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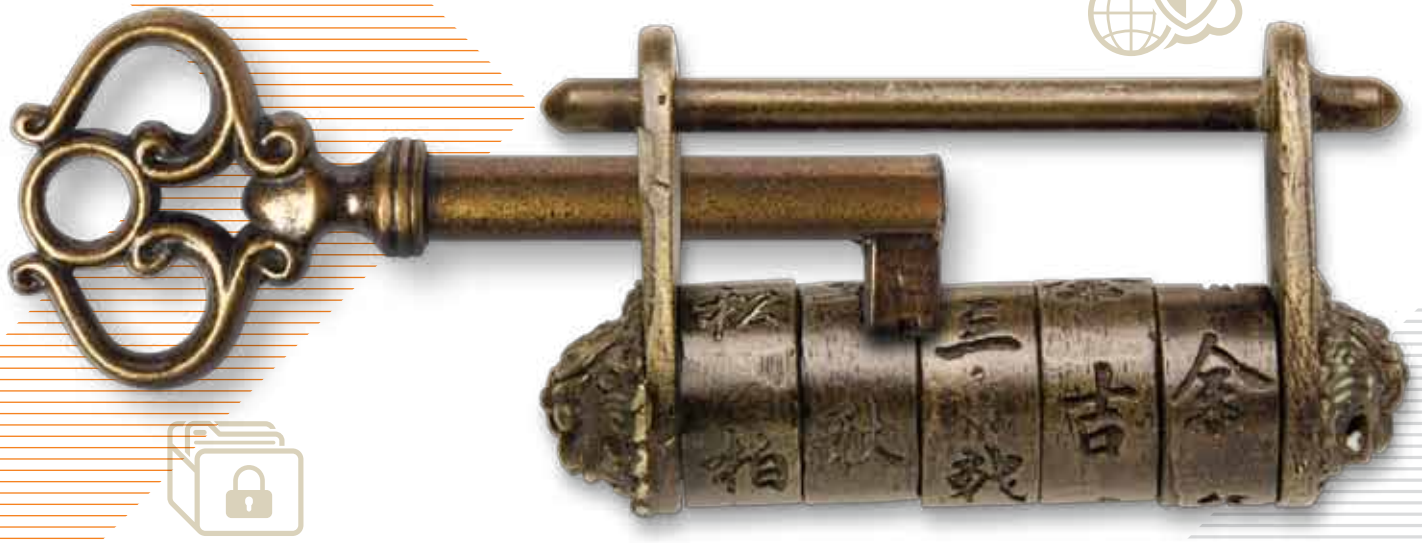
香港個人資料私隱專員公署
Privacy Commissioner
for Personal Data, Hong Kong

2016-17
年報
Annual Report



Data Protection and Respect in Times of Change

在瞬息萬變世界的數據保障和尊重

Contents 目錄

One Year at-a-glance 全年活動一覽

2016

4月 April

- 為流動應用程式開發商舉辦「研發流動應用程式顧及私隱和保安論壇」
  The "Mobile App Development Forum on Privacy and Security" for mobile apps developers

- 一名保險代理人未得同意下使用個人資料作直接促銷罪名成立被判社會服務令
  A Community Service Order being imposed on an insurance agent for using personal data in direct marketing without consent

5月 May

- 「關注私隱運動」揭幕，主題是「個人資料，由你掌握」
  The annual Privacy Awareness Week with the theme "Data Protection in Your Hands"

- 一間銷售推廣公司未經同意使用個人資料作直銷及沒有依從拒收直銷訊息要求被判罰款一萬六千元
  A marketing company being fined $16,000 for using personal data in direct marketing without customer's consent and failing to comply with an opt-out request

6月 June

- 與香港電台再次聯合製作電視劇《私隱何價II》
  Producing the "Privacy Beyond Price II" TV Programme with Radio Television Hong Kong

8月 August

- 就截取香港網絡攝錄機圖像在英國一藝術展覽出售進行跨區互助
  Inter-regional assistance in relation to a case when the images captured from unsecure Webcams in Hong Kong sold at a UK art exhibition

- 出版《自攜裝置》資料單張
  Publishing an information leaflet "BYOD (Bring Your Own Device)"

7月 July

- 出版英文書籍"Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance"
  Publishing "Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance"

- 香港大學法律學院第四屆「私隱及資料保障法律獎學金」
  The fourth "Privacy Commissioner Prize in Privacy & Data Protection Law" scholarship, jointly set up with the Faculty of Law, the University of Hong Kong

- 出版《美容業界妥善處理客戶個人資料指引》
  Publishing "Guidance on the Proper Handling of Customers' Personal Data for the Beauty Industry"

9月 September

- 公署成立二十周年
  PCPD's 20th anniversary

- 與香港城市大學法律學院合辦「資料保障法律在資訊世代的發展」學術研討會
  Jointly organising the Symposium on "Data Protection Law Development in the Information Age" with the School of Law, the City University of Hong Kong

10月 October

- 出席在摩洛哥馬拉喀什舉行的第38屆國際資料保障及私隱專員研討會
  Attending the 38th International Conference of Data Protection and Privacy Commissioners, held in Marrakech, Morocco

11月 November

- 與韓國網絡安全局和Barun資訊及通訊科技研究中心，及來自中國內地、南韓和日本的私隱專家和學者簽署「2016亞洲私隱橋樑研討會聯合聲明」，推動亞洲地區的私隱研究、教育和政策合作
  Signing the Joint Declaration with the Korea Internet & Security Agency, Barun ICT Research Center, and privacy experts and academia from the mainland of China, South Korea and Japan, to strengthen privacy research, privacy education, and policy co-operation in Asian region

12月 December

- 出席在墨西哥曼薩尼略舉行的第四十六屆「亞太區私隱機構」論壇
  Attending the 46th APPA Forum in Manzanillo, Mexico

- 一間鐘錶公司未經同意在公共領域獲取個人資料以作直接促銷被判罰款一萬六千元
  A watch company being fined HK$16,000 for using personal data obtained from public domains in direct marketing without consent

2017

1月 January

- 新聞發佈會向傳媒匯報公署2016年的工作
  A press conference on PCPD's work in 2016

- 公佈「全球私隱執法機關網絡」在香港和世界各地探究智能健身腕帶的私隱透明度的抽查結果
  Announcing the results of the international Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network on the privacy transparency of fitness bands in Hong Kong and the rest of the world

3月 March

- 向立法會政制事務委員會匯報公署過去一年的工作
  Delivering a Report on the Work of PCPD in 2016 at a meeting of Legislative Council Panel on Constitutional Affairs

April 2016–March 2017: A Year in Numbers 2016年4月–2017年3月：數字回顧

24,879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26%

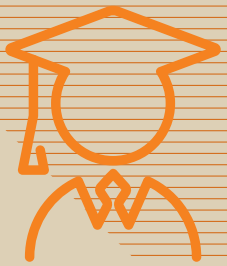
24,879 people attended our talks, seminars and workshops to learn about the requirements under the Ordinance, 26% increase from last year

594人
成為保障資料主任聯會會員，比去年增加10%

594 members joined the Data Protection Officers' Club, 10% increase from last year

125間
中學參與保障私隱學生大使計劃，成為學校夥伴，比去年增加13%

125 secondary schools partnered with us in the Student Ambassador for Privacy Protection Programme, 13% increase from last year

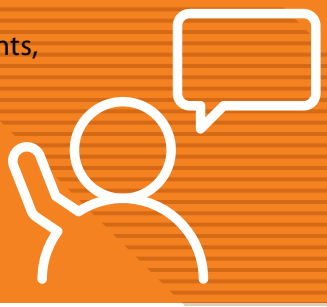


43,500人次
參與大學保障個人資料推廣活動，比去年增長10%

43,500 students and staff members participated in education programme for universities, 10% increase from last year

接獲 **1,741** 宗
投訴個案，比去年減少14%

Received 1,741 complaints,
14% decrease from
last year



回應 **179** 宗
傳媒查詢，比去年增加23.4%

發佈 **37** 篇新聞稿，比去年增加9%

Responded to 179 media enquiries,
23.4% increase from last year

Issued 37 media statements,
9% increase from
last year

處理 **16,035** 宗
查詢個案，比去年減少14.2%

Handled 16,035 enquiries,
14.2% decrease
from last year

每月平均有
62,011 人次
瀏覽公署網站，比去年增加35%

An average of 62,011 visits to our
website per month were made,
35% increase from last year

展開 **256** 個
循規審查行動，
比去年減少10.5%

Carried out
256 compliance checks,
10.5% decrease
from last year

使命
Mission Statement

致力推廣、監察及監管，促使各界人士遵從香港法例第486章《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 (Cap 486), Laws of Hong Kong

策略與主要目標
Strategies and Key Goals

	策略 Strategies	主要目標 Key Goals
執法 Enforcement	• 確保公正、公平和具效率的運作 • 獨立、不偏不倚、無畏無懼地行事 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題與投訴 • To ensure equity, fairness and operational efficiency • To act independently, impartially and without fear or favour • To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	• 調查及具效率與持平地解決投訴個案 • 專業而有效率地回應查詢 • 接納符合審批條件的法律協助申請，讓個人資料私隱受侵犯的申索人士獲得補償 • Complaints are investigated and resolved efficiently in a manner that is fair to all parties concerned • Enquiries are responded to professionally and efficiently • Meritorious applications for legal assistance are entertained and aggrieved individuals compensated
監察及監管符規 Monitoring and Supervising Compliance	• 主動及公正調查私隱風險顯著的範疇 • 夥拍其他規管者，憑藉他們的法定權力、制度和執法權力，履行公署的責任 • 與海外的保障資料機構合作處理跨境的私隱問題與投訴 • To investigate proactively and fairly into areas where the privacy risks are significant • To partner with other regulators, leveraging their legislative mandates, institutional tools and enforcement powers • To partner with overseas data protection authorities for handling cross-border privacy issues and complaints	• 促使機構履行保障個人資料的責任和採納良好的保障私隱行事方式 • Organisational data users are facilitated to meet their data protection obligations and adopt good privacy practices

推廣 Promotion	• 促進社會各界全面參與保障私隱 • 倡導機構不應止於法例最低要求，實踐最佳行事方式，提升水平 • 利用網站、出版和傳媒，發揮廣泛的宣傳和教育效用 • 走進社區，特別多接觸年青人 • 藉調查個案所得的啟示，教育資料使用者和資料當事人 • To seek proactively the holistic engagement of stakeholders • To promote best practices among organisational data users on top of meeting minimum legal requirements • To maximise publicity and education impact through websites, publications and media exposure • To engage the community, in particular, young people • To use lessons learnt from investigations as a means of educating data users and data subjects	• 社會更清楚理解法律與原則，不但認識個人資料保障方面的權利和責任，而且對保障有適當期望和了解限制 • 公、私營機構皆認識作為資料使用者在法例下的責任，並付諸實行 • 讓個人和機構的資料使用者都認識個人資料私隱專員公署（公署）的角色及可提供的支援 • A better understanding of the laws and principles in the community is articulated, recognising not only the rights and obligations but also expectations and limitations in personal data protection • Organisations in public and private sector understand their obligations as data users under the Ordinance and the ways to meet them • Individual and organisational data users understand the role of the Privacy Commissioner for Personal Data (PCPD) and the assistance the PCPD may provide
機構管治 Corporate Governance	• 奉行具透明度和問責性的原則 • 善用資源以達致經濟效益、效率及效用 • 持續精簡工作程序 • 在訂立工作的優先次序方面，採取「選擇性而具成效」的方針，優先處理影響最廣泛的工作 • 建立及維持忠心和專業的團隊 • To adhere to the principles of transparency and accountability • To maximise utilisation of resources to achieve economy, efficiency and effectiveness • To make continuous effort to streamline work procedures • To apply a “selective in order to be effective” approach in prioritising work, with an emphasis on assignments that will have the greatest impact • To build and maintain a loyal and professional team	• 達致高水平的管治 • High standard of corporate governance is achieved
迎合需求轉變 Meeting Changing Needs	• 緊貼科技發展 • 監察國際發展及趨勢 • 留意本地不斷轉化的私隱期望 • To keep abreast of technological development • To monitor international development and trend • To keep track of evolving local privacy expectation	• 現行及建議的法律和規管機制切合需要及有效 • Existing and proposed laws and regulatory systems are relevant and effective

Privacy Commissioner's Message 私隱專員的話

黃繼兒
香港個人資料私隱專員

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

去年對公署來說是忙碌而充實的一年，在保障個人資料私隱權的工作與日俱增的同時，整體工作質素亦有所提升。

It was another solid year, in terms of both quantity and quality of the work in protecting personal data privacy right.

儘管公署去年接獲的整體投訴數字趨向穩定，但與直接促銷相關的個案（381宗）卻顯著增加，而與資訊及通訊科技相關的投訴數字亦維持在較高水平（243宗）。公署去年接獲約18,000宗查詢和投訴（1,741宗投訴和16,035宗查詢），與前一年比較錄得雙位數字跌幅（投訴和查詢分別下跌14%和14.2%）。公署在完成處理投訴和查詢所需的時間亦顯著減少。有關下跌情況屬預期之內，並似乎將會持續。此等數字下跌，是由於我們加強對前線員工的培訓，並精簡程序，同時致力向持份者進行各項宣傳和教育工作，以及邀請各機構（作為資料使用者）共同參與構建尊重其他持份者的個人資料之文化。正如早前的調查和公署的經驗所得，個人（作為資料當事人）和機構皆須了解甚麼資料應受保障以及應如何保障。

While the figures show that privacy complaints appeared to stabilise generally, there was a significant increase in direct marketing-related cases (381 cases) and ICT-related complaints remained at a high level (243 cases). Last year, about 18,000 enquiries and complaints were received (1,741 complaints and 16,035 enquiries), recording a double-digit drop in percentage as compared to the year before (14% for complaints and 14.2% for enquiries). The time required for settling these complaints and enquiries was reduced markedly, too. The drop, which is expected, seems to be continuing. We attribute the drop to the efforts we have put in retraining our front line staff, streamlining the procedures, promoting and educating all stakeholders as well as engaging the organisations (data users) in developing the culture of respecting other stakeholders' data. As foreshadowed by earlier surveys and experience, both individuals (data subjects) and organisations were calling for understanding of what and how data should be protected or otherwise.

資料外洩事故和網絡安全於年內備受關注，特別是關於受影響的資料當事人數目、發生資料外洩事故的不同情況及所涉及的手法。網絡世界無疆界，發動網絡攻擊的黑客目標變得更明確，手法亦日趨成熟，網絡攻擊的次數因而漸趨頻密且具威脅性。這種威脅不僅限於數據，而且也擴大至我們日常用於管理重要基礎設施，例如汽車、飛機、公用事業設施及供應鏈的各種資訊系統。網絡罪案的數字亦從九十年代的每年數百宗，上升至2016年約6,000宗。

Data breaches and cybersecurity became emerging concerns, particularly in terms of the number of data subjects affected and the different scenarios and methodologies in which the breaches occurred. Borderless as they are, cyberattacks are becoming more frequent and threatening as adversaries are more determined and more sophisticated. The threat is not only to data but also to the myriad digital systems we increasingly use to control important infrastructure, such as autos, airplanes, utilities and supply chains. The number of cybercrimes has risen from a few hundred per year in the 1990s to about 6,000 in 2016.

無論在線抑或離線，個人資料都被大量收集，加上尖端的數據挖掘和檔案建立技術，或可揭露個人內心深處的秘密或私密空間，而分析結果可能有所偏頗或令人尷尬，而且當事人往往被蒙在鼓裡。

Extensive collection, online and offline, of personal data, in conjunction with sophisticated data mining and profiling techniques, may expose one's innermost secrets, or intimate space, and the results of the analytics can be biased or embarrassing, and often without one knowing it.

與數據相關的資訊及通訊科技的轉變

Change in data-related ICT

隨著數碼技術演變，我們已昂首邁進大數據、人工智能和機器學習的年代。若說現時整個數碼經濟是由大數據驅動（包括近期的行為追蹤、區塊鏈和金融科技的應用），實不為過。

Whilst the era has evolved to one of digital technology, we have marched into the age of big data (BD), artificial intelligence (AI) and machine learning (ML). It is no exaggeration to say that nowadays big data fuels the engine of the digital economy, including the recent application of Behavioural Tracking, Blockchain and Fintech.

大數據的來源之一，就是我們的網上活動留下的數碼腳印，如搜尋互聯網、瀏覽網站、在社交平台上發布消息、網上購物等。大數據來源豐富，為人工智能和機器學習的演算分析提供所需資料，將所得的關聯資訊轉化成各項預測，並藉此自動作出決定和行動。

One of the sources of BD is our digital footprints left with our online activities, like Internet searching, browsing websites, posting messages at social platforms, online shopping. The rich source of BD feeds the algorithmic analytics of AI and ML which turn correlations into predictions, as well as automated decisions and actions.

無可否認，大數據、人工智能和機器學習為公私營機構（包括銀行、零售、保險、教育、運輸，以至政府運作和執法等）創造商機和提高效率。不過，大數據亦令部份保障個人資料的基本原則備受考驗，如數據最小化、透明度和使用限制等。有見大數據的價值廣受推崇，各機構均試圖從所有可行的途徑收集大量的數據。現時數據收集已隨處可見，但又不能預計相關數據將會如何被使用，因此要向個人提供有用的通知或要在使用其個人資料時取得他們有意義的同意，即使未至於不可能，但亦令此等工作變得非常艱巨。

It is indisputable that BDAIML creates business opportunities and promotes efficiency in private and public sectors, from banking, retail, insurance, education, transportation, government operations to law enforcement. Nonetheless, BD is also stretching the limits of some fundamental principles of personal data protection, such as data minimisation, transparency and use limitation. Given the much acclaimed value of BD, organisations tend to amass huge amount of data from all possible sources. The ubiquity of data collection and the unpredictability of data use make it very difficult, if not impossible, to provide individuals with helpful notice, or obtain their meaningful consent for the use of their personal data.

現時大多數的資料（通常以缺乏組織的形式呈現）並非直接向個人收集所得，而是透過他們使用資訊及通訊科技和物聯網裝置、或與此類裝置互動、或經大數據處理所衍生而來。此類統稱為衍生資訊的觀測數據和推斷數據，觀乎其最初的來源以至資料的敏感度，有時在許多法域區的現行法律界定下不屬於個人資料。結果是，資料當事人往往未能掌控衍生資訊的處理，而資料使用者亦難以預測衍生資訊經過處理後所得出的結果。

Much of the data nowadays (often in an unstructured form) is not collected directly from individuals, but is generated, or derived from their use of, or interaction with ICT and Internet of Things (IoT) devices, or processing of BD. There are however instances where the observed data and inferred data, collectively known as generated information, might not have been intended as personal data based on source and sensitivity of information as classified under the current laws of many jurisdictions. Very often the result is that the processing of generated information is out of the data subject's control and it is difficult for data user to anticipate the outcome of generated information processing.

環球保障私隱形勢的變化

Change in Global Privacy Landscape

事實上，自《1980年經濟合作及發展組織指引》及《1995年歐盟資料保護指令》實施以來，環球的私隱保障形勢已出現重大轉變。很多地區的資料保障機制，包括香港，都是以此作為模範。

Indeed, the global privacy landscape has changed phenomenally since the implementation of the 1980 OECD Guidelines and the EU Data Protection Directive 1995 which shaped many data protection regimes, including the one in Hong Kong.

我們周邊的法域區如日本、新加坡、韓國、澳門及中國內地，以至拉丁美洲國家如哥倫比亞、巴西及墨西哥，均正在改革及更新其資料保障和網絡安全法規。歐洲聯盟（歐

Our neighbouring jurisdictions like Japan, Singapore, Korea, Macao and the mainland of China are reforming and updating their data protection and cybersecurity laws and regulations. So are Columbia, Brazil and Mexico in Latin America. The European Union

盟）正就其資料私隱法律進行重大改革，其《通用數據保障條例》將於2018年5月實施，從法律及實用性方面加強了個人資料私隱權的保障，為資料保障執法機關提供一個全新及獨有的模式。《通用數據保障條例》適用於個人資料處理，包括收集、使用及公開資料。它亦就處理特別類別的個人資料提供額外保障，例如披露種族或族裔、政治意見、基因及生物辨識資料和有關健康或性取向的個人資料。

在英格蘭，共217頁的資料保障法案即將推出，透過加強現有以及新增的私隱權，資料保障的範圍得以擴闊。

《通用數據保障條例》具境內及境外效力。它適用於身處歐盟境內的資料使用者（控制者或處理者），以及那些處於歐盟以外的，而其產品及服務的受眾目標或其監察行為的目標是歐盟的資料當事人。因此若一家香港的機構透過網上平台以英文提供產品介紹，並接受以歐元付款，以及處理來自歐盟個人的訂單並安排寄送產品到歐盟地區，則同樣受《通用數據保障條例》監管。此外，一般而言這香港機構亦需要委派一個駐於歐盟成員國的代表，作為歐盟所有資料保障執法機關以及個人就所有資料處理的相關事宜的聯絡人。

歐盟及亞太區經濟合作組織亦正就其各自的《通用數據保障條例》及《跨境私隱規則》之間，尋求跨區域的互通性及聯繫性，尤其是在認證機制方面。

在網上的環境方面，聯合國教科文組織正就互聯網的議題尋求新的方向。具體而言，聯合國教科文組織主張互聯網普及性和相關的「ROAM」原則，即以保障人權、開放及無障礙的互聯網為基調，並由多方持份者參與管理。在這情況下，言論自由、透明度的價值及私隱權均得以應對處理。

(EU) is undergoing a major reform of their data privacy law. The EU's General Data Protection Regulation (GDPR), which will come into effect in May 2018, has introduced enhanced rights to protect individuals' data privacy through legal and pragmatic approaches providing a new and unique model for data protection authorities. The GDPR applies, *inter alia*, to the processing of personal data, including the collection, use and disclosure of the data. It also provides additional protection to the processing of special categories of personal data, such as personal data revealing racial or ethnic origin, political opinions, genetic and biometric data, and data concerning health or a person's sexual orientation.

In England, the 217-page Data Protection Bill is set to be introduced. It is quite clear that the scope of data protection has been broadened by reinforcing current rights and creating new rights.

The direct impact of the GDPR relates to the territorial scope of the GDPR in that it applies to data users (controllers and processors) with an establishment in the EU, or with an establishment outside the EU that targets individuals in the EU by offering goods and services or that monitors the behaviour of individuals in the EU. It appears that a Hong Kong organisation, offering products available online in English with payments to be made in Euros, processing multiple orders from individuals within the EU and shipping these products to them, should be compliant with the GDPR. Furthermore, this organisation will generally have to appoint a representative established in an EU member state as the point of contact for all data protection authorities and individuals in the EU on all issues relating to data processing.

Cross-region interoperability and interconnectivity are also being explored between the GDPR and the APEC Cross Border Privacy Rules, in particular with respect to the certification system.

In the online environment, the UNESCO is exploring a new approach to internet issues. Concretely, this means that UNESCO stands for the concept of "internet universality" and the related "ROAM principles" which refer to a Human-rights-based, Open and Accessible internet that is governed by Multi-stakeholder participation. In this context, the freedom of expression, the value of transparency and the right to privacy are being addressed.

從符規及問責躍升至信任、尊重和道德

《通用數據保障條例》明確地強調資料控制者（即決定資料處理的目的和方式的組織）在問責方面的責任。他們不單要確保，更要展示其資料處理符規。一般而言資料控制者必須實施適當的技術性和組織性措施，包括資料保障政策。當評估實行哪一種措施以及如何實行時，資料控制者須考慮處理資料的性質、範疇、背景和目的，以及對有關資料當事人的權利和自由的風險。

儘管保障資料原則屬科技中立，具顛覆性的資訊及通訊科技和複雜的資料使用的出現，逼使無論身為資料當事人或資料使用者的我們，都必須重新思考應如何應用這些原則。時至今日，消費者期望的不僅僅是以品牌作為賣點，他們要求的是安全和信任。由於資料是一種可持續的資源，我們需要建立信任。如大數據、人工智能及機器學習的議題未能妥善處理，它們將破壞資料當事人對資料使用者和資料處理者的信任。最後，數碼經濟的發展動力會隨著大數據、人工智能及機器學習的數量和質量下降而中斷。

消費者期望他們的個人資料私隱權不單受到恰當保障，同時亦會得到適當的尊重。尊重或許包括具意義的同意（因而不會引起驚訝），並需考慮到有關個人的權利、利益和自主或控制權。而這需要消費者（資料當事人）、機構（資料控制者和處理者）和監管當局各方面共同參與。透過提高透明度和監控乃資料使用者／處理者成功與資料當事人建立共同信心、信任和尊重的關鍵，並可藉此達致資料當事人的期望和避免顧客流失。此外，藉由包括以公平及合符道德的方式使用或處理資料，可配合符規和問責的法律要求，並確認資料私隱權的內在價值。資料使用者應增值提升而不只是遵循法例的規定。資料的道德標準及管理將有助問責工作的實踐。

From Compliance and Accountability to Trust, Respect and Ethics

The GDPR categorically places an emphasis on the accountability obligations of data controllers (i.e. the organisations that define the purposes and means of the processing). Not only do they have to ensure compliance but also be able to demonstrate such compliance. The data controllers generally must implement appropriate technical and organisational measures, including data protection policies. In assessing which or how such measures should be implemented, the data controllers should consider the nature, scope, context and purposes of the processing as well as the risks for the rights and freedoms of individuals.

The emergence of disruptive ICT and complex data uses have also forced us, data subjects and users alike, to re-think how data protection principles should be applied now, albeit they being intended to be technology-neutral. It is quite understandable that the consumers expect more than selling brand relationship – they request security and trust. Given that data is a sustainable resource, we need to have trust. If issues of BDAIML are not addressed properly, they may well undermine data subjects' trust in the data users and processors. As a result, the fuel of the digital economy may be cut off as the quantity and quality of BDAIML may diminish.

Consumers would expect that their personal data privacy right is not only duly protected but also duly respected. Respect probably includes the elements like meaningful consent (so that there are no surprises) and due regard to the rights, interests and autonomy or control of the individual concerned. This requires the engagement of all parties – the consumers (data subjects), organisations (data controllers and processors) and the regulators. Building transparency and control is at the heart of getting it right in that data users/processors will enjoy the fruit of leveraging mutual confidence, trust and respect, thereby meeting the expectation of the data subjects and vitiating consumers' defection. Furthermore, satisfying the legal requirements of compliance and accountability to recognise the intrinsic values of data privacy rights would be improved by an ethical approach including a fair and ethical use or processing of data. Data users need to add value beyond just complying with regulations. To make accountability work, ethical data standard and stewardship would be helpful.

「一帶一路」(及粵港澳大灣區)數據中心

香港擁有無可取代的資訊自由流通優勢,《基本法》亦保障自由及人權,而現有的私隱保障法例及框架也確保資料私隱受到保障;因此,香港有條件成為一國兩制之下的「一帶一路」數據中心,促進資料傳輸及儲存,成為連繫及匯聚香港、內地和全球各地的環球數據樞紐。此外,粵港澳大灣區的發展亦促進了資訊及通訊科技的發展,形成大規模的數據流通,吸引數據中心引入先進的數據技術、優秀人才及資金,因而促進內地及香港的經濟發展。

The Belt and Road (and Greater Bay) Data Hub

Given the irreplaceable attribute of Hong Kong in respect of the free flow of information, which finds its enabling environment on the protection of freedoms and human rights as guaranteed under the Basic Law, including the working implementation of our data protection law and framework, we are well poised to help make Hong Kong the Belt and Road data centre within one country but outside the jurisdiction of the mainland of China, facilitating transfer and storage of data, connecting and converging ideas and information among Hong Kong, the mainland of China and the rest of the world. The opportunities arising from the Guangdong-Hong Kong-Macao Bay Area development also help promote ICT development, with large-scale data flows resulted, thus attracting data centres to bring in advanced data technology, talents and capital, and in turn fostering economic development on the mainland of China and Hong Kong.

以結果為本的監管

和其他監管機構一樣,我們面對著越來越多的責任和更高的期望,可是資源卻緊絀。正如本年報中提及的個案顯示,定罪個案的罰則之阻嚇作用似乎沒有預期般大。儘管如此,我們會繼續堅持公平執法。同時,我們會盡力透過以結果為本的方式以達致有效的監管。我們會率先適時地向受規管對象提供指引和協助,並輔以適當的誘因,推動及鼓勵他們參與保障資料的行列。具體來說,我們會繼續透過公眾教育和提供協助及意見,在投訴或違規事件出現之前,確保資料私隱獲得保障。我們將透過私隱管理系統,協助機構建立客戶對其的信心和信任;而長遠來說,我們希望建立一套有意識的「個人資料由我掌握」的文化,以及更自覺地尊重他人個人資料的文化;在表達私隱政策和獲得同意方面更具透明度、更具前瞻性、更有意義和更便利用家。

Regulating by Results

Like other regulators, we are faced with increasing responsibilities and higher expectation but with meagre resources. As the cases in this Report show, penalties on conviction of offences might not have the deterrent effect one would expect. That said, we will continue to enforce the law fairly without sparing the sticks. At the same time, we would try to achieve effective regulation through a result-based approach. We aim to take the lead in providing timely guidance and support to the regulated, engaging and incentivising them with appropriate carrots. Specifically, we will continue to secure protection through public education and provision of facilitating assistance and advice before a complaint is lodged or a breach incident occurs. We will help organisations build confidence and trust amongst their clients through a privacy management programme; and try to establish in the long run a culture of consciously keeping one's personal data under one's own control, as well as a culture of respecting others' personal data by being more responsive to expectation; more transparent, more forthcoming, more meaningful and user-friendly in expressing the privacy policy and obtaining consent.

黃繼兒
香港個人資料私隱專員

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

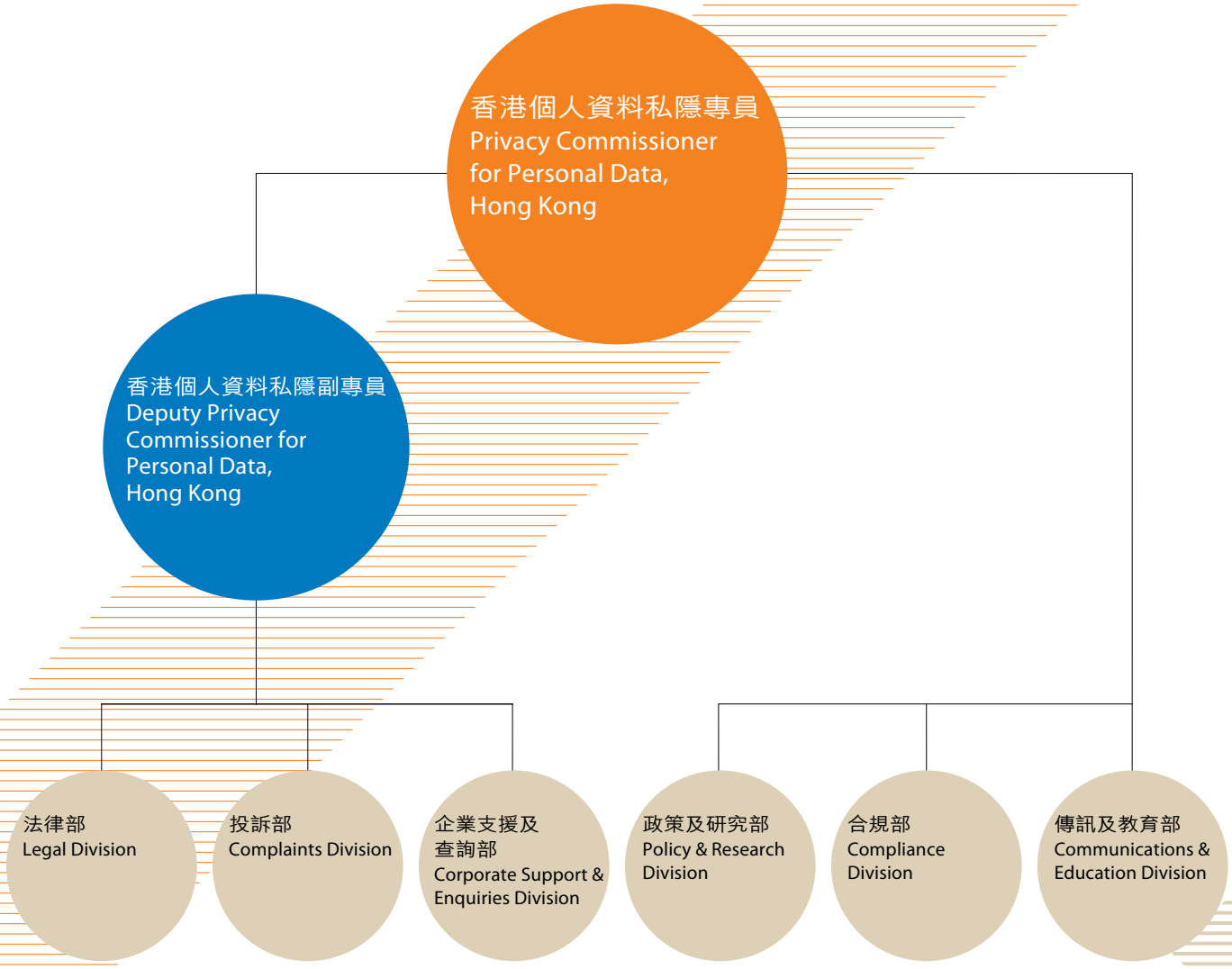
公署架構
Our Organisation

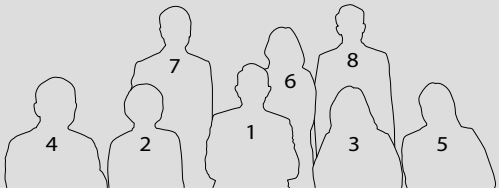
公署由個人資料私隱專員（私隱專員）掌管。私隱專員負責全面推廣、監察和監管條例的施行，促使各界遵從《個人資料（私隱）條例》（條例）的規定。（詳見附錄一）

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

在本年報期完結時，公署的職員編制為76人，分別在六個部門工作。（詳見第18至25頁）

The PCPD had a total of 76 staff at the end of the report period comprising six divisions. (See page 18 to 25 for details)





高層管理團隊

1 **黃繼兒先生**
香港個人資料私隱專員

2 **黃錦卿女士**
香港個人資料私隱副專員

3 **郭美玲女士**
首席律師，總監(法律部)

4 **梁展華先生**
首席個人資料主任，
總監(企業支援及查詢部)

5 **黎智敏女士**
首席個人資料主任，總監(合規部)

6 **陳美儀女士**
署理首席個人資料主任，
總監(投訴部)

7 **陳智健先生**
高級個人資料主任，
總監(傳訊及教育部)

8 **張健康先生**
署理高級個人資料主任，
總監(政策及研究部)

SENIOR MANAGEMENT TEAM

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

2 **Ms Fanny WONG**
Deputy Privacy Commissioner for Personal Data, Hong Kong

3 **Ms Brenda KWOK**
Chief Legal Counsel, Head of Legal Division

4 **Mr Daniel LEUNG**
Chief Personal Data Officer,
Head of Corporate Support & Enquiries Division

5 **Ms Joyce LAI**
Chief Personal Data Officer, Head of Compliance Division

6 **Ms Amy CHAN**
Chief Personal Data Officer (Acting),
Head of Complaints Division

7 **Mr Ivan CHAN**
Senior Personal Data Officer,
Head of Communications & Education Division

8 **Mr Aki CHEUNG**
Senior Personal Data Officer (Acting),
Head of Policy & Research Division

Complaints Division 投訴部

- 接受及處理市民向私隱專員提出的投訴
- 就涉嫌違規事宜進行調查
- 就可能對個人資料私隱有影響的事宜提供意見
- 適時向公署提供其他與處理投訴有關的支援

- To receive and handle complaints lodged with the Commissioner
- To conduct investigations of suspected breaches
- To provide advice on matters that may affect the privacy of individuals in relation to personal data
- To provide other support to PCPD as and when required in relation to complaints

Compliance Division 合規部

- 接受資料外洩事故通報及適當跟進資料外洩事故
- 進行循規審查及調查
- 處理資料使用者提出的自動核對資料程序申請
- 就個人資料系統進行視察，向有關資料使用者提出改善循規情況的建議
- 發出有關循規及保安的單張和指引

- To receive notifications and follow up data breaches incidents where appropriate
- To carry out compliance checks and investigations
- To process applications from data users for approval of automated data matching procedures
- To undertake inspections of personal data systems and make recommendations to the data users concerned for improved compliance
- To issue compliance and security related leaflets and guidance

Legal Division 法律部

- 為公署各方面的工作提供法律意見
- 研究海外資料保障法律的發展
- 檢討有關個人資料私隱的現行及建議的法例
- 不斷檢討《個人資料（私隱）條例》
- 代表私隱專員出席法庭及行政上訴委員會的聆訊
- 執行法律協助計劃

- To provide legal advice in respect of all aspects of the work of the PCPD
- To reserach on developments in overseas data protection laws
- To review existing and proposed legislation relating to personal data privacy
- To keep review of the Personal Data (Privacy) Ordinance
- To represent the Commissioner in any relevant court and Administrative Appeals Board hearings
- To administer the Legal Assistance Scheme

Corporate Support and Enquiries Division 企業支援及查詢部

- 確保適當及足夠的企業管治
- 制定策略計劃及管理資源
- 管理辦公室日常運作
- 接受及處理市民及機構提出的查詢
- 統籌個人資料（私隱）諮詢委員會會議，並提供秘書支援服務
- 提供及管理會計、工資、採購及財務／預算系統

- To ensure proper and adequate corporate governance
- To provide strategic planning and management of resources
- To undertake office day-to-day management and operation
- To receive and handle general enquiries from members of the public and organisations
- To coordinate and provide secretarial support to the Personal Data (Privacy) Advisory Committee
- To provide and maintain the accounting, payroll, procurement and financial / budgeting systems

Communications and Education Division 傳訊及教育部

- 就機構傳訊策略及實踐提供意見
- 策劃及落實推廣、教育和公共關係活動
- 接受傳媒查詢及安排新聞發佈會
- 管理網站，為市民提供有關條例及公署動向的資訊，以及網上資源

- To advise on corporate communications strategies and practices
- To develop and implement promotion, education and public relations programmes
- To attend to media enquiries and arrange press conferences
- To maintain a website to provide comprehensive information about the Ordinance, PCPD news and activities and online resources

Policy and Research Division 政策及研究部

- 因應最新的本地及國際發展，對個人資料保障的政策及議題進行研究及提供意見
- 就擬備公署的刊物（例如實務守則、指引及資料單張）提供意見
- 就調查、循規審查及視察提供支援
- 統籌科技發展常務委員會會議，並提供秘書支援服務
- 與國際間其他私隱執法機關建立及維持工作聯繫

- To research and advise on policy issues (including responses to stakeholders) relating to personal data protection in light of latest local and international developments
- To provide input in the preparation of the PCPD publications, e.g. codes of practices, guidance notes and information leaflets
- To provide support in investigations, compliance checks and inspections
- To coordinate and provide secretarial support to the Standing Committee on Technological Developments
- To establish and maintain working relationship with international counterparts

個人資料（私隱）諮詢委員會

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

PERSONAL DATA (PRIVACY) ADVISORY COMMITTEE

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

主席

1 **黃繼兒先生**
香港個人資料私隱專員

成員

2 **孔慶全先生**
紹邦企業有限公司董事

3 **孫淑貞女士**
香港中華煤氣有限公司資訊科技總監

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

5 **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

6 **楊長華女士**
微軟香港有限公司法務及公司事務部總監

7 **鍾郝儀女士**
驪住株式會社企業策略（亞洲）董事總經理

8 **羅燦先生**
香港數碼廣播有限公司行政總裁

9 **羅淑佩女士, JP**
政制及內地事務局副秘書長

10 **譚嫻貞女士**
政制及內地事務局首席助理秘書長

CHAIRMAN

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

MEMBERS

2 **Mr Billy Hing-chuen HUNG**
Director, Shiu Pong Enterprises Ltd

3 **Ms Susanna Shuk-ching SHEN**
Head, Information Technology,
The Hong Kong and China Gas Co Ltd

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

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

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

7 **Ms Cordelia CHUNG**
Managing Director, Corporate Strategy, Asia, LIXIL Corporation

8 **Mr Stephen Chan LOH**
Chief Executive Officer,
Digital Broadcasting Corporation Hong Kong Limited

9 **Ms Rosanna Shuk-pui LAW, JP**
Deputy Secretary for Constitutional and Mainland Affairs

10 **Miss Phidias TAM**
Principal Assistant Secretary for Constitutional and Mainland Affairs

科技發展常務委員會

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

STANDING COMMITTEE ON TECHNOLOGICAL DEVELOPMENTS

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

聯合主席

1 **黃繼兒先生**
香港個人資料私隱專員

2 **黃錦卿女士**
香港個人資料私隱副專員

成員

3 **白景崇教授**
香港大學社會科學研究中心總監

4 **鄒錦沛博士**
香港大學計算機科學系副教授

5 **譚偉豪博士, JP**
權智有限公司主席

6 **楊月波教授**
香港浸會大學計算機科學系特邀教授

7 **栢雅盛先生**
霍金路偉律師行合伙人

CO-CHAIRPERSONS

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

2 **Ms Fanny WONG**
Deputy Privacy Commissioner for Personal Data, Hong Kong

MEMBERS

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

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

5 **Dr Samson Wai-ho TAM, JP**
Chairman of Group Sense Ltd.

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

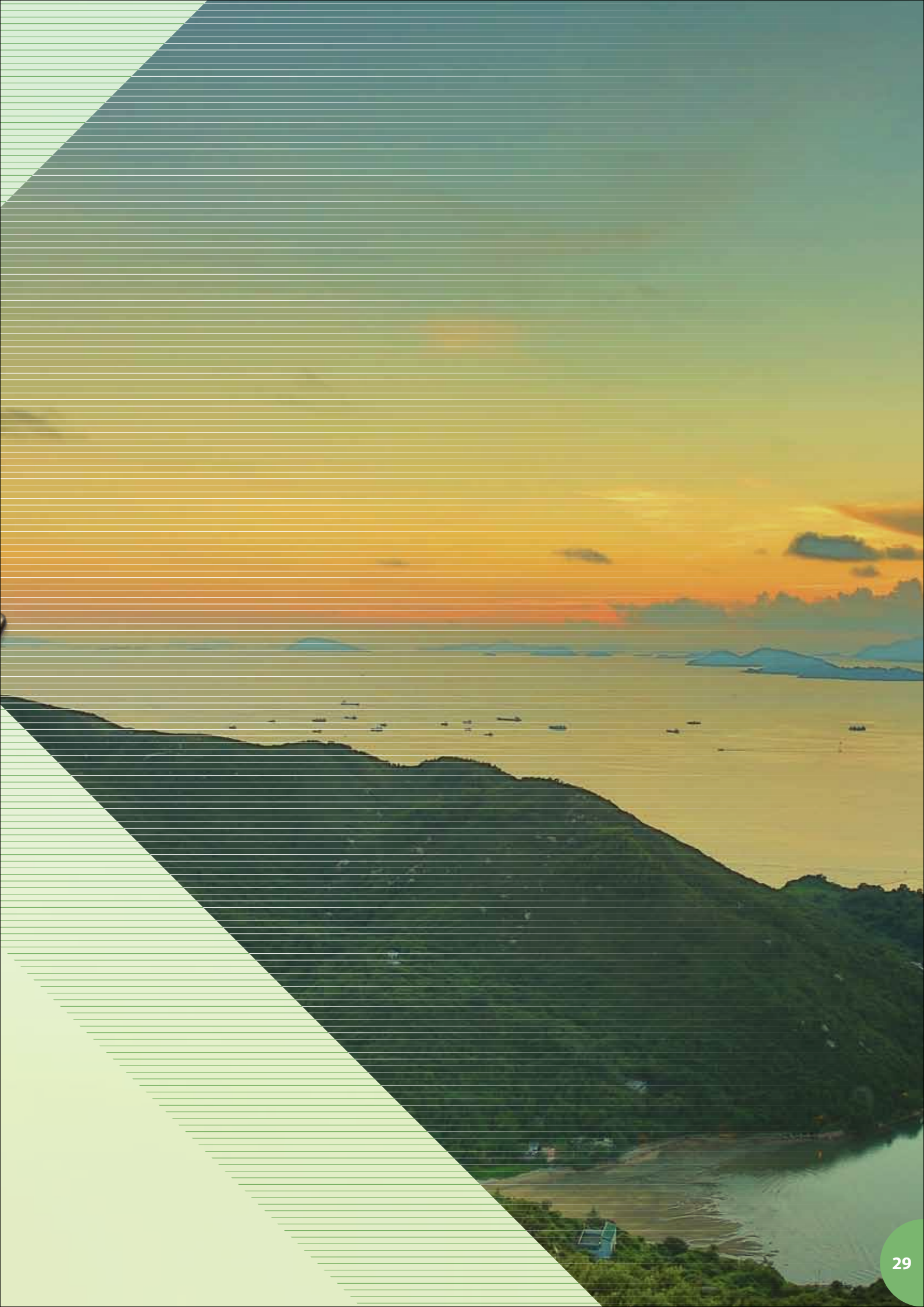
7 **Mr Mark PARSONS**
Partner, Hogan Lovells

Monitoring Compliance Embracing Challenges

監督符規 擁抱挑戰

合規部監察和推動資料使用者要循規以符合條例的規定。隨著資訊科技急速發展而衍生的私隱風險，我們鼓勵和支援機構採取所有方法和手段，以保障個人資料，並尊重消費者的個人資料私隱。

The Compliance Division monitors and promotes compliance with the provisions of the Ordinance. In view of the privacy risks brought about by the rapid advances in information and communication technology, we encourage and facilitate organisations to apply all means to ensure personal data protection and respect consumers' personal data privacy.



私隱抽查行動2016——物聯網裝置

於2016年5月，私隱專員聯同全球其他24個私隱執法機關進行了私隱抽查行動。有關行動由「全球私隱執法機關網絡」(Global Privacy Enforcement Network)負責組織協調。本年的抽查目標為物聯網裝置，物聯網是指不同物件透過安裝電子感應器及軟件，令該些物件彼此能通過互聯網互相交換資料，目的是了解它們在私隱方面與用戶溝通的足夠程度。本年被抽查的物聯網裝置合共314個。

本地及全球的抽查結果均顯示物聯網裝置的製造商與用戶在私隱方面的溝通做得不太理想。

全球抽查結果

2016年的抽查行動顯示，大部份製造商均沒有向用戶披露物聯網裝置確實會收集哪些個人資料，以及所收集得的資料會被如何處置。以下是綜合25個私隱執法機關在本次抽查行動中的一些重要結果：

- 59%的製造商沒有向用戶充份解釋他們的個人資料會被如何收集、使用及披露；
- 68%的製造商沒有適當地向用戶說明個人資料會如何儲存；
- 49%的製造商沒有向用戶說明採取了甚麼保安措施以防止個人資料被未獲授權地讀取或處理；
- 72%的製造商沒有向用戶提供清晰指引以刪除在裝置或相關流動應用程式上的個人資料；及
- 38%的製造商沒有向用戶提供聯絡資料，以供他們查詢與私隱相關的事宜。

PRIVACY SWEEP 2016 - STUDY OF INTERNET OF THINGS (IOT) DEVICES

In May 2016, the Commissioner joined forces with 24 other privacy enforcement authorities around the globe to conduct the Privacy Sweep exercise coordinated by the Global Privacy Enforcement Network (GPEN). The targets of this year's Privacy Sweep were IoT devices. IoT is the network of physical objects embedded with electronic sensors and software that enables the physical objects to exchange data with one another via the Internet. The purpose was to examine the adequacy of privacy protection in the communications through the devices. A total of 314 IoT devices were examined by the privacy enforcement authorities.

Both the local and the global results of the Privacy Sweep showed that the privacy communications undertaken by the manufacturers of IoT devices to end users was generally unsatisfactory.

Global findings

The Privacy Sweep 2016 revealed that the majority of manufacturers did not provide sufficient information to their customers about the exact personal data collected by the devices and how the collected data would be processed. Below are some of the significant findings of the Privacy Sweep by the 25 privacy enforcement authorities engaged in the Privacy Sweep 2016:

- 59% of the manufacturers failed to adequately explain to users how their personal data would be collected, used and disclosed;
- 68% of the manufacturers failed to properly explain to users how their personal data would be stored;
- 49% of the manufacturers failed to inform users about how their personal data would be safeguarded against unauthorised access or processing;
- 72% of the manufacturers did not provide clear instructions to users on how to delete their personal data from the devices or the related mobile apps; and
- 38% of the manufacturers failed to provide easily identifiable contact details should the users have any privacy concerns.

本地抽查結果

在香港，公署抽查的五款本地生產的物聯網裝置，均為智能健身腕帶。智能健身腕帶是用戶配戴在手腕的電子感應器，用來追蹤及監察用戶的日常活動及生理狀況指標（例如步行距離、消耗的卡路里及心跳率）。其他私隱執法機關所抽查的物聯網裝置包括智能讀數錶、聯網玩具及聯網汽車。物聯網裝置通常都需要連同支援的流動應用程式一起使用。

抽查行動顯示超過一半的物聯網裝置都沒有在私隱政策中向用戶充份解釋如何收集和使用個人資料。下表列出抽查的主要結果，並將香港的抽查結果與全球的抽查結果作比對。

Local findings

In Hong Kong, the PCPD examined five locally manufactured IoT devices, i.e. fitness bands, during the Privacy Sweep 2016. A fitness band is an electronic sensor worn on the wrist of a user for tracking his daily activities and physiological signals, e.g., distance walked, calories burnt, and heart rate. The IoT devices examined by other privacy enforcement authorities included smart meters, connected toys, and connected cars. Very often, these IoT devices were used in conjunction with supporting mobile applications (apps).

The Privacy Sweep revealed that more than half of the IoT devices did not provide users with privacy policies that adequately explained collection and use of personal data. The table below summarises the major findings of the Privacy Sweep and compares the Hong Kong results with the global results.

