

新的保障個人資料監管制度

A New Era in the Regulatory Regime for the Protection of Personal Data

2021-22年報 Annual Report

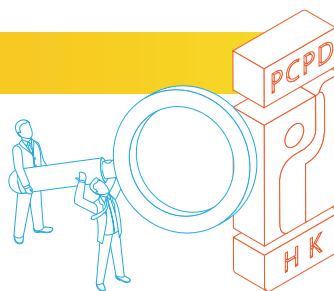


目錄 Contents

私隱公署簡介 ABOUT US

2

願景、使命及價值 Vision, Mission & Values
私隱專員的話 Privacy Commissioner's Message
全年活動一覽 One Year at-a-glance
數字回顧 A Year in Numbers
私隱公署架構 Organisation
委員會 Committees
我們的團隊 Our Team



本年重点工作 HIGHLIGHTS OF THE YEAR

30

立法及實施《2021年個人資料(私隱)(修訂)條例》
Legislating for and Implementing the Personal Data (Privacy) (Amendment) Ordinance 2021
推廣慎用社交媒體 Promoting the Smart Use of Social Media
推廣開發及使用人工智能的道德標準
Promoting Ethical Development and Use of Artificial Intelligence
有關2019冠狀病毒病的建議及指引資料
Advisories and Guidance Notes in relation to COVID-19
促進對私隱領域發展的認識
Promoting Understanding of Developments in the Privacy Landscape

我們的工作 OUR WORK

監察及監管符規 Monitoring and Supervising Compliance

46

回應公眾查詢 Responding to Public Enquiries
監察及推廣遵守《個人資料(私隱)條例》的規定
Monitoring and Promoting Compliance with the Personal Data (Privacy) Ordinance
視察 Inspection
資料外洩事故通報 Data Breach Notifications
處理核對程序申請 Handling Requests for Matching Procedure

處理投訴及上訴 Handling of Complaints and Appeals

56

處理投訴 Handling of Complaints
向行政上訴委員會提出的上訴 Appeals Lodged with the Administrative Appeals Board

教育、宣傳及聯繫 Education, Publicity and Engagement

70

聯繫各界與大眾 Engaging Different Sectors and the Community
透過傳媒及各種平台傳播訊息 Disseminating Messages through Media and Various Platforms
走進社區 — 推動保障私隱意識 Publicity Initiatives for Promoting Awareness of Privacy

加強對外聯繫 Strengthening External Connections

86

積極參與國際間的私隱社群活動 Proactively Participating in International Privacy Community
促進與不同司法管轄區的合作 Fostering Cross-jurisdictional Collaboration

財務報表 FINANCIAL STATEMENTS

96

附錄 APPENDIX

140

保障資料原則 Data Protection Principles
服務承諾 Performance Pledge
上訴個案簡述 Appeal Case Notes
投訴個案選錄 • 以作借鑑 Summaries of Selected Complaint Cases – Lessons Learnt
定罪個案選錄 • 以作借鑑 Summaries of Selected Conviction Cases – Lessons Learnt
循規行動個案選錄 • 以作借鑑 Summaries of Selected Compliance Action Cases – Lessons Learnt



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

願景、使命及價值 Vision, Mission & Values

願景

培養及推廣保障與尊重個人資料私隱的文化。

Vision

To develop and promote a culture of protection and respect for individual's privacy in relation to personal data.

使命

- 透過宣傳和教育，推廣保障及尊重個人資料私隱
- 透過提供指引和最佳行事常規，促進合法及負責任地使用個人資料
- 透過有效執法，監察及監管循規情況
- 透過持續檢視和優化，並參考全球個人資料私隱保障的標準，維持監管機制的效能

Mission

- To promote the protection and respect for personal data privacy through publicity and education
- To facilitate lawful and responsible use of personal data by providing guidance and best practices
- To monitor and supervise compliance through effective enforcement
- To maintain the efficacy of the regulatory regime through continuous review and enhancement, taking into account global standards for the protection of personal data privacy

價值

尊重

- 📍 尊重他人的個人資料私隱

誠信

- 📍 行事公正專業

創新

- 📍 緊貼科技、社會與經濟的發展

獨立

- 📍 獨立於政府和其他機構

卓越

- 📍 致力追求最佳成績及最高標準

Values

Respect

- 📍 Respect others' personal data privacy

Integrity

- 📍 Acting fairly and professionally

Innovation

- 📍 Embrace technological, social and economic developments

Independence

- 📍 Independent from the Government and other bodies

Excellence

- 📍 Striving for the best results and highest standards



私隱專員的話

Privacy Commissioner's Message

我十分高興能夠向各位介紹個人資料私隱專員公署(私隱公署) 2021-22年度的年報。在本地以至世界各地的私隱保障領域不斷發展的情況下,本報告年度無疑是忙碌且充實的一年。在香港,《2021年個人資料(私隱)(修訂)條例》(《修訂條例》)於年內通過並實施,這不但標誌着本港保障個人資料的監管制度踏入新紀元,更是私隱公署歷史上的又一重要里程碑。

I have much pleasure in presenting to you the Annual Report of the Office of the Privacy Commissioner for Personal Data (PCPD) for the year 2021-22. Undoubtedly, the reporting year was a hectic yet eventful year with a wide array of developments in the privacy protection landscape both locally and globally. The passage and implementation of the Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) in the year not only heralds a new era in the regulatory regime for the protection of personal data in Hong Kong, but also drives the PCPD to another major milestone in its history.

鍾麗玲

Ada CHUNG Lai-ling

個人資料私隱專員

Privacy Commissioner for Personal Data



2021-22 年度的主要數字 Key Figures in 2021-22

作為個人資料私隱的守護者，我們於2021-22年度繼續在各方面履行職能並行使權力，以推廣、確保並維護對個人資料私隱的保障。在報告年度內，我們：

As the guardian of personal data privacy, we strove to continue promoting, ensuring and upholding the protection of personal data privacy by discharging our powers and functions on all fronts in 2021-22. During the reporting year, we:

- 接獲 **3,368** 宗投訴個案；
Received **3,368** complaints;
- 處理 **1,351** 宗「起底」個案；
Handled **1,351** doxxing cases;
- 展開 **96** 次調查；
Initiated **96** investigations;
- 接獲 **142** 宗資料外洩事故通報；
Received **142** data breach notifications;
- 接獲 **16,944** 宗公眾查詢；
Received **16,944** public enquiries;
- 進行 **373** 次循規審查；
Carried out **373** compliance checks;
- 展開 **65** 次刑事調查；
Initiated **65** criminal investigations;
- 發布 **33** 篇新聞稿；
Issued **33** media statements;
- 回應 **144** 宗傳媒查詢；
Responded to **144** media enquiries;
- 留意到 **2,742** 則與私隱公署的工作相關的新聞於不同的傳媒平台報道；
Saw **2,742** news reports relating to PCPD's work being published on various media channels;
- 錄得每月平均 **155,901** 人次瀏覽私隱公署網站；
Recorded an average of **155,901** visits to the PCPD's website per month;
- 於社交媒體發表 **296** 篇帖文；及
Published **296** social media posts; and
- 錄得 **32,794** 人次參加私隱公署的講座、研習班及工作坊，從而加強對《個人資料(私隱)條例》(《私隱條例》)的理解及遵從。
Reached out to **32,794** persons at PCPD's talks, seminars and workshops to enhance understanding of and compliance with the Personal Data (Privacy) Ordinance (PDPO).



工作重點

在2021年，為修訂《私隱條例》以有效打擊「起底」行為，我和我的團隊致力就具體修例建議向政制及內地事務局局長提供協助，並積極參與其後的立法程序。同時，我們亦不遺餘力地為實施新的監管制度作準備，包括成立專責的刑事調查組別、訂立調查和檢控的政策及程序、訂立發出停止披露通知以移除「起底」訊息的新工作流程及程序，以及準備指引資料、表格樣本等。

有賴各方努力，尤其是來自政府及立法會議員的大力支持，《修訂條例》於2021年10月8日正式刊憲生效。

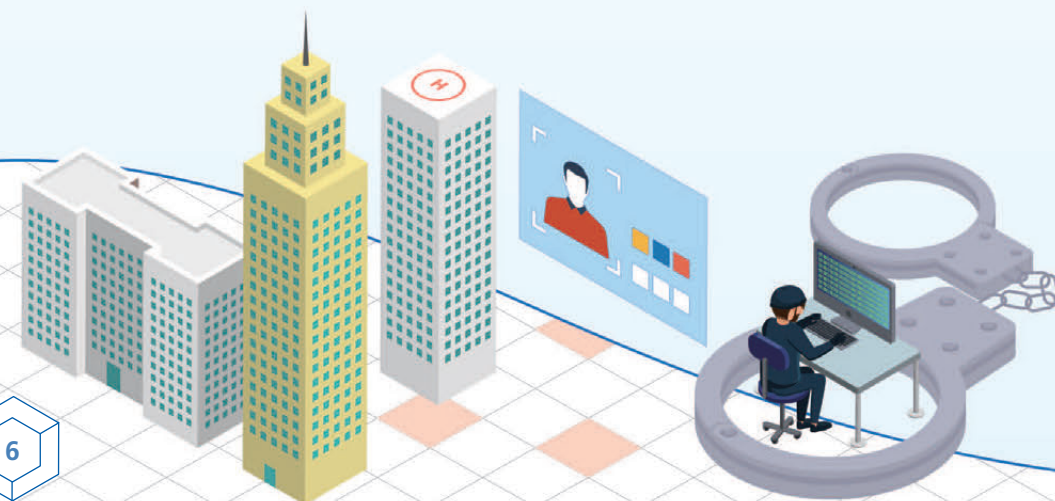
我很高興向大家匯報，經過我的團隊鍥而不捨的努力和堅持，我們於去年得以平穩過渡到新的監管制度。就此，我和一眾同事亦要衷心感謝香港警務處及律政司在整個立法過程中鼎力相助，並向我們提供寶貴意見及必要培訓，令我們就可以就私隱公署履行《修訂條例》下的新角色及職能作好準備。

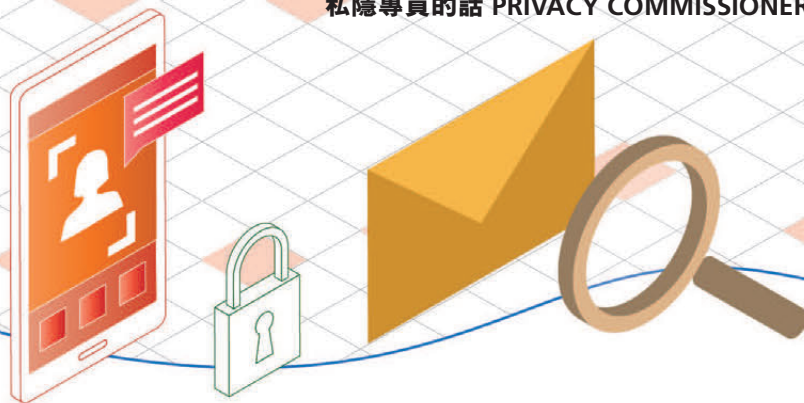
Highlights of Our Work

In 2021, my team and I were heavily engaged in supporting the Secretary for Constitutional and Mainland Affairs, as we put forth concrete legislative proposals to amend the PDPO in a bid to combat doxxing behaviour, and in the subsequent legislative process. In parallel, we spared no effort in preparing for the implementation of the new regulatory regime including the establishment of a dedicated criminal investigation team, the formulation of investigation and prosecution policies and procedures, new workflows and procedures to issue cessation notices to remove doxxing messages, and the preparation of guidance materials, specimen forms and the like.

Thanks to the unstinting efforts of all parties involved, and, in particular, the generous support of the Government and members of the Legislative Council, the Amendment Ordinance was enacted, and came into effect, on 8 October 2021.

I am pleased to report that thanks to the hard work and perseverance of my team, we managed to achieve a seamless transition to the new regulatory regime last year. To this end, my colleagues and I are also indebted to Hong Kong Police and the Department of Justice for their staunch support in the entire legislative process, and for their advice and arrangement of necessary training for my office in our preparation for the assumption of our new roles and duties under the Amendment Ordinance.



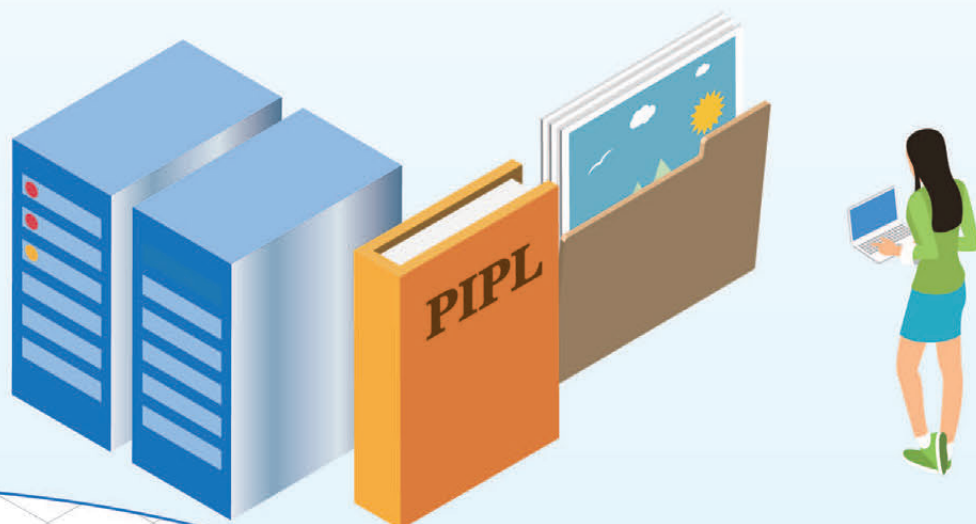


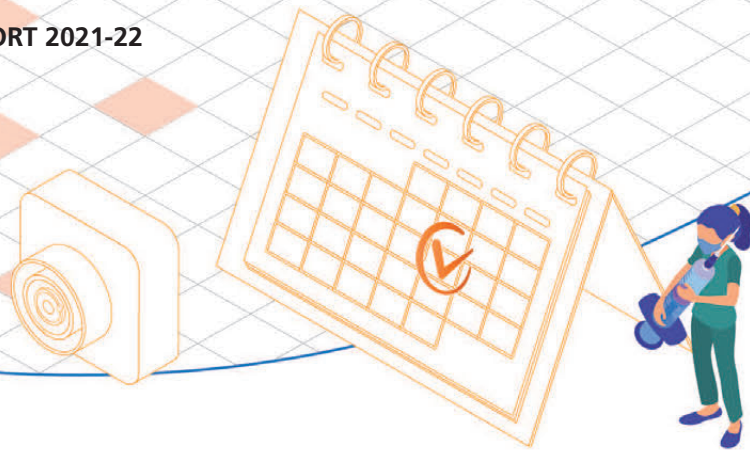
我為我的同事共同努力得來的成果感到自豪 — 截至2022年3月為止（即《修訂條例》生效起計約五個月內），私隱公署除了展開了65次刑事調查外，亦迅速向13個平台發出602份停止披露通知，要求移除3,110項「起底」訊息。

監管改革並不局限於本港。在2021年11月，內地首部針對個人信息保護而訂立的法律《個人信息保護法》正式實施。私隱公署在法例實施後的三星期內出版了《內地（個人信息保護法）簡介》，以促進公眾及企業認識內地個人信息保護的主要規定。而作為我們教育工作的一部份，我亦舉辦了一場網上講座，並邀得內地知名學者及執業律師作為嘉賓講者。此外，我亦與相關持份者會面以聆聽及了解他們的需要及關注，並發布多篇文章解釋《個人信息保護法》對由內地向境外轉移個人資料的規定。

I am particularly proud of the concerted efforts of my colleagues. Together, we sowed the seeds for initiating 65 criminal investigations as of March 2022, within a period of around five months from the enactment of the Amendment Ordinance, followed by a swift issuance of 602 cessation notices to 13 platforms which involved 3,110 doxxing messages for the same period.

Regulatory overhauls are not confined locally. The Personal Information Protection Law (PIPL), the first piece of legislation on the Mainland dedicated to protecting personal information, came into effect in November 2021. To help the general public and businesses in Hong Kong better understand the regulatory regime for the protection of personal information on the Mainland, the PCPD published a booklet entitled “Introduction to the Personal Information Protection Law of the Mainland” within three weeks after the PIPL came into effect. As part of our educational efforts, I also hosted a webinar on the subject with renowned scholars and practitioners from the Mainland appearing as guest speakers, met with relevant stakeholders to understand their needs and concerns, and published various articles to highlight the requirements under the PIPL on the transfer of personal information out of the Mainland.





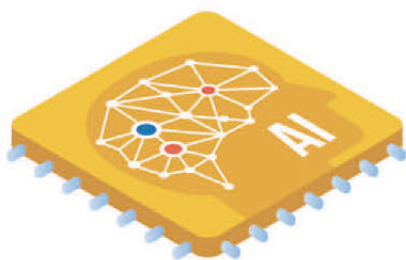
在報告年度內，香港繼續奮力對抗2019冠狀病毒病疫情。釋除大眾對抗疫措施的疑慮及處理與私隱相關的關注自然成為私隱公署工作的另一重點。例如，在第五波疫情期間，我們發出《僱主在2019冠狀病毒病疫情期間收集及使用僱員個人資料的指引》。我們亦向公眾發出建議，呼籲市民在家工作時應採取適當措施以保障個人資料和提醒他們參與疫苗抽獎活動時須格外留神。

During the reporting year, Hong Kong continued its uphill battle against the COVID-19 pandemic. Addressing any lingering doubts and privacy concerns arising from the anti-epidemic measures naturally became another priority of our work. To that end, we issued, for example, the “Guidance for Employers on Collection and Use of Personal Data of Employees during COVID-19 Pandemic” amid the fifth wave of the pandemic. We also issued advisories appealing to the public to take proper measures to protect their personal data when they worked from home and to pay extra caution when they registered for various lucky draws for the vaccinated population.

有見政府推出的「疫苗通行證」安排引起一些對個人資料私隱及資料保安的關注，我們特意審視了「疫苗通行證」的設計和功能。經相關評估後，我們向大眾指出，「疫苗通行證」在執行上與內地和世界各地採取的相類似措施一致，亦符合《私隱條例》的規定。

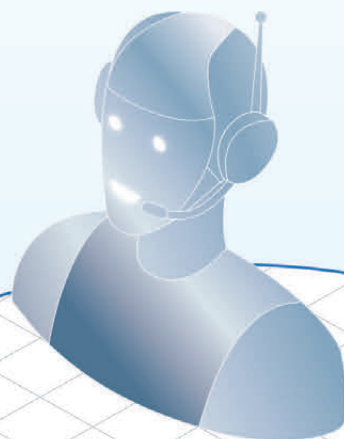
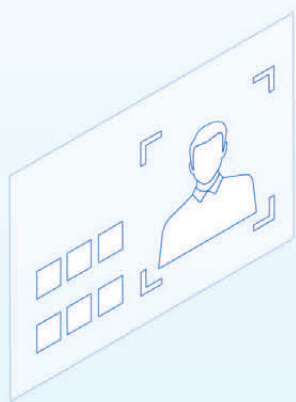
Given that the Vaccine Pass arrangements made by the Government sparked some concerns over the protection of personal data privacy and security of data, we looked into the Vaccine Pass in terms of its design and functionality. Following our assessment, we assured the public that the operation of the Vaccine Pass was in line with similar measures taken on the Mainland and other parts of the world, and also in compliance with the requirements of the PDPO.





與世界各地的資料保障監管機構一樣，私隱公署一直分秒必爭，力求應對科技發展帶來的複雜議題。作為劃時代的科技，人工智能所帶來的私隱與道德風險便是我們本年內着手處理的議題之一。鑑於人工智能的使用在香港日漸普及，我們在2021年8月發出《開發及使用人工智能道德標準指引》，以助機構在開發及使用人工智能時，能明白並遵從《私隱條例》的相關規定。該指引根據國際標準，建議機構在開發及使用人工智能時奉行三項基本數據管理價值並採納七項道德原則。我們相信，健康地開發及使用人工智能將有助香港成為創科中心和世界級的智慧城市。

The PCPD, like any of its counterparts around the globe, has been racing against time to address the thorny issues brought about by technological advancements. One of those which we highlighted and addressed in the year was the privacy and ethical risks caused by artificial intelligence (AI) – a game changer in our times. As the use of AI has been gaining momentum in Hong Kong, we issued in August 2021 the “Guidance on the Ethical Development and Use of Artificial Intelligence” to help organisations understand and comply with the relevant requirements of the PDPO when they develop or use AI. In line with international standards in the field, organisations are recommended to embrace three fundamental Data Stewardship Values and seven ethical principles when they develop and use AI. We believe that the healthy development and use of AI will contribute to making Hong Kong a technology and innovation centre and a world-class smart city.



科技在社會層面的發展無疑為個人資料私隱帶來前所未見的挑戰，更對整個社會有着深遠的影響。當我們享受着科技發展的成果時，被廣泛使用的社交媒體及視像會議軟件同樣帶來不同的私隱風險：除了被日益關注的資料保安外，亦包括過度收集、保留，以及未獲准許使用個人資料。在2021年年初，一主要即時通訊軟件公布更改使用條款，另外又有數宗疑似涉及不同社交媒體平台的重大資料外洩事故發生。有鑑於此，私隱公署於2021年4月發出《保障個人資料私隱 — 使用社交媒體及即時通訊軟件的指引》，並就此進行了一系列宣傳及教育活動。在2021年10月，私隱公署連同來自澳洲、加拿大、直布羅陀、瑞士及英國的五個資料保障機構發表聯合聲明，向視像會議公司表達環球共同的私隱期望。聯合聲明列出主要視像會議公司在提供服務時為保障個人資料而應採取的良好行事常規，同時向它們指出一些可以改善的地方。

It is beyond dispute that socio-technological developments have posed unprecedented challenges to personal data privacy and impacted people from all walks of life. Whilst each and every one of us is tasting the fruits brought about by technological advancements, the extensive use of online social media and video teleconferencing (VTC) software also comes with privacy risks in terms of excessive collection, retention and unauthorised use of personal data, as well as mounting concerns on data security. In the wake of the changes in the terms of use of a major instant messaging application and several high-profile data breach incidents allegedly involving various social media platforms in early 2021, the PCPD issued the “Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps” in April 2021, followed by a series of publicity and education campaigns on the subject. In October 2021, my office joined hands with five data protection authorities from Australia, Canada, Gibraltar, Switzerland and the United Kingdom in publishing a joint statement on global privacy expectations for VTC companies. The joint statement highlighted the good practices reported by the major VTC companies in safeguarding personal data when they provide their services, while reminding the VTC companies of the possible areas of further improvement.



展望未來

對私隱公署而言，2022-23年度將依然充滿挑戰。一方面，我們將繼續加強在《修訂條例》下的執法能力，務求更有效地打擊「起底」行為；另一方面，我們將與政府緊密合作，審視《私隱條例》並制定進一步的修例建議，以反映最新的國際準則及監管方式。我們亦將繼續向相關持份者就個人資料私隱事宜提供意見及建議，以助香港按《粵港澳大灣區發展規劃綱要》發展成為大灣區的科技及數據中心。

最後，我衷心感謝政府、個人資料（私隱）諮詢委員會及科技發展常務委員會的委員，以及我們的持份者對私隱公署的工作堅定不移的支持。我亦要感謝一眾同事，他們的專業、付出和毅力令我們得以順利過渡至新監管制度。

讓我們攜手協力，在保障私隱領域上共創高峯。

鍾麗玲

大律師
個人資料私隱專員
2022年9月

Looking ahead

2022-23 is set to be another challenging year for the PCPD. While we will continue to enhance our capabilities to enforce the Amendment Ordinance to combat doxxing behaviour more effectively, we will also be working closely with the Government in carrying out a review of the PDPO, with a view to formulating legislative proposals to further amend the PDPO to incorporate the latest international norms and regulatory practices. We will also continue to offer our views and advice to relevant stakeholders on a myriad of issues relating to personal data privacy, in support of the development of Hong Kong into a technology and data hub in the Greater Bay Area under the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area.

Last but not least, I wish to express my sincere gratitude to the Government, members of the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technology Development, and our stakeholders, for their relentless support to our work. I am also indebted to all my colleagues, whose professionalism, devotion and perseverance have contributed to the successful transition to the new regulatory regime.

Together, we will scale new heights in the privacy protection landscape.

Ada CHUNG Lai-ling

Barrister
Privacy Commissioner for Personal Data
September 2022



全年活動一覽

One Year at-a-glance

2021

4月 / Apr

發出《保障個人資料私隱 — 使用社交媒體及即時通訊软件的指引》
Issued "Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps"

私隱公署多個網站獲頒2020-21年度無障礙網頁嘉許計劃「金獎」
The PCPD's various websites received "Gold Award" in the Web Accessibility Recognition Scheme 2020-21



2021

5月 / May



個人資料私隱專員(私隱專員)及香港中文大學工程學院副院長(外務)黃錦輝教授出席「社交媒體與你」網上講座

The Privacy Commissioner for Personal Data (Privacy Commissioner) and Professor WONG Kam-fai, Associate Dean (External Affairs), Faculty of Engineering of The Chinese University of Hong Kong, spoke at a webinar on "Social Media and You"

政制及內地事務局局長與私隱專員就《私隱條例》的擬議修訂事宜出席立法會政制事務委員會會議

Secretary for Constitutional and Mainland Affairs and Privacy Commissioner attended the meeting of the Legislative Council Panel on Constitutional Affairs on proposed amendments to the PDPO

設立有關內地《個人信息保護法》的專題網頁

Launched a thematic webpage on the PIPL of the Mainland



2021
6月 / Jun

私隱專員出席第55屆亞太區私隱機構論壇，向成員介紹政府為打擊「起底」行為而提出有關《私隱條例》的修訂建議

Privacy Commissioner attended the 55th Asia Pacific Privacy Authorities (APPA) Forum, updating members on the Government's proposals to amend the PDPO to curb doxxing behaviour



舉辦年度「關注私隱週」，主題為「互聯網世代中保障私隱」

Launched the annual Privacy Awareness Week with the theme "Protecting Privacy in the Internet Era"

2021
7月 / Jul

舉辦「保障私隱學生大使・學校夥伴嘉許計劃2021」暨「全港中學生手機GAME應用程式設計比賽」

Launched "Student Ambassador for Privacy Protection Programme – Partnering Schools Recognition Scheme 2021" cum "Mobile Game Apps Design Competition for Secondary School Students"



私隱專員與亞洲互聯網聯盟代表進行會議，就擬議修訂《私隱條例》交流意見

Privacy Commissioner met with representatives of the Asia Internet Coalition to exchange views on the proposed amendments to the PDPO



2021
8月 / Aug

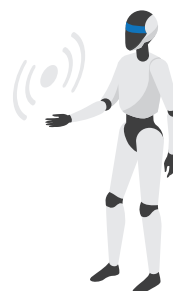
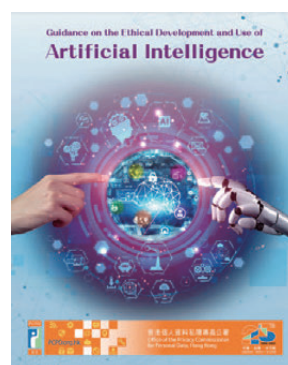
政制及內地事務局局長與私隱專員就修訂《私隱條例》以打擊「起底」行為多次出席立法會《2021年個人資料(私隱)(修訂)條例草案》委員會會議

Secretary for Constitutional and Mainland Affairs and Privacy Commissioner attended various meetings of the Bills Committee in its scrutiny of the Personal Data (Privacy) (Amendment) Bill 2021



發出《開發及使用人工智能道德標準指引》

Issued "Guidance on Ethical Development and Use of Artificial Intelligence"



發表有關兩間公用事業的客戶個人資料系統的視察報告

Released an inspection report on customers' personal data systems of two public utility companies

2021
9月 / Sep

發布「了解歐盟委員會有關由歐盟地區轉移個人資料至非歐盟地區的新版標準合約條款」的常見問題資料，及舉辦相關專題網上講座

Published a set of Frequently Asked Questions & Answers on "Understanding the European Commission's New Standard Contractual Clauses for Transfer of Personal Data from EU to Non-EU Regions" and organised a webinar on the subject

一名地產代理被裁定違反《私隱條例》下直接促銷規定，判罰款港幣 15,000 元

An estate agent was convicted of and fined HK\$15,000 for failing to comply with the direct marketing provisions under the PDPO



2021
10月 / Oct



《修訂條例》刊憲生效，以加強打擊侵犯個人資料私隱的「起底」行為
The Amendment Ordinance was published in the gazette and came into effect to combat doxxing acts that are intrusive to personal data privacy



私隱專員出席第43屆環球私隱議會，呼籲成員加強國際協作
Privacy Commissioner attended the 43rd Global Privacy Assembly, appealing for greater international collaboration

連同來自澳洲、加拿大、直布羅陀、瑞士及英國的五個資料保障機構發表聯合聲明，向視像會議公司表達環球共同的私隱期望
Released a joint statement together with five data protection authorities from Australia, Canada, Gibraltar, Switzerland and the United Kingdom on global privacy expectations for VTC companies

發表在預防感染2019冠狀病毒病規例下14間食肆對登記顧客資料的保障措施調查報告
Released an investigation report on security measures taken by 14 restaurants to protect customers' information collected under the COVID-19 anti-pandemic regulations



2021
11月 / Nov

私隱專員於網上公眾講座中講解《修訂條例》的主要內容。此網上講座在同年12月再度舉辦，兩次活動共吸引了超過1,300名參加者

Privacy Commissioner explained the Amendment Ordinance at a public webinar on the subject. With its re-run in December, the two webinars attracted more than 1,300 participants



兩名私隱公署主任榮獲「申訴專員嘉許獎2021」公職人員獎
Two PCPD officers received the Awards for Officers of Public Organisations of The Ombudsman's Awards 2021

出版《內地(個人信息保護法)簡介》小冊子

Published a booklet on "The Personal Information Protection Law of the Mainland"

2021
12月 / Dec

首宗就涉嫌違反「起底」罪行的個案拘捕一名男子，罪名為違反《私隱條例》第64(3A)條，即「在未獲同意下披露個人資料」

Made the first arrest for a suspected doxxing offence, in which a male was arrested for a suspected contravention of section 64(3A) of the PDPO relating to "disclosing personal data without consent"

私隱專員出席第56屆亞太區私隱機構論壇，倡議開發及使用人工智能的道德標準
Privacy Commissioner attended the 56th APPA Forum, advocating ethical development and use of artificial intelligence



2022

1月 / Jan

發布《在家工作安排下的個人資料保障》單張
Published "Protecting Personal Data under
Work-from-Home Arrangements" leaflets



2022

2月 / Feb

發表對日經中國(香港)有限公司的電郵系統遭黑客入侵以致資料外洩
的調查報告

Released an investigation report on a data breach incident caused by a hacker's
intrusion into the email system of Nikkei China (Hong Kong) Limited

成立「防疫抗疫關愛義工隊」為社會對抗疫情貢獻力量

Established Anti-Pandemic Volunteer Team to contribute to the community's
efforts to combat the pandemic



2022

3月 / Mar

捐贈抗疫物資予社福機構

Donated anti-epidemic medical supplies to social welfare organisations



數字回顧

(2021年4月 – 2022年3月)

A Year in Numbers

(APRIL 2021 – MARCH 2022)

3,368

接獲 3,368 宗投訴個案
Received 3,368 complaints



1,351

處理 1,351 宗「起底」個案
Handled 1,351 doxing cases



96

展開 96 次調查
Initiated 96 investigations



142

接獲 142 宗資料
外洩事故通報
Received 142 data
breach notifications



373

進行 373 次循規審查
Carried out 373
compliance checks

16,944

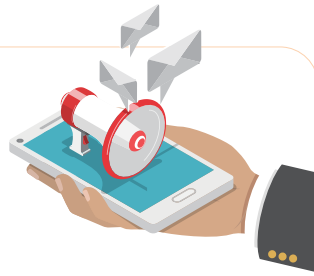
接獲 16,944 宗公眾查詢
Received 16,944 public enquiries





65

展開65次刑事調查
Initiated 65 criminal
investigations



33

發布33篇新聞稿
Issued 33 media
statements



144

回應144宗傳媒查詢
Responded to 144
media enquiries

2,742

2,742則與私隱公署的工作相關的新聞於不同的傳媒平台報道
2,742 news reports relating to PCPD's work were published on
various media channels



155,901

錄得每月平均155,901人次瀏覽私隱公署網站
Recorded an average of 155,901 visits to the PCPD's website per month



296

於社交媒體發表296篇帖文
Published 296 social
media posts

32,794

32,794人次參加私隱公署的講座、研習班及工作坊，加強對《私隱條例》的理解及遵從
Reached out to 32,794 persons
at PCPD's talks, seminars
and workshops to enhance
understanding of and compliance
with the PDPO



私隱公署架構 Organisation

私隱公署是一個獨立機構，負責監察、監管和促進各界人士遵從《私隱條例》的規定，保障與個人資料有關的私隱，包括收集、持有、處理和使用個人資料。

私隱公署於1996年8月成立，其工作由私隱專員負責。私隱公署分為多個部門，包括投訴部、刑事調查部、合規及查詢部、法律部、環球事務及研究部、企業傳訊部及企業支援部。在報告年度完結時，私隱公署的職員數目為83人。

The Office of the Privacy Commissioner for Personal Data (PCPD) is an independent body that monitors, supervises and promotes compliance with the Personal Data (Privacy) Ordinance (PDPO) to protect privacy of individuals in relation to the collection, holding, processing and use of personal data.

