed amendments were incorporated into the Bill presented to the Legislative Council.

The year saw an important legal judgement arising from a complaint filed with the PCO by a member of the public who had objected to her picture being taken, and subsequently published, without knowledge or consent. In the judicial review the PCO maintained that the case amounted to unfair collection of personal data by a photographer acting under instruction from a magazine. After questioning whether a photograph of an individual constituted personal data the judge upheld my decision and dismissed the application made by the magazine. Subsequently the Court of Appeal ruled 2 to 1 in favour of the magazine. The key feature of the Court of Appeal ruling was that it established guidelines by specifying the conditions to be satisfied regarding the collection of personal data. The defining aspect of collection is that collection requires the data user to *compile* information about an identified person or person that the data user has every intention of identifying. In the case in question the identity of the complainant was held by the Court to be of no consequence to the magazine that published the picture. The ruling also served to clarify the distinction between information privacy and personal privacy. The latter is not subject to the provisions of the Ordinance although it was the focus of a consultation paper published by the Law Reform Commission in August 1999.

The 2000 Opinion Survey

The fourth in our series of annual opinion surveys was conducted by the Social Sciences Research Centre at the University of Hong Kong. The primary objectives of the Survey are to examine public attitudes to privacy issues, to investigate data users attitudes, and the measures engaged by them to comply with the Ordinance. In this year's Survey we decided to explore two activities that have received extensive media coverage: Internet privacy concerns and surveillance in the workplace. The findings confirmed our suspicions. Online transactions are

料當事人對在互聯網上披露個人資料的警覺性已愈來愈高。這方面的關注令他們對在網上購物遲疑不決，因而會在決定購物前先瀏覽網頁，以取得更多資訊，然後採用傳統的方式購物。

同樣地，正如所料，愈來愈多人對工作地點及以外地方的侵犯個人私隱問題發表意見。大多數市民都對可能侵犯他們私隱的事項很敏感，同時亦能對有關事項作出更佳的判斷。這點可從使用互聯網作私人用途的人身上充分反映出來。84%這類受訪者反對接收濫發電郵(spam)，比一九九九年的調查數字上升一倍。

至於較積極方面，80%的受訪機構對遵守條例規定抱有甚為積極的態度，這點實在令人感到鼓舞。調查發現認為採取良好的保障私隱措施會帶來長遠利益的機構的數目有所增加，例如可提升機構的公眾形象，以及可改善顧客及僱員關係。本人認為公署應繼續努力推廣的信念，就是採用良好的保障私隱措施只會為機構帶來更佳利益，而絕不會阻礙機構的發展。機構應視良好的保障資料私隱措施為一項投資而不是一項額外開支。公署可用以鞏固這個信念的其中一個方法，就是繼續為不同規模的機構提供支援、資訊及方便使用的產品。

推廣及宣傳

公署本年的推廣活動的主要目的與去年一致。首先，我們致力提高市民對條例所賦予的個人私隱權利的認識。本人認為我們已成功達致這個目標，雖然二零零零年意見調查，確實顯示可能尚有一小部分市民還未收到這方面的訊息。我們已收集這組人口的特徵資料，將他們列為我們以後的推廣活動的對象。

其次，我們設法透過推廣活動向資料使用者傳達依從條例規定會對機構有利的信念，並設法說服他們接受這個信念。一般來說，本人認為這方面的進展

being impeded by anxieties around releasing personal data on the Internet, and surveillance in the workplace, in one form or another, is not only prevalent but also rarely the subject of a written policy.

The Survey findings continue to indicate that the community regards privacy as an important social concern just behind unemployment and air pollution. This may well reflect a heightened awareness of privacy-related issues among the public fuelled by debates surrounding smart cards, media privacy and E-commerce. The results reveal that data subjects are increasingly likely to err on the side of caution regarding the disclosure of their personal data on the Internet. Such concerns may deter them from entering into transactions online, preferring instead to use web-browsing as a means of being more informed about purchase decisions which then translate into offline purchases.

Similarly, opinions as to what constitutes an intrusion upon the privacy of the individual both in the workplace and outside it are growing in terms of critical mass. By and large the public are both more sensitive to, and better able to judge, the potential for infringements of their privacy. A good illustration of this is provided by those who make use of the Internet for personal purposes. Fully 84% of those surveyed objected to receiving spam; virtually a doubling of the 1999 survey figure.