	香港（五個智能健身腕帶） Hong Kong (five fitness bands)	全球（314個物聯網裝置） Global (314 IoT devices)
在私隱政策中充份解釋個人資料的收集和使用情況 Providing sufficient explanation on the collection and use of personal data in privacy policy	2 (40%)	41%
通知用戶個人資料在哪裡及以甚麼方式儲存 Informing users where and how to store personal data	0 (0%)	32%
承諾採取保安措施保障個人資料 Committed to protect the personal data collected from users	1 (20%)	51%
充份說明如何刪除個人資料 Providing sufficient instructions on deletion of personal data	1 (20%)	28%
提供聯絡資料以供用戶查詢與私隱相關的事宜 Providing contact information for privacy-related enquiries	2 (40%)	62%

觀察及建議

物聯網裝置可以收集很多私密的個人資料，例如身處位置及健康狀況。這些私密的個人資料會經互聯網傳送，甚至可能會分享予其他人士。由於物聯網裝置的內在私隱風險高，製造商應向用戶提供足夠資料，讓用戶衡量使用物聯網裝置的私隱風險。製造商亦應該在裝置上採用私隱友善的設計，並採取足夠措施防止由裝置收集的個人資料被未獲授權地讀取或處理。

Observations and recommendations

IoT devices may collect a lot of our intimate information, such as our location data and health conditions, and these intimate information can be transmitted, and may even be shared through the Internet. The inherent privacy risks of IoT devices being high, it is crucial for manufacturers of IoT devices to provide sufficient information for users to evaluate the privacy risks. The manufacturers should also adopt privacy-friendly designs in the devices, and take sufficient steps to safeguard personal data collected by the devices against unauthorised access and processing.

為加強處理個人資料的透明度及保安，公署建議智能健身腕帶及其他物聯網裝置的生產商應：

- 以簡單語言向用戶提供私隱政策，及協助用戶輕易地在私隱政策中找出重要資料（例如把私隱政策分為不同部分及在每個部分加上標題）；
- 清楚列明收集的個人資料的類別、收集目的、個人資料的潛在承轉人，以及為保障資料而採取的保安措施；
- 採取「貫徹私隱的設計」的做法，例如：減少資料的收集；在傳輸及儲存個人資料時採取足夠的保安措施；及為裝置及其流動程式採取私隱侵犯程度最低的預設設定；
- 若支援的流動應用程式會讀取智能手機內的資料，而這些資料（例如位置及聯絡人清單）與裝置的主要用途並非直接有關，則應容許用戶拒絕提供；
- 提供清晰的指示，讓用戶刪除他們在裝置、智能電話及遠端儲存媒體（例如生產商的後端伺服器，及（如合適）與運動有關的社交網絡）內的個人資料；
- 提供聯絡資料（例如聯絡人、電話號碼、電郵地址及辦公地址）讓用戶查詢有關私隱事宜，及向用戶提供適時回應以解決他們的私隱關注。

To enhance the transparency and safeguards in handling personal data, the PCPD recommends that manufacturers of the fitness bands and other IoT devices should:

- provide privacy policy in simple language to users, and help users locate important information in the privacy policy easily (e.g., by dividing privacy policy into different sections and adding headings to each section);
- clearly state the types of personal data to be collected, the purposes of collection, the would-be transferees of the personal data, and the security measures adopted for protecting the data;
- adopt "Privacy by Design" by, for example, minimising data collection, incorporating sufficient security safeguards for personal data in transmission and in storage, and adopting the least privacy intrusive settings as default on the devices and the mobile apps;
- offer opt-out choice to users if the supporting mobile apps would access data in smartphones that is not directly relevant to the main purpose of the device (e.g., location and contact list);
- provide clear instructions to users for erasing their personal data stored in the devices, smartphones and remote storage (e.g., the backend servers of the manufacturers and sports-related social networks where appropriate); and
- provide contact information (e.g., contact person, telephone number, email address, and office address) for users to pursue privacy-related matters, and respond promptly to users and address their privacy concerns.

智能健身腕帶及其他物聯網裝置的用戶亦有責任保障其個人資料私隱。公署建議用戶：

- 在購買前了解它對個人資料私隱的影響，以及裝置與其支援的流動應用程式收集的個人資料的類別及程度、所收集的個人資料擬用於的用途及現有的保安措施；
- 儘量使用假名進行帳戶登記；
- 為裝置設立專屬帳戶（例如專屬電郵帳戶），儘量避免把裝置的帳戶連結社交媒體帳戶；
- 檢測裝置及其流動程式的預設設定，儘量關閉不必要的功能（例如全球定位系統）；
- 自行設定高強度、複雜的密碼，切勿使用裝置的預設用戶名稱及密碼；
- 適時更新裝置的固件及流動程式，以提升保安程度；
- 在棄置或轉售物聯網裝置前，刪除內裏的資料。

Users of fitness bands and other IoT devices should also play a role in protecting their personal data privacy. The PCPD recommends that users should:

- carry out research on personal data privacy impact before purchase, ascertaining the types and extent of personal data to be collected by the devices and the supporting mobile apps, the intended use of the personal data collected, and the safeguards in place;
- use pseudonyms for account registration whenever possible;
- set up dedicated accounts (e.g., dedicated email accounts) for the devices, and avoid linking the device accounts with social media accounts whenever possible;
- review the default settings of the devices and the mobile apps, and turn off unnecessary functions (e.g., location data access) where possible;
- set strong and complex password by themselves, and never use default usernames and passwords provided by the devices;
- update device and mobile app software whenever possible to enhance security; and
- purge the data in the devices before disposal or resale.

循規審查及調查

當有足夠理由相信某機構的行事方式與條例規定（見附錄一）不相符時，私隱專員會展開循規審查。在完成循規審查或調查行動後，私隱專員會書面告知有關機構，指出與條例規定不符或不足之處並促請有關機構採取適當的補救措施糾正可能違規的情況和預防措施以防止類似情況再發生。

A. 循規審查

在報告年度內，私隱專員共進行了256次循規審查行動。78%的循規審查對象為私營機構，其餘22%則關乎公營機構，包括政府部門、法定機構、非政府機構及政府資助教育機構。

下文重點介紹在年內進行的部分循規審查行動。

(i) 民間全民投票活動涉及不公平收集個人資料及投票系統保安不足

香港第五屆行政長官選舉於2017年3月舉行。一個民間團體於選舉前一個月籌辦了一個民間「全民投票」活動。年滿18歲的香港居民可利用該團體提供的電子投票系統分別於「民間提名階段」及「民間全民投票階段」進行投票，以表達對其制定的行政長官候選人的支持或反對。在活動的兩個階段中，共約19,000及65,000名人士參與投票。

該投票系統利用一個名為Telegram的即時通訊程式處理投票過程，並收集了參與投票人士的香港身份證號碼、手提電話號碼，及其Telegram帳戶號碼。根據所獲得的資料，私隱專員認為，(i)該團體在活動中沒有清楚說明收集個人資料的目的和用途的合法理據，(ii)籌辦該活動的資料使用者／控制者（主辦者）的身份不清晰；及(iii)該投票系統去識別化技術的可靠性成疑。

COMPLIANCE CHECKS & INVESTIGATIONS

The Commissioner conducts compliance checks or investigations of practices that he has sufficient grounds to take the view that they may be inconsistent with the requirements under the Ordinance (see Appendix 1). Upon completion of a compliance check or investigation, whether on receipt of reports or at his own initiative, the Commissioner alerts an organisation in writing, pointing out the apparent inconsistency or deficiency, and advising the organisation, if necessary, to take remedial actions to correct any breaches and prevent further breaches.

A. COMPLIANCE CHECKS

During the report year, the Commissioner carried out 256 compliance checks. Of these, 78% were conducted on private sector organisations, while the remaining 22% were on government departments and statutory bodies, non-government organisations, and government-funded educational institutions.

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

(i) Unfair collection of personal data and security of a voting system deployed in a civil referendum activity

The Fifth Term Chief Executive Election of Hong Kong was held on 26 March 2017. One month prior to the election, a civilian group organised a "civil referendum" activity in which any Hong Kong citizens aged 18 or above could cast their votes for or against a list of Chief Executive candidates prepared by the group in both the "nomination stage" and the "civil referendum stage" through a voting system operated by the group. About 19,000 and 65,000 participants cast their votes in the two stages.

The voting system used an instant communication application called Telegram for the voting process, which collected participants' Hong Kong Identity Card numbers, mobile phone numbers and Telegram IDs. Based on the information obtained, the Commissioner took the view that (i) there was no explanation on the purposes and lawful basis of personal data collection; (ii) the identity of the data users / controllers (organisers) was unclear; and (iii) the reliability of the de-identification technology adopted in the voting system was questionable.

2017年2月8日，公署對該團體展開循規審查，並要求該團體立即停止該活動及停用所涉的Telegram通訊程式。

應公署的要求，該團體採取了補救措施以增加該「全民投票」活動的透明度及增強問責性。該團體同時亦停用了原有的投票系統，並以新資料保安措施取代。在活動結束後，該團體向公署提供了一份由獨立專業人士發出的證書證明所收集的個人資料已被銷毀。

On 8 February 2017, the PCPD commenced a compliance check against the group, calling for the immediate suspension of the activity and the "Telegram" communication application.

In response to the PCPD's request, the group took remedial actions to enhance the transparency and accountability of the "civil referendum" activity. It also suspended the voting system and replaced it with new data security measures. After completion of the activity, the group provided the PCPD with an independent certification of the erasure of personal data.

(ii) 載有11,000名未經加密的病人資料的資訊科技系統遭入侵

一個政府部門向公署通報，表示其資訊科技系統遭入侵。遭入侵的伺服器載有超過11,000個未經加密的臨時檔案，當中載有病人的個人資料包括：姓名、香港身份證號碼、性別、病歷記錄及評估資料。在發現事件後，該部門立即停用該伺服器，並在其後的調查中發現只有少於4%的臨時檔案可能被黑客存取或下載。

根據該部門的調查，有關的臨時檔案是由一個程式設計介面所產生。由於程式故障，該些檔案在使用完成後卻沒有被立即銷毀。雖然該部門早於數個月前已得悉有關的程式故障，並已進行了第一批的檔案銷毀行動，但餘下的該些檔案仍可遭入侵。

在內部調查過程中，該部門找出了系統的保安漏洞並進行修復。同時，該部門在恢復使用其資訊科技系統前，對此進行了全面性的保安風險評估及私隱影響評估，並建議和制定了以下的長期措施以防止日後再發生類似事件：

- 為增強系統的保安，於一年內轉移其資訊科技系統至政府資訊科技總監辦公室提供的「電子政府基建服務」平台；
- 爭取使用資訊科技顧問服務，以增強其系統保安及監察；及
- 爭取資源強化內部資訊科技支援隊伍，以減少對外判商的依賴。

(ii) IT system containing over 11,000 unencrypted patients' records being hacked

A government department reported to the PCPD that its IT system had been hacked. The intruded server contained over 11,000 unencrypted temporary files, which included patients' personal data like their names, Hong Kong Identity Card numbers, gender, clinical histories and assessments. The department suspended the server immediately, and its subsequent investigation revealed that less than 4% of the temporary files might have been accessed or downloaded by the hacker.

The department's investigation also revealed that the temporary files were generated by an Application Programming Interface which was not deleted immediately after use, owing to a programming bug. Although the programming bug had already come to the department's knowledge several months before and the department had since conducted the first batch deletion, the remaining files were still susceptible to hacking.

The department identified the security vulnerability during the investigation and subsequently rectified the programming bug. It also conducted a comprehensive security risk assessment and privacy impact assessment before the resumption of its IT system. The following long-term measures were recommended and devised to prevent recurrence of similar incidents:

- Migrate the IT system to the e-Government Infrastructure Service provided by the Office of the Government Chief Information Officer in one year with a view to enhancing system security;
- Acquire an IT security consultancy service to enhance system security and monitoring; and
- Acquire resources to strengthen the in-house support team and minimise the reliance on its contractors.

B. 主動調查

(i) 遺失載有選委及選民個人資料的手提電腦

在2017年行政長官選舉翌日(即2017年3月27日),有關部門(處方)發現在2017年行政長官選舉的後備場地亞洲國際博覽館遺失了兩部手提電腦:第一部手提電腦載有約1,200名選舉委員會委員(選委)的姓名;第二部手提電腦則載有約378萬名包括選委的地方選區選民(選民)的姓名、身份證號碼、其所屬選區和界別及地址。

由於該些手提電腦載有的個人資料數量龐大並引起社會廣泛關注,私隱專員就事件展開調查[1]。

調查結果

為確保調查的準確性、縝密性及秉持一貫公平執法的原則,公署除多次向處方蒐集詳細事實資料外,亦徵詢電腦保安事故協調中心和香港警務處網絡安全及科技罪案調查科的專家、以及海外保障資料機構(包括美國聯邦貿易委員會、Israeli Law, Information and Technology Authority(ILITA)、加拿大私隱專員公署、新西蘭私隱專員公署及英國資訊專員辦公室、澳洲私隱專員公署)的類似經驗,反覆求證和深入討論所涉的事實和法律觀點。

公署的調查顯示處方(i)沒有充分檢視和評估在行政長官選舉中應否繼續使用和備存於便攜式儲存裝置(包括手提電腦)內全體選民資料的必要和私隱風險;(ii)沒有列明便攜式儲存裝置(包括手提電腦)儲存選民個人資料的清晰政策及內部指引;(iii)沒有向所有職員提供在行政長官選舉中保障選民資料的詳

[1] 調查報告於2017年6月12日發表。私隱專員亦出席了2017年6月19日舉行的立法會政制事務委員會會議。

B. PCPD INITIATED INVESTIGATIONS

(i) Loss of Notebook Computers containing Personal Data of Election Committee Members and Electors

On the day following the 2017 Chief Executive Election (namely 27 March 2017), the office concerned (office) found the loss of two notebook computers kept in Asia World-Expo, the fallback venue of the 2017 Chief Executive Election. The first notebook computer contained the names of about 1,200 Election Committee members, and the second notebook computer contained the names, Hong Kong Identity Card numbers, the constituencies in which they were registered, and the addresses of about 3.78 million Geographical Constituencies Electors, including Election Committee members.

In light of the voluminous personal data involved and the wide attention of the community, the Commissioner initiated an investigation[1].

Result of Investigation

To ensure the accuracy and thoroughness of the investigation and impartial enforcement of the law, PCPD collected detailed factual information from the office, and sought advice of experts from Hong Kong Computer Emergency Response Team Coordination Centre, Cyber Security and Technology Crime Bureau of Hong Kong Police Force, and the overseas data protection authorities (including Federal Trade Commission, the Israeli Law, Information and Technology Authority (ILITA), the Office of the Privacy Commissioner of Canada, the Office of the Privacy Commissioner of New Zealand, the Information Commissioner's Office in the United Kingdom, and the Office of the Australian Information Commissioner) for verifying and examining the factual and legal issues involved.

The investigation revealed that the office (i) did not fully review and evaluate the necessity and privacy risk of continuing to use and store all Electors' data in portable storage devices (including notebook computers) for the Chief Executive Election; (ii) did not set out clear policies or internal guidelines regarding the storage of Electors' personal data in portable storage devices (including notebook computers); (iii) did not provide all staff with detailed guidelines to protect Electors' personal data

[1] The investigation report was published on 12 June 2017. The Commissioner also attended the meeting of the Panel on Mainland Affairs of the Legislative Council held on 19 June 2017.

細指引；(iv)容許職員共用啓動已經加密的選民資料查詢系統的密碼和粗疏處理密碼；以及(v)後備場地的實體保安安排有欠周詳。

for the Chief Executive Elections; (iv) allowed staff to share passwords for activating the encrypted Voter Information Enquiry System and handle passwords without extreme care; and (v) had deficiencies in its physical security measures at the fallback venue.

第一部手提電腦

第一部手提電腦只載有選委的姓名，而有關資料已刊登在可供公眾查閱的選舉委員會正式委員登記冊內，公眾亦可在網上閱覽，屬公開資料，加上姓名本身不屬敏感的個人資料，私隱專員認為即使遺失第一部手提電腦而令選委的姓名外洩，為選委造成損害的機會不大。

此外，由於選委可於行政長官選舉中投票，私隱專員認為處方將選委姓名下載於第一部手提電腦以記錄補發選委名牌的做法可以接受。而在有關情況下，處方就載有個人資料（選委的姓名）的第一部手提電腦所採取的保安措施（包括以密碼保護資料及將有關電腦存放在已上鎖的房間內）尚屬足夠。私隱專員因而裁定處方沒有因遺失第一部手提電腦而違反保障資料第4(1)項「資料保安」原則。

The First Notebook Computer

The first notebook computer contained the names of Election Committee members only. Such information was available to the public in the Election Committee Final Register, and could also be viewed online. As an Election Committee member's name was public data, and given that a name in itself is not considered sensitive personal data, the Commissioner took the view that even if the names of Election Committee members were leaked as a result of the loss of the first notebook computer, harm would unlikely be done to the Election Committee members.

Moreover, as the Election Committee members could vote at the Chief Executive Election, the Commissioner considered it acceptable for the office to download the names of the Election Committee members to the first notebook computer for the purpose of recording re-issuance of name badges. The security measures (including using passwords to protect the data and storing the computer concerned in a locked room) taken by the office to protect the personal data (Election Committee members' names) stored in the first notebook computer were also considered adequate in the circumstances. Therefore, the Commissioner concluded that the office did not contravene DPP 4(1) (Data Security Principle) for the loss of the first notebook computer.

第二部手提電腦

第二部手提電腦除儲存可供公眾於正式選民登記冊查閱的全體選民姓名、地址外，還載有不作公開查閱兼屬敏感個人資料的選民身份證號碼。考慮過所有有關事實、情況和專家意見後，私隱專員認為有關第二部手提電腦遺失個案的案情獨特，亦沒有先例可援。雖然所涉及選民的個人資料已經過多重加密儲存，資料外洩風險低，但處方應可避免遺失載有全體選民個人資料的第二部手提電腦，因而引起的關注可以理解。

The Second Notebook Computer

The second notebook computer however contained, in addition to the name and address available to the public in the Final Register of Electors, the Hong Kong Identity Card numbers of all Electors, which are considered sensitive personal data and not accessible by members of the public. After considering all the facts and circumstances of the case and experts' opinions, the Commissioner found that the circumstances relating to the loss of the second notebook computer are unique and unprecedented. Although the personal data of the Electors involved had already undergone multiple layers of encryption and the chance of leakage was low, the loss of the second notebook computer containing the personal data of all Electors could have been avoided. Hence, the privacy concerns arising therefrom were understandable.

私隱專員認為，處方在檢視及審批使用載有選民的非公開並屬敏感的個人資料的查詢系統一事非常粗疏，蕭規曹隨，只顧依從過往做法，卻沒有適時按情況檢視或更新，從而制訂一套完善的制度。為了提供所聲稱的服務而備存全體選民的個人資料所帶來的效益與引申的風險亦不合符比例。所採取的保安措施與資料的敏感程度和資料洩漏可能引致的損害，平衡失據。調查結果顯示處方對個人資料私隱保障認知、警覺性和內部溝通不足，應用和實施各項指引的規例欠缺清晰或沒有依從，未能滿足大眾的期望，沒有按實際情況和需要採取所有合理地切實可行的步驟，確保選民的個人資料受保障而不受意外的喪失所影響，因而違反條例下的保障資料第4(1)原則。

The Commissioner was of the view that the assessment and approval of the use of the enquiry system containing the Electors' data, which included personal data not being open to the public and sensitive, was especially not well thought out or adaptive to the circumstances of the case. The office simply followed past practices and failed to review, update or appraise the existing mechanism in a timely manner and in light of the circumstances. The claimed effectiveness of the need for storing personal data of all Electors was not proportional to the associated risks. The security measures adopted by the office were not proportional to the degree of sensitivity of the data and the harm that might result from a data security incident either. The result of the investigation showed that the office lacked the requisite awareness and vigilance expected of it in protecting personal data, rules of application and implementation of various guidelines were not clearly set out or followed, internal communication was less than effective, and hence failed to take all reasonably practicable steps in consideration of the actual circumstances and needs to ensure that the Electors' personal data was protected from accidental loss, thereby contravened Data Protection Principle (DPP) 4(1) under the Ordinance.

執行通知及建議

Enforcement Notice and Recommendations

私隱專員向處方送達執行通知，指令處方(i)禁止為行政長官選舉活動下載或使用地方選區選民的個人資料(姓名及地址除外)以作查詢之用並就此項指令定期向有關職員發出通告；(ii)制定有關選舉活動中就處理個人資料的內部指引，當中須包括技術和實體保安措施及使用手提電腦或其他便攜式儲存裝置的行政措施；以及(iii)實施確保職員遵從這些內部指引的措施。

The Commissioner served an Enforcement Notice on the office directing it to (i) prohibit the download or use of Geographical Constituencies Electors' personal data (except their names and addresses) for the purpose of handling enquiries in Chief Executive Elections and issue notice on this to the relevant staff members on a regular basis; (ii) set internal guidelines for the processing of personal data in all election-related activities (including technical and physical security measures, and administrative measures on the use of notebook computers and other portable storage devices); and (iii) implement effective measures to ensure staff members' compliance with the above policies and guidelines.

此外，私隱專員亦建議處方須確保在選舉中只採用「需要」的個人資料；嚴格審批及監察所有載有選民個人資料的系統的下載或複製；使用便攜式儲存裝置儲存選民個人資料時採取有效的技術保安措施；制訂、有系統地檢視及更新個人資料保安政策；適時進行私隱影響評估以及由上而下切實推行私隱管理系統，以重建選民的信心。

The Commissioner also recommended that the office should use only "necessary" personal data in different elections; strictly review, approve, and monitor the download and copying of systems containing Electors' personal data; adopt effective technical security measures when storing Electors' personal data; formulate, systematically review, and update personal data security policy; conduct Privacy Impact Assessment in a timely fashion; and adopt the Privacy Management Programme as a top-down organisational imperative to regain the confidence and trust of the Electors.

(ii) 一間玩具製造商遭網絡攻擊引致6.6百萬兒童資料外洩

一間玩具製造商的客戶數據庫及伺服器遭黑客入侵，外洩全球約5百萬名家長和6.6百萬名相關兒童的個人資料，包括家長的姓名、電郵地址、郵寄地址、IP地址、密碼、用以獲取密碼的秘密提示問題與答案和下載記錄；兒童的姓名、性別和完整出生日期；以及聊天和語音訊息、照片和布告板內容。

由於事件牽涉的人數眾多，且涉及兒童，加上該公司的總部設於香港，私隱專員就事件主動展開調查，以確定該公司有否違反保障資料第4(1)原則（即保安原則）和第1(1)原則（即收集資料原則）。公署按國際間私隱執法機構一貫的合作安排，與其他地區的私隱機關互相通報調查進度。

調查結果

調查發現事件不涉及香港客戶。在資料保安方面，調查顯示受黑客攻擊的系統欠缺最新的保安措施，反映該公司的資訊系統保安政策及指引並不追溯至舊系統。此外，該公司沒有監察資訊系統安全政策及指引的落實情況、定期檢視以及因應最新科技發展更新相關政策及指引。該公司亦沒有採取一些基本的保安措施，包括採取防止SQL插入攻擊的措施、安裝網上應用系統防火牆、及加密包括姓名、電郵地址、郵寄地址和出生日期等個人資料。

私隱專員因此認為該公司沒有採取所有合理地切實可行的步驟，確保個人資料受保障而不受未獲准許的查閱所影響，故此違反條例下的保障資料第4(1)原則。

在資料收集方面，私隱專員質疑為何該公司在登記兒童帳戶時須收集兒童完整的出生日期。該公司解釋若干遊戲的評分需要按兒童的年齡來計算。私隱專員認為該公司就遊戲評分這一目的而言，收集兒童的年齡或出生年份已足夠。故此，該公司因過度收集兒童的完整出生日期而違反保障資料第1(1)原則。

(ii) Cyberattack on a toy maker leaked personal data of 6.6 million children

The customer databases and servers of a toy maker were hacked, leading to the leak of the personal data of about 5 million parents and 6.6 million related children. The data included parents' names, email addresses, mailing addresses, IP addresses, passwords, secret questions and answers for retrieving the passwords, and download history; children's names, gender, and full dates of birth; and chat and voice messages, photos, and bulletin board postings.

As the incident involved a large number of data subjects including children and the company was based in Hong Kong, the Commissioner initiated an investigation into the incident to ascertain whether the company had contravened the data security principle and data collection principle. In accordance with the international practice and cooperation arrangement, PCPD kept privacy enforcement authorities in other jurisdictions informed of the investigation progress.

Findings

The investigation showed that no Hong Kong customers were involved in the incident. In respect of data security, the investigation revealed that the systems under attack were not protected by new security measures. The company's IT security policies and guidelines did not retroact upon systems that had existed before those policies and guidelines were introduced. Moreover, the company failed to monitor the implementation of its IT security policies and guidelines and did not regularly review and update them in light of the latest technology development. The company also did not take certain basic security measures, including countermeasures to prevent SQL injections, installing web application firewalls, and encrypting personal data such as names, email addresses, mailing addresses, and dates of birth, etc.

The Commissioner therefore determined that the company had contravened DPP 4(1) under the Ordinance for failing to take all reasonably practicable steps to ensure that the personal data was protected against unauthorised access.

Regarding data collection, the Commissioner questioned the need to collect children's full dates of birth for child account registrations. The company explained that it required the children's age for grading their performance in certain games. The Commissioner took the view that the company needed only the children's age or their years of birth for the purpose of grading, and therefore determined that the company had contravened DPP 1(1) (Data Collection Principle) by collecting excessively the dates and months of birth of the children.

補救措施

事件發生後，該公司採取了以下一系列的補救措施，包括：

- 加強防禦措施以免資料遭不獲授權的查閱，例如採取嚴謹的認證管控措施、定期進行網絡掃描等；
- 制定新的資料保安政策；
- 成立由集團主席為首的資料保安管治委員會，負責作出有關資料保安政策的決定、監督政策的實施和定期進行檢討；及
- 停止在登記帳戶時收集兒童的出生月份及日期。

私隱專員就該公司已採取補救措施糾正該些違反感到滿意，因此未有向該公司送達執行通知。考慮到事件可能對資料當事人尤其是兒童帶來深遠的負面影響，私隱專員已向該公司作出警告，如該公司日後在類似情況中沒有遵守條例的相關規定，私隱專員會採取執法行動。

Remedial actions

After the incident, the company took the following remedial actions:

- Enhanced its protective measures against unauthorised data access by administering strict authentication controls, conducting regular network scans, etc.;
- Promulgated a new Data Security Policy;
- Formed a Data Security Governance Board chaired by the Group Chairman to decide on matters concerning the Data Security Policy, oversee the Policy's implementation, and review it periodically; and
- Stopped collecting the children's dates and months of birth during account registration.

The Commissioner was satisfied that the company's contraventions had been remedied and therefore no enforcement notice was served to the company. Considering that the incident could have far-reaching adverse impact on the affected data subjects, the children in particular, the Commissioner warned the company that enforcement action against it would be considered should it fail to comply with the Ordinance in similar circumstances in future.

資料外洩通報

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

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

在報告年度內，公署接獲88宗資料外洩事故通報（37宗來自公營機構；51宗來自私營機構），牽涉3,859,338名人士的個人資料。公署對肇事機構展開循規審查行動。

DATA BREACH NOTIFICATIONS

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

Upon receipt of a DBN from a data user (which could be submitted through the designated DBN form or other means of communication), the PCPD would assess the information provided in the DBN and decide whether or not a compliance check is warranted. If a compliance check is to be conducted, the Commissioner would alert the data user in writing, pointing out the apparent deficiency and inviting him, where appropriate, to take remedial actions to prevent a recurrence of the incident.

During the report year, the PCPD received 88 DBNs (37 from the public sector and 51 from the private sector), affecting 3,859,338 individuals. The PCPD conducted a compliance check in each of these 88 incidents.

個人資料的核對程序

核對程序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專員的同意，不得進行核對程序。

在本年度，私隱專員共收到20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。

DATA MATCHING PROCEDURE

A matching procedure is a process by which personal data collected for one purpose is compared electronically with personal data collected for other purposes with 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 Commissioner's consent.

During the report year, the Commissioner received a total of 20 applications for approval to carry out matching procedures. All of the applications came from government departments and public-sector organisations.

以下是私隱專員核准進行個人資料核對程序的部分個案：

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

提出要求者 Requesting Party	核准的資料核對程序詳情 Details of the Approved Data Matching Procedures
市區重建局 Urban Renewal Authority	把市區重建局從資助出售房屋計劃成功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，以避免公共房屋資源遭到濫用。 Comparing the personal data collected by the Urban Renewal Authority from the successful applicants and listed family members of Subsidised Sale Flat Scheme with the personal data collected by the Hong Kong Housing Authority from the owners, tenants and applicants for subsidised housing, in order to prevent the abuse of public housing resources.
在職家庭及學生資助事務處 Working Family and Student Financial Assistance Agency	把在職家庭及學生資助事務處從葛量洪獎學基金申請人收集的個人資料，與社會福利署從綜合社會保障援助計劃受助人收集的個人資料互相比較，以確保正確運用葛量洪獎學基金。 Comparing the personal data collected by the Working Family and Student Financial Assistance Agency from the applicants of Grantham Maintenance Grants with the personal data collected by the Social Welfare Department from the beneficiaries of Comprehensive Social Security Assistance, in order to ensure proper spending of funds under Grantham Maintenance Grants.
社會福利署 Social Welfare Department	把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，與入境事務處收集的個人資料互相比較，以識別哪些受助人是否曾於付款年度內離開香港或廣東超過所寬限的日數。 Comparing the personal data collected by the Social Welfare Department from the beneficiaries of Comprehensive Social Security Assistance and Social Security Allowance with the personal data collected by the Immigration Department, in order to identify whether the beneficiaries whose temporary absence from Hong Kong or Guangdong in a payment year have exceeded the permissible limit.
香港房屋委員會 Hong Kong Housing Authority	把香港房屋委員會從綠表置居先導計劃及居者有其屋計劃申請人收集的個人資料，與其從各個資助房屋計劃中所收集的個人資料互相比較，以確定申請人的資格。 Comparing the personal data collected by Housing Authority from applicants of the Green Form Home Ownership Pilot Scheme and Home Ownership Scheme with the personal data collected in Housing Authority's various subsidised housing schemes, in order to assess the eligibility of the applicants.

Enforcing Data Protection

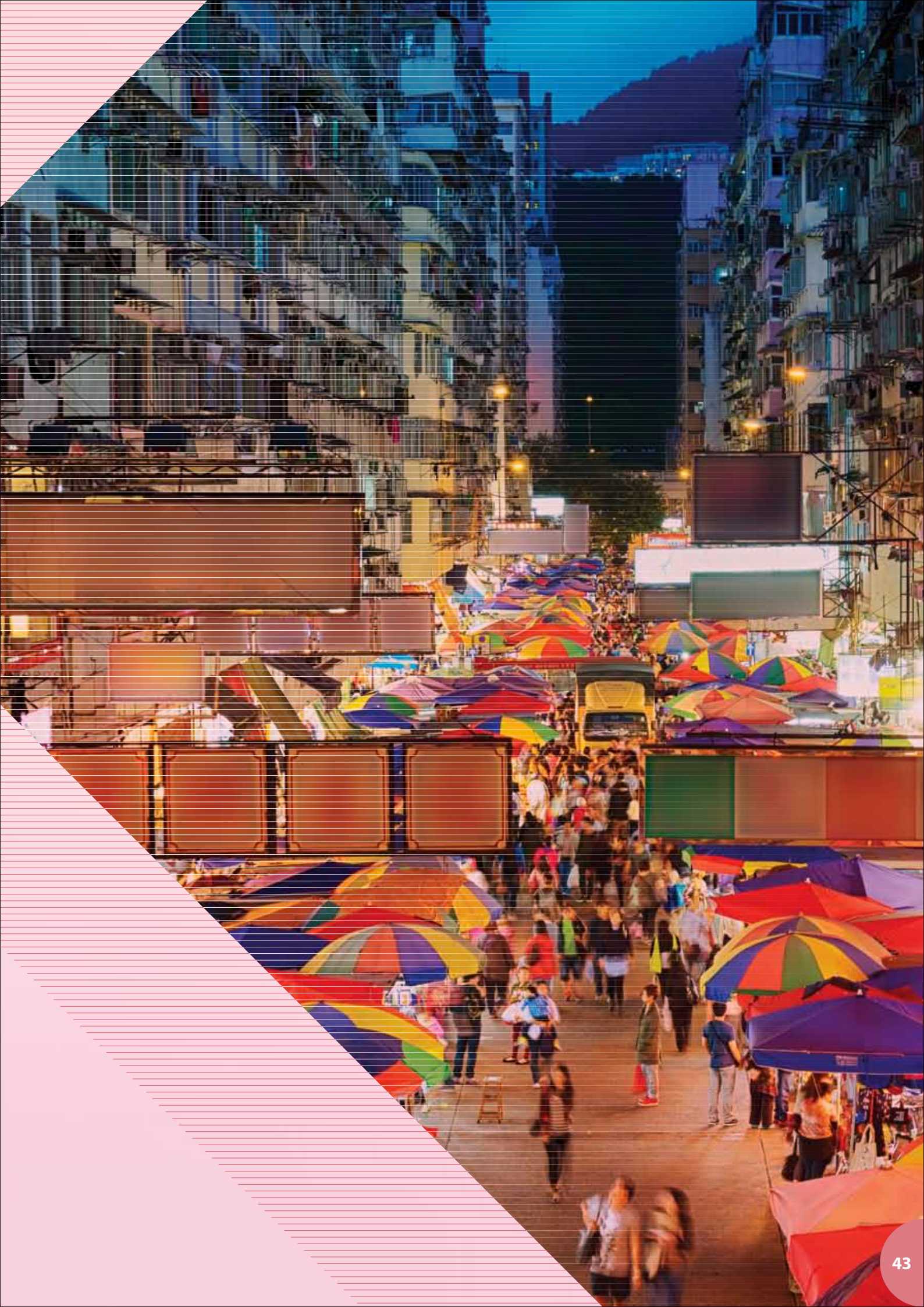
執法保障資料

調查不偏不倚

對於市民的投訴及查詢，投訴部和企業支援及查詢部會作出具效率、公平公正的調查及處理。若發現有顯著私隱風險的情況存在，我們更會主動作出調查。

Thorough and Impartial Investigations

The Complaints Division and the Corporate Support and Enquiries Division investigate and resolve complaints and enquiries effectively in a manner that is fair to all parties concerned, and proactively investigate areas where privacy risks are significant.



處理查詢

公署在2016至2017年的財政年度共接獲16,035宗[1]查詢個案，較2015至2016年的18,690宗下跌14.2%，平均每個工作天處理64宗查詢。最多人查詢的範疇依次為收集及使用個人資料（例如香港身份證號碼及副本，分別佔14%及13.9%）、涉及僱傭（9.7%）和直接促銷活動的個人資料使用（7.8%）。

其中與互聯網有關的查詢由2015至2016年財政年度的730項增加至1,016項，上升39.2%，主要涉及網絡起底、流動應用程式及網絡欺凌。大部分查詢（83.2%）經由公署的電話熱線（2827 2827）提出。

公署在2016至2017年的財政年度共回覆了179宗傳媒查詢，較2015至2016年的145宗上升23.4%。此外，公署透過舉辦推廣及教育活動，提升市民及企業重視個人資料保障的意識，市民及企業透過推廣及教育活動了解條例的相關規定。

HANDLING ENQUIRIES

In 2016-2017, the PCPD received a total of 16,035 enquiries[1], 14.2% less than the 18,690 enquiries received in 2015-2016. On average, 64 enquiries were handled per working day. They mainly related to the collection and use of personal data (e.g. Hong Kong Identity Card numbers and copies, 14% and 13.9% respectively), employment (9.7%), and use of personal data in direct marketing (7.8%).

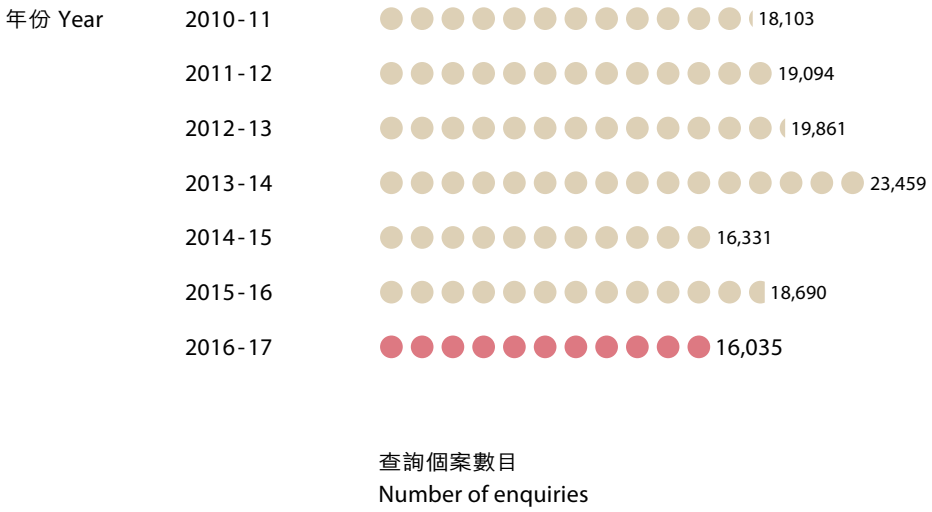
There was an increase of 39.2% in internet-related enquiries, from 730 cases in 2015-2016 to 1,016 cases in 2016-2017, mainly concerning cyber-profiling, mobile apps and cyber-bullying. The majority of the enquiries (83.2%) were made through the PCPD hotline (2827 2827).

Moreover, the PCPD responded to 179 media enquiries, an increase of 23.4% from 2015-2016's 145 media enquiries. The PCPD organised promotional and educational activities to cater for the needs of the individuals and organisations, and promoted the importance of personal data privacy protection.

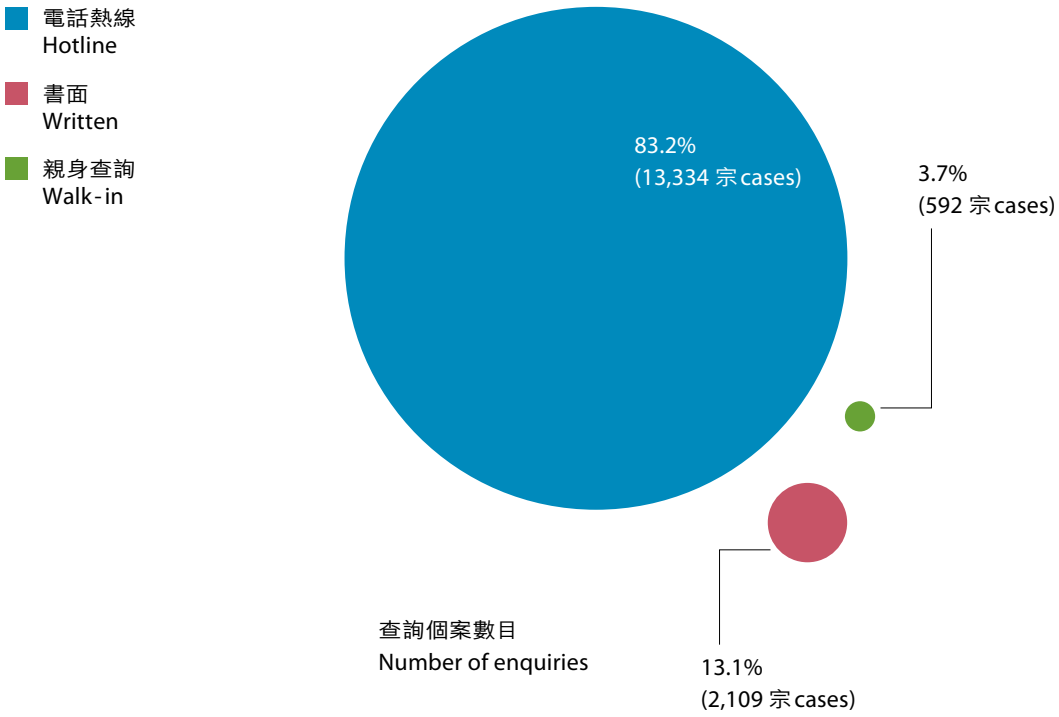
1 一宗查詢可能涉及多項性質。

1 An enquiry may cut across different categories.

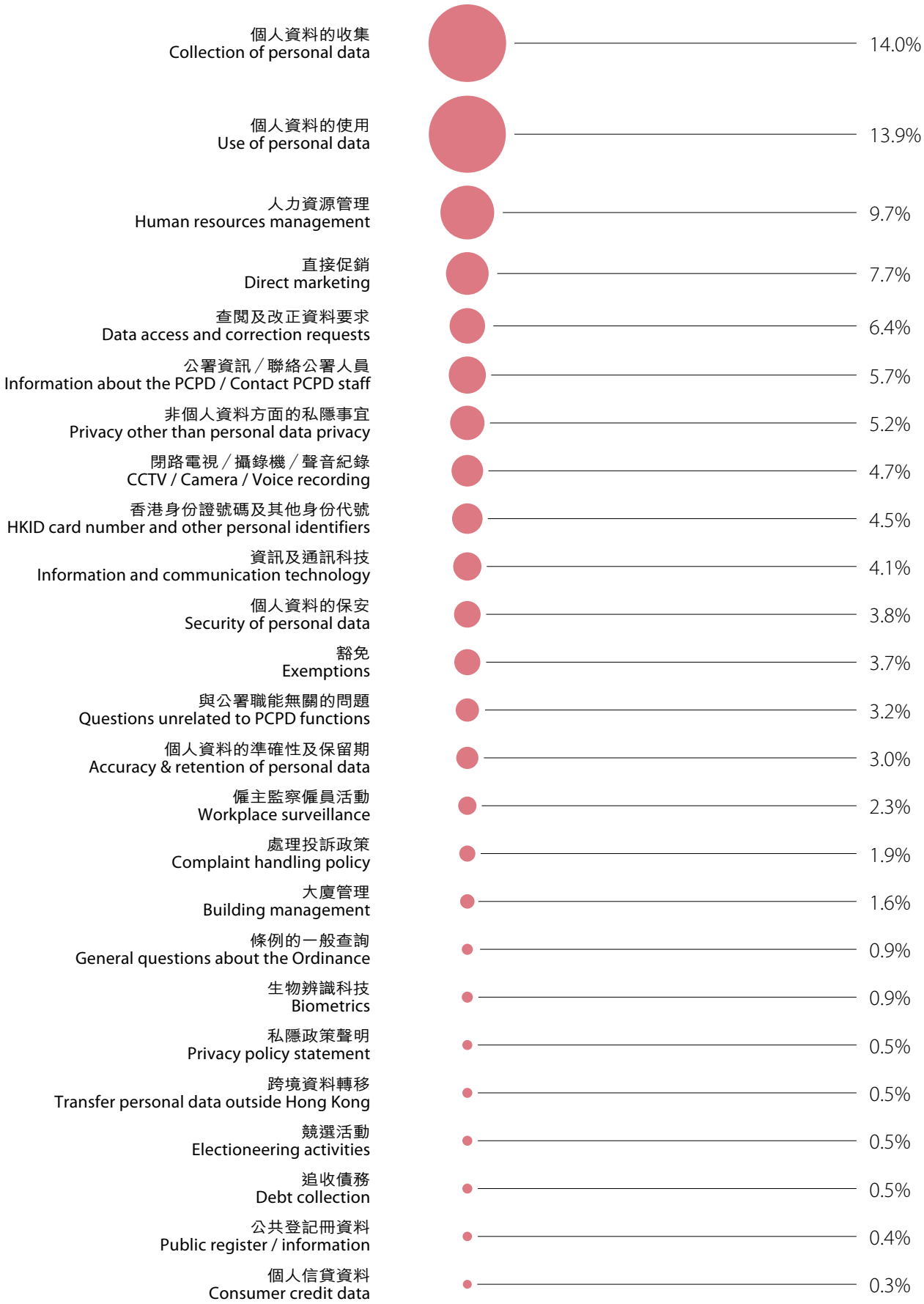
全年查詢個案
Annual enquiry caseload



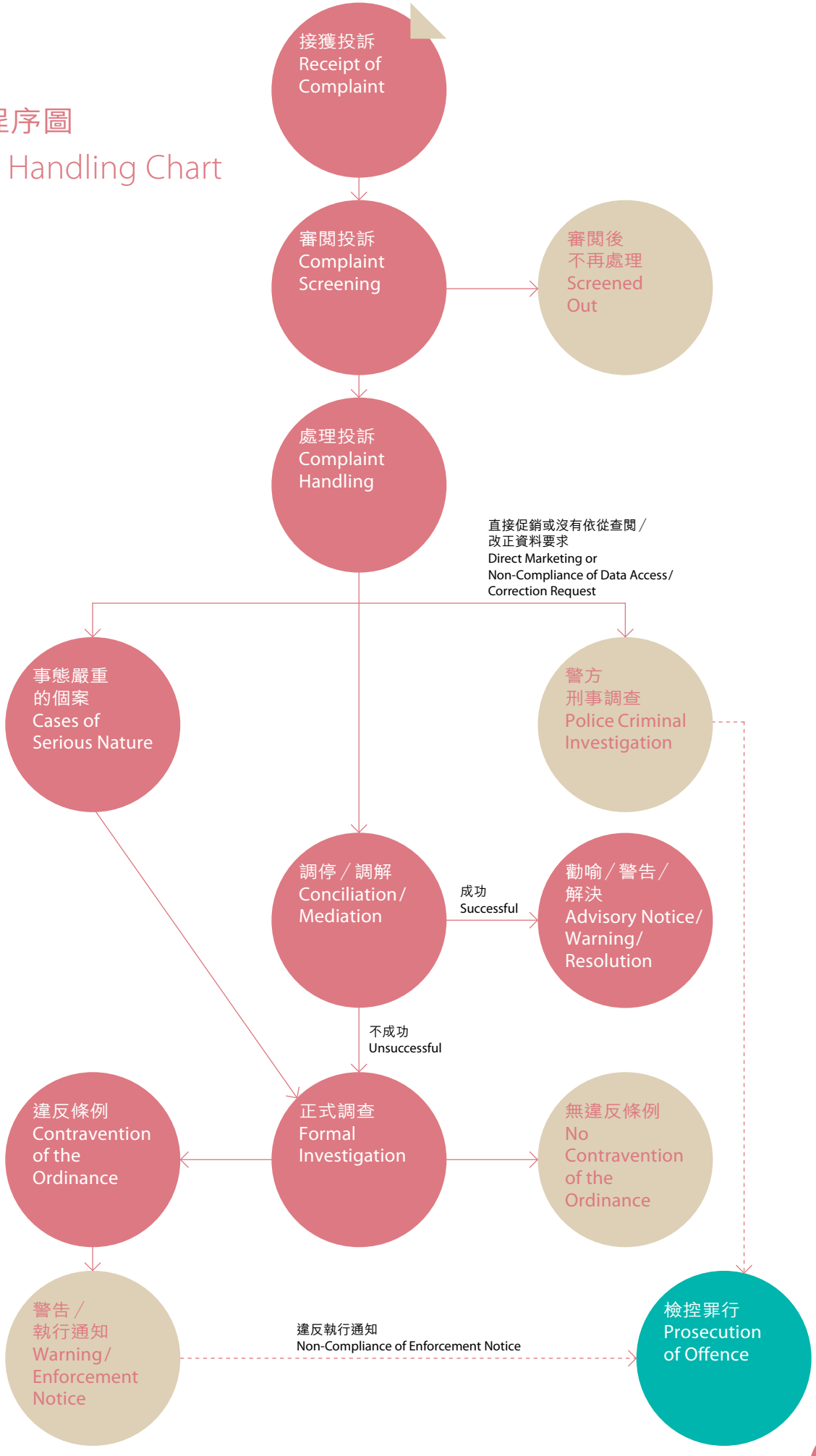
提出查詢的途徑
Means by which enquiries were made



查詢個案的性質
Nature of enquiry cases



處理投訴程序圖
Complaint Handling Chart



調查投訴

接獲有關個人資料私隱的投訴

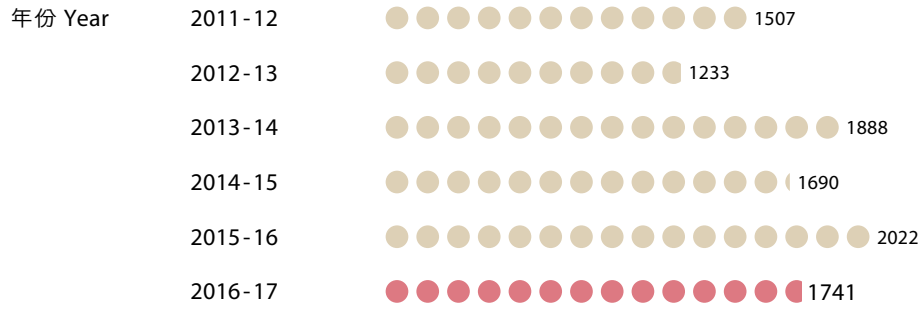
公署在2016至17年度共接獲1,741宗投訴個案，較上年度下跌了14%。

COMPLAINT INVESTIGATION

Data Privacy Complaints Received

A total of 1,741 complaint cases were received in 2016-17, a 14% decrease from last year.