Established in August 1996, the PCPD is headed by the Privacy Commissioner and comprises different functional units, including the Complaints Division, Criminal Investigation Division, Compliance & Enquiries Division, Legal Division, Global Affairs & Research Division, Corporate Communications Division and Corporate Support Division. It had a total of 83 staff members at the end of the reporting year.



個人資料私隱專員

Privacy Commissioner for Personal Data

助理個人資料私隱專員(企業傳訊及合規)

Assistant Privacy Commissioner for Personal Data
(Corporate Communications and Compliance)

助理個人資料私隱專員(法律、環球事務及研究)

Assistant Privacy Commissioner for Personal Data
(Legal, Global Affairs and Research)

助理個人資料私隱專員(投訴及刑事調查)

Assistant Privacy Commissioner for Personal Data
(Complaints and Criminal Investigation)

投訴 Complaints

刑事調查 Criminal Investigation

合規及查詢 Compliance & Enquiries

法律 Legal

環球事務及研究 Global Affairs & Research

企業傳訊 Corporate Communications

企業支援 Corporate Support

個人資料(私隱) 諮詢委員會

個人資料(私隱)諮詢委員會(委員會)是根據《私隱條例》第 11 條成立，目的是就保障個人資料私隱及《私隱條例》運作的相關事宜，向私隱專員提供意見。

Personal Data (Privacy) Advisory Committee

The Personal Data (Privacy) Advisory Committee (PDPAC) was established pursuant to section 11 of the PDPO to advise the Privacy Commissioner on matters relating to personal data privacy protection and the operation of the PDPO.

主席 CHAIRPERSON



鍾麗玲女士

個人資料私隱專員

Ms Ada CHUNG Lai-ling

Privacy Commissioner for Personal Data

成員 MEMBERS (按姓氏英文字母排序 in alphabetical order of last name)



歐陽嘉慧女士

律師

Ms Terese AU-YEUNG Kar-wai

Solicitor



陳嘉賢女士, JP

德國寶集團有限公司
執行董事

Ms Karen CHAN Ka-yin, JP

Executive Director,
German Pool Group Company Limited



黃偉雄先生, MH, JP

中原地產代理有限公司
亞太區主席兼行政總裁

Mr Addy WONG Wai-hung, MH, JP

Chairman and Chief Executive Officer
(Asia Pacific),
Centaline Property Agency Limited



楊逸芝女士

長江實業集團有限公司
執行委員會委員兼公司秘書
(任期由 2021 年 10 月 1 日起)

Ms Eirene YEUNG

Executive Committee Member &
Company Secretary,
CK Asset Holdings Limited
(Appointment from 1 October 2021)

委員會會定期收取私隱公署的運作表現報告，並就私隱公署在工作上的重大議題向私隱專員作出建議。

The PDPAC receives regular reports on the operational performance of the PCPD and advises the Privacy Commissioner on the handling of major issues relating to the work of the PCPD.

委員會主席為私隱專員，而委員會成員則由政制及內地事務局局長委任。

The Privacy Commissioner is the chairperson of the PDPAC, and members of the PDPAC are appointed by the Secretary for Constitutional and Mainland Affairs.



趙質山先生

東方報業集團有限公司榮譽主席；
香港航天科技集團有限公司董事
(任期由2021年10月1日起)

Mr Alex CHIU Chih-sun

Honorary Chairman,
Oriental Press Group Limited; Director,
Hong Kong Aerospace Technology
Group Limited
(Appointment from 1 October 2021)



簡慧敏女士

中國銀行(香港)有限公司
總法律顧問

Ms Carmen KAN Wai-mun

General Counsel,
Bank of China (Hong Kong) Limited



連浩民先生

永卓御富國際有限公司
創辦人
(任期由2021年10月1日起)

Mr Joseph LIN Ho-man

Founder,
Ever Royal International Limited
(Appointment from 1 October 2021)



鍾郝儀女士

Clarksdale Investment Limited
董事長
(任期至2021年9月30日)

Ms Cordelia CHUNG

Chairman,
Clarksdale Investment Limited
(Appointment up to 30 September 2021)



羅燦先生

ASI Analytics & Media Limited
董事總經理
(任期至2021年9月30日)

Mr Stephen LOH Chan

Chief Executive Officer,
ASI Analytics & Media Limited
(Appointment up to 30 September 2021)

政制及內地事務局副秘書長或
首席助理秘書長

Deputy Secretary for Constitutional
and Mainland Affairs or
Principal Assistant Secretary for
Constitutional and Mainland Affairs

科技發展常務委員會

私隱公署設立科技發展常務委員會，旨在協助私隱專員更有效地執行《私隱條例》第8(1)(f)條指明的法定職能，即研究資料處理及資訊科技及監察其發展，以顧及該等發展

聯席主席 CO-CHAIRPERSONS



鍾麗玲女士

個人資料私隱專員

Ms Ada CHUNG Lai-ling

Privacy Commissioner for Personal Data



吳鎧楓先生

署理助理個人資料私隱專員
(法律、環球事務及研究)

Mr Dennis NG

Acting Assistant Privacy Commissioner
(Legal, Global Affairs & Research)

Standing Committee on Technological Developments

The Standing Committee on Technological Developments (SCTD) was established to assist the Privacy Commissioner to better perform the statutory functions under section 8(1)(f) of the PDPO, namely researching into and monitoring technological developments that may affect

成員 MEMBERS (按姓氏英文字母排序 in alphabetical order of last name)



方保僑先生

香港資訊科技商會
榮譽會長

Mr Francis FONG Po-kiu

Honorary President,
Hong Kong Information Technology
Federation



楊月波教授

香港浸會大學計算機科學系
特邀教授

Professor YB YEUNG

Adjunct Professor,
Department of Computer Science,
Hong Kong Baptist University

對個人私隱在個人資料方面的潛在影響。委員會同時會就私隱公署為應對科技發展引伸的私隱議題，就草擬實務守則、建議及指引資料提供意見。

科技發展常務委員會由私隱專員及助理私隱專員擔任聯合主席。

personal data privacy. The SCTD also advises on the drafting of codes of practices, advisories and guidance notes on privacy issues arising therefrom.

The SCTD is co-chaired by the Privacy Commissioner and the Assistant Privacy Commissioner.



劉偉經教授

香港浸會大學財務及決策學系
特邀教授

Professor Jason LAU

Adjunct Professor,
Department of Finance and Decision
Sciences,
Hong Kong Baptist University



栢雅盛先生

霍金路偉律師行
合伙人

Mr Mark PARSONS

Partner,
Hogan Lovells



黃錦輝教授

香港中文大學工程學院
副院長(外務)
(任期由2022年1月1日起)

Professor KF WONG

Associate Dean (External Affairs),
Faculty of Engineering,
The Chinese University of Hong Kong
(Appointment from 1 January 2022)



姚兆明教授

香港大學計算機科學系
教授及副系主任
(任期由2022年1月1日起)

Professor SM YIU

Professor and Associate Head,
Department of Computer Science,
The University of Hong Kong
(Appointment from 1 January 2022)



白景崇教授

香港大學社會科學研究中心
總監
(任期至2021年12月31日)

Professor John BACON-SHONE

Director,
Social Sciences Research Centre,
The University of Hong Kong
(Appointment up to 31 December 2021)



鄒錦沛博士

香港大學計算機科學系
副教授
(任期至2021年12月31日)

Dr KP CHOW

Associate Professor,
Department of Computer Science,
The University of Hong Kong
(Appointment up to 31 December 2021)

高級管理團隊

Senior Management Team

鍾麗玲女士

個人資料私隱專員

Ms Ada CHUNG Lai-ling

Privacy Commissioner for
Personal Data



葉瑋璣先生

助理個人資料私隱專員(投訴及刑事調查)

Mr Cliff IP

Assistant Privacy Commissioner (Complaints
and Criminal Investigation)

吳鎧楓先生

署理助理個人資料私隱專員(法律、
環球事務及研究)

Mr Dennis NG

Acting Assistant Privacy Commissioner
(Legal, Global Affairs and Research)

黎智敏女士

助理個人資料私隱專員(企業傳訊及合規)

Ms Joyce LAI

Assistant Privacy Commissioner (Corporate
Communications and Compliance)

郭正熙先生

署理首席個人資料主任(合規及查詢)

Mr Brad KWOK

Acting Chief Personal Data Officer
(Compliance & Enquiries)

陳美儀女士

首席個人資料主任(投訴)

Ms Amy CHAN

Chief Personal Data Officer (Complaints)

潘潔霖女士

高級個人資料主任(企業支援)

Ms Natalie POON

Senior Personal Data Officer
(Corporate Support)



庾燕青女士

首席個人資料主任(刑事調查)

Ms Gloria YU

Chief Personal Data Officer (Criminal
Investigation)

關啟宇先生

高級律師

Mr Billy KWAN

Senior Legal Counsel

高級主任 Senior Officers

陳潤蓮女士

高級個人資料主任(合規及查詢)

Ms Christine CHAN

Senior Personal Data Officer
(Compliance & Enquiries)

陳香凝女士

高級個人資料主任(投訴)

Ms Joanna CHAN

Senior Personal Data Officer (Complaints)

鄭楚英女士

署理高級個人資料主任(合規及查詢)

Ms Kimmy CHENG

Acting Senior Personal Data Officer
(Compliance & Enquiries)



陳德明先生

高級個人資料主任(資訊科技)

Mr Raymond CHAN

Senior Personal Data Officer (Information Technology)

盧迪凡先生

高級個人資料主任(刑事調查)

Mr DF LO

Senior Personal Data Officer
(Criminal Investigation)

范碧盈女士

署理律師

Ms Tessa FAN

Acting Legal Counsel

廖雅欣女士

律師

Ms Joyce LIU

Legal Counsel

黃寶漫女士

署理律師

Ms Clemence WONG

Acting Legal Counsel



胡慧雅女士

署理高級個人資料主任(投訴)

Ms Terri WU

Acting Senior Personal Data Officer
(Complaints)

彭思華先生

署理高級個人資料主任(企業傳訊)

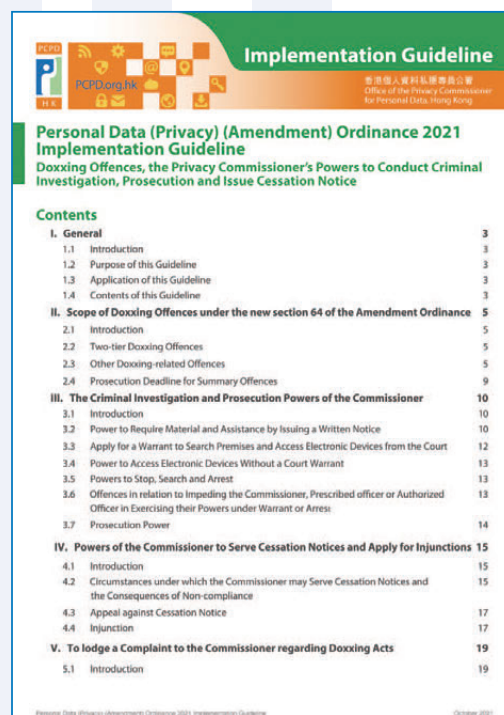
Mr Eric PHENG

Acting Senior Personal Data Officer
(Corporate Communications)



本年重點工作 ights of the Year





立法及實施《2021年個人資料(私隱)(修訂)條例》

不遺餘力 致力打擊「起底」

自2019年年中以來，侵犯個人資料私隱的「起底」行為在香港變得猖獗。過去三年，私隱公署分別處理了4,707、957及1,351宗與「起底」有關的案件。被「起底」的受害人士來自社會各階層，包括法官、政府官員、立法會議員、警務人員、名人及公眾人士。

Legislating for and Implementing the Personal Data (Privacy) (Amendment) Ordinance 2021

Sparing No Effort in Combatting Doxxing

Doxxing acts, which are intrusive to personal data privacy, have become rampant in Hong Kong since mid-2019. For the past three years, the PCPD handled 4,707, 957 and 1,351 doxxing-related cases respectively. The victims falling prey to the doxxing acts came from all walks of life, including judges, government officials, Legislative Council members, police officers, celebrities and members of the public.

《個人資料(私隱)條例》的修訂

為加強私隱公署打擊「起底」的能力，政制及內地事務局局長於2021年7月向立法會提交《2021年個人資料(私隱)(修訂)條例草案》(《條例草案》)。私隱專員及私隱公署在政府的支持下積極參與了草擬及修訂法例工作。立法會隨後成立《條例草案》委員會並審議草案，《條例草案》經過多次委員會會議後獲得通過，《2021年個人資料(私隱)(修訂)條例》(《修訂條例》)亦於2021年10月8日正式刊憲生效。

《修訂條例》的主要目的是修訂《私隱條例》，以(1)訂立未經同意下披露個人資料的兩級制罪行；(2)賦權予私隱專員對「起底」相關罪行進行刑事調查及提出檢控；及(3)賦予私隱專員法定權力發出停止披露通知，要求移除「起底」訊息。任何人未經資料當事人同意而披露他的個人資料，並有意圖或罔顧是否會導致當事人或其家人蒙受指明傷害，例如滋擾、騷擾、纏擾、威脅或恐嚇，或對當事人或其家人造成身體、心理傷害或財產受損，便可構成「起底」罪行。

Amending the Personal Data (Privacy) Ordinance

To enhance the PCPD's capabilities to combat doxxing, the Secretary for Mainland and Constitutional Affairs introduced the Personal Data (Privacy) (Amendment) Bill 2021 (the Bill) to the Legislative Council in July 2021. The Privacy Commissioner and the PCPD proactively participated in the drafting and legislative process in support of the Government. A Bills Committee was formed by the Legislative Council to scrutinise the Bill, and after rounds of meetings of the Bills Committee, the Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) was enacted and came into effect on 8 October 2021.

The main objectives of the Amendment Ordinance are to amend the PDPO to (1) create a two-tier offence for disclosing personal data without consent; (2) empower the Privacy Commissioner to carry out criminal investigations and institute prosecutions for doxxing-related offences; and (3) confer on the Privacy Commissioner statutory powers to issue cessation notices to request the removal of doxxing messages. Anyone who discloses the personal data of another person without consent, whether recklessly or with intent to cause specified harm to the person or his family, such as harassment, molestation, pestering, threat, intimidation, bodily or psychological harm or damage to property, commits the offence of doxxing.



在《修訂條例》生效前的工作

由2021年4月1日至2021年10月7日，私隱公署共處理423宗與「起底」有關的個案，跟進行動包括：

- ✦ 去信涉事的18個網站、社交媒體平台及討論區的營運商共104次，要求移除共1,749條「起底」訊息；
- ✦ 尋求本地及外地監管機構合作，合力打擊社交媒體平台上的「起底」行為；
- ✦ 轉介36宗涉及違例的個案予警方進行刑事調查及考慮檢控；及
- ✦ 轉介六宗可能違反有關「起底」的臨時禁制令的個案予律政司跟進。

Work before the Amendment Ordinance Came into Effect

From 1 April 2021 to 7 October 2021, the PCPD handled a total of 423 doxxing-related cases, and the follow-up actions included:

- ✦ Wrote 104 times to request the operators of 18 websites, social media platforms and discussion forums to remove a total of 1,749 doxxing messages;
- ✦ Sought the cooperation of local and foreign regulatory authorities to jointly combat doxxing on social media platforms;
- ✦ Referred 36 cases of possible contraventions to the Police for criminal investigation and consideration of prosecution; and
- ✦ Referred six cases of possible violations of interim injunction orders relating to doxxing to the Department of Justice for follow-up actions.



加大執法力度 推廣修訂條例

Stepping Up Enforcement and Promotion under the Amendment Ordinance

由《修訂條例》生效至2022年3月31日，私隱公署共處理928宗與新「起底」罪行相關的個案，作出下列跟進行動：

From the commencement of the Amendment Ordinance to 31 March 2022, the PCPD handled a total of 928 cases related to the new doxxing offences, and took these follow-up actions, among others:

- ✦ 行使了《修訂條例》新賦予的權力，向13個網站、社交媒體平台及討論區發出602份停止披露通知，要求它們移除3,110項「起底」訊息；
- ✦ 就65宗個案展開了刑事調查；
- ✦ 於2021年12月13日首度就一宗涉嫌違反「起底」罪行的個案拘捕一名人士；及
- ✦ 轉介兩宗涉嫌違反新修訂「起底」條例的較嚴重個案予警方進行刑事調查及考慮檢控。

- ✦ Exercised the newly conferred powers under the Amendment Ordinance and issued 602 cessation notices to 13 websites, social media platforms and discussion forums, requesting them to remove over 3,110 doxxing messages;
- ✦ Commenced criminal investigations into 65 cases;
- ✦ Made the first arrest for a suspected doxxing offence on 13 December 2021; and
- ✦ Referred two cases of more serious contraventions of the new doxxing offences to the Police for criminal investigation and consideration of prosecution.



同時，私隱公署亦已展開一系列的宣傳及教育活動，以增進公眾對《修訂條例》的認識及協助他們遵從相關規定：

In parallel, the PCPD also launched a series of publicity and education activities to raise public awareness of the Amendment Ordinance and compliance with relevant requirements:

- ✧ 設立「『起底』罪行」專題網站；
 - ✧ 發布《修訂條例》執行指引；
 - ✧ 發出與《修訂條例》有關的新聞稿、宣傳單張、海報及社交媒體帖文；
 - ✧ 製作及播放短片、電視宣傳短片及電台宣傳聲帶；
 - ✧ 舉辦18場實體或網上講座闡明《修訂條例》的要求，共2,800多人參加；
 - ✧ 於專業期刊及報章發表有關《修訂條例》的文章。
- ✧ Launched a thematic website on “Doxxing Offences”;
 - ✧ Published an implementation guideline for the Amendment Ordinance;
 - ✧ Issued media statements, publicity leaflets, posters and social media posts relating to the Amendment Ordinance;
 - ✧ Produced and broadcast short films, television videos and radio announcements;
 - ✧ Organised 18 seminars or webinars to explain the key provisions of the Amendment Ordinance, with over 2,800 attendees; and
 - ✧ Published articles about the Amendment Ordinance in professional journals and newspapers.



推廣慎用社交媒體

使用社交媒體及即時通訊軟件已成為香港人日常生活的一部份。然而，這亦為用戶的個人資料私隱帶來不容忽視的風險。由於大部份在網上分享的資料都會留下永久的數碼足跡，因此假如社交媒體用戶經常分享資訊，包括相片、日常生活瑣事、習慣及身處位置，便會不知不覺地披露比預期更多的個人資料。這些看似無關痛癢的資料，一旦被彙集，便可被用作分析用戶個性，甚至可用於網絡欺凌、「起底」及身份盜竊。

與此同時，尤其在2021年年初發生了數宗涉及不同社交媒體平台的資料外洩事故，及一受歡迎的即時通訊軟件更改使用條款以後，公眾對由使用社交媒體衍生的個人資料私隱風險日益關注。使用社交媒體為個人資料私隱帶來風險，當中可能包括個人資料被濫用、擷取或外洩。公開的個人資料被其他人彙編後可用作「起底」、網絡欺凌或「網絡釣魚」，以至其他不法行為，導致受害人蒙受財產損失，甚至身體或心理傷害。

Promoting the Smart Use of Social Media

The use of social media and instant messaging apps is very much part of the everyday life for Hong Kong people. However, it also carries inherent yet non-negligible risks to users' privacy in relation to personal data. Given that most materials shared online can leave a perpetual digital footprint that is hard to remove, users of social media who frequently share information, including photos, stories of everyday life, their habits and locations, could unwittingly disclose more personal data than they anticipate. When pieced together, this kind of innocuous data can be used to profile the users and potentially manipulated for cyberbullying, doxxing and identity theft.

Meanwhile, the public has become increasingly aware of the personal data privacy risks related to the use of social media in recent years, particularly following several data breach incidents allegedly involving different social media platforms and the changes in the terms of use of a popular instant messaging app in early 2021. The risks posed to personal data privacy arising from the use of social media may include abuse of personal data, data scraping or data leakage. Personal data which is openly available may also be used by others for the purposes of doxxing, cyberbullying, phishing, or other illegal activities, leading to property loss and even physical or psychological harm of the victims.



鑑於使用社交媒體帶來的私隱風險，私隱公署於報告年內採取迅速行動，加強其教育工作以推廣慎用社交媒體，當中包括：

In the light of the privacy risks related to the use of social media, the PCPD took swift action in the reporting year to strengthen its education efforts to promote the smart use of social media, including:

- ❖ 發布《保障個人資料私隱 — 使用社交媒體及即時通訊软件的指引》；
- ❖ 舉辦網上講座「社交媒體與你」；
- ❖ 於期刊「香港律師」及本地報章上發布與使用社交媒體及即時通訊軟件時個人資料私隱保障相關的文章；及
- ❖ 製作海報宣傳慎用社交媒體。

- ❖ Publishing the “Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps”;
- ❖ Organising webinars on “Social Media and You”;
- ❖ Publishing articles on the Protection of Personal Data Privacy in the Use of Social Media and Instant Messaging Apps in the journal “Hong Kong Lawyer” and local newspapers; and
- ❖ Producing posters on the smart use of social media.



《保障個人資料私隱 — 使用社交媒體及即時通訊軟件的指引》

為了向公眾人士提供實用建議以減低使用社交媒體的風險，私隱公署於2021年4月發表了《保障個人資料私隱 — 使用社交媒體及即時通訊軟件的指引》，並呼籲公眾在網上交流時要提高警覺。該指引建議社交媒體用戶應：

“Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps”

With the aim of providing the public with practical advice to mitigate the privacy risks associated with the use of social media, the PCPD issued the “Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps” (the Guidance) in April 2021, urging the public to exercise greater vigilance when they communicate online. The Guidance recommended that users of social media should, among others,:

- 📌 查閱私隱政策以了解相關社交媒體平台如何處理其個人資料。每當私隱政策或服務條款有變更時，在接受相關更改前，應清楚了解有關的更改詳情；
- 📌 定期檢視他們的私隱設定，從而決定自己的哪些資料會被分享，以及如何廣泛地與他人分享；
- 📌 限制社交媒體平台如何使用用戶的個人資料（如面容識別、定位功能等）；
- 📌 在社交媒體分享或發出任何資料前，用戶都應三思；
- 📌 尊重他人的私隱，以及在相片中「標注」別人時或分享別人的資料時應更小心謹慎；及
- 📌 加強提防網上騙案，例如一些要求用戶登入或提供個人資料的惡意超連結。
- 📌 Take steps to understand how social media platforms handle their personal data by examining their privacy policies, and whenever there are changes to the privacy policies, clearly understand those relevant changes before accepting the changes;
- 📌 Regularly review their privacy settings to retain control over what information will be disclosed to other users and how widely the information is disclosed;
- 📌 Limit the permissions granted to social media platforms on how their personal data, such as facial images and location data, can be used;
- 📌 Think twice before sharing or sending any information on social media;
- 📌 Respect others' privacy and be cautious about tagging other people in photos or sharing information about other people; and
- 📌 Be vigilant about online scams, such as malicious hyperlinks that request users to “log-in” or provide personal data.

推廣開發及使用人工智能的道德標準

本港機構，包括商業、政府部門及公共機構，在其營運上更常利用到人工智能。雖然人工智能在促進生產力及經濟增長方面有巨大潛力，但是人工智能的應用亦對私隱及保障個人資料帶來挑戰。有見及此，私隱公署於2021年8月發出《開發及使用人工智能道德標準指引》（《指引》），以協助機構在開發及使用人工智能時，能明白及遵從《私隱條例》的相關規定。

《指引》建議機構在開發及使用人工智能時奉行三項基本數據管理價值，分別是以尊重、互惠及公平的方式對待持份者。根據國際標準，《指引》列出七項人工智能的道德原則。《指引》亦提供一套按照一般業務程序而撰寫的實務指引，協助機構管理它們的人工智能系統。

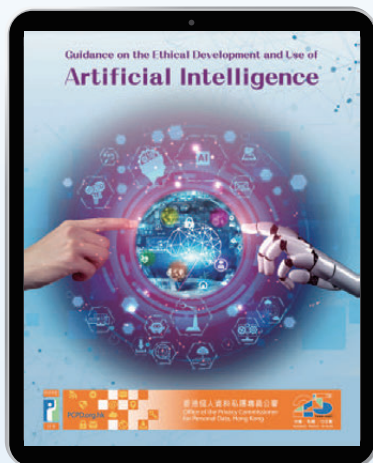
私隱公署舉辦或參與了不同的論壇、網上講座和活動以宣傳《指引》，其中值得留意的是於2021年9月13日舉辦的「開發及使用人工智能道德標準指引」網上講座。這個網上講座吸引超過240名來自政府部門、專業團體，以及銀行、保險、教育、零售及地產的業界人士參加，並取得圓滿成功。

Promoting Ethical Development and Use of Artificial Intelligence

There is a growing trend for organisations in Hong Kong, including business entities, government departments and public bodies, to use artificial intelligence (AI) in their operations. While AI has huge potential in boosting productivity and economic growth, the use of AI also brings about challenges to privacy and protection of personal data. Against this backdrop, the PCPD issued the “Guidance on the Ethical Development and Use of Artificial Intelligence” (the Guidance) in August 2021 to help organisations understand and comply with the relevant requirements of the PDPO when they develop and use AI.

The Guidance recommends that organisations embrace three fundamental Data Stewardship Values when they develop and use AI, namely, being respectful, beneficial and fair to stakeholders. In line with international standards, the Guidance sets out seven ethical principles for AI. It also provides a set of practice guide, structured in accordance with general business processes, to assist organisations in managing their AI systems.

The PCPD organised or participated in various forums, webinars and events to promote the Guidance, with a notable one being the webinar on “The Ethical Development and Use of Artificial Intelligence” organised by the PCPD on 13 September 2021. The webinar was held with great success and attracted more than 240 participants from government departments, professional associations and various industries from banking, insurance, and education to retail and real estate.



有關2019冠狀病毒病的建議及指引資料

世界各地受2019冠狀病毒病的衝擊已超過兩年。各地政府亦持續制定不同政策和解決方案來遏制疫情及應對其帶來的挑戰，例如追蹤曾與確診者接觸的人士、對跨境出行實施管制、推行疫苗接種計劃和「疫苗通行證」等。在落實這些措施的過程中，必然會涉及處理市民和旅客的個人資料。對各地政府以及相關持份者而言，在整個數據管理週期下妥善尊重及保護個人資料尤其重要。

私隱公署一直密切留意本港及國際在這方面的最新進展，並從保障個人資料私隱的角度向相關持份者，包括政府，在推行新措施以遏制疫情和復常的道路上提供建議及指引。

參加疫苗抽獎活動 保障個人資料私隱

為支持政府推行的全港性2019冠狀病毒病疫苗接種計劃，本港不同機構在2021年年中舉辦了各種抽獎活動，讓已接種疫苗的市民參與。由於大部分抽獎活動均涉及收集參加人士的個人資料，私隱公署於2021年7月發出建議，呼籲公眾在提供個人資料以參加相關活動時需格外小心欺詐網站並提高警覺。

同時，私隱公署亦提醒主辦單位在進行抽獎活動時，應謹慎處理市民的個人資料，並注意《私隱條例》有關個人資料的收集、保留、處理及使用方面的規定。

Advisories and Guidance Notes in relation to COVID-19

For over two years, different parts of the world have been hard hit by the COVID-19 pandemic. Governments worldwide have been formulating various policies and solutions to combat the pandemic and address the challenges posed by it, such as contact tracing, imposition of regulations on cross-border travels, implementation of vaccination campaigns and Vaccine Pass, and the like. Inevitably, the process of putting these measures into practice involved the handling of personal data of citizens and visitors. It is important that governments around the world, as well as relevant stakeholders, respect and protect the personal data privacy of individuals in the entire data management cycle.

The PCPD has been keeping abreast of the developments both internationally and in Hong Kong in this regard. We provided advice and guidance from the perspective of the protection of personal data privacy to relevant stakeholders, including the Government, in the introduction of new initiatives to combat the pandemic and on our road to recovery.

Safeguarding Personal Data Privacy in Vaccination-related Lucky Draw Activities

In support of the Government's initiative to implement a territory-wide COVID-19 vaccination programme, different organisations across Hong Kong launched a series of lucky draw campaigns around mid-2021 for vaccinated citizens. As most of the lucky draw activities involved the collection of participants' personal data, the PCPD issued an advisory in July 2021 appealing to the public to beware of fraudulent websites and pay extra caution when they submitted their personal data to take part in such activities.

Meanwhile, the PCPD also urged the organisers to pay heed to the relevant requirements of the PDPO when they handled participants' personal data in implementing the lucky draw campaigns, ranging from the collection, holding, processing, to the use of personal data.

「香港健康碼」系統下的個人資料保障

為配合粵港澳三地免檢疫通關的安排，政府於2021年12月推出「香港健康碼」系統。在提供所需的個人資料並從「安心出行」流動應用程式上傳出行記錄後，申請人可以申請「香港健康碼」，從而獲批准免檢疫入境廣東或澳門。

私隱公署就「香港健康碼」符合《私隱條例》規定方面向不同政府決策局及部門提供意見，以妥善保障資料當事人的私隱權益。

Personal Data Protection in the Hong Kong Health Code System

The Government launched the Hong Kong Health Code system in December 2021, as part of its drive to facilitate quarantine-free travel between Guangdong, Hong Kong and Macao. Upon provision of the required personal data and uploading visit records from the “LeaveHomeSafe” mobile app, an applicant could apply for a Hong Kong Health Code, so as to be granted entry to Guangdong or Macao with quarantine exemption.

The PCPD offered its advice to various government bureaux and departments concerning compliance with the requirements of the PDPO in the context of the Hong Kong Health Code initiative, with a view to duly safeguarding the privacy interests of individual data subjects.