On a more positive note it is encouraging to see that 80% of organizations surveyed saw compliance with the provisions of the Ordinance in a very positive light. The survey registered increases in the long-term benefits attributed to best privacy practices ranging from enhanced corporate image to improvements in customer and employee relationships. My view is that it is very important that the PCO continue to promote the belief that best privacy practices add value to organizations rather than act as an imposition upon them. Good personal data privacy practices should be seen as an investment on the part of organizations rather than as a cost. One way in which the PCO can reinforce this message is by continuing to provide support, information, and user-friendly products to organizations irrespective of size.

頗為令人滿意，特別是我們見到一些規模較大的機構及政府部門，已開設了專責保障個人資料私隱的職位，這個現象確是令人感到鼓舞。為了鞏固這個信念，公署在二月成立了保障資料主任聯會，參加者包括來自公營及私營機構的人士。各界對聯會加以支持，實在令人鼓舞。

雖然公署確實已竭盡所能，但本人亦得承認在向中小型機構傳達這個訊息時曾遇到不少難題。本人打算將從較大規模的公私營機構所取得的進展，應用在中小型企業上。我們現正制訂這方面的策略，並期望與代表中小型企業公司利益的團體合作，藉以深入這群組中，加強對它們的影響。

至於傳媒宣傳活動方面，公署在電視播放一輯主題為“尊重私隱 維護尊嚴”的宣傳短片。這輯為時30秒的電視宣傳短片廣受市民歡迎，反應良好。除此之外，公署亦在電台播出廣告及在地鐵車站刊登廣告。

公署在年內出版了一份名為《私潮》的通訊，內容包括公署的工作、香港特別行政區在私隱方面的最新發展（例如智能咭），以及國際間對私隱問題的評論等的最新訊息。公署會繼續將這份通訊寄給資料庫內的約6,000名訂戶。

最近，個人資料(私隱)諮詢委員會的其中一名成員，建議公署出版一份以全港最大規模的一千間機構的行政總裁為對象的簡訊。公署現正積極考慮這項建議，希望能游說更多行政總裁加入保障個人資料私隱的行列，並且將保障個人資料私隱納入機構的基本信念內。

在公署的外訪計劃方面，本人及副個人資料私隱專員經常出席本地、區內及國際層面的研討會、工作坊及講座。此外，公署的推廣及培訓部職員共舉辦及出席了93個講座，參加者包括公私營機構的各界人士。

Promotion and Publicity

The primary objectives of the PCO's promotional campaign for the year under review remain consistent with previous years. Firstly, our intention is to raise awareness in the community regarding the privacy rights accorded to each citizen under the provisions of the Ordinance. In the main I think we have been successful in doing this though I have to concede that the 2000 Opinion Survey did indicate one or two sub-sets of the population that our message does not appear to have reached. We have profiled these groups in terms of their demographic characteristics and will target them in forthcoming promotional campaigns.

Secondly, we seek through our promotional activities to target data users in our attempts to influence them, and extend acceptance of the belief that compliance with the Ordinance is in their best corporate interests. Generally speaking, I think we are making good headway. In particular we are seeing the creation, certainly in larger companies and government departments, of a position dedicated to personal data privacy matters and this is heartening. To reinforce our message we established the Data Protection Officers' Club in February. So far, one meeting has been held, with participants from the public and private sectors, and we are encouraged by the support the Club has received.

In spite of our best endeavours I have to acknowledge that delivering our message to small and medium sized firms (SMEs) has been more problematic. My intention is to cascade the advances we have made with larger private and public sector organizations in Hong Kong to SMEs. We are currently developing a strategy to do this and may well enter into a strategic alliance with a third party, that represents the interests of small and medium sized firms, to penetrate this particular audience.

On the mass media front the PCO launched a TV campaign around the core theme that, 'When there is no privacy, there is no dignity.' The reach and recall monitoring of the TV screenings of this 30 second advertisement were good. The TV campaign was supplemented by radio slots and an MTR package.

目前約有40%的本港家庭使用互聯網。因此，公署的網址已成為與市民溝通的一個重要及符合成本效益的渠道。去年瀏覽公署網址的人數達80,000人次。我們預計這個數字在來年還會上升，故決定將網址重新設計，加入新的多媒體內容，令瀏覽者在使用時倍覺輕鬆如裕。

第二十一屆國際私隱及個人資料保障研討會

雖然公署只成立了短短四年，但由於我們的條例具有強大的約束力，加上我們的措施及訊息都是國際性及先進的，因而受到國際私隱界的尊重。公署獲邀舉辦第二十一屆國際私隱及個人資料保障研討會及資料保障專員會議，實在深感榮幸。這是私隱保障界一年一度的國際盛事。研討會及會議在一九九

The year saw the launch of a newsletter from the office of the Privacy Commissioner under the banner headline "Private Thoughts". The content of the newsletter features update articles on the work of the PCO, contemporary developments in privacy in the HKSAR e.g. smart cards, as well as commentary on emergent privacy issues in the international community. The newsletter is sent to around 6,000 subscribers in our mailing database.