投訴個案數字
Number of complaint cases received



投訴個案數目
Number of complaint cases

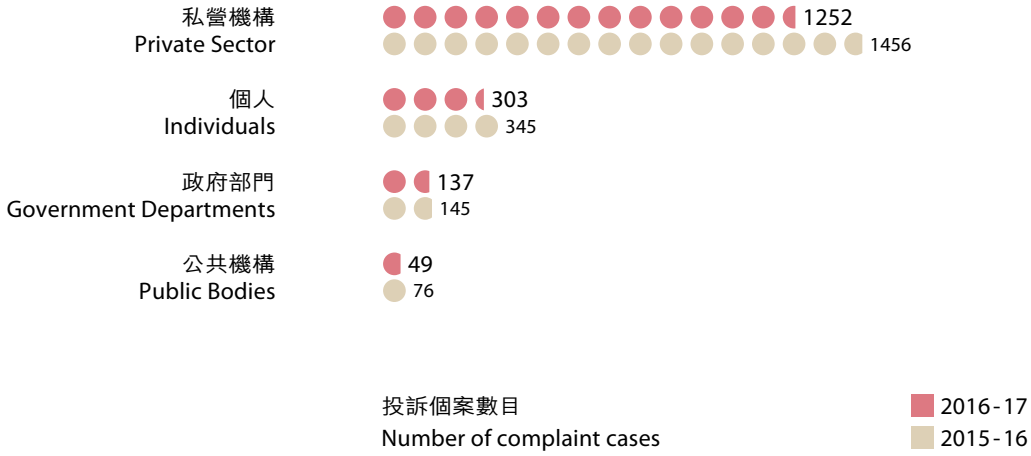
所接獲的1,741宗投訴個案包括：

- 72%（1,252宗）投訴私營機構；
- 17%（303宗）投訴個人；及
- 11%（186宗）投訴公營機構（即政府部門及公共機構）。

Of the 1,741 cases received :

- 72% (1,252 cases) were against private-sector organisations;
- 17% (303 cases) were against individuals; and
- 11% (186 cases) were against public-sector organisations (i.e. government departments and public bodies).

被投訴者類別
Types of parties complained against



投訴涉及私營機構的包括：

- 29%（360宗）投訴銀行及財務機構；
- 17%（217宗）投訴物業管理相關機構；及
- 6%（80宗）投訴電訊公司。

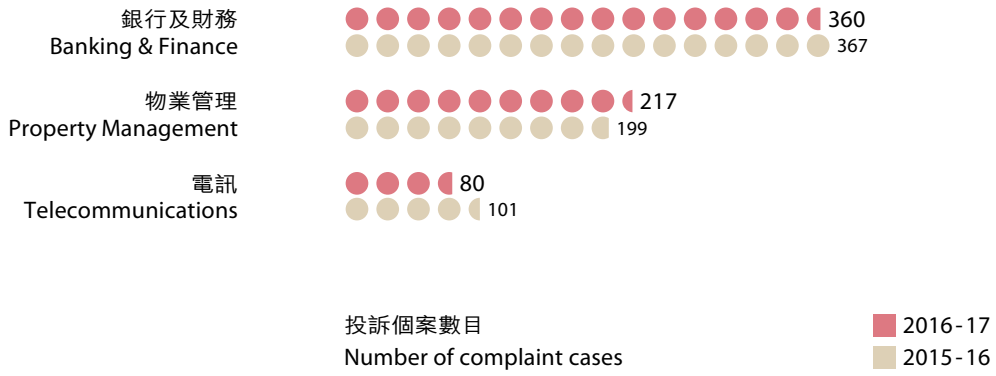
針對財務機構及電訊公司的投訴個案，大部分都是涉及收集個人資料和違反條例有關直接促銷的條文。投訴物業管理相關機構的個案主要是關於在大廈公開張貼載有個人資料的文件及安裝閉路電視鏡頭。

Complaints against the private-sector organisations included :

- 29% (360 cases) against the banking and financial sector;
- 17% (217 cases) against the property management sector; and
- 6% (80 cases) against the telecommunications sector.

The majority of the complaints against companies in the financial and telecommunications sectors related to the collection of personal data and breaches of the direct marketing provisions of the Ordinance. Most of the complaint cases in the property management sector concerned the posting up of notices containing personal data in public areas and the installation of CCTV cameras.

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



投訴公營機構的個案中，大部分涉及：

- 欠缺保障個人資料的保安措施（26%）；
- 不符收集目的，及未取得當事人同意而使用或披露個人資料（25%）；
- 過度或不公平收集個人資料（20%）；或
- 未有遵守查閱資料要求或改正資料要求（19%）。

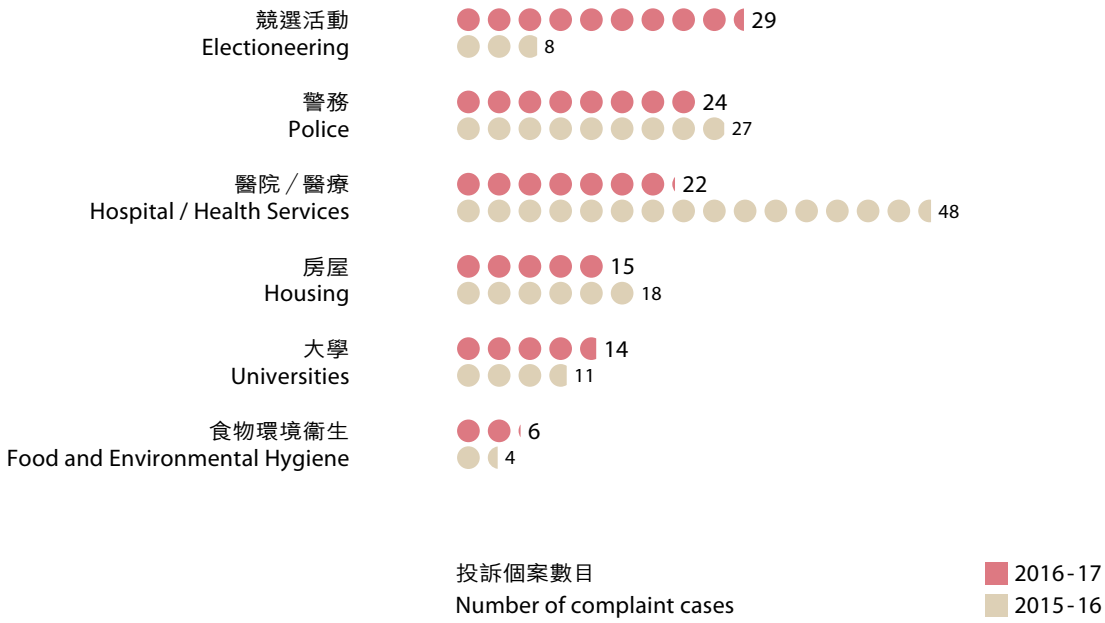
投訴公營機構的個案中，涉及選舉、醫護服務、房屋及警務相關機構的佔最多。

The majority of complaints against public-sector organisations involved :

- the lack of security measures to protect personal data (26%);
- the use or disclosure of personal data beyond the scope of the collection purpose and without the consent of the individual (25%);
- the excessive or unfair collection of personal data (20%); or
- the non-compliance with data access or correction requests (19%).

Most of the complaints in the public sector came from the public organisations involved in electioneering, health care services, housing, and the police force.

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



公署於2016至17年度接獲的1,741宗投訴個案共涉及2,363項違反條例規定的指稱（一宗投訴個案可涉及多於一項指稱）：

- 1,855項（79%）指稱違反保障資料原則（本身不構成刑事罪行）；及
- 508項（21%）指稱違反條例的條文（構成刑事罪行）。

投訴指稱的性質如下：

- 751項與個人資料在未經同意的情況下被使用有關；
- 720項與收集資料的目的及方式有關；
- 390項與直接促銷有關；
- 228項與資料的保安有關；
- 150項與資料的準確性及保留期有關；
- 115項與依從查閱或改正資料要求有關；及
- 9項與其他性質有關。

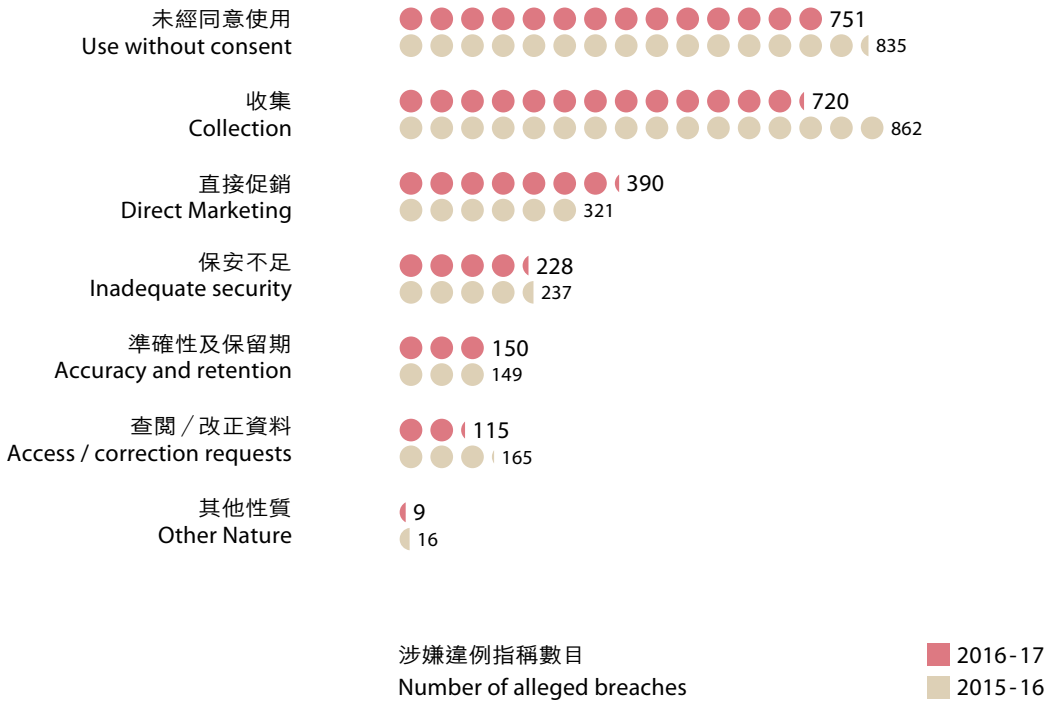
A total of 2,363 breaches of the requirements under the Ordinance were alleged in the 1,741 complaints received in 2016-17 (there may be more than one breach in a complaint).

- 1,855 (79%) breaches contravened the DPPs (not a criminal offence per se); and
- 508 (21%) breaches contravened the provisions of the Ordinance (a criminal offence).

Nature of the alleged breaches was as follows:

- 751 related to the use of personal data without the consent of the individual concerned;
- 720 related to the purpose and manner of data collection;
- 390 related to direct marketing;
- 228 related to data security;
- 150 related to accuracy and period of retention;
- 115 related to compliance with data access or correction requests; and
- 9 related to other nature.

投訴的性質
Nature of complaints



公署在2016至17年度共接獲88宗與選舉有關的投訴，當中大部份與2016年立法會換屆選舉有關，投訴指稱涉及未取得同意而使用個人資料進行拉票活動。公署亦在2017年3月底接獲24宗有關投訴一政府部門遺失兩部載有約三百七十八萬名選民個人資料的手提電腦的投訴。投訴該政府部門的個案在2017年3月31日後仍不斷湧入。公署已就事件根據條例第38(b)條進行調查，以確定事件有否違反條例規定。

The PCPD received a total of 88 electioneering-related complaints in 2016-17, and the majority of these complaints related to the 2016 Legislative Council General Election. Most of those complaints related to using personal data in electioneering activities without consent. The PCPD also received 24 complaints against a government department near the end of March 2017 in respect of the loss of two notebook computers containing personal data of about 3.78 million registered voters, and the influx of complaints against that government department concerned continued after 31 March 2017. The PCPD commenced an investigation pursuant to section 38(b) of the Ordinance to ascertain whether there was any contravention of a requirement under the Ordinance.

下圖顯示投訴涉及的議題。跟過去數年的情況相類似，投訴議題涉及直接促銷的個案數目超越其他類別，該些個案大多數關乎機構在未有取得投訴人同意的情況下使用其個人資料作直接促銷用途，或機構不理會投訴人的拒收直銷訊息要求，繼續向投訴人進行直接促銷。

The below figure shows the breakdown of complaints by subject. Similar to the past few years, direct marketing-related complaints outnumbered those of any other nature, and a substantial portion of these complaints concerned the use of personal data by organisations for direct marketing without obtaining the complainants' consent or ignoring their opt-out requests.

2016至17年度有關資訊及通訊科技的投訴達243宗，比上年度上升2%，個案包括：

A total of 243 information and communication technology (ICT) - related complaints in 2016-17 represented a 2% increase from last year, and they comprised:

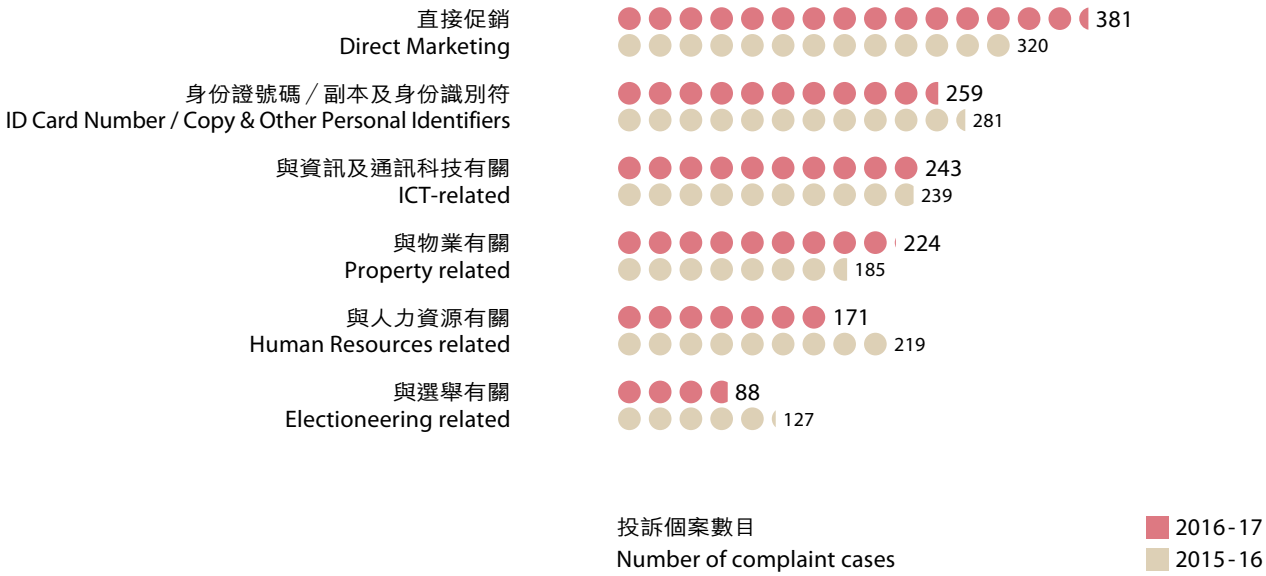
- 97宗與社交網絡有關；
- 90宗關於在互聯網上披露或洩漏個人資料；
- 60宗關於智能電話應用程式；
- 36宗關於網絡欺凌；及
- 10宗屬其他事項。

- 97 cases related specifically to social networks;
- 90 cases concerned disclosure or leakage of personal data on the Internet;
- 60 cases about smartphone applications;
- 36 cases involved cyber-bullying; and
- 10 cases related to other subjects.

（一宗投訴個案可能涉及多於一個議題）

(There may be more than one subjects involved in a complaint).

投訴涉及的議題
Complaints by subjects



在本年度，公署處理了262宗承接上年度的投訴，加上新接獲的投訴，年內共須處理2,003宗投訴。在這些個案中，1,810宗（90%）在本年報期內已經完結，而餘下的193宗（10%），截至2017年3月31日仍在處理中。

In addition to the new complaints received, the PCPD handled 262 complaints brought down from the previous year, bringing the total number of complaints handled during the year to 2,003. Of these, 1,810 (90%) were completed during the report year, and 193 (10%) were still in progress as of 31 March 2017.

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

	2016-17	2015-16	2014-15	2013-14
承接上年度的投訴 Complaints brought down	262	253	329	393
接獲的投訴 Complaints received	1,741	2,022	1,690	1,888
經處理的投訴 Total complaints processed	2,003	2,275	2,019	2,281
已完結的投訴 Complaints completed	1,810	2,013	1,766	1,952
未完結的投訴 Complaints outstanding	193	262	253	329

投訴處理模式

本年報期內合共完成處理1,810宗個案：

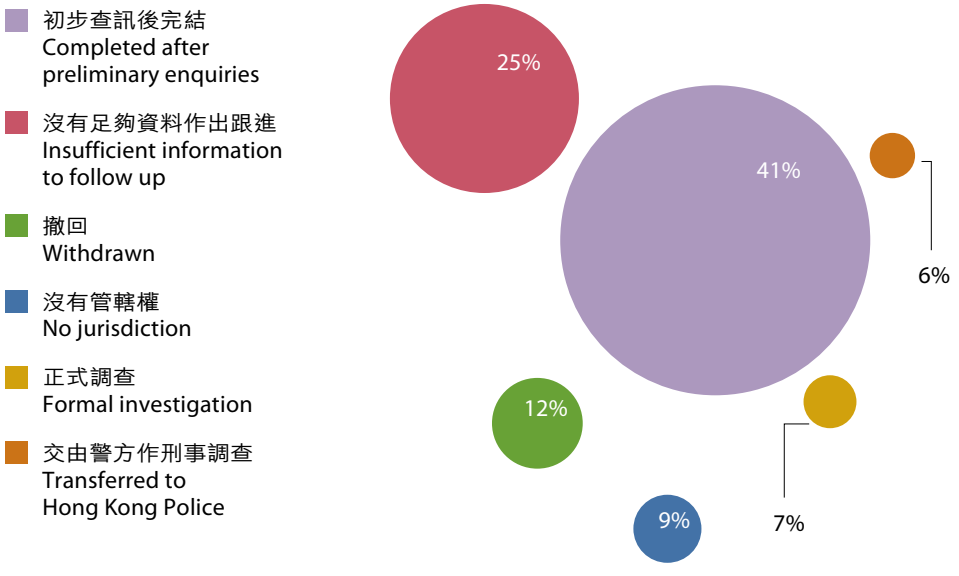
- 749宗（41%）在進行初步查訊後因不同原因而結案，例如經公署調停或調解得到解決、應投訴人要求向被投訴一方表達對其私隱的關注、證據不足，或沒有表面證據證明違規；
- 451宗（25%）的結案理由是由於投訴人不具名、沒法追尋被投訴者，或在私隱專員要求投訴人加以述明其指稱後，投訴人未有作出回應；
- 204宗（12%）的投訴人撤回投訴；
- 164宗（9%）不在條例的管轄範圍；
- 133宗（7%）在正式調查後完結；及
- 109宗（6%）交由警方作刑事調查。

Handling of complaints

1,810 cases were completed during the report period:

- 749 cases (41%) were completed after preliminary enquiries on various basis, e.g. through conciliation or mediation, by expressing the complainants' concerns to the parties complained against, on the ground that the cases were unsubstantiated, or there were no prima facie case of contravention of the Ordinance;
- 451 cases (25%) were closed because the complaints were anonymous, the parties complained against were not traceable, or the complainants did not respond to the Commissioner's enquiries after being invited to elaborate their allegations;
- 204 cases (12%) were withdrawn by the complainants;
- 164 cases (9%) were outside the jurisdiction of the Ordinance;
- 133 cases (7%) were completed after carrying out formal investigations; and
- 109 cases (6%) were transferred to Hong Kong Police for criminal investigations.

投訴處理模式
Handling of complaints



正式調查的結果

公署在本年報期內完成133宗正式調查，當中：

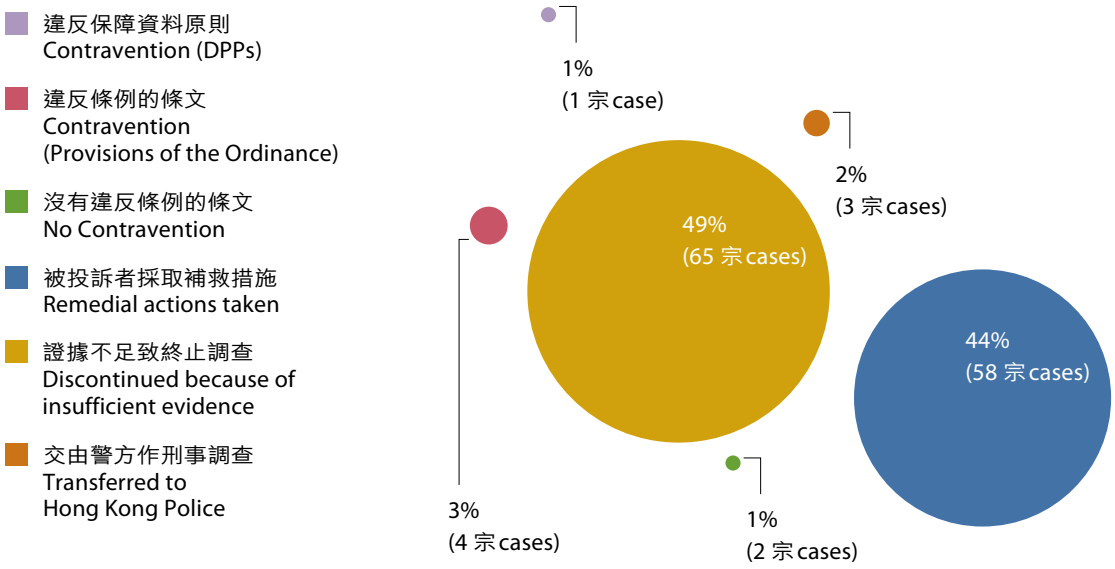
- 1宗（1%）有違反保障資料原則並發出執行通知；
- 4宗（3%）有違反條例的條文並發出執行通知；
- 2宗（1%）沒有違反條例的條文；
- 58宗（44%）的被投訴者在調查期間依從公署的建議，採取相應的補救措施；
- 65宗（49%）證據不足致投訴不成立，因而終止調查；及
- 3宗(2%)交由警方作刑事調查。

Results of formal investigations

During the report period, the PCPD completed 133 formal investigations, of which :

- 1 case (1%) was found to have contravened DPPs with the issuance of an enforcement notice;
- 4 cases (3%) were found to have contravened the provisions of the Ordinance with the issuance of enforcement notices;
- 2 cases (1%) were found not to have contravened the provisions of the Ordinance;
- 58 cases (44%) were discontinued on the ground that the parties complained against followed the PCPD's advice, and did take the appropriate remedial actions in the course of the investigation process;
- 65 cases (49%) were discontinued on the ground that there were insufficient evidence to substantiate the allegations; and
- 3 cases (2%) were transferred to Hong Kong Police for criminal investigations.

正式調查結果
Results of formal investigations



執法行動

在確定違反條例的保障資料原則或條文的5宗個案中，私隱專員向所有被投訴者發出執行通知，以制止或防止他們的違規行為。該5宗個案中，1宗關乎未取得同意而使用個人資料（保障資料第3原則），另外4宗與未有依從查閱資料要求有關（條例第19及28條）。

除了向被投訴者發出執行通知外，私隱專員亦因應33宗調查個案向相關被投訴者發出警告。

Enforcement Action

Of all the 5 cases found to involve contraventions of the DPPs or provisions of the Ordinance, the Commissioner issued enforcement notices to all of the parties complained against to stop or prevent contraventions. Among the 5 cases, 1 case concerned the use of personal data without consent (DPP3) and 4 cases related to the compliance with data access requests (sections 19 and 28 of the Ordinance).

In addition to the issuance of enforcement notices, the Commissioner also issued warning notices to the parties complained against in 33 investigation cases.

已完結個案的糾正行動性質

除了向被投訴者發出執行通知及警告外，公署在初步查訊或調查過程亦指示被投訴者採取糾正行動，請見下圖（在同一宗個案中，被投訴者採取的糾正行動可能多於一項）。

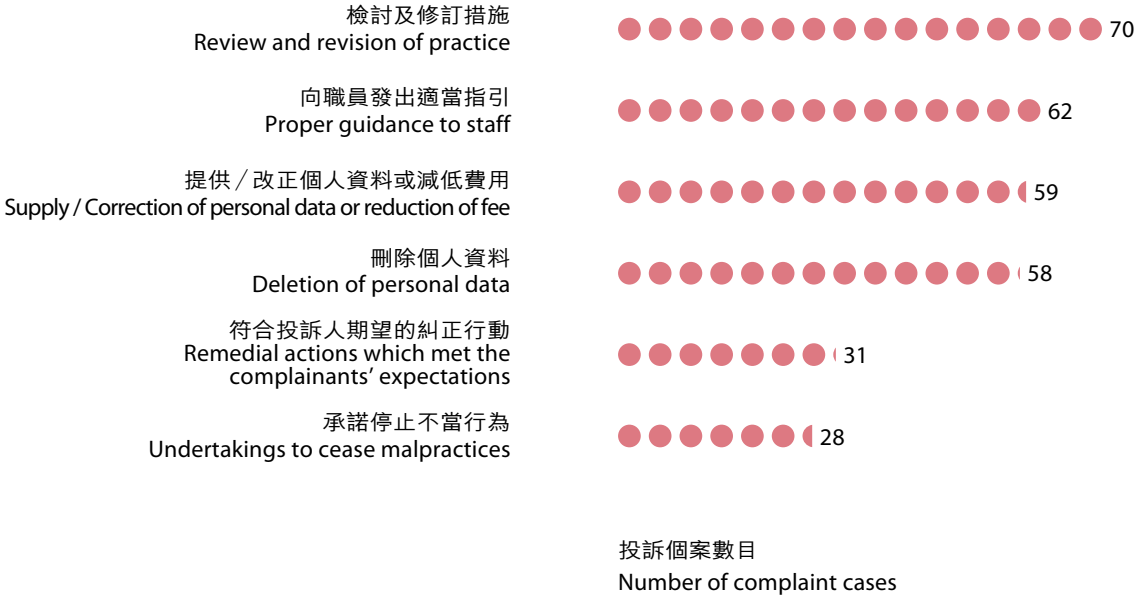
- 修訂運作措施，以免日後再發生同類違規事件（70宗）；
- 向有關職員發出適當指引，確保他們遵從條例規定（62宗）；
- 依從投訴人的查閱／改正資料要求提供／改正個人資料，或減低依從查閱資料要求的費用（59宗）；
- 刪除不必要地收集或向第三者披露的個人資料（58宗）；
- 糾正行動以合符投訴人對其私隱的期望（31宗）；及
- 承諾停止被投訴的不當行為（28宗）。

Nature of remedial actions in completed cases

In addition to the issuance of enforcement notices and warning notices to the parties complained against for contravention cases, the PCPD also directed the parties complained against to take remedial actions to rectify the problems during preliminary enquiries or investigation processes. The remedial actions taken by the parties complained against are categorised in the below figure (more than one type of remedial action may have been taken by the parties complained against in some cases):

- Revision of operational practices to prevent a similar breach in future (70 cases);
- Proper guidance to be given to the staff concerned to ensure compliance with the Ordinance (62 cases);
- Supply / correction of the personal data in compliance with the complainants' data access / correction requests, or reduction in the fee for complying with the data access requests (59 cases);
- Deletion of personal data unnecessarily collected or disclosed to third parties (58 cases);
- Remedial actions which met the complainants' privacy expectations (31 cases); and
- Undertakings to cease the malpractice leading to the complaints (28 cases).

糾正行動性質
Nature of remedial actions



主要個案

SIGNIFICANT CASES

個案1 —— 婚禮統籌公司不應未經客戶同意而公開播放其結婚片段 —— 保障資料第3原則

投訴內容

投訴人在結婚時聘請婚禮統籌公司進行拍攝。數個月後，投訴人發現該公司在未經他的同意前，在店舖的櫥窗公開播放其結婚的片段，相關影像披露了他的姓名及其他個人資料，他遂向公署作出投訴。

結果

公署介入及向該公司解釋保障資料第3原則的規定，該公司為宣傳目的而公開播放投訴人的結婚片段，此舉與該公司當初收集有關資料的目的（即為投訴人提供婚禮攝影服務）並不一致，事前亦沒有取得投訴人的同意，因此違反保障資料第3原則的規定。該公司應公署要求，確定不會再公開播放該片段，並予以刪除。

投訴人滿意該公司採取的改善措施，故同意公署毋須進一步調查本個案。

Case 1 – A wedding photography company should not have broadcast the video clip of a client's wedding ceremony without the data subject's prior consent – DPP3

The Complaint

The Complainant hired a wedding photography company for recording his wedding ceremony. To the Complainant's surprise, the video clip of his wedding ceremony, containing his name and other personal data, was later broadcast publicly at the shop of the company for advertising the service of the company to other customers.

Outcome

The PCPD drew the company's attention to the requirements of DPP3. The broadcast of the video clip by the company for advertising purpose without the Complainant's consent was inconsistent with the original collection purpose of the data (i.e. provision of recording service to the Complainant), and thus the company had contravened DPP3. Upon the PCPD's advice, the company immediately ceased broadcasting the video clip and destroyed the clip.

The Complainant was satisfied with the remedial actions taken by the company, and further investigation of the case could not reasonably be expected to bring about a more satisfactory result. The Complainant agreed that it was not necessary for the PCPD to investigate the case further.

個案2——航空公司職員未得資料當事人同意拍攝其護照內頁——保障資料第1(3)原則

投訴內容

投訴人在某航空公司櫃位打算辦理前往台灣的登機手續時，櫃位職員發現其護照內頁蓋有一些觀光印章。該職員隨即拍攝了投訴人護照的個人資料頁及相關印章，並將上述影像發送至台灣入境當局，查詢投訴人可否以此護照入境。投訴人不滿該航空公司未有徵得其同意便收集其護照上的個人資料，遂向公署作出投訴。

該航空公司表示，他們有責任確保旅客所持的旅遊證件屬有效及符合目的地入境當局的要求。由於當日職員發現投訴人護照內蓋有的觀光印章並非由出入境機關發出，他們擔心該護照會被台灣入境當局視為已損毀而令投訴人被拒入境，遂決定在協助投訴人辦理登機手續前先向台灣入境當局查詢。該航空公司表示當時其職員已向投訴人解釋上述情況，並在徵得她的同意後才進行拍攝。另外，該航空公司確認在將影像發送至台灣入境當局後，已即時刪除有關影像。

結果

護照內明顯地載有屬投訴人敏感的個人資料，本案的關鍵是投訴人在事發時曾否獲清晰告知拍攝其護照的個人資料頁的原因。換句話說，該航空公司職員曾否採取所有合理地切實可行的步驟清楚告知投訴人他是有責任或可自願讓該航空公司拍攝他護照上的個人資料，以及將該資料轉移予台灣入境當局。然而，雙方對是否已徵得投訴人的同意才進行拍攝各執一詞。

為備存紀錄及減少與客戶溝通上的誤會，該航空公司已修訂其指引及「收集個人資料聲明」。現時航空公司職員透過上述方式收集旅客的個人資料及將有關個人資料發送予目的地入境當局前，必須先以書面向旅客述明收集及使用個人資料的目的。

Case 2 – Staff of an airline captured the inner pages of a passenger's passport without the data subject's prior consent – DPP1(3)

The Complaint

When the Complainant sought to check-in for a flight to Taiwan at an airline's counter, an airline staff member discovered some tourist stamps on the inner pages of her passport. The airline staff member captured the page containing the Complainant's particulars and the pages with the tourist stamps, and sent the images to the Taiwanese immigration authority seeking confirmation if the Complainant could enter Taiwan with her passport. The Complainant complained to the PCPD that the airline had collected her personal data in her passport without her consent.

According to the airline, there was a duty to ensure that its passengers' travel documents were valid and met the requirements of the immigration authorities of the destinations. Given that the tourist stamps were not official records of immigration authorities, the airline was concerned that the Taiwanese immigration authority might consider the passport as having been tampered with, and refuse the Complainant's entry. The airline hence decided to consult the Taiwanese immigration authority before allowing the Complainant to check-in for the flight. The airline stated that its staff had verbally explained the situation to the Complainant and sought her consent before its staff captured the images. The airline also stated that it had deleted the images immediately after sending them to the Taiwanese immigration authority.

Outcome

It was obvious that the passport contained the Complainant's sensitive personal data, and whether the reasons for capturing those passport images had been properly explained to the Complainant beforehand became the determining issue of this case, namely whether the airline staff had taken all reasonably practicable steps to explicitly inform the Complainant that it was obligatory or voluntary for her to allow the airline to capture the information of her passport and transmit the data to the Taiwanese immigration authority. However, this issue remained unresolved on evidence.

To improve the ease of proof and to avoid miscommunication with customers in the future, the airline revised its guidelines and amended its "Personal Information Collection Statement". The airline staff are now required to inform their passengers of the purpose of collection and use of their personal data in writing before collecting and sending of the same to the immigration authority of the destination.

個案3——體育活動公司利用前僱員的個人資料預訂康體設施——保障資料第3原則

投訴內容

投訴人曾任職一間承辦體育活動的公司。離職後某天，投訴人接到一個負責預訂康體設施的政府部門來電，指出她多次未有到場使用已預訂的康體設施。投訴人卻否認她曾預訂有關康體設施。投訴人後來發現該體育活動公司在她離職後，仍然使用她的個人資料（包括身份證號碼）預訂康體設施。投訴人不滿前僱主的作為，遂向公署作出投訴。

該公司向公署表示，投訴人於入職時曾書面授權前僱主可使用她的個人資料作預訂康體設施之用。由於授權書沒有訂明限期，而投訴人離職後一直沒有撤回授權，故該公司繼續以投訴人名義預訂康體設施。

結果

僱主在聘用僱員時必定會向僱員收集個人資料。一般而言，所收集的僱員個人資料可用於與其僱傭事宜或與僱主業務直接有關的合法目的上。在本案中，雖然投訴人曾書面同意該公司使用其個人資料作預訂場地之用，但投訴人當時是以員工的身份，為工作的目的而提供她的書面同意。在投訴人離職後，投訴人原本作出書面同意的情況已不存在，故前僱主不得在未得投訴人的同意下繼續使用其個人資料作預訂場地的用途，有關的做法違反了保障資料第3原則的規定。

經公署介入後，該公司確認不會再使用投訴人的個人資料預訂康體設施，並會修訂授權書的內容。該公司亦向公署書面承諾，日後不會如此使用前僱員的個人資料。

Case 3 – A sports event organising company used an ex-employee's personal data for booking sports facilities – DPP3

The Complaint

The Complainant was an ex-employee of a sports event organising company. After the Complainant had left the company, she received a telephone call from a government department, which was responsible for sport facilities booking, stating she frequently did not show up at the sports facilities that she had booked. The Complainant denied having made such bookings. She later discovered that her ex-employer had continued to use her personal data (including Hong Kong Identity Card number) for booking sports facilities even after she had left her ex-employer. The Complainant felt that her personal data was misused and lodged a complaint against her ex-employer with the PCPD.

Our investigation revealed that the Complainant had given her written authorisation for her ex-employer to use her personal data for booking sports facilities during her employment, which was part of her duties at the time. Her ex-employer stated that its continued use of the Complainant's personal data for booking purposes was permitted by the said authorisation, which prescribed no expiry date and was not withdrawn by the Complainant.

Outcome

An employer may collect personal data from an employee for a lawful purpose directly related to his employment or the business carried out by the employer. However, the employer should limit its use of the employee's personal data in relation to the employment. In this case, the authorisation was given by the Complainant in the capacity of an employee for a job-related purpose, and there was no reason for that employer to assume that the Complainant would agree to the continued use of her personal data after she had left the job. As the relevant conditions giving rise to the said authorisation ceased to exist, the authorisation was considered null upon termination of the employment. In the circumstances, the Complainant's ex-employer should have ceased using the Complainant's personal data for booking purpose. PCPD was of the view that such act of the ex-employer amounted to a breach of the requirements of DPP3.

After the PCPD's intervention, the Complainant's ex-employer confirmed having ceased using the Complainant's personal data for booking sports facilities and revised the authorisation letter template stating that the authorisation would end upon termination of the employment. It also undertook to the PCPD in writing not to use ex-employees' personal data for the said purpose in future.

個案4 —— 銀行為執行盡職審查而要求客戶提供戶口交易的相關證明文件 —— 保障資料第1(1)原則

投訴內容

投訴人是某銀行的客戶。該銀行要求投訴人就其戶口的某些提取及入帳交易提供證明文件。投訴人認為該銀行過度收集其個人資料，遂向公署作出投訴。

該銀行解釋，他們須根據《打擊洗錢及恐怖分子資金籌集（金融機構）條例》及香港金融管理局發出的《打擊洗錢及恐怖分子資金籌集指引》，在客戶開立帳戶時及有需要時（例如遇到不尋常銀行活動），執行盡職審查程序。根據上述程序，客戶須向銀行提供交易的詳細資料，以便銀行偵測可疑交易，並向有關機構作出舉報。

該銀行表示投訴人的交易量與金額與其本身的職業不相稱，屬不尋常的銀行活動。為遵守有關偵測及向有關機構舉報任何可疑交易的法律規定，該銀行須要求投訴人提供有關交易的詳細資料作跟進及調查。

結果

作為香港一所認可的金融機構，該銀行受香港金融管理局規管，並需按其指引設立有效的制度及管控措施，以達致防止及偵測洗錢及恐怖分子資金籌集活動的目的，該銀行在個案中向投訴人收集證明文件亦與此目的有關。有關的收集與其職能及活動直接有關，故所收集的資料並不超乎適度，有關的收集亦不涉及違反保障資料第1(1)原則的規定。

Case 4 – A bank requested its customer to provide relevant supporting documents of account transactions for due diligence requirement – DPP1(1)

The Complaint

The Complainant was a customer of a bank. The bank required the Complainant to provide supporting documents in relation to some withdrawals and deposits of his account. Believing that the bank had collected excessive personal data, the Complainant lodged a complaint with the PCPD.

The bank explained that according to the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance and the Guideline on Anti-Money Laundering and Counter-Terrorist Financing issued by the Hong Kong Monetary Authority, it was required to conduct due diligence procedures on its customers when opening an account and when it is necessary (e.g. unusual banking activities are spotted). Under the due diligence procedures, a customer might be required to provide details of the transactions to the bank for the purposes of enabling the bank to detect suspected transactions and to report the same to the relevant authority.

The bank stated that the number of the transactions and amounts were not commensurate with the Complainant's occupation, so they were considered to be unusual banking activities. To comply with the legal requirements for detecting and reporting suspected transactions to the relevant authority, the bank must request the Complainant's details of the transactions for follow-up and investigation.

Outcome

As an authorised financial institution regulated by the Hong Kong Monetary Authority, the bank was required to set up an effective mechanism and control measures to prevent and detect money laundering and terrorist financing activities. In this case, the supporting documents collected by the bank from the Complainant were relevant to those purposes. The collection was therefore directly related to the bank's functions and activities. Hence the collection was not excessive and not in contravention of DPP1(1).

個案5 —— 大廈業主立案法團為保安理由而安裝及使用閉路電視系統 —— 不涉及收集個人資料 —— 保障資料原則不適用

投訴內容

投訴人居於某大廈地面的其中一個連花園的單位。該大廈的業主立案法團基於保安原因，於大廈的公共地方安裝了閉路電視系統，而其中一個閉路電視鏡頭安裝於地面以監察公共平台的位置。由於投訴人單位的花園鄰近地面的公共平台，投訴人認為有關鏡頭指向其花園，令他的私隱受侵犯。

結果

條例並無禁止法團為保安理由而於公共地方安裝閉路電視系統。一般而言，為保安理由而安裝及使用閉路電視系統，即使當中可能會攝錄到途人的影像，亦不會構成違反條例的規定。

在收到投訴後，公署向法團作出查詢、檢視其安裝閉路電視鏡頭的位置及該鏡頭所拍攝得的影像。法團向公署表示他們已於監察的範圍張貼告示，明確告知該大廈的住戶有關範圍會受到閉路電視系統監察。

考慮到有關鏡頭所拍攝得的範圍只涉及投訴人單位花園外的公共位置，並不涉及花園內的情況，公署同意法團是基於保安原因安裝該鏡頭，而非為了收集或匯集投訴人或其他人士的資訊。由於個案並不涉及收集個人資料，故條例的保障資料原則並不適用於本個案。

Case 5 – Installation and operation of CCTV for security purpose by the incorporated owners of a building – no collection of personal data – DPPs not applicable

The Complaint

The Complainant lived on the ground floor flat with a garden. For security reasons, the incorporated owners of the building installed CCTV covering the common platform of the ground floor. As the Complainant's garden was adjacent to the common platform on the ground floor, the Complainant considered that the camera pointing to his garden was intruding his privacy.

Outcome

The Ordinance does not prohibit incorporated owners of a building from installing CCTV in the common areas for security purposes. Generally speaking, the installation and operation of CCTV for security purposes would not amount to a breach of the requirements under the Ordinance, even though it may capture the images of passers-by.

After receiving the complaint, the PCPD enquired the incorporated owners and examined the position of the camera and the images captured by it. The incorporated owners confirmed that residents of the building were explicitly informed that they were subject to CCTV surveillance by a notice placed within the monitored areas.

Having considered that the camera covered only the common areas outside the Complainant's garden but not the interior of it, the PCPD accepted that the camera was installed for security purposes but not for the collection or compilation of information about the Complainant or other individuals. As there has been no collection of personal data, the DPPs would not be engaged.

個案6——學校(i)沒有回應前職員查詢哪位前同事曾接觸她的個人資料一事及(ii)指派校長以外的人員處理載有其個人資料的信件——不涉及違反條例的任何規定

投訴內容

一名教師致函她曾任教的學校，向校長投訴她在職時多位同事曾不恰當地對待她，學校其後去信該教師表示已處理了她的投訴。收到學校的書面回應後，該教師再次去信向學校查詢哪些職員曾接觸她的投訴信，但沒有得到回應。此外，該教師得悉校長指派一名職員郵寄有關信件給她，她不滿校長以外的職員得悉了她的地址。

結果

條例並無條文規定資料使用者需要向資料當事人交代哪些人士曾接觸其個人資料，只要相關的查閱或披露並不違反有關原則便可。故此，學校沒有就該教師的有關提問作出回應不涉違反條例的任何規定。

此外，每個機構的運作均無可避免地涉及個人資料的處理。機構如何分配工作（包括哪些人員負責處理哪些涉及接觸個人資料的工作）屬其內部事務，條例並無就此作出規管，故學校不會因為指派校長以外的人員處理載有該教師地址的信件而涉及違反條例的規定。

Case 6 – A school (i) failed to respond to an ex-employee who alleged ex-colleagues had accessed her personal data; and (ii) assigned a staff member other than the school principal to handle her personal data – no contravention of any requirements under the Ordinance

The Complaint

A teacher who was an ex-employee of a school sent a letter to the principal of the school and complained that a number of ex-colleagues treated her badly. The school later sent a reply to the teacher informing her that the matter had already been handled. Having received the letter from the school, the teacher sent another letter to the school and asked for the identities of the staff members who had seen her complaint letter. The Complainant did not receive any response from the school. In addition, the teacher noted that the principal had instructed a staff member of the school to mail the earlier reply to the Complainant. The Complainant was dissatisfied that another staff member other than the school principal could access her address.

Outcome

There is no requirement under the Ordinance requiring a data user to inform a data subject of the identities of the persons who were given access to his / her personal data. A data user is only required to comply with the access and disclosure principles. In this regard, the school's non-response to the Complainant's enquiry was not a contravention under the Ordinance.

It is inevitable that organisations handle personal data in their operations. The division of work, including assignment of staff members to handle personal data, is the internal matter of an organisation, and is not governed by the Ordinance, and the school's assigning of any staff member to handle the reply letter with the teacher's address is therefore not a contravention of any requirement under the Ordinance.

個案7 —— 業主不應為追討欠租而將租客欠租的資料披露予僱主 —— 保障資料第3原則

投訴內容

投訴人任職公司的執行董事及人事部經理分別收到投訴人的業主署名致他們的信件，當中指投訴人沒有繳付租金及他已入稟向投訴人追討欠租，並夾附相關法庭文件及租約的副本。該名業主同時要求執行董事及人事部經理將有關信件轉交投訴人。

結果

根據公署資料證據所得，涉案的信件及法庭文件是由該名業主的太太向執行董事及人事部經理發出，向他們發信的目的是為了令投訴人感到尷尬，從而向投訴人施壓以解決他們之間的租務糾紛。

該名業主的太太發出上述信件的目的並非為了符合《土地審裁處條例》下有關法庭文件送達的規定。同時，條例第60B(b)條的豁免在本案中並不適用，該名業主的太太的行為因此違反了保障資料第3原則的規定。

雖然法律訴訟的一方可以將法律文件送達到另一方任職的公司的地址，然而，有關文件應以該名人士為收件人，並於信封上清楚註明「請轉交[收件人]」、「私人密件」或「只供收件人拆閱」等字樣。在本個案中，有關信件的信封均沒有如此作出註明。

公署就個案向該名業主的太太發出執行通知，指示她去信要求執行董事及人事部經理銷毀有關信件，以及承諾日後不可再在追討欠租的過程中向與事件無關的第三者披露租客的個人資料。

Case 7 – A landlord should not have disclosed information relating to unpaid rent to the tenant's employer for the purpose of rent recovery – DPP3

The Complaint

The Director and the Personnel Manager of the Complainant's employer both received a letter issued by the Complainant's landlord, stating that the Complainant had failed to pay rent and the landlord had filed a claim against the Complainant at the Lands Tribunal. Copies of the relevant legal documents and tenancy agreement were attached to the letters. The landlord requested both the Director and the Personnel Manager to pass the letters to the Complainant.

Outcome

The evidence showed that the letters and the attached legal documents were sent by the landlord's wife to the Director and the Personnel Manager of the Complainant's employer, with intent to embarrass the Complainant and force him to settle the tenancy dispute.

Hence, the letters were not sent for the purpose of complying with the requirements for serving legal documents to the Complainant under the Lands Tribunal Ordinance, and, the exemption in connection with legal proceedings in Hong Kong under section 60B(b) of the Ordinance did not apply in this case. The action of the landlord's wife therefore constituted a contravention of DPP3.

While a party to a legal action may serve legal documents on the other party by mailing them to the latter's company address, such documents should be addressed to the recipient party with the envelope clearly marked "pass it to [the name of the recipient party]", "private and confidential", or "to be opened only by [the name of the recipient party]". None of these lines was marked on the envelope of the letters sent to the Complainant's employer.

An Enforcement Notice was served on the landlord's wife directing her to undertake the destruction of the letters and not to disclose the tenant's personal data to any irrelevant third parties for future rent recovery actions.

個案8——一間宗教機構不公平地收集儲存於供僱員使用的手提電腦內的個人資料及向不相關人士披露解僱該僱員的原因——保障資料第1(2)及3原則

投訴內容

投訴人是一間宗教機構的前僱員。他在該機構工作期間獲提供一部手提電腦作日常使用。投訴人其後發現該機構在即時解僱他之前，曾聘請顧問對他進行調查。該顧問在投訴人不知情下（但已取得該機構的准許），讀取儲存於該手提電腦內的個人資訊，有關資訊顯示投訴人未經該機構同意而從事外間工作。

為釋除該機構的部分成員對投訴人被解僱的疑慮，該機構在一個宗教分享會上公佈投訴人被解僱的原因，即他未經該機構同意而從事外間工作。

投訴人感到其私隱被侵犯，遂向公署作出投訴。

結果

公署認為該機構透過其顧問讀取投訴人的個人資料是不公平的做法，違反保障資料第1(2)原則，因為：

- 該機構沒有告知投訴人，提供予他的手提電腦只限作公事用途；
- 該機構沒有告知投訴人，它可能會在投訴人不知情或未給予同意下查閱儲存於該手提電腦內的個人資訊；及
- 該機構從該手提電腦讀取投訴人的個人資料的做法，不符合投訴人在獲提供該手提電腦時對其個人資料私隱的合理期望。

公署亦認為在該宗教分享會披露投訴人被解僱的原因違反保障資料第3原則的規定。因為讀取該手提電腦內的資訊的目的是對投訴人進行紀律調查，即調查投訴人是否有任何不當行為，這是屬於人力資源管理的事宜；出席該宗教分享會的成員與該機構內部的人力資源管理或解僱投訴人

Case 8 – A religious organisation unfairly collected its employee's personal data kept in a laptop computer assigned to him and disclosed the reason for dismissing the employee to other irrelevant parties – DPP1(2) and 3

The Complaint

The Complainant was an ex-employee of a religious organisation. He was assigned with a laptop computer while working there for his daily use. The Complainant later discovered that the organisation had engaged a consultant to investigate him before he was summarily dismissed. Without the Complainant's knowledge, but with the permission of the organisation, the consultant read and retrieved personal information stored in the laptop computer that showed that the Complainant had engaged in outside work without the organisation's consent.

With the intention to clear the doubts of some of the members of the organisation about the dismissal of the Complainant, the organisation announced at a religious sharing session the reason for dismissing the Complainant, i.e. he had engaged in outside work without the organisation's consent.

The Complainant felt that his privacy had been intruded and lodged a complaint with the PCPD.

Outcome

The PCPD considered the retrieval of the Complainant's personal data by the organisation through its consultant was unfair, contravening DPP1(2), because:

- the organisation failed to inform the Complainant that the laptop computer was assigned to him for official use only;
- the organisation failed to inform the Complainant that it might access the information stored in the laptop computer without his knowledge or consent; and
- the retrieval of the Complainant's personal data from the laptop computer by the organisation was inconsistent with the reasonable expectation of personal data privacy of the Complainant when he was assigned with the laptop computer.

The PCPD also found that the disclosure of the reason for the Complainant's dismissal at the religious sharing session was inconsistent with DPP3. This was because the purpose of retrieving the information stored in the laptop computer was to conduct a disciplinary investigation against the Complainant, i.e. to investigate whether the Complainant had engaged in any improper conduct. This was a matter concerning human

一事無關。此外，在該宗教分享會披露投訴人被解僱的原因是超出投訴人對使用其僱傭資料的合理期望。

resource management. The members attending the religious sharing session were unrelated to the internal human resource management of the organisation and the dismissal of the Complainant. Furthermore, the disclosure of the reason for the dismissal of the Complainant at the religious sharing session was out of the Complainant's reasonable expectation of the use of his employment data.