「疫苗通行證」保障私隱的特點

政府於2022年2月24日推出了「疫苗通行證」計劃，以促進社會在疫情下恢復運作並遏止疫情進一步爆發。處所負責人可使用特定的流動應用程式來驗證訪客的疫苗通行證。私隱專員對「疫苗通行證」的設計和功能作出審視，並留意到其運作安排及「疫苗通行證」的設計符合《私隱條例》的規定。

私隱專員在其給予不同媒體刊登的文章上特別指出，「疫苗通行證」採取了數項私隱保障的設計，例如(1)處所負責人的流動裝置內不會顯示任何個人資料；(2)所有個人資料均會以不可辨識的形式儲存在處所負責人的流動裝置上；及(3)加密和有限保留到訪紀錄。私隱專員滿意「疫苗通行證」採取了不同的技術特點並以資料最少化的原則來推行，在需要進行接觸追蹤和保障資料當事人的利益之間達致平衡。

Privacy-protecting Features of the Vaccine Pass

To help facilitate the city's recovery from the pandemic and guard against further outbreaks, the Government rolled out the Vaccine Pass arrangements on 24 February 2022. Venue operators could use an official mobile app to verify visitors' Vaccine Passes. Upon examining the design and functionality of the Vaccine Pass, the Privacy Commissioner noted that the operational arrangements and design of the Vaccine Pass were in compliance with the requirements of the PDPO.

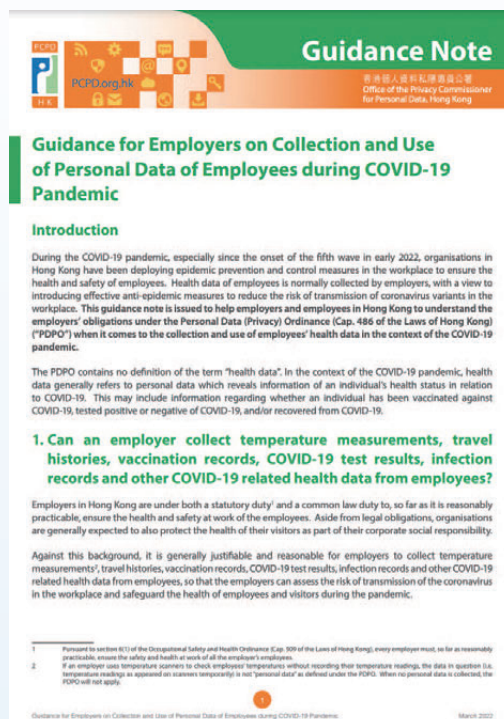
In particular, the Privacy Commissioner contributed articles to the media to point out that the Vaccine Pass adopted a number of privacy-protecting features, such as (1) no display of personal data in a venue operator's mobile device; (2) de-identification of personal data in the mobile device of the venue operator; and (3) encryption and limited retention of visit records. The Privacy Commissioner was satisfied that the Vaccine Pass had adopted various technical features in accordance with the data minimisation principle and had struck a reasonable balance between the need for contact tracing and safeguarding the interests of individual data subjects.

《僱主在2019冠狀病毒疫情期間收集及使用僱員個人資料的指引》

自2022年年初香港爆發第五波新冠病毒疫情至今，本港機構一直在工作場所落實更多的防疫抗疫措施，以保障僱員的健康及安全。為實施有效的防控措施，僱主普遍會收集僱員的健康狀況資料，以減低新冠變種病毒於工作場所內的傳播風險。私隱公署同期接獲近17,000宗查詢。為協助在工作場所的持份者了解在《私隱條例》下，僱主於疫情期間收集及使用僱員健康狀況資料時須履行的責任，私隱公署於2022年3月發出《僱主在2019冠狀病毒疫情期間收集及使用僱員個人資料的指引》。指引亦就僱主收集僱員健康狀況資料的必要性、透明度、及準確性等方面作出建議。

“Guidance for Employers on Collection and Use of Personal Data of Employees during COVID-19 Pandemic”

Since the onset of the fifth wave of COVID-19 pandemic in early 2022, organisations in Hong Kong have stepped up epidemic prevention and control measures in the workplace to ensure the health and safety of their employees. Health data of employees was normally collected by employers for implementing effective anti-epidemic measures to reduce the risk of transmission of coronavirus variants in the workplace. The PCPD received nearly 17,000 enquiries during the period. With a view to helping relevant stakeholders understand employers' obligations under the PDPO when it comes to the collection and use of employees' health data in the context of the pandemic, the PCPD issued the “Guidance for Employers on Collection and Use of Personal Data of Employees during COVID-19 Pandemic” in March 2022. The Guidance also makes recommendations on, among other matters, the necessity, transparency and accuracy in relation to the collection of employees' health data.



促進對私隱領域發展的認識

世界各地的資料保障規定不斷推陳出新，這無可避免對個人資料在全球使用和轉移帶來一定的影響。私隱公署注意到，本港的公眾及企業對明白及如何掌握這萬變的資料保障形勢日益關注。

內地的《個人信息保護法》於2021年11月1日起實施。為幫助公眾及本港企業加深了解內地個人信息保護的監管制度，私隱公署於2021年11月出版了《內地〈個人信息保護法〉簡介》。

私隱公署亦透過網上講座、與持份者的會議、私隱公署網頁及電子通訊，與公眾分享內地保護個人信息制度的最新發展。

Promoting Understanding of Developments in the Privacy Landscape

The introduction of new or updated data protection regulations around the world has inevitably given rise to implications on how personal data is used and transferred globally. The PCPD notes that individuals and businesses in Hong Kong have found it increasingly important to understand and navigate the evolving data protection landscape.

The Personal Information Protection Law (PIPL) of the Mainland has come into operation since 1 November 2021. In November 2021, the PCPD published a booklet entitled “Introduction to the Personal Information Protection Law of the Mainland” to help the general public and businesses in Hong Kong better understand the regulatory regime on the protection of personal information on the Mainland.

The PCPD also shared with the public the latest developments on the personal information protection regime on the Mainland through webinars, meetings with stakeholders, PCPD’s website and e-newsletters.



另外，歐盟委員會採納了一套有關轉移個人資料至非歐盟地區的新版標準合約條款（新版標準合約條款）。由2021年9月27日起，資料輸出者及資料輸入者只可就跨境個人資料轉移簽訂採納了新版標準合約條款的合約。私隱公署於2021年9月發布一系列有關的常見問題資料，介紹新版標準合約條款的實施框架和簽訂包含新版標準合約條款的跨境資料轉移協議時各合約方的責任，以供公眾參考。

同時，歐盟委員會及美國於2022年3月25日宣布雙方原則上已就一個新的跨大西洋數據私隱框架達成協議（新框架），以期重新建立一個從歐盟轉移個人資料至美國的法律機制，取代以往歐盟與美國之間建立，而於2020年7月被歐洲聯盟法院裁定為無效的「私隱保護盾」。私隱公署隨後於其網站內提供有關新框架的最新資訊予公眾參考。

The European Commission adopted a new set of Standard Contractual Clauses (New SCCs) for the transfer of personal data to non-EU regions. From 27 September 2021 onwards, data exporters and data importers can only conclude contracts incorporating the New SCCs for the transfer of personal data out of the European Union. In September 2021, the PCPD published, for public reference, a set of frequently asked questions and answers on the implementation framework of the New SCCs and the obligations of parties entering into cross-border data transfer agreements using the New SCCs.

Meanwhile, the European Commission and the United States announced on 25 March 2022 that they had reached an agreement in principle on a new Trans-Atlantic Data Privacy Framework (New Framework), with a view to re-establishing a new legal mechanism for the transfer of personal data from the European Union to the United States in place of the previous “Privacy Shield”, which was invalidated by the Court of Justice of the European Union in July 2020. The PCPD provided updates regarding the New Framework on its website for public reference.



監察及監管符規

Monitoring and Supervising Compliance





回應公眾查詢

私隱公署在本報告年度接獲 16,944 宗公眾查詢個案，比上年度減少 7%，平均每個月處理超過 1,400 宗查詢個案。（圖 1.1）

查詢有關收集及使用個人資料（例如：香港身份證號碼及／或副本）的事宜佔整體查詢 29%，而其他的主要查詢類別包括：處理與僱傭關係相關的個人資料（8%）及《私隱條例》的應用（7%）。私隱公署亦接獲與 2019 冠狀病毒病疫情有關的資料保障議題的查詢，主要涉及僱主收集及使用僱員的健康資料及在家工作安排下個人資料的保障。

隨着針對「起底」行為的《修訂條例》於 2021 年 10 月 8 日生效，市民查詢關於私隱公署處理投訴程序的個案有所增加（8%）。與「起底」及《私隱條例》相關條文的查詢共有 217 宗。

Responding to Public Enquiries

A total of 16,944 public enquiry cases were received during the reporting year, down 7% from that of the previous reporting year. On average, over 1,400 public enquiry cases were handled per month. (Figure 1.1)

The collection and use of personal data (e.g. Hong Kong Identity (HKID) Card numbers and/or copies) constituted 29% of total enquiries. The nature of other enquiries included the handling of personal data in employment relationships (8%) and the application of the PDPO (7%). The PCPD also received public enquiries on data privacy issues relating to the COVID-19 pandemic, mainly concerning the collection and use of employees' health data and the protection of personal data under work-from-home arrangements.

Following the implementation of the Amendment Ordinance targeting doxxing acts on 8 October 2021, there was an increase in public enquiries relating to the PCPD's complaint handling policy (8%). 217 enquiry cases were associated with doxxing and the related provisions of the PDPO.

查詢個案數目 Number of Enquiries Received

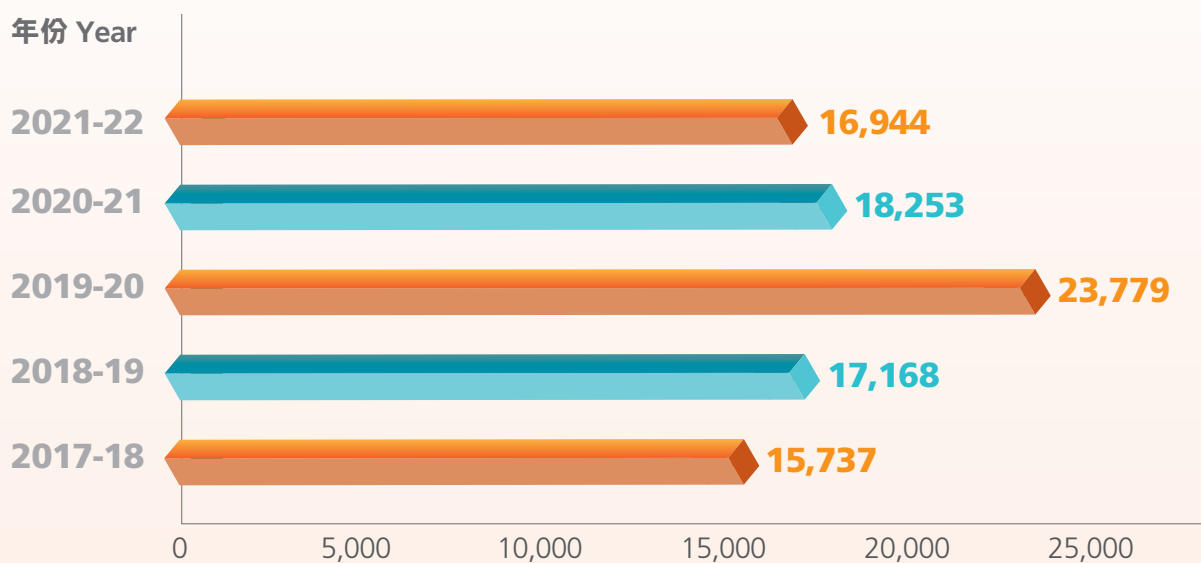


圖 Figure 1.1

監察及推廣遵守《個人資料(私隱)條例》的規定

當私隱公署發現有機構的行事方式與《私隱條例》規定不相符時，私隱公署會展開循規審查或調查。在完成循規行動後，私隱專員一般會向機構指出與《私隱條例》規定不符或不足之處，並促請有關機構採取適當的補救措施，糾正違規的情況和採取預防措施，避免同類事故再次發生。

在報告年度內，私隱專員共進行了382次循規行動，較2020-21年度的356次上升7%。(圖1.2)

Monitoring and Promoting Compliance with the Personal Data (Privacy) Ordinance

In cases where the PCPD finds that there is an inconsistency between an organisation's practices and the requirements under the PDPO, the PCPD will initiate compliance checks or investigations. Upon completion of a compliance action, the Privacy Commissioner will generally point out any inconsistencies or deficiencies to the organisation, and advise the organisation to take remedial action to correct the breaches and preventive action to avoid recurrence of similar incidents.

During the reporting year, the Privacy Commissioner carried out 382 compliance actions, an increase of 7% compared to 356 in 2020-21. (Figure 1.2)

循規行動數目 Number of Compliance Actions Made

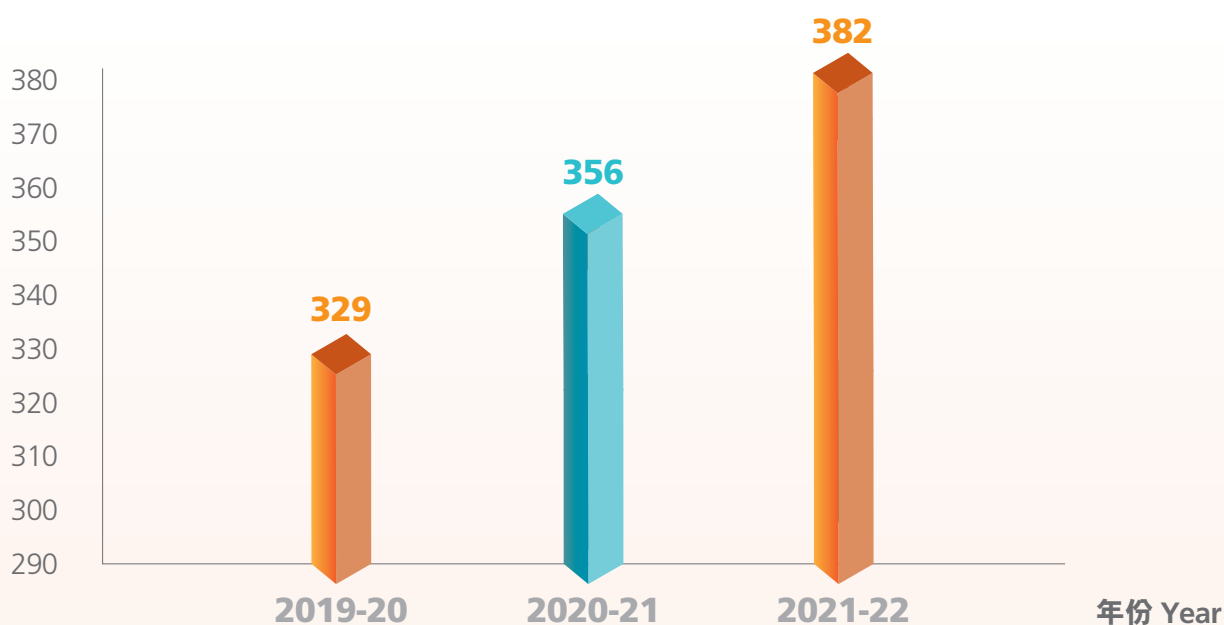


圖 Figure 1.2

視察

視察原因

私隱公署一直致力就各界遵守《私隱條例》條文作出監察及監管，包括行使《私隱條例》第36條的權力，到持有大量市民個人資料的機構並對其資料系統進行實地視察。

公用事業公司在管理服務帳戶、處理帳單及客戶查詢的日常業務中處理大量客戶資料。在2021年，私隱專員依據《私隱條例》第36條對中華電力有限公司（中電）及香港電燈有限公司（港燈）進行視察，審視他們的客戶個人資料系統。

視察結果及建議

視察結果顯示，中電及港燈均實施了個人資料私隱管理系統，以及採取了良好的行事常規。兩間公司的客戶個人資料系統的保安措施符合國際準則，令人滿意。私隱專員認為兩間公司在保障客戶個人資料方面，符合《私隱條例》中附表1的保障資料第4原則有關個人資料保安的要求。

私隱專員透過上述視察結果，亦向處理大量個人資料的公用事業機構和組織作出數項建議，包括設立個人資料私隱管理系統及委任保障資料主任，以確保符合《私隱條例》的規定。

Inspection

Reasons for Inspection

The PCPD is committed to monitoring and supervising compliance with the provisions of the PDPO, including exercising the powers under section 36 of the PDPO to carry out site inspections of the data systems of organisations which handle a vast amount of personal data.

Public utility companies handle a vast amount of customers' data in their normal business of maintaining service accounts, processing bills and handling customer enquiries. In 2021, the Privacy Commissioner, pursuant to section 36 of the PDPO, carried out inspections of the customers' personal data systems of CLP Power Hong Kong Limited (CLP) and The Hongkong Electric Company, Limited (HKE).

Findings and Recommendations

The findings revealed that both CLP and HKE had implemented a Personal Data Privacy Management Programme and had adopted good practices. The security measures adopted by the two companies regarding their customers' personal data systems conformed with international standards and were found to be satisfactory. The Privacy Commissioner considered that in the protection of their customers' personal data, the two companies had complied with the requirements of Data Protection Principle (DPP) 4 of Schedule 1 to the PDPO as regards the security of personal data.

Through the findings of the inspection, the Privacy Commissioner also made several recommendations to public utility companies and organisations which handled a vast amount of personal data including, for example, the implementation of a Personal Data Privacy Management Programme and appointment of Data Protection Officers to ensure compliance with the requirements of the PDPO.

資料外洩事故通報

資料外洩事故一般是指因資料使用者的保安不足或存有漏洞，以致所持有的個人資料外洩，從而引致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。資料外洩事故有可能構成違反《私隱條例》附表1的保障資料第4原則的規定。為減低資料外洩事故的影響及糾正相關保安漏洞，私隱公署鼓勵資料使用者一旦發生資料外洩事故，須通知受影響的資料當事人、私隱專員和其他相關人士。

私隱公署在接獲資料外洩事故通報後，會仔細評估有關資料，以考慮是否有需要對有關機構展開循規審查或調查。私隱專員對相關資料使用者進行循規行動後，一般會指出明顯的不足之處，並建議他們採取補救措施，防止和避免同類事故重演。

在報告年度內，私隱公署接獲142宗資料外洩事故通報（42宗來自公營機構及100宗來自私營機構），涉及約68萬名人士的個人資料。這些外洩事故涉及黑客入侵、遺失文件或便攜式裝置、經傳真、電郵或郵件意外披露個人資料、僱員未經授權查閱、意外銷毀個人資料，以及系統錯誤設定等。私隱公署對這142宗事故均展開了循規審查或調查。（圖1.3）

Data Breach Notifications

In general, a data breach occurs when inadequate security or vulnerabilities of personal data held by a data user exist, thereby exposing the data to the risks of unauthorised or accidental access, processing, erasure, loss or use. The breach may be found to be in contravention of DPP 4 of Schedule 1 to the PDPO. To minimise the impact of a data breach and rectify the relevant security vulnerabilities, data users are encouraged to give a data breach notification to the affected data subjects, the Privacy Commissioner, and other relevant parties after a data breach has occurred.

Upon receipt of a data breach notification, the PCPD would carefully assess the information provided and decide whether the situation warrants the initiation of a compliance check or an investigation. When the compliance action is completed, the Privacy Commissioner would generally advise on the particular deficiencies of the data user and make suggestions for remedial action to prevent and avoid further breaches of a similar nature in future.

During the reporting year, the PCPD received 142 data breach notifications (42 from the public sector and 100 from the private sector), involving the personal data of around 680,000 individuals. The data breach incidents included hacking, loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, unauthorised access of personal data by internal staff, accidental erasure of personal data and system misconfiguration, etc. The PCPD conducted a compliance check or an investigation into each of these 142 incidents. (Figure 1.3)

資料外洩事故通報數目

Number of Data Breach Notifications Received

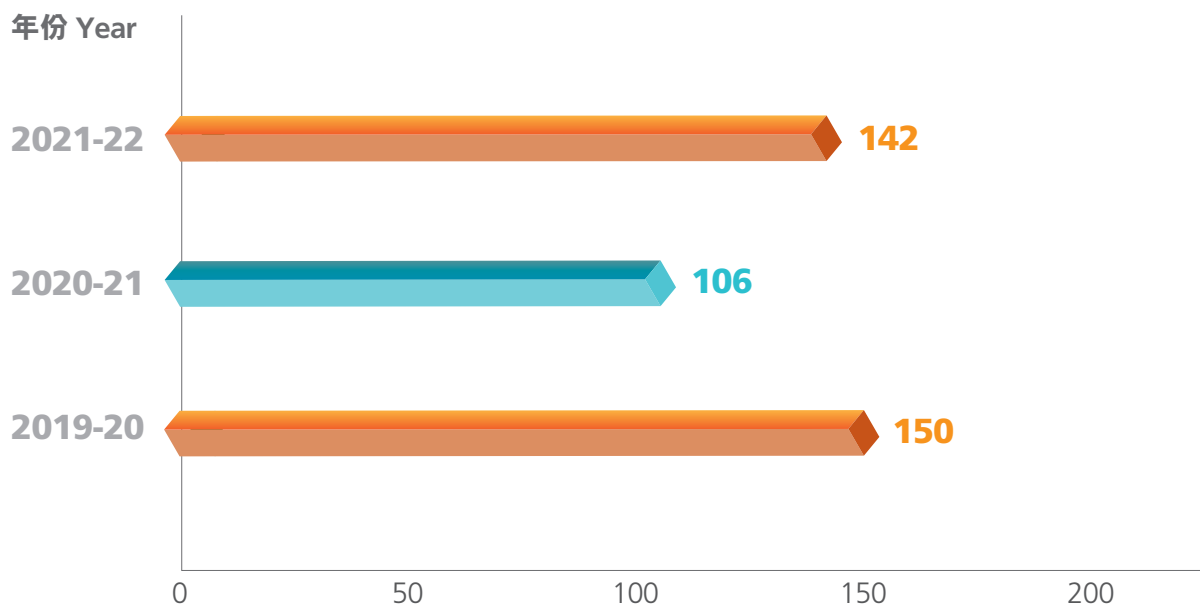


圖 Figure 1.3

循規調查

在報告年度內，私隱公署發表了一份資料外洩事故的調查報告。

一間公司向私隱公署通報，指其六個員工的電郵帳戶曾遭黑客入侵，導致發送至該些電郵帳戶的電郵被轉發至兩個不明的電郵地址。事件導致超過1,600名客戶的個人資料外洩，包括他們的姓名、電郵地址、公司名稱、電話號碼及信用卡資料。私隱公署就事件展開調查。

Compliance Investigation

During the reporting year, the PCPD published an investigation report in relation to a data breach incident.

A company reported to the PCPD that a hacker had intruded into the email accounts of six staff members and forwarded the emails therein to two unknown email addresses. The incident resulted in the leakage of 1,600 customers' personal data, including their names, email addresses, company names, telephone numbers and credit card information. The PCPD initiated an investigation into the incident.

私隱公署發現該公司的電郵系統於事故發生時在保安方面明顯地存在以下四項不足：

- (1) 薄弱的密碼管理；
- (2) 保留已過時的電郵帳戶；
- (3) 公司的電郵系統欠缺針對遠端存取的保安措施；及
- (4) 欠缺針對其資訊系統的保安措施。

私隱公署經調查後認為該公司未有採取所有切實可行的步驟，以確保其持有的客戶個人資料受保障而不受未獲准許的或意外的查閱、處理、刪除或使用所影響，因而違反了《私隱條例》保障資料第4(1)原則有關個人資料保安的規定。私隱公署向該公司送達執行通知，指示該公司糾正以及防止有關違規情況再發生。

私隱公署提醒設有客戶個人資料電郵系統的機構需加強警惕，以防止網絡攻擊影響其電郵系統。機構應制定適當的系統安全政策、措施和程序，並涵蓋以下領域：

The PCPD found that the following four deficiencies existed in the security of the company's email system at all material times:

- (1) Weak password management;
- (2) Retention of obsolete email accounts;
- (3) Lack of security controls for remote access to the company's email system; and
- (4) Inadequate security controls on its information system.

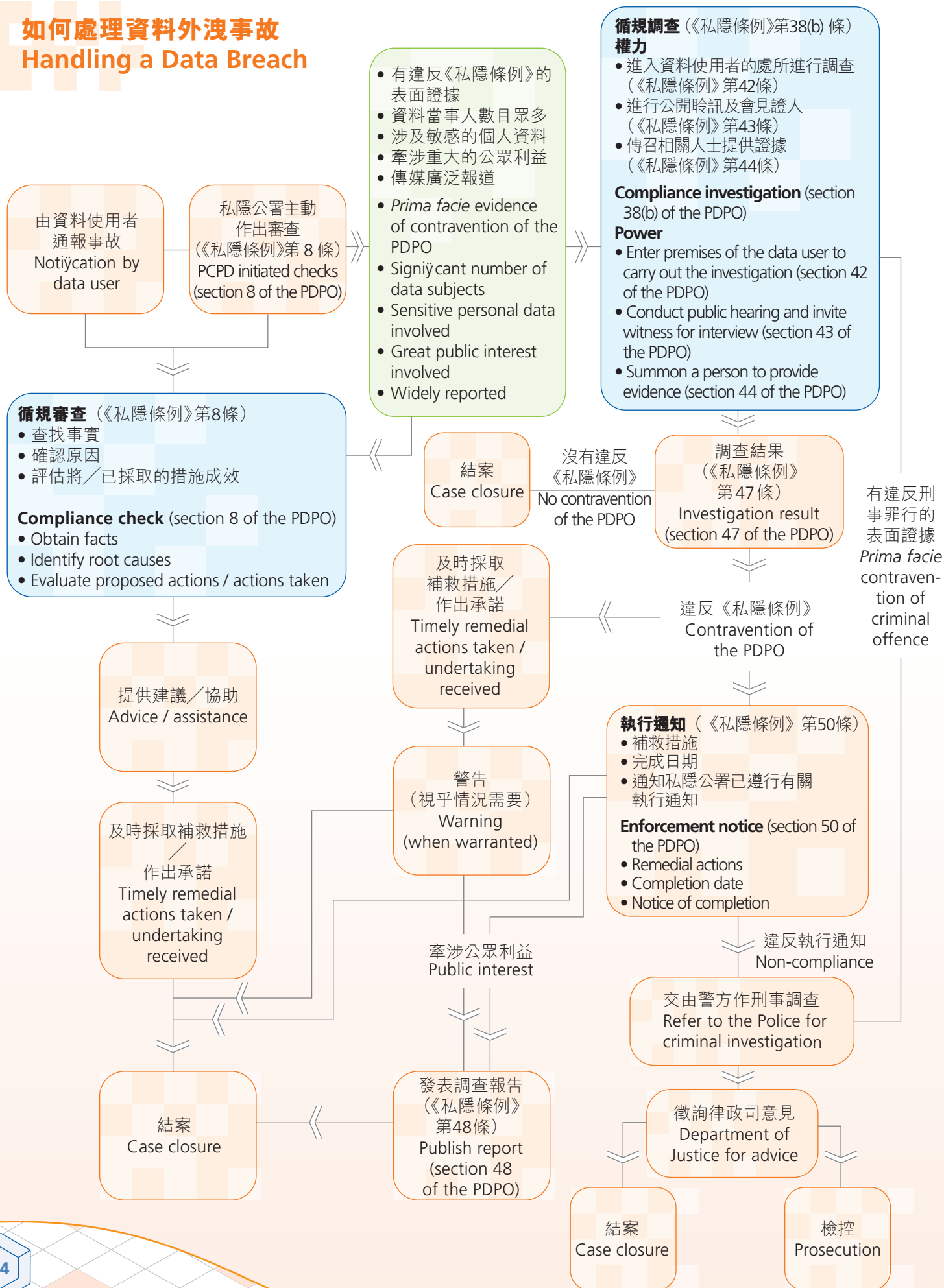
The PCPD considered, upon conclusion of the investigation, that the company had failed to take all practicable steps to ensure that its customers' personal data was protected against unauthorised or accidental access, processing or use, thereby contravening DPP 4(1) as regards the security of personal data under the PDPO. The PCPD issued an Enforcement Notice to the company to direct it to remedy and prevent recurrence of the contravention.

The PCPD reminded organisations with email systems which handled customers' personal data to be vigilant about cyberattacks targeting their email systems. Adequate policies, measures and procedures covering system security should be put in place, and should cover the following areas:

- 📦 設立個人資料私隱管理系統；
- 📦 委任保障資料主任；
- 📦 訂定電郵通訊政策；
- 📦 制定足夠保安措施；及
- 📦 培養工作場所的私隱友善文化。

- 📦 Establishing a Personal Data Privacy Management Programme;
- 📦 Appointing Data Protection Officer(s);
- 📦 Devising policy on email communications;
- 📦 Implementing adequate security measures; and
- 📦 Instilling a privacy-friendly culture in the workplace.

如何處理資料外洩事故 Handling a Data Breach



處理核對程序申請

核對程序是指以電子方法比較兩套因不同目的而收集的個人資料，每一項比較涉及10名或以上資料當事人的資料，而核對得出的結果可用作對有關資料當事人採取不利行動的程序。資料使用者如無資料當事人的訂明同意或私隱專員的同意，不得進行核對程序。

在報告年度內，私隱公署共收到43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，私隱專員在附加條件的情況下批准了上述所有申請。

Handling Requests for Matching Procedure

A data matching procedure involves the electronic comparison of two sets of personal data, each of which is collected for different purposes. Each comparison involves the personal data of 10 or more data subjects. The result of the comparison may be used for taking adverse action against the data subjects concerned. A data user shall not carry out a matching procedure without the prescribed consent from all data subjects involved or the Privacy Commissioner.

During the reporting year, the PCPD received a total of 43 applications from government departments and public-sector organisations to carry out matching procedures. After vetting, the Privacy Commissioner approved all of these applications, with conditions imposed.