More recently it has been suggested by one of the members of the Personal Data (Privacy) Advisory Committee that the PCO produce a concise newsletter that targets the CEO's of the Top 1000 employers in Hong Kong. We are actively considering this proposal as a means of trying to influence more chief executives to champion the cause of personal data privacy, and promote it as a constituent element of their organization's core values.

In our outreach programme the Deputy Privacy Commissioner and I have been active in seminars, workshops and presentations at the local, regional and international level. In addition, our promotion and training division conducted 93 seminars with participants drawn from the public and private sectors.



在個人資料私隱專員劉嘉敏先生的陪同下，署理民政事務局長關永華先生，主持第二十一屆國際私隱及個人資料保障研討會開幕禮的醒獅點睛儀式。

Mr. Leo Kwan, Acting Secretary for Home Affairs, accompanied by Mr. Stephen Lau, Privacy Commissioner for Personal Data, officiated the Lion's Eye-dotting Ceremony for the 21st International Conference on Privacy & Personal Data Protection.



與會者出席其中一個全體會議。

Delegates attending one of the plenary sessions of the Conference.



會議的歡迎晚宴假禮賓府舉行，場面隆重。

The Welcome Reception of the Conference was hosted at the Governor's House.

九年九月十三至十五日在香港會議展覽中心新翼舉行，共吸引了400名參加者，其中包括280名來自35個海外國家的代表。負責挑選講者及論文的项目委員會的成員來自世界各地，包括美國、加拿大、新西蘭、英國、愛爾蘭及德國。澳洲的葛柏高大法官 (Justice Michael Kirby) 在會議上發表主題演詞。葛柏高大法官在國際上享譽甚隆，被稱為經濟合作與發展組織(OECD)保障資料原則之父。經濟合作與發展組織在八十年代初期頒佈該等保障資料原則，其後各國皆將有關原則納入本國的資料保障法例之內。共有65位來自15個國家的講者在研討會上發言，再加上籌辦委員會的努力及精心策劃，各代表均視這次研討會為這類研討會歷史上的里程碑。

會議主席劉嘉敏先生頒發紀念品予大會主題演講嘉賓葛柏高大法官。

Mr. Stephen Lau, Chairperson of the Conference, presented a souvenir to the Hon Justice Michael Kirby, the keynote speaker of the Conference.



Approximately 40% of Hong Kong households now have access to the Internet and accordingly our web site has become more important, and more cost-effective, as a communications medium. Last year we recorded over 80,000 hits and, in anticipation of an increase on this figure in the forthcoming year, we have decided to redesign the site to enhance its user-friendliness and ease of navigation by incorporating new multi-media features.

21st International Conference on Privacy and Personal Data Protection

Though our office has a short history of four years, the robustness of our Ordinance, and the international and progressive perspectives adopted in our initiatives and communications, have attracted respectful attention from the international privacy community. Our office was honored with the invitation to host the 21st International Conference on Privacy and Personal Data Protection and Meeting of the Data Protection Commissioners, an event universally recognized as the most significant annual gathering in the privacy world. The conference was held between 13 - 15 September 1999 at the extension of the Hong Kong Convention and Exhibition Centre, and attended by 400 delegates, including 280 overseas delegates from 35 countries. The programme committee, responsible for the selection of conference's speakers and papers, was truly global in nature, with members representing the USA, Canada, New Zealand, the UK, Ireland and Germany. The key note address was given by the Hon Justice Michael Kirby of Australia, who is universally renowned as the father of the OECD data protection principles promulgated in the early 1980s and enshrined in all data protection legislation in the world. With 65 speakers from 15 countries, together with our dedicated preparatory efforts and meticulous planning, the conference was hailed by delegates as a significant milestone in the annals of the conference's history.

葛柏高大法官在會議上發表題為“私隱保障——一個新開始？”的主題演講。

The Hon Justice Michael Kirby delivered the keynote address entitled "Privacy Protection - A New Beginning?" at the Conference.