在公署介入後，該機構已制定有關監察僱員表現的書面政策，清楚告知其職員，在某些情況下，該機構可能會查閱提供予他們的手提電腦內的個人資訊。該機構亦答應刪除從該手提電腦取得的投訴人的個人資料及承諾日後在披露僱員的個人資料時會依從保障資料第3原則的規定。

Upon the PCPD's intervention, the organisation devised a written policy about the monitoring of its employees' performance, to clearly inform its staff members that in certain circumstances, the organisation might access the personal information stored in laptop computers assigned to them. The organisation also agreed to delete the Complainant's personal data retrieved from the laptop computer and undertook to comply with DPP3 when disclosing employee's personal data in the future.

個案9 —— 協會幹事使用會員的個人資料作競選宣傳用途 —— 保障資料第3原則

Case 9 – An officer of an association used members' personal data for election publicity – DPP3

投訴內容

投訴人是某專業人士協會的會員。他收到該協會的電話短訊，通知他協會擬開設一個WhatsApp群組向會員發放活動資訊，並提示如會員不想接收信息，可向協會表示反對。投訴人就此加入了該群組。投訴人其後透過該群組收到由協會部分幹事替某功能組別選舉候選人拉票的信息。投訴人認為協會不應指示或容許會員在該群組內發放選舉拉票資訊，有關情況已超越原本發放活動資料的目的，遂向公署作出投訴。

The Complaint

The Complainant was a member of a professional association. The association created a WhatsApp group for the purpose of disseminating activity information to its members. Against this background, the Complainant joined the WhatsApp group. To the Complainant's surprise, he received via the WhatsApp group canvassing messages for a candidate running in the functional constituency election. These messages were sent out by some officers of the association. The Complainant considered that the act of canvassing for a candidate in an election was inconsistent with the original purpose of setting up the WhatsApp group, and the association should have prohibited its officer from doing so.

在回應公署的查詢時，該協會確認涉案的幹事在事發時是以其個人身份（而非代表協會）在該群組內發放選舉拉票資訊。

In response to the PCPD's enquiry, the association confirmed that the canvassing messages were sent out by individual officers in their own capacity (not on behalf of the association).

結果

該協會當初收集會員的個人資料，開設該群組，目的是向會員發放協會的活動資訊。惟涉案的幹事於該群組內發放選舉拉票資訊，此舉與原本收集資料的目的無關，因而違反了保障資料第3原則。

Outcome

The original purpose of collecting members' personal data and creating the group by the association was for disseminating information on the association's activities to its members. To canvass electioneering activities in the WhatsApp group was inconsistent with the original purpose of collecting the personal data of members by the association, hence contravening DPP3.

在公署介入後，該協會已向該群組成員發放信息，提醒成員不可在該群組發放選舉拉票資訊。

After the PCPD's intervention, the association reminded its officers not to send out canvassing information in the WhatsApp group.

檢控及定罪個案

在本年報期間有6宗被檢控的個案，除一宗涉及條例第64條（即「披露未經資料使用者同意而取得的個人資料」）外，其餘均涉及使用個人資料作直接促銷。涉及條例第64條的個案因主要證人不能出庭作證，控方最終決定不提證供起訴。其餘5宗個案全部被定罪。警方在私隱專員的建議下首次在其他案件中加控疑犯違反條例下直接促銷的規定，詳見下述個案3。

PROSECUTION AND CONVICTION CASES

In the report year, six cases have been prosecuted, among which one related to section 64 (disclosing personal data obtained without consent from data users) and the rest related to the use of personal data in direct marketing. In the section 64 case, the prosecution offered no evidence against the accused, as the primary witness was found to be unfit to testify in court. The remaining five cases resulted in conviction. It was the first case that the Police had, in response to the Privacy Commissioner's suggestion, laid additional charges in relation to direct marketing against the accused of other criminal cases, details of which are set out in Case 3 below.

個案1：一名保險代理人被裁定在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及未有告知該人他拒收直接促銷訊息的權利——條例第35C及35F條

投訴內容

投訴人曾於一間保險公司購買保單，其後投訴人收到一封由一名保險代理人寄往其住宅地址的信件，就上述保險公司終止向投訴人提供代理人服務一事向他推廣其任職的另一間保險公司的保險理財服務。投訴人向公署投訴指該代理人在使用投訴人的個人資料作直接促銷前，未有採取指明行動通知投訴人及取得其同意，及未有在首次使用投訴人的個人資料作直接促銷時，通知他有拒收直接促銷訊息的權利。

結果

該代理人被控在使用他人的個人資料作直接促銷前，未有採取指明行動通知資料當事人，違反了條例第35C(2)條，以及在首次使用他人的個人資料作直接促銷時，未有告知該人他是有權要求被告在不向其收費的情況下，停止使用他的個人資料，違反了條例第35F(1)條。被告承認上述兩項控罪，被判罰每項控罪各80小時社會服務令。

Case 1: An insurance agent was convicted of using the Complainant's personal data in direct marketing without taking specified actions and failing to notify the Complainant of his opt-out right – sections 35C and 35F of the Ordinance

The Complaint

The Complainant purchased an insurance policy at an insurance company. Subsequently, an insurance agent working for another insurance company sent a letter to the Complainant's home address. In the letter, the agent promoted financial services to the Complainant after knowing about the suspension of service of the first mentioned insurance company. The Complainant complained that the agent had failed to take the specified action before using his personal data in direct marketing and to notify him of his opt-out right when using his personal data in direct marketing for the first time.

Outcome

The agent was charged with the offence of (1) using the personal data of the Complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the Ordinance; and (2) failing to inform the Complainant, when using his personal data in direct marketing for the first time, of his right to request not to use his personal data in direct marketing without charge, contrary to section 35F(1) of the Ordinance. The agent pleaded guilty to both charges. A Community Service Order of 80 hours was imposed by the Court on him for each charge.

個案2：一間外判銷售推廣公司被裁定在使用投訴人個人資料作直接促銷前沒有採取指明的行動通知投訴人，以及沒有依從投訴人的拒收直銷訊息要求——條例第35C及35G條

投訴內容

投訴人曾在向一間酒店的餐廳訂座時提供了其姓氏及手提電話號碼，自此便間有接獲推銷該酒店會籍及服務的來電。投訴人後來再次收到該酒店的同類來電時，向來電者作出拒收直銷訊息要求，並獲確認已收悉該要求。不過，投訴人於約一個月後仍接獲上述人士另一推廣該酒店會籍的來電。

結果

該外判商被控在使用投訴人的個人資料作直接促銷前，未有採取指明行動通知投訴人，違反了條例第35C(2)條，以及沒有依從投訴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，違反了條例第35G(1)條。該外判商承認兩項控罪，每項控罪各被判罰款HK$8,000。

Case 2: A marketing company was convicted of using the Complainant's personal data in direct marketing without taking specified actions and failing to comply with an opt-out request – sections 35C and 35G of the Ordinance

The Complaint

The Complainant once made a reservation with a restaurant of a hotel and provided his surname and mobile number for that purpose. Since then, the Complainant had received calls promoting the membership and services of the hotel. During one of those promotion calls, the Complainant requested the caller not to call him again and obtained the caller's acknowledgement of the request. However, the Complainant still continued to receive another call from the same marketing company promoting the membership of the hotel.

Outcome

The marketing company was charged with the offence of (1) using the personal data of the Complainant in direct marketing without taking specified actions, contrary to section 35C(2) of the Ordinance; and (2) failing to comply with the Complainant's request to cease using his personal data in direct marketing, contrary to section 35G(1) of the Ordinance. The marketing company pleaded guilty to both charges and was fined HK$8,000 for each charge.

個案3：兩間貸款中介公司被裁定在使用客戶個人資料作直接促銷前沒有採取指明的行動通知客戶——條例第35C條

內容

警方早前接獲多宗投訴，指兩間貸款中介公司涉及收取不合理地高昂的顧問費、勒索及非法禁錮。警方突擊搜查了上述公司的辦公室，檢獲一批電腦、檔案及文件。私隱專員獲悉警方的上述搜查行動後聯絡警方，要求警方同時就兩間公司有否違反條例下關於直接促銷的規定進行調查。證據顯示除該兩間公司外其董事亦因縱容有關作為的發生而涉違反條例的規定。

結果

上述公司及董事合共被控66項控罪，指他們在使用顧客的個人資料進行直接促銷前，未有採取指明的行動通知顧客，違反條例第35C(2)條的規定。當中一間公司被判7項罪名成立罰款HK$105,000，另一公司則被判4項罪名成立罰款HK$60,000。裁判官認為沒有足夠證據支持有關罪行是在董事的縱容下作出的。因此，兩名董事被判無罪。

Case 3: Two loan referral services companies were convicted of using customers' personal data in direct marketing without taking specified actions – section 35C of the Ordinance

The Case

The Police received a series of complaints against two loan referral service companies for charging unreasonably high consultation fee as well as other suspected criminal offences such as blackmail and unlawful detention. The Police subsequently raided the offices of both companies and seized computers, files, and documents. Having been aware of the aforementioned raid, the Privacy Commissioner wrote to the Police requesting an investigation into whether the companies had contravened direct marketing related offences under the Ordinance. Evidence suggested not only prima facie breaches of the same on the part of the companies but also by their directors, as the breaches appeared to be conducted under their connivance.

Outcome

Both companies and the said directors were prosecuted, among others, for a total of 66 charges in relation to the offence of "using the personal data of the customers in direct marketing without taking specified actions", contrary to section 35C(2) of the Ordinance. One of the companies was fined a total of HK$105,000 for seven convictions, while the other was fined HK$60,000 for four convictions. The Magistrate found insufficient evidence to prove that the offending acts were conducted under the connivance of the said directors, and as a result, the directors were acquitted.

電子健康紀錄互通系統

電子健康紀錄互通系統（互通系統）於2016年3月正式啟用後，公署除了處理市民對互通系統的查詢和投訴外，亦繼續就互通系統涉及個人資料私隱方面的事宜向政府提供意見。

2017年3月14日，公署應醫院管理局的邀請，在一個名為「了解互通系統的私隱保障 —— 妥善處理個人資料」的講座中，向超過300位負責處理互通系統申請的前線工作人員，簡介條例的規定及資料外洩通報機制，並與參加者分享一些真實個案。參加者亦獲講解互通系統一系列有關保障私隱的政策文件，並獲提供在互通系統的運作層面上保障病人私隱的實務指引。

講座反應理想，公署正與電子健康紀錄統籌處及醫院管理局商討，下年度再次舉辦類似講座，並計劃將對象擴展至醫護提供者。

ELECTRONIC HEALTH RECORD SHARING SYSTEM

After the launch of the Electronic Health Record Sharing System (the eHRSS) in March 2016, the PCPD not only dealt with enquiries and complaints related to the eHRSS, but also continued to provide advice on personal data privacy-related issues in relation to the eHRSS to the government.

On 14 March 2017, the PCPD was invited by the Hospital Authority to be a speaker in a seminar on "Understanding Privacy in the eHRSS – The Proper Handling of Personal Data" targeting at the frontline staff responsible for processing registration for the eHRSS. In addition to a walk-through of the Ordinance and the data breach notification mechanism, the PCPD also shared the take-aways of cases handled with the participants. The audience was also briefed on a series of privacy-related policy documents, and offered practical privacy tips from the operational perspective.

The seminar was well received. The PCPD, the Electronic Health Record Office and the Hospital Authority are contemplating to launch a similar event again next year, and hopefully to expand the scope of targeted participants to cover healthcare providers.

感言 Sharing

我加入了公署約三年半，感謝公署給我的栽培及信賴，我最近晉升為助理個人資料主任。我最初是擔任後勤支援的行政助理職位，公署很快便給予我機會，讓我學習處理市民通過電話、電郵、書信或是面對面的查詢個案。過程中，除了加深了我對條例的認知外，我還學會了聆聽的技巧。

如其他查詢組的成員一樣，我用心聆聽及閱讀每一項查詢的內容，並運用同理心切身處地去理解查詢者的問題及關注，繼而清晰地向他們解釋條例的規定及其賦予他們在私隱方面的保障。我們相信市民是抱着對公署的信任來提出的每一項查詢。因此，我們處理每一項查詢時，都不能掉以輕心，必須全力以赴。

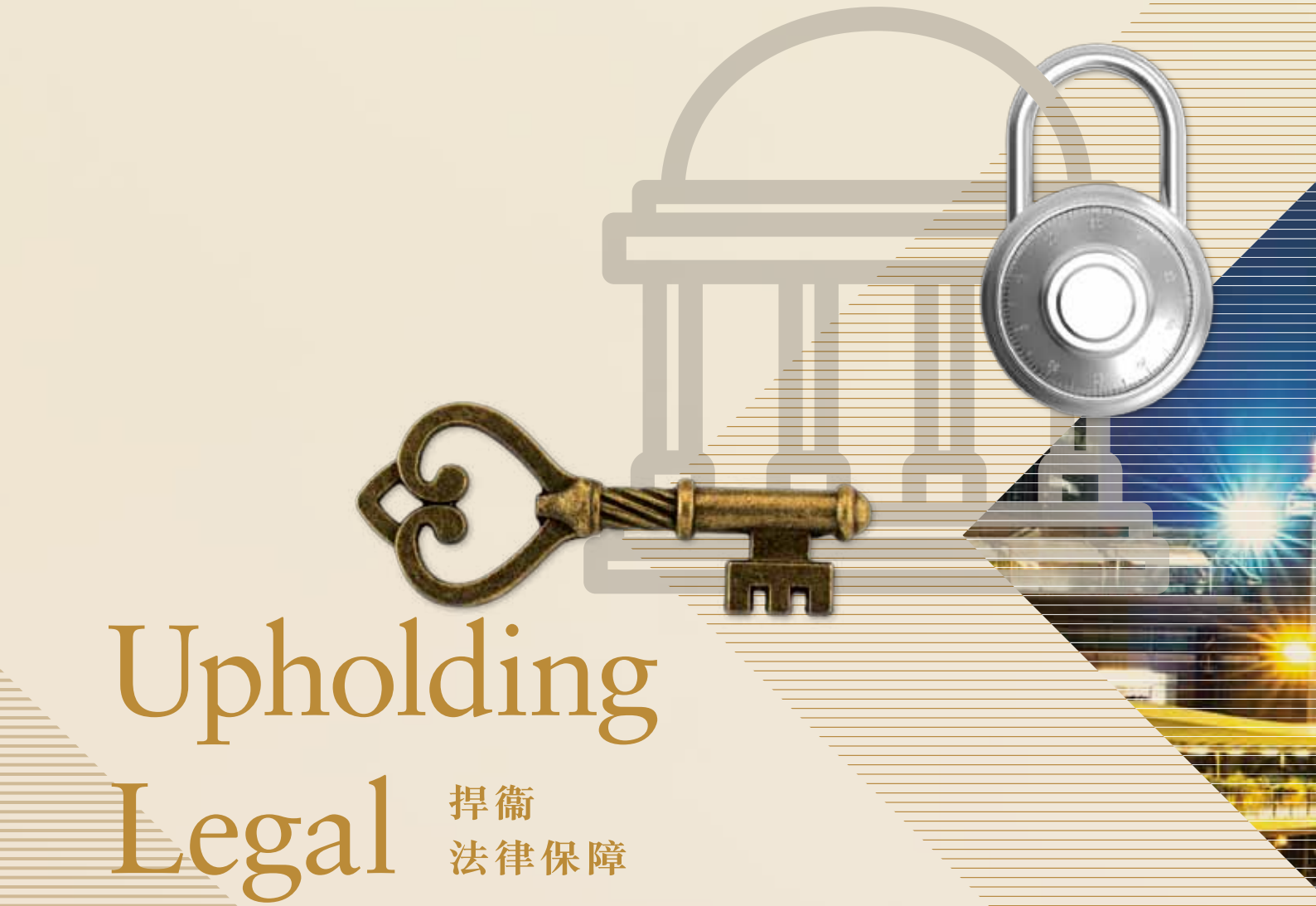
我期待在公署的栽培下繼續學習及成長，在我的崗位裏對市民作出更多貢獻。

I joined the PCPD about three and a half years ago. I am grateful for the opportunities offered by the PCPD and its trust in me, I was recently promoted to Assistant Personal Data Officer. I started as an administrative assistant working backstage. The PCPD soon gave me the opportunity to perform under the spotlight, learning how to handle public enquiries received through telephone calls, emails, letters, and meeting enquirers face-to-face. During the process, I have improved my understanding of the Ordinance and I also learnt the skill of listening!

Like other members of the enquiry team, I listened to and read each enquiry empathetically, and then clearly explained to the enquirer the requirements of the Ordinance and his or her rights protected by them. We believe that each enquirer comes to us with confidence in the PCPD. We therefore should not take our job lightly, and must listen to and answer each enquiry with our full dedication.

I am excited to continue my growth under the PCPD and serving the public in my present position.

孫少瑩
助理個人資料主任
Selene SUEN
Assistant Personal Data Officer



Upholding Legal Protection

捍衞法律保障

公平公正

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

Fairness and Equity

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

《香港個人資料（私隱）法例的符規實務指南》

公署與香港城市大學出版社聯合出版英文書籍“Personal Data（Privacy）Law in Hong Kong — A Practical Guide on Compliance”（《香港個人資料（私隱）法例的符規實務指南》），作為公署成立二十周年的誌慶活動之一。這本實務指南於2016年7月的香港書展中正式發售，內容闡述香港個人資料私隱保障的概念、法律及實務框架，為所有持份者及對香港個人資料私隱形勢有興趣的人士提供符規方面的實務指引。這本書是在公署另一本書“Data Protection Principles in the Personal Data（Privacy）Ordinance — from the Privacy Commissioner's perspective”（2nd Edition, 2010）（《香港個人資料（私隱）條例中的保障資料原則 — 私隱專員的觀點》（2010年第二版））的基礎上加以擴充，加入了2012年的立法修訂、最近的法庭案件、行政上訴委員會的裁決，以及公署所發表的三份實務守則。

公署與香港城市大學出版社為這本實務指南舉辦了不同的推廣活動，包括前奏活動及攝製在書展和其他平台播放的宣傳短片。私隱專員亦於2016年9月出席一個名為“Managing your Personal Data — Now and in the Future”（「管理你的個人資料 — 現在及將來」）的書籍分享會。

PUBLICATION OF “PERSONAL DATA (PRIVACY) LAW IN HONG KONG – A PRACTICAL GUIDE ON COMPLIANCE”

As one of the activities to mark its 20th anniversary of establishment, the PCPD jointly published with the City University of Hong Kong Press an English Guide Book entitled “Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance”. This Guide Book, which was officially released at the Hong Kong Book Fair in July 2016, explains the conceptual, legal, and practical frameworks of the personal data privacy protection in Hong Kong. It offers a practical guide on compliance for all stakeholders, as well as those who are interested in the personal data privacy landscape in Hong Kong. Expanding on the PCPD's handbook entitled “Data Protection Principles in the Personal Data (Privacy) Ordinance – from the Privacy Commissioner's perspective” (2nd Edition, 2010), this Guide Book has incorporated the 2012 legislative amendments, recent court cases, the Administrative Appeals Board decisions, and the three Codes of Practice issued by the PCPD.

The PCPD has collaborated with the City University of Hong Kong Press on various promotional activities of this Guide Book, including the pre-launch campaign and shooting of a short promotional film for broadcasting at the Book Fair and other platforms. The Commissioner also attended a Book Talk on the topic of “Managing your Personal Data – Now and in the Future” in September 2016.

嘉許 Commendations

我很感謝貴署在出版這本書所作的努力，它對香港個人資料私隱的形勢作出有用及全面的評論。這本書肯定對有關從業員及持份者的工作有幫助，並加深公眾對這方面的了解。它亦是有興趣研究這個法律範疇的人士不可或缺的書籍。

I would like to express my gratitude to you for your efforts in publishing the book which provides a useful comprehensive review of the personal data privacy landscape in Hong Kong. I am sure that the book will assist the work of the practitioners and stakeholders, as well as enhance the public's understanding on the matter. It will also be an indispensable addition to the bookshelf of everyone interested in this area of the law.

律政司司長袁國強資深大律師
（2016年8月22日）
Mr Rimsky YUEN, SC, Secretary for Justice
(22 August 2016)

嘉許 Commendations

我很高興這本實用的參考書（輔以未必有機會被報道的真實案例）終於出版。錯綜複雜的議題，以簡明的方式闡述，讀者都希望保障生活中如此重要部分的體制獲得遵從。

I am most pleased that this handy and useful reference, peppered with live cases which are not otherwise reported, has finally gone to print. It is also much of a delight to find that the intricate issues are dealt with in so compendious a manner for those who wish to see that the regime protecting such an important part of our lives is complied with.

律政司法律政策專員黃惠沖資深大律師
（2016年8月18日）
Mr Wesley W.C. WONG, SC, Solicitor General, Department of Justice
(18 August 2016)

嘉許 Commendations

我在這個星期就所發生的幾個議題參考過這本書，它確是非常有價值的參考資源。

I have already consulted the book on a few topics that have arisen this week and it can assure you it is a very valuable resource.

Messrs Hogan Lovells合夥人Mr Mark PARSONS
（2016年8月19日）
Mr Mark PARSONS, Partner, Messrs Hogan Lovells
(19 August 2016)

跨境資料轉移

條例於1995年制定時，參考了經濟合作及發展組織私隱指引及1995年歐盟指令在保障個人資料方面的規定。資訊自由流通以促進商業發展，是促使制定條例的其中一項潛在因素。

隨著歐盟採用《通用數據保護條例》(將於2018年5月生效)，歐盟已宣佈於2017年積極與亞洲主要貿易夥伴制定框架，以判斷某司法區的資料保障法律體制是否對個人資料私隱提供足夠的保障。1995年指令及新的《通用數據保護條例》均規定需要確保轉移至歐盟成員國以外地方的個人資料獲得足夠的保障。類似規定亦常見於很多海外的資料保障機制。

條例第33條嚴格地及全面地規管轉移資料至香港以外地方的行為。它明確禁止除在指明情況外將個人資料轉移至「香港以外地方」。不過，條例自1995年制定後，第33條尚未實施。

為鼓勵政府重新聚焦於條例第33條，公署已進行必要的準備工作，包括制訂「白名單」，羅列私隱標準與本港相若的地區，及於2014年出版了《保障個人資料：跨境資料轉移指引》，當中附有一套資料轉移的建議範本條文，協助資料使用者擬備資料轉移協議。「白名單」報告已提交政制及內地事務局考慮。

其後，政府聘請顧問就實施條例第33條進行業務影響評估。在年報期內，公署曾就條例有關規定的釋義、應用及循規事宜向政府的顧問提供意見。

CROSS-BORDER DATA TRANSFER

When the Ordinance was enacted in 1995, reference was made to the Organisation for Economic Co-operation and Development (OECD) Privacy Guidelines and the European Union Directive 1995 on protection of personal data. Free flow of information to facilitate trade was one of the underlying factors triggering the enactment of the Ordinance.

Following its adoption of the General Data Protection Regulations (to be effective in May 2018), the European Union has announced that it would actively engage with key trading partners in Asia in 2017 to establish frameworks to determine whether the data protection legal regime of a particular jurisdiction offers adequate protection to personal data privacy. Ensuring adequate protection for personal data transferred outside European Union member states is required under both the Directive 1995 and the new General Data Protection Regulations. Similar requirements are commonly found in many overseas data protection regimes.

Section 33 of the Ordinance stringently and comprehensively regulates the transfer of data outside Hong Kong. It expressly prohibits all transfers of personal data "to a place outside Hong Kong" except in specified circumstances. However, section 33 has not been brought into force since its enactment in 1995.

To encourage the Government to have a renewed focus on section 33 of the Ordinance, the PCPD has undertaken the necessary preparatory work, including the preparation of a "White List" of jurisdictions with privacy standards comparable to that of Hong Kong and published in 2014 a "Guidance on Personal Data Protection in Cross-border Data Transfer" with a set of Recommended Model Clauses for data users to adopt in their data transfer agreement. The White List report was provided to the Constitutional and Mainland Affairs Bureau for consideration.

Subsequently, the Government has engaged a consultant to conduct a business impact assessment for the implementation of section 33 of the Ordinance. During the report period, the PCPD has rendered comments to the Government's consultant concerning the interpretation, application, and compliance issues of the relevant legal requirements under the Ordinance.

上訴法庭的裁決

吳倩媚 對 香港個人資料私隱專員公署（CACV 97/2016）（原本案件編號：HCAL 36/2016）

沒有合理解釋為何在延遲近五年後才提出司法覆核的許可申請 —— 公署決定拒絕調查投訴時條例第39(3)條開始施行 —— 45日法定時限應由最後收到上訴人提交的證據的日期開始計算 —— 無法律基礎顯示公署的決定是不合法或不合理 —— 上訴人提出的司法覆核申請沒有合理的成功機會

主審法官： 林文瀚副庭長
朱芬齡法官
彭偉昌法官

判案理由書日期： 2016年10月26日

案情

2010年10月，上訴人向公署作出投訴，對多間具規模的公司及其在港職員提出十項指稱，指他們不公平地收集其個人資料（包括銀行戶口資料）及未經她的同意而向不同人士及／或機構披露那些資料。上訴人繼續於2011年1月及5月分別以兩封信向公署提供進一步資料，但另一方面以書面承認她沒有實質證據支持其指稱。2011年5月24日，公署通知上訴人，公署決定不對其投訴展開調查，原因是缺乏表面證據證明有違規情況。上訴人沒有依據《行政上訴委員會條例》以訂明表格提出上訴，只於2011年6月18日向行政上訴委員會發出信件，但沒有留下任何通訊地址或聯絡電話號碼。

2016年3月（公署作出決定後近五年）上訴人向原訟法庭申請許可，對公署不調查其投訴的決定展開司法覆核程序（根據HCAL 36/2016）。原訟法庭在考慮該申請的成功機會後，於2016年4月駁回該申請。

其後，上訴人向上訴法庭提出上訴。

COURT OF APPEAL DECISION

吳倩媚 v Privacy Commissioner for Personal Data, Hong Kong (CACV 97 of 2016)(on appeal from HCAL 36 of 2016)

No reasonable explanation for the delay of almost 5 years in making the application for leave for judicial review – section 39(3) of the Ordinance operates where the PCPD decides to refuse to investigate a complaint – the 45-day statutory time limit should start to run from the date of last receipt of the evidence in support submitted by the Appellant – there was a lack of legal basis to show the PCPD's decision was unlawful or unreasonable – No reasonable prospect of success of the Appellant's intended judicial review application

Coram: The Honourable Mr Justice Lam, VP
The Honourable Ms Justice Chu, JA
The Honourable Mr Justice Pang, JA

Date of Judgment: 26 October 2016

Facts of the case

In October 2010, the Appellant lodged a complaint to the PCPD with 10 allegations against certain sizable companies and their staff in Hong Kong for unfair collection of her personal data (including her bank accounts information) and disclosure of the same without her consent to various people and/or organisations. The Appellant continued to supply further information to the PCPD (in two more letters in January and May 2011 respectively) whilst admitted in writing that she had no concrete evidence in support of her allegations. On 24 May 2011, the PCPD informed the Appellant of the decision not to carry out an investigation of her complaint because there was a lack of evidence to substantiate a prima facie case of contravention. Instead of lodging an appeal in a prescribed form pursuant to the Administrative Appeals Board Ordinance, the Appellant merely sent a letter dated 18 June 2011 to the Administrative Appeals Board without leaving any correspondence address or contact number.

In March 2016, almost five years after the PCPD's decision, the Appellant applied to the Court of First Instance for leave to commence judicial review proceedings against the PCPD's decision not to investigate her complaint (under HCAL No.36 of 2016). After considering the merits of the application, the Court of First Instance dismissed the application in April 2016.

The Appellant then appealed to the Court of Appeal.

上訴庭的裁決理由

上訴法庭認為上訴人沒有提供合理的理由，解釋為何延遲近五年才提出申請。上訴人向不同政府部門及政策局發出投訴信，不能被視為「上訴」。上訴法庭尤其譴責上訴人指行政上訴委員會應主動聯絡她這個論點是無理取鬧。上訴法庭認為上訴人有不當的延誤。

此外，上訴法庭認為公署沒有不遵從條例第39(3)條下的45日法定時限。雖然上訴人是於2010年10月向公署作出投訴，但直至2011年5月11日公署不斷收到上訴人的進一步證據。直至當時（而不是較早），公署才能決定拒絕對她的投訴進行調查或終止調查。公署在考慮所有資料後，於2011年5月24日作出決定。上訴法庭認為45日法定時限應由最後收到上訴人提交的證據的日期開始計算。因此，公署已於45日法定時限內把決定告知上訴人。

此外，上訴法庭認為上訴人提出的司法覆核申請沒有合理的成功機會。上訴人沒有提供任何證據顯示公署的決定是不合法或不合理。

上訴法庭駁回上訴，並命令上訴人繳付公署的訟費。

上訴人親身應訊（缺席）

凌依楠大律師
代表答辯人（香港個人資料私隱專員）

Reasons for the Court of Appeal's Decision

The Court of Appeal considered that the Appellant had not provided any reasonable explanation for the delay of almost five years in making the application. The Appellant's sending of complaint letters to various government departments and bureaux was not to be construed as lodging any "appeal". In particular, the Court of Appeal condemned the Appellant's allegation that the Administrative Appeals Board should have taken the initiative to contact her and considered such argument as vexatious. The Court of Appeal found that there had been undue delay on the part of the Appellant.

Furthermore, the Court of Appeal held that the PCPD had not failed to comply with the 45-day statutory time limit under section 39(3) of the Ordinance. Although the complaint was made by the Appellant to the PCPD in October 2010, the PCPD continued to receive further evidence from the Appellant until 11 May 2011. Until then, but not earlier, the PCPD was in a position to decide to refuse to carry out or terminate an investigation of her complaint. The PCPD reached the decision on 24 May 2011 after considering all the information. The Court of Appeal was of the view that the 45-day statutory time limit should start to run from the date of last receipt of the evidence submitted by the Appellant in support of her complaint. Therefore, the PCPD had informed the Appellant of the decision within the 45-day statutory time limit.

Besides, the Court of Appeal considered that the Appellant's intended judicial review application had no reasonable prospect of success. The Appellant had failed to provide any evidence to show that the PCPD's decision was unlawful or unreasonable.

In dismissing the appeal, the Court of Appeal ordered the Appellant to pay the costs of the PCPD.

The Appellant acting in person (absent)

Ms Ebony Ling,
Barrister-at-law
for the Respondent (Privacy Commissioner for Personal Data, Hong Kong)

高等法院裁判法院上訴案件（2015年第624號）

香港特別行政區（答辯人）訴 香港寬頻網絡有限公司（上訴人）

條例第35G條直接促銷的罪行 —— 嚴格法律責任 —— 控方無須證明被控人有犯罪意圖 —— 第35G(5)條是辯方唯一的免責辯護 ——「要約提供」包括提出會提供的意思 —— 留言內容超越了提醒現有客戶合約將會期滿 —— 上訴人未能證明已採取所有合理措施和作出一切應作的努力以避免不依從拒絕服務要求

主審法官： 高等法院原訟法庭 黃崇厚法官

判案日期： 2017年1月26日

上訴人被控違反條例第35G條，即資料當事人要求資料使用者停止將其個人資料用於直接促銷，而資料使用者並無依從有關要求。上訴人經審訊後被裁定罪名成立，判處罰款30,000元。上訴人不服定罪，提出上訴。

案情

上訴人為互聯網服務供應商，一名上訴人的現有客戶（「該客戶」）於2011年12月開始使用上訴人的服務，合約期為24個月。該客戶於2013年4月以電郵方式，要求上訴人停止在直接促銷中使用他的個人資料。上訴人向該客戶的電郵地址發出回覆，確認收到他的退出申請。

同年5月17日，上訴人的一名電話推廣職員（「該職員」）致電該客戶的手提電話，該客戶未有接聽。該職員於是留下留言訊息，表示該客戶合約即將完結，而6月份開始會調整續約價錢，但若該客戶於5月份續新約有內部優惠，不會受到加價的影響，該職員並留下她的姓氏和電話號碼，以便該客戶回覆她的口訊。

上訴人指該職員負責現有／舊客的售後服務及合約提示，提醒客戶續約是重要的服務，與「直接促銷」沒有關係。上訴人向員工提供訓練和部門守則，要求員工向客戶提供準確資訊，亦向員工提供訓練講稿，針對不同意使用其個人資料作直接促銷的客戶續約之用，但該職員的留言內容偏離講稿，加入了

HIGH COURT MAGISTRACY APPEAL (HCMA 624/2015)

HKSAR (Respondent) v Hong Kong Broadband Network Limited (Appellant)

Direct marketing offence under section 35G – strict liability – the prosecution needs not prove mens rea – the only available defence is found in section 35G(5) – "offering" includes the meaning of offering to provide – content of voice message exceeded the realm of reminding existing customer that his contract would soon expire – the Appellant failed to prove that it had taken all reasonable precautions and exercised all due diligence to avoid non-compliance with the opt-out request

Coram: The Honourable Mr Justice Wong, Judge of the Court of First Instance of the High Court

Date of Judgment: 26 January 2017

The Appellant was charged with the offence under section 35G of the Ordinance for failing to comply with a data subject's request to cease using his personal data in direct marketing. The Appellant was convicted after trial and fined $30,000. The Appellant appealed against the conviction.

Facts of the Case

The Appellant was an internet service provider. One of the Appellant's existing customers (the Customer) had subscribed for the Appellant's service in December 2011 for a term of 24 months. In April 2013, the Customer emailed an opt-out request requiring the Appellant to cease using his personal data in direct marketing. The Appellant acknowledged receipt of the Customer's opt-out request by sending a reply to his email address.

On 17 May 2013, a telemarketing staff member of the Appellant (the Staff) called the Customer at his mobile phone, but the call was not answered. The Staff then left a voice message reminding the Customer that his service contract was due to expire. The Staff also mentioned that the service charge would be revised in June, but the Customer would be granted a concession to pay the current service charge if he chose to renew his contract by May. The Staff also left her surname and phone number for the Customer to revert.

The Appellant argued that its Staff was only providing "after sale service" to existing customers and reminding them of the approaching of the expiry of their contracts. The Appellant hence submitted that reminding its customers to renew their contracts was an essential service, and had nothing to do with "direct marketing". The Appellant did provide training and departmental guidelines to its employees to ensure that they would convey

6月份開始會調整續約價錢，以及5月份續新約有內部優惠。上訴人的「品質確定」部門每星期會抽查1至2個電話，目的是監察員工與客戶之間的談話內容。

accurate information to its customers, and also provided a training script to its employees for customers who had opted out from using their personal data in direct marketing. However, the voice message of the Staff deviated from the said script by adding that the service charge would be revised for contracts to be renewed in June and that concessionary service charge would be granted for renewal in May. The quality assurance department of the Appellant would choose one to two phone calls each week for the purpose of monitoring the conversation between its employees and customers.

裁判官的裁斷

(a) 裁判官指出上訴人要求員工包括該職員，在該客戶遠遠未到合約期滿（即6個多月前），已用不同方式，包括致電、發電郵及短訊予該客戶，美其名是提醒他合約快滿，實質是希望該客戶續約。電話留言旨在客戶續約，即向該客戶（一位指名特定人士）送交資訊提供上訴人的服務，故構成「直接促銷」。

(b) 裁判官不信納被告致電予該客戶，當時只是純粹提醒他快約滿，也不認同續約並非「新目的」。

(c) 裁判官認為上訴人不單沒有採取合理預防措施，沒有作出一切應作的努力去避免罪行，反而講稿正好反映出上訴人漠視已表明不同意個人資料用作直銷用途的客戶的意願，巧立名目，以提醒約滿為名，而實質是向現有客戶直接促銷被告的服務，據此裁定上訴人罪名成立。

The Magistrate's Findings

(a) The Magistrate noted that the Appellant required its employees including the Staff to communicate with the Customer by different means, including by phone, email, and SMS, notwithstanding that there was still a long period of time (i.e. more than 6 months) before the expiry date of the Customer's contract. While these communications purported to remind the Customer of the soon expiry of his contract, they in substance aimed to obtain a renewal of his contract. The voice message was sent to a specific person, i.e. the Customer, for the purpose of providing information in offering the Appellant's service on contract renewal, and thus amounted to "direct marketing".

(b) The Magistrate did not accept the call made to the Customer aimed at reminding him that his contract was due to expire. Nor did the Magistrate agree that the renewal of contract was not a "new purpose".

(c) The Magistrate considered that the Appellant had not taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence. On the contrary, the script reflected that the Appellant had neglected the will of its customer not to use his personal data in direct marketing. The Magistrate found that the Appellant had disguised the direct marketing of its service to an existing customer in the name of reminding him the imminent expiry of his contract, and convicted the Appellant.

上訴

上訴理由（一）

上訴人指條例第35G條的罪行元素，控方須證明被控人有犯罪意圖，而相關犯罪意圖是意圖直接促銷，但裁判官沒有正確擬定這罪行的罪行元素，尤其是所須犯罪意圖，亦沒有在證據上作出充份的討論、剖析和裁決。

法官援引HKSAR v Hin Lin Yee（2010）13 HKCFAR 142和Kulemesin v HKSAR（2013）16 HKCFAR 195的案例，認為涉案罪行本質上

The Appeal

Ground of Appeal (1)

The Appellant submitted that regarding the elements of the offence under section 35G of the Ordinance, it is incumbent on the prosecution to prove mens rea of the accused, i.e. the intent to commit the direct marketing offence, but the Magistrate had failed to set out properly the elements of the offence, in particular the mens rea, and had failed to adequately consider, analyse and adjudicate the evidence on this issue.

Relying on HKSAR v Hin Lin Yee (2010) 13 HKCFAR 142 and Kulemesin v HKSAR(2013) 16 HKCFAR 195, the Judge considered that section 35G is a regulatory offence in nature. Though the

是規管性的，雖然視乎情節，判罰可以不輕，但受社會非議的程度畢竟遠低於本質上是犯罪行為那類罪行。從條文的用字和提供的免責辯護來看，都是顯示立法原意是不須證明犯罪意圖。從現實角度，不少資料使用者都是機構而非個人，但直接做出違規的人往往是這些機構的僱員，而非僱主或負責人，如要證明犯意便大大削弱條例的效用，反之，移除須證明犯罪意圖的要求，會有助體現立例的目的，和加强大眾對規例的遵守。

penalty can be substantial depending on the facts of the case, the culpability of the offence is far less than those offences which are truly criminal in nature. The language of the statute and the defence provided therein also indicate that the legislature intends the proof of mens rea is unnecessary. In practice, many data users are organisations and not individuals. Those who carried out the acts that contravened the requirement are usually employees of these organisations, not employers or persons-in-charge. The effect of the Ordinance will be greatly undermined if mens rea must be proved. On the contrary, displacing the requirement of proving mens rea will enhance the implementation of the legislative intent and compliance of the Ordinance by the public at large.

法官裁定涉案罪行是嚴格法律責任罪行，控方要在毫無合理疑點的尺度下證明下列罪行元素：

The Judge ruled that the offence was one of strict liability. The prosecution must prove beyond all reasonable doubt the following elements of the offence:

(1) 有資料當事人要求了資料使用者停止在直接促銷中使用該資料當事人的資料；
(2) 資料使用者收到資料當事人這要求；及
(3) 資料使用者沒有依從這要求。

(1) a data subject required a data user to cease using his personal data in direct marketing;
(2) the data user received such requirement from the data subject; and
(3) the data user failed to comply with the requirement.

當上述3事項都被證實後，則除非被控人可依賴第35G(5)條的免責辯護，否則便須定罪。在本案中，控方須證明的罪行元素，毫無疑問都被證實了，控方並不須證明犯意，這上訴理由不成立。

Once all these 3 elements are proved, the accused will be convicted unless he can rely on the defence under section 35G(5). In the present case, the prosecution had proved all the necessary elements of the offence beyond doubt, and was not required to prove the mens rea.

This ground of appeal could not be sustained.

上訴理由（二）

Ground of Appeal (2)

「直接促銷」和「廣告宣傳」

"Direct Marketing" and "Advertising"

上訴人認為在詮釋第35G條的「直接促銷」這詞彙時，釋義條文中「要約」應採用合約法中對這概念的理解，而「廣告宣傳」是指向普羅大眾發放資料的行為。

The Appellant submitted that when interpreting the term "direct marketing" in section 35G, the word "offering" should be given its meaning in contract law. As regards "advertising", it refers to the sending of information to the public at large.

法官根據《釋義及通則條例》第19條，認為應採用目的釋義去詮釋有關條文，如果要引用民事合約法中「要約」的概念於本案的刑事議題，未免過於狹窄。即使一個糾纏不休、目的明顯是在推銷貨物或服務，但因推銷對象推辭或沒有正面回應以致未述及貨物的詳細出售條件或服務的詳細提供條件，在合約法下未成為要約的情況，便會因此而未構成直接促銷，不受此法規管，這明顯不是立法意圖。「要約提供」的英文版本是'offering'，'offering'可包含提出會提供這意思，中文版本採用了「要約提供」一詞的意思，是應該包括提出會提供

In reliance of section 19 of the Interpretation and General Clauses Ordinance, the Judge adopted a purposive interpretation of the relevant provision. The interpretation would be too narrow, if applying the concept of "offer" in contract law to this criminal case. A person importunes with the obvious intention of marketing goods or services, but owing to rejection of the target customer or absence of a positive response, may be unable to convey the terms of sale in details. This cannot constitute an "offer" in contract law. It is certainly not the legislative intent that such act does not amount to direct marketing, and therefore not to be governed by the Ordinance. "Offering" includes the meaning of offering to provide. The Chinese term should embody the meaning of offering to provide as well. Section 10B of the Interpretation and General

這行為的。法官更引用《釋義及通則條例》第10B條，即使條例的中文本和英文本出現意義分歧，在考慮了條例的目的和作用，要採用最能兼顧及協調兩文本的意義，結論也是一樣。

Clauses Ordinance provides that if a comparison of the English and Chinese language texts discloses a difference of meaning, having regard to the object and purposes of the Ordinance, the meaning which best reconciles the texts shall be adopted. The Judge took the view that adopting the approach in section 10B actually came to the same conclusion.

至於「廣告宣傳」方面，法官認為如果只限於向大眾發放資料的行為，而排除向個別人士打電話的行為，則訂立第35G條的目的之效果便會大為削弱。況且，案中證據顯示，上訴人做法，即所謂提醒客戶的做法，並非只是針對本案的投訴人，而是會向所有這類客戶做的，故法官認為上訴人的行為構成為服務可予提供而進行廣告宣傳。

As regards the meaning of "advertising", the Judge considered that the effect of section 35G would be greatly undermined, if it only applied to sending information to the public at large, thus excepting the making of telephone call to an individual. In addition, the evidence of the case showed that the Appellant's act of reminding its customers was not only targeted at the complainant of this case, but also all customers within the same category. Thus, the Judge considered that the Appellant's act amounted to advertising of the availability of services.

保障資料第3原則：新目的

Data Protection Principle 3: New Purpose

上訴人指條例第35G條和保障資料第3原則背後的目的是一致的，而法例規定的設計也旨在確保有效的商業運作和個人私隱的保障間作出平衡。如果公司的行為不是為了新目的，便不應屬於第35G條的規範之內，條例針對的是防止冷電（陌生推銷電話）。

The Appellant submitted that the purpose of section 35G of the Ordinance is consistent with that of DPP3. The law aims to strike a balance between ensuring business efficacy and protecting personal privacy. The act of the company should not be regulated by section 35G, if it is not intended for a new purpose. The Ordinance aims to prevent cold calls from being made.

法官同意裁判官的裁定，在本案中，該職員以提示合約將會期滿為開場白，可是細察留言的整體，該職員是在要約提供服務，即提供一個優惠讓客戶繼續享用價錢原本會不同的同樣服務、或在為該等服務可予提供而進行廣告宣傳。儘管提醒客戶約滿的原意是好的，但該職員所做和所表達的內容，不只限於提醒客戶，本身已構成直接促銷。

The Judge agreed with the Magistrate's ruling that in this case, the Staff's reminder of the expiry of contract was just a pretext to start the dialogue. Upon scrutinising the entire message, one would notice that the Staff was offering the availability of services, i.e. offering a concession to the customer in enjoying the same service at a rate which would otherwise be different, or advertising the availability of such services. Reminding customers that their contracts will soon expire is a good service. But what the Staff had done and said exceeded the realm of a reminder, and fell within the ambit of direct marketing.

故此，法官裁定這上訴理由不成立。

Hence, the Judge held that this ground of appeal failed.

上訴理由（三）

Ground of Appeal (3)

上訴人批評裁判官考慮了與控罪無關的事宜，和／或沒有考慮與控罪有關的事宜，針對的事項如下：

(1) 在客戶約滿前6個月開始提醒客戶約滿；
(2) 提醒客戶約滿所採用的媒體是否恰當；
(3) 客戶約滿事宜只為用作開場白；
(4) 上訴人在審訊時呈交作證物的講稿內容。

The Appellant submitted that the Magistrate had taken into account considerations irrelevant to the charge, and/or failed to consider issues that were relevant to the charge, such as:

(1) starting to remind customers the soon expiry of their contracts as early as 6 months ahead;
(2) whether the means used for reminding customers was appropriate;
(3) reminder of expiry of contract was just a pretext to start the dialogue; and
(4) the content of the script adduced by the Appellant during the trial.

法官認為裁判官雖然沒有很明確地述明她顧及這些事項的原因，但看來可能是在審視那次留言的真正目的或意圖，是無可厚非的。既然控方其實毋須證明留言的目的或意圖，裁判官故此也不必顧及這些事項，可是顧及了也不等於定罪並不穩妥，尤其是裁判官作出了的事實裁斷涵蓋了控方須證明的事情和辯方是否可倚賴法定免責辯護。

The Magistrate had not explicitly stated her reasons for taking these issues into account. However, it seemed that she was examining the genuine purpose or intention of the Appellant's leaving of the voice message. Having already ruled that the prosecution need not prove the purpose or intention of the Appellant's leaving of the voice message, the Judge considered that the Magistrate was not required to take these issues into account but having done so did not mean the conviction was unsafe. This was especially the case given the Magistrate had made her finding of facts on all matters that the prosecution was incumbent to prove, and whether the defence could invoke the statutory defence.

故此，法官裁定這上訴理由不成立。

Therefore, the Judge held that this ground of appeal was unsubstantiated.

上訴理由（四）

Ground of Appeal (4)

上訴人指裁判官在作出對上訴人不利的裁斷時，顧及了證據中含有沒有被檢控的罪行的證詞，包括上訴人員工曾經打電話給這名客戶的次數、會否嘗試用其他方式聯絡客戶、為何不發信給客戶等等。

The Appellant argued that when the Magistrate made the adverse finding of facts against the Appellant, she had considered those parts of the testimony relating to the offences not charged against it which included the number of times the Appellant's employee(s) had called the Customer, whether the Appellant had used other means to contact customers, and why the Appellant's employees had not sent letters to customers, etc.

沒有被檢控的罪行有特定的意思，源自終審法院案例Chim Hon Man v HKSAR（1999）2 HKCFAR 145之後的一系列裁決，法官認為上述事情不算是案例所述的沒有被檢控的罪行。

Offences not charged has a designated meaning, which originated from a series of judgments subsequent to the Court of Final Appeal judgment in Chim Hon Man v HKSAR (1999) 2 HKCFAR 145. The Judge considered that the above issues did not amount to offences not charged as decided by the Court of Final Appeal.

上訴人提證曾向員工提供守則和訓練，但具體細節不詳。即使根據上訴人的指引講稿的內容，也包括主動地提出可為續約計劃作出介紹，法官認為這是構成直接促銷。即使客戶沒有即時作出正面回應，員工也會嘗試徵詢客戶可否改天再聯絡他，這樣的安排，難以說盡了法定免責辯護的要求。為了達到提醒客戶約滿後會被徵收原本較高的款項，法官認為以書面方式通知客戶，因為用字明確又不會涉及人為過失，最能達到目的，又必能合乎法定免責辯護的要求，是其中一個理想做法。相對上訴人在案發時採用的方法而言，一來已可能構成促銷，二來實難稱可以確保不會有越界的行為；上訴人當時的措施是就員工向客戶的電話談話錄音，但此舉未能確保員工的談話內容沒有違規。法官認為上訴人並沒有採取所有合理措施和作出一切應作的努力，以避免不依從該客戶的要求，

The Appellant had adduced evidence to prove that guidance and training were provided to its employees, but offered no further details. According to the script provided by the Appellant, its content included taking the initiative to introduce the terms of the contract renewal which the Judge considered as direct marketing. Even if the customer did not give a positive response, the employee might attempt to ask the customer if he could make a call later. These measures could hardly be regarded as satisfying the requirements of the statutory defence. The Judge considered that one desirable means of reminding the customers was informing them in writing that they might face a higher rate of service charge after expiry of their contracts. This method has the advantage of achieving the desired purpose effectively, avoiding human errors given clear language is used, and satisfying the requirements of the statutory defence. The method adopted by the Appellant on the one hand amounted to direct marketing, and on the other hand could not avoid its employees crossing the line. The measure taken by the Appellant at that time was to record the telephone

停止使用他的個人資料於直接促銷，所以未能成功倚賴法定免責辯護。	conversation between its employees and customers. However, such measure could not ensure the content of its employees' conversations was not violating the law. Hence, the Judge considered that the Appellant could hardly be said to have taken all reasonable precautions and exercised all due diligence to avoid non-compliance with the Customer's request, i.e. to cease using his personal data in direct marketing. The Appellant could not successfully invoke the statutory defence.
法官據此裁定定罪是穩妥的，所以駁回上訴。	The Judge therefore considered the conviction was safe and dismissed the appeal.
胡關李羅律師行委派 余承章資深大律師及李頌然大律師 代表上訴人	Mr Selwyn Yu, SC and Mr Tony Li instructed by Messrs. Woo, Kwan, Lee & Lo, for the Appellant
律政司高級助理刑事檢控專員單偉琛 代表答辯人（香港特別行政區）	Mr Eddie Sean, Senior Assistant Director of Public Prosecutions of the Department of Justice for the Respondent (Hong Kong Special Administrative Region)

感言 Sharing

資料私隱保障是其中一個最動態的法律範疇。私隱法例的修訂有時是由一些「事件」所驅使，以及為了跟上急速科技發展的需要。因此，作為公署的律師對工作從不會感到乏味。

我在2010年加入公署。當時公署剛剛發表被傳媒大肆報道的「八達通事件」的調查報告，社會對個人資料私隱的關注提升到條例生效以來的高點。「八達通事件」亦促使規管直接促銷的模式出現大改革。我在公署參與的首個項目就是2012年條例修訂工作。

公署正就條例的現行保障與歐盟最新發展的《通用數據保護條例》進行比較。為緊貼資料私隱保障的全球趨勢，公署再次踏前一大步。我很高興能加入這專業及有遠見的團隊。

公署的工作為我帶來不斷的學習機會。

Data privacy protection is one of the most dynamic areas of law, and a change of the privacy law is sometimes driven by "incidents" and the need to keep up with rapid technological advances. Therefore, working as a legal counsel in the PCPD would never be boring.