處理投訴及上訴

Handling of Complaints and Appeals





處理投訴

投訴的整體趨勢

與2020-21年度的3,157宗投訴相比，私隱公署在2021-22年度收到的投訴總數增加了7%至3,368宗，當中包括1,351宗與「起底」相關的個案以及107宗與2019冠狀病毒病有關的投訴。與2019冠狀病毒病相關的投訴主要涉及進入不同場所時的個人資料收集（例如健康相關資料）、餐廳收集客戶個人資料的保安以及僱主收集和披露僱員的健康資訊。

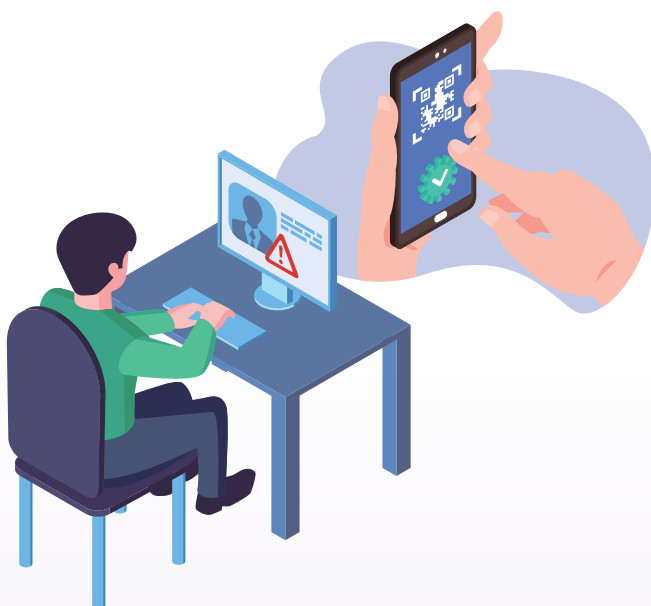
「起底」相關的個案佔投訴總數多於40%，意味着「起底」仍然是侵犯個人資料私隱的主要範疇之一。隨着《修訂條例》的實施，打擊「起底」仍是私隱公署的首要任務。

Handling of Complaints

Overall Trend of Complaints

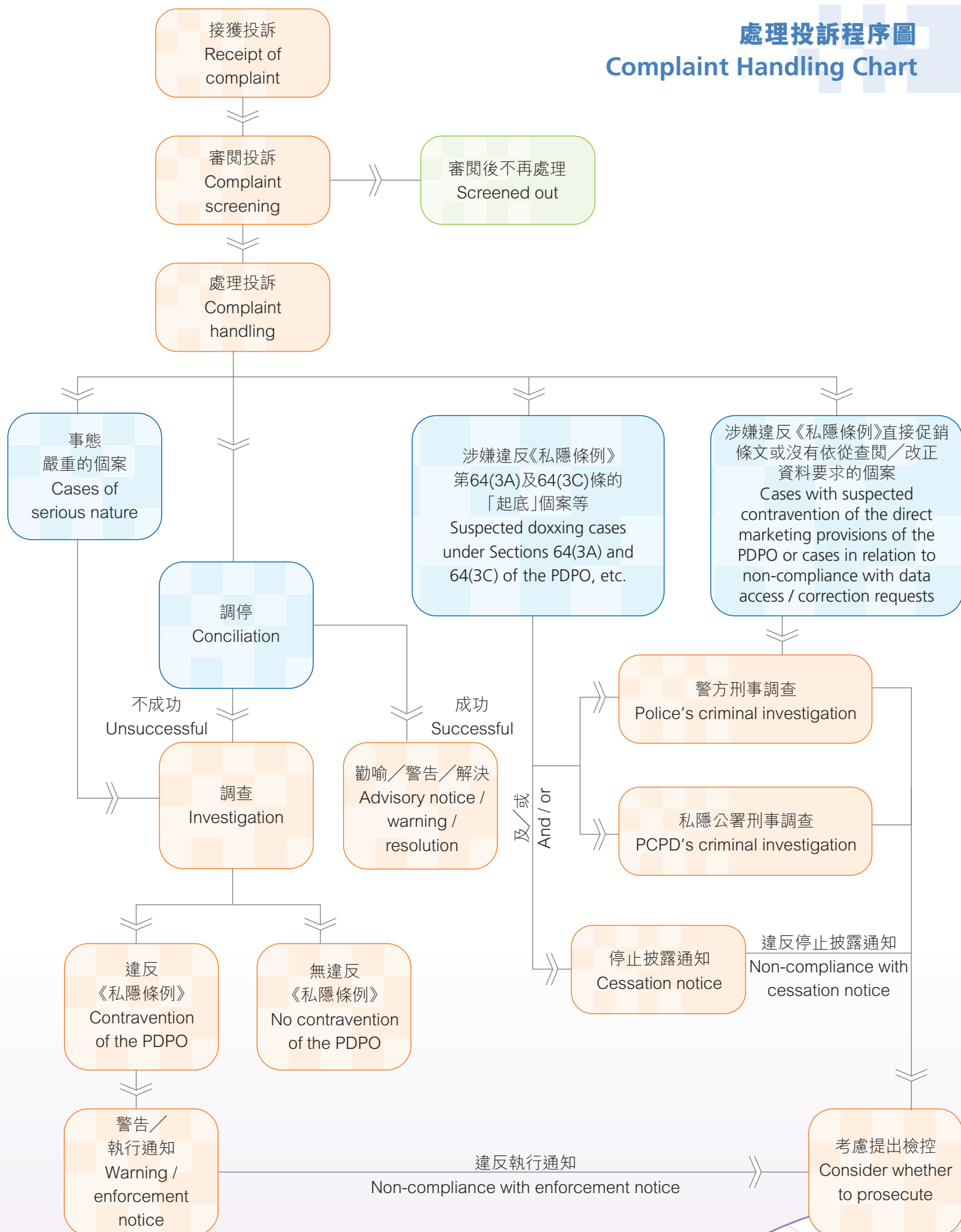
Compared to the 3,157 complaints received by the PCPD in 2020-21, the total number of complaints received in 2021-22 increased by 7% to 3,368, among which 1,351 were doxxing-related and 107 were COVID-19 pandemic-related. The complaints relating to the pandemic mostly concerned the collection of personal data from individuals (e.g. health-related information) at the time of their entry into different premises, the security of customers' personal data collected by restaurants, as well as the collection and disclosure of employees' health data by employers.

The number of doxxing-related cases accounted for more than 40% of total complaints, suggesting that doxxing remained one of the major areas of personal data privacy intrusion. With the implementation of the Amendment Ordinance, curbing doxxing will continue to be a main priority of the PCPD.



處理投訴程序圖

Complaint Handling Chart



接獲的投訴個案

2021-22 年度共收到 3,368 宗投訴，當中包括 1,351 宗與「起底」相關的個案。撇除「起底」個案，私隱公署在 2021-22 年度共接獲 2,017 宗投訴，較去年減少 8%。(圖 2.1)

Complaints Received

A total of 3,368 complaints were received in 2021-22, including 1,351 doxxing-related cases. Excluding the doxxing cases, the PCPD received 2,017 complaints in 2021-22, representing an 8% decrease from last year. (Figure 2.1)

接獲的投訴個案數目 Number of Complaints Received

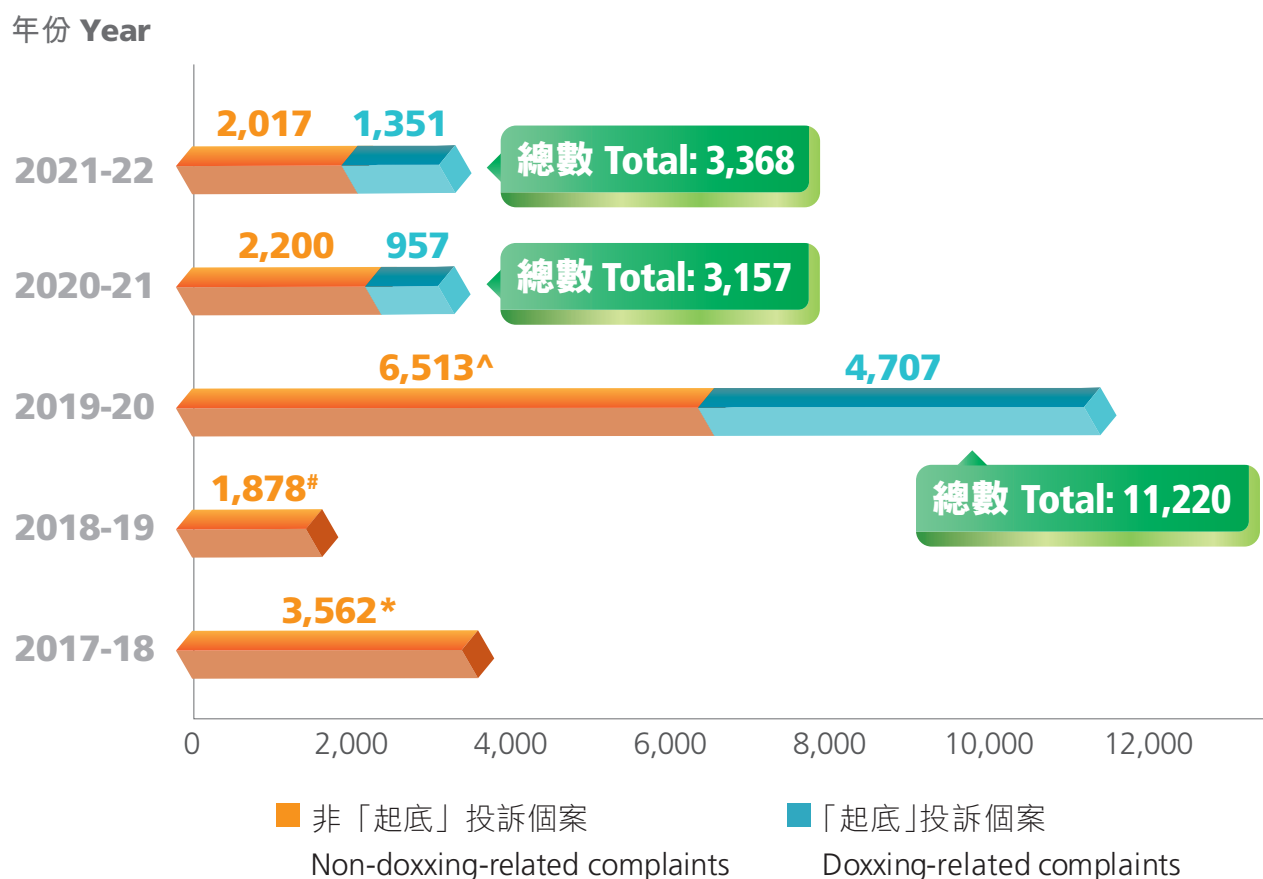


圖 Figure 2.1

[^] 當中包括 2,665 宗投訴屬指控警員兩次于直播時向鏡頭不當展示一張香港身份證、669 宗懷疑一名保安人員盜取住戶信件的投訴，以及 428 宗有關指控一名藝人於其社交平台不當披露一份航空公司機艙服務員名單的投訴。

2,665 complaints were about two incidents involving the alleged wrongful disclosure of a HKID Card in live broadcasts or streaming, 669 complaints about the suspected theft of residents' letters by a security guard and 428 complaints about the alleged wrongful disclosure of a list of cabin crew by an artiste on her social media platform.

[#] 當中包括 143 宗有關航空公司外洩客戶個人資料的投訴。

143 complaints were about an airline's data leakage incident.

^{*} 當中包括 1,944 宗有關一政府部門遺失載有選民個人資料的手提電腦的投訴。

1,944 complaints were about the loss of a government department's computer containing the personal data of registered electors.

被投訴者類別

在2,017宗與「起底」無關的投訴中，被投訴者可分為以下類別：（圖2.2）

- 私營機構（1,254宗），主要涉及銀行、財務公司及物業管理公司；
- 個人（519宗），當中眾多個案與私人事務引起的網絡欺凌，鄰居安裝閉路電視及使用個人資料作選舉用途有關；及
- 政府部門和公共機構（244宗），主要涉及醫護機構、執法機關及教育機構。

Types of Parties being Complained against

Excluding the doxxing cases, the types of parties being complained against among the 2,017 complaints were: (Figure 2.2)

- Private organisations (1,254 cases), with the majority being banks, financial institutions and property management companies;
- Individuals (519 cases), with many of the cases involving cyberbullying arising from domestic affairs, installation of CCTV by neighbours and use of personal data in electioneering activities; and
- Government departments and public organisations (244 cases), with the majority being healthcare organisations, law enforcement agencies and education institutes.

被投訴者類別

Types of Parties being Complained against

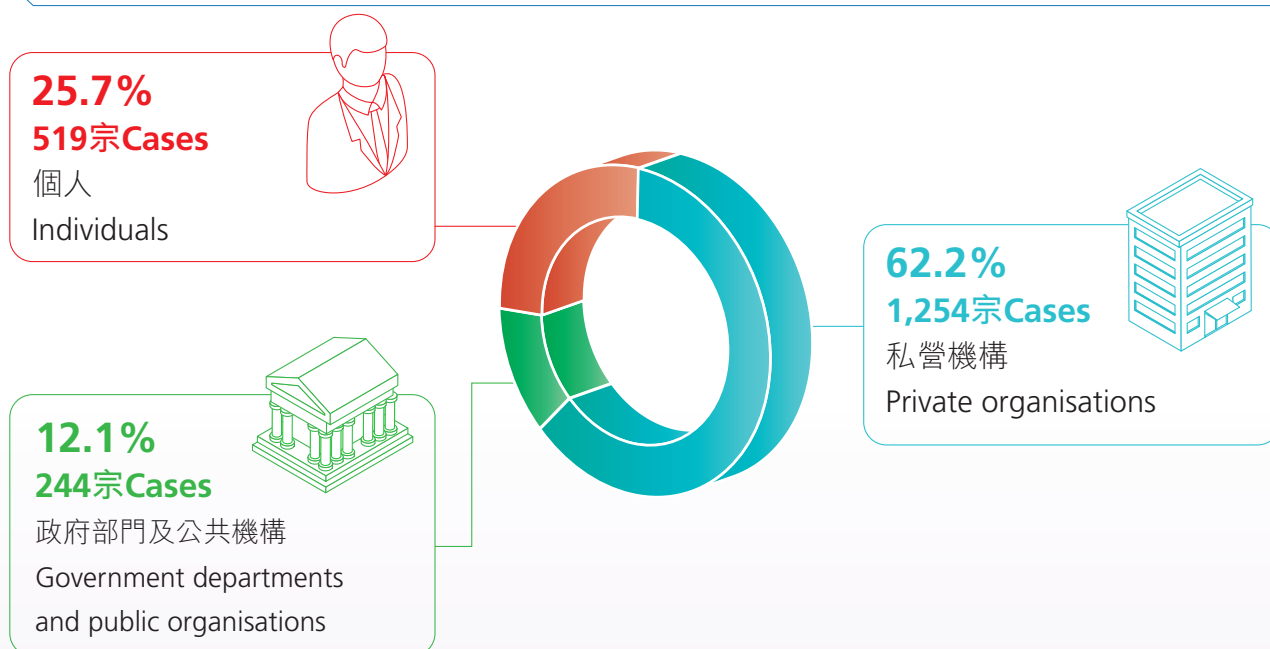


圖 Figure 2.2

投訴指稱

除了與「起底」相關的個案外，2,017宗投訴共涉及2,168項涉嫌違規行為（因同一宗投訴可涉及多於一項指稱）。涉嫌違規行為的性質如下：（圖2.3）

Nature of Alleged Breaches

Other than doxxing-related cases, the 2,017 complaints involved a total of 2,168 alleged breaches (as one complaint might have involved more than one allegation). The nature of the alleged breaches is shown as follows: (Figure 2.3)

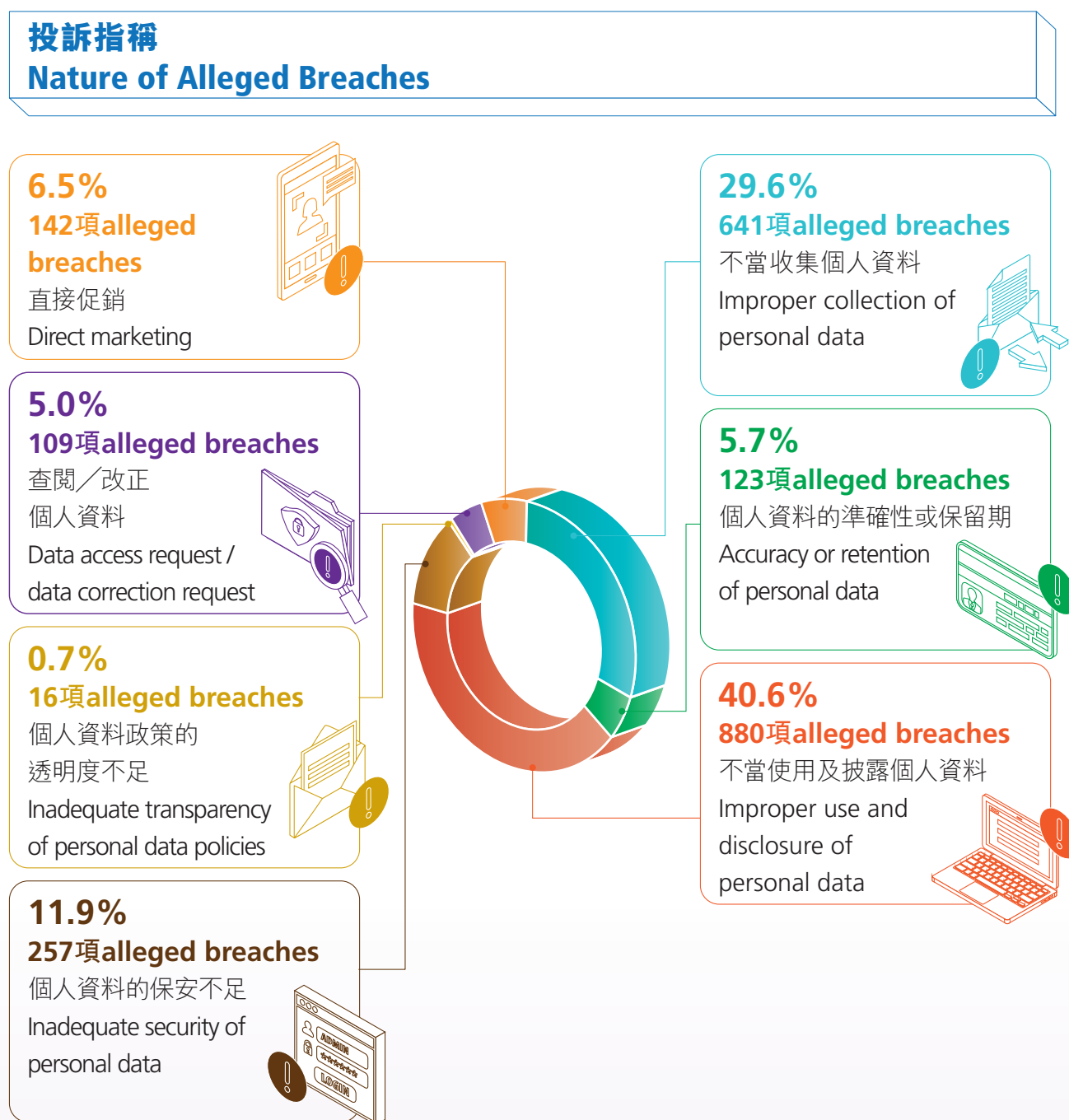


圖 Figure 2.3

投訴範疇

撇除「起底」個案，私隱公署在報告年度收到投訴所涉的主要範疇分布與上年度相若。(圖2.4)

雖然與資訊科技相關的投訴由790宗下降了10%至708宗，但這一類別的投訴仍然超過其他範疇的投訴，其中大部分是關於網上社交網絡和智能電話應用程式。這種情況是源於網上社交網絡的流行，為大眾提供了溝通渠道和多功能通訊平台。

值得注意的是，有關香港身份證號碼／副本及其他身份代號的投訴增加了22%，而部份投訴涉及在進入不同處所時收集從事送貨服務的人員的香港身份證號碼，相信這可以歸因於2019冠狀病毒病大流行期間使用餐飲和貨物運送服務的普及。

Subject Matter of Complaints

Excluding doxxing cases, the distribution of major subject matters of complaints received by the PCPD in the reporting year was similar to that of last year. (Figure 2.4)

The number of complaints relating to information technology decreased 10% from 790 to 708. Nonetheless, this category still outnumbered all other subject matters, with the majority of complaints being about online social networks and smartphone apps. The situation could be explained by the popularity of online social networks, which served as channels and multi-functional platforms for communication.

It is noteworthy that the number of complaints relating to HKID Card number / copy and other personal identifiers increased by 22%, with some complaints relating to the collection of the HKID Card numbers of delivery workers upon their entry into different premises. This could be attributed to the increased popularity of catering and goods delivery services during the pandemic.



投訴範疇

Subject Matter of Complaints

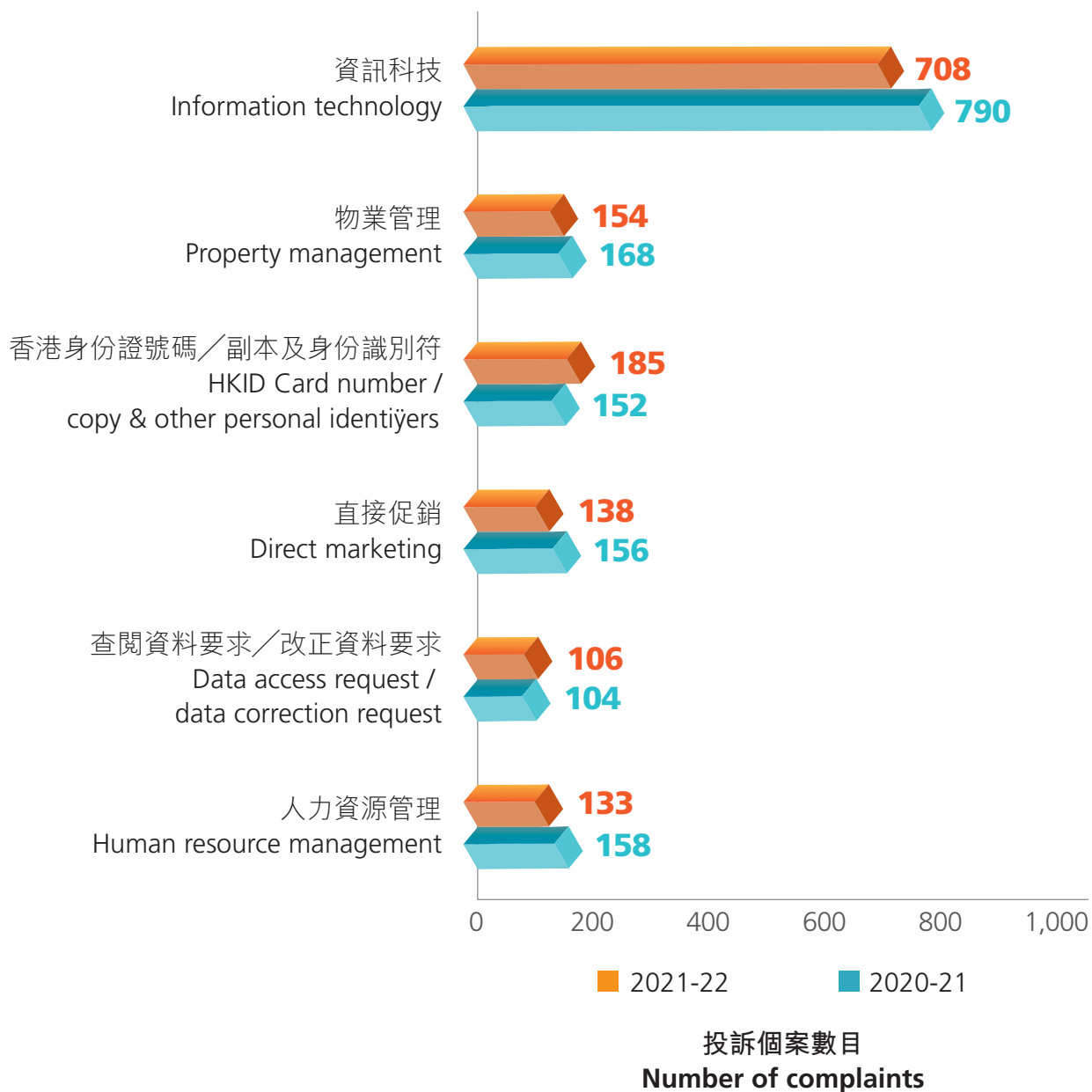


圖 Figure 2.4

年度投訴摘要

在2021-22年度，私隱公署共處理了4,593宗投訴，包括新接獲的3,368宗投訴（當中1,351宗屬於「起底」有關的個案），以及1,225宗承接上年度的投訴。其中3,118宗（67.9%）已在本報告年度內完成，而另外1,475宗（32.1%）則仍在處理中（截至2022年3月31日）。

撇除與「起底」相關的個案，私隱公署在2021-22年度完成處理1,929宗投訴，其中1,155宗經私隱公署初步評估後結案，774宗則獲受理作進一步處理。在這774宗投訴當中，私隱公署以調停方式成功解決688宗（88.9%）及發現20宗涉及刑事成份（其中大部分與直接促銷有關）。在確立涉嫌違反《私隱條例》相關規定的初步證據後，私隱公署將案件轉交警方作進一步調查及考慮檢控。

私隱公署就餘下66宗投訴進行調查，並在38宗投訴中發現違反《私隱條例》的規定。私隱公署向被投訴者發出17張執行通知和21個警告，指示或要求被投訴者採取補救行動或採取適當和切實可行的措施，以防止違規行為再次發生。

Summary of Complaints Handled

In 2021-22, the PCPD handled a total of 4,593 complaints, which consisted of 3,368 newly received complaints (including 1,351 doxxing-related complaints) and 1,225 complaints carried forward from the previous reporting year. Of these, 3,118 complaints (67.9%) were completed during the reporting year while 1,475 complaints (32.1%) were still in progress as at 31 March 2022.

Excluding the doxxing-related cases, the PCPD completed the handling of 1,929 complaints in 2021-22, of which 1,155 were concluded after our preliminary assessments and 774 were accepted for further handling. Among these 774 complaints, the PCPD successfully resolved 688 complaints (88.9%) by conciliation, and 20 complaints were identified as possible criminal offences (most of them relating to direct marketing). The PCPD, after obtaining *prima facie* evidence of the suspected contraventions of the relevant requirements under the PDPO, referred the cases to the Police for further investigation and consideration for prosecution.

The PCPD carried out investigations into the remaining 66 complaints and found contraventions of the requirements of the PDPO in 38 cases. The PCPD directed or requested the parties being complained against to take remedial action or implement appropriate and practicable measures to prevent a recurrence of the contraventions by issuing 17 enforcement notices and 21 warnings.

向行政上訴委員會提出的上訴

行政上訴委員會(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，負責進行對私隱專員在《私隱條例》下的決定而提出的上訴，並作出裁決。

Appeals Lodged with the Administrative Appeals Board

The Administrative Appeals Board (AAB), established under the Administrative Appeals Board Ordinance (Chapter 442 of the Laws of Hong Kong), is the statutory body that hears and determines appeals against the Privacy Commissioner's decisions under the PDPO.

行政上訴案件統計資料

於報告年度內，委員會合共頒布24宗裁決(包括於過往年度提出的上訴)，當中21宗被駁回、兩宗被裁定得直(即發還私隱公署作進一步處理)及一宗被裁定部份得直。在同一報告年度內，有兩宗上訴由上訴人自行撤回。(圖2.5)

Statistics of AAB cases

During the reporting year, the AAB handed down a total of 24 decisions (which included appeals lodged in previous years) in which 21 appeals were dismissed, two appeals were allowed (i.e. remitted to the PCPD for further investigation) and one appeal was partly allowed. In the same reporting year, two appeals were lodged and subsequently withdrawn by the appellants. (Figure 2.5)

上訴案件的結果 Results of Appeal Cases

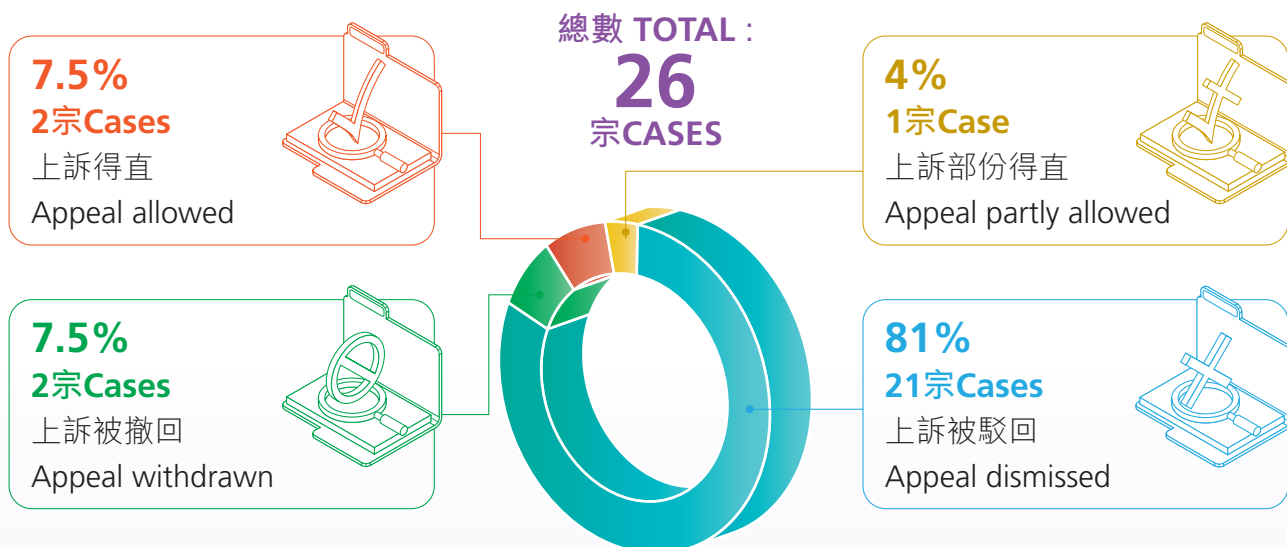


圖 Figure 2.5

接獲的行政上訴案件的性質及涉及《私隱條例》的規定

私隱公署於報告年度內共接獲九宗上訴個案；所有個案均為不服私隱專員根據《私隱條例》第39(2)條拒絕進行或決定終止由投訴引發的調查之決定而作出的上訴。私隱專員參照私隱公署發出的《處理投訴政策》中列出的以下理由行使上述酌情權：

- (1) 私隱公署進行初步查詢後發現無違反《私隱條例》任何規定的表面證據；
- (2) 私隱公署已就有關個案進行調停，或被投訴者已採取糾正措施，或基於其他實際情況的考慮，致令私隱公署認為就個案進行調查或繼續進行調查，亦不能合理地預計可帶來更滿意的結果；
- (3) 投訴人別有用心，其投訴動機與個人資料私隱及資料的保障無關；及／或
- (4) 不認為投訴的主要事項與個人資料私隱有關，例如投訴實質上是源於有關消費、僱傭、或合約糾紛。

Nature of AAB Cases Received and Provisions of the PDPO Involved

A total of nine appeals were received in the reporting year. All cases were related to appeals against the Privacy Commissioner's decisions in refusing to carry out or deciding to terminate an investigation initiated by a complaint under section 39(2) of the PDPO. The Privacy Commissioner exercised the aforesaid discretionary power with reference to the following grounds outlined in the Complaint Handling Policy issued by the PCPD:

- (1) After a preliminary enquiry by the PCPD, there is no *prima facie* evidence of any contraventions of the requirements under the PDPO;
- (2) Given the conciliation by the PCPD, remedial actions taken by the party being complained against or other practical circumstances, the investigation or further investigation of the case cannot reasonably be expected to bring about a more satisfactory result;
- (3) The ulterior motive of the complaint in question is not concerned with personal data privacy and data protection; and / or
- (4) The primary subject matter of the complaint is considered not to be related to personal data privacy (e.g. the complaint stems essentially from consumer, employment or contractual disputes).