I joined the PCPD in 2010 when the widely publicised investigation report on the "Octopus incident" had just been released, and the community's awareness of personal data privacy had reached an all-time high at that time since the enactment of the Ordinance. This also prompted a complete revamp of the regulatory regime for direct marketing. My first project in the PCPD was the 2012 Ordinance review exercise.

The PCPD is now comparing the current legislation protection under the Ordinance with the newly released EU General Data Protection Regulation. The PCPD is again taking a great leap forward in keeping abreast of the global trend in data privacy protection. I am delighted to be a part of the professional and forward-looking team in the PCPD.

I am always learning in the PCPD.

程潔美
律師
Catherine CHING
Legal Counsel

向行政上訴委員會提出的上訴

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

在2016至2017年度決定的／接獲的行政上訴案件的統計資料

本年度共有28宗上訴個案完結，及接獲34宗新提出的上訴個案。

大部分的上訴個案最終都被行政上訴委員會駁回或由上訴人撤回。

APPEALS LODGED WITH THE ADMINISTRATIVE APPEALS BOARD

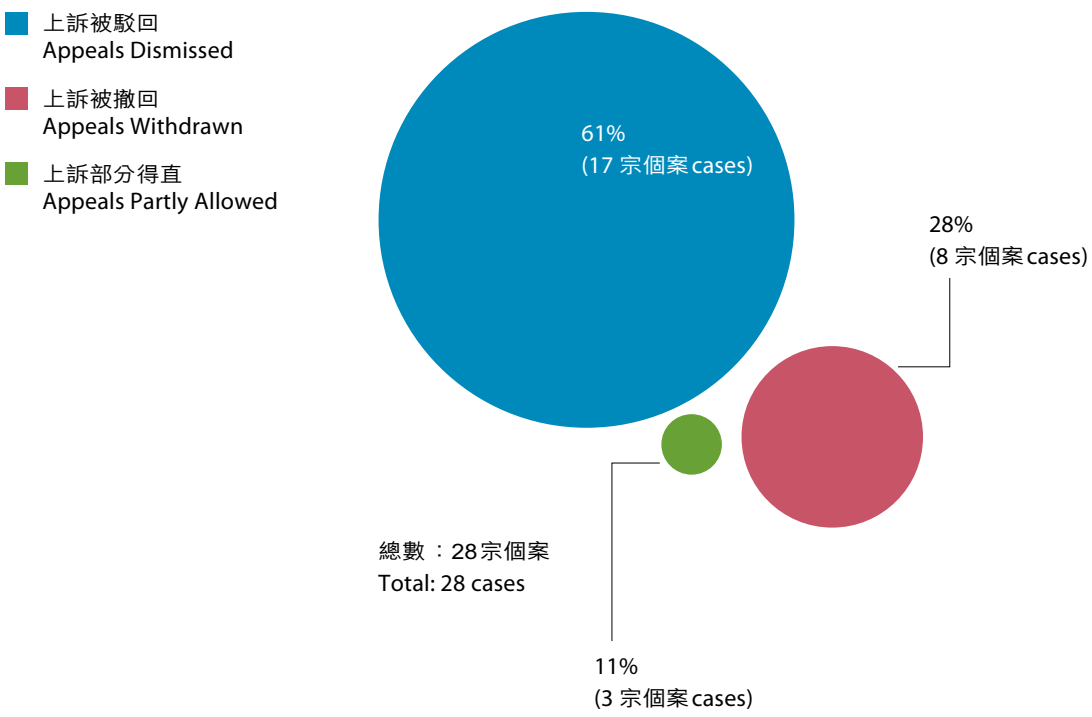
The Administrative Appeals Board (AAB), established under the Administrative Appeals Board Ordinance (Cap 442), is the statutory body that hears and determines appeals against the Commissioner's decisions by a complainant, or by the relevant data user complained of.

Statistics of AAB cases concluded / received in the year 2016-2017

A total of 28 appeals were concluded and 34 new appeal cases were received during the report year.

Most of the appeals were eventually dismissed by the AAB or withdrawn by the appellants.

上訴的結果
Result of appeal case



在本年度接獲的34宗新上訴個案中，31宗是上訴私隱專員不進行或終止正式調查的決定。私隱專員作出該等決定是基於(i)投訴被視為不是真誠地作出；(ii)投訴的主要事項與個人資料私隱無關；(iii)沒有表面證據支持指稱的違反行為；(iv)完全沒有涉及保障資料原則，沒有收集個人資料及／或(v)被投訴者已採取補救行動糾正所指稱的違反行為。

Of the 34 new appeal cases received in the year, 31 appealed against the Commissioner's decision not to carry out or terminate a formal investigation. The Commissioner made these decisions considering: (i) the complaints were not considered to have been made in good faith; (ii) the primary subject matter of the complaint was considered not to be related to personal data privacy; (iii) there was no prima facie evidence to support the alleged contravention; (iv) the DPPs were considered not to be engaged at all, in that there had been no collection of personal data and / or (v) the party complained against had taken remedial action to rectify the alleged contraventions.

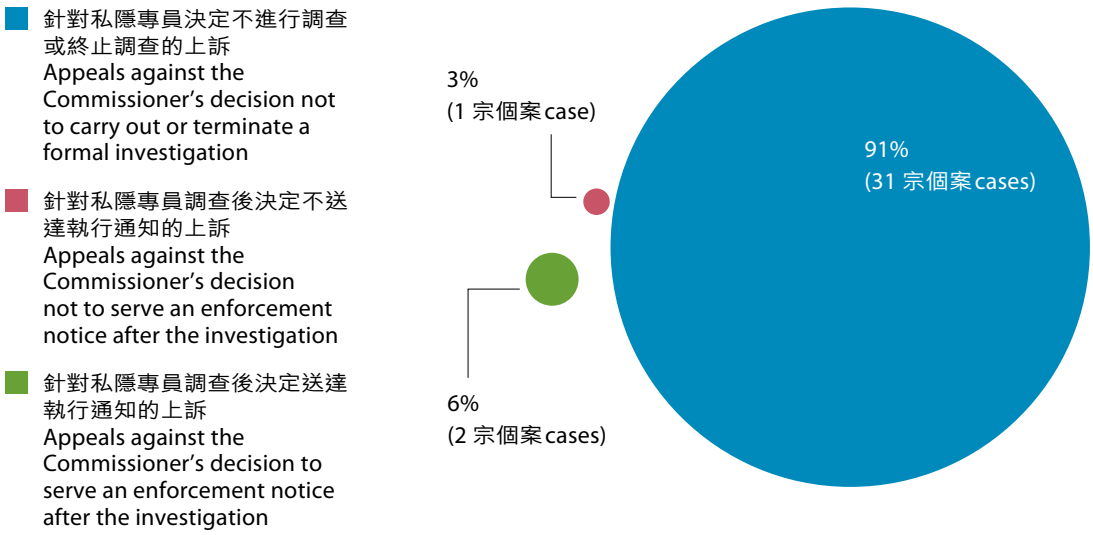
一宗是上訴私隱專員在作出調查後不送達執行通知的決定。

One appeal was against the Commissioner's decision not to serve an enforcement notice after the investigation.

餘下的兩宗是上訴私隱專員在作出調查後送達執行通知的決定。

The remaining two appeals were against the Commissioner's decision to serve an enforcement notice after the investigation.

上訴所涉的性質
Nature of the appeals

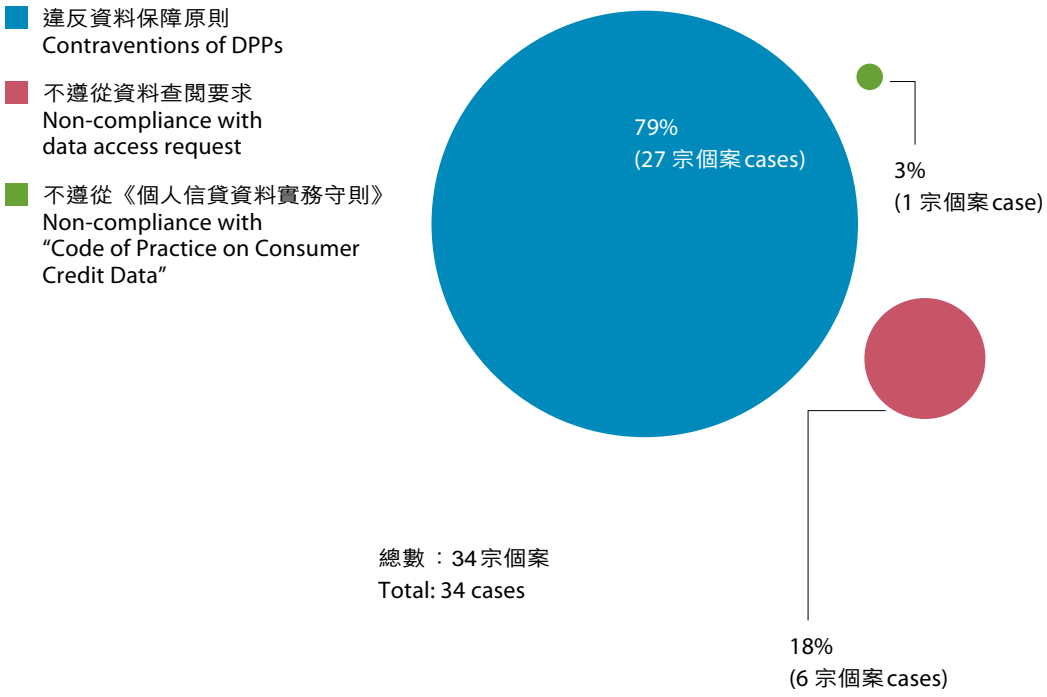


總數：34宗個案
Total: 34 cases

在34宗新上訴個案中，27宗涉及投訴違反保障資料原則。六宗涉及不依從查閱資料要求，一宗則關於《個人信貸資料實務守則》。

Of the 34 new appeal cases, 27 cases involved complaints concerning breaches of the DPPs, six cases involved non-compliance with data access requests, and one case concerned about the "Code of Practice on Consumer Credit Data".

上訴所涉的條例的規定
The provisions of the Ordinance involved in the appeals



有關投訴違反保障資料原則的27宗上訴中（一宗個案可牽涉多於一項保障資料原則），七宗涉及超乎適度及／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；20宗涉及未經資料當事人同意下使用及／或披露其個人資料，及六宗涉及個人資料的保安。

Of those 27 appeal cases involving the complaints concerning contraventions of the DPPs, seven cases involved excessive and / or unfair collection of personal data; two cases involved accuracy and duration of retention of personal data; 20 cases involved the use and / or disclosure of personal data without the data subject's prior consent, and six cases involved security of personal data.

上訴個案簡述一（行政上訴委員會上訴案件第 55/2014號）

第19(1)條下的40日規定應由何時開始計算——醫生把病人的個人資料交予律師以尋求法律意見，是否可援引第60B(c)條下的豁免

聆訊委員會成員：吳敏生先生（副主席）
Mr Philip Chan Kai-shing（委員）
鄭偉雄先生（委員）

裁決日期：2016年6月30日

投訴內容

上訴人於2008年12月至2011年12月由一名醫生治療其膝痛及其他問題。2012年6月2日，該醫生透過律師發信通知上訴人終止醫生與病人的關係。上訴人不滿該醫生的決定，向該醫生提出多個查閱資料要求。其後，她向私隱專員投訴該醫生沒有依從她於2013年2月24日提出的查閱資料要求及向律師披露她的醫療資料。

私隱專員的決定

關於依從查閱資料要求，私隱專員認為除了上訴人的指稱，沒有證據證明該醫生向上訴人隱藏任何文件。至於該醫生向律師披露上訴人的醫療資料，私隱專員發現該披露的目的是為了處理上訴人的查閱資料要求，即索取其醫療資料的複本。私隱專員因此認為有關披露是與當初為了處理上訴人的有關病情及治療的原本收集目的直接有關。此外，有關披露完全符合條例第60B(c)條的規定，因使用上訴人的個人資料是為確立、使用、行使或維護在香港的法律權利，故獲豁免而不受第3保障原則的條文所管限。

上訴

在聆訊中，上訴人同意該醫生依從該查閱資料要求的程度是足夠的。餘下的問題是該醫生是否未能在收到該查閱資料要求後40日內依從該要求。

APPEAL CASE NOTE ONE (AAB APPEAL NO.55/2014)

When the 40-day period under section 19(1) should start to run – whether a doctor passing his patient's personal data to his solicitors for seeking legal advice can invoke the exemption under section 60B(c)

Coram : Mr Alan Ng Man-sang (Presiding Chairman)
Mr Philip Chan Kai-shing (Member)
Mr Nelson Cheng Wai-hung (Member)

Date of Decision : 30 June 2016

The Complaint

The Appellant was a patient of a doctor from December 2008 to December 2011 for treatment of her knee pain and other problems. On 2 June 2012, the doctor through his solicitors issued a letter to the Appellant informing her the termination of their doctor-and-patient relationship. Dissatisfied with the doctor's decision, the Appellant made a number of data access requests to the doctor. Subsequently, she complained to the Commissioner against the doctor for his failure to comply with her data access request (DAR) made on 24 February 2013 and the disclosure of her medical information to his solicitors.

The Commissioner's Decision

With respect to the compliance with the DAR, the Commissioner was of the view that apart from the Appellant's mere allegation, there was no evidence to support that the doctor was withholding any documents from the Appellant. As for the disclosure of the Appellant's medical information by the doctor to his solicitors, the Commissioner found that the purpose of the disclosure was for handling the Appellant's DAR which sought to obtain copies of her medical information. The Commissioner considered that such use was directly related to the original purpose of collection which was for handling matters relating to her medical condition and treatment. In addition, such disclosure fell squarely within section 60B(c) of the Ordinance which exempted liability from the provisions of DPP3 where the use of the data was required for establishing, exercising or defending legal rights in Hong Kong.

The Appeal

At the hearing, the Appellant agreed that there was sufficient compliance with the DAR. The remaining question was whether the doctor had failed to comply with the DAR within 40 days after receiving it.

行政上訴委員會認為該查閱資料要求有欠清晰。上訴人描述所要求的資料十分廣闊，上訴人首先要求該醫生提供厚達數吋的病歷檔案內所有文件的索引，她再從該索引中找出她沒有的文件，然後要求該醫生提供那些文件。然而，上訴人也可能是以該查閱資料要求向該醫生索取她所欠缺的醫療記錄，以便她集齊一套完整的記錄。在40日期限開始計算前，上訴人是有責任澄清查閱資料要求中所要求的文件範圍。因此，40日期限是在該醫生於2013年4月27日收到修訂的查閱資料要求才開始計算。由於上訴人最終從該醫生的律師收到281頁醫療記錄複本，而且上訴人在上訴聆訊中承認對於該醫生依從該修訂的查閱資料要求的足夠程度並無爭議，因此行政上訴委員會裁定沒有表面證據證明該醫生沒有遵守條例第19(1)[2]條或保障資料第6(b)(i)原則。

The AAB took the view that the DAR lacked clarity. The description of the requested data was open to an interpretation that the Appellant requested first from the doctor an index of all the documents contained in the several inches thick multiple medical files, then from the index supplied, worked out what documents she did not have, and thereafter requested from the doctor for those documents she did not have. However, the DAR might also mean that the Appellant requested from the doctor all medical records which she did not have, so that she could have a complete set of all records. It was incumbent on the Appellant to clarify the scope of the documents requested in the DAR before the 40-day period started to run. Hence, it was only until the receipt of the amended DAR on 27 April 2013 that the 40-day period commenced. Given that the Appellant eventually received 281 pages of copy medical records from the doctor's solicitors and the Appellant's concession at the appeal hearing that there was no dispute as to the sufficiency of compliance with the amended DAR, the AAB held that there was no prima facie non-compliance under section 19(1)[2] of the Ordinance or DPP6(b)(i).

該醫生收集上訴人個人資料的目的是處理有關其病情及治療的事宜。很明顯，該醫生把281頁醫療記錄複本披露予律師是與該查閱資料要求有關，那是與該醫生收集上訴人的個人資料的目的有關。因此，行政上訴委員會同意私隱專員的觀點，認為沒有表面證據證明有違反保障資料第3原則的情況。

The doctor's purpose of collecting the Appellant's personal data was to handle matters relating to her medical condition and treatment. It was plain that the purpose for which the doctor disclosed the 281 pages of copy medical records to his solicitors was in relation to the DAR, which in turn related to the doctor's purpose of collecting the Appellant's personal data. The AAB therefore agreed with the Commissioner that there was no prima facie case of contravention of DPP3.

即使出現違反保障資料第3原則的情況，行政上訴委員會認為條例第60B(c)條的豁免適用於本個案。第60B(c)條不應只局限於有關資料使用者已展開法律程序或提出法律申索或投訴的情況，還有的情況是有關資料使用者希望尋求法律意見，作出預防行動，或為了在未來的潛在紛爭中保障其合法權利。因此，行政上訴委員會最後認為私隱專員在這方面所作的決定無誤。

Even if there was a breach of DPP3, the AAB took the view that the exemption provided under section 60B(c) of the Ordinance would be applicable in this case. It would be artificial to suggest that section 60B(c) should be restricted to situations where legal proceedings, legal claims, or complaints have been commenced or lodged against the relevant data user. There might be cases where the relevant data user would like to obtain legal advice on the appropriate prophylactic actions to be taken in a bid to prevent the situation from ballooning into a formal dispute, or for the purpose of defending his legal rights in the future potential dispute. Therefore the AAB concluded that the Commissioner's decision in this aspect could not be faulted.

行政上訴委員會駁回上訴。

The AAB dismissed the appeal.

上訴人親身應訊

The Appellant acting in person

陳淑音律師
代表答辯人（香港個人資料私隱專員）

Miss Cindy Chan, Legal Counsel
for the Respondent (Privacy Commissioner for Personal Data, Hong Kong)

孖士打律師行Miss Catherine Yeung律師
代表受到遭上訴所反對的決定所約束的人（醫生）

Miss Catherine Yeung, Solicitor of Messrs. Mayer Brown JSM
for the Person Bound by the decision appealed against (Doctor)

[2] 第19(1)條：資料使用者須在收到查閱資料要求後的40日內，依從該項要求。

[2] Section 19(1) : A data user must comply with a data access request within 40 days after receiving the request.

上訴個案簡述二（行政上訴委員會上訴案件第 54/2015號）

保險公司對客戶的個人資料有否採取所有合理地切實可行的保安措施 —— 上訴人一直未有收到正式保單 —— 懷疑有人在回條上偽冒上訴人的簽名確認收了保單 —— 審視保險公司的保安機制是否符合保障資料第4原則的要求

聆訊委員會成員：廖文健先生（副主席）
郭斯聰先生（委員）
袁妙齡女士（委員）

裁決日期：2016年9月13日

投訴內容

上訴人在2014年8月通過保險公司的業務代表投保了一份保險計劃，由於一直未有收到正式保單，於是在2015年向保險公司查詢。保險公司表示上訴人已於2014年9月22日簽署「保單收訖確認回條」。上訴人懷疑有人偽冒她的簽名，認為保險公司對客戶個人資料的保安不足，以致她的個人資料可能被未獲授權的人士查閱，遂向私隱專員作出投訴。

私隱專員的決定

保險公司向私隱專員解釋其一般做法:

(a) 當保單發出後，會經內部郵遞將保單送往相關的分區辦事處，由分區的秘書或助理簽收後，再分發予相關的業務代表。業務代表隨後將保單及「保單收訖確認回條」）親手、以掛號或速遞郵件派送予客戶，並要求客戶簽署「保單收訖確認回條」。

(b) 同時保險公司會以平郵郵寄一封通知書予客戶，告訴客戶保單已發出，並提醒客戶若在通知書發出後九天仍未收到保單，應致電保險公司的客戶服務熱線查詢。

APPEAL CASE NOTE TWO (AAB APPEAL NO.54/2015)

Whether an insurance company had taken all reasonably practicable steps in safeguarding the security of its customers' personal data – the Appellant had never received her insurance policy – the Appellant's signature on the acknowledgement receipt of insurance policy was suspected of being forged – the security measures adopted by the insurance company were examined under the requirements of DPP4

Coram : Mr Liu Man-kin (Presiding Chairman)
Mr Kwok Sze-chung (Member)
Ms Yuen Miu-ling (Member)

Date of Decision : 13 September 2016

The Complaint

In August 2014, the Appellant took out an insurance policy through an insurance agent of an insurance company. As the Appellant had not received her insurance policy, she made enquiries with the insurance company in 2015, and was informed r that she had already signed the acknowledgement receipt of the insurance policy on 22 September 2014. The Appellant suspected that someone had forged her signature on the acknowledgement receipt, and her personal data might have been accessed by unauthorised persons due to the inadequacy of security measures adopted by the insurance company. Hence, she lodged a complaint with the Commissioner against the insurance company.

The Commissioner's Decision

The insurance company explained its usual practice to the Commissioner :

(a) An insurance policy would be delivered to the relevant branch office by internal mail after it was issued, and the secretary or assistant of the branch office would then acknowledge receipt before passing it to the relevant insurance agent. The agent would deliver the insurance policy to the customer by hand, by registered mail, or by courier, and request the customer to acknowledge receipt of the insurance policy.

(b) At the same time, the insurance company would send a notice to the customer by ordinary mail, informing him that the insurance policy was issued and reminding him to contact the Customer Service Hotline of the insurance company if he did not receive it within nine days from the issuance date of the notice.

上訴人表示沒有收到保險公司郵寄給她的上述通知書。

私隱專員認為保險公司已要求業務代表親手、以掛號或速遞郵件派送保單給客戶，並由客戶簽收；發出保單的同時，以平郵寄出通知書予客戶，只是額外和保險的做法，萬一客戶未收到保單，亦可致電保險公司的客戶服務熱線查詢。發生在上訴人身上的這種情況，既收不到保單，又收不到通知書，加上有人偽冒她在「保單收訖確認回條」上簽名，以致保險公司不知問題所在，直至上訴人投訴才知道，這是非常罕見的。故私隱專員認為保險公司已採取合理地切實可行的步驟，去確保保單能妥善地派遞到客戶手中，沒有違反保障資料第4原則的規定。

The Appellant stated that she had not received the said notice from the insurance company.

The Commissioner found that the insurance company had taken all reasonably practicable steps to ensure that its insurance policies were properly delivered to its customers. According to the procedures, an insurance agent was required to deliver the insurance policy to his customer by hand, by registered mail, or by courier and to request the customer to acknowledge receipt. The additional step to send out the said notice to customers by ordinary mail was a precautionary measure to ensure that the customer would call the Customer Service Hotline for enquiries if he did not receive the insurance policy. It was a very rare case that (i) the Appellant received neither the insurance policy nor the notice; (ii) someone had forged her signature on the acknowledgement receipt; and (iii) the insurance company had not realised this until the Appellant lodged the complaint. That being the case, the insurance company had not contravened the requirements of DPP4.

上訴

The Appeal

行政上訴委員會認同保障資料第4原則規定資料使用者只須採取所有合理地切實可行的步驟，而非百份百地保證資料使用者持有的個人資料不受未經准許或意外的查閱、處理、刪除、喪失或使用；故即使保險公司無法確定保單在何時被何人簽收，並不能即時斷定保險公司違反保障資料第4原則，而須詳細審視保險公司的保安機制。

The AAB agreed that DPP4 requires data users to take only all reasonably practicable steps to ensure (but not fully guarantee) that personal data held by them are protected against unauthorised or accidental access, processing, erasure, loss, or use. Although the insurance company could not ascertain who signed on the acknowledgment receipt and when it was signed, one could not then conclude that the insurance company had contravened DPP4, without first examining its security mechanism.

行政上訴委員會在審視過有關保安機制後，認為保險公司的程序符合保障資料第4原則內的「合理地切實可行」的要求，尤其是上述(a)及(b)兩項措施分別由保險公司不同職員負責，讓客戶收到保單，並可以在最早的時間向保險公司查詢有關派送保單的事情。

After examining the security mechanism of the insurance company, the AAB was of the view that its procedures met the requirement of "reasonably practicable" under DPP4. In particular, the AAB had taken into account that steps (a) and (b) above were handled by different staff of the insurance company to ensure the delivering of insurance policies to customers and allowing them to enquire their delivery at the earliest possible time.

行政上訴委員會同意私隱專員的看法，透過保險公司給私隱專員的書面回應及出示的「保單收訖確認回條」和通知書副本，在「相對可能性的衡量」("balance of probabilities")的基礎上，接納保險公司在上訴人的個案中，是有依據既定的程序送出保單和通知書。

The AAB agreed with the Commissioner that based on the written reply from the insurance company as well as its production of the copy acknowledgement receipt and notice, on a balance of probabilities, the insurance company did deliver the insurance policy and notice in accordance with its established procedures.

行政上訴委員會駁回上訴。

The appeal was dismissed.

上訴人親身應訊

The Appellant acting in person

陳淑音律師
代表答辯人(香港個人資料私隱專員)

Miss Cindy Chan, Legal Counsel
for the Respondent (Privacy Commissioner for Personal Data, Hong Kong)

受到遭上訴所反對的決定所約束的人(保險公司)缺席聆訊

The Person Bound by the decision appealed against (insurance company) acting in person (absent)

上訴個案簡述三（行政上訴委員會上訴案件第 3/2016號）

在選民登記中被盜用身份 — 收集個人資料屬被被動時，收集不是不合法或不公平 — 已採取所有合理地切實可行的步驟確保選民登記冊準確 — 在個人資料私隱權與個人的投票權之間作出平衡

聆訊委員會成員：林勁思女士（副主席）
藍偉才先生（委員）
羅志遠先生（委員）

裁決日期： 2016年12月6日

投訴內容

有人利用上訴人的個人資料填寫選民登記表，並且假冒上訴人簽名，然後遞交予選舉事務處。其後，上訴人的個人資料被納入臨時選民登記冊。上訴人在收到選舉事務處的登記通知書後發現此身份盜用。自此他以電話、電郵及傳真向選舉事務處投訴，但拒絕向該處提供簽署的書面通知，以刪除其個人資料。上訴人向公署投訴選舉事務處「不合法地取得」他的個人資料及將其個人資料納入正式選民登記冊前沒有核實其身份。

私隱專員的決定

私隱專員認為沒有證據證明選舉事務處不合法地取得上訴人的個人資料。選舉事務處在收取選民登記申請表（載有上訴人的個人資料）方面，角色被動。私隱專員亦認為選舉事務處已採取所有合理地切實可行的步驟，確保正式選民登記冊內的個人資料準確，尤其是上訴人從收到的登記通知書得悉有人冒充他提交虛假申請。在考慮到政府已公開表示會採取措施加強核實申請人的身份，而且選舉事務處亦把個案轉介警方作刑事調查，私隱專員依據

APPEAL CASE NOTE THREE (AAB APPEAL NO.3/2016)

Identity theft in voter registration – collection of personal data was not unlawful or unfair when collection was passive – all reasonably practicable steps had been taken to ensure accuracy of the register of voters – to balance between personal data privacy rights and voting rights of individuals

Coram : Ms Cissy Lam King-sze (Presiding Chairman)
Mr Lam Wai-choi (Member)
Mr Law Chi-yuen (Member)

Date of Decision : 6 December 2016

The Complaint

Someone had forged the Appellant's signature and submitted a false voter registration form to the Registration and Electoral Office (REO) using the personal particulars of the Appellant. Subsequently, the Appellant's personal particulars had been included in the provisional register of voters. The Appellant discovered the identity theft upon receiving the Notice of Registration from the REO and had since complained to the REO by telephone, email and fax but refused to provide a signed written notice to REO for deletion of his personal particulars. The Appellant lodged a complaint to the PCPD against REO for "unlawfully obtaining" his personal particulars and for failing to verify his identity before including his personal particulars in the final register of voters.

The Commissioner's Decision

The Commissioner found that there was no evidence to substantiate that REO had unlawfully obtained the Appellant's personal data. The REO took a passive role in receiving the application for voter registration which contained the Appellant's personal particulars. The Commissioner further found that the REO had taken all reasonably practicable steps to ensure the accuracy of the personal data in the final register of voters, in particular, the Notice of Registration which was received by the Appellant and which enabled the Appellant to find out the fact that someone had impersonated him to submit a false application. Having regard also to the fact that the Government

條例第39(2)(d)條及其處理投訴政策第8(h)段，行使酌情權決定對該投訴不作進一步調查。

had openly stated that it would take further measures to enhance the verification of applicants' identities and that REO had already referred the case to the police for criminal investigation, the Commissioner exercised his discretion not to investigate the complaint further pursuant to section 39(2)(d) of the Ordinance and paragraph 8(h) of the Commissioner's Complaint Handling Policy.

上訴

The Appeal

行政上訴委員會認為不合法地取得上訴人的個人資料及遞交虛假選民登記表的一方不是選舉事務處。由於選舉事務處收集該選民登記表是履行其法定責任，目的是與選舉登記主任的法定責任直接有關的，因此並無不合法或不公平，而所收集的個人資料亦沒有超乎適度。因此，選舉登記主任及選舉事務處沒有違反保障資料第1原則。

The AAB considered that the REO was not the party which obtained the Appellant's personal data illegally or submitted the false voter registration form. Since REO was discharging its statutory obligations by collecting the voter registration form for purposes directly related to the statutory obligations of the Electoral Registration Officer, there was nothing illegal or unfair about it, and the personal data collected was not excessive. Accordingly, the Electoral Registration Officer and the REO had not breached DPP1.

行政上訴委員會亦認為，選舉事務處使用該選民登記表中的上訴人個人資料發出登記通知書及之後把上訴人的資料納入臨時及正式選民登記冊的做法，全是依從法定規定及相關時限。選舉事務處如此使用上訴人的個人資料沒有違反保障資料第3原則的規定，因為這是與收集目的一致。

The AAB also considered that the use of the Appellant's personal data in the voter registration form to issue the Notice of Registration and the subsequent inclusion of the Appellant's particulars in the provisional and final registers of voters complied with the statutory requirements and the relevant timelines. Such use of the Appellant's personal data by the REO did not contravene the requirements of DPP3 as it was consistent with the purpose of collection.

關於保障資料第2(1)原則，行政上訴委員會認為該虛假的選民登記表所載的上訴人個人資料基本上並非不正確，而選舉事務處是有機制讓選民修改任何不正確的資料。登記通知書清楚列明上訴人可於2015年8月25日或之前通知選舉事務處，修改其個人資料，而且選民登記表亦列明提供虛假、不正確或誤導性的資料屬於犯罪。行政上訴委員會同意私隱專員的調查結果，認為選舉事務處已採取合理地切實可行的步驟，確保資料的準確性及／或防止冒充他人遞交虛假選民登記表的身份欺詐行為。

In respect of DPP2(1), the AAB considered that the personal data of the Appellant stated on the false voter registration form was basically not incorrect, and the REO had a mechanism to enable voters to amend any incorrect data. It was stated clearly in the Notice of Registration that the Appellant could amend his personal data by notifying the Electoral Registration Officer on or before 25 August 2015, and the voter registration form also stated that it was an offence to provide false, incorrect or misleading information. The AAB agreed with the Commissioner's finding that the REO had already taken reasonably practicable steps to ensure the accuracy of the data and to prevent identity fraud in submitting a false voter registration.

行政上訴委員會認為選舉事務處在正式選民登記冊保留上訴人的個人資料，並沒有違反保障資料第2(2)原則，因為上訴人是在其個人資料被納入臨時選民登記冊後才向選舉事務處作出投訴。選舉登記主任是不能修改或刪除選民登記冊上的資料，除非是根據有關的法律規定及訂明時限把上訴人的姓名及地址放入取消登記名單，或得到審裁官的批准，才可以這樣做。

The AAB took the view that the REO had not contravened DPP2(2) in respect of its retention of the Appellant's personal data on the final register of voters. On the ground that the Appellant only lodged his complaint to the REO after the Appellant's personal data had been included in the provisional register of voters. The Electoral Registration Officer had no power to amend or delete entries in the register of voters unless in accordance with the relevant legal requirements and prescribed time frame to put the Appellant's name and address in the omission lists, or with the approval of the Revising Officer.

行政上訴委員會同意私隱專員的觀點，認為必須在個人資料私隱權與個人的投票權之間作出平衡，兩者都是重要的權利。行政上訴委員會認為選舉事務處的申報制度建基於選民的誠信是沒有違反條例的規定，因為條例沒有限制收集個人資料的形式或方式。

The AAB agreed with the Commissioner's view that a balance must be struck between the personal data privacy rights and the right to vote of individuals, both of which were important rights. The AAB considered that REO's declaration system based on honesty of voters did not contravene the requirements of the Ordinance as there was no restriction on the format or means regarding the collection of personal data under the Ordinance.

行政上訴委員會對上訴人表示同情，但認為選舉事務處必須依從登記或刪除選民的法定規定，不能因一個電話查詢或私隱專員的一封信而刪除登記。由於選舉事務處已將上訴人的投訴轉介警方調查，行政上訴委員會認為私隱專員就個案繼續進行調查，亦不能帶來更滿意的結果。行政上訴委員會亦要求選舉事務處把本個案通知政制及內地事務局，以供日後檢討選民登記制度時考慮。

The AAB was sympathetic with the Appellant but took the view that REO had to follow the statutory requirements to register or remove a voter and it would not be permissible to remove a registration in response to a telephone enquiry or a letter from the Commissioner. As the REO had already referred the Appellant's complaint to the police for investigation, the AAB agreed that further investigation by the Commissioner would not bring about a more satisfactory result. The AAB also requested the REO to inform the Constitutional and Mainland Affairs Bureau about this case for consideration in the review of the voter registration system in future.

行政上訴委員會駁回上訴。

The AAB dismissed the appeal.

上訴人親身應訊

The Appellant acting in person

黃靜思律師
代表答辯人（香港個人資料私隱專員）

Miss Joyce Wong, Legal Counsel
for the Respondent (Privacy Commissioner for Personal Data, Hong Kong)

Ms Yau Pui-yee
代表受到遭上訴所反對的決定所約束的人（選舉事務處）

Ms Yau Pui-yee
for the party bound by the decision appealed against (Registration and Electoral Office)

上訴個案簡述四（行政上訴委員會上訴案件第 13/2016號）

為調查滲水問題而拍攝露台的相片 —— 不屬業主的個人資料 —— 只顯示拖鞋、擱架及無法識別的物品的影像 —— 從有關影像不能識別出單位的業主 —— 單是住址可構成上訴人的個人資料 —— 其身份可從土地註冊處確定

聆訊委員會成員：廖文健先生（副主席）
劉貴顯先生（委員）
凌浩雲先生（委員）

裁決日期：2016年10月4日

投訴內容

上訴人投訴其屋苑的經理沒有事先通知上訴人而進入其住宅，拍攝14張相片（主要顯示住宅的露台），及再向樓下住戶披露該些相片和他的姓名及住址。

私隱專員的決定

私隱專員認為上訴人所指的事宜沒有涉及其個人資料，因為單憑該些相片及該住址不能確定上訴人的身份，而且上訴人不能提供足夠資料，證明該經理曾向樓下住戶披露其姓名。私隱專員總結認為上訴人所指的事宜並不符合條例第37條「投訴」的規定[3]，因而決定不進行調查。

上訴

行政上訴委員會首先處理的問題是，私隱專員根據條例第37(1)條而決定拒絕調

[3] 第37條：(1) 任何個人或代表個人的任何有關人士可就符合以下說明的作為或行為向專員作出投訴 (a) 在該項投訴中指明的；及 (b) 是 (i) 已經或正在（視屬何情況而定）由在該項投訴中指明的資料使用者作出或從事的；(ii) 關乎該名個人的個人資料的，而該人是或（如在有關個案中該資料使用者倚賴在第8部下的豁免）可能是有關的資料當事人；及 (iii) 可能屬違反本條例（包括第28(4)條）下的規定的。

APPEAL CASE NOTE FOUR (AAB APPEAL NO.13/2016)

Photos of the balcony of a residence taken for the purpose of investigating water seepage problem – not personal data of the owner – showing only images such as slippers, rack and unidentifiable objects – owner of the flat not identifiable from the images – residential address alone constituted the Appellant's personal data – his identity could be ascertained from the Land Registry

Coram : Mr Liu Man Kin (Presiding Chairman)
Mr Lau Kwai Hin (Member)
Mr Ling Ho Wan (Member)

Date of Decision : 4 October 2016

The Complaint

The Appellant lodged a complaint against the estate manager of his residence who had, without giving prior notification to the Appellant, entered his flat and taken 14 photos showing mainly the balcony thereof and disclosed those photos together with the Appellant's name and residential address to the resident of the flat on the floor below the Appellant's.

The Commissioner's Decision

The Commissioner found that the matters reported by the Appellant did not involve his personal data because the identity of the Appellant could not be ascertained from the photos and the residential address only, and that the Appellant had failed to provide sufficient information to show that the manager had disclosed his name to the resident of the flat below. The Commissioner concluded that the matters reported by the Appellant did not qualify as a "complaint" under section 37 of the Ordinance[3] and decided not to carry out an investigation.

The Appeal

The AAB first dealt with the question of whether the Commissioner was correct to base his decision upon section 37(1) of the Ordinance

[3] Section 37: (1) An individual, or a relevant person on behalf of an individual, may make a complaint to the Commissioner about an act or practice (a) specified in the complaint; and (b) that (i) has been done or engaged in, or is being done or engaged in, as the case may be, by a data user specified in the complaint; (ii) relates to personal data of which the individual is or, in any case in which the data user is relying upon an exemption under Part 8, may be, the data subject; and (iii) may be a contravention of a requirement under this Ordinance (including section 28(4)).

查個案是否正確。行政上訴委員會表示在決定投訴是否符合第37(1)(b)條的規定(即所指的作為或行為是否由「資料使用者」作出、關於「個人資料」及可能違反條例)時,必須從最高程度(即假設投訴中所有指稱屬實)審視投訴所指的作為或行為,以決定個案是否符合條例第37(1)(b)條的準則。如答案是「否」,即沒有「投訴」,私隱專員便沒有東西要調查。如答案是「是」,即投訴人已向私隱專員作出「投訴」。投訴人之後須舉證以證明他有表面證據。如投訴人無法這樣做,私隱專員有權依據條例第39(2)(d)條拒絕對該投訴進行調查。

to refuse to investigate the case. The AAB stated that in determining whether a complaint met the requirements set out in section 37(1)(b), namely, whether the act or practice specified therein was done by a "data user", relating to "personal data", and contravened the Ordinance, one would have to look at the act or practice specified in the complaint by taking the complainant's case at its highest (i.e., assuming all the allegations in the complaint were true) in order to determine whether there was a case meeting the criteria in section 37(1)(b). If the answer was "No", no "complaint" had been made and the Commissioner would have nothing to investigate. If the answer was "Yes", the complainant had made a "complaint" to the Commissioner. The complainant then had to adduce evidence to show that he had prima facie evidence, and if the complainant was unable to do so, the Commissioner would be entitled to refuse to carry out an investigation of the complaint pursuant to section 39(2)(d) of the Ordinance.

行政上訴委員會同意私隱專員的觀點,認為該些相片不構成「個人資料」,因為從該些相片不能識別上訴人的身份。拍攝該些相片的目的是調查滲水問題,所拍攝的影像只是拖鞋、擱架及無法識別的物品。沒有相片顯示上訴人的外貌。行政上訴委員會認為即使從最高程度審視上訴人的個案,上訴人的投訴並不關乎「個人資料」,條例第37(1)(b)(ii)條的規定是不符合。因此沒有條例第37條所指的「投訴」。

The AAB agreed with the Commissioner that the photos did not constitute "personal data" as the Appellant could not be identified from the photos. The photos were taken for the purpose of investigating the water seepage problem and only captured images such as slippers, rack and unidentifiable objects. None of the photos showed the appearance of the Appellant. The AAB considered that even taking the Appellant's case at its highest, the Appellant's complaint did not relate to "personal data", and the requirements in section 37(1)(b)(ii) of the Ordinance would not be satisfied. Hence, there was no complaint as defined in section 37 of the Ordinance in respect of the alleged personal data in the photographs.

關於住址,行政上訴委員會認為在本個案的情況中,單是住址已構成「個人資料」,因為透過土地查冊,從住址可直接或間接地確定業主的身份。不過,由於沒有證據顯示屋苑的經理曾披露上訴人的住址或姓名予樓下住戶,私隱專員不進行調查是正確的,但依據的條文應是條例第39(2)(d)條而不是第37(1)條。

With regard to the residential address, the AAB was of the view that the residential address alone would constitute "personal data" in the context of this case, as the owner's identity could be ascertained directly or indirectly through the residential address by conducting a land search. However, as there was no evidence to show that the estate manager had disclosed the Appellent's address or his name to the resident of the lower flat, the Commissioner was correct in not carrying out an investigation but the basis to do so should have been section 39(2)(d) instead of section 37(1) of the Ordinance.

行政上訴委員會駁回上訴。

The AAB dismissed the appeal.

上訴人親身應訊

The Appellant acting in person

黃靜思律師
代表答辯人(香港個人資料私隱專員)

Miss Joyce Wong, Legal Counsel
for the Respondent (Privacy Commissioner for Personal Data, Hong Kong)

公署就公眾諮詢所提交的意見書

本年私穩專員就以下公眾諮詢提交保障個人資料私穩的意見：

SUBMISSIONS MADE IN RESPECT OF PUBLIC CONSULTATIONS

During the report period, the 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
勞工處 Labour Department	《職業介紹所實務守則》草擬本 Draft Code of Practice for Employment Agencies
財經事務及庫務局 Financial Services and the Treasury Bureau	提升香港公司的實益擁有權的透明度 Enhancing Transparency of Beneficial Ownership of Hong Kong Companies

意見書的詳細內容可瀏覽公署網頁。

For detail submissions, please refer to the PCPD website.

公署對建議中的法例及行政措施所作的評論

本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 year, the 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
土木工程拓展署 Civil Engineering and Development Department	多連接自由流動隧道收費系統對私隱影響評估及私隱合規性審計概念證明研究的諮詢服務 Consultancy Services for Privacy Impact Assessment and Privacy Compliance Audit for Proof of Concept Study for Multi-Link Free Flow Toll Collection System
商務及經濟發展局 Commerce and Economic Development Bureau	設立旅遊業監管局取代現時旅遊業界自我規管機制的立法建議 Proposed legislation for the establishment of a Travel Industry Authority in place of the existing self-regulatory regime for the tourism sector
發展局 Development Bureau	建造業付款保障條例 —— 法律草擬指示 Security of Payment Legislation for the Construction Industry – Drafting Instructions
選舉管理委員會 Electoral Affairs Commission	行政長官選舉活動建議指引 Proposed Guidelines on Election-related Activities in respect of the Chief Executive Election 立法會選舉活動建議指引 Proposed Guidelines on Election-related Activities in respect of the Legislative Council Election
財經事務及庫務局 Financial Services and the Treasury Bureau	《交通銀行（香港）有限公司（合併）條例》的草稿 Draft provisions of Bank of Communications (Hong Kong) Limited (Merger) Bill
海事處 Marine Department	大型海上活動的安全措施的立法建議 Legislative Proposal on Safety Measures during Major Events at Sea
證券及期貨事務監察委員會 Securities and Futures Commission	推出投資者識別機制的建議 Proposed implementation of investor identification regime
保安局 Security Bureau	就實體貨幣及不記名可轉讓票據跨境流動建立申報制度 Establishment of a Reporting System on the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments
運輸及房屋局 Transport and Housing Bureau	推出採用專營權模式運作的優質的士計劃的建議 Proposed implementation of premium taxi scheme under a franchise model

法律協助計劃

法律協助計劃於2013年4月1日開始。根據該計劃，公署可向因資料使用者違反條例規定而蒙受損害，並有意提起法律程序以尋求補償的個人，提供協助。本年度內，公署接獲12宗新的法律協助申請，全部曾在事前向公署作出投訴。

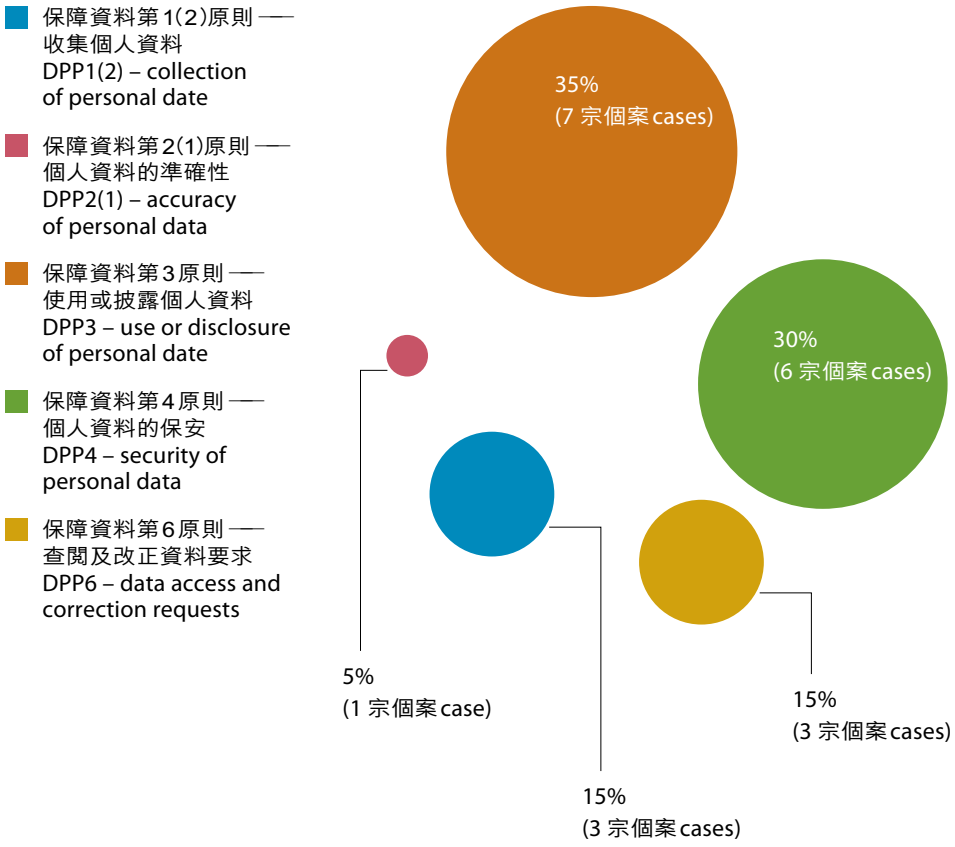
這些申請涉及下述違規指稱：(i)使用或披露個人資料；(ii)個人資料的保安；(iii)查閱及改正資料要求；(iv)收集個人資料；及(v)個人資料的準確性。

LEGAL ASSISTANCE SCHEME

The Legal Assistance Scheme commenced on 1 April 2013. Under the scheme, the PCPD may provide assistance to a person who has suffered damage by reason of a contravention under the Ordinance and intends to institute proceedings to seek compensation from the data user at fault. In the report year, the PCPD received 12 legal assistance applications, all of which were preceded by complaints lodged with the PCPD.

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

違規指控的性質
Nature of alleged contraventions



註：一宗個案可牽涉多於一項保障資料原則

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

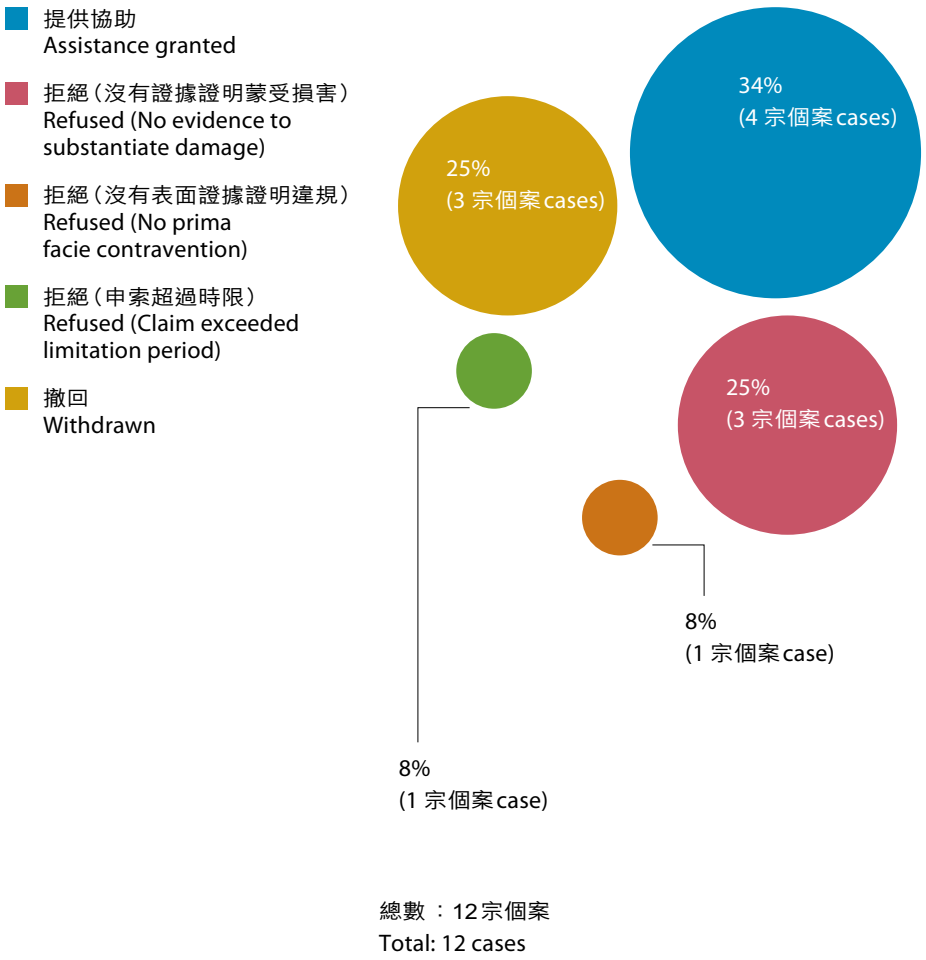
本年度內公署處理了14宗申請（包括去年未完成的兩宗）。在這些申請中，已完成的申請有12宗，其餘兩宗申請在年結時仍在考慮中。

在已完成的12宗個案中，四宗獲給予法律協助、三宗由申請人撤回、五宗被拒。下圖顯示法律協助申請的結果。申請被拒的主要原因包括沒有表面證據證明違反條例，及未能舉出證據證明蒙受損害。在五宗被拒個案中，公署接獲兩個覆核要求，現正處理中。

During the report year, the PCPD handled 14 applications (including two brought down from last year). Of these applications, 12 applications were completed and two applications were still under consideration as at the end of the report period.