在九宗上訴個案中，具體涉及以下指稱：（圖 2.6）

The particulars of the nine appeal cases involved the following allegations: (Figure 2.6)

- 違反保障資料原則：三宗
- 不遵從查閱資料要求：三宗
- 不遵從查閱資料要求及其他保障資料原則：一宗
- 是否涉及個人資料：兩宗
- Contraventions of DPPs: three cases
- Non-compliances with data access requests: three cases
- Non-compliances with data access requests and other DPPs: one case
- Whether or not personal data was involved: two cases

上訴涉及《私隱條例》的規定

The Provisions of the PDPO Involved in the Appeals

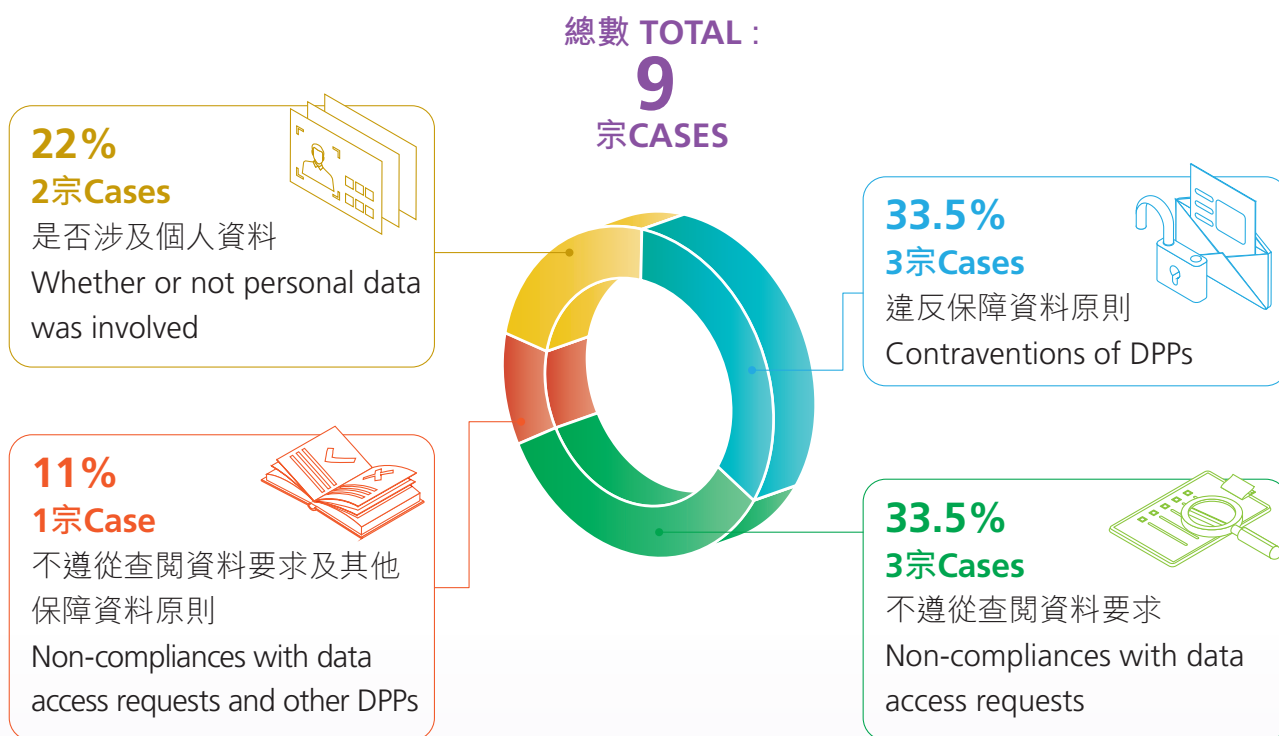


圖 Figure 2.6

而九宗接獲的上訴個案當中，牽涉的保障資料原則的分類如下（一宗個案可牽涉多於一項保障資料原則）：（圖 2.7）

Of the nine appeal cases received, the distribution of DPPs concerned is as follows (one appeal might involve more than one DPP): (Figure 2.7)

- 第 1 原則（收集資料原則）：兩宗
- 第 3 原則（使用資料原則）：三宗
- 第 6 原則（資料查閱及改正原則）：四宗
- DPP 1 (Data Collection Principle): two cases
- DPP 3 (Data Use Principle): three cases
- DPP 6 (Data Access & Correction Principle): four cases

上訴涉及保障資料原則的分類

The Distribution of DPPs Involved in the Appeals

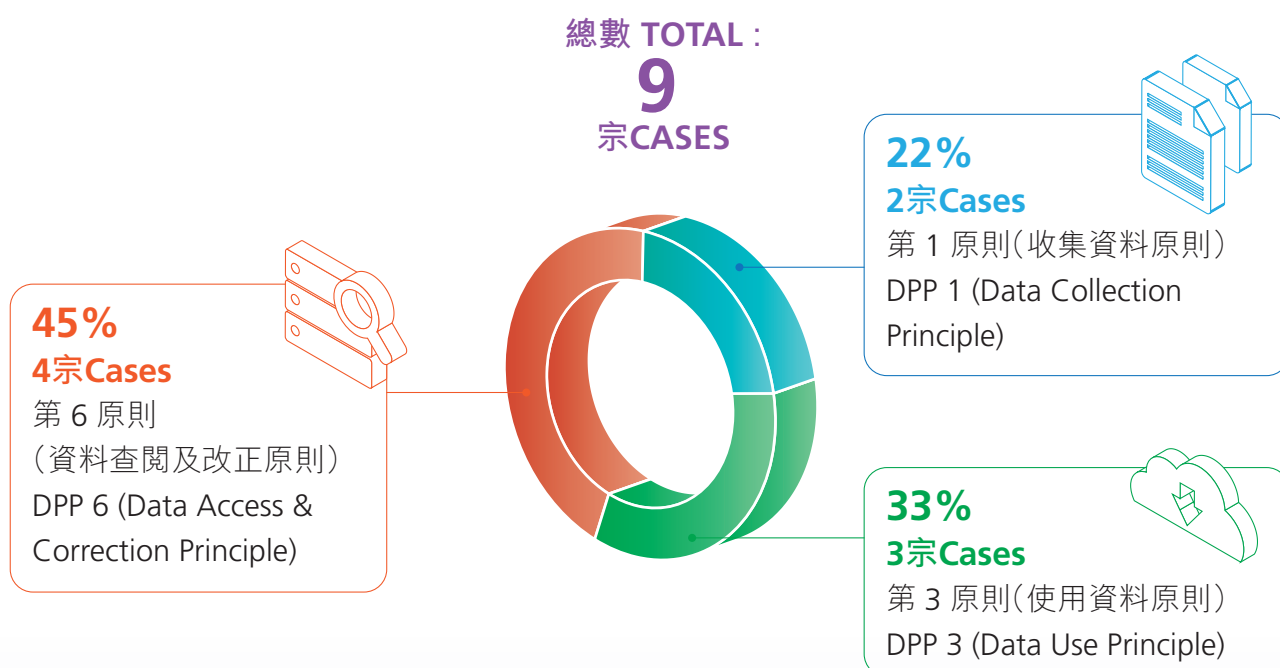
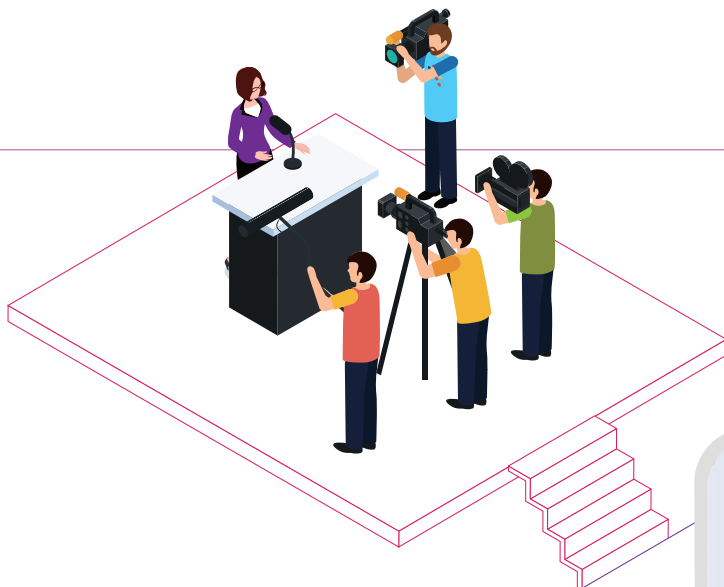


圖 Figure 2.7



教育、宣傳及聯繫 Education, Publicity and Engagement



聯繫各界與大眾

儘管在報告年度內2019冠狀病毒病持續肆虐，私隱公署仍致力宣揚保障個人資料私隱，包括利用社交媒體和網上宣傳平台，及以視像形式和不時的面對面交流與不同持份者溝通。私隱公署亦透過不同方式及渠道回應公眾對私隱的關注，例如發出指引、新聞稿、回應傳媒查詢、接受訪問、發表文章、舉辦宣傳活動、在社交媒體上發放帖文及影片等。

在教育工作方面，私隱公署一直透過舉辦實體或網上講座及專業研習班等活動聯繫各界與大眾，以提高各界對《私隱條例》的認識、理解和遵從。在報告年度內，共32,794名人士參加了私隱公署舉辦的教育活動。

Engaging Different Sectors and the Community

Despite the challenges of the COVID-19 pandemic during the reporting year, the PCPD continued its efforts to promote the protection of personal data privacy by leveraging a mix of social media and online publicity platforms, and engaging different stakeholders via virtual, and from time to time, face-to-face communications. The PCPD also addressed privacy concerns of the public through various means and channels, such as issuing advisories, media statements, responding to media enquiries, joining interviews, publishing articles, conducting promotional campaigns and publishing posts and videos on social media.

In terms of educational work, the PCPD has engaged different sectors and the wider community through seminars or webinars and professional workshops, aiming to raise the awareness and understanding of and compliance with the requirements of the PDPO. During the reporting year, a total of 32,794 participants attended the educational events organised by the PCPD.



專題演講及網上講座

為灌輸及推動尊重私隱的文化，私隱專員及其團隊於報告年度內積極參與不同機構舉辦的活動，向持份者發表及分享意見，內容包括《私隱條例》的核心要求、數碼世代下的資料保障及於機構實施個人資料私隱管理系統的重要性。此外，私隱公署亦舉辦各種與個人資料私隱議題相關的實體或網上講座，例如《修訂條例》、開發及使用人工智能道德標準、內地《個人信息保護法》及歐盟對於跨境資料轉移的新版標準合約條款。

Speaking Engagements and Webinars on Topical Issues

To foster and promote a privacy-respectful culture, the Privacy Commissioner and her team actively participated in events organised by different organisations and shared their views on a wide array of topics during the reporting year, including the core requirements of the PDPO, data protection in the digital age and the importance of implementing a Personal Data Privacy Management Programme in organisations. The PCPD also organised seminars or webinars on topical issues relating to personal data privacy, such as the Amendment Ordinance, ethical development and use of AI, the PIPL of the Mainland and the European Commission's new standard contractual clauses for cross-border transfers of personal data.



簡介講座及機構內部培訓

因應公眾對個人資料私隱的關注與日俱增，私隱公署定期舉辦免費講座，簡介《私隱條例》的內容，提高公眾人士對《私隱條例》的認識和理解。另一方面，私隱公署亦應不同機構的邀請，向他們提供度身訂造的培訓課程，藉以配合其行業合規及運作所需。

Introductory Seminars and In-house Training Programmes

With heightened public awareness of personal data privacy, the PCPD regularly organised free seminars to introduce the requirements of the PDPO and enhance public understanding. On the other hand, the PCPD also provided tailor-made training programmes upon organisations' requests in order to meet their compliance and operational needs.



專業研習班

私隱公署在報告年度內共舉辦了23場專業研習班。研習班得到30個專業機構及行業協會支持。內容涵蓋資料保障法律實務、查閱資料要求，及在銀行或金融服務、直接促銷活動、人力資源管理、保險業及物業管理方面有關個人資料私隱的議題。研習班亦提供個人資料私隱管理系統及與《私隱條例》有關的法院及行政上訴委員會案例的培訓課程。

Professional Workshops

During the reporting year, the PCPD held a total of 23 professional workshops which were supported by 30 professional organisations and trade associations. The topics covered data protection law, data access requests, personal data privacy issues relating to banking or financial services, direct marketing activities, human resource management, insurance and property management practices. The workshops also provided training sessions on the establishment of a personal data privacy management programme and court and Administrative Appeals Board decisions relating to the PDPO.

與持份者會面

為更了解持份者對個人資料私隱保障的關注，私隱公署與不同政府部門的代表、商會、專業團體、機構、組織和持份者會面，並就私隱議題與他們交換意見。

Meetings with Stakeholders

To better understand stakeholders' concerns about personal data protection, the PCPD met with representatives of various government departments, chambers of commerce, professional bodies, organisations, associations and stakeholders to exchange views on topical privacy issues.

行業保障私隱活動

在2021-22年度，私隱公署與物業管理業監管局協辦持續專業發展「法規系列」講座。私隱公署亦與香港社會服務聯會合作，舉辦題為「非政府機構的個人資料私隱保障」網上研討會系列，以提高社會福利界從業員對保障個人資料私隱的意識。

Industry-specific Privacy Campaigns

In 2021-22, the PCPD co-organised a Continuing Professional Development Seminar on “Law and Regulations Series” with the Property Management Services Authority. To enhance the awareness of protecting personal data privacy among social service practitioners, the PCPD also collaborated with the Hong Kong Council of Social Service to organise a series of webinars entitled “Protection of Personal Data Privacy for NGOs”.



保障資料主任聯會

Data Protection Officers' Club



保障資料主任聯會（聯會）成立至今廿二載，一直為公私營機構的保障資料人員提供有效的培訓和經驗交流平台，讓他們取得私隱領域的最新發展和保障個人資料私隱的資訊，並促進符規的實踐。截至2022年3月底，聯會會員人數超過550名，會員分別來自人力資源管理及培訓、循規、法律事務、規管和執法等多元背景。

Established for 22 years, the Data Protection Officers' Club (DPOC) has been dedicated to providing data protection practitioners from the public and private sectors with an effective training and experience-sharing platform, which allows users to access information about the latest developments in the privacy landscape and personal data privacy protection, and advances the practice of data privacy compliance. The DPOC membership reached more than 550 by the end of March 2022, with members coming from diverse backgrounds, including human resource management and training, compliance, legal affairs, regulatory affairs and law enforcement.

在報告年度內，私隱公署為聯會會員舉辦了不同類型的活動，包括旗艦活動「私隱之友嘉許獎—得獎機構經驗分享會」，邀請2021年得獎機構分享他們在建立尊重和保障個人資料私隱的良好機構文化及成功要訣，以及個人資料管理方面的實際經驗。

During the reporting year, the PCPD organised various activities for the DPOC members, including the flagship event "Privacy-Friendly Awardees' Sharing Session", which invited award-winning organisations in 2021 to share their success stories about building a good organisational culture of respecting and protecting personal data privacy, as well as their practical experience in personal data management.



透過傳媒及各種平台 傳播訊息

新聞稿及傳媒查詢

在報告年度內，私隱公署繼續處理與個人資料私隱有關的議題和提供意見。私隱公署共發布33篇新聞稿，並回覆144個傳媒查詢。傳媒關注議題包括《修訂條例》、為打擊2019冠狀病毒病而引入的不同措施所引起的私隱問題（包括「安心出行」流動應用程式、「疫苗通行證」、收集及使用僱員個人資料）、資料外洩事故，以及部分公共登記冊查冊安排的改變。

Disseminating Messages through Media and Various Platforms

Media Statements and Enquiries

During the reporting year, the PCPD continued to address and give advice on topical issues relating to personal data privacy. The PCPD issued 33 media statements and responded to 144 media enquiries. The topics of media concern included the Amendment Ordinance, privacy issues arising from various initiatives introduced to combat COVID-19 (including the "LeaveHomeSafe" mobile app, Vaccine Pass, collection and use of personal data of employees), data breach incidents, as well as changes to the inspection arrangements of some public registers.



傳媒訪問、記者會和在報章及行業刊物發表文章

私隱專員及其團隊就與私隱有關的議題接受46次電視、電台及報章訪問。私隱公署於2021年8月舉行記者會，發布《開發及使用人工智能道德標準指引》及關於兩間公用事業客戶個人資料系統的視察報告。同年12月，私隱公署就一宗在《私隱條例》下涉嫌「起底」罪行的案件而作出拘捕行動，並就此案件舉行另一記者會。私隱專員亦在報章及行業刊物上發表文章，以回應時下關注的私隱議題並提供建議。

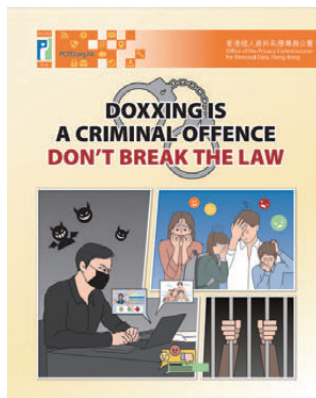
Media Interviews, Briefings and Articles in Newspapers and Industry Journals

The Privacy Commissioner and her team joined 46 television, radio and newspaper interviews on various privacy-related topics. A media briefing was held in August 2021 on the issuance of the “Guidance on Ethical Development and Use of AI” and the “Inspection Report on Customers’ Personal Data Systems of Two Public Utility Companies”. Another media briefing was held in December 2021 in relation to an arrest made for a suspected doxxing offence under the PDPO. The Privacy Commissioner also contributed articles to newspapers and industry journals to address and provide advice on topical privacy issues.



宣傳及教育刊物

私隱公署於本報告年度刊發了不同的刊物，為各持份者提供各類的實用指引及合規建議，包括介紹內地《個人信息保護法》的書籍、與在家工作安排及人工智能的資料私隱保障相關的指引、以及反「起底」及杜絕網絡欺凌的資料單張及海報。



Publicity and Educational Materials

During the reporting year, the PCPD issued different publications to provide useful information about compliance guidance for stakeholders, including a booklet to introduce the PIPL of the Mainland, guidance notes on data privacy protection issues relating to work-from-home arrangements and AI, as well as information leaflets and posters about anti-doxxing and stopping cyberbullying.



網站

私隱公署透過網站和網上渠道，向不同持份者有效發放有關保障個人資料私隱的資訊和最新發展。在報告年度內，網站共錄得1,870,806瀏覽人次。另外，私隱公署亦就重點議題推出專題網站，包括就《修訂條例》去年生效而推出的「起底」罪行新網頁，以及更新了兒童私隱專題網站，旨在提供一站式的網上資源中心。

Website

The PCPD effectively disseminated information about personal data protection and its latest developments through the website and online channels. During the reporting year, we recorded 1,870,806 visits to the website. With a view to offering a one-stop portal of online resources, the PCPD launched thematic websites on key topics, including a new webpage on doxxing offences since the Amendment Ordinance took effect last year, and revamped its thematic website on children privacy.



社交媒體平台

一如既往，私隱公署定期更新社交平台內容，以簡單的文字及插圖，向大眾提供最新的保障個人資料私隱的資訊及趨勢。本年度內，私隱公署共發表了296篇帖文，內容涵蓋不同議題，包括在疫情期間收集及使用僱員個人資料的建議、在家工作安排下保障個人資料的貼士、反「起底」訊息和私隱公署防疫抗疫關愛義工隊的工作。

Social Media Platforms

As always, the PCPD regularly updated its social media platforms to provide the public with information about the protection of personal data privacy and privacy trends using simple texts and illustrations. During the year, the PCPD published 296 social media posts which covered a vast variety of topics, ranging from advisories on the collection and use of personal data of employees during the pandemic, and tips on how to safeguard personal data while working from home to anti-doxxing messages and the work of the PCPD's Anti-Epidemic Volunteer Team.



走進社區 — 推動保障私隱意識

Publicity Initiatives for Promoting Awareness of Privacy

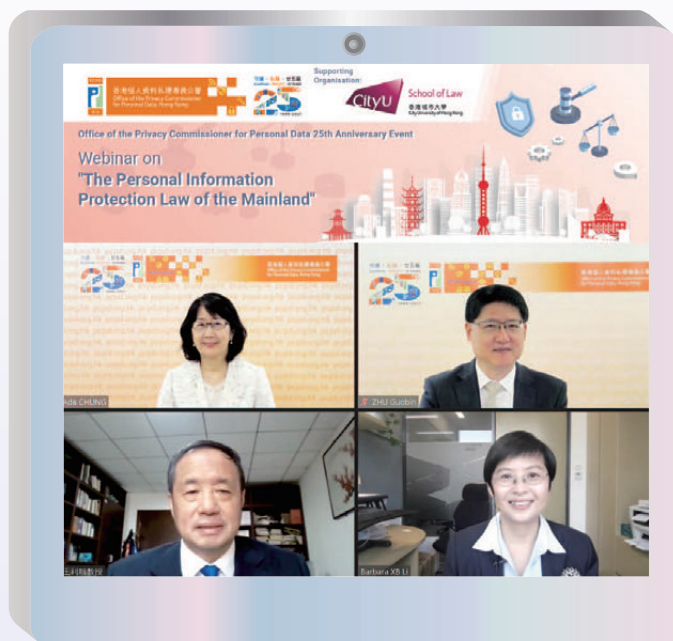
私隱公署成立25周年誌慶活動

25th Anniversary Celebratory Events



私隱公署在2021年慶祝成立25周年。於報告年度內，私隱公署舉辦了一系列不同私隱議題的網上研討會作慶祝活動，題目包括「內地《個人信息保護法》」、「歐盟的新版標準合約條款下從歐盟轉移個人資料至其他國家」、「開發及使用人工智能道德標準指引」、「社交媒體與你」及「大數據時代下的資料保障」等。

To mark its 25th Anniversary in 2021, the PCPD organised a series of webinars on different data privacy topics, such as “The PIPL of the Mainland”, “New Standard Contractual Clauses of the EU for Transfer of Personal Data from EU to Third Countries”, “Ethical Development and Use of Artificial Intelligence”, “Social Media and You” and “Data Protection in the Age of Big Data”.



青少年教育工作

為聯繫青少年，私隱公署在2021年舉辦「保障私隱學生大使・學校夥伴嘉許計劃」。來自64所中學超過16,000名學生透過成為計劃下的「學校夥伴」，共同締造尊重及保障個人資料私隱的校園環境。計劃亦包括一項全港中學生手機遊戲應用程式設計比賽，共吸引了超過400名中學生參加。

Engaging Youngsters

To engage youngsters, the PCPD organised the Student Ambassador for Privacy Protection Programme (SAP) in 2021. 64 secondary schools, with more than 16,000 students, joined the network of SAP to become “partnering schools” to foster a culture of respecting and protecting personal data privacy on campus. A Mobile Game Apps Design Competition, which was part of SAP 2021, attracted more than 400 secondary school students.

A promotional poster for the Student Ambassador for Privacy Protection Programme (SAP) 2021. The poster has a blue background with a large shield icon in the center. Text in Chinese is arranged around the shield, including the title '保障私隱學生大使・學校夥伴嘉許計劃2021' and details about the Mobile Game Apps Design Competition. At the bottom, there is a QR code and contact information.

保障私隱學生大使・學校夥伴嘉許計劃2021
校園齊守護・承擔保障私隱任務
砌出保障私隱特別任務APP
特別任務 全港中學生手機GAME應用程式設計比賽
主題：① 向網絡欺凌說「不」
② 上網提高警覺 披露個人資料要小心

截止報名日期：2021年7月16日
遞交手機應用程式截止日期：2021年8月31日
網址：<https://www.pcpd.org.hk/childrenprivacy/student-ambassador-program.html>
或 www.goodmorningclass.com.hk
查詢：3586 3006 (李小姐)

主辦機構：香港個人資料私隱專員公署
Office of the Privacy Commissioner for Personal Data, Hong Kong
協辦機構：Apple Vision、Good Morning Class

此外，為向青少年宣揚網上保護個人資料的訊息，私隱公署以四格漫畫創作比賽的小學生獲獎作品為藍本，製作了三部教育動畫短片，在電視頻道與各社交媒體平台上播放，亦派發教育單張至各小學及社會服務機構。

To disseminate messages about the online protection of personal data to youngsters, the PCPD produced three animated educational videos based on the award-winning works of the Comic Strip Competition which was open to primary school students. The videos could be viewed on television channels and various social media platforms. The PCPD also produced educational leaflets which were distributed to primary schools and social services organisations.



關注私隱週

私隱公署繼續與亞太區私隱機構各成員合辦年度國際性推廣活動「關注私隱週」，藉此加強區內公眾對保障個人資料私隱的意識。由私隱公署舉辦的香港「關注私隱週2021」於6月21日至27日圓滿舉行，主題為「互聯網世代中保障私隱」。

今年「關注私隱週」的頭炮重點活動為「社交媒體與你」網上講座。私隱專員及香港中文大學工程學院副院長（外務）黃錦輝教授於講座活動上，就公眾使用社交媒體及即時通訊軟件時如何保障個人資料私隱提供實用建議，並講解社交媒體的最新發展及對社會的影響。

Privacy Awareness Week

The PCPD continued to join hands with members of the Asia Pacific Privacy Authorities to organise the annual international promotional event – Privacy Awareness Week – to enhance public awareness of protecting personal data privacy in the region. In Hong Kong, the PCPD successfully held the Privacy Awareness Week 2021 from 21 to 27 June under the theme of “Protecting Privacy in the Internet Era”.

The kick-off and flagship event of the Privacy Awareness Week 2021 was the webinar on “Social Media and You”. The Privacy Commissioner and Professor WONG Kam-fai, Associate Dean (External Affairs), Faculty of Engineering of The Chinese University of Hong Kong, provided practical guidance to users of social media and instant messaging apps on how to protect personal data privacy, and explained the latest developments in social media and their impact on the society.



私隱公署緊貼環球數據私隱領域關注的議題，針對企業及機構舉辦了「大數據時代下的資料保障」網上講座，講解《私隱條例》對機構運用大數據或人工智能的規管及提升網絡安全等議題。

The PCPD kept abreast of the issues concerning the global data privacy landscape. A webinar on “Data Protection in the Age of Big Data” was organised for enterprises and organisations to elaborate the relevant requirements under the PDPO with regard to their use of big data or AI, and discussed issues related to enhancing cybersecurity.

私隱公署亦於「關注私隱週2021」期間展開流動戶外宣傳活動。多部雙層巴士車身繪上「守護兒童私隱」及「『起底』害己害人」等有關資料保障的重要訊息，穿梭主要商業區及住宅區，以廣泛並有效地向公眾推廣保障個人資料私隱的訊息。

The PCPD also rolled out a mobile outdoor publicity campaign during the Privacy Awareness Week 2021. Double-decker buses carrying important messages about data protection including “Protecting Children’s Privacy” and “Say ‘No’ to Doxxing”, shuttled on routes through the prime business and shopping areas to widely and effectively promote the messages about the protection of personal data privacy to the general public.



加強對外聯繫

Strengthening External Connections





積極參與國際間的私隱社群活動

有鑑於科技的急速發展及其對個人資料私隱的潛在影響，世界各地的資料保障機構一直致力在多方面加強個人資料私隱的保障。私隱公署相信，透過參與國際間的私隱社群活動，並充分善用所獲得的專業知識，將有助其掌握保障個人資料私隱方面的最新國際趨勢。在報告年度內，私隱公署繼續積極參與多個國際和區域私隱平台。

Proactively Participating in International Privacy Community

In view of accelerated technological advancements and their inherent impacts on personal data privacy, data protection authorities around the globe have been ramping up efforts on various fronts in a bid to enhance the protection of personal data privacy. We believe that participating in and leveraging the expertise of the international privacy community is the key to keeping the PCPD abreast of the global trends in personal data privacy protection. During the reporting year, the PCPD remained active in various international and regional privacy platforms.



環球私隱議會

環球私隱議會是集合全球超過130個資料保障機構且具領導地位的國際平台，成員會就私隱議題和國際最新發展進行討論和交流。

在報告年度內，私隱公署作為環球私隱議會的成員，就2019冠狀病毒病疫情期間的資料保障、視像會議工具的私隱保障、和國際執法合作等議題在國際私隱界作出貢獻。

Global Privacy Assembly

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

During the reporting year, the PCPD made contributions as a member of the GPA to the international privacy community in several areas, including, among others, data protection in the COVID-19 pandemic, safeguarding privacy in the field of VTC tools, and international enforcement cooperation.



第43屆環球私隱議會

私隱公署於2021年10月18至21日出席了以視像形式舉行的第43屆環球私隱議會。會議的主題是「私隱與資料保障：以人為本」。會議的討論題目包括與人工智能、人臉識別、智慧城市、疫苗護照以及跨地域執法等相關的私隱議題。

有見於涉及違反不同司法管轄區的私隱法例的個人資料外洩事故有所增加，私隱專員聯同其他資料保障機構於會議上分享國際性執法合作的經驗。私隱專員亦呼籲成員加強國際協作，以應對機構共同面對的議題。

43rd Global Privacy Assembly

The PCPD participated in the 43rd GPA Conference held virtually from 18 to 21 October 2021. With its theme “Privacy and Data Protection: A Human-centric Approach”, the topics of discussions of the Conference included privacy issues relating to AI, facial recognition, smart cities, vaccine passports and cross-regional enforcement.

In the light of the increasing number of personal data breach incidents which involved infringements of privacy laws in different jurisdictions, the Privacy Commissioner joined her counterparts in other jurisdictions in a panel discussion to share their international enforcement collaboration experience. The Privacy Commissioner appealed for greater cooperation among data protection authorities on an international level to address issues common to the authorities.

繼續推廣應對2019冠狀病毒病的最佳私隱保障行事常規

私隱公署連續兩年在環球私隱議會成立的「2019冠狀病毒病專責小組」及「2019冠狀病毒病工作小組」下主導了一項問卷調查，向超過30個司法管轄區的資料保障機構就對抗2019冠狀病毒病的措施所帶來的資料保障及私隱議題方面進行調查，以收集相關的經驗及最佳行事常規。

繼2020年發布《應對2019冠狀病毒病的最佳行事常規概要》(《概要》)(第一部分)後，私隱公署於2021年彙編《概要》的第二部分，就問卷調查結果的四個議題重點整理32個司法管轄區所分享的經驗與良好行事常規。四個議題分別為：健康護照、對入境旅客和民眾的健康監測、接觸追蹤應用程式，及對使用電子學習軟件的兒童或學生的個人資料處理。

2021年的調查發現，國際間為對抗疫情普遍有採用健康護照(又稱疫苗護照、疫苗通行證、健康碼等)以及2019冠狀病毒病的接觸者追蹤應用程式等措施。許多司法管轄區均在設計這些措施時加入了對私隱的保障。例如，在設計健康護照時遵守個人資料最少化及有限制的使用等原則；在開發接觸者追蹤應用程式時採用分散的資料儲存模式。其中一個全球普及的良好行事常規是衛生部門在開發健康護照或接觸者追蹤應用程式時進行私隱影響評估，這反映各地的機關高度意識到須應對由使用這些措施所引起的私隱關注。

Continuous Promotion of Best Privacy Practices in Response to COVID-19

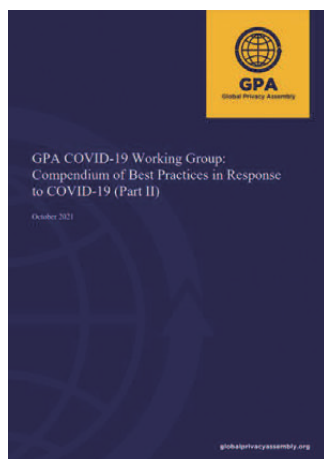
For the second year in a row, the PCPD took the lead, under the GPA COVID-19 Taskforce and the COVID-19 Working Group, to conduct surveys on the relevant experiences and recommended best practices of data protection authorities of more than 30 jurisdictions regarding data protection and privacy issues arising from measures to combat the COVID-19 pandemic.

Following the publication of the Compendium of Best Practices in Response to COVID-19 (the Compendium) (Part I) in 2020, the PCPD compiled Part II of the Compendium in 2021, focusing on the survey results as regards the experiences and best privacy practices reported by 32 jurisdictions in four areas: health passports, health monitoring of incoming travellers and returning nationals, contact tracing apps and handling of children's or students' data in e-learning technologies.

The 2021 survey found that health passports (also known as vaccine passports, vaccine passes, health codes, etc.) and contact tracing apps had been commonly used internationally to fight the pandemic. Many jurisdictions incorporated the protection of privacy in the designs of the measures. These included, for example, adherence to the data minimisation and limitation of use principles in the design of health passports; and the adoption of a decentralised approach to data storage in the development of contact tracing apps. One of the best practices adopted globally was conducting of privacy impact assessments in the development of health passports or contact tracing apps, which illustrated a high awareness among authorities to address privacy concerns arising from their use.

《概要》的兩部分為資料保障機構、政府、公共衛生部門及其他相關的持份者提供寶貴參考資料，提醒他們繼續保障私隱。私隱公署於2021年10月舉行的環球私隱議會上介紹了《概要》的第二部分，並獲得國際資料保障界別的一致好評。

Both parts of the Compendium served as valuable reference documents for data protection authorities, governments, health authorities and other relevant stakeholders, reminding them to continue to uphold privacy protection. The Compendium (Part II) was presented by the PCPD at the GPA Conference in October 2021 and was well received by the international data protection community.



亞太區私隱機構

亞太區私隱機構於1992年成立，是亞太區內私隱和資料保障機構加強合作及討論最佳行事常規的主要平台，並促進機構間就私隱規例、新技術，以及有關處理私隱查詢和投訴分享資訊。

Asia Pacific Privacy Authorities

Founded in 1992, the Asia Pacific Privacy Authorities (APPA) is the principal forum for privacy and data protection authorities in the Asia Pacific region to strengthen cooperation, discuss best practices and share information on privacy regulations, new technologies and the handling of privacy enquiries and complaints.