Of the 12 cases completed, four were granted legal assistance, three were withdrawn by the applicants, and five were refused. The figure below shows the outcome of legal assistance applications. The main reasons for refusing applications included the absence of prima facie evidence of contravention of the Ordinance and the failure to provide evidence to substantiate any damage suffered. Of the five cases refused, the PCPD received two requests for review which were underway.

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



總數：12宗個案
Total: 12 cases

首宗法律協助個案的判決（DCCJ 846/2016）

案情

受助人是一名未成年人。法律程序是由該未成年人的母親作為訴訟代理人提起的。

有關申索是關於一間補習社向無關的人士不當披露對該未成年人就未繳付的補習費所進行的小額錢債審裁處法律程序（「法律程序」）。雙方就補習中心所提供的補習教材及補習地點發生爭議。該補習中心除把法律程序文件發送至該未成年人的住址及學校地址，同時亦把有關文件的副本分別發送予該未成年人的校長及班主任，該兩人與案件並無關連。其後，有關法律程序的所有文件均是以同樣方式發送。在整個法律程序中，該未成年人被老師召喚去收取經校長及班主任送遞的文件。

私隱事宜及結果

該補習中心原本收集該未成年人的各項個人資料（包括就讀學校、成績、班別、住址及聯絡電話號碼），以分析其資歷，然後向他提供合適的補習服務。如此向該未成年人的校長及班主任披露該未成年人在法律程序中的個人資料，並不是與收集有關資料的原本目的直接有關，因而違反保障資料第3原則。此事對該未成年人造成騷擾及壓力。私隱專員向該未成年人提供法律協助，就他蒙受的損害（包括感情的傷害）提出申索補償。在2016年6月10日的缺席判決中，該補習中心被判敗訴，賠償額有待評估。

第二宗法律協助個案透過和解獲得賠償

公署成功協助一名受助人透過和解獲得三萬港元的賠償，補償因資料使用者違反條例保障資料第4原則的規定而蒙受的損害（包括感情的傷害）。受助人是一宗人身傷害案件的潛在申索人。被告人代表律師向受助人的僱主發信索取受助人的僱用資料，包括薪金資料，並在信中提及其人身傷害案件的索償資料。該律師行未有遵從保障資料第4原則，採取適當步驟確保信內的個人資料不受未獲准許的披露，導致受助人的同事知悉事件及相關的個人資料，令受助人感到困擾。

JUDGMENT ENTERED FOR THE FIRST LEGAL ASSISTANCE CASE (DCCJ 846/2016)

Facts of the case

The assisted person was a teenager, who claimed for damages against a tutorial centre in respect of the latter's improper disclosure of his personal data. The teenager's mother was appointed as his next friend in this claim.

The improper disclosure of the teenager's personal data arose from a Small Claim Tribunal proceedings ("the Proceedings"), in which the tutorial centre sued the teenager for unpaid tuition fees. The parties argued over the tuition materials and the location where the tutorial lessons were provided. In addition to sending the Proceedings documents to the teenager at his residential and school addresses, copies of the same documents were also addressed and sent to the teenager's headmaster and head teacher in school, who were unrelated to the Proceedings. All subsequent documents relating to the Proceedings were similarly sent to both the teenager and those unrelated parties, and the teenager was called upon by his teacher to collect the documents which were sent throughout the Proceedings.

Privacy Issues and Outcome

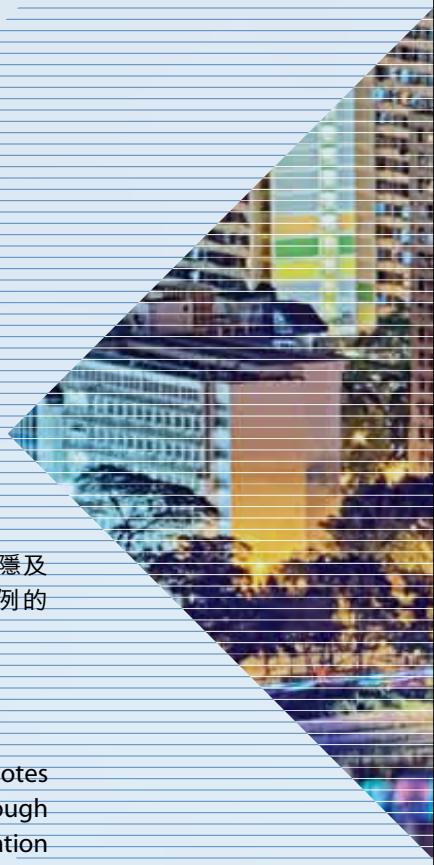
Various pieces of personal data of the teenager, including his school, grade, class, residential address, and contact phone number, were collected by the tutorial centre originally for the purposes of analysing his credentials and providing the appropriate tutorial services to him. When the teenager's personal data in the documents of the Proceedings was disclosed to the headmaster and the head teacher, such disclosure did not directly relate to the original purpose of collecting such data by the tutorial center and thus constituted a contravention of DPP3. As this contravention had caused disturbance and stress to the teenager, the Commissioner provided legal assistance to him for claiming compensation in respect of the damage he suffered, including injury to his feelings. On 10 June 2016, default judgment was entered against the tutorial centre with damages to be assessed.

COMPENSATION OBTAINED BY WAY OF SETTLEMENT IN THE SECOND LEGAL ASSISTANCE CASE

The PCPD has successfully assisted an applicant to obtain compensation by way of settlement in the amount of HK$30,000 in damages (including his injury to feelings) as a result of the contravention of the requirements under the DPP4 of the Ordinance. The assisted person was a potential claimant in a personal injury case. The law firm (acting for the prospective defendant in the personal injury case) sent a letter to the assisted person's employer requesting for his employment details including the income, and also mentioned about the details of his personal injury claim. In breach of DPP4, the law firm failed to take adequate measures to protect the assisted person's personal data (as contained in the said letter) against unauthorised disclosure to his colleague causing distress to the assisted person.

Promoting Data Protection and Respect

推廣資料保障和尊重

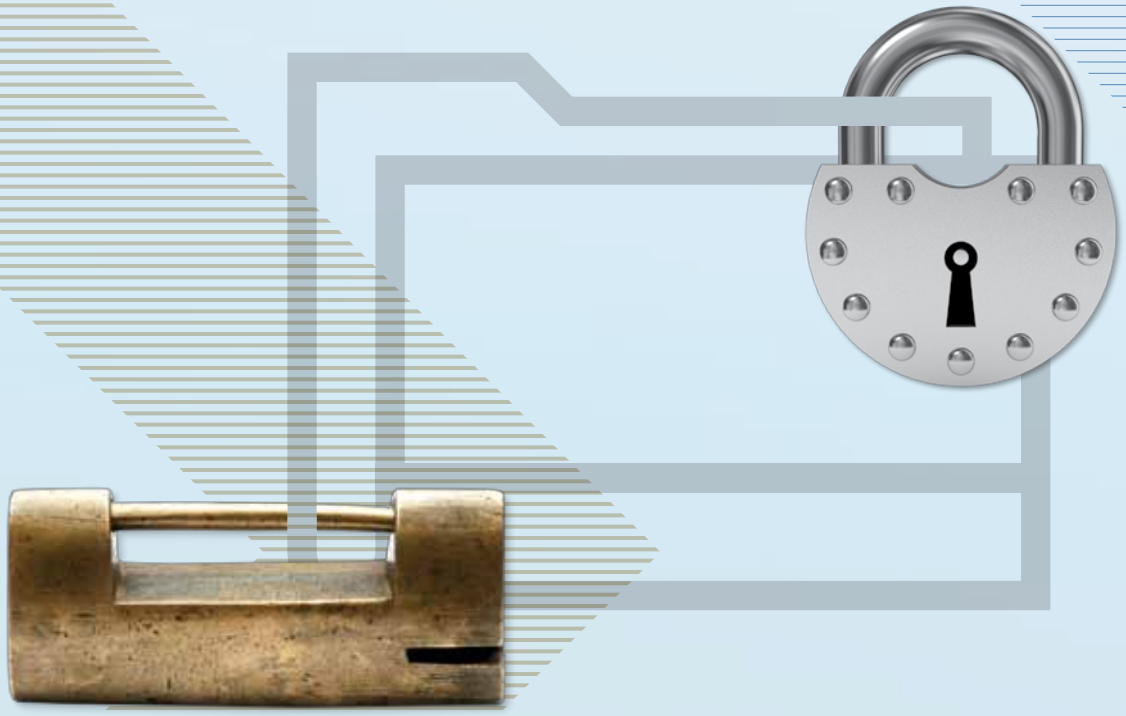


教育及參與

傳訊及教育部運用傳媒、刊物及公眾教育推廣私隱及資料保障和尊重，舉辦培訓以促進機構認識條例的規定，與傳媒及其他持份者建立工作關係。

Education and Engagement

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



公署20周年誌慶酒會「資料導向經濟下的個人資料保障與尊重」

PCPD 20TH ANNIVERSARY COCKTAIL RECEPTION "PROTECT AND RESPECT PERSONAL DATA IN A DATA DRIVEN ECONOMY"

公署於2016年9月9日舉行了20周年誌慶酒會，由時任政制及內地事務局副局長陳岳鵬擔任主禮嘉賓。

當日共超過120名嘉賓出席酒會。私隱專員在致歡迎辭時感謝各持份者對公署保障個人資料私隱工作的支持，並介紹了公署過往20年的歷史和主要成就，以及他對公署的願景。

在酒會完結前，公署播放一段特別製作的短片，與在場人士一同回顧過去20年公署在本港推動保障個人資料私隱的重要里程碑和活動。

On 9 September 2016, the PCPD marked its 20th anniversary with a cocktail reception officiated at by the then Under Secretary for Constitutional and Mainland Affairs, Mr Ronald Ngok-pang Chan.

The cocktail reception was attended by over 120 guests. In his welcome speech, the Commissioner thanked different parties for their support for the PCPD's work on the protection of personal data privacy. The Commissioner also introduced the history and major achievements of the PCPD in the past 20 years and his vision for the PCPD to the guests.

The cocktail reception ended with a special video which highlighted PCPD's milestones over 20 years of personal data privacy protection in Hong Kong.

「資料保障法律在資訊世代的發展」學術研討會

為慶祝公署成立20周年，公署於2016年9月9日與香港城市大學法律學院合辦「資料保障法律在資訊世代的發展」學術研討會。研討會由時任政制及內地事務局副局長陳岳鵬擔任主禮嘉賓，出席嘉賓還包括香港城市大學校長及大學傑出教授郭位教授和香港城市大學法律學院院長Geraint Howells教授。

研討會的主題是「資料保障法律在資訊世代的發展」，共分為三個專題演講連討論環節，研討課題包括內地及其他法域區的私隱法規，以及就執法和循規、資料保安、透明度、私隱範疇的轉變和消費者的資料保障等進行經驗分享。研討會邀請了超過十位來自內地、德國、韓國、星加坡、馬來西亞以至澳門等地的專家擔任主講嘉賓，就當地的相關法規的發展予以真知灼見，吸引了超過100名人士出席。

SYMPOSIUM ON "DATA PROTECTION LAW DEVELOPMENT IN THE INFORMATION AGE"

To celebrate its 20th anniversary of the establishment, the PCPD jointly organised the Symposium on "Data Protection Law Development in the Information Age" with School of Law of the City University of Hong Kong on 9 September 2016. The Symposium was officiated at by the then Under Secretary for Constitutional and Mainland Affairs, Mr Ronald Ngok-pang Chan. Other guests included the President and University Distinguished Professor of the City University of Hong Kong, Professor Way Kuo, and the Dean of the School of Law of the City University of Hong Kong, Professor Geraint Howells.

The theme for the Symposium was "Data Protection Law Development in the Information Age". It consisted of three sessions with presentations and panel discussions. Various regulatory issues relating to data protection laws in the mainland of China and other jurisdictions were addressed. Experience sharing on enforcement and compliance, data security, transparency, privacy changes and consumer data protection were also covered. The Symposium had drawn over 10 distinguished speakers from different parts of the world, including the mainland of China, Germany, Korea, Singapore, Malaysia and Macao, to share their expertise and views in the development of the relevant laws. Over 100 participants attended the Symposium.

透過傳媒加強訊息傳播

傳媒

公署走入社羣，致力培育「保障、尊重個人資料」文化。我們透過不同的媒體網絡，帶出對各項私隱議題的關注，藉以提升公眾對個人資料保障權利的認知。

本年度公署共發布了37篇新聞稿（詳見附錄二），回應了179個與條例和個人資料私隱時事議題相關的傳媒查詢。透過互聯網、報章、雜誌以至電視及電台廣播，年內共錄得2,051則與公署相關的報道。

私隱專員及其團隊成員先後接受55次傳媒訪問，並於2017年1月舉行傳媒茶聚，總結公署2016年的工作成果及來年工作展望。

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：

與選舉活動有關的議題

2016年7月至8月立法會換屆選舉期間，私隱專員提醒各候選人及／或其選舉代理人，向選民進行拉票活動時須遵從條例規定以收集、持有、處理及使用個人資料；另提醒選民，向他人提供個人資料前，應先清楚了解及接受對方收集資料的目的。此外，有網民針對個別人士發起追查及公開其個人資料，並出言恐嚇，可能涉及網絡欺凌，私隱專員勸喻有關人士尊重他人的私隱，以免觸犯法律。

2017年2月行政長官選舉期間，公署曾先後兩次作出聲明，就「2017特首選舉民間全民投票」活動之「投票系統」涉及不公平收集個人資料的情況及保安漏洞，強烈要求有關活動停止收集及停用所涉的Telegram通訊程式。及後於3月傳媒發現有網站聲稱有超過二萬個參與一項民意研究機構所進行的民間意見收集活動的投票者之資料遭洩漏，私隱專員亦即時要求活動主辦組織解釋，並作出適當跟進。

AMPLIFYING MESSAGES THROUGH THE MEDIA

Media

The PCPD is committed to extending the office's reach into all parts of the community to nurture the "protect, respect personal data" culture. We use the media to highlight issues concerned and make members of the public more aware of their personal data privacy rights.

During the year, the PCPD issued 37 media statements (see Appendix 2), and responded to 179 media enquiries about ad-hoc issues on personal data privacy. 2,051 news stories covering the PCPD's messages were published online, on newspapers and magazines, or broadcast on television and radio.

The Commissioner and his team members gave 55 media interviews, and hosted a media tea reception in January 2017 to present the year-end work report and the strategic focus for 2017.

Over the year, the Commissioner responded proactively to local and global privacy-related issues, including:

Electioneering-related incidents

During the period of Legislative Council General Election in July and August 2016, the Commissioner called on candidates and/or their election agents to abide by the Ordinance when approaching individuals to canvass for vote that involve the collection, holding, processing and use of personal data. He also reminded electors not to provide their personal information to other parties unless they fully understood and accepted the collection purposes of these parties. In view of some Internet users who banded together online to track down and disclose individuals' personal data and even made intimidating remarks, the Commissioner called for Internet users to respect others' privacy rights to avoid contravening the relevant offences set out in the Ordinance.

During the period of Chief Executive Election in February 2017, the PCPD issued two statements in regards to the issues of personal data privacy and data security arising from a voting system used by the "Chief Executive Election Civil Referendum 2017" (the activities). The Commissioner urged the organiser to stop collecting personal data unfairly and the use of the related Telegram in the activities. Later on in March, the media reported a suspected personal data leak of over 20,000 participants who joined an activity that gauged public views. The Commissioner immediately asked the organiser for an explanation, and duly followed up.

2017年3月下旬，就一政府部門儲有選民登記資料的手提電腦失竊的事件，由於可能涉及的個人資料數量頗大，公署就事件展開循規審查，同時建議處方應盡快澄清事件的具體內容，並適當地通知涉事人士。

In late March 2017, a government department reported theft of two computers that contains electors' data. The PCPD was mindful of the fact that the personal data possibly involved in this incident was of considerable amount, and a compliance check was initiated immediately. The concerned department was also advised to clarify the details of the incident as soon as possible and to inform the relevant parties as appropriate.

攝錄裝置與監察

2016年8月，私隱專員關注一名外國藝術家將截取自香港的網絡監察攝錄機的圖像，於英國倫敦一間美術館展出及出售，當中或涉嫌侵犯香港居民的個人資料私隱。公署遂聯絡英國的個人資料保障機關跟進事件，最終該名藝術家將圖像中的市民面貌模糊化並同意不再出售複印的圖像；私隱專員亦提醒使用網絡攝錄機的人士要做好保安措施，防止攝錄影像或圖像可以隨意被他人瀏覽或截圖。

Camera and Surveillance

In August 2016, an art gallery in London staged an exhibition which featured images captured from unsecure webcams in Hong Kong. The PCPD referred the case to the Information Commissioner's Office in the UK for follow-up actions pursuant to international cooperation arrangements. The artist then agreed to obscure or blur the faces of the people in the webcam images displayed in the gallery, and stopped selling prints of those images. The Commissioner also provided tips for the users of Internet-connected devices on protecting their own personal data.

2016年第四季，市民關注的士安裝攝錄裝置所引起的個人私隱議題，包括推動的士發展聯會試行的「的士攝錄錄音監控安裝計劃」，與及有關一名的士司機上載乘客在車廂內哺乳的相片到社交網站的事件，公署就所發出的相關指引建議資料使用者應否及如何負責地使用閉路電視。

Members of the public were also concerned about the installation of CCTV cameras in taxis and the intrusion of their privacy raised in the fourth quarter last year, including the trial scheme to install CCTV cameras in taxis carried out by the Association of Taxi industry Development, and an incident in which a taxi driver posted a photo of a passenger breastfeeding her baby on social media site. The PCPD also offered advice based on the guidance issued for data users on determining whether CCTV should be used in given circumstances and how to use CCTV responsibly.

流動應用程式

使用智能裝置已成為市民生活的一部份，所下載的流動應用程式亦潛在私隱風險。年內主要相關事件包括a）2016年7月，擴增實境手機遊戲Pokémon Go需要用家開啟其位置功能方可使用，加上需開啟手機鏡頭以利用擴增實境科技將遊戲融入現實環境中，當中涉及需要收集及使用個人資料；b）2016年8月，即時通訊手機應用程式WhatsApp更改服務條款和私隱政策，擬與母公司facebook分享用戶的個人資料；及c）2016年11月，三款來電攔截手機應用程式涉嫌收集用戶通訊錄並整合成資料庫。私隱專員先後就以上事件表示關注及作出相應的跟進行動，並向用家提供相關的保障個人資料私隱的建議。

Mobile Applications (apps)

Using smart devices is an integral part of life among members of the public. There are potential risks posed by the mobile applications to the privacy of users. Related key issues in 2016 included a) In July 2016, Pokémon Go, a location-based, augmented reality game app requiring the users to activate their location function and the device camera but this involved personal data collection and usage; b) In August 2016, instant messaging app WhatsApp changed the service terms and privacy policy intending to share user information with parent company Facebook; and c) In November 2016, the collection and integration of users' personal data by three mobile apps with "call-blocking" function. The Commissioner expressed concerns about these issues, took follow-up actions and provided tips for safeguarding personal data privacy.

動畫短片：認識條例下的六項保障資料原則

Animation: Six Data Protection Principles under the Ordinance

公署特別製作首套動畫短片「《個人資料(私隱)條例》下的六項保障資料原則」，片長約三分半鐘，除以活潑生動的手法簡介條例下個人資料、資料使用者以至資料持有人的基本概念外，通過深入淺出的禮品換領過程，帶出個人資料由收集、保存、使用以至銷毀的整個生命周期，以及過程中作為資料使用者需要遵從的六項保障資料原則，讓公眾感受到個人資料私隱是與日常生活息息相關。

The PCPD specially produced its first 3.5-minute animation entitled "The Six Data Protection Principles Under the Personal Data (Privacy) Ordinance". It was produced with a view to presenting the basic concepts of personal data, data users and data subjects as defined in the Ordinance by way of a more creative and lively approach. Through a story of redeeming gifts from a shop, the animation illustrated the entire life cycle of a piece of personal data, from its collection, retention, use to deletion. The six DPPs that data users (organisations) have to comply with during the whole process were presented in an easily understandable manner so that data subjects (individuals) can better understand the close relationship between personal data privacy and their daily lives.

該動畫短片現已上載至公署網站及Youtube專頁供市民觀看。

The animation is now available on the PCPD website and its Youtube page for public viewing.

教育短片及電視宣傳短片

Educational Videos and TV API

為提醒市民在使用資訊及通訊科技時保護私隱的重要性，公署於2017年3月推出題為「網上私隱有法保」的全新電視宣傳短片及一系列動畫教育短片。

該段宣傳短片及一套共四集的動畫教育短片，以輕鬆有趣的方式，為市民提供在使用資訊及通訊科技時保護個人資料的小貼士。教育短片的題目包括精明使用流動應用程式及網絡攝錄機、管理網上帳戶及密碼，和使用社交網絡時的私隱設定。

To remind the general public the importance of privacy protection when they involve in the use of ICT, the PCPD launched a new TV Announcement in the Public Interest (API) and a series of animated videos in March 2017.

Entitled "Think Privacy! Be Smart Online", the API and a series of four educational videos aimed at providing advices to the general public in an easy-to-understand and user-friendly way on how to protect privacy when they engage in ICT activities. Topics of this public educational initiative included the wise use of mobile apps and webcams, managing online accounts and passwords, as well as reviewing privacy check-up at social media.

公眾可於公署的網站、「網上私隱要自保」專題網站、Facebook專頁以及YouTube平台上觀看有關的教育短片及宣傳短片。為了加強宣傳，「網上私隱有法保」宣傳短片亦安排於本地電視台播放，並與動畫教育短片同於網上平台進行宣傳。

The API and videos can be viewed at the PCPD's website, mini website "Be Smart Online", Facebook and YouTube channel. To augment the publicity impact, the API was broadcast on local TV channels. Online broadcasts were also arranged to publicise the API and the series of educational videos.

電視劇《私隱何價II》

2016年正值公署成立20周年，公署與香港港台再次聯合製作電視劇《私隱何價II》，這亦是繼2012年第一輯《私隱何價》播出以來，公署再次與香港電台合作，以實況劇形式向社會大眾推廣保障個人資料私隱的訊息。《私隱何價II》電視節目於2016年7月2日起播出，節目分為六集單元劇，透過戲劇演繹真實個案，再配以生活化的題材和情節，包括：閉路電視監察、禮品換領、直接促銷、網絡欺凌、電話騙案，讓市民，包括機構管理層和僱員，都能深入淺出地了解條例的相關規定，推廣「保障、尊重個人資料」的文化。

為隆重其事，《私隱何價II》啟播禮於6月26日假九龍鑽石山荷里活廣場舉行，並由私隱專員、香港電台助理廣播處長（電視及機構業務）陳敏娟，聯同多位參與劇集演出的藝員主持啟播儀式。啟播禮期間除播放節目精華片段外，劇中多位藝員亦現身支持，即場參與互動問答或遊戲環節，考考他們對個人資料私隱議題的認識。

TV programme "Privacy beyond Price II"

In 2016, which was the 20th anniversary of the PCPD, the PCPD and RTHK joined hands again to produce the TV programme "Privacy beyond Price II" after the debut of the first series in 2012 to promote the message of protection of personal data privacy to the community through real life scenarios. The six-episode TV programme was first broadcast on 2 July 2016. Based on real cases, including CCTV surveillance, gift redemption, direct marketing, cyberbullying, phone scams, the programme introduced the requirements of the Ordinance to the general public, including management and employees of organisations, and promoted the culture of "Protect, Respect Personal Data".

The launching ceremony of "Privacy Beyond Price II" held on 26 June at Plaza Hollywood at Diamond Hill was officiated at by the Commissioner, Miss Chan Man Kuen, Assistant Director (TV & Corporate Businesses) of RTHK, and participating artistes. In addition to showing highlights at the ceremony, artistes were invited to participate in interactive quizzes and games about personal data privacy.

網站及社交媒體

社交媒體日趨普及，公署開發以下的網站及資訊分享平台以接觸不同的持份者。

PCPD.org.hk

作為公署的一站式入門雙語網站，向本地及海外所有持份者及有興趣人士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」、「專員最新動向」和「個案簡述」。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。

年內此網站共錄得744,135瀏覽人次，比去年的552,588人次上升35%。

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，以助他們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。

年內公署進一步豐富網站內容，其中新增了三個主題，包括網絡欺凌、物聯網和網絡攝錄機；另增建「網上私隱有『法』保」小型網站，載有公署新一輯的教育動畫短片和保私隱小測試。

Websites and Social Media

With the growing popularity of social media, the PCPD has developed the following websites and information sharing platforms to reach out to our stakeholders:

PCPD.org.hk

Our website, PCPD.org.hk, continues to be a one-stop bilingual portal for all stakeholders, interested parties, local and overseas, to share up-to-date information and resources relating to personal data protection. Popular sections visited by the public include "Media Statements", "What's On" and "Case Notes". People can also access other PCPD's thematic websites and social media platforms via this information portal.

During the 2016-17 year, we had 744,135 visits to the website, representing an increase of 35% from last year (552,588 visits).

Be SMART Online

This thematic website, together with its Facebook page, serves as resourceful platform to provide updated trends and practical tips for the 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.

During the year, a website enhancement project was completed in March 2017. Three new topics, namely: cyber-bullying, Internet of Things (IOT) and web cams, were developed. In addition, a mini-site "Think Privacy! Be Smart Online" was established where our latest educational videos together with a mini quiz were introduced.

兒童私隱

此專題網站提供一站式有關保障及尊重個人資料私隱的資訊，老師及家長可運用當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。公署亦透過「保障私隱學生大使計劃」Facebook專頁，除向學生及老師推介和分享最新的計劃活動外，亦提供與私隱相關的最新資訊。

YouTube網上平台

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

Children Privacy

This thematic website is a one-stop portal for children to learn and understand personal data privacy. It also provides useful tips and resources for teachers and parents to help those under their care to protect their personal data. Its Facebook page "Student Ambassador for Privacy Protection Programme" is a social media platform for the students and teachers to retrieve the latest programme updates as well as privacy-related news.

YouTube Channel

The PCPD shares all its corporate videos, education videos and TV drama programmes in this digital information sharing media.

出版刊物

私隱專員於本年度共刊發或修訂了三份實務守則／指引、六份指引資料、四份資料單張、四份以資料當事人為對象的單張、一本書籍及五份圖鑑，為各持份者提供各類的實用指引及合規建議。

其中為應對瞬息萬變的私隱議題，除對現有的刊物作出修訂外，公署就資訊及通訊科技相關的新題目——「自攜裝置」和「物聯網」——分別出版資料單張及圖鑑，並首次

Publications

During the year, the Commissioner issued or revised a wide range of useful guidance and advice on compliance with the Ordinance for our stakeholders. These included three codes of practice / guidelines, six guidance notes, four information leaflets, four leaflets for data subjects, one book and five infographics.

To cope with the changing privacy landscape, in addition to revising some of our publications in order to stay upbeat with the prevailing trends, ICT-related topics on Bring Your Own Device (BYOD) and IoT were initiated. A new guidance note tailored for beauty industry was

為美容業界刊發指引資料；部份刊物更注入新元素如摘要或圖鑑等，使之緊貼市場脈搏，切合不同界別的持份者所需。

一系列的刊物可於公署網站www.PCPD.org.hk下載。

年內私隱專員共刊發或修訂以下刊物：

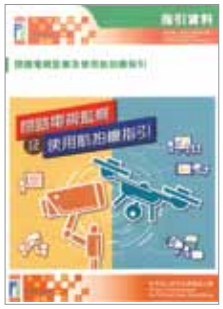
also issued. To enhance the user-friendliness, new elements were used in some of the publications issued this year, such as executive summaries and infographics.

All publications are available on our website at www.PCPD.org.hk.

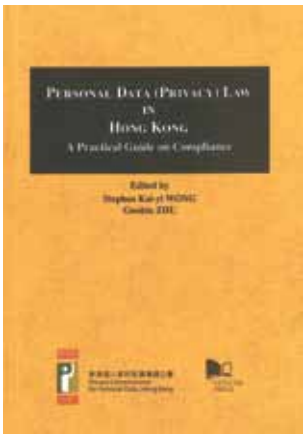
Publications that were newly issued or revised during the year are as follows:

實務守則 / 指引	Codes of Practice / Guidelines
人力資源管理實務守則 （2016年4月 第一修訂版）	Code of Practice on Human Resource Management (April 2016, First Revision)
身份證號碼及其他身份代號實務守則 （2016年4月 第一修訂版）	Code of Practice on the Identity Card Number and Other Personal Identifiers (April 2016, First Revision)
保障個人資料私隱指引：僱主監察僱員工作活動須知（2016年4月 第一修訂版）	Privacy Guidelines: Monitoring and Personal Data Privacy at Work (April 2016, First Revision)
指引資料	**Guidance Notes**
美容業界妥善處理客戶個人資料指引 （2016年6月）	Guidance on the Proper Handling of Customers' Personal Data for the Beauty Industry (June 2016)
資料使用者如何妥善處理查閱資料要求及收取查閱資料要求費用 （2016年6月 第一修訂版）	Proper Handling of Data Access Request and Charging of Data Access Request Fee by Data Users (June 2016, First Revision)
物業管理指引 （2016年8月 第二修訂版）	Guidance on Property Management Practices (August 2016, Second Revision)
流動電話服務供應商指引 （2016年11月 第一修訂版）	Guidance for Mobile Service Operators (November 2016, First Revision)

資料外洩事故的處理及通報指引 （2016年12月 第二修訂版）	Guidance on Data Breach Handling and the Giving of Breach Notifications (December 2016, Second Revision)
閉路電視監察及使用航拍機指引 （2017年3月 第二修訂版）	Guidance on CCTV Surveillance and Use of Drones (March 2017, Second Revision)
資料單張	**Information Leaflets**
人力資源管理實務守則：僱主及人力資源管理者指引 （2016年4月 第一修訂版）	Code of Practice on Human Resource Management: Compliance Guide for Employers and Human Resource Management Practitioners (April 2016, First Revision)
人力資源管理：常問問題 （2016年4月 第一修訂版）	Human Resource Management : Some Common Questions (April 2016, First Revision)
身份證號碼及其他身份代號實務守則：資料使用者指引 （2016年7月 第一修訂版）	Code of Practice on the Identity Card Number and other Personal Identifiers: Compliance Guide for Data Users (July 2016, First Revision)
「自攜裝置」（BYOD）（2016年8月）	Bring Your Own Device (BYOD) (August 2016)
以資料當事人為對象的單張	**Leaflets for Data Subjects**
如何行使你在《個人資料（私隱）條例》下的查閱個人資料權（常問問題及答案） （2016年6月 第四修訂版）	Exercising Your Data Access Rights Under the Personal Data (Privacy) Ordinance (Frequently Asked Questions and Answers) (June 2016, Fourth Revision)
身份證號碼與你的私隱 （2016年7月 第一修訂版）	Your Identity Card Number and Your Privacy (July 2016, First Revision)
個人資料要自保 — 老友記篇 （2017年1月 第一修訂版）	Stay SMART! Protect Your Personal Data – Tips for the Elderly (January 2017, First Revision)
網絡欺凌你要知！ （2017年3月 第一修訂版）	Cyber-bullying – What you need to know (March 2017, First Revision)



書籍	Book
Personal Data (Privacy) Law in Hong Kong —— A Practical Guide on Compliance（2016年7月）	Personal Data (Privacy) Law in Hong Kong – A Practical Guide on Compliance (July 2016)
圖鑑	**Infographics**
圖鑑：競選活動指引（2016年7月）	Infographic: Electioneering Activities Guidance (July 2016)
圖鑑：流動電話服務供應商指引（2016年11月）	Infographic: Guidance for Mobile Service Operators (November 2016)
圖鑑：資料外洩事故 —— 處理及通報四部曲（2016年12月）	Infographic: Four Steps for Data Breach Handling & Notifications (December 2016)
圖鑑：明智使用物聯網（2017年1月）	Infographic: Smart Use of Internet of Things (January 2017)
圖鑑：閉路電視監察篇及航拍機篇（2017年3月）	Infographic: CCTV Surveillance & Use of Drones (March 2017)



推動機構保障資料

演講

為推動機構灌輸及建立尊重私隱的文化，私隱專員在本年度向不同的持份者，特別是高層行政人員，發表了50次演講，鼓勵機構制訂全面的保障私隱策略。公署相信若機構尊重私隱，並使之成為其策略，會有助機構做到真正以客為本，業務持續成功。

ENGAGING ORGANISATIONS IN DATA PROTECTION

Speaking Engagements

To foster the inculcation of a privacy-respectful culture in organisations, the Commissioner delivered 50 speeches during the year, engaging a broad range of stakeholders, in particular senior executives, to encourage them to incorporate a corporate-wide privacy strategy in their organisations. The PCPD believes that privacy-friendliness is strategically important for organisations, helping them to be truly customer-centric, and to achieve an enduring and higher level of business success.

13.04.2016	為香港總商會主講「收集及使用生物特徵資料」	Presentation on "Collection and Use of Biometric Data" organised by the Hong Kong General Chamber of Commerce
19.04.2016	為香港中小型律師協會發表「個人資訊保護與利便營商環境」演講	Speech on "Personal Data Protection and Business-friendly Environment" organised by the Small and Medium Law Firms Association of Hong Kong
21.04.2016	在「研發流動應用程式 顧及私隱和保安論壇」致歡迎辭	Welcome speech at "Mobile App Development Forum on Privacy and Security"
22.04.2016	為醫院管理局主講「保障個人資料、尊重病人私隱」	Presentation on "Protecting Personal Data, Respecting Patients' Privacy" organised by the Hospital Authority
23.04.2016	為英華小學主講「有關網絡欺凌的私隱議題」	Speech on "Privacy Issue on Cyberbullying" organised by Ying Wa Primary School
05.05.2016	在保障資料主任聯會的迎新會暨午餐講座致歡迎辭	Welcome speech at the Welcoming Reception cum Lunch Talk of the Data Protection Officers' Club
07.05.2016	在「關注私隱運動2016 —— 學校夥伴嘉許及廣告短片大賽頒獎典禮」致歡迎辭	Welcome remarks at "Privacy Awareness Week 2016 - Award Presentation Ceremony for Recognition Scheme on Promoting Privacy Protection and TV Advertisement Competition"
10.05.2016	參與由畢馬威會計師事務所及迎思來會展策劃有限公司舉辦的亞洲金融科技論壇的「金融科技系統的監管」小組討論	Panel discussion on "Regulating from within the fintech system" at Fintech Asia Conference, organised by KPMG and Inspira Events Limited
11.05.2016	在律政司舉辦的特定界別調解的美妙 —— 簡介特定界別調解計劃論壇發表「從香港個人資料私隱專員公署看調解之道」演講	Presentation on "PCPD Mediation Scheme" at Mediation Week - Seminar on the Beauty of Sector-specific Mediation, organised by the Department of Justice

18.05.2016	在CloserStill Media Hong Kong Limited舉辦的香港亞太雲端科技博覽發表「在雲端時代建立信任——保障、尊重個人資料」	Speech on "Building Trust in the Cloud Era - Protect, Respect Personal Data" at Cloud Expo Asia, organised by CloserStill Media Hong Kong Limited
30.05.2016	為青海省第五十二期中青年領導幹部赴培訓班發表「保障、尊重個人資料」演講	Presentation on "Protect, Respect Personal Data" to the 52nd Training Course for Middle-aged and Young Leading Cadres for officials from Qinghai Province
02.06.2016	在國際私隱專業人員協會舉辦的Hong Kong KnowledgeNet Chapter會議中發表「香港私隱法例的發展和趨勢」演講	Keynote address on "Developments and Trends for Privacy Law in Hong Kong" at Hong Kong KnowledgeNet Chapter Meeting, organised by the International Association of Privacy Professionals
13.06.2016	為庫務署簡介「資料保障」	Briefing on "Data Protection" organised by the Treasury Department
15.06.2016	在香港銀行學會舉辦的與專員對話講座中發表「銀行業界的個人資料私隱保障及銀行業界妥善處理客戶個人資料指引」演講	Presentation on "Personal Data Privacy Protection for the Banking Industry and Guidance on the Proper Handling of Customers' Personal Data for the Banking Industry" at "Commissioners Dialogue" Talks, organised by Hong Kong Institute of Bankers
15.06.2016	參與香港通訊業聯會午餐會的「金融業界大數據高端使用者個案與打擊大數據詐騙——騙徒正在賺大錢」小組討論	Panel discussion on "Top Big Data User Cases in Financial Industry & Big Data Fight Against Fraud - Fraudsters are Making Big Bucks" at CAHK Business Luncheon Seminar, organised by the Communications Association of Hong Kong Limited
17.06.2016	在香港仲裁司學會舉辦的特定界別的調解——個人資料私隱研討會中發表「從香港個人資料私隱專員公署看調解之道」演講	Presentation on "PCPD Mediation Scheme" at Seminar on Sector Specific Mediation - Personal Data Privacy, organised by the Hong Kong Institute of Arbitrators Council
22.06.2016	為香港律師會企業律師委員會舉辦的企業律師的苦與樂研討會主講「保護個人資料私隱：企業律師實用錦囊」	Presentation at the In-house Lawyers Committee Seminar on "Protection of Personal Data Privacy – Practical Tips for In-house Lawyers" organised by the Law Society of Hong Kong
23.06.2016	在Legal Week舉辦的2016企業法律顧問論壇2016發表「由符規躍升為問責——香港個人資料保障監管框架」的演講	Presentation on "Hong Kong Personal Data Protection Regulatory Framework – From Compliance to Accountability" at Corporate Counsel Forum 2016, organised by the Legal Week
26.06.2016	在「私隱何價II」的啟播儀式中致歡迎辭	Welcome speech at the Launching Ceremony of "Privacy Beyond Price II"
02.07.2016	在英華小學2015-16年度畢業禮中致辭	Speech at Ying Wa Primary School Graduation Ceremony Speech Day 2015-2016 organised by the Ying Wa Primary School

08.07.2016	在香港生產力促進局舉辦的Smart Data, Smart Government活動中發表「智慧城市及個人資料保障」演講	Presentation on "Smart City and Protection of Personal Data" at Smart Data, Smart Government Program, organised by the Hong Kong Productivity Council
21.07.2016	為港九勞工社團聯會主講「私隱條例知多少」	Presentation on "Get to know the Personal Data (Privacy) Ordinance" organised by the Federation of Hong Kong & Kowloon Labour Unions
27.07.2016	向參與了「友 • 導向」師友天地計劃的參加者發表「保障、自由、迎接挑戰」演講	Speech on "Protect, Freedom and Facing Challenges" to students who have participated in the Life Buddies Programme
28.07.2016	為懲教署發表「香港的個人資料保障」和「與懲教署有關的個案分享」演講	Presentations on "Personal Data Protection in Hong Kong" and "Sharing on CSD Cases" organised by the Correctional Services Department
01.09.2016	在必發圖書有限公司舉辦的新書發佈會發表「管理你的個人資料 — 現在與未來」演講	A book talk on "Managing Your Personal Data - Now and in the Future" organised by the Kelly & Walsh
01.09.2016	在香港考試及評核局發表「個人資料（私隱）條例概覽」演講	Presentation on "Overview of the Personal Data (Privacy) Ordinance" organised by the Hong Kong Examinations and Assessment Authority
07.09.2016	在政府資訊科技總監辦公室舉辦的資訊保安研討會發表「個人資料私隱專員公署的處理個案程序」	Presentation on "Incident Handling with the PCPD" at Information Security Seminar 2016, organised by the Office of the Government Chief Information Officer
13.09.2016	在Asia Legal Business舉辦的ALB企業律師論壇2016發表「從監管角度看個人資料保障的最新挑戰及發展」演講	Presentation on "Recent Challenges and New Development in Personal Data Protection - Regulatory Perspective" at ALB Hong Kong In-house Legal Summit 2016, organised by Asia Legal Business
21.09.2016	參與塞多納會議研究所舉辦的2016塞多納會議亞太區計劃跨境資料轉移及資料保障法例：亞太地區資料保障機構關注的主要議題及事項中的「私隱資料及網絡安全新的趨勢及發展」小組討論	Panel discussion on "Emerging Trends and Developments in Data Privacy & Cybersecurity" at 2016 Sedona Conference Institute APAC Programme on Cross Border Discovery and Data Protection Laws: Legal Implications For Information Technology and Services Across APAC, organised by the Sedona Conference Institute

23.09.2016& 14.10.2016	在政府資訊科技總監辦公室舉辦的網絡安全研討會——保護你的網絡資產發表「網上兒童私隱——給家長的實用貼士」演講	Presentation on "Children Online Privacy - Practical Tips for Parents" at Cyber Security Seminar - Protect Your Precious Assets in Cyberspace, organised by the Office of the Government Chief Information Officer
04.10.2016	在香港人力資源管理學會舉辦的培訓及發展研討會發表「員工使用自攜裝置帶來的資料私隱及安全衝擊」的演講	Speech on "Data Privacy and Security Challenges presented by Employees using Own Mobile Devices" at Learning and Development Seminar organised by the Hong Kong Institute of Human Resource Management
14.10.2016	在香港大學舉辦的大數據及數據管治研討會發表「歐盟新的《一般資料保護規則》——10項主要改變及可能造成的影響」的演講	Speech on "EU's New General Data Protection Regulation – 10 Major Changes and Possible Impacts" at Symposium on Big Data and Data Governance, organised by the University of Hong Kong
18.10.2016	在International Financial Law Review舉辦的亞洲金融科技——法律風險和法規導覽中發表「如何保障個人資料及防止外洩」	Presentation on "How to protect your data and keep it private" at Fintech Asia: Navigating Legal Risk and Regulation, organised by the International Financial Law Review
29.10.2016	在香港各界婦女聯合協進會舉辦的個人資料(私隱)條例研討會中發表「個人資料 • 由你掌握」演講	Presentation on "Data Protection in Your Hands" at the Personal Data (Privacy) Ordinance Seminar, organised by the Hong Kong Federation of Women
02.11.2016	在香港保險師公會舉辦的香港保險師公會論壇——新挑戰及新機遇上發表「保險業界尊重、保障個人資料」的演講	Presentation on "Protect, Respect Personal Data in Insurance Industry" at HKCIP Forum - New Opportunities and New Challenges, organised by the Hong Kong Society of Certified Insurance Practitioners
07.11.2016	參與證券及期貨事務監察委員會及香港投資推廣署合辦的2016證監會監管與金融科技日的「監管科技及金融科技與監管制度的互動關係」小組討論	Panel discussion on "The Interaction of Regtech and Fintech with Regulators" at SFC Regtech and Fintech Contact Day 2016, organised by the Securities & Futures Commission and Invest Hong Kong
17.11.2016	參與FinanceAsia舉辦的第五屆北亞洲合規論壇中的「規管者與及規管及金融科技的互動」小組討論	Panel discussion on "The Interaction of Regtech and Fintech with Regulators" at 5th Compliance Summit North Asia, organised by FinanceAsia
21.11.2016	在Digital Asia Hub舉辦的人工智能在亞洲的發展中發表「人工智能與私隱」	Speech on "Artificial Intelligence and Privacy" at AI in Asia, organised by the Digital Asia Hub
22.11.2016	在九龍崇德社發表「香港的個人資料保障(以金融業為主題)」的演講	Presentation on "Personal Data Protection in Hong Kong (with a focus on Financial Industry)" organised by the Zonta Club of Kowloon

23.11.2016	為青海省中港司法行政經濟事務培訓班主講「香港特區個人資料隱私權保障概覽」	Presentation on "An overview of Personal Data Privacy Rights Protection in Hong Kong Special Administrative Region" to the training course on China - Hong Kong Judicial Administration Economic Affairs for officials from Qinghai Province
29.11.2016	為嘉諾撒醫院主講「保障個人資料 尊重病人私隱」	Presentation on "Protect Personal Data, Respect Patients' Privacy" organised by Canossa Hospital
07.12 2016 & 08.12.2016	為香港警務處發表「警務人員對《個人資料（私隱）條例》及相關事宜的常問問題」的演講	Presentation on "Frequently Asked Questions on the Personal Data (Privacy) Ordinance by the Police Officers" orgainsed by the Hong Kong Police Force
12.12.2016	為香港律師會發表「大數據、人工智能及私隱」的演講	Speech on "Big Data, Artificial Intelligence and Privacy" organised by the Law Society of Hong Kong
25.1.2017	在大嶼山網上扶輪社的會議上發表「與私隱有關的傳媒報道」的演講	Presentation on "Personal Data Protection in Hong Kong Privacy As and When Reported by the Media" organised by Rotary E-Club of Lantau
21.02.2017	在公民教育委員會會議發表「香港個人資料私隱專員公署教育及推廣工作分享」演講	"Sharing on PCPD's Promotional and Educational Work" at the Committee on the Promotion of Civic Education Meeting
08.03.2017	向香港管理專業協會工商管理研究社發表「從新聞報道看私隱　香港的個人資料保障 —— 中小企如何保障個人資料」的演講	Presentation to the Chinese Executives Club of Hong Kong Management Association entitled "Privacy in News – Protecting Personal Data Privacy from SMEs perspective"
14.03.2017	向醫院管理局發表「了解電子健康紀錄互通系統與私隱 —— 正確處理個人資料」的演講	Presentation on "Understanding Privacy in the eHRSS – The Proper Handling of Personal Data" organised by the Hospital Authority
21.03.2017	在灣仔區議會社區建設及房屋事務委員會會議中簡介「香港個人資料私隱專員公署教育及推廣工作分享及處理投訴程序」	Briefing on "PCPD' s Promotional and Educational Work and Complaint Handling Procedures" at the Community Building and Housing Affairs Committee Meeting of the Wan Chai District Council
27.03.2017	出席由香港銀行學會主辦及公署支持的2017香港資訊及通訊科技獎「最佳金融科技獎」頒獎典禮	Attending "Hong Kong ICT Awards 2017 - Best FinTech Award Presentation Ceremony", organised by the Hong Kong Institute of Bankers and supported by the PCPD

與持份者會面

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

Meeting with Stakeholders

In order to understand concerns about personal data protection of different stakeholders, the PCPD met various government departments, organisations and groups.

Apple Inc.	Apple Inc.
香港特區政府中央政策組	Central Policy Unit
政務司司長辦公室	Chief Secretary for Administration's Private Office
公民聯合行動	Citizens United in Action
中華電力有限公司	CLP Power Hong Kong Limited
香港警務處商業罪案調查科	Commercial Crime Bureau of the Hong Kong Police Force
美國總領事館香港及澳門	Consulate General of the United States, Hong Kong and Macau
Facebook	Facebook
Google	Google
浙江大學光華法學院	GuangHua Law School of the ZheJiang University
霍金路偉律師事務所	Hogan Lovells
香港銀行公會	Hong Kong Association of Banks
香港保險業聯會	Hong Kong Federation of Insurers
香港金融管理局	Hong Kong Monetary Authority
香港警務處	Hong Kong Police Force
香港天津婦女會	Hong Kong Tianjin Women Association
醫院管理局	Hospital Authority
廉政公署	Independent Commission Against Corruption
國際私隱專業人員協會	International Association of Privacy Professionals
香港律師會	Law Society of Hong Kong
立法會秘書處	Legislative Council Secretariat
資訊科技界立法會議員莫乃光先生	Legislative Councilor (IT) Hon Charles Peter MOK
資訊科技界立法會議員莫乃光先生及自然育兒網絡	Legislative Councilor (IT) Hon Charles Peter MOK and Natural Parenting Network

九龍西立法會議員黃碧雲女士	Legislative Councilor (Kowloon West) Dr Hon Helena WONG Pik-wan
新界東立法會議員葛珮帆女士、香港金融管理局及香港銀行公會	Legislative Councilor (New Territories East) Dr Hon Elizabeth QUAT, Hong Kong Monetary Authority and Hong Kong Association of Banks
新界東立法會議員葛珮帆女士	Legislative Councilor (New Territories East) Dr Hon Elizabeth QUAT
微軟香港	Microsoft Hong Kong
政府資訊科技總監辦公室	Office of the Government Chief Information Officer
香港電台	Radio and Television Hong Kong
證券及期貨事務監察委員會	Securities and Futures Commission
新加坡管理大學	Singapore Management University
香港上海滙豐銀行有限公司	The Hongkong & Shanghai Banking Corporation Limited
運輸及房屋局	Transport and Housing Bureau
荃灣區議會	Tsuen Wan District Council
香港大學	University of Hong Kong
香港大學及倫敦大學	University of Hong Kong and University of London
新南威爾斯大學	University of New South Wales
VISA 香港	VISA Hong Kong

保障資料主任聯會

公署於2000年創立了保障資料主任聯會，為機構的保障資料人員提供一個交流經驗和培訓的平台，促進知識的增長和符規的實踐。截至2017年3月底，聯會有594名會員（包括個人及機構會員），較上年度增加近10%，會員來自公私營機構；他們分別具循規、法律事務、規管、執法和客戶服務方面的背景。

公署於本年度為保障資料主任聯會的會員舉辦了四場簡報會和講座，包括簡介與直銷促銷條文有關的定罪個案、分享近期的行政上訴委員會案件及向新會員簡介《個人資料（私隱）條例》。此外，聯會機構會員香港警務處代表在全場滿座的午餐講座上向會員分享科技罪案的趨勢及預防方法。

Data Protection Officers' Club (DPOC)

The PCPD established the DPOC in 2000 to provide practising data protection officers with a platform for advancing their knowledge and practice of data privacy compliance through experience sharing and training. DPOC membership reached 594 by the end of March 2017, around 10% increase compared to that of last year. The individual and organisational members have backgrounds in compliance, legal affairs, regulatory fields, law enforcement and customer relations, in both the public and private sectors.