第55屆亞太區私隱機構論壇

私隱專員及私隱公署的代表於2021年6月16至18日出席了以視像形式舉行的第55屆亞太區私隱機構論壇。論壇的重點討論事項如下：

55th APPA Forum

The Privacy Commissioner and representatives of the PCPD attended the 55th APPA Forum held virtually from 16 to 18 June 2021. Major themes discussed at the forum included the following:

- 個人資料保障法例的發展；
 - 2019冠狀病毒病疫情新常態下的私隱議題；
 - 新興科技的應用以及不同行業的參與；
 - 兒童及青少年私隱；及
 - 資料保障國際標準的制訂。
- Legislative developments in the protection of personal data;
 - Privacy issues in the new normal post COVID-19;
 - Use of emerging technologies and engagement with industries;
 - Children's and adolescents' privacy; and
 - Formulating global standards in data protection.

在有關法例發展的討論環節上，私隱專員向亞太區私隱機構成員闡述倡議中的「起底」罪行之箇中元素，以及在為打擊「起底」行為而對《私隱條例》建議作出修訂下，私隱專員新增的刑事調查、檢控及執法權。

In the discussion session on legislative developments, the Privacy Commissioner explained to APPA members the elements of the proposed doxxing offence, and her new criminal investigation, prosecution and enforcement powers under the proposed amendments to the PDPO to combat doxxing behaviour.



第56屆亞太區私隱機構論壇

其後，私隱公署於2021年12月1至3日出席了以視像形式舉行的第56屆亞太區私隱機構論壇。論壇的重點討論事項如下：

- 📦 人工智能的開發及使用；
- 📦 私隱保障法例的發展；
- 📦 與2019冠狀病毒病大流行和虛擬醫療相關的私隱議題；
- 📦 跨境資料流通；及
- 📦 指引及執法事宜。

56th APPA Forum

Later in the year, the PCPD attended the 56th APPA Forum held virtually from 1 to 3 December 2021. Major themes discussed at the forum included:

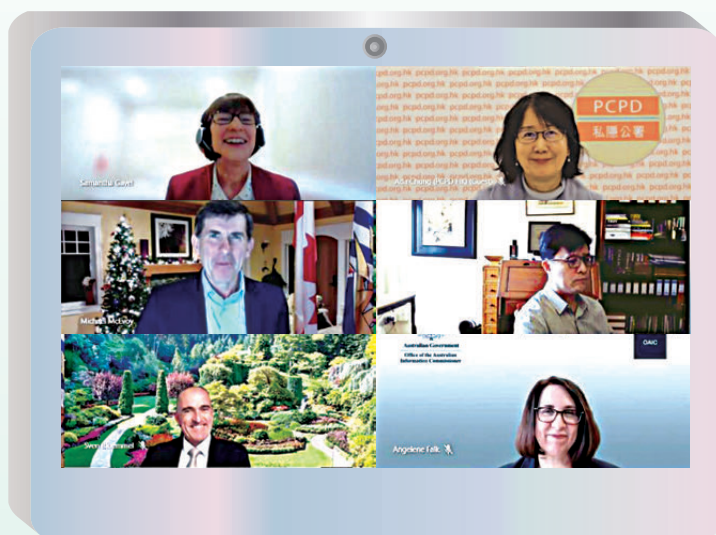
- 📦 Development and use of AI;
- 📦 Legislative developments in the protection of privacy;
- 📦 Privacy issues arising from the COVID-19 pandemic and virtual health care;
- 📦 Cross-border data flows; and
- 📦 Guidance and enforcement.

在主題環節上，私隱專員介紹了私隱公署於2021年8月發布的《開發及使用人工智能道德標準指引》，並倡議其包涵的原則及良好行事方式。

In the topical session, the Privacy Commissioner delivered a presentation to advocate the principles and good practices recommended in the “Guidance on the Ethical Development and Use of Artificial Intelligence” issued by the PCPD in August 2021.

在有關法例發展的討論環節上，私隱專員向亞太區私隱機構成員講解已生效的《修訂條例》的主要內容，當中包括兩級制的「起底」罪行、私隱專員獲賦予的刑事調查和檢控權力，以及發出停止披露通知以移除「起底」訊息的權力。

In the discussion session on legislative developments, the Privacy Commissioner explained the scope of the Amendment Ordinance to APPA members, including the two-tier structure of doxxing offences and the new powers of the Privacy Commissioner to conduct criminal investigation, institute prosecution for doxxing cases and issue cessation notices to request the removal of doxxing messages.



促進與不同司法管轄區的合作

全球私隱執法機關網絡

全球私隱執法機關網絡於2010年正式成立，以促進私隱執法機構的跨境合作。私隱公署於報告年度繼續獲委任為全球私隱執法機關網絡的委員會成員，並協助籌劃全球私隱執法機關網絡的整體活動。

私隱公署於2021年聯同19個來自歐洲、美洲、大洋洲、亞洲及中東的資料保障機構，參與全球私隱執法機關網絡的抽查行動，主題為「私隱考量及有關2019冠狀病毒病大流行的方案及措施」。該抽查行動旨在了解機構在推行與2019冠狀病毒病大流行相關的方案及措施時所納入的私隱考量、及各司法管轄區的資料保障機構當中的參與程度。抽查報告於2021年9月發布，並概括了參與的資料保障機構的回應。

除了一年一度的抽查行動外，私隱公署繼續參與全球私隱執法機關網絡的定期會議，與其他會員討論執法議題及分享執法經驗。

加強與其他資料保障機構的執法合作

因應《修訂條例》賦予私隱專員新的權力，特別是向境外服務提供者（如海外社交媒體平台）送達停止披露通知和要求移除「起底」訊息的域外權力，私隱公署致力與其他司法管轄區的資料保障機構就跨境私隱議題方面加強合作。

Fostering Cross-jurisdictional Collaboration

Global Privacy Enforcement Network

The Global Privacy Enforcement Network (GPEN) was established in 2010 with a view to fostering cross-border cooperation among privacy enforcement authorities. The PCPD continued to be a committee member of the GPEN during the reporting year and helped steer the overall activities of GPEN.

The PCPD, together with 19 other data protection authorities from Europe, the Americas, Oceania, Asia and the Middle East, participated in the GPEN's Sweep in 2021. Themed "Privacy Considerations and COVID-19 Related Solutions and Initiatives", the event aimed to find out how privacy considerations had been taken into account by organisations for various COVID-19 solutions and initiatives, and what level of engagement data protection authorities had had with the organisations in their jurisdictions. A report was published in September 2021 which summarised the responses from the participating data protection authorities.

Apart from the annual Sweep exercise, the PCPD continued to participate in GPEN's periodic meetings to discuss enforcement issues and share enforcement experiences with other GPEN members.

Enhancing Enforcement Collaboration with other Data Protection Authorities

In view of the Privacy Commissioner's new powers under the Amendment Ordinance, in particular the extra-territorial power to serve cessation notices on non-Hong Kong service providers (e.g. operators of overseas social media platforms) to request the removal of doxxing messages, the PCPD strove to foster collaboration with data protection authorities of other jurisdictions on privacy issues which involve cross-jurisdictional elements.

就這方面，由2021年10月起，私隱公署在環球私隱議會的國際執法合作小組擔任聯席主席，希望能藉此在國際執法行動和優先事項中發揮更具戰略性的作用，並促進與其他資料保障機構的國際性合作。國際執法合作小組是環球私隱議會的一個恆常小組，作為一個平台以供成員討論受跨境影響的私隱議題、分享調查跨國企業的經驗，並探討聯合執法的契機。小組的其他聯席主席包括加拿大、哥倫比亞及挪威的資料保障機構。

私隱公署聯同來自澳洲、加拿大、直布羅陀、瑞士及英國的五個資料保障機構於2021年10月發表聯合聲明，向視像會議公司表達環球共同的私隱期望，為在同年4月與四間視像會議公司進行的一系列交流活動作出總結性報告。聯合聲明列出視像會議公司為保障用戶的個人資料所採取的良好行事常規，聯署機構亦藉着聯合聲明提醒視像會議公司一些可以改善的地方。

這一系列與視像會議行業的交流活動展示了資料保障機構可如何實踐跨境合作以解決全球性的私隱問題。

To that end, the PCPD took up the co-chairmanship of the International Enforcement Working Group (IEWG) of the GPA in October 2021 with a view to playing a more strategic role in international enforcement initiatives and priorities, and reinforcing international cooperation with other data protection authorities. As a permanent working group of the GPA, the IEWG serves as a platform for members to discuss privacy issues with cross-border implications, share experiences in investigating multinational companies and explore opportunities for joint enforcement. The other co-chairs of the working group comprise the data protection authorities of Canada, Colombia and Norway.

In October 2021, the PCPD, together with five data protection authorities from Australia, Canada, Gibraltar, Switzerland and the United Kingdom, published a joint statement on the global privacy expectations of video conferencing (VTC) companies as a conclusion to a series of engagement activities with major VTC companies. The joint statement highlighted the good practices reported by the VTC companies in safeguarding the personal data of their users. The joint signatories also took the opportunity to remind the VTC companies of the possible areas for further improvement.

This series of engagement activities with the VTC industry demonstrated how data protection authorities could collaborate across borders to address privacy issues of global concern.





財務報表

Financial Statements



獨立核數師報告 Independent Auditor's Report

致：個人資料私隱專員

(依據《個人資料(私隱)條例》在香港成立的單一法團)

TO: THE PRIVACY COMMISSIONER FOR PERSONAL DATA

(A CORPORATION SOLE IN HONG KONG ESTABLISHED UNDER THE PERSONAL DATA (PRIVACY) ORDINANCE)

意見

本核數師(以下簡稱「我們」)已審核列載於第103至139頁**個人資料私隱專員**的財務報表，此財務報表包括於2022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2022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布的《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。

Opinion

We have audited the financial statements of **The Privacy Commissioner for Personal Data** (the PCPD) set out on pages 103 to 139, which comprise the statement of financial position as at 31 March 2022, and the statement of comprehensive income, statement of changes in funds and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of the PCPD as at 31 March 2022, 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 (HSAs) 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布的《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。

Information other than the Financial Statements and Auditor's Report thereon

The Privacy Commissioner is responsible for the other information. The other information comprises the information included in the annual report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

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.

在編製財務報表時，個人資料私隱專員須負責評估其持續經營的能力，並披露與持續經營有關的事項（如適用）。除非個人資料私隱專員有意清盤，或停止營運，或除此之外並無其他實際可行的辦法，否則個人資料私隱專員須採用以持續經營為基礎的會計法。

管治層須負責監督個人資料私隱專員的財務報告流程。

核數師就審核財務報表須承擔的責任

我們的目標，是對整體財務報表是否不存在由於欺詐或錯誤而導致的重大錯誤陳述取得合理保證，並作出包括我們意見的核數師報告。本報告是根據協定的委聘條款僅向個人資料私隱專員作出，除此之外別無其他目的。我們不會就本報告的內容向任何其他人士負上或承擔任何責任。合理保證是高水平的保證，但不能保證按照《香港核數準則》進行的審核在某一重大錯誤陳述存在時總能發現。錯誤陳述可以由欺詐或錯誤引起，如合理預期它們個別或匯總起來可能影響財務報表的使用者所作出的經濟決定，則有關的錯誤陳述可被視作重大。

In preparing the financial statements, the Privacy Commissioner is responsible for assessing the PCPD's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Privacy Commissioner either intends to liquidate the PCPD or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the PCPD's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with the agreed terms of engagement, and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

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專業懷疑態度。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；
- 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；

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;
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Privacy Commissioner;

- 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。
- 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; and
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

我們與管治層就不同事項進行溝通，當中包括計劃的審核範圍、時間安排、重大審核發現，包括我們在審核期間識別出內部控制的任何重大缺陷。

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

黃龍德會計師事務所有限公司
執業會計師

PATRICK WONG C.P.A. LIMITED
Certified Public Accountants

曾卓鋒
FCPA (Practising), ACA, MSCA
香港執業資深會計師

TSANG CHEUK FUNG ANDY
FCPA (Practising), ACA, MSCA
Certified Public Accountant (Practising), Hong Kong

執業證書號碼：P06369

Practising Certificate Number: P06369

香港，2022年7月20日

Hong Kong, 20 July 2022

全面收益表 Statement of Comprehensive Income

截至2022年3月31日止年度 YEAR ENDED 31 MARCH 2022

		附註 Notes	2022 \$	2021 \$
收入	Income			
政府補助金	Government subventions	6	90,634,368	89,530,165
銀行利息	Bank interest		125,640	317,304
講座收費	Seminar fees		1,261,195	946,405
會員費	Membership fees		98,850	114,610
「防疫抗疫基金」下 創造職位計劃 的財務資助	Financial assistance under Job Creation Scheme of Anti-epidemic Fund		1,770,795	—
刊物銷售	Sales of publications		—	3,000
處置物業、機器及 設備的收益	Gain on disposal of property, plant and equipment		—	120,000
雜項收入	Miscellaneous income		88,493	167,376
			93,979,341	91,198,860
支出	Expenditure			
核數師酬金	Auditor's remuneration		55,000	55,000
行政費用	Administrative expenses		1,626,914	1,613,618
顧問服務	Consultancy services		—	387,200
物業、機器及 設備的折舊	Depreciation of property, plant and equipment			
— 由資本補助金支 付	— financed by capital subvention fund	10	908,357	857,437
— 由其他資金來源 支付	— financed by other sources of funds	10	9,752,264	10,830,476
僱員薪俸	Staff emoluments	7	65,618,166	68,721,650
辦公室的營運 租賃租金	Operating lease rentals in respect of office premises		240,207	200,813
海外訪問／會議支出	Overseas visit/conference		21,517	—
宣傳推廣及 教育支出	Promotion and education expenses		3,182,133	2,473,462
法律協助計劃	Legal assistance scheme		49,802	37,052
處置物業、機器及 設備的損失	Loss on disposal of property, plant and equipment		32,881	—
其他營運費用	Other operating expenses		4,550,220	4,538,872
租賃負債利息	Interest on lease liabilities	18	444,106	168,159
			86,481,567	89,883,739
年內盈餘及全面 收益總額	Surplus and total comprehensive income for the year		7,497,774	1,315,121

第108至139頁的附註屬本財務報表的組成部分。

The notes on pages 108 to 139 are an integral part of these financial statements.

財務狀況表 Statement of Financial Position

於2022年3月31日 AT 31 MARCH 2022

		附註 Notes	2022 \$	2021 \$
非流動資產	Non-current asset			
物業、機器及設備	Property, plant and equipment	10	16,854,127	26,424,468
流動資產	Current assets			
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments		358,334	192,904
銀行結存及現金	Bank balances and cash	11	44,707,258	38,298,958
			45,065,592	38,491,862
流動負債	Current liabilities			
應付款項及應計費用	Accounts payable and accruals		115,164	488,190
職員約滿酬金撥備	Provision for staff gratuity	12	2,406,858	4,203,354
未放取年假撥備	Provision for unutilised annual leave		1,415,636	1,958,476
預收政府補助金	Government subvention received in advance	13	8,175,593	8,329,933
租賃負債	Lease liabilities	14, 18	7,454,744	7,270,875
			19,567,995	22,250,828
流動資產淨值	Net current assets		25,497,597	16,241,034
資產總額減流動負債	Total assets less current liabilities		42,351,724	42,665,502
非流動負債	Non-current liabilities			
政府的約滿酬金補助款	Government subvention for gratuity	15	3,532,096	3,395,001
職員約滿酬金撥備	Provision for staff gratuity	12	1,903,757	1,661,078
資本補助金	Capital subvention fund	16	963,434	1,700,016
租賃負債	Lease liabilities	14, 18	6,356,091	13,810,835
			12,755,378	20,566,930
資產淨值	Net assets		29,596,346	22,098,572
資金	Funds			
一般儲備	General reserve	17	29,596,346	22,098,572

本財務報表已於2022年7月20日獲私隱專員批准及授權刊發

Approved and authorised for issue by the Privacy Commissioner on 20 July 2022

鍾麗玲

香港個人資料私隱專員

Ada CHUNG Lai-ling

Privacy Commissioner for Personal Data, Hong Kong

第108至139頁的附註屬本財務報表的組成部分。

The notes on pages 108 to 139 are an integral part of these financial statements.

資金變動表 Statement of Changes in Funds

截至2022年3月31日止年度 YEAR ENDED 31 MARCH 2022

		全面收益表 Statement of comprehensive income \$	一般儲備 General reserve \$	總計 Total \$
於2020年4月1日 的結餘	Balance at 1 April 2020	–	20,783,451	20,783,451
年內盈餘及 全面收益總額	Surplus and total comprehensive income for the year	1,315,121	–	1,315,121
調撥	Transfer	(1,315,121)	1,315,121	–
於2021年3月31日 及2021年4月1日 的結餘	Balances at 31 March 2021 and at 1 April 2021	–	22,098,572	22,098,572
年內盈餘及 全面收益總額	Surplus and total comprehensive income for the year	7,497,774	–	7,497,774
調撥	Transfer	(7,497,774)	7,497,774	–
於2022年3月31日 的結餘	Balance at 31 March 2022	–	29,596,346	29,596,346

第108至139頁的附註屬本財務報表的組成部分。

The notes on pages 108 to 139 are an integral part of these financial statements.

現金流量表 Statement of Cash Flows

截至2022年3月31日止年度 YEAR ENDED 31 MARCH 2022

	附註 Notes	2022 \$	2021 \$
營運活動	Operating activities		
年內盈餘	Surplus for the year	7,497,774	1,315,121
調整：	Adjustments for:		
– 折舊支出	– Depreciation expense	10,660,621	11,687,913
– 處置物業、機器及設備的損失／(收益)	– Loss/(gain) on disposal of property, plant and equipment	32,881	(120,000)
– 利息收入	– Interest income	(125,640)	(317,304)
– 租賃負債利息	– Interest on lease liabilities	444,106	168,159
營運資本變動前的營運盈餘	Operating surplus before working capital changes	18,509,742	12,733,889
應收款項、按金及預付款項(增加)／減少	(Increase)/decrease in accounts receivable, deposits and prepayments	(151,658)	589,525
應付款項及應計費用減少	Decrease in accounts payable and accruals	(373,026)	(587,586)
職員約滿酬金撥備減少	Decrease in provision for staff gratuity	(1,553,817)	(167,834)
未放取年假撥備(減少)／增加	(Decrease)/increase in provision for unutilised annual leave	(542,840)	635,461
預收政府補助金減少	Decrease in government subvention received in advance	(154,340)	(1,400,000)
政府的約滿酬金補助款增加	Increase in government subvention for gratuity	137,095	4,080
資本補助金減少	Decrease in capital subvention fund	(736,582)	(615,763)
營運活動所得現金淨額	Net cash generated from operating activities	15,134,574	11,191,772
投資活動	Investing activities		
收取利息	Interest received	111,868	402,422
三個月以上之短期銀行存款減少	Decrease in short-term bank deposits with maturity more than three months	973,607	1,354,521
購置物業、機器及設備的付款	Payments for property, plant and equipment	(1,124,161)	(1,812,129)
處置物業、機器及設備的得益	Proceeds from disposals of property, plant and equipment	1,000	120,000
投資活動(所用)／所得現金淨額	Net cash (used in)/generated from investing activities	(37,686)	64,814

	附註 Notes	2022 \$	2021 \$
融資活動	Financing activities		
已付租賃負債本金	Capital element of lease rentals paid		
	18	(7,270,875)	(7,857,131)
已付租賃負債利息	Interest element of lease rentals paid		
	18	(444,106)	(168,159)
融資活動所用現金淨額	Net cash used in financing activities	(7,714,981)	(8,025,290)
現金及現金等值的增加	Net increase in cash and cash equivalents	7,381,907	3,231,296
年初的現金及現金等值	Cash and cash equivalents at the beginning of year	29,828,403	26,597,107
年底的現金及現金等值	Cash and cash equivalents at the end of year	37,210,310	29,828,403
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	44,707,258	38,298,958
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months		
		(7,496,948)	(8,470,555)
年底的現金及現金等值	Cash and cash equivalents at the end of the year	37,210,310	29,828,403

第108至139頁的附註屬本財務報表的組成部分。

The notes on pages 108 to 139 are an integral part of these financial statements.

財務報表附註 Notes to the Financial Statements

2022年3月31日 31 MARCH 2022

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號大新金融中心12樓。

2. 遵從《香港財務報告準則》的聲明

個人資料私隱專員的財務報表是按照香港會計師公會頒布的所有適用的《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。

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, Dah Sing Financial Centre, 248 Queen's Road East, Wanchai, Hong Kong.

2. Statement of Compliance with Hong Kong Financial Reporting Standards

The PCPD's financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (HKFRSs), which includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards (HKASs) and Interpretations issued by the Hong Kong Institute of Certified Public Accountants (HKICPA) and accounting principles generally accepted in Hong Kong. A summary of significant accounting policies is set out in note 3.

3. 重要會計政策概要

(a) 財務報表的編製基準

編製本財務報表時是以歷史成本作為計量基礎。

(b) 物業、機器及設備

物業、機器及設備於財務狀況表按成本扣除累積折舊和其後的減值虧損(如有)列帳。

折舊是以直線法在以下估計可使用年期內沖銷其成本(已扣除剩餘價值)而予以確認：

擁有資產

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

使用權資產

租賃土地及樓宇 按租賃期

估計可使用年期、剩餘價值及折舊方法會於各報告期末檢討，而任何估計變動的影響以預期基準列帳。

3. Summary of Significant Accounting Policies

(a) Basis of Preparation of the Financial Statements

The measurement basis used in preparing the financial statements is historical cost.

(b) Property, Plant and Equipment

Property, plant and equipment are stated in the statement of financial position at cost less accumulated depreciation and subsequent impairment losses, if any.

Depreciation is recognised so as to write off the cost of assets less their residual values over their estimated useful lives, using the straight-line method, as follows:

Owned assets

Motor vehicle	3 years
Computers and software	3 years
Office equipment	5 years
Furniture and fixtures	5 years
Leasehold improvements	3 years

Right-of-use assets

Leasehold land and buildings Over the lease term

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.

3. 重要會計政策概要 (續)

(b) 物業、機器及設備 (續)

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) 確認及終止確認金融工具

金融資產及金融負債於個人資料私隱專員成為工具合約條文的訂約方時，於財務狀況表確認。

當從資產收取現金流量的合約權利屆滿；個人資料私隱專員實質上轉移資產擁有權的所有風險及回報；或個人資料私隱專員沒有實質上轉移或保留資產擁有權的所有風險及回報但亦無保留資產的控制權時，金融資產會被終止確認。在終止確認金融資產時，資產帳面值與已收代價之差額於損益確認。

當有關合約的特定責任獲解除、取消或屆滿時，金融負債會被終止確認。終止確認的金融負債帳面值與已付代價之差額於損益確認。

3. Summary of Significant Accounting Policies (Continued)

(b) Property, Plant and Equipment (Continued)

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) Recognition and Derecognition of Financial Instruments

Financial assets and financial liabilities are recognised in the statement of financial position when the PCPD becomes a party to the contractual provisions of the instruments.

Financial assets are derecognised when the contractual rights to receive cash flows from the assets expire; the PCPD transfers substantially all the risks and rewards of ownership of the assets; or the PCPD neither transfers nor retains substantially all the risks and rewards of ownership of the assets but has not retained control on the assets. On derecognition of a financial asset, the difference between the assets' carrying amount and the sum of the consideration received is recognised in profit or loss.

Financial liabilities are derecognised when the obligation specified in the relevant contract is discharged, cancelled or expired. The difference between the carrying amount of the financial liability derecognised and the consideration paid is recognised in profit or loss.

3. 重要會計政策概要 (續)

(d) 金融資產

金融資產按交易日基準確認及終止確認(其中金融資產的買賣所根據的合約條款規定須於有關市場設定的時限內交付金融資產)，並初步按公平值加直接應佔交易成本計量，惟按公平值計入損益的投資則除外。收購按公平值計入損益的投資之直接應佔交易成本即時於損益確認。

按攤銷成本計量的金融資產

撥歸此類的金融資產(包括貿易及其他應收款項)須同時符合下列兩項條件：

- 持有資產的業務模式是以收取合約現金流量為目標；及
- 資產的合約條款於特定日期產生僅為支付本金及未償還本金利息的現金流量。

按攤銷成本計量的金融資產其後以實際利率方式按攤銷成本減預期信貸虧損的虧損撥備計算。

3. Summary of Significant Accounting Policies (Continued)

(d) Financial Assets

Financial assets are recognised and derecognised on a trade date basis where the purchase or sale of an asset is under a contract whose terms require delivery of the asset within the timeframe established by the market concerned, and are initially measured at fair value, plus directly attributable transaction costs except in the case of investments at fair value through profit or loss. Transaction costs directly attributable to the acquisition of investments at fair value through profit or loss are recognised immediately in profit or loss.

Financial Assets at Amortised Cost

Financial assets (including trade and other receivables) are classified under this category if they satisfy both of the following conditions:

- the assets are held within a business model whose objective is to hold assets in order to collect contractual cash flows; and
- the contractual terms of the assets give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Financial assets at amortised cost are subsequently measured at amortised cost using the effective interest method less loss allowances for expected credit losses.

3. 重要會計政策概要 (續)

(e) 預期信貸虧損的虧損撥備

個人資料私隱專員就按攤銷成本計量的金融資產的預期信貸虧損確認虧損撥備。預期信貸虧損為加權平均信貸虧損，以發生違約風險的金額作為加權數值。

在各報告期末，如金融工具的信貨風險自初始確認以來大幅增加，個人資料私隱專員會就貿易應收款項按金融工具的預計有效期內，所有可能違約事件產生的預期信貸虧損（「全期預期信貸虧損」），計算該金融工具的虧損撥備。

如在報告期末，金融工具（貿易應收款項除外）的信貨風險自初始確認以來並無大幅增加，則個人資料私隱專員會按全期預期信貸虧損的部分，即報告期後12個月內，因可能發生的違約事件而預期產生的虧損，計算該金融工具的虧損撥備。

預期信貸虧損金額或為調整報告期末虧損撥備至所需金額所作撥回金額是於損益確認為減值收益或虧損。

3. Summary of Significant Accounting Policies (Continued)

(e) Loss Allowances for Expected Credit Losses

The PCPD recognises loss allowances for expected credit losses on financial assets at amortised cost. Expected credit losses are the weighted average of credit losses with the respective risks of a default occurring as the weights.

At the end of each reporting period, the PCPD measures the loss allowance for a financial instrument at an amount equal to the expected credit losses that result from all possible default events over the expected life of that financial instrument (lifetime expected credit losses) for trade receivables, or if the credit risk on that financial instrument has increased significantly since initial recognition.

If, at the end of the reporting period, the credit risk on a financial instrument (other than trade receivables) has not increased significantly since initial recognition, the PCPD measures the loss allowance for that financial instrument at an amount equal to the portion of lifetime expected credit losses that represents the expected credit losses that result from default events on that financial instrument that are possible within 12 months after the reporting period.

The amount of expected credit losses or reversal to adjust the loss allowance at the end of the reporting period to the required amount is recognised in profit or loss as an impairment gain or loss.

3. 重要會計政策概要 (續)

(f) 合約資產及合約負債

合約資產於個人資料私隱專員根據合約所載付款條款，於無條件享有該代價前確認收入時確認。合約資產根據附註3(e)所載政策評估預計信貸虧損，並於收取代價權利成為無條件時重新分類至應收款項。合約負債於客戶支付代價或在對代價具有無條件的權利(在此情況下，相應應收款項已確認)時，而在個人資料私隱專員確認相關收入前予以確認。

(g) 租賃

(i) 租賃的定義

倘合約為換取代價而給予在一段時間內控制可識別資產使用的權利，則該合約屬於或包含租賃。

就於首次應用日期或之後訂立或修改或因業務合併而簽訂的合約而言，個人資料私隱專員根據《香港財務報告準則》第16號的定義於開始、修訂日期或收購日期(視何者合適而定)評估該合約是否屬於或包含租賃。除非合約的條款及條件其後出現變動，否則有關合約將不予重新評估。

3. Summary of Significant Accounting Policies (Continued)

(f) Contract Assets and Contract Liabilities

A contract asset is recognised when the PCPD recognises revenue before being unconditionally entitled to the consideration under the payment terms set out in the contract. Contract assets are assessed for expected credit losses in accordance with the policy set out in note 3(e) and are reclassified to receivables when the right to the consideration has become unconditional. A contract liability is recognised when the customer pays consideration, or has an unconditional right to consideration (in such case, a corresponding receivable is recognised), before the PCPD recognises the related revenue.

(g) Leases

(i) Definition of a Lease

A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

For contracts entered into or modified on or after the date of initial application, the PCPD assesses whether a contract is or contains a lease based on the definition under HKFRS 16 at inception or modification date as appropriate. Such contract will not be reassessed unless the terms and conditions of the contract are subsequently changed.

3. 重要會計政策概要 (續)

(g) 租賃 (續)

(ii) 個人資料私隱專員作為承租人

短期租賃及低價值資產租賃

個人資料私隱專員將短期租賃確認豁免應用於租期自開始日期起計為期12個月或以下並且不包括購買選擇權的租賃。個人資料私隱專員亦對低價值資產租賃應用確認豁免。短期租賃及低價值資產租賃的租賃付款按直線法於租賃期內確認為開支。

使用權資產

使用權資產的成本包括：

- (a) 初始計量租賃負債的金額；
- (b) 於開始日期或之前支付的任何租賃付款減去任何已收的租賃優惠；及
- (c) 個人資料私隱專員產生的任何初始直接成本。

3. Summary of Significant Accounting Policies (Continued)

(g) Leases (Continued)

(ii) *The PCPD as a Lessee*

Short-term leases and leases of low-value assets

The PCPD applies the short-term lease recognition exemption to leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option. It also applies the recognition exemption for lease of low-value assets. Lease payments on short-term leases and leases of low-value assets are recognised as expense on a straight-line basis over the lease term.

Right-of-use assets

The cost of right-of-use asset includes:

- (a) the amount of the initial measurement of the lease liability;
- (b) any lease payments made at or before the commencement date, less any lease incentives received; and
- (c) any initial direct costs incurred by the PCPD.

3. 重要會計政策概要 (續)

(g) 租賃 (續)

(ii) 個人資料私隱專員作為承租人 (續)

使用權資產 (續)

使用權資產按成本減任何累計折舊及減值虧損計量，並就租賃負債的任何重新計量作出調整。

如個人資料私隱專員合理確定會於租賃期限屆滿時取得相關租賃資產擁有權的使用權資產，該資產自開始日期至可使用年期結束計算折舊，否則使用權資產於估計可使用年期與租賃期限兩者的較短者以直線法折舊。

3. Summary of Significant Accounting Policies (Continued)

(g) Leases (Continued)

(ii) *The PCPD as a Lessee (Continued)*

Right-of-use assets (continued)

Right-of-use assets are measured at cost, less any accumulated depreciation and impairment losses, and adjusted for any remeasurement of lease liabilities.

Right-of-use assets in which the PCPD is reasonably certain to obtain ownership of the underlying leased assets at the end of the lease term is depreciated from commencement date to the end of the useful life. Otherwise, right-of-use assets are depreciated on a straight-line basis over the shorter of its estimated useful life and the lease term.

3. 重要會計政策概要 (續)

(g) 租賃 (續)

(ii) 個人資料私隱專員作為承租人 (續)

租賃負債

於租賃開始日期，個人資料私隱專員按該日未支付的租賃付款現值確認及計量租賃負債。計算租賃付款現值時，倘租賃內含的利率難以釐定，則個人資料私隱專員會使用租賃開始日期的遞增借貸利率計算。

租賃付款包括固定付款(包括實質固定付款)減任何應收租賃優惠。

開始日期後，租賃負債是透過利息增長及租賃付款調整。

3. Summary of Significant Accounting Policies (Continued)

(g) Leases (Continued)

(ii) *The PCPD as a Lessee (Continued)*

Lease liabilities

At the commencement date of a lease, the PCPD recognises and measures the lease liability at the present value of lease payments that are unpaid at that date. In calculating the present value of lease payments, the PCPD uses the incremental borrowing rate at the lease commencement date if the interest rate implicit in the lease is not readily determinable.

The lease payments include fixed payments (including in-substance fixed payments) less any lease incentives receivable.

After the commencement date, lease liabilities are adjusted by interest accretion and lease payments.

3. 重要會計政策概要 (續)

(g) 租賃 (續)

(ii) 個人資料私隱專員作為承租人 (續)

當出現以下情況，個人資料私隱專員會重新計量租賃負債（並對相關使用權資產作出相應調整）：

- (a) 租賃期已更改或對行使購買選擇權的評估有變，在該情況下，相關租賃負債於重新評估日期透過使用經修訂折現率折現經修訂租賃付款而重新計量。
- (b) 租賃付款因檢討市場租金後市場租金有變而出現變動，在該情況下，相關租賃負債透過使用初始折現率折現經修訂租賃付款而重新計量。

個人資料私隱專員於財務狀況表內將租賃負債呈列為單獨項目。

3. Summary of Significant Accounting Policies (Continued)

(g) Leases (Continued)

(ii) *The PCPD as a Lessee (Continued)*

The PCPD remeasures lease liabilities (and makes a corresponding adjustment to the related right-of-use assets) whenever:

- (a) the lease term has changed or there is a change in the assessment of exercise of a purchase option, in which case the related lease liability is remeasured by discounting the revised lease payments using a revised discount rate at the date of reassessment.
- (b) the lease payments change due to changes in market rental rates following a market rent review, in which cases the related lease liability is remeasured by discounting the revised lease payments using the initial discount rate.

The PCPD presents lease liabilities as a separate line item on the statement of financial position.

3. 重要會計政策概要 (續)

(h) 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。

(i) 應付款項

應付款項於初期按公平值確認，其後按攤銷成本列帳，但若短期應付款的折現影響並不重大，則按成本列帳。

(j) 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。

3. Summary of Significant Accounting Policies (Continued)

(h) 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.

(i) Accounts and Other Payables

Accounts and other payables are initially measured at fair value and, after initial recognition, at amortised cost, except for short-term payables with no stated interest rate and the effect of discounting being immaterial, that are measured at their original invoice amount.

(j) 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.

3. 重要會計政策概要 (續)

(j) 撥備及或然負債 (續)

如果經濟利益流出的可能性較低，或是無法對有關金額作出可靠的估計，便會將該責任披露為或然負債，但經濟利益流出的可能性極低則除外。如果個人資料私隱專員的責任須視乎某項或多項未來事件是否發生才能確定是否存在，除非經濟利益流出的可能性極低，該責任亦會被披露為或然負債。

(k) 收入確認

(i) 政府補助及資助金

如有合理保證可取得政府補助，而且個人資料私隱專員可以符合所有附帶條件，則會按補助金額的公平值確認政府補助。

與指定計劃方案有關的政府補助金包括在資本補助金內，並且延遲至須與擬補償的成本產生時，才在全面收益表內確認。

3. Summary of Significant Accounting Policies (Continued)

(j) Provisions and Contingent Liabilities (Continued)

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.

(k) Income Recognition

(i) Government Subventions and Funding

Government subventions are recognised at their fair value where there is a reasonable assurance that the grant will be received and the PCPD will comply with all attached conditions.

Government subventions relating to specific projects are included in the capital subvention fund and are deferred and recognised in the statement of comprehensive income over the period necessary to match them with the costs that they are intended to compensate.

3. 重要會計政策概要 (續)

(k) 收入確認 (續)

(i) 政府補助及資助金 (續)

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。

「防疫抗疫基金」下創造職位計劃的財務資助

「防疫抗疫基金」下創造職位計劃的財務資助按應計制在全面收益表內確認，以配對擬補償的僱員成本。

3. Summary of Significant Accounting Policies (Continued)

(k) Income Recognition (Continued)

(i) *Government Subventions and Funding (Continued)*

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.

Financial assistance under Job Creation Scheme of Anti-epidemic Fund

Financial assistance under Job Creation Scheme of Anti-epidemic Fund is recognised in the statement of comprehensive income on an accrual basis to match them with the staff costs that they are intended to compensate.

3. 重要會計政策概要 (續)

(k) 收入確認 (續)

(ii) 銀行利息收入

銀行利息收入以實際利率方式計算。

(iii) 講座收費及會員費收入

講座收費及會員費收入按應計制確認。

(iv) 刊物銷售

刊物銷售收入在該等貨品交付予買方，而買方接受貨品，以及有關應收款項可合理地確定收到時確認。

(l) 僱員薪俸

(i) 僱員可享有的假期及約滿酬金

僱員可享用的年假及約滿酬金在該等假期及合約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。

3. Summary of Significant Accounting Policies (Continued)

(k) Income Recognition (Continued)

(ii) *Bank Interest Income*

Bank interest income is recognised using the effective interest method.

(iii) *Seminar and Membership Fees Income*

Seminar and membership fees income are recognised on an accrual basis.

(iv) *Sales of Publications*

Income from the sales of publications is recognised when the PCPD has delivered products to the customer, the customer has accepted the products and collectability of the related receivables is reasonably assured.

(l) Staff Emoluments

(i) *Employee Leave and Gratuity Entitlements*

Employee entitlements to annual leave and gratuities are recognised when they accrue to employees. A provision is made for the estimated liability for annual leave and gratuities as a result of services rendered by employees up to the year-end date.

Employee entitlements to sick leave and maternity or paternity leave are not recognised until the time of leave.

3. 重要會計政策概要 (續)

(I) 僱員薪俸 (續)

(ii) 退休福利成本

個人資料私隱專員已經加入《強制性公積金條例》下成立的強制性公積金計劃(「強積金計劃」)。僱主的供款額為僱員有關入息的5%至強制性供款上限。該計劃的資產與個人資料私隱專員的資產分開持有，並由信託人以基金託管。

向強積金計劃支付的供款於到期日列作支出。

(m) 資產減值

在報告期末，個人資料私隱專員會檢討具有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)

(I) Staff Emoluments (Continued)

(ii) Retirement Benefit Costs

The PCPD has joined the Mandatory Provident Fund Scheme (the MPF Scheme) established under the Mandatory Provident Fund Schemes Ordinance for its employees. The PCPD contributes 5% of the relevant income of staff members up to the maximum mandatory contributions under the MPF Scheme. The assets of the Scheme are held separately from those of the PCPD, in funds under the control of trustee.

Payments to the MPF Scheme are charged as an expense as they fall due.

(m) Impairment of 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)

(n) 關聯方

- (i) 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：
 - (a) 能控制或共同控制個人資料私隱專員；
 - (b) 能對個人資料私隱專員構成重大影響力；或
 - (c) 為個人資料私隱專員的關鍵管理人員。
- (ii) 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：
 - (a) 該實體是為個人資料私隱專員或個人資料私隱專員關聯方的僱員福利而設的離職後福利計劃。
 - (b) 該實體由(i)中描述的人士控制或共同控制。

3. Summary of Significant Accounting Policies (Continued)

(n) Related Parties

- (i) A person or a close member of that person's family is related to the PCPD if that person:
 - (a) has control or joint control over the PCPD;
 - (b) has significant influence over the PCPD; or
 - (c) is a member of the key management personnel of the PCPD.
- (ii) An entity is related to the PCPD if any of the following conditions applies:
 - (a) The entity is a post-employment benefit plan for the benefit of employees of either the PCPD or an entity related to the PCPD.
 - (b) The entity is controlled or jointly controlled by a person identified in (i).

3. 重要會計政策概要 (續)

(n) 關聯方 (續)

- (ii) (c) (i)(a)中描述的一名人士對該實體構成重大影響，或為該實體的關鍵管理人員。
- (d) 該實體，或屬該實體一部分的任何集團成員公司，向個人資料私隱專員提供關鍵管理人員服務。

4. 會計政策的變更

個人資料私隱專員已首次應用由香港會計師公會頒布於2021年4月1日或之後開始之年度期間開始生效的新訂及修訂《香港財務報告準則》，當中包括：

《香港財務報告準則》第16號
(修訂本)：2019冠狀病毒病
相關的租金寬減

《香港財務報告準則》第9號、
《香港會計準則》第39號、
《香港財務報告準則》第7號、
《香港財務報告準則》第4號
及《香港財務報告準則》第16號
(修訂本)：利率基準改革 —
第二階段

3. Summary of Significant Accounting Policies (Continued)

(n) Related Parties (Continued)

- (ii) (c) A person identified in (i)(a) has significant influence over the entity or is a member of the key management personnel of the entity.
- (d) The entity, or any member of a group of which it is a part, provides key management personnel services to the PCPD.

4. Changes in Accounting Policies

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 2021, including:

Amendments to HKFRS 16, *Covid-19-Related Rent Concessions*

Amendments to HKFRS 9, HKAS 39,
HKFRS 7, HKFRS 4 and HKFRS 16,
Interest Rate Benchmark Reform-Phase 2

4. 會計政策的變更(續)

於本年度應用《香港財務報告準則》的修訂本對個人資料私隱專員於本年度及過往年度的財務狀況及表現及／或載於財務報表的披露並無重大影響。

5. 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. Changes in Accounting Policies (Continued)

The application of the amendments to HKFRSs in the current year has had no material impact on the PCPD's financial positions and performance for the current and prior years and / or on the disclosures set out in these financial statements.

5. 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.

6. 政府補助金

6. Government Subventions

		2022 \$	2021 \$
經常性及非經常性	Recurrent and non-recurrent	89,068,246	87,875,920
資本補助金(附註16)	Capital subvention fund (Note 16)	1,566,122	1,654,245
		90,634,368	89,530,165

7. 僱員薪俸

7. Staff Emoluments

		2022 \$	2021 \$
薪酬	Salaries	55,600,298	56,459,603
約滿酬金及其他津貼	Gratuities and other allowances	9,179,518	10,294,609
強積金計劃供款	Contributions to MPF Scheme	1,381,190	1,331,977
未放取年假撥備	Provision for unutilised annual leave	(542,840)	635,461
		65,618,166	68,721,650

8. 主要管理人員的報酬

8. Key Management Compensation

		2022 \$	2021 \$
短期僱員薪俸	Short-term staff emoluments	13,020,555	13,335,712
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	1,279,332	1,754,927
		14,299,887	15,090,639

9. 稅項

9. 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.

10. 物業、機器及設備

10. Property, Plant and Equipment

		擁有資產 Owned assets						使用權資產 Right-of-use assets	總計 Total
		汽車 Motor vehicle	電腦及軟件 Computer and software	辦公室設備 Office equipment	家具及固定裝置 Furniture and fixtures	租賃物業裝修工程 Leasehold improvements	小計 Sub-total	租賃土地及樓宇 Leasehold land and buildings	
		\$	\$	\$	\$	\$	\$	\$	\$
成本	Cost								
於2021年4月1日	At 1 April 2021	535,500	8,180,236	1,968,342	608,054	10,109,046	21,401,178	36,675,230	58,076,408
增加	Additions	–	562,430	255,479	38,752	267,500	1,124,161	–	1,124,161
處置	Disposals	–	(2,270,330)	(64,056)	(52,400)	(53,000)	(2,439,786)	–	(2,439,786)
於2022年3月31日	At 31 March 2022	535,500	6,472,336	2,159,765	594,406	10,323,546	20,085,553	36,675,230	56,760,783
累積折舊	Accumulated depreciation								
於2021年4月1日	At 1 April 2021	178,500	5,797,021	1,058,575	345,537	8,635,488	16,015,121	15,636,819	31,651,940
年內折舊	Charge for the year	178,500	1,440,942	370,405	112,541	1,132,911	3,235,299	7,425,322	10,660,621
處置核銷	Write back on disposals	–	(2,270,330)	(64,056)	(52,380)	(19,139)	(2,405,905)	–	(2,405,905)
於2022年3月31日	At 31 March 2022	357,000	4,967,633	1,364,924	405,698	9,749,260	16,844,515	23,062,141	39,906,656
帳面淨值	Net book value								
於2022年3月31日	At 31 March 2022	178,500	1,504,703	794,841	188,708	574,286	3,241,038	13,613,089	16,854,127
成本	Cost								
於2020年4月1日	At 1 April 2020	468,900	7,869,002	1,926,452	709,430	9,708,546	20,682,330	14,399,265	35,081,595
增加	Additions	535,500	775,049	44,576	56,504	400,500	1,812,129	22,275,965	24,088,094
處置	Disposals	(468,900)	(463,815)	(2,686)	(157,880)	–	(1,093,281)	–	(1,093,281)
於2021年3月31日	At 31 March 2021	535,500	8,180,236	1,968,342	608,054	10,109,046	21,401,178	36,675,230	58,076,408
累積折舊	Accumulated depreciation								
於2020年4月1日	At 1 April 2020	468,900	4,911,746	704,347	396,432	6,758,329	13,239,754	7,817,554	21,057,308
年內折舊	Charge for the year	178,500	1,349,090	356,914	106,985	1,877,159	3,868,648	7,819,265	11,687,913
處置核銷	Write back on disposals	(468,900)	(463,815)	(2,686)	(157,880)	–	(1,093,281)	–	(1,093,281)
於2021年3月31日	At 31 March 2021	178,500	5,797,021	1,058,575	345,537	8,635,488	16,015,121	15,636,819	31,651,940
帳面淨值	Net book value								
於2021年3月31日	At 31 March 2021	357,000	2,383,215	909,767	262,517	1,473,558	5,386,057	21,038,411	26,424,468

11. 銀行結存及現金

11. Bank Balances and Cash

		2022 \$	2021 \$
銀行及手頭現金	Cash at banks and on hand	14,834,962	11,532,820
短期銀行存款	Short-term bank deposits	29,872,296	26,766,138
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	44,707,258	38,298,958

12. 職員約滿酬金撥備

12. Provision for Staff Gratuity

		2022 \$	2021 \$
於4月1日的結餘	Balance as at 1 April	5,864,432	6,032,266
已作出的撥備	Provision made	6,299,934	7,094,519
未動用款項撥回	Unused amounts reversed	(473,384)	(148,599)
年內支付的數額	Amount paid during the year	(7,380,367)	(7,113,754)
於3月31日的結餘	Balance as at 31 March	4,310,615	5,864,432
減：流動部分	Less: current portion	(2,406,858)	(4,203,354)
非流動部分	Non-current portion	1,903,757	1,661,078

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

		2022 \$	2021 \$
於4月1日的結餘	Balance as at 1 April	8,329,933	9,729,933
已收補助金	Subvention received	1,500,000	–
退回補助金	Subvention refunded	–	(900,000)
年內確認為收入的數額	Recognised as income in the year	(1,654,340)	(500,000)
於3月31日的結餘	Balance as at 31 March	8,175,593	8,329,933

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.

14. 租賃負債

14. Lease Liabilities

		2022 \$	2021 \$
到期最低租賃付款額	Minimum lease payments due		
– 1年內	– Within 1 year	7,714,980	7,714,980
– 1至5年	– 1 to 5 years	6,429,150	14,144,130
		14,144,130	21,859,110
減：未來財務費用	Less: future finance charges	(333,295)	(777,400)
租賃負債的現值	Present value of lease liabilities	13,810,835	21,081,710
分析為：	Analysed as:		
流動部分	Current portion	7,454,744	7,270,875
非流動部分	Non-current portion	6,356,091	13,810,835
		13,810,835	21,081,710

未來財務費用所應用的加權平均遞增借貸利率為2.5% (2021: 2.5%)。

The weighted average incremental borrowing rate applied for future finance charges is 2.5% (2021: 2.5%).

15. 政府的約滿酬金補助款

15. Government Subvention for Gratuity

		2022 \$	2021 \$
於4月1日的結餘	Balance as at 1 April	3,395,001	3,390,921
年內確認的補助金	Subventions recognised for the year	(6,386,289)	(7,094,519)
沒收款	Forfeiture	473,384	148,599
已收政府的約滿酬金補助款	Gratuity subvention received from Government	6,050,000	6,950,000
於3月31日的結餘	Balance as at 31 March	3,532,096	3,395,001

這代表就個人資料私隱專員從政府收取的職員約滿酬金款項。

This represents funds received from the Government in respect of gratuity payments to staff of the PCPD.

16. 資本補助金

16. Capital Subvention Fund

		更換汽車 Replacement of motor vehicle \$	資訊科技基礎 設施檢修項目 IT infrastructure overhaul project \$	更新 投訴處理系統 Case Handling System revamp \$	更換電話系統 Replacement of telephone system \$	總計 Total \$
於2020年4月1日	At 1 April 2020	332,400	1,710,962	–	272,417	2,315,779
政府資本補助金	Government capital subvention	–	1,038,482	–	–	1,038,482
撥入全面收益表	Transfer to the statement					
為收入，以配對：	of comprehensive income					
	as income to match with:					
— 折舊支出	— Depreciation expense	(110,800)	(653,237)	–	(93,400)	(857,437)
— 其他營運費用	— Other operating expenses	–	(796,808)	–	–	(796,808)
於2021年3月31日	At 31 March 2021 and					
及2021年4月1日	1 April 2021	221,600	1,299,399	–	179,017	1,700,016
政府資本補助金	Government capital subvention	–	–	829,540	–	829,540
撥入全面收益表	Transfer to the statement					
為收入，以配對：	of comprehensive income					
	as income to match with:					
— 折舊支出	— Depreciation expense	(110,800)	(699,386)	(4,771)	(93,400)	(908,357)
— 其他營運費用	— Other operating expenses	–	–	(657,765)	–	(657,765)
於2022年3月31日	At 31 March 2022	110,800	600,013	167,004	85,617	963,434

資本補助金為就特定計劃方案已收取但未應用的非經常性政府資本補助金的餘額。有關款項撥入全面收益表為收入，以配對相關費用。

The capital subvention fund represents the unutilised balance of non-recurrent capital subvention from the Government received for special projects. The funds are released to the statement of comprehensive income as income to match with the related costs.

17. 一般儲備

17. General Reserve

		2022 \$	2021 \$
於4月1日	At 1 April	22,098,572	20,783,451
由全面收益表撥入	Transfer from statement of comprehensive income	7,497,774	1,315,121
於3月31日	At 31 March	29,596,346	22,098,572

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25%。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 25% 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.

18. 融資活動產生的負債對帳

下表詳述個人資料私隱專員來自融資活動的負債變動，包括現金及非現金變動。融資活動所產生的負債為現金流量或未來現金流量將於個人資料私隱專員的現金流量表中分類為融資活動的現金流量。

18. Reconciliation of Liabilities Arising from Financing Activities

The table below details changes in the PCPD's liabilities from financing activities, including both cash and non-cash changes. Liabilities arising from financing activities are liabilities for which cash flows were, or future cash flows will be, classified in the PCPD's statement of cash flows as cash flows from financing activities.

		2022 \$	2021 \$
於年初	At beginning of the year	21,081,710	6,662,876
融資現金流的變動：	Changes from financing cash flows:		
已付租賃負債本金	Capital element of lease rentals paid	(7,270,875)	(7,857,131)
已付租賃負債利息	Interest element of lease rentals paid	(444,106)	(168,159)
融資現金流的變動總額	Total changes from financing cash flows	(7,714,981)	(8,025,290)
		13,366,729	(1,362,414)
其他變動：	Other changes:		
租賃負債利息	Interest on lease liabilities	444,106	168,159
租賃負債增加	Increase in lease liabilities	—	22,275,965
其他變動總額	Total other changes	444,106	22,444,124
於年末	At end of the year	13,810,835	21,081,710

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:

		2022 \$	2021 \$
按攤銷成本計量的金融資產	Financial assets at amortised cost		
應收款項及按金	Accounts receivable and deposits	307,024	117,144
銀行結存及現金	Bank balances and cash	44,707,258	38,298,958
		45,014,282	38,416,102

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:

		2022 \$	2021 \$
按攤銷成本計量的金融負債	Financial liabilities at amortised cost		
應付款項及應計費用	Accounts payable and accruals	115,164	488,190
政府的約滿酬金補助款	Government subvention for gratuity	3,532,096	3,395,001
租賃負債	Lease liabilities	13,810,835	21,081,710
		17,458,095	24,964,901

所有金融工具的帳面值相對2021年及2022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 2022 and 2021.

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.

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，而最高信貸風險相等於金融資產所載有關帳面值。銀行存款的信貸風險是有限，因接受存款的銀行均為受香港《銀行業條例》規管的財務機構。

(b) 流動資金風險

個人資料私隱專員的流動資金風險是金融負債。個人資料私隱專員對資金作出謹慎管理，維持充裕的現金及現金等值，以滿足持續運作的需要。

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.

19. 金融工具(續)

(b) 流動資金風險(續)

下表載列個人資料私隱專員的金融負債於報告期末的剩餘合約年期。該等金融負債是根據合約未貼現現金流量(包括使用已訂合約利率或按報告期末的利率(如屬浮息)計算所付的利息)以及個人資料私隱專員可能被要求付款的最早日期編製：

19. Financial Instruments (Continued)

(b) Liquidity Risk (Continued)

The details of remaining contractual maturities at the end of the reporting period of the financial liabilities, which are based on contractual undiscounted cash flows (including interest payments computed using contractual rates or, if floating, based on rates current at the end of the reporting period) and the earliest date the PCPD can be required to pay are as follows:

		帳面值 Carrying amount \$	合約未貼現 現金流總額 Total contractual undiscounted cash flow \$	一年內或 按要求 Within 1 year or on demand \$	一年後 但五年內 Over 1 year but within 5 years \$
2022	2022				
應付款項及 應計費用	Accounts payable and accruals	115,164	115,164	115,164	–
政府的約滿酬金 補助款	Government subvention for gratuity	3,532,096	3,532,096	–	3,532,096
租賃負債	Lease liabilities	13,810,835	14,144,130	7,714,980	6,429,150
		17,458,095	17,791,390	7,830,144	9,961,246
2021	2021				
應付款項及 應計費用	Accounts payable and accruals	488,190	488,190	488,190	–
政府的約滿酬金 補助款	Government subvention for gratuity	3,395,001	3,395,001	–	3,395,001
租賃負債	Lease liabilities	21,081,710	21,859,110	7,714,980	14,144,130
		24,964,901	25,742,301	8,203,170	17,539,131

19. 金融工具(續)

(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。

19. Financial Instruments (Continued)

(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.

20. 已頒布但於年內尚未生效的《香港財務報告準則》

以下是已頒布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

《香港財務報告準則》第17號：保險合約及相關修訂本 HKFRS 17, <i>Insurance Contracts and the related Amendments</i>	2023年1月1日 1 January 2023
《香港財務報告準則》第3號(修訂本)：概念框架的提述 Amendments to HKFRS 3, <i>Reference to the Conceptual Framework</i>	2022年1月1日 1 January 2022
《香港財務報告準則》第10號及《香港會計準則》第28號(修訂本)： 投資者與其聯營企業或合資企業之間的資產出售或投入 Amendments to HKFRS 10 and HKAS 28, <i>Sales or Contribution of Assets between an Investor and its Associate or Joint Venture</i>	尚未釐定 To be determined
《香港會計準則》第1號(修訂本)：負債分類為流動或非流動 Amendments to HKAS 1, <i>Classification of Liabilities as Current or Non-current</i>	2023年1月1日 1 January 2023
《香港會計準則》第1號及《香港財務報告準則》實務公告第2號(修訂本)： 會計政策的披露 Amendments to HKAS 1 and HKFRS Practice Statement 2, <i>Disclosure of Accounting Policies</i>	2023年1月1日 1 January 2023
《香港會計準則》第8號(修訂本)：會計估計的定義 Amendments to HKAS 8, <i>Definition of Accounting Estimates</i>	2023年1月1日 1 January 2023
《香港會計準則》第12號(修訂本)：有關單一交易產生的資產及負債的遞延稅項 Amendments to HKAS 12, <i>Deferred tax related to assets and liabilities arising from a single transaction</i>	2023年1月1日 1 January 2023
《香港會計準則》第16號(修訂本)：物業、廠房及設備 – 擬定用途前的所得款項 Amendments to HKAS 16, <i>Property, Plant and Equipment – Proceeds before Intended Use</i>	2022年1月1日 1 January 2022
《香港會計準則》第37號(修訂本)：虧損合約 – 履行合約的成本 Amendments to HKAS 37, <i>Onerous Contracts – Cost of Fulfilling a Contract</i>	2022年1月1日 1 January 2022
香港財務報告準則(修訂本)：《香港財務報告準則》2018年至2020年的年度改進 Amendments to HKFRSs, <i>Annual Improvements to HKFRSs 2018-2020</i>	2022年1月1日 1 January 2022

20. 已頒布但於年內尚未生效的《香港財務報告準則》(續)

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。

21. 批准財務報表

本財務報表已於2022年7月20日獲個人資料私隱專員授權刊發。

20. Hong Kong Financial Reporting Standards Issued but not yet Effective for the Year (Continued)

The PCPD has not early adopted these HKFRSs. 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. Approval of Financial Statements

These financial statements were authorised for issue by the PCPD on 20 July 2022.

附錄

Appendix



附錄一 Appendix 1

保障資料原則 Data Protection Principles

附錄二 Appendix 2

服務承諾 Performance Pledge

附錄三 Appendix 3

上訴個案簡述 Appeal Case Notes

附錄四 Appendix 4

投訴個案選錄 • 以作借鑑 Summaries of Selected Complaint Cases – Lessons Learnt

附錄五 Appendix 5

定罪個案選錄 • 以作借鑑 Summaries of Selected Conviction Cases – Lessons Learnt

附錄六 Appendix 6

循規行動個案選錄 • 以作借鑑 Summaries of Selected Compliance Action Cases – Lessons Learnt



附錄一

Appendix 1



保障資料原則

《私隱條例》旨在保障個人（資料當事人）在個人資料方面的私隱權。所有使用個人資料的人士（資料使用者）須依從《私隱條例》核心的六項保障資料原則。該六項原則涵蓋了個人資料由收集、保存、使用以至銷毀的整個生命週期。

Data Protection Principles

The objective of the PDPO is to protect the privacy rights of a person (Data Subject) in relation to his personal data. 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 PDPO and cover the entire life cycle of the handling of personal data.



第1原則 — 收集資料原則

- 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。

DPP 1 – Data Collection Principle

- Personal data must be collected in a lawful and fair way, and for a lawful purpose directly related to a function or activity of the data user.
- All practicable steps must be taken to notify the data subjects of the purpose for which the data is to be used, and the classes of persons to whom the data may be transferred.
- Personal data collected should be necessary and adequate but not excessive.



第2原則 — 資料準確、儲存及保留原則

- 資料使用者須採取所有切實可行的步驟以確保持有的個人資料準確無誤，而資料的保留時間不應超過達致原來目的的實際所需。

DPP 2 – Accuracy & Retention Principle

- A data user must take all practical steps to ensure that personal data is accurate and not kept for a period longer than is necessary to fulfil the purpose for which it is used.



第3原則 — 使用資料原則

- 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。

DPP 3 – Data Use Principle

- Personal data is used only for the purpose for which the data is collected or for a directly related purpose; voluntary and explicit consent must be obtained from the data subject if the data is to be used for a new purpose.

個人資料

指符合以下說明的任何資料：(1)直接或間接與一名在世的個人有關的；(2)從該資料直接或間接地確定有關的個人的身分是切實可行的；及(3)該資料的存在形式令予以查閱及處理均是切實可行的。

Personal Data

means any data (1) relating directly or indirectly to a living individual; (2) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and (3) in a form in which access to or processing of the data is practicable.

資料使用者

指獨自或聯同其他人或與其他人共同操控個人資料的收集、持有、處理或使用的人士。資料使用者作為主事人，亦須為其聘用的資料處理者的錯失負上法律責任。

Data User

means 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 any data processor engaged by it.



第4原則 — 資料保安原則

- 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。

DPP 4 – Data Security Principle

- A data user must take all practical steps to protect personal data from unauthorised or accidental access, processing, erasure, loss or use.



第5原則 — 透明度原則

- 資料使用者須採取切實可行的步驟來公開其處理個人資料的政策和行事方式，並交代其持有的個人資料類別和用途。

DPP 5 – Openness Principle

- A data user must make generally available its personal data policies and practices, types of personal data it holds and how the data is used.



第6原則 — 查閱及改正原則

- 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。

DPP 6 – Data Access & Correction Principle

- A data subject is entitled to have access to his personal data and to make corrections where the data is inaccurate.

附錄二 Appendix 2



服務承諾

在報告年度內，私隱公署在處理公眾查詢、投訴及法律協助計劃申請方面的工作表現，均高於服務承諾目標。在回覆電話查詢及確認收到書面查詢方面，所有個案均在兩個工作日內完成；在詳細回覆書面查詢方面，所有個案均在28個工作日內作出回覆。

在處理公眾投訴方面，在收到投訴後兩個工作日內發出認收通知的比率為99%（服務指標為98%）。此外，私隱公署決定結束投訴的個案當中，99%的個案都能夠在180日內結案（服務指標為95%）。

至於處理法律協助計劃申請方面，所有個案均能夠在收到申請後兩個工作日內發出認收通知及在申請人遞交法律協助申請的所有相關資料後三個月內通知他們申請結果。

Performance Pledge

During the reporting year, the PCPD's performance in the handling of public enquiries, complaints and applications for legal assistance exceeded the target performance. Replies to telephone enquiries and acknowledgements of written enquiries were all completed within two working days of receipt. All written enquiries that needed substantive replies were also responded to within 28 working days of receipt.

In handling public complaints, acknowledgement receipts were issued within two working days of receipt in 99% of the cases (our performance target is 98%). In situations where the PCPD decided to close a complaint case, 99% of the cases were closed within 180 days of receipt (our performance target is 95%).

As regards applications for legal assistance, acknowledgement receipts were issued within two working days of receipt of all applications and all applicants were informed of the outcome within three months after they had submitted all the relevant information for the applications.

服務標準 Service Standard		服務指標 (個案達到服務 水平的百分比) Performance Target (% of Cases Meeting Standard)	工作表現 Performance Achieved				
			2017	2018	2019	2020	2021
處理公眾查詢 Handling Public Enquiries							
回覆電話查詢 Call back to a telephone enquiry	收到電話查詢後兩個工作 日內 Within two working days of receipt	99%	100%	100%	100%	100%	100%
確認收到書面查詢 Acknowledge receipt of a written enquiry	收到書面查詢後兩個工作 日內 Within two working days of receipt	99%	100%	100%	100%	100%	100%
詳細回覆書面查詢 Substantive reply to a written enquiry	收到書面查詢後28個工 作日內 Within 28 working days of receipt	95%	100%	100%	100%	100%	100%
處理公眾投訴 Handling Public Complaints							
確認收到投訴 Acknowledge receipt of a complaint	收到投訴後兩個工作日內 Within two working days of receipt	98%	100%	100%	99%	99%	99%
結束投訴個案 Close a complaint case	收到投訴後180日內 ¹ Within 180 days of receipt ¹	95%	99%	96%	99%	99%	99%
處理法律協助計劃申請 Handling Applications for Legal Assistance							
確認收到法律協助 計劃申請 Acknowledge receipt of an application for legal assistance	收到申請後兩個工作日內 Within two working days of receipt	99%	100%	100%	100%	不適用 ² N/A ²	100%
通知申請人申請結 果 Inform the applicant of the outcome	申請人遞交法律協助申請的 所有相關資料後三個月內 Within three months after the applicant has submitted all the relevant information for the application for legal assistance	90%	100%	83%	100%	100%	100%

1 由投訴被正式接納為《私隱條例》第37條下的投訴後開始計算。

Time starts to run from the date on which the complaint is formally accepted as a complaint under section 37 of the PDPO.

2 於2020年沒有收到申請。

No application was received in 2020.