During the year, the PCPD held four briefing sessions and talks for DPOC members, including briefing on the direct marketing conviction cases, sharing of recent Administrative Appeals Board cases and introducing the Personal Data (Privacy) Ordinance to new members. Hong Kong Police Force, one of organisational members, also shared with a full house of members the trend of technology crime and prevention tips at a lunch talk.

公署律師為會員分享最新的上訴個案。
Legal Counsel of the PCPD shared recent AAB cases with members.

來自香港警務處的會員向聯會會員分享科技罪行的趨勢。
Member from Hong Kong Police Force shared with DPOC members the trend of technology crime.

保障個人資料專業研習班

公署在本年度舉辦了36個工作坊，有1,146名人士參加。工作坊得到27個專業機構及行業協會支持，涵蓋下列題目：

Professional Compliance Workshops

During the report year, the PCPD held 36 workshops with 1,146 participants. The workshops, which were supported by 27 professional organisations and trade associations, covered the following topics:

資料保障法律研習班	Legal Workshop on Data Protection
資料保障與查閱資料要求	Data Protection and Data Access Requests
銀行／金融服務的資料保障	Data Protection in Banking / Financial Services
直接促銷活動的資料保障	Data Protection in Direct Marketing Activities
人力資源管理的資料保障	Data Protection in Human Resource Management
保險業的資料保障	Data Protection in Insurance
私隱管理系統	Privacy Management Programme

公署推出的「網上學習平台」，為資料使用者提供了一個方便的途徑了解條例的規定，至今已吸引超過2,500人次瀏覽。

The PCPD launched an "Online Training Platform" with a view to providing a convenient channel for data users to get familiar with the requirements under the Ordinance. ICT related courses were available at this platform and attracted over 2,500 views so far.

為個別機構提供講座

公署在本年度為72間公私營機構提供了89場度身訂造的培訓講座，講解條例的要求。（有關詳情請參考附錄三）

In-house Seminars

The PCPD provided 89 tailor-made training sessions for 72 organisations to explain the requirements of the Ordinance. (See Appendix 3 for details)

其他講座

為提高公眾人士對條例的認識和理解，公署共舉辦了28場簡介講座。當中三場是與香港生產力促進局的中小企一站通、香港貿易發展局中小企服務中心及香港公民協會中小企委員會合辦。

Other Seminars

The PCPD organised 28 seminars to raise public awareness and their understanding of the Ordinance. Three of them were held in collaboration with SME One of the Hong Kong Productivity Council, the SME Centre of the Hong Kong Trade Development Council and the SME Committee of the Hong Kong Civic Association.

在香港貿易發展局中小企服務中心為中小企舉辦的講座。
SME seminar held at SME Centre of HKTDC.

在香港生命力促進局的SME ONE為中小企講解條例的規定。
Seminar held at HKPC SME ONE to explain the Ordinance to SMEs.

行業保障私隱活動

公署於2015年1月開展了為期16個月的保障私隱活動(「活動」),主題為「應用程式重私隱 創新科技贏信任」,協助流動應用程式開發商了解及遵從他們在條例下的法律責任。活動由資訊科技界十個專業團體及商會協辦,並得到十個業內的專業及學術機構支持。期間協辦機構代表與公署成立了工作小組,以了解業界從業員的關注。活動共舉辦了14項不同的培訓課程及活動,吸引超過2,500名參加者。公署亦接受了工作小組的提議,推出「網上學習平台」,讓從業員可隨時隨地在網上參閱條例的規定。

在2016年4月21日,公署舉辦了「研發流動應用程式 顧及私隱和保安論壇」,探討如何開發能保障個人資料私隱的流動應用程式,以及管理流動應用程式的保安風險。論壇吸引超過200名人士參加,座無虛席,為活動畫上圓滿句號。

多位業界精英、學者及公署代表在論壇上作專題演講及討論,講題涵蓋與流動應用程式相關的私隱議題,包括可靠性及安全度、「貫徹私隱的設計」的應用、程式交易的安全、保安措施與及私隱政策研究等,同時亦分享不少實用錦囊和個案。

Industry-specific Privacy Campaign

In January 2015, the PCPD launched a 16-month privacy awareness campaign (the Campaign) with the theme "Developing Mobile Apps: Privacy Matters" to help mobile apps developers understand and comply with their legal obligations under the Ordinance. The Campaign was co-organised by ten leading trade associations and supported by ten professional / academic institutions in the field of ICT. Representatives from the co-organisers and the PCPD formed a working group to canvass the privacy concerns among the practitioners. The PCPD organised 14 seminars and activities during the Campaign, attracting over 2,500 participants. In response to the suggestion raised by the working group, the PCPD has developed the Online Training Platform to provide a convenient channel for those practitioners who wish to go through the requirements of the Ordinance online.

On 21 April 2016, the PCPD held the "Mobile App Development Forum on Privacy and Security" to explore how to develop mobile apps with data protection in mind and manage security risks. The Forum attracted over 200 attendants, and served as a concluding event for the Campaign.

The Forum featured presentations by the professionals of the mobile apps development industry, the academia and representatives of the PCPD, as well as an interactive panel discussion. Various privacy issues relating to mobile apps development were addressed, such as secure and privacy-friendly approaches, application of Privacy by Design and the related privacy policies. Practical tips and cases were also shared during the events.

私隱專員於論壇上致歡迎辭。
Privacy Commissioner delivered a welcome address at the Forum.

論壇上多位業界精英、學者及公署代表作專題演講及討論。
A panel of distinguished speakers had been lined up for this Forum.

走進年青一代

私隱專員於2016年12月17日出席由香港律師會舉辦的「青Teen講場2016」暨「法律周」開幕禮。「青Teen講場2016」的主題為「拆解網上罪行」，希望向青年人介紹一系列有關網上罪行的法律條文和概念以及道德問題，並提供一個平台予他們討論不同的社會和法律議題。

PROMOTING AWARENESS IN THE YOUNGER GENERATION

The Commissioner attended the opening ceremony of the "Teen Talk 2016 cum Law Week 2016" organised by the Law Society of Hong Kong on 17 December 2016. The theme of "Teen Talk 2016" was "Destructing Cyber Crimes", aiming to introduce a broad range of laws, legal concepts and ethics on cyber crimes to teenagers and provide a platform for them to discuss various social and legal issues of their interests.

私隱專員（後排右九）於2016年12月17日與主禮嘉賓香港終審法院首席法官馬道立首席法官（後排左十三）、律政司司長袁國強先生，SC，JP（後排右十三）及香港律師會會蘇紹聰先生（後排右十四），聯同學生代表及嘉賓出席「青Teen講場2016暨「法律周」開幕禮。

The Commissioner (9th right, back row), attended the "Teen Talk 2016 cum Law Week 2016" on 17 December 2016, together with the officiating guests the Honourable Chief Justice Geoffrey Ma Tao-li, Chief Justice of the Court of Final Appeal (13th left, back row)the Hon Rimsky Kwok-keung Yuen, SC, JP, Secretary for Justice (13th right, back row) and Mr Thomas So, President of the Law Society of Hong Kong (14th right, back row) as well as students and guests.

「青Teen講場2016」的主題為「拆解網上罪行」，希望向青年人介紹一系列有關網上罪行的法律條文和概念以及道德問題，並提供一個平台予他們討論不同的社會和法律議題。私隱專員為「青Teen講場2016」模擬法庭比賽的其中一位評判，香港終審法院首席法官馬道立首席法官（左）。與私隱專員一同頒發獎項予最佳模擬法庭比賽的其中一組優勝隊伍——真光女書院。

The Commissioner was one of the judges of the Moot Court Competition at the "Teen Talk 2016". The Honourable Chief Justice Geoffrey Ma Tao-li, Chief Justice of the Court of Final Appeal (left), and the Commissioner presented the award to one of the best teams in the Competition - True Light Girls' College.

關注私隱運動

公署與亞太區私隱機構在區內合作繼續推廣對私隱的關注，於2016年5月1日至7日舉辦「關注私隱運動2016」，主題是「個人資料，由你掌握」。

「關注私隱運動2016」共獲得125間夥伴中學及逾400名保障資料主任聯會會員的支持。隨著網絡安全及資料盜竊問題日漸增多，突顯個人資料要自保的重要，「關注私隱運動2016」的主題正好配合社會的關注。公署透過舉辦連串推廣和教育活動，務求將主題訊息帶到校園和社區，共吸引逾50,000名人士參與。

Privacy Awareness Week

The PCPD continued to promote privacy awareness in the region, together with APPA members, by organising Privacy Awareness Week 2016 (PAW 2016) from 1 to 7 May 2016 with the theme "Data Protection in Your Hands".

The campaign was supported by 125 partner secondary schools and over 400 members of the Data Protection Officers' Club. Various promotion and public education activities were organised during the week at schools and in the community. The theme was in line with the prevailing call for vigilance and staying smart. Over 50,000 people were engaged during the week.

為配合今年主題，公署特意設計四款新海報，分別以兒童私隱、電話騙案、私隱設定及傳送電郵作題材，以生動有趣的漫畫角色，帶出市民平日慣常的活動，只要能多加留心，自可保障自己和尊重他人的個人資料。

To echo this year's theme, the PCPD specially designed four new posters with topics on children privacy, phone scam, privacy setting and sending emails. In the posters, lively comic characters were used to convey the messages that everybody could protect his own and respect others' personal data by paying a little more attention to some of his daily activities.

四款由公署所設計的「關注私隱運動2016」海報。
Four posters designed by the PCPD for the PAW 2016

保障個人資料展覽

公署亦安排了流動展覽車穿梭全港11個地點作巡迴展覽，提供切身的保障個人資料貼士，如回應直接促銷活動、使用智能電話和參與社交網絡等。

Public Education Roadshow on Personal Data Protection

The PCPD also staged a public education roadshow during the week with an exhibition truck shuttling among 11 locations of different districts in Hong Kong to provide practical tips for data protection in daily chores such as responding to direct marketing approaches, using smartphones and engaging in social networks.

向長者推廣保障私隱教育講座

為協助長者認識潛在的資料私隱風險，以免成為所帶來的罪案和金錢上的受害者，公署與香港耆康老人福利會合辦講座，與長者分享日常生活中保障個人資料的錦囊。

Educational Talk to Senior Citizens

To help senior citizens recognise potential data privacy risks and prevent them from being victimised by the resultant crime and financial exploitation, a talk was held in collaboration with the Hong Kong Society for the Aged to share the tips on personal data protection in daily life.

保障資料主任聯會迎新會暨講座

私隱專員於迎新會上歡迎保障資料主任聯會會員，而公署職員亦與會員簡介直接促銷規管機制的新規定，及與直銷促銷條文有關的定罪個案。

DPOC Welcoming Reception cum Lunch Talk

The Commissioner welcomed DPOC members at the reception. A talk was held to highlight the requirements of new direct marketing regime and to share with members on the recent direct marketing conviction cases.

學校夥伴嘉許計劃及中學生「保障個人資料．見招拆招」廣告短片大賽頒獎典禮

在保障私隱學生大使計劃下，公署舉辦了學校夥伴嘉許計劃及全港中學生「保障個人資料．見招拆招」廣告短片大賽。公署特以頒獎典禮作為「關注私隱運動2016」的壓軸活動，並邀請夥伴中學及廣告短片大賽入圍隊伍出席頒獎典禮。

Award presentation ceremony for recognition scheme on promoting privacy protection and TV advertisement competition

A recognition scheme on promoting privacy protection and a TV advertisement competition were held under the Student Ambassador for Privacy Protection Programme. Partner schools and finalists of the competition were invited to the award presentation ceremony as the finale of the PAW.

保障私隱學生大使計劃

公署連續第六年舉辦保障私隱學生大使計劃。透過參與這個計劃，公署希望鼓勵中學生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，並向友儕傳遞保障個人資料私隱的訊息。

Student Ambassador for Privacy Protection Programme

The PCPD has run the Student Ambassador for Privacy Protection Programme for six consecutive years. Under the Programme, secondary school students are encouraged to learn the importance of protecting personal data privacy and share the knowledge with peers through organising interactive interschool competition and campus promotion.

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、流動展覽車校園巡迴展覽，以及「保障個人資料 • 見招拆招」廣告短片比賽。「學校夥伴嘉許」計劃設金、銀、銅獎，以表揚及公開嘉許實踐推廣保障個人資料私隱的中學。年內，共125間中學參與這個計劃（詳見附錄四）。

The 2016 Student Ambassador for Privacy Protection Programme consisted of a School Partners Recognition Scheme, a school roadshow and an inter-school TV advertisement competition. The School Partners Recognition Scheme offers gold, silver and bronze awards to commend and publicly recognise the achievements of secondary schools that demonstrate good practice in promoting personal data privacy protection on campuses. In total, 125 secondary schools took part in the Recognition Scheme (see Appendix 4).

另外，公署安排流動展覽車親臨各中學校園，為同學及老師提供切身的保障個人資料小貼士。

A school roadshow was also held with an exhibition truck shuttling among 43 partner schools during the year. Information panels providing practical tips for protecting personal data in everyday activities were displayed inside the exhibition truck.

公署安排流動展覽車親臨各中學校園，為同學及老師提供保障個人資料小貼士。
The PCPD arranged an exhibition truck visiting secondary schools to dissminiate the message about protecting personal data to students and teachers.

「保障個人資料 • 見招拆招」廣告短片比賽方面，共吸引約700名來自62間中學的同學參加。「學校夥伴嘉許」計劃及「保障個人資料 • 見招拆招」廣告短片比賽的頒獎典禮於5月7日舉行，作為「關注私隱運動2016」的壓軸活動，當日共頒發了14個獎項。

Around 700 secondary school students from 62 secondary schools took part in the inter-school TV advertisement. On 7 May, the PCPD hosted a grand finale for the PAW 2016 by holding the award presentation ceremony of the School Partners Recognition Scheme 2016 cum inter-school TV advertisement competition 2016. 14 awards were presented to the winning teams at the award presentation ceremony.

大學保障私隱活動

公署自2011年起每年舉辦大學保障私隱活動。2016年8月至10月期間，公署在十間大專院學校的迎新營派發紀念品推廣保障網上私隱的訊息。公署的攤位遊戲亦在10月至12月巡迴了十間大學，讓大學生了解使用互聯網及智能電話的私隱陷阱。

University Privacy Campaign

The University Privacy Campaign has taken place once a year since 2011. From August to October 2016, the PCPD sponsored selected orientation camps in the 10 universities to deliver educational messages about online privacy. Then the PCPD visited the campuses of 10 local universities from October to December with an interactive game booth to demonstrate privacy traps associated with the use of Internet and smartphones.

公署於大學迎新營向大學新生宣揚保障個人資料。
The PCPD promotes data protection to university freshmen in orientation camps.

公署的攤位遊戲巡迴了十間大學，提醒大學生「網上私隱要自保」。
PCPD toured 10 universities with an interactive game booth to remind students to "Be Smart Online".

此外，公署為大學教職員舉行兩場度身訂造的培訓講座，講解在條例下，他們作為資料使用者在行政方面使用個人資料時負上的責任。整個活動共有約43,500名大學生及教職員參加。

In addition, the PCPD organised two tailor-made seminars to explain to university staff their obligations as a data user under the Ordinance in the areas of administration. About 43,500 students and staff members participated in the campaign.

兩場「大學行政與私隱保障」講座於2017年2月24日舉行，超過300名大學職員參加。
Two seminars on Data Protection and the University Administration were held on 24 February 2017, attended by 300 university staff members.

Strengthening External Connections

加強跨區聯繫

回應跨國界的議題

政策及研究部因應最新的本地及國際發展，對個人資料保障的政策及議題進行研究及提供意見。

保障私隱跨越國界，需要國際社會共同作出回應。公署與海外的資料保障機構和私隱專家保持聯繫和工作關係，洞悉國際間私隱保障的發展和趨勢。

Responding to Borderless Issues

Policy and Research Division conducts research and provides advice on policy issues relating to personal data protection in light of latest local and international developments.

Privacy protection has become a borderless issue and thus calls for an international response. We liaise and work with overseas data protection authorities and privacy experts to keep abreast of international developments and trends in privacy protection.

亞太區經濟合作組織 — 電子商貿督導小組資料私隱分組

公署於2017年2月23日派員出席在越南芽莊舉行的第35屆亞太經合組織資料私隱分組會議。

「跨境私隱規則機制」是一個自願性及以問責為基礎的機制，旨在促進亞太經合組織經濟區內尊重私隱的資料傳輸，該機制在2011年獲亞太經合組織領袖核准。現時，該機制有四個參與者，分別是美國、墨西哥、日本及加拿大。「跨境私隱規則機制」聯合監督小組表示正審閱南韓提出加入該機制的申請。會議亦得悉菲律賓、新加坡及中華台北正考慮加入「跨境私隱規則機制」。

會議亦討論推出修訂的「亞太經合組織保障私隱機制」(2016)的推廣計劃。「亞太經合組織保障私隱機制」包含九個指導原則及實踐指引，以協助亞太經合組織經濟區就個人資料私隱保障發展一致的地區性做法。該機制亦為在亞太經合組織經濟區內推廣問責性及負責任的個人資料轉移建立區域的做法，奠下基礎。

會議亦同意繼續就資料外洩事故通報及私隱管理系統分享資料，並探討與「經濟合作及發展組織」合作制定私隱衡量標準。

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

The PCPD was represented at the 35th meeting of the APEC Electronic Commerce Steering Group Data Privacy Subgroup, which was held in Nha Trang, Vietnam on 23 February 2017.

Endorsed by APEC Leaders in 2011, the Cross-Border Privacy Rules (CBPR) System is a voluntary accountability-based system to facilitate privacy-respecting data flows among APEC economies. There are currently four participating economies, namely, USA, Mexico, Japan and Canada. The Joint Oversight Panel of the CBPR System reported that it was reviewing the application made by the Republic of Korea to participate in the CBPR System. The meeting also noted that the Philippines, Singapore, and Chinese Taipei were at different stages of consideration to participate in the CBPR System.

The meeting also discussed the promotion plan for the launch of the revised APEC Privacy Framework (2016). The APEC Privacy Framework comprises a set of nine guiding principles and guidance on implementation to assist APEC economies in developing consistent domestic approaches to personal information privacy protection. It also forms the basis for the development of a regional approach to promote accountable and responsible transfers of personal information among APEC economies.

The meeting further agreed to continue information sharing on breach notification and privacy management programmes, as well as explore developing privacy metrics in collaboration with the Organisation for Economic Co-operation and Development (OECD).

亞太區私隱機構論壇

亞太區私隱機構是亞太區內私隱執法機構的主要平台組織，成立於1992年，目前有20名成員。公署是其管治委員會的成員。管治委員會與秘書處一同支援亞太區私隱機構的運作。亞太區私隱機構內亦設有科技工作小組及通訊工作小組。公署擔任技術工作組的主席，帶領小組就成員遇到的與科技相關的疑難進行研究，以及提供建議。

亞太區私隱機構論壇每年舉辦兩次，讓成員就如何有效執行其監管工作交換意見及實際經驗。論壇期間會舉行閉門會議和公開會議。閉門會議只供亞太區私隱機構成員及獲邀的觀察員出席，成員在閉門會議中發表地區報告，當中包括重大符規議題、法律改革、教育活動及科技發展。而公開會議則有學術界、公民組織、非政府組織及商業組織等一同參與。公開會議會以演講、座談會等形式廣泛地探討與保障個人資料相關的議題。

私隱專員於2016年出席了第45及46屆亞太區私隱機構論壇。

第45屆亞太區私隱機構論壇（2016年7月21至22日，新加坡）

在閉門會議上，私隱專員代表科技工作小組匯報了有關基本保安措施的研究。該究研的目的是讓成員在向資料使用者提供對電子訊息的合理保安措施的建議時可用作參考。另外，私隱專員亦就目前對資料匿名化的規管的研究作出匯報，當中亦探討了匿名化如何有助保障個人資料。閉門會議期間所討論的其他議題包括：如何在資料共享和資料保障之間取得平衡；歐盟的《一般性資料保障規定》的最新發展；及在大數據時代要就處理個人資料取得個人有意義的同意時所面對的日益增加的挑戰。

公開會議期間討論的議題包括：國際間資料轉移的機制（例如歐盟與美國的「私隱盾」、亞太經合組織的「跨境私隱規則機制」）；資料可携性；私隱規管的未來發展；及如何制定適用於大數據及數碼化社會的私隱原則。

ASIA PACIFIC PRIVACY AUTHORITIES (APPA)

APPA is the principal forum for privacy and data protection authorities in the Asia Pacific region. Formed in 1992, it currently has 20 members. The PCPD is a member of its Governance Committee, which works closely with the Secretariat to support the operation of APPA. There are also two working groups in APPA, namely the Technology Working Group and the Communications Working Group. The PCPD is the chair of the Technology Working Group, which collaborates on and explores common technology-related issues experienced by members.

APPA members meet twice a year at the APPA Forum to exchange ideas and practical experience in carrying out their regulatory functions. The APPA Forum comprises the closed session and the open session. The closed session is restricted to APPA members and invited observers. Members present their jurisdiction reports at the closed session, which usually cover significant compliance issues, legislative reforms, education campaigns, and technological developments. The open session of the APPA Forum is open to academia, civil societies, non-government organisations and commercial organisations. A wide variety of topics relating to personal data protection are covered in presentations and panel discussions at the open session.

The Commissioner attended the 45th and 46th APPA Forum in 2016.

The 45th APPA Forum (21-22 July 2016, Singapore)

At the closed session, the Commissioner, representing the Technology Working Group, presented the Group's study on establishing common baseline security measures, which might be used by APPA members to advise data users on reasonable protection measures for electronically stored information. The Commissioner also presented a separate study on current legislation and regulation on de-identification as an appropriate means of protecting personal information. Other discussions at the closed session included how jurisdictions could balance data sharing and data protection; updates on the EU General Data Protection Regulation; and the growing challenges of obtaining meaningful consent on data processing from individuals in the age of Big Data.

At the open session, topics discussed included the mechanisms for international transfer of personal data (like the EU-US Privacy Shield, APEC CBPR System), data portability, future of privacy regulation, and calibrating privacy principles to a Big Data and digital society.

第46屆亞太區私隱機構論壇
（2016年11月30日至12月2日，墨西哥）

公開會議一開始是聯合國在私隱權方面的特別報告員Joseph Cannataci教授的演說，當中他指出私權為普世的基本人權。公開會議亦舉行了數場座談會，所探討的議題包括：國際間在執行保障個人資料的法律方面的合作；及由監管機構協助解決資料使用者和資料當事人之間的糾紛。私隱專員在一個有關自我監管的座談會擔任主持，他並就如何向機構及行業組織推廣自我監管分享了自己的見解，及公署在此方面的經驗。

在閉門會議中，成員討論了多個重點議題，包括：國家安全、監察活動及向執法機構披露資料；法律改革；數碼化帶來的衝擊；利益相關者在私隱保障方面的投入、認知及符規；創新的教育及外展活動策略。私隱專員亦以科技工作小組主席的身份，就處理支付卡資料及保障網頁安全兩方面，向亞太區私隱機構成員匯報了小組所物色到的一些可能的基本保安措施。

The 46th APPA Forum
(30 November - 2 December 2016, Mexico)

The open session featured a keynote speech by Professor Joseph Cannataci, UN Special Rapporteur on the right to privacy, i.e. privacy is a universal and fundamental human right. There were also panel discussions on international cooperation in enforcement of data protection laws, and resolution of disputes between data users and data subjects by regulators. In the panel on self-regulation, the Commissioner acted as the moderator and shared his insights and the PCPD's experience in promoting self-regulation of organisations and businesses.

Discussions in the closed session focused on various topics: national security, surveillance by and disclosures to law enforcement; legal reforms; digital disruption; stakeholder engagement and privacy awareness and compliance; and innovative education and outreach strategies. As the Chair of the Technology Working Group, the Commissioner reported on the results of the Group in identifying the possible baseline security measures for handling of payment card data and safeguarding the security of websites.

2016亞洲私隱橋樑研討會聯合聲明

公署、韓國網絡安全局和Barun資訊及通訊科技研究中心，與來自中國內地、南韓和日本的私隱專家和學者，於2016年11月2日就共同加強在亞洲地區私隱保障的研究、教育和政策合作簽訂了「2016亞洲私隱橋樑研討會聯合聲明」。

簽署儀式於南韓首爾舉辦的2016 Barun資訊及通訊科技研究會議暨亞洲私隱橋樑研討會舉行。亞洲私隱橋樑研討會的成立，是希望藉此協調各亞洲經濟體系中不同的個人資料私隱保障制度。有關的聯合聲明涵蓋以下合作範圍：

- 建立更深厚緊密的國際研究關係：推動個人資料保障方面的研究綱領、政策發展和執行方面的合作；
- 合作推出私隱研究項目：參與聯合研究計劃，以找出解決方案，協調不同的個人資料保障制度；
- 加強政策合作：舉辦年度亞洲私隱橋樑研討會，討論區域性和國際性的法例、政策以及具爭議性的個人資料保障議題，並推動與其他地區論壇的合作和溝通。

ASIA PRIVACY BRIDGE FORUM JOINT DECLARATION 2016

On 2 November 2016, the PCPD signed the Asia Privacy Bridge Forum Joint Declaration 2016 with the Korea Internet & Security Agency (KISA), Barun ICT Research Center and privacy experts and academia from the mainland of China, South Korea and Japan, to strengthen privacy research, privacy education, and policy co-operation in Asia.

The signing ceremony took place at Barun ICT Research Conference 2016 & Asia Privacy Bridge Forum in Seoul, South Korea. The Asia Privacy Bridge Forum was set up to identify practical steps for bridging the gaps among Asian economies about their approaches to data privacy protection. The joint declaration covered the co-operation initiatives on the following areas:

- Deepening international research relations: promote collaboration and co-operation in research agenda, policy development and enforcement regarding personal data protection;
- Collaborating on privacy research programmes: participate in joint research programmes to find solutions to help bridge the gaps among different personal data protection systems;
- Strengthening policy cooperation: organise the Asia Privacy Bridge Forum annually to deliberate regional and international laws, policies and other controversial issues on personal data protection, and promote co-operation and communication with other regional fora.

全球私隱執法機關網絡

「全球私隱執法機關網絡」於2010年成立，宗旨是促進私隱執法機關之間的跨境合作。於2016年年底，「全球私隱執法機關網絡」的成員包括來自47個國家和地區的64個私隱執法機關。

「全球私隱執法機關網絡」主要透過下述方式加強合作：

1. 就相關議題、趨勢及經驗交換資訊；
2. 鼓勵培訓和分享執法的知識、專門技術及良好行事方式；
3. 促進與負責私隱執法的機構的溝通；及
4. 創設、維持及支援對雙邊或多邊合作有用的程序或機制。

公署於2014年加入「全球私隱執法機關網絡」為會員。於2016年，公署成為「全球私隱執法機關網絡」的五個執行委員會成員之一（其他成員有加拿大、以色列、英國及美國），協力領導「網絡」的工作。

「全球私隱執法機關網絡」每年其中一個主要工作項目是私隱抽查行動，當中「網絡」的成員會聯合查察特定界別的機構在私隱方面的實務，評估其對個人資料私隱的尊重程度及個人資料保障法例的符規情況。往年抽查行動的重點包括流動應用程式及網站在私隱政策方面的公開及透明度。

於2016年，公署聯同24個私隱執法機關查察「物聯網」裝置。抽查結果及相關建議詳列於本年報「監督符規 擁抱挑戰」部份。

於本年度，公署亦參與了「全球私隱執法機關網絡」的定期電話會議，與各會員就有關個人資料私隱的時事議題交換意見。

GLOBAL PRIVACY ENFORCEMENT NETWORK (GPEN)

GPEN was established in 2010 to foster cross-border cooperation among privacy enforcement authorities. At the end of 2016, its membership comprised 64 privacy enforcement authorities from 47 countries and regions around the world.

GPEN primarily seeks to promote cooperation by:

1. Exchanging information about relevant issues, trends, and experiences;
2. Encouraging training opportunities and sharing of enforcement know-how, expertise, and good practice;
3. Promoting dialogue with organisations that play a role in privacy enforcement; and
4. Creating, maintaining, and supporting processes or mechanisms useful to bilateral or multilateral cooperation.

The PCPD joined GPEN as a member in 2014. In 2016, the PCPD joined the five-member Executive Committee of GPEN (the other members are Canada, Israel, the UK and the US) and contributed to leadership for the network.

One of the major annual projects of GPEN is the Privacy Sweep, in which its members join forces to examine the privacy practices of organisations in selected sectors and evaluate their level of respect to personal data privacy and level of compliance with data protection laws. The focuses of the Privacy Sweeps in previous years include the openness and transparency of mobile applications and websites in respect of their privacy policies.

In 2016, the PCPD joined 24 privacy enforcement authorities to examine the Internet of Things (IoT) devices. Findings and recommendations arising from this Privacy Sweep can be found in the section of "Monitoring Compliance, Embracing Challenges" in this report.

During the year, the PCPD also attended regular telephone conferences with other GPEN members to exchanges views on topical issues relating to personal data privacy.

國際資料保障及私隱專員研討會

國際資料保障及私隱專員研討會於1979年首次召開，是全球各地私隱專員的重要論壇。研討會的會員包括來自逾70個國家的逾110個私隱執法及資料保障機構。研討會每年於其中一個會員的法域區召開一次。

第38屆國際資料保障及私隱專員研討會（2016年10月17-20日，摩洛哥馬拉喀什）

私隱專員於2016年10月出席了在摩洛哥馬拉喀什舉行的第38屆國際資料保障及私隱專員研討會。研討會為期四天，首兩天為閉門會議，最後兩天為公開會議。

約200名研討會的會員及觀察員代表出席了閉門會議。其間，獲邀出席的學者及專家組成的小組和與會者一同深入探討人工智能、機械人學及資料加密等議題，討論主要聚焦於有關科技對私隱和個人資料保障的影響。會員並於閉門會議期間通過了數項決議，當中包括決議採納一個私隱教育框架方案，以及決議促進國際間的私隱執法合作。香港在閉門會議期間被正式確認為第39屆研討會的主辦城市。作為來屆研討會的主辦機構，公署亦即時被委任至研討會的執行委員會，任期兩年。

出席公開會議的代表來自研討會的會員及觀察員、公民組織、非政府機構、智庫組織及商業機構。公開會議期間舉行了多場演說及座談會以討論多個不同議題中的個人資料私隱問題，例如資訊型經濟、政府的監察活動，並探討了如何有效地教育公眾保障個人資料私隱等。

多個公民組織、非政府機構及商業機構等藉研討會期間各自舉辦周邊會議，討論與個人資料私隱相關的熱門話題，例如美國與歐盟為便利跨大西洋的資訊流通而訂立的「私隱盾」計劃，以及建立遺傳基因資料庫的私隱問題。

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS (ICDPPC)

The ICDPPC, which was first convened in 1979, is the premier forum for Privacy Commissioners from around the world. Its membership comprises over 110 privacy enforcement and data protection authorities from over 70 countries. The ICDPPC is convened once a year in a member's jurisdiction.

The 38th ICDPPC (17-20 October 2016, Marrakesh, Morocco)

The Commissioner attended the 38th ICDPPC in Marrakesh, Morocco in October 2016. The Conference lasted for four days, with the first two days conducted in a closed session and the last two days in an open session.

The closed session was attended by around 200 delegates from the accredited members and observers of the ICDPPC. Invited academics, experts, and specialists held in-depth discussions with conference members on topics of artificial intelligence, robotics, and encryption, with a focus on their implications on privacy and personal data protection. Several resolutions were passed by the members during the closed session, which included the resolutions to adopt a privacy education framework and to promote international cooperation for privacy enforcement. Hong Kong was confirmed to be the host of the 39th ICDPPC. As the host of the next ICDPPC, the PCPD was also admitted to the Executive Committee of the ICDPPC with immediate effect, for a term of two years.

The open session was attended by representatives from the accredited members and observers of the ICDPPC, civil societies, non-governmental organisations, think tanks, and commercial organisations. A number of presentations and panel discussions were conducted during the open session to discuss privacy implications of data-driven economies and government surveillance, and to explore the effective means of public education in personal data protection.

A number of civil societies, non-governmental organisations, and commercial organisations also held their own meetings on the fringe of the ICDPPC to discuss topical issues relating to personal data protection, such as the Privacy Shield scheme between the US and the European Union for the facilitation of trans-Atlantic data flow, and the privacy implications of DNA databases.

私隱專員在研討會期間應邀發表了數場演說。他在公開會議上分享了公署的私隱教育工作經驗，以及發表了對如何促進國際間私隱執法合作的見解。私隱專員並分別在閉門會議和公開會議上為將於2017年9月在香港舉辦的第39屆研討會進行宣傳。

The Commissioner was invited to give speeches on several occasions during the ICDPPC. He shared the experience of privacy education of the PCPD at the open session and offered his views on how international privary enforcement cooperation could be facilitated. The Commissioner also took opportunities at both the closed and open sessions to promote the 39th ICDPPC to be held in Hong Kong in September 2017.

與海外資料保障機構及私隱專家的交流

EXCHANGES WITH OVERSEAS DATA PROTECTION AUTHORITIES AND PRIVACY EXPERTS

私隱專員及其團隊與海外資料保障機構、業界人員及學者曾作以下交流：

The Commissioner and his team were engaged in the following exchanges with overseas data protection authorities, practitioners and the academia:

04 & 05.04.2016	私隱專員在美國華盛頓出席國際私隱專業人員協會舉辦的2016全球私隱高峰會期間會見了未來私隱論壇、歐華律師事務所、Hunton & Williams LLP、資訊政策領導中心、布魯金斯學會及Allen & Overy的代表。 Privacy Commissioner met the representatives of Future of Privacy Forum, DLA Piper, Hunton & Williams LLP, Centre for Information Policy Leadership, Brookings Institution and Allen & Overy during the Global Privacy Summit 2016 held in Washington, DC organised by the International Association of Privacy Professionals (IAPP).
04.06.2016	私隱專員在國際私隱專業人員協會於美國華盛頓主辦的2016全球私隱高峰會發表「香港個人資料保障規管架構 — 諮詢式規管」的演講。 Privacy Commissioner delivered a presentation on "Hong Kong Personal Data Protection Regulatory Framework - An Approach to Consultative Regulation" at the Global Privacy Summit 2016 hosted by the IAPP in Washington, DC.
07.04.2016	私隱專員在美國喬治城大學麥克唐納商學院發表「香港個人資料保障規管架構 — 諮詢式規管」的演講。 Privacy Commissioner delivered a presentation on "Hong Kong Personal Data Protection Regulatory Framework - An Approach to Consultative Regulation" at McDonough School of Business of Georgetown University in Washington DC.
11.05.2016	副私隱專員在韓國網絡安全局、大韓民國放送通信委員會及韓國行政自治部舉辦的亞洲私隱論壇與參與者交流。 Deputy Privacy Commissioner exchanged views with participants at "Asia Privacy Bridge Forum" organised by the Korea Internet and Security Agency, Korea Communications Commission and Ministry of the Interior in Korea.
20.05.2016	政策及研究部總監參與高麗大學和慶應義塾大學在韓舉辦的「雲端運算的法規及政策」小組討論。 Head of Policy and Research Division joined a panel discussion on "National Law and Policy on Cloud Computing" organised by the Korea University and Keio University in Korea.
19.07.2016	私隱專員參與國際私隱專業人員協會在新加坡舉辦的2016亞洲私隱論壇的「邁向問責」及「規管者的看法」小組討論。 Privacy Commissioner joined the "Getting to Accountability" and "The Regulators' View" panel discussions at IAPP Asia Privacy Forum 2016 in Singapore.

20.07.2016	私隱專員參與新加坡個人資料保護委員會舉辦的資料保障研討會2016 —— 聯繫創新與信任之「問責制：資料主導世代中的信任與創新」小組討論。 Privacy Commissioner joined the "Accountability: Trust and Innovation in Data Driven World" panel discussion at PDP Seminar 2016 - Bridging Innovation and Trust organised by the Personal Data Protection Commission Singapore.
22.07.2016	私隱專員在新加坡為Facebook主講「香港個人資料私隱專員的話」。 Privacy Commissioner gave a "Remarks from the Hong Kong Privacy Commissioner for Personal Data" organised by Facebook in Singapore.
25.08.2016	政策及研究部總監在新加坡舉行的ASEAN Strategy Forum Executive IT發表「流動資訊、雲端應用及物聯網帶來的私隱及保安挑戰」演講。 Head of Policy and Research Division gave a presentation on "Privacy and Security Challenges in Mobile, Cloud and IoT" at ASEAN Strategy Forum Executive IT in Singapore.
12.10.2016	高級個人資料主任在柬埔寨舉行的亞太電訊組織舉辦的第七屆亞太電訊組織網絡安全論壇中發表「個人資料（私隱）條例簡介及私隱管理系統」的演講。 Senior Personal Data Officer delivered a presentation on "Introduction of the PD(P)O and PCPD's Privacy Management Programme" at 7th APT Cybersecurity Forum, organised by the Asia-Pacific Telecommunity in Cambodia.
14.11.2016	私隱專員於深圳舉行的第五屆中美知識產權高峰論壇 —— 知識產權與經濟轉型上發表「香港特區個人資料隱私權保障概覽」的演講。 Privacy Commissioner delivered a presentation on "An overview of Personal Data Privacy Rights Protection in Hong Kong Special Administrative Region" at the 5th US-China Intellectual Property Conference: Intellectual Property and Economic Transformation in Shenzhen.
03.12.2016	合規部總監及投訴部總監在香港浸會大學及清華大學在北京合辦的網絡治理視角下的社交媒，政策與規制研討會中發表「社交媒體與個人資料私隱的保障」的演講。 Head of Compliance Division and Head of Complaints Division delivered a presentation on "Social Media and Personal Data Privacy Protection" at Workshop on Social Media, Policy and Regulation: A Network Governance Perspective co-organised by Hong Kong Baptist University and Tsinghua University in Beijing.
25.01.2017	私隱專員為「電腦、私隱及資料保護」會議的「人工智能及歐盟的《一般資料保障規例》：有何具體的責任和措施？」小組討論在香港以視像方式致開幕辭（會議於布魯塞爾舉行）。 Privacy Commissioner gave a video presentation in Hong Kong as an opening speech for the panel discussion titled "AI & GDPR: Concretely, what are the obligations & steps to take?" during the Computers, Privacy and Data Protection Conference held in Brussels.

接待海外 / 內地訪客

在2016至17年度，公署曾接待以下代表團：

RECEPTION OF OVERSEAS / MAINLAND DELEGATIONS

In 2016-17, the PCPD received the following delegations:

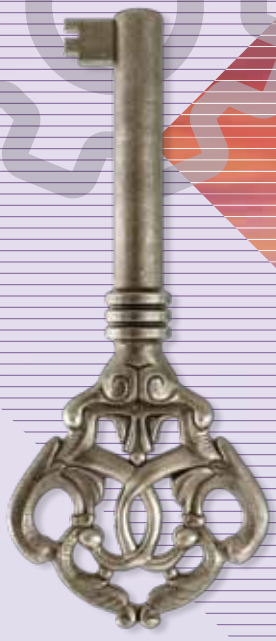
08.06.2016 ── 私隱專員及首席律師接待訪港交流的浙江大學代表。
08.06.2016 – Privacy Commissioner and Chief Legal Counsel received delegates from Zhejiang University.

11.07.2016 ── 接待汕頭政法大學法律系學生，公署人員向他們介紹公署的工作及私隱條例。
11.07.2016 – PCPD staff gave a briefing on the PCPD's work and the Ordinance to a group of law students from Shantou University.

27.07.2016 ── 私隱專員接待訪港交流的內地法律學生及發表「保障、尊重個人資料」的演講。
27.07.2016 – The Privacy Commissioner received a group of law school students from the mainland of China and gave a speech on "Protect, Respect Personal Data"

19.10.2016 —— 副私隱專員、首席律師及高級個人資料主任與中國高級法官會面並分享「香港的個人資料私隱保障」。
19.10.2016 – Deputy Privacy Commissioner, Chief Legal Counsel and Senior Personal Data Officer met Chinese Senior Judges and shared "Protection of Personal Data Privacy in Hong Kong".

28.10.2016 —— 私隱專員及公署高級職員與參加由律政司所統籌實習計劃並由來自內地多個司法廳／局官員所組成的代表團交流意見。
28.10.2016 – The Privacy Commissioner and senior staff exchanged views with a delegation of officials from the mainland of China from various Justice Departments / Bureaux who joined an attachment programme arranged by the Department of Justice.



Building a High Quality Professional Team

建立高質素專業團隊

效率及成本效益

企業支援及查詢部致力精簡工序，採取措施提升士氣和效率，對員工的努力作出嘉許，並建立及保持團隊最高水平的忠誠和成本效益。

Efficiency and Cost-effectiveness

The Corporate Support and Enquiries Division makes a continuous effort to streamline work procedures, and to put in place measures to enhance staff morale, productivity and recognition. We aim to build and maintain the highest standards of honesty, integrity and cost-effectiveness.

職員晉升及培訓

公署致力透過晉升及培訓，支持員工的事業發展。在2016至17年度，公署共有八名員工獲得晉升。

STAFF PROMOTION AND TRAINING

The PCPD is dedicated to supporting the career development of all staff through training and promotion. In 2016-17, eight staff members were promoted.

公署繼續提供不同類型的內部培訓課程，裝備不同職級的人員應付新挑戰及轉變所需的專業技能。培訓課程包括：

- 入職培訓
- 強積金講座
- 公署與積金局的工作交流會
- 調解分享會
- 行政上訴委員會近期個案的分享會
- 專業英語寫作的培訓
- 中文寫作的培訓
- 急救課程

To equip staff at different levels with the necessary knowledge and skills to meet the new challenges and changing needs, the PCPD continued to organise a wide range of in-house training programmes, including the following:

- Induction programmes for new recruits
- MPF seminar
- Sharing session on MPFA's work and handling of personal data pertaining to MPFA's complaints and enquiries
- Sharing session on mediation
- Sharing session on recent Administrative Appeals Board cases
- Training on professional English writing
- Training on Chinese writing
- First aid course

招聘

公署在本年度增聘了人手，為不同職級進行了三次公開招聘，以應付公眾對公署的專業及優質服務的要求。年內共有12名新職員加入公署各部門。

為擴闊大學生的視野及協助他們了解公署的運作，我們在本年度展開實習計劃。10名實習生獲分派到不同部門，接受在職培訓。

內部循規審查

公署致力提高企業管治水平，自2011年起每年進行內部循規審查以：

(a) 確定會計、財務、採購及行政方面的既定管控程序是否獲得適當遵從；

(b) 識別不正常及沒有遵從規定的情況；及

(c) 就改善內部的管控作出建議。

2016年，來自不同部門的三名員工獲委任為查核人員，對2015-16年度的相關紀錄進行循規審查，然後直接向私隱專員滙報結果。是次審查發現些微的不正常情況，公署已作出適當的改善及跟進行動。審查結果亦呈交個人資料（私隱）諮詢委員會。

RECRUITMENT

To cope with the rising demand for professional and high quality services, we strengthened our workforce and conducted three open-recruitment exercises for various ranks during the year. As a result, 12 new colleagues joined the PCPD in various divisions.

To widen the horizon of university students and help them understand the operation of the PCPD, we started an internship programme during the year. 10 interns were assigned to different divisions and given on-the-job training.

INTERNAL COMPLIANCE CHECK

As part of improvement measures to enhance corporate governance, the PCPD set up an Internal Compliance Check mechanism in 2011. Annual checking is conducted to:

(a) Confirm whether established control procedures for the accounting, finance, procurement, and administrative functions are being properly followed;

(b) Identify irregularities or cases of non-compliance; and

(c) Make recommendations on the improvement of internal controls.

In 2016, three officers from various divisions were appointed to conduct the compliance checks of the 2015-16 records and report their findings directly to the Commissioner. Some minor irregularities were identified and appropriate remedial or other follow-up actions were taken thereafter. The findings were also presented to the Personal Data (Privacy) Advisory Committee.

長期服務員工獎

我們每年舉辦長期服務員工嘉許禮，以表揚同事多年來忠誠服務。在2016至17年度，共有兩名員工獲得二十年長期服務獎。

LONG SERVICE AWARDS FOR STAFF MEMBERS

A Long Service Award presentation is held annually to recognise staff members for their loyalty, commitment, and diligence. In 2016-17, two staff members received the 20-year service awards.

嘉許

公署接獲12封／個來自公眾及機構的感謝信和讚賞。

COMMENDATIONS

12 appreciation letters and compliments were received from members of the public and organisations for the performance of the staff of the PCPD during the report year.

感言 Sharing

我是企業支援及查詢部的行政助理，為公署不同部門提供適切的行政及資訊科技支援，以協助同事們有效地執行職務、公署暢順地運作。雖然我加入公署只短短數月，但是我已分別接觸到公署不同範疇的工作，令我對公署各部門的運作有深入的了解。我深深體會到公署各員無分彼此，為推廣「保障、尊重個人資料私隱」同心同德，一起努力、一起分擔。我期望繼續與各同事攜手在實現公署的共同目標上作出更多貢獻。

Being an Administrative Assistant in Corporate Support & Enquiries Division, I provide timely administrative and IT support to different divisions to assist in the effective and smooth operation of the office. Despite the fact that I joined the PCPD only a few months ago, I have already been engaged in wide-ranging areas of work, which has deepened my understanding of the operation of different divisions. I am impressed by the endeavour and enthusiasm of all the staff in believing and promoting "Protect, Respect Personal Data". I hope I can continue to contribute to the realisation of the mission with all my colleagues.

馮應洲
行政助理（企業支援及查詢）
Charles FUNG
Administrative Assistant (Corporate Support & Enquiries)

員工活動

公署在本年度為員工舉辦了不同的活動，促進同事間建立和諧的工作關係和團隊精神，包括氣功班、公益月餅2016、公益綠識日、中秋節午餐聚會及聖誕聯歡會。

為提高員工的歸屬感，自2016年9月起，由各部門員工組成的私隱休閒區工作小組不時舉辦各類活動，慶祝同事生日、升職、添丁及其他開心時刻。小組亦於午膳時間在私隱休閒區舉辦興趣班。

STAFF ACTIVITIES

To foster a harmonious working relationship and team spirit among staff members, various activities were organised throughout the year, including Qigong class, Mooncakes for Charity 2016, the Community Chest Green Day, a lunch gathering for the Mid-autumn Festival, and a Christmas party.

To further enhance a sense of belonging among the staff, a Privacy Lounge Working Group comprising staff members from different divisions of the PCPD, has organised various activities for celebration of birthday, promotion, new-born babies, and other pleasant moments of colleagues since September 2016. Interest classes were also held at the Privacy Lounge during lunch hours.

Financial Statements 財務報表

問責及透明度

每年度公佈的財務報表顯示公署是本着問責及具透明度的原則理財。我們保持高水平的企業管治，善用資源，以符合經濟、效率及效益。

Accountability and Transparency

The publication of our annual financial statements is a manifestation of the accountability and transparency which are the foundation of our financial management. We maintain high standards of corporate governance and maximise the utilisation of resources to achieve economy, efficiency and effectiveness.

獨立核數師報告

致：個人資料私隱專員

（依據《個人資料（私隱）條例》在香港成立的單一法團）

意見

本核數師（以下簡稱「我們」）已審核列載於第156至173頁個人資料私隱專員的財務報表，此財務報表包括於2017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2017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。

INDEPENDENT AUDITOR'S REPORT

TO 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 156 to 173, which comprise the statement of financial position as at 31 March 2017, the statement of comprehensive income, the statement of changes in funds and the 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 2017, 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 ("HKSAs") 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.

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，我們並不亦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。

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。

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 and will 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 concluded that this is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

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.

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，在整個審核過程中抱持職業懷疑態度。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。

- 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。

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.

- 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.

- 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。

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。

- 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.

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 2017年7月21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, 21July 2017

全面收益表 STATEMENT OF COMPREHENSIVE INCOME

截至2017年3月31日止年度 Year ended 31 March 2017

		附註 Notes	2017 $	2016 $
收入	**Income**			
政府補助金	Government subventions	5	**76,497,975**	76,199,911
顧問費收入	Consultancy fee income	14	**336,000**	168,000
有關電子健康紀錄互通系統執法工作的政府資助金	Government funding for enforcement work related to the Electronic Health Record Sharing System		**3,255,000**	949,375
銀行利息	Bank interest		**167,547**	170,600
講座收費	Seminar fees		**991,480**	1,113,100
會員費	Membership fees		**110,700**	97,500
光碟及刊物銷售	Sales of compact discs and publications		**100**	–
會議收入	Conference income		**–**	103,600
處置物業、機器及設備的收益	Gain on disposal of property, plant and equipment		**1,000**	–
雜項收入	Miscellaneous income		**184,802**	26,259
			81,544,604	78,828,345
支出	**Expenditure**			
核數師酬金	Auditor's remuneration		**58,000**	60,000
行政費用	Administrative expenses		**1,745,645**	1,406,428
顧問服務	Consultancy services		**440,000**	190,000
物業、機器及設備的折舊	Depreciation of property, plant and equipment			
• 由其他資金來源支付	• financed by other sources of funds	9	**458,429**	363,254
• 由資本補助金支付	• financed by capital subvention fund	9	**177,594**	193,407
僱員福利支出	Employee benefit expenses	6	**62,626,572**	61,945,561
辦公室的營運租賃租金	Operating lease rentals in respect of office premises		**8,082,576**	7,419,526
海外訪問／會議支出	Overseas visit / conference		**496,328**	434,936
宣傳推廣及教育支出	Promotion and education expenses		**3,623,116**	5,044,268
法律協助計劃	Legal assistance scheme		**65,742**	53,900
處置物業、機器及設備的損失	Loss on disposal of property, plant and equipment		**–**	1,764
其他營運費用	Other operating expenses		**2,865,894**	2,268,035
			80,639,896	79,381,079
年內盈餘／(虧損)及全面收益／(支出)總額	**Surplus/(deficit) and total comprehensive income/ (expense) for the year**		**904,708**	(552,734)

第160至173頁的附註屬本財務報表的組成部分。
The notes on pages 160 to 173 are an integral part of these financial statements.

財務狀況表 STATEMENT OF FINANCIAL POSITION

於2017年3月31日 AT 31 MARCH 2017

		附註 Notes	2017 $	2016 $
非流動資產	**Non-current asset**			
物業、機器及設備	Property, plant and equipment	9	**1,185,145**	963,198
流動資產	**Current assets**			
存貨	Inventories	10	**–**	15,800
其他應收款項、按金及預付款項	Other receivables, deposits and prepayments		**1,468,460**	412,504
銀行結存及現金	Bank balances and cash	11	**25,992,922**	24,539,659
			27,461,382	24,967,963
流動負債	**Current liabilities**			
其他應付款項及應計費用	Other payables and accruals		**744,896**	909,925
職員約滿酬金撥備	Provision for staff gratuity	12	**3,864,513**	1,486,548
未放取年假撥備	Provision for unutilised annual leave		**1,261,531**	991,149
預收政府補助金	Government subvention received in advance	13	**1,897,680**	1,970,000
預收政府費用	Government fee received in advance	14	**2,016,000**	2,352,000
			9,784,620	7,709,622
流動資產淨值	**Net current assets**		**17,676,762**	17,258,341
資產總額減流動負債	**Total assets less current liabilities**		**18,861,907**	18,221,539
非流動負債	**Non-current liabilities**			
政府的約滿酬金補助款	Government subvention for gratuity	15	**3,111,875**	3,347,936
職員的約滿酬金撥備	Provision for staff gratuity	12	**1,788,225**	1,839,910
資本補助金	Capital subvention fund	16	**220,662**	197,256
			5,120,762	5,385,102
資產淨值	**Net assets**		**13,741,145**	12,836,437
資金	**Funds**			
一般儲備	General reserve	17	**13,741,145**	12,836,437

本財務報表已於2017年7月21日獲私隱專員批准及授權刊發。
Approved and authorised for issue by the Privacy Commissioner on 21July 2017.

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160至173頁的附註屬本財務報表的組成部分。
The notes on pages 160 to 173 are an integral part of these financial statements.

資金變動表 STATEMENT OF CHANGES IN FUNDS

截至2017年3月31日止年度 Year ended 31 March 2017

		全面收益表 Statement of comprehensive income $	一般儲備 General reserve $	總計 Total $
於2015年4月1日的結餘	**Balance at 1 April 2015**	–	13,389,171	13,389,171
年內虧損及全面支出總額	Deficit and total comprehensive expense for the year	(552,734)	–	(552,734)
調撥	Transfer	552,734	(552,734)	–
於2016年3月31日及2016年4月1日的結餘	**Balance at 31 March 2016 and at 1 April 2016**	–	12,836,437	12,836,437
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	904,708	–	904,708
調撥	Transfer	(904,708)	904,708	–
於2017年3月31日的結餘	**Balance at 31 March 2017**	**–**	**13,741,145**	**13,741,145**

第160至173頁的附註屬本財務報表的組成部分。
The notes on pages 160 to 173 are an integral part of these financial statements.

現金流量表 STATEMENT OF CASH FLOWS

截至2017年3月31日止年度 Year ended 31 March 2017

		附註 Notes	2017 $	2016 $
營運活動	**Operating activities**			
年內盈餘／(虧損)	Surplus / (deficit) for the year		**904,708**	(552,734)
調整：	Adjustments for:			
• 折舊支出	• Depreciation expense		**636,023**	556,661
• 處置物業、機器及設備的(收益)／損失	• (Gain) / loss on disposal of property, plant and equipment		**(1,000)**	1,764
• 利息收入	• Interest income		**(167,547)**	(170,600)
營運資本變動前的營運盈餘／(虧損)	Operating surplus / (deficit) before working capital changes		**1,372,184**	(164,909)
• 存貨減少	• Decrease in inventory		**15,800**	–
• 其他應收款項、按金及預付款項增加	• Increase in other receivables, deposits and prepayments		**(1,048,256)**	(33,624)
• 其他應付款項及應計費用減少	• Decrease in other payables and accruals		**(165,029)**	(327,495)
• 職員約滿酬金撥備增加／(減少)	• Increase / (decrease) in provision for staff gratuity		**2,326,280**	(1,539,857)
• 未放取年假撥撥備增加／(減少)	• Increase / (decrease) in provision for unutilised annual leave		**270,382**	(302,651)
• 預收政府補助金減少	• Decrease in government subvention received in advance		**(72,320)**	(2,303,891)
• 預收政府費用(減少)／增加	• (Decrease) / increase in government fee received in advance		**(336,000)**	802,000
• 政府的約滿酬金補助款減少	• Decrease in government subvention for gratuity		**(236,061)**	(213,038)
• 資本補助金增加／(減少)	• Increase / (decrease) in capital subvention fund		**23,406**	(194,981)
營運活動所得／(所用)現金淨額	Net cash generated from / (used in) operating activities		**2,150,386**	(4,278,446)
投資活動	**Investing activities**			
收取利息	Interest received		**159,847**	176,332
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		**(84,448)**	(86,757)
購置物業、機器及設備的付款	Payments for property, plant and equipment		**(857,970)**	(478,935)
處置物業、機器及設備的得益	Proceed from disposal of property, plant and equipment		**1,000**	–
投資活動所用現金淨額	Net cash used in investing activities		**(781,571)**	(389,360)
現金及現金等值的增加／(減少)淨額	**Net increase / (decrease) in cash and cash equivalents**		**1,368,815**	(4,667,806)
年初的現金及現金等值	**Cash and cash equivalents at the beginning of the year**		**15,285,595**	19,953,401
年底的現金及現金等值	**Cash and cash equivalents at the end of the year**		**16,654,410**	15,285,595
現金及現金等值結存分析	**Analysis of balances of cash and cash equivalents**			
銀行結存及現金	Bank balances and cash	11	**25,992,922**	24,539,659
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months		**(9,338,512)**	(9,254,064)
年底的現金及現金等值	**Cash and cash equivalents at the end of the year**		**16,654,410**	15,285,595

第160至173頁的附註屬本財務報表的組成部分。
The notes on pages 160 to 173 are an integral part of these financial statements.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS

2017年3月31日 31 MARCH 2017

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。

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. 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。

2017年，個人資料私隱專員首次應用香港會計師公會頒佈於2016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》。採納這些《香港財務報告準則》對個人資料私隱專員的財務表現及狀況並無重大影響。

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 2017, 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 2016. The application of these HKFRSs has no material effects on the PCPD's financial performance and positions.

3. 重要會計政策概要

(a) 財務報表的編製基準
除下文所載的會計政策另有說明外，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期內沖銷其成本（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

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 except as otherwise stated in the accounting policies set out below.

(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

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
營運租賃的付款於賃期內以直線法在收益表內列為開支。

(d) 其他應收款項、按金及預付款項
其他應收款項、按金及預付款項按公允價值初始確認，其後按攤銷成本減去呆帳減值撥備後所得的金額入帳，但如折現影響並不重大則除外。在此情況下，應收款項會按成本減去呆帳減值撥備後所得的金額入帳。

(e) 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。

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) Other receivables, deposits and prepayments
Other receivable, deposits and prepayments are initially recognised at fair value and thereafter stated at amortised cost less allowance for impairment of doubtful debts, except where the effect of discounting would be immaterial. In such cases, the receivables are stated at cost less allowance for impairment of doubtful debts.

(e) 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.

3. 重要會計政策概要（續）

(f) 其他應付款項
其他應付款項均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。

(g) 存貨
存貨以成本值和可變現淨值之較低者入帳。成本值以先進先出法釐定。可變現淨值是按正常營運過程中的估計售價，減去適用的變動銷售開支計算。

(h) 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，該責任亦會被披露為或然負債，但假如這類經濟利益流出的可能性極低則除外。

(i) 收入確認
收入是按已收或應收代價的公平值計算。如果經濟利益很可能會流入個人資料私隱專員而收入和成本（如適用）又能夠可靠地計量時，下列各項收入便會在全面收益表中確認：

(i) 政府補助金
如有合理保證可取得政府補助，而且個人資料私隱專員可以符合所有附帶條件，則會按補助金額的公平值確認政府補助。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(f) Other payables
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.

(g) Inventories
Inventories are stated at the lower of cost and net realisable value. Cost is determined using the first-in, first-out method. Net realisable value is the estimated selling price in the ordinary course of operations, less applicable variable selling expenses.

(h) 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.

(i) Income recognition
Income is measured at the fair value of the consideration received or receivable. Provided that it is probable that the economic benefits associated with the income transaction will flow to the PCPD and the income and the costs, if any, in respect of the transaction can be measured reliably, income is recognised as follows:

(i) Government subventions
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.

財務報表附註 NOTES TO THE FINANCIAL STATEMENTS
2017年3月31日 31 MARCH 2017

3. 重要會計政策概要（續）

(i) 收入確認（續）

(i) 政府補助金（續）

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。

(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) 光碟及刊物銷售

光碟及刊物銷售收入在該等貨品交付予買方，而買方接受貨品，以及有關應收款項可合理地確定收到時確認。

(v) 顧問費收入及有關電子健康紀錄互通系統執法工作的政府資助金

顧問費收入是在提供服務的期間在全面收益表確認。

有關電子健康紀錄互通系統執法工作的政府資助金是在須與擬補償的成本產生時，在全面收益表確認。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(i) Income recognition (continued)

(i) Government subventions (continued)

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.

(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 compact discs and publications

Income from the sales of compact discs and publications is recognised when the PCPD has delivered products to the customer, the customer has accepted the products and collectability of the related receivables is reasonably assured.

(v) Consultancy fee income and Government fund for enforcement work related to the Electronic Health Record Sharing System ("EHRSS")

Consultancy fee income is recognised in the statement of comprehensive income in the same periods in which the services are provided.

Government funding for enforcement work related to the EHRSS is recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

3. 重要會計政策概要（續）

(j) 僱員福利

(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侍產假不作確認，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%。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。

(k) 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)

(j) Employee benefits

(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 Ordinance for its employees. The PCPD contributes 5% of the relevant income of staff members 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.

(k) 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.

3. 重要會計政策概要（續）

(l) 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) 一個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) 一個實體由(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一個實體構成重大影響，或為一個實體的關鍵管理人員。

3. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) 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.

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19。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。

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 19. 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.

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5. 政府補助金 5. GOVERNMENT SUBVENTIONS

		2017 $	2016 $
經常性及非經常性	Recurrent and non-recurrent	**76,320,381**	76,004,930
資本補助金（附註 16）	Capital subvention fund (Note 16)	**177,594**	194,981
		76,497,975	76,199,911

6. 僱員福利支出 6. EMPLOYEE BENEFIT EXPENSES

		2017 $	2016 $
薪酬	Salaries	**51,971,695**	52,445,074
約滿酬金及其他津貼	Gratuities and other allowances	**9,082,888**	8,452,956
強積金計劃供款	Contributions to MPF Scheme	**1,301,607**	1,350,182
未放取年假撥備	Provision for unutilised annual leave	**270,382**	(302,651)
		62,626,572	61,945,561

7. 主要管理人員的報酬 7. KEY MANAGEMENT COMPENSATION

		2017 $	2016 $
短期僱員福利	Short-term employee benefits	**14,514,231**	14,876,183
離職後福利	Post-employment benefits	**1,735,016**	1,813,939
		16,249,247	16,690,122

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.

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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 $
成本	**Cost**						
於2015年4月1日	**At 1 April 2015**	468,900	4,505,208	1,439,502	1,190,116	3,306,621	10,910,347
增加	Additions	–	179,145	43,160	38,380	218,250	478,935
處置	Disposals	–	(17,918)	–	(24,825)	–	(42,743)
於2016年3月31日	At 31 March 2016	468,900	4,666,435	1,482,662	1,203,671	3,524,871	11,346,539
累積折舊	**Accumulated depreciation**						
於2015年4月1日	**At 1 April 2015**	117,225	4,168,153	1,265,577	1,047,758	3,268,946	9,867,659
年內折舊	Charge for the year	156,300	218,308	78,837	59,478	43,738	556,661
處置核銷	Write back on disposals	–	(17,918)	–	(23,061)	–	(40,979)
於2016年3月31日	At 31 March 2016	273,525	4,368,543	1,344,414	1,084,175	3,312,684	10,383,341
帳面淨值	**Net book value**						
於2016年3月31日	At 31 March 2016	195,375	297,892	138,248	119,496	212,187	963,198
成本	**Cost**						
於2016年4月1日	**At 1 April 2016**	468,900	4,666,435	1,482,662	1,203,671	3,524,871	11,346,539
增加	Additions	–	334,327	80,373	67,720	375,550	857,970
處置	Disposals	–	(1,550)	(80,000)	–	–	(81,550)
於2017年3月31日	At 31 March 2017	468,900	4,999,212	1,483,035	1,271,391	3,900,421	12,122,959
累積折舊	**Accumulated depreciation**						
於2016年4月1日	**At 1 April 2016**	273,525	4,368,543	1,344,414	1,084,175	3,312,684	10,383,341
年內折舊	Charge for the year	156,300	225,863	71,515	64,285	118,060	636,023
處置核銷	Write back on disposals	–	(1,550)	(80,000)	–	–	(81,550)
於2017年3月31日	At 31 March 2017	429,825	4,592,856	1,335,929	1,148,460	3,430,744	10,937,814
帳面淨值	**Net book value**						
於2017年3月31日	At 31 March 2017	39,075	406,356	147,106	122,931	469,677	1,185,145

10. 存貨 10. INVENTORIES

		2017 $	2016 $
培訓教材	Training materials	–	15,800

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11. 銀行結存及現金 11. BANK BALANCES AND CASH

		2017 $	2016 $
銀行及手頭現金	Cash at banks and on hand	**4,485,079**	3,181,045
短期銀行存款	Short-term bank deposits	**21,507,843**	21,358,614
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	**25,992,922**	24,539,659

12. 職員約滿酬金撥備 12. PROVISION FOR STAFF GRATUITY

		2017 $	2016 $
於4月1日的結餘	Balance as at 1 April	**3,326,458**	4,866,315
已作出的撥備	Provision made	**5,971,269**	5,357,889
未動用款項撥回	Unused amounts reversed	**(85,208)**	(54,851)
年內支付的數額	Amount paid during the year	**(3,559,781)**	(6,842,895)
於3月31日的結餘	Balance as at 31 March	**5,652,738**	3,326,458
減：流動部分	Less: current portion	**(3,864,513)**	(1,486,548)
非流動部分	Non-current portion	**1,788,225**	1,839,910

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.

13. 預收政府補助金 13. GOVERNMENT SUBVENTION RECEIVED IN ADVANCE

		2017 $	2016 $
於4月1日的結餘	Balance as at 1 April	**1,970,000**	4,273,891
已收補助	Subvention received	**1,400,000**	700,000
年內確認為收入的數額	Recognised as income in the year	**(1,472,320)**	(3,003,891)
於3月31日的結餘	Balance as at 31 March	**1,897,680**	1,970,000

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.

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14. 預收政府費用

14. GOVERNMENT FEE RECEIVED IN ADVANCE

		2017 $	2016 $
於4月1日的結餘	Balance as at 1 April	**2,352,000**	1,550,000
已收費用	Fee received	**–**	970,000
年內確認為收入的數額	Recognised as income in the year	**(336,000)**	(168,000)
於3月31日的結餘	Balance as at 31 March	**2,016,000**	2,352,000

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.

15. 政府的約滿酬金補助款

15. GOVERNMENT SUBVENTION FOR GRATUITY

		2017 $	2016 $
於4月1日的結餘	Balance as at 1 April	**3,347,936**	3,560,974
年內確認的補助金	Subventions recognised for the year	**(5,971,269)**	(5,357,889)
沒收款	Forfeiture	**85,208**	54,851
已收政府的約滿酬金補助款	Gratuity subvention received from Governement	**5,650,000**	5,090,000
於3月31日的結餘	Balance as at 31 March	**3,111,875**	3,347,936

這代表就個人資料私隱專員的職員約滿酬金從政府收取的款項。

This represents funds received from the Government in respect of gratuity payments to staff of the PCPD.

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16. 資本補助金 16. CAPITAL SUBVENTION FUND

		汽車 Motor vehicle $	電話系統項目 Telephone system projects $	電腦設備項目 Computer equipment projects $	會計系統 Accounting system $	裝修工程 Fitting-out works $	提升電腦系統 Upgrading of computer system $	總計 Total $
於2015年4月1日	At 1 April 2015	274,140	249	1,325	3,875	112,648	–	392,237
撥入全面收益表為收入，以配對：	Transfer to the statement of comprehensive income as income to match with:							
• 折舊支出	• Depreciation expense	(121,840)	–	–	(2,868)	(68,699)	–	(193,407)
• 其他支出	• other expense	–	(249)	(1,325)	–	–	–	(1,574)
於2016年3月31日及2016年4月1日	At 31 March 2016 and 1 April 2016	152,300	–	–	1,007	43,949	–	197,256
政府資本補助金	Government capital subvention	–	–	–	–	–	201,000	201,000
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	(121,840)	–	–	(1,007)	(31,023)	(23,724)	(177,594)
於2017年3月31日	At 31 March 2017	30,460	–	–	–	12,926	177,276	220,662

資本補助金為就特定計劃方案已收取但未應用的非經常性政府資本補助金的餘額。有關款項撥入全面收益表為收入，以配對相關費用。

The capital subvention fund represents the unutilised balance of non-recurrent capital subvention from Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.

17. 一般儲備 17. GENERAL RESERVE

		2017 $	2016 $
於4月1日	At 1 April	**12,836,437**	13,389,171
由全面收益表撥入	Transfer from statement of comprehensive income	**904,708**	(552,734)
於3月31日	At 31 March	**13,741,145**	12,836,437

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.

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18. 承擔

於2017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：

18. COMMITMENTS

At 31 March 2017, the total future minimum lease payments under non-cancellable operating leases in respect of office premises are payable as follows:

		2017 $	2016 $
一年內	Within 1 year	**6,689,000**	8,026,000
一年後但五年內	After 1 year but within 5 years	**–**	6,689,000
		6,689,000	14,715,000

19. 金融工具

個人資料私隱專員將其金融資產分為以下類別：

19. FINANCIAL INSTRUMENTS

The PCPD has classified its financial assets in the following categories:

		貸款及應收款項 Loans and receivables 2017 $	 2016 $
其他應收款項及按金	Other receivables and deposits	**123,790**	165,343
銀行結存及現金	Bank balances and cash	**25,992,922**	24,539,659
		26,116,712	24,705,002

個人資料私隱專員將其金融負債分為以下類別：

The PCPD has classified its financial liabilities in the following categories:

		按攤銷成本量度的金融負債 Financial liabilities measured at amortised cost 2017 $	 2016 $
其他應付款項及應計費用	Other payables and accruals	**743,846**	909,325
政府的約滿酬金補助款	Government subvention for gratuity	**3,111,875**	3,347,936
		3,855,721	4,257,261

所有金融工具的帳面值相對2016年及2017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 2017 and 2016.

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.

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19. 金融工具（續）

(a) 信貸風險
個人資料私隱專員並無信貸風險相當集中的情況，而最高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，以滿足連續運作的需要。

19. FINANCIAL INSTRUMENTS (CONTINUED)

(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.

		帳面值 Carrying amount $	合約的未折現現金流量總額 Total contractual undiscounted cash flow $	一年內或於要求時 Within 1 year or on demand $	一年以上但五年以下 More than 1 year but less than 5 years $
2017	2017				
其他應付款及應計費用	Other payables and accruals	743,846	743,846	743,846	–
政府的約滿酬金補助款	Government subvention for gratuity	3,111,875	3,111,875	–	3,111,875
		3,855,721	3,855,721	743,846	3,111,875
2016	2016				
其他應付款及應計費用	Other payables and accruals	909,325	909,325	909,325	–
政府的約滿酬金補助款	Government subvention for gratuity	3,347,936	3,347,936	–	3,347,936
		4,257,261	4,257,261	909,325	3,347,936

(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。

(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.

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20. 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：

20. 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
《香港會計準則》第7號（修訂本）：現金流量表 — 披露計劃 Amendments to HKAS 7, *Statement of cash flows: Disclosure initiative*	2017年1月1日 1 January 2017
《香港財務報告準則》第9號：金融工具 HKFRS 9, *Financial Instruments*	2018年1月1日 1 January 2018
《香港財務報告準則》第15號：客戶合約收益 HKFRS 15, *Revenue from contracts with customer*	2018年1月1日 1 January 2018
《香港財務報告準則》第16號：租賃 HKFRS 16, Leases	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》。初步評估顯示採納該等《香港財務報告準則》不會對個人資料私隱專員首次採納年度的財務報表產生重大影響。個人資料私隱專員將繼續評估該等《香港財務報告準則》及其他就此識別的重大變動的影響。

These HKFRSs have not yet been adopted in this year. Initial assessment has indicated that the adoption of these HKFRSs would not have a significant impact on the PCPD's financial statements in the year of initial application. The PCPD will be continuing with the assessment of the impact of these HKFRSs and other significant changes may be identified as a result.

21. 批準財務報表

本財務報表已於2017年7月21日獲個人資料私隱專員授權刊發。

21. APPROVAL OF FINANCIAL STATEMENTS

These financial statements were authorised for issue by the PCPD on 21July 2017.

附錄一
Appendix 1

保障資料原則
Data Protection Principles

收集
Collection

《個人資料（私隱）條例》旨在保障我們（作為資料當事人）在個人資料方面的私隱權。所有使用個人資料的人士（資料使用者）須依從條例核心的**六項保障資料原則**，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命周期。

The objective of the Personal Data (Privacy) Ordinance is to protect the privacy rights of a person in relation to his personal data (Data Subject). A person who collects, holds, processes or uses the data (Data User) has to follow the **six Data Protection Principles** (DPPs). The DPPs represent the normative core of the Ordinance and cover the entire life cycle of a piece of personal data.

個人資料

（1）是關乎一名在世人士，並可識別該人士身份的資料；（2）資料存在的形式令資料可讓人切實可行地查閱或處理。個人的姓名、電話號碼、地址、身份證號碼、相片、病歷和受僱紀錄等都是條例保護的個人資料。

Personal Data

(1) is the information which relates to a living person and can be used to identify that person, (2) exists in a form in which access to or processing is practicable. Examples of personal data protected by the Ordinance include names, phone numbers, addresses, identity card numbers, photos, medical records and employment records.

資料使用者

是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

Data User

is a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The data user is liable as the principal for the wrongful act of its authorised data processor.

DPP 第1原則

收集資料原則
Data Collection Principle

- 資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。
- 須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。
- 收集的資料是有實際需要的，而不超乎適度。
- Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.
- All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.
- Data collected should be necessary but not excessive.

DPP 第2原則

資料準確及保留原則
Accuracy & Retention Principle

- 資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。
- Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.

DPP 第3原則

使用資料原則
Data Use Principle

- 個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。
- Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

DPP 第4原則

資料保安原則
Data Security Principle

- 資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。
- A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

DPP 第5原則

公開政策原則
Openness Principle

- 資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。
- A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.

DPP 第6原則

查閱及改正原則
Data Access & Correction Principle

- 資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。
- A data subject must be given access to his personal data and to make corrections where the data is inaccurate.

附錄二
Appendix 2

公署發出的新聞稿
Media Statements Released by the PCPD

2016.04.15	公署參與全球私隱抽查行動 探討智能健身腕帶的私隱透明度議題 PCPD Joins a Global Sweep Exercise to Examine the Privacy Transparency of Fitness Bands
2016.04.21	公署舉辦研發流動應用程式論壇 向業界推廣網絡保安及「保障、尊重個人資料」文化 Mobile App Development Forum Promotes Cyber Security and "Protect, Respect Personal Data" Culture among Industry
2016.04.25	一名保險代理人未得同意下使用個人資料作直接促銷罪名成立被判社會服務令 A Community Service Order was Imposed on an Insurance Agent for Using Personal Data in Direct Marketing without Consent
2016.04.29	公署聯同亞太區私隱執法機關成員舉辦「關注私隱運動2016」 PCPD Joins Hands with Members of the Asia Pacific Privacy Authorities to Promote Privacy Awareness
2016.05.16	一間銷售推廣公司未經同意使用個人資料作直銷及沒有依從拒收直銷訊息要求被判罰款 A Marketing Company Fined for Using Personal Data in Direct Marketing without Customer's Consent and Failing to Comply with an Opt-out Request
2016.06.21	香港個人資料私隱專員公署提醒市民網上消費時要小心 機構須確保客戶的個人資料受保障 PCPD Alerts Public to Stay Smart When Shopping Online Organisations Should Protect Customers' Personal Data
2016.06.26	公署與港台再次聯合製作電視劇《私隱何價II》提醒市民和機構 勿因方便而忽略個人資料私隱保障 PCPD and RTHK to Jointly Produce "Privacy Beyond Price II" TV Programme
2016.06.26	公署發出《美容業界妥善處理客戶個人資料指引》 PCPD Issues "Guidance on the Proper Handling of Customers' Personal Data for the Beauty Industry"
2016.07.15	2016年立法會換屆選舉 —— 私隱專員提醒候選人須遵從《個人資料(私隱)條例》的規定 2016 Legislative Council General Election - Candidates Urged to Abide by the Personal Data (Privacy) Ordinance
2016.07.25	香港個人資料私隱專員提醒遊戲程式用戶「個人資料要自保」 PCPD Alerts App Players to Stay Smart for Protecting Personal Data
2016.08.01	臨近選舉(起底)、網絡欺凌 涉觸犯私隱條例 Cyber-bullying (tracking down personal data) May Violate the Privacy Ordinance
2016.08.16	香港個人資料私隱專員關注一個展出截取香港網絡攝錄機圖像的英國藝術展覽 Privacy Commissioner Expresses Concern on the Featuring Images Captured from Unsecure Webcams in Hong Kong Used in a UK Art Exhibition
2016.08.25	電子錢包 —— 私隱專員提供掌控個人資料建議 e-Wallet – Privacy Commissioner Provides Practical Tips and Advice on Controlling Personal Data
2016.08.31	香港個人資料私隱專員發出《自攜裝置》資料單張 Privacy Commissioner Issues "BYOD (Bring Your Own Device)" Information Leaflet

（續 continued）

2016.09.09	個人資料私隱專員公署與城大法律學院舉辦學術研討會探討個人資料保障法律的發展 Hong Kong Privacy Commissioner's Office and CityU School of Law Host Symposium on Data Protection Law Development
2016.09.09	香港個人資料私隱專員公署二十周年誌慶酒會"資料導向經濟下的個人資料保障與尊重" PCPD 20th Anniversary Cocktail Reception "Protect and Respect Personal Data in a Data Driven Economy"
2016.09.23	香港個人資料私隱專員公署提醒健身公司會員「個人資料要自保」 PCPD Alerts Fitness Club Members to Stay Smart for Protecting Personal Data
2016.09.26	香港個人資料私隱專員公署跟進就健身中心出售會員數據庫所收到的投訴 PCPD Follows Up the Complaints Received Against the Proposal of Selling Membership Database by a Fitness Centre
2016.10.20	中西薈萃 —— 私隱專員宣傳香港成為第三十九屆國際私隱研討會的主辦城市 East Meets West – Privacy Commissioner promotes Hong Kong as the host of the 2017 International Privacy Conference
2016.11.10	香港個人資料私隱專員公署簽署聯合聲明 推動亞洲地區的私隱研究、教育和政策合作 PCPD Signs Joint Declaration on Privacy Research, Education and Policy Co-operation in Asian Region
2016.11.14	私隱專員就專營巴士公司收集和使用員工的個人八達通資料與及監察僱員活動等相關事宜作出回應 Privacy Commissioner's Response to the Collection and Use of Employees' Personal Octopus Card Data and Employees' Activities Monitoring by Franchised Bus Companies
2016.11.20	個人資料私隱專員公署回應有關三款來電攔截手機應用程式涉嫌收集用戶通訊錄並整合成資料庫的個人資料私隱保障事宜 Privacy Commissioner's Response to Privacy Concerns Over the Collection and Integration of User's Personal Data by Three Mobile Apps with "Call-Blocking" Function
2016.11.21	私隱專員跟進三款來電攔截手機應用程式涉嫌不當收集及使用用戶通訊錄 Privacy Commissioner Follows Up on Privacy Concerns Over the Collection and Integration of User's Personal Data by Three Mobile Apps with "Call-Blocking" Function
2016.12.04	個人資料私隱專員公署回應有關一名的士司機上載乘客在車廂內哺乳相片到社交網站事件 PCPD's Response to Privacy Concerns Over the Online Posting of Passenger Breastfeeding in Back Seat by a Taxi Driver
2016.12.06	一間鐘錶公司未經同意在公共領域獲取個人資料以作直接促銷罪名成立被判罰款 A Watch Company Fined for Using Personal Data Obtained from Public Domains in Direct Marketing without Consent
2016.12.08	私隱專員出席於墨西哥曼薩尼略舉行的第四十六屆亞太區私隱機構論壇 Privacy Commissioner Attends the 46th Asia-Pacific Privacy Authorities Forum in Manzanillo, Mexico
2016.12.13	私隱專員回應有關星展銀行職員涉嫌賄賂上司取得客戶個人資料後交給內地電話中心作電話貸款促銷的事件 Privacy Commissioner Responses to Media Enquiry on Staff of Financial Firms Arrested for Alleged Bribery Related to the Disclosure of Confidential Customer Information
2016.12.16	個人資料私隱與的士 Personal Data Privacy and Taxi
2017.01.10	銀行內部的有效溝通與遵照客戶的指示同樣重要 Effective Communications Within a Bank is as Important as Following Clients' Instructions

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2017.01.24	香港個人資料私隱專員促請物聯網裝置生產商 提高私隱保障措施的透明度 Privacy Commissioner Urges IoT Manufacturers to Enhance the Transparency of Their Privacy Protection Measures
2017.01.24	私隱投訴整體數字見穩定 惟直接促銷投訴大幅上升 公署將加強個人及機構教育以推動「保障、尊重個人資料」文化發展 Privacy Complaints Appear to Start to Stabilise Generally Despite a Significant Increase in Direct Marketing Related Cases The PCPD will intensify educating both individuals and organisations with a view to developing a culture of "Protect and Respect Personal Data" in Hong Kong
2017.02.13	私隱專員就個人資料私隱與的士攝錄錄音 與莫乃光議員及自然育兒網絡會面 Privacy Commissioner Met with Legislative Councillor the Hon Charles Mok and the Representatives of the Natural Parenting Network regarding the Installation of Taxi Cameras
2017.02.13	私隱專員公署回應有關PopVote普及投票系統的關注 強烈要求停止不公平收集個人資料及停用所涉的Telegram通訊程式 Privacy Commissioner's Response to Concerns Over the "PopVote Systems" and Strongly Requests to Stop Unfair Personal Data Collection and Use of the Related Telegram
2017.02.15	私隱專員重申PopVote普及投票系統可能違反保障資料原則 強烈要求繼續停止不公平收集個人資料及停用所涉的Telegram通訊程式 Privacy Commissioner Reiterates that the "PopVote Systems" May Contravene the Data Protection Principles and Strongly Requests it to Continue the Suspension of Unfair Personal Data Collection and Use of the Related Telegram
2017.03.16	私隱專員就「23萬監察」提出的關注事項作出回應 Privacy Commissioner's Response to the Concerns Raised by the Organisation "23萬監察"
2017.03.19	私隱專員公署要求民意收集活動組織解釋涉嫌資料洩漏的情況 確保參加者的個人資料安全 Privacy Commissioner Requests the Organisation that Gauges Public Views to Explain the Suspected Data Leak to Ensure the Protection of Participants' Personal Data
2017.03.27	有關選舉事務處遺失兩部載有選民個人資料的手提電腦事件的傳媒查詢 PCPD's Response to Media Enquiry Regarding the Suspected Theft of Registration and Electoral Office Computers that Involves Personal Data of Registered Voters

附錄三
Appendix 3

公署曾提供講座的機構*
Organisations* to which the PCPD delivered talks

政府及公營機構 Government and Public Bodies

	機構	Organisation	日期 Date
1	香港機場管理局	Airport Authority Hong Kong	14.09.2016
2	建造業議會	Construction Industry Council	09.11.2016
3	香港懲教署	Correctional Services Department	06.10.2016 24.11.2016 17.03.2017
4	衞生署	Department of Health	24.10.2016
5	教育局	Education Bureau	17.05.2016 08.02.2017
6	僱員再培訓局	Employees Retraining Board	26.07.2016
7	地產代理監管局	Estate Agents Authority	27.06.2016 20.09.2016
8	民政事務總署深水埗民政事務處	Home Affairs Department Sham Shui Po District Office	13.01.2017
9	醫院管理局港島東聯網	Hong Kong East Cluster of Hospital Authority	15.11.2016 23.03.2017
10	香港房屋協會	Hong Kong Housing Society	16.02.2017 15.03.2017
11	香港生產力促進局	Hong Kong Productivity Council	13.10.2016
12	香港科技園公司	Hong Kong Science and Technology Parks Corporation	11.05.2016 12.05.2016
13	香港電燈有限公司	Hongkong Electric Company Limited	18.04.2016
14	香港郵政	Hongkong Post	08.03.2017
15	醫院管理局新界西醫院聯網	Hospital Authority New Territories West Cluster	21.09.2016
16	房屋署	Housing Department	06.03.2017
17	九龍巴士(一九三三)有限公司	Kowloon Motor Bus Company (1933) Limited	23.11.2016
18	勞工處	Labour Department	23.06.2016
19	勞工處僱員補償科	Labour Department - Employees' Compensation Division	09.02.2017 07.02.2017
20	勞工處就業科	Labour Department - Employment Services Division	24.01.2017 10.02.2017
21	康樂及文化事務署	Leisure and Cultural Services Department	20.03.2017
22	保安局禁毒處	Narcotics Division, Security Bureau	20.10.2016
23	新創建交通服務有限公司	NWS Transport Services Limited	23.09.2016
24	海洋公園公司	Ocean Park Corporation	01.12.2016
25	社會福利署	Social Welfare Department	09.12.2016
26	市區重建局	Urban Renewal Authority	21.11.2016
27	在職家庭津貼辦事處	Working Family Allowance Office	23.01.2017

私營機構 Private-Sector Organisations

	機構	Organisation	日期 Date
1	尚健醫療器材公司	Celki Medical Company	06.12.2016
2	招商銀行股份有限公司	China Merchants Bank Company Limited	03.08.2016
3	創興銀行有限公司	Chong Hing Bank Limited	13.07.2016 13.09.2016
4	中信泰富有限公司	CITIC Pacific Limited	10.08.2016
5	牛奶有限公司	Dairy Farm Company, Limited	03.11.2016
6	敦豪國際速遞（香港）有限公司	DHL Express (HK) Limited	10.01.2017
7	高衛物業管理有限公司	Goodwell Property Management Limited	17.11.2016
8	恒隆地產有限公司	Hang Lung Properties Limited	15.04.2016 22.04.2016
9	香港港安醫院 —— 司徒拔道	Hong Kong Adventist Hospital - Stubbs Road	25.05.2016
10	香港應用科技研究院有限公司	Hong Kong Applied Science and Technology Research Institute Company Limited	21.02.2017
11	合和實業有限公司	Hopewell Holdings Limited	27.01.2017
12	興業銀行股份有限公司	Industrial Bank Company Limited	08.06.2016
13	啟勝管理服務有限公司	Kai Shing Management Services Limited	08.07.2016 15.12.2016
14	嘉里物流（香港）有限公司	Kerry Logistics (Hong Kong) Limited	04.10.2016
15	領展房地產投資信託基金	Link Real Estate Investment Trust	28.02.2017
16	馬哥孛羅香港酒店	Marco Polo Hotels - Hong Kong	06.06.2016
17	日本瑞穗银行股份有限公司 香港分行	Mizuho Bank, Ltd. Hong Kong Branch	20.05.2016
18	now寬頻電視	nowTV	23.05.2016 26.05.2016
19	邦民日本財務（香港）有限公司	Promise (Hong Kong) Company Limited	06.04.2016
20	新輝（建築管理）有限公司	Sanfield (Management) Limited	17.10.2016
21	數碼通電訊有限公司	SmarTone Mobile Communications Limited	03.06.2016
22	新鴻基地產發展有限公司	Sun Hung Kai Properties Limited	18.01.2017
23	澳大利亞國際有限公司	Telstra International Limited	03.05.2016
24	達盟香港有限公司	TMF Group	16.05.2016 18.05.2016
25	仁安醫院	Union Hospital	01.08.2016 29.08.2016
26	胡周黃建築設計（國際）有限公司	WCWP International Limited	15.02.2017
27	蘇黎世保險（香港）	Zurich Insurance (Hong Kong)	20.07.2016

社團 Community Groups

	機構	Organisation	日期 Date
1	義務工作發展局	Agency for Volunteer Service	30.09.2016
2	志蓮淨苑志蓮護理安老院	Chi Lin Care & Attention Home	18.08.2016
3	DotAsia Organisation Limited Hong Kong Youth Internet Governance Forum	DotAsia Organisation Limited Hong Kong Youth Internet Governance Forum	09.07.2016 16.07.2016
4	基督教香港信義會社會服務部	Evangelical Lutheran Church Social Service – Hong Kong	17.01.2017
5	匡智會	Hong Chi Association	01.03.2017
6	香港青少年服務處	Hong Kong Children and Youth Services	27.09.2016
7	聯合國兒童基金香港委員會	Hong Kong Committee for UNICEF	27.04.2016
8	香港電燈有限公司	Hong Kong Electric Co. Ltd.	13.02.2017
9	香港遊樂場協會	Hong Kong Playground Association	11.07.2016
10	香港耆康老人福利會	Hong Kong Society for the Aged	15.08.2016
11	香港青年旅舍協會	Hong Kong Youth Hostels Association	25.01.2017
12	香港國際社會服務社	Internationl Social Service (Hong Kong Branch)	24.08.2016
13	香港律師會	Law Society of Hong Kong	02.06.2016
14	香港專業保險經紀協會	Professional Insurance Brokers Association	26.10.2016
15	嗇色園	Sik Sik Yuen	30.03.2017
16	仁濟醫院社會服務部	Yan Chai Hospital Social Services Department	12.12.2016

教育教構 Educational Organisations

	機構	Organisation	日期 Date
1	香港專業教育學院（葵芳分校）	Hong Kong Institute of Vocational Education (Kwai Fong)	03.10.2016
2	香港專業教育學院（青衣分校）	Hong Kong Institute of Vocational Education (Tsing Yi)	11.10.2016
3	香港理工大學	Hong Kong Polytechnic University	07.03.2017 06.04.2016
4	香港紅十字會雅麗珊郡主學校	Hong Kong Red Cross Princess Alexandra School	17.05.2016
5	香港科技大學	Hong Kong University of Science and Technology	25.04.2016
6	嶺南大學	Lingnan University	08.04.2016 30.11.2016
7	瑪利曼中學	Marymount Secondary School	18.11.2016
8	香港高等教育科技學院	Technological and Higher Education Institute of Hong Kong	07.11.2016
9	香港中文大學	The Chinese University of Hong Kong	22.02.2017
10	職業訓練局青年學院（葵芳）	Vocational Training Council - Youth College (Kwai Fong)	23.02.2017

* 機構按英文名稱順序排列
Organisations listed in alphabetical order

附錄四
Appendix 4

學校夥伴嘉許名單*
School Partners of the Recognition Scheme*

	學校名稱	Name of school
1	博愛醫院歷屆總理聯誼會梁省德中學	AD&FD POHL Leung Sing Tak College
2	佛教孔仙洲紀念中學	Buddhist Hung Sean Chau Memorial College
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	佛教黃允畝中學	Buddhist Wong Wan Tin College
6	明愛馬鞍山中學	Caritas Ma On Shan Secondary School
7	明愛元朗陳震夏中學	Caritas Yuen Long Chan Chun Ha Secondary School
8	迦密唐賓南紀念中學	Carmel Bunnan Tong Memorial Secondary School
9	迦密主恩中學	Carmel Divine Grace Foundation Secondary School
10	中華基督教會全完中學	CCC Chuen Yuen College
11	中華基督教會方潤華中學	CCC Fong Yun Wah Secondary School
12	中華基督教會基新中學	CCC Kei San Secondary School
13	中華基督教會公理高中書院	CCC Kung Lee College
14	中華基督教會銘基書院	CCC Ming Kei College
15	中華基督教會銘賢書院	CCC Ming Yin College
16	中華基督教會譚李麗芬紀念中學	CCC Tam Lee Lai Fun Memorial Secondary School
17	長洲官立中學	Cheung Chau Government Secondary School
18	青松侯寶垣中學	Ching Chung Hau Po Woon Secondary School
19	趙聿修紀念中學	Chiu Lut Sau Memorial Secondary School
20	香港九龍塘基督教中華宣道會鄭榮之中學	Christian Alliance Cheng Wing Gee College
21	宣道會陳瑞芝紀念中學	Christian Alliance S C Chan Memorial College
22	鐘聲慈善社胡陳金枝中學	Chung Sing Benevolent Society Mrs Aw Boon Haw Secondary School
23	金文泰中學	Clementi Secondary School
24	廠商會蔡章閣中學	CMA Choi Cheung Kok Secondary School
25	中華傳道會安柱中學	CNEC Christian College
26	中華傳道會李賢堯紀念中學	CNEC Lee I Yao Memorial Secondary School
27	孔教學院大成何郭佩珍中學	Confucian Tai Shing Ho Kwok Pui Chun College
28	孔聖堂中學	Confucius Hall Secondary School
29	棉紡會中學	Cotton Spinners Association Secondary School
30	香港中文大學校友會聯會陳震夏中學	CUHKFAA Chan Chun Ha Secondary School
31	香港中文大學校友會聯會張煊昌中學	CUHKFAA Thomas Cheung Secondary School
32	金巴崙長老會耀道中學	Cumberland Presbyterian Church Yao Dao Secondary School
33	天主教母佑會蕭明中學	Daughters Of Mary Help Of Christians Siu Ming Catholic Secondary School
34	拔萃女書院	Diocesan Girls' School
35	五邑司徒浩中學	FDBWA Szeto Ho Secondary School

（續 continued）

	學校名稱	Name of school
36	梁文燕紀念中學（沙田）	Helen Liang Memorial Secondary School (Shatin)
37	香島中學	Heung To Middle School
38	將軍澳香島中學	Heung To Secondary School (Tseung Kwun O)
39	香港管理專業協會羅桂祥中學	HKMA K S Lo College
40	香港四邑商工總會黃棣珊紀念中學	HKSYC & IA Wong Tai Shan Memorial College
41	香港道教聯合會青松中學	HKTA Ching Chung Secondary School
42	嗇色園主辦可譽中學暨可譽小學	Ho Yu College And Primary School (Sponsored By Sik Sik Yuen)
43	港九潮州公會中學	Hong Kong and Kowloon Chiu Chow Public Association Secondary School
44	何東中學	Hotung Secondary School
45	聖母無玷聖心書院	Immaculate Heart Of Mary College
46	裘錦秋中學（葵涌）	Ju Ching Chu Secondary School (Kwai Chung)
47	葵涌蘇浙公學	Kiangsu-Chekiang College (Kwai Chung)
48	英皇書院	King's College
49	九龍塘學校（中學部）	Kowloon Tong School (Secondary Section)
50	觀塘瑪利諾書院	Kwun Tong Maryknoll College
51	荔景天主教中學	Lai King Catholic Secondary School
52	嶺南中學	Lingnan Secondary School
53	路德會呂祥光中學	Lui Cheung Kwong Lutheran College
54	龍翔官立中學	Lung Cheung Government Secondary School
55	閩僑中學	Man Kiu College
56	循道中學	Methodist College
57	慕光英文書院	Mu Kuang English School
58	民生書院	Munsang College
59	寧波第二中學	Ning Po No.2 College
60	新界鄉議局大埔區中學	NT Heung Yee Kuk Tai Po District Secondary School
61	新界鄉議局元朗區中學	NT Heung Yee Kuk Yuen Long District Secondary School
62	聖母玫瑰書院	Our Lady Of The Rosary College
63	聖母書院	Our Lady's College
64	五旬節中學	Pentecostal School
65	保良局何蔭棠中學	PLK Celine Ho Yam Tong College
66	保良局百周年李兆忠紀念中學	PLK Centenary Li Shiu Chung Memorial College
67	保良局甲子何玉清中學	PLK Ho Yuk Ching (1984) College
68	保良局羅氏基金中學	PLK Laws Foundation College
69	保良局馬錦明夫人章馥仙中學	PLK Mrs Ma Kam Ming-Cheung Fook Sien College
70	保良局唐乃勤初中書院	PLK Tong Nai Kan Junior Secondary College
71	保良局莊啟程預科書院	PLK Vicwood KT Chong Sixth Form College
72	保良局姚連生中學	PLK Yao Ling Sun College
73	博愛醫院陳楷紀念中學	POH Chan Kai Memorial College
74	保祿六世書院	Pope Paul VI College
75	天主教培聖中學	Pui Shing Catholic Secondary School
76	伊利沙伯中學	Queen Elizabeth School
77	高主教書院	Raimondi College
78	南亞路德會沐恩中學	Salem-Immanuel Lutheran College
79	新會商會中學	San Wui Commercial Society Secondary School
80	沙田循道衛理中學	Sha Tin Methodist College
81	石籬天主教中學	Shek Lei Catholic Secondary School

（續 continued）

	學校名稱	Name of school
82	順德聯誼總會李兆基中學	Shun Tak Fraternal Association Lee Shau Kee College
83	順德聯誼總會翁祐中學	Shun Tak Fraternal Association Yung Yau College
84	聖言中學	Sing Yin Secondary School
85	聖公會諸聖中學	SKH All Saints' Middle School
86	聖公會白約翰會督中學	SKH Bishop Baker Secondary School
87	聖公會基孝中學	SKH Kei Hau Secondary School
88	聖公會梁季彝中學	SKH Leung Kwai Yee Secondary School
89	聖公會李福慶中學	SKH Li Fook Hing Secondary School
90	聖公會曾肇添中學	SKH Tsang Shiu Tim Secondary School
91	十八鄉鄉事委員會公益社中學	SPHRC Kung Yik She Secondary School
92	聖嘉勒女書院	St Clare's Girls' School
93	聖芳濟各書院	St Francis Of Assisi's College
94	聖芳濟書院	St Francis Xavier's College
95	荃灣聖芳濟中學	St Francis Xavier's School Tsuen Wan
96	聖士提反書院	St. Stephen's College
97	順德聯誼總會鄭裕彤中學	STFA Cheng Yu Tung Secondary School
98	德雅中學	Tak Nga Secondary School
99	香港華人基督教聯會真道書院	The Hong Kong Chinese Christian Churches Union Logos Academy
100	循道衛理聯合教會李惠利中學	The Methodist Lee Wai Lee College
101	基督教聖約教會堅樂中學	The Mission Covenant Church Holm Glad College
102	香港扶幼會許仲繩紀念學校	The Society Of Boys' Centres Hui Chung Sing Memorial School
103	台山商會中學	Toi Shan Association College
104	真光女書院	True Light Girls' College
105	曾璧山中學	Tsang Pik Shan Secondary School
106	屯門官立中學	Tuen Mun Government Secondary School
107	東華三院陳兆民中學	TWGHs Chen Zao Men College
108	東華三院郭一葦中學	TWGHs Kwok Yat Wai College
109	東華三院李嘉誠中學	TWGHs Li Ka Shing College
110	東華三院盧幹庭紀念中學	TWGHs Lo Kon Ting Memorial College
111	東華三院呂潤財紀念中學	TWGHs Lui Yun Choy Memorial College
112	東華三院鄺錫坤伉儷中學	TWGHs Mr & Mrs Kwong Sik Kwan College
113	東華三院馮黃鳳亭中學	TWGHs Mrs Fung Wong Fung Ting College
114	東華三院吳祥川紀念中學	TWGHs S C Gaw Memorial College
115	東華三院辛亥年總理中學	TWGHs Sun Hoi Directors' College
116	東華三院黃笏南中學	TWGHs Wong Fut Nam College
117	華英中學	Wa Ying College
118	九龍華仁書院	Wah Yan College Kowloon
119	王肇枝中學	Wong Shiu Chi Secondary School
120	仁濟醫院靚次伯紀念中學	Yan Chai Hospital Lan Chi Pat Memorial Secondary School
121	仁濟醫院羅陳楚思中學	Yan Chai Hospital Law Chan Chor Si College
122	仁濟醫院林百欣中學	Yan Chai Hospital Lim Por Yen Secondary School
123	余振強紀念中學	Yu Chun Keung Memorial College
124	元朗天主教中學	Yuen Long Catholic Secondary School
125	元朗商會中學	Yuen Long Merchants Association Secondary School

* 學校按英文名稱順序排列
Schools listed in alphabetical order

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