附錄三

Appendix 3

上訴個案簡述(一)

(行政上訴案件第3/2020號)

查閱資料要求 — 要求文件的目的是用以尋找資料使用者先前作出決定的依據 — 標的事宜與保障個人資料私隱無關 — 正確行使酌情權拒絕對投訴進行調查

Appeal Case Note (1)

(AAB Appeal No. 3 of 2020)

Data access request – requesting a document for the purpose of seeking evidence on the data user's prior decision – the subject matter was not related to the protection of personal data privacy – discretion not to further investigate the complaint duly exercised

聆訊委員會成員：

Coram:

彭耀鴻資深大律師(主席) Mr Robert PANG Yiu-hung, SC (Chairperson)

容慧慈女士(委員) Ms Christine YUNG Wai-chi (Member)

唐以恒先生(委員) Mr TONG Yee-hang (Member)

裁決理由書日期：

Date of Decision:

2021年11月24日

24 November 2021

投訴內容

上訴人向某執法機構就一份調查報告提交兩次查閱資料要求，而有關報告的內容後來被發現為導致該執法機構決定檢控上訴人某些所干犯的罪行。上訴人指稱該執法機構未有於法定期限的40天內依從查閱資料要求，故向私隱專員作出投訴。

The Complaint

The Appellant lodged two data access requests (DARs) to a law enforcement agency (the Law Enforcement Agency) for access to an investigation report, which later transpired to have resulted in the Appellant's prosecution of certain offence(s). The Appellant alleged that the Law Enforcement Agency failed to comply with the DARs within the statutory timeframe of 40 days and hence made a complaint to the Privacy Commissioner.



私隱專員的決定

經審視相關的證據後，私隱專員認為在該執法機構逾時回覆查閱資料要求的事實上並沒有任何爭議。私隱專員拒絕繼續調查上訴人的投訴，其中一個依據是披露有關調查報告會透露該執法機構的行動，包括調查細節，同時該披露相當可能會損害調查及檢控罪行的工作，所以該執法機構可援引《私隱條例》第58(1)(a)條，拒絕依從有關的查閱資料要求。上訴人不滿私隱專員根據《私隱條例》第39(2)(d)條作出的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定，並基於下述理由駁回該上訴：

- (1) 就有關該執法機構逾時回覆查閱資料要求，委員會認為該執法機構已自願採取補救措施，故認同不必再作進一步調查。

The Privacy Commissioner's Decision

Upon examining the evidence available, it was not disputed that the Law Enforcement Agency delayed in responding to the DARs. One of the reasons why the Privacy Commissioner refused to further investigate into the Appellant's complaint was that the Law Enforcement Agency was entitled to invoke the exemption under section 58(1)(a) of the PDPO in refusing to comply with the DARs. The disclosure of the investigation report would reveal the action(s) taken by the Law Enforcement Agency, including the details of the investigation such that it would likely prejudice the investigation and prosecution of the crime concerned. Dissatisfied with the Privacy Commissioner's decision made pursuant to section 39(2)(d) of the PDPO, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB confirmed the Privacy Commissioner's decision and dismissed the appeal on the following grounds:

- (1) Regarding the allegation of a delay on the part of the Law Enforcement Agency, the AAB agreed that any further investigation of this issue was unnecessary as remedial actions had already been taken by the Law Enforcement Agency voluntarily.

(2) 委員會認為有證據顯示上訴人提出查閱資料要求的目的是尋找該執法機構在作出調查及／或檢控決定中的不當地方，而並非為了促進任何保障資料原則所賦予的權利，例如確定該執法機構所持有的個人資料的類別。委員會依仗胡潔冰訴行政上訴委員會 [2007] 4 HKLRD 849一案的原則（即提出查閱資料要求的目的並非輔佐訴訟文件披露的權利或讓資料當事人以此作為途徑取得資料以作其他用途），認為上訴人藉查閱資料要求以收集該執法機構作出不當決定的證據，並非《私隱條例》下賦予資料當事人有關權利的目的。

委員會亦在判決中提出附帶意見，對《私隱條例》第58(1)(a)條的豁免在本案的適用性有所保留，認為私隱專員應查看有關調查報告，以考慮該執法機構是否有足夠理據援引《私隱條例》下相關的豁免條文。

行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊
黎國榮助理律師代表私隱專員

該執法機構（受到遭上訴所反對的決定所約束的人）缺席應訊

(2) Regarding the purpose for which the DARs were lodged, the AAB found evidence indicating that the Appellant's purpose for such requests was to fish for any irregularities in the then decision to investigate and / or prosecute, as opposed to furtherance of any of the relevant data protection principles, such as ascertaining the kinds of personal data held by the Law Enforcement Agency. The AAB applied the principle established in *Wu Kit Ping v Administrative Appeals Board* [2007] 4 HKLRD 849 (i.e. the purpose of lodging a DAR was not to supplement rights of discovery in legal proceedings or to enable a data subject to locate information for other purpose(s)) and opined that to look for evidence of perceived wrongdoing on the part of the Law Enforcement Agency was not a purpose for lodging a DAR as enshrined under the PDPO.

As *obiter dicta*, the AAB had reservations as to the applicability of the exemption under section 58(1)(a) of the PDPO and considered that the Privacy Commissioner should have examined the investigation report to consider whether there was sufficient justification for the Law Enforcement Agency to invoke the relevant exemption provision(s) under the PDPO.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Mr Alex LAI, Assistant Legal Counsel representing the Privacy Commissioner

The Law Enforcement Agency (the Person bound by the decision appealed against) was absent

附錄三

Appendix 3



上訴個案簡述(二)

(行政上訴案件第 5/2020 號)

查閱資料要求 — 要求查閱的資料受法律專業保密權的保障 — 要求的資料有可能披露投訴人士之身份 — 正確行使酌情權拒絕對投訴進行調查

Appeal Case Note (2)

(AAB Appeal No. 5 of 2020)

Data access request – the requested data was protected by legal professional privilege – the requested data might reveal the identity of the complainant – discretion not to further investigate the complaint duly exercised

聆訊委員會成員：

Coram:

廖玉玲女士，太平紳士(主席) Ms Elaine LIU Yuk-ling, JP (Chairperson)

陳浩升先生(委員) Mr Ernest CHAN Ho-sing (Member)

唐彩珍女士(委員) Ms TONG Choi-cheng (Member)

裁決理由書日期：

Date of Decision:

2021年5月13日

13 May 2021

投訴內容

上訴人收到牙醫管理委員會(牙醫委員會)的信函通知，決定根據《牙醫註冊條例》取消上訴人的牙醫註冊。有關信函中亦提及牙醫委員會早前曾接獲有關向上訴人所作出的投訴(該投訴)，如上訴人其後申請復牌，牙醫委員會將跟進該投訴。

The Complaint

The Appellant was notified by the Dental Council of Hong Kong (Dental Council) of their decision to deregister the Appellant pursuant to the Dentists Registration Ordinance by a letter. It was also mentioned that the Dental Council had received a complaint against the Appellant (the Complaint), and if the Appellant intended to re-apply for a practising certificate, the Dental Council would follow up with the Complaint.

上訴人曾先後三次向牙醫委員會作出查閱資料要求，包括：(1)牙醫委員會就取消上訴人的牙醫註冊一事向法律顧問徵求的法律意見之複本；及(2)該投訴的詳情。由於牙醫委員會拒絕遵從上述查閱資料要求，故上訴人向私隱專員作出投訴。

私隱專員的決定

首先，私隱專員認為法律顧問向牙醫委員會提供的法律意見受到「法律專業保密權」的保障，故牙醫委員會可引用《私隱條例》第60條的豁免條文拒絕遵從有關查閱資料要求。

此外，私隱專員認同向上訴人提供該投訴的詳情，相當可能會直接或間接披露作出該投訴的人士之身份，有可能對調查該投訴構成損害，故牙醫委員會可引用《私隱條例》第58(1)(d)條的豁免，毋須向上訴人提供該投訴的詳情。

私隱專員認為個案沒有違反《私隱條例》的任何規定，故行使《私隱條例》第39(2)(d)條賦予的酌情權以拒絕對投訴進行調查。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

The Appellant made a total of three DARs to the Dental Council, requesting, amongst other things, (1) a copy of the legal opinion rendered by its legal advisor regarding the decision to deregister the Appellant; and (2) the details of the Complaint. As the Dental Council refused to comply with the aforesaid DARs, the Appellant lodged a complaint to the Privacy Commissioner.

The Privacy Commissioner's Decision

First, the Privacy Commissioner considered that the legal opinion rendered by the legal advisor of the Dental Council was subject to legal professional privilege. Hence, the Dental Council could have relied on the exemption under section 60 of the PDPO and refused to comply with the relevant DARs.

Further, the Privacy Commissioner agreed with the Dental Council that disclosing the details of the Complaint might have directly or indirectly revealed the identity of the Complainant, and may well have prejudiced the investigation against the Complaint. Therefore, the Dental Council was entitled to refuse to provide the Appellant with the details of the Complaint by relying on the exemption under section 58(1)(d) of the PDPO.

The Privacy Commissioner considered that there was no contravention of the requirements of the PDPO; and exercised the discretion under section 39(2)(d) of the PDPO not to carry out an investigation into the Appellant's complaint. Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

上訴

委員會確認私隱專員的決定，並基於下述理由駁回該上訴：

- (1) 儘管委員會認同牙醫委員會所享有的法律專業保密權並不是絕對，但在考慮到法律顧問的角色及提供法律意見的相關情況，委員會認為有證據顯示所涉及的法律意見應受法律專業保密權的保障。由於上訴人未能提出合理的相反證據，故所涉及的法律意見可獲《私隱條例》第60條所豁免而毋須提供。
- (2) 牙醫委員會進行紀律研訊的目的主要是針對牙醫的操守行為，而披露該投訴的詳情可能會直接或間接識辨作出該投訴的人士之身份，也可能會損害防止、排除或糾正（包括懲處）任何人所作的非法或嚴重不當的行為、或不誠實的行為或舞弊行為，所以委員會認同該投訴的詳情屬於《私隱條例》第58(1)(d)條所涵蓋的豁免情況。

行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊
劉嘉儀律師代表私隱專員

牙醫委員會（受到遭上訴所反對的決定所約束的人）缺席應訊

The Appeal

The AAB confirmed the Privacy Commissioner's decision and dismissed the appeal on the following grounds:

- (1) The AAB agreed that the legal professional privilege enjoyed by the Dental Council was not absolute. In considering the role of the legal advisor and the circumstances under which the legal opinion was provided, the AAB opined that the legal opinion obtained by the Dental Council was subject to legal professional privilege. In the absence of reasonable evidence to the contrary, the legal opinion concerned could be exempted from providing to the Appellant under section 60 of the PDPO.
- (2) The aim of the disciplinary proceedings instituted by the Dental Council was targeted on misconduct of dentists. Disclosing the details of the Complaint might have not only directly or indirectly revealed the identity of the complainant, but also prejudiced the prevention, preclusion or remedying (including punitive action) of unlawful or seriously improper conduct, or dishonesty or malpractice, by persons. Hence, the AAB agreed that the details of the Complaint could be exempted under section 58(1)(d) of the PDPO.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Ms Lucia LAU, Legal Counsel representing the Privacy Commissioner
The Dental Council (the Person bound by the decision appealed against) was absent

附錄三

Appendix 3

上訴個案簡述(三)

(行政上訴案件第 19/2020 號)

查閱資料要求 — 提供的資料不完整 — 已在能力範圍內提供 — 沒有證據顯示資料使用者拖延提供資料 — 改正資料要求 — 把資料當事人的意見作附註 — 正確行使酌情權拒絕繼續調查投訴

Appeal Case Note (3)

(AAB Appeal No. 19 of 2020)

Data access request – data supplied not complete – data provided by data user in its best efforts – no evidence suggesting delay on the part of the data user in providing data – data correction request – discretion not to investigate the complaint duly exercised

聆訊委員會成員：

Coram:

廖玉玲女士，太平紳士(主席) Ms Elaine LIU Yuk-ling, JP (Chairperson)

陳浩升先生(委員) Mr Ernest CHAN Ho-sing (Member)

任文慧女士(委員) Ms Julienne JEN (Member)

裁決理由書日期：

Date of Decision:

2021年11月9日

9 November 2021

投訴內容

上訴人分別向某執法機構提出查閱資料要求以查閱他早前報案的相關文件及紀錄；及提出改正資料要求以求刪除上述案件中該執法機構人員紀錄內的某些內容。該執法機構在收到該查閱要求的40日內向上訴人提供相關文件。由於上訴人認為該執法機構提供的資料不完整及未能閱覽獲提供的光碟，同時未有依從其改正資料要求，故向私隱專員作出投訴。

The Complaint

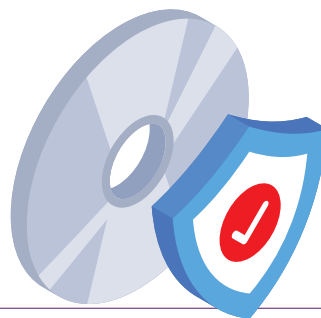
The Appellant submitted a DAR to a law enforcement agency (the Law Enforcement Agency) for obtaining documents and records relevant to a case which was reported by the Appellant earlier; and submitted a data correction request (DCR) requesting erasure of certain contents from the record of the officer of the Law Enforcement Agency respectively. Notwithstanding that the Law Enforcement Agency provided the requested documents within 40 days after receiving the DAR, the Appellant considered that the data supplied was not complete; the CD-Rom provided could not be read; and the DCR was not complied with. Hence, the Appellant complained to the Privacy Commissioner.

私隱專員的決定

就未有依從查閱資料要求的投訴，私隱專員認為，該執法機構已在其

The Privacy Commissioner's Decision

As regards the complaint against the failure of the Law Enforcement Agency in complying with the DAR,



能力範圍內向上訴人提供所要求的資料，並在得悉光碟未能閱覽後採取補救措施，包括提供第二隻光碟及應上訴人要求以紙張提供資料。

就未有依從改正資料要求的投訴，私隱專員認為，由於該要求並非遵照《私隱條例》第22(1)(a)條的規定提出，故同意該執法機構無需理會該要求。再者，由於有關該執法機構人員內的紀錄已被用作一宗相關的索償案之證物，故不適宜就其記錄的內容作出更改。

就此，私隱專員引用《私隱條例》第39(2)(d)條賦予的酌情權，決定不繼續對上訴人的投訴進行調查。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定，並基於下述理由駁回該上訴：

- (1) 委員會認為該執法機構已在其能力範圍內遵從了上訴人的查閱資料要求，而上訴人未能提出充分證據證明該執法機構故意拖延提供其所要求查閱的資料，又或因延遲取得相關資料

the Privacy Commissioner considered that the Law Enforcement Agency had made their best efforts to provide the Appellant with the data so requested. Further, upon being notified that the CD-Rom could not be read, it had already taken remedial measures, which included providing another CD-Rom and the relevant data in paper form in order to comply with the Appellant's request.

As regards the complaint against the failure of the Law Enforcement Agency in complying with the DCR, the Privacy Commissioner considered that the Law Enforcement Agency was not required to comply with such request as it was not made pursuant to section 22(1)(a) of the PDPO. Besides, the concerned record of the officer had been admitted as evidence in the relevant civil claim for damages, and it was not appropriate to change the contents.

In view of the above, the Privacy Commissioner decided to exercise her discretion not to further investigate into the Appellant's complaint pursuant to section 39(2)(d) of the PDPO. Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal with the AAB.

The Appeal

The AAB affirmed the Privacy Commissioner's decision, and dismissed the Appellant's appeal for the following reasons:

- (1) The AAB agreed that the Law Enforcement Agency had made their best efforts to comply with the DAR. The Appellant was unable to raise sufficient evidence to prove that the Law Enforcement Agency deliberately delayed the supply of data as per his request or he suffered from any actual harm

而對其構成任何實際傷害。委員會信納即使私隱專員繼續處理上訴人的投訴，亦不能為上訴人帶來任何實際的成效。

- (2) 就改正資料要求的投訴，委員會認同私隱專員的決定指由於有關紀錄涉及該執法機構人員當時記下的內容，也曾作為呈堂證供，不應隨便刪除。同時，證據顯示該執法機構已在其紀錄中附註了上訴人的意見，故已遵從了改正資料要求的相關規定。

委員會亦在裁決理由書中提出附帶意見，認為上訴人要求的資料可能是為了查找上訴人與該執法機構間出現溝通問題之成因，而導致相關調查進展停滯不前。委員會同意查找溝通問題有別於個人資料私隱保障，故私隱專員可根據《私隱條例》第39(2)(ca)條，拒絕進行調查或終止調查。

行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊
廖雅欣助理律師代表私隱專員

該執法機構(受到遭上訴所反對的決定所約束的人)缺席應訊

due to the delay. The AAB accepted that even if the Privacy Commissioner had continued with her investigation, it would not have brought about any material result.

- (2) Regarding the complaint concerning the DCR, the AAB agreed with the Privacy Commissioner's decision that the record constituted part of the contemporaneous record noted down by the officer of the Law Enforcement Agency, and had been admitted to the court as evidence such that its contents should not be revised. Meanwhile, as there was evidence indicating that the Law Enforcement Agency had made a note of the Appellant's opinion in its record, the relevant requirements of the DCR had been duly complied with.

As *obiter dicta* stated in the decision, the AAB opined that the Appellant's purpose of requesting the data was to look into the cause of the miscommunication between the Appellant and the Law Enforcement Agency, which subsequently led to the delay in investigation. The AAB agreed with the Privacy Commissioner's findings that to look into the miscommunication issues was different from that of protection of personal data privacy such that the Privacy Commissioner would be entitled to refuse to carry out or decide to terminate an investigation pursuant to section 39(2) (ca) of the PDPO.

The AAB's Decision

The appeal was dismissed.

The Appellant appeared in person
Ms Joyce LIU, Assistant Legal Counsel representing the Privacy Commissioner
The Law Enforcement Agency (the Person bound by the decision appealed against) was absent



附錄三

Appendix 3

上訴個案簡述(四)

(行政上訴案件第21/2020號)

理賠師獲資料使用者委託作其代理人 — 在處理相關個人資料時不屬於第三者 — 資料使用者及理賠師使用相關個人資料作處理索償事宜之用屬合理 — 沒有證據顯示個人資料被使用或處理作其他不合法或不相關的目 — 正確行使酌情權拒絕對投訴作進一步調查

Appeal Case Note (4)

(AAB Appeal No. 21 of 2020)

A loss adjuster was engaged by the data user as its agent – not a third party in processing relevant personal data – reasonable for the data user and loss adjuster to use personal data concerned for claims handling – no evidence that the personal data has been used or processed for other unlawful or unrelated purposes – discretion not to further investigate the complaint duly exercised

聆訊委員會成員：

Coram:

裁決理由書日期：

Date of Decision:

蔡源福資深大律師(主席) Mr CHUA Guan-hock, SC (Chairperson)

錢丞海先生(委員) Mr CHIN Shing-hoi (Member)

關蕙女士(委員) Miss Angelina Agnes KWAN (Member)

2021年4月13日

13 April 2021

投訴內容

上訴人於一所超級市場內受傷。該超級市場的一名職員於一份顧客意外報告中記錄上訴人的個人資料，包括其姓名、電話號碼及年齡。該超級市場其後向代表它處理所有涉及人身傷害事件的理賠師提供該報告。上訴人向私隱專員投訴該超級市場：(1)沒有告知他有關收集其個人資料的目的；及(2)在未經其同意的情況下把載有其個人資料的該報告披露予該理賠師作和解談判之用。

The Complaint

The Appellant was injured in a supermarket (the Supermarket). A staff of the Supermarket recorded the Appellant's personal data, including his full name, telephone number and age, in a Customer Accident Report (the Report). The Report was subsequently provided to a loss adjuster, who acted on behalf of the Supermarket in handling all personal injuries incidents (the Loss Adjuster). The Appellant lodged a complaint to the Privacy Commissioner against the Supermarket for: (1) failing to inform him the purpose of collection of his personal data; and (2) disclosing the Report containing his personal particulars to the Loss Adjuster for settlement negotiations without his consent.

私隱專員的決定

經調查投訴後，私隱專員留意到該超級市場已經採取糾正措施及為受傷顧客制訂一份顧客資料表，當中列明：(1)個人資料應由個別人士自願提供；及(2)個人資料會被使用或轉移至其理賠師或保險公司作處理受傷事件之用。私隱專員亦認為該理賠師是該超級市場的代理人，代表它跟上訴人談判。

綜觀事件的所有情況，私隱專員引用《私隱條例》第39(2)(d)條賦予的酌情權終止調查。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

上訴

委員會確認私隱專員的決定，並基於下述理由駁回上訴：

- (1) 有關該超級市場是否有權在未有具體地告知上訴人的情況下委託該理賠師作為其代理人，委員會信納該超級市場為了處理有關個人或財產的實際或潛在損失，讓其理賠師或保險公司閱覽或處理上訴人的個人資料，以向該超級市場提供專業意見及協助，做法並不罕見。該理賠師在所有關鍵時刻均為該超級市場的代理人，並不屬於第三者。

The Privacy Commissioner's Decision

Upon investigation, the Privacy Commissioner noted that the Supermarket had taken remedial measures and devised a Customer Information Sheet for injured customers, which set out: (1) personal data should be provided on a voluntary basis; and (2) the personal data would be used or transferred to its loss adjusters and insurers for handling of the injury cases. The Privacy Commissioner also considered that the Loss Adjuster was acting as the agent on the Supermarket's behalf in negotiating with the Appellant.

Taking into account all circumstances of the case, the Privacy Commissioner exercised the discretion to terminate the investigation under section 39(2)(d) of the PDPO. Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal to the AAB.

The Appeal

The AAB confirmed the Privacy Commissioner's decision and dismissed the appeal on the following grounds:

- (1) Regarding whether the Supermarket was entitled to engage the services of the Loss Adjuster as its agent without specifically informing the Appellant, the AAB was satisfied that it was not uncommon for the Supermarket to allow its loss adjusters or insurers to have access to or process the Appellant's personal data in relation to actual or potential damages to persons or properties, with the aim of providing the Supermarket with professional advice and assistance. The Loss Adjuster was acting at all material times as the agent of the Supermarket and was not a third party.

- (2) 就上訴人的個人資料被提供予該超級市場及／或該理賠師的目的而言，委員會採納一個常理性的方式作出考慮，並認為上訴人的個人資料被用作核對身份的目的，以確保任何補償金額會正確支付予相關人士。此外，本案亦無證據顯示上訴人在非自願的情況下提供其個人資料予該超級市場；或該超級市場及／或該理賠師使用該等個人資料作任何不合法或不相關的目的，而構成違反保障資料第1(1)原則的規定。
- (3) 鑑於上述考慮及該超級市場已採取的糾正措施，委員會認同任何進一步的調查是不必要。委員會強調私隱專員有廣泛的酌情權可根據《私隱條例》第39(2)(d)條終止調查，而在本案中已合理地及公平地行使有關酌情權。
- (2) Regarding the purposes for which the Appellant's personal data was provided to the Supermarket and / or the Loss Adjuster, the AAB adopted a common-sense approach and considered that the Appellant's personal data was used for the purposes of identity verification such that the compensation, if any, would be made to the correct person. There was also no evidence suggesting that the Appellant provided his personal data to the Supermarket on an involuntary basis; or that the Supermarket and / or the Loss Adjuster had used such personal data for any unlawful or unrelated purposes, which would otherwise constitute a contravention of the requirements of DPP 1(1).
- (3) Given the aforesaid and the remedial measures taken by the Supermarket, the AAB accepted that any further investigation was unnecessary. The AAB emphasised that the Privacy Commissioner had a wide discretion to terminate an investigation under section 39(2)(d) of the PDPO, and such discretion had been exercised reasonably and fairly in this matter.

行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊
黃寶漫助理律師代表私隱專員

該超級市場(受到遭上訴所反對的決定所約束的人)缺席應訊

The AAB's Decision

The appeal was dismissed.

*The Appellant appeared in person
Ms Clemence WONG, Assistant Legal Counsel
representing the Privacy Commissioner
The Supermarket (the Person bound by the decision
appealed against) was absent*

附錄四

Appendix 4

投訴個案選錄 • 以作借鑑

Summaries of Selected Complaint Cases – Lessons Learnt

個案一

公共交通運輸公司職員被「起底」—《私隱條例》第64條—個人資料的披露

投訴內容

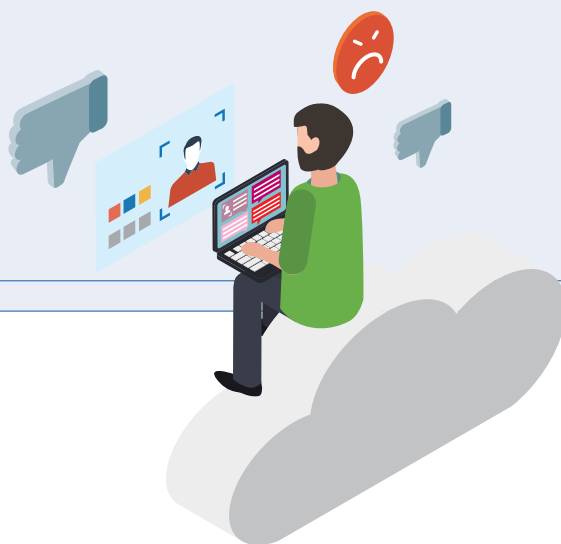
投訴人是某公共交通運輸公司的職員。2021年年初，投訴人發現有人在未得他的同意下，把他的姓名、相片，以及其他個人資料（包括他的職業、公司名稱及工作的車站）發放到社交媒體平台。發文者在帖文內以粗言穢語稱呼投訴人，指責他檢查車票，又呼籲網民去識別他。投訴人對他的個人資料在社交媒體平台被發布感到極度憂慮，遂向私隱公署求助。

Case 1

Staff of a public transport company was doxxed – section 64 of the PDPO – disclosure of personal data

The Complaint

The Complainant was a staff member of a public transport company. In early 2021, the Complainant found that his name, photo and other personal data (including his occupation, company name and the station where he worked) had been posted on a social media platform without his consent. The doxxer addressed the Complainant in foul language, blaming him for checking tickets, and incited other netizens to identify him. The Complainant was extremely distressed due to the disclosure of his personal data on the social media platform. He therefore sought assistance from the PCPD.



結果

在這個案中，不但投訴人的個人資料被披露，發文者更在網上呼籲網民識別投訴人。這無疑對投訴人的日常生活帶來不必要的威脅和滋擾。私隱公署要求有關社交媒體平台移除有關的「起底」帖文，並得到積極的回應。最終，相關涉事的帖文被移除，以減低對投訴人的傷害。

借鑑

近年個人資料被「武器化」，「起底」情況猖獗。雖然在接獲投訴時，「起底」並非刑事罪行，但是《私隱條例》於2021年10月經修訂後更能有效打擊「起底」行為。修例旨在將「起底」行為訂為刑事罪行、賦權私隱專員就「起底」及相關罪行進行刑事調查及檢控，以及賦予私隱專員法定權力要求停止披露「起底」訊息。市民在網上或社交媒體平台發布或轉載任何看來是「起底」的訊息前，都要三思。

Outcome

In this case, not only was the Complainant's personal data disclosed, the doxxer also incited netizens to identify the Complainant. This undoubtedly posed threats and harassment to the Complainant in his daily life. The PCPD requested the social media platform to remove the doxxing post concerned and received a positive response from the social media platform. The doxxing post was eventually removed to minimise damages to the Complainant.

Lessons Learnt

Doxxing activities have become rampant and personal data has been "weaponised" in recent years. Although at the time of the complaint, doxxing was not a criminal offence, the PDPO was amended in October 2021 to more effectively combat doxxing behaviour. The objectives of the amendments were to criminalise doxxing acts, empower the Privacy Commissioner to carry out criminal investigations and institute prosecutions in respect of doxxing and related offences, and confer on the Privacy Commissioner statutory powers to demand the cessation of disclosure of doxxing messages. Everyone should think twice before publishing or re-posting any message that appears to be related to a doxxing message on the Internet or social media platforms.

附錄四

Appendix 4

個案二

僱主張貼載有職員個人資料的病毒檢測名單 — 保障資料第4原則 — 個人資料的保安

投訴內容

某機構為其員工(包括投訴人)安排了一連三天的2019冠狀病毒病的病毒檢測。在進行檢測首日,投訴人發現需要進行檢測的員工名單被張貼在員工診所門外,在場人士均可閱覽載於該名單上員工的姓名、完整身份證號碼、出生日期、電話號碼、職員編號等個人資料。現場有人對該名單作出拍攝。投訴人不滿其僱主沒有妥善保障員工的個人資料,遂向私隱公署作出投訴。

結果

該機構解釋,他們向其員工診所提供該名單,是讓該診所的護士為需要檢測的員工預先登記及預備所需物資,並作核對員工身份之用。為了協助員工識別其檢測的次序,護士在檢測當天將該名單張貼在該診所門外。該機構於事發翌日已即時要求診所的護士移除該名單,並提醒他們必須將該名單穩妥地保管。

經私隱公署介入後,該機構進一步向員工發出通告,要求員工刪除曾拍攝得有關該名單的照片,並提醒他們須遵從機構內部有關個人資料私隱的規定。此外,該機構亦承諾日後會要求各部門(包括其員工診

Case 2

An employer posted a list containing the personal data of staff who were to undergo virus testing – DPP 4 – security of personal data

The Complaint

An organisation arranged COVID-19 tests for its staff, including the Complainant, for three consecutive days. On the first day of testing, a list of the staff to be tested was posted outside the staff clinic, and the personal data of the staff on the list, including their names, full HKID Card numbers, dates of birth, phone numbers and staff numbers, were available for viewing by all the people present. The list was photographed by others at the scene. The Complainant was dissatisfied that his employer failed to properly protect the personal data of his staff and lodged a complaint with the PCPD.

Outcome

The organisation explained that the list was provided to the staff clinic so that the nurses of the clinic could pre-register the staff to be tested, prepare the necessary materials and verify the staff's identity. Aiming to assist the staff to ascertain the testing sequence, the nurses posted the list outside the clinic on the day of the test. On the day following the incident, the organisation immediately requested the nurses to remove and safeguard the list.

Upon PCPD's intervention, the organisation further issued a circular to its staff, requesting them to delete any photos of the list and reminding them to comply with the organisation's internal rules on personal data privacy. The organisation also undertook to require all departments (including its staff clinic) to exercise care when handling



所) 必須將個人資料小心保管，並採取所有切實可行的步驟，確保個人資料受保障而不受未獲准許或意外的查閱、處理、刪除、喪失或使用所影響。另一方面，該機構表示日後在透過電郵發送含個人資料的檔案予其員工診所時，會將有關檔案加密，並會適當地將訊息標示為「機密」或「限閱文件」。

私隱公署亦就事件向該機構發出警告，要求他們日後務必敦促員工謹慎處理個人資料，定時提醒各部門在公開張貼任何文件前，須先小心審視當中是否載有個人資料，並仔細考慮及衡量展示有關資料的必要性及程度，以避免重蹈覆轍。

借鑑

2019冠狀病毒病自爆發以來，已迅速升級為全球健康危機。在確保社區健康和安全的的大前提下，僱主或會為員工安排定時作病毒檢測。迅速的防疫行動固然重要，但僱主亦不可忽視保障職員個人資料的重要性。在本案中，該護士的本意或是希望讓員工及早知悉檢測的先後次序而張貼該名單，卻未有審慎考慮該名單上載有敏感且不必要披露的個人資料。僱主應考慮採取披露最少個人資料而又達到同一目的的方法，以期在防疫和保障私隱方面取得適當的平衡。僱主應時刻小心謹慎妥善保障員工的個人資料，制定指引或措施、提供培訓或教育，提高職員對保障個人資料私隱的意識。

personal data and take all practicable steps to ensure the protection of personal data against unauthorised or accidental access, processing, erasure, loss or use. The organisation further indicated that the documents containing personal data would be encrypted and suitably marked as “Confidential” or “Restricted” when sending them to its staff clinic by email in future.

The PCPD also issued a warning to the organisation, requesting it to urge its staff to handle personal data with prudence and regularly remind its departments to carefully check, whether any documents contain personal data or not before posting them in public. The organisation was also requested to carefully consider and weigh the necessity and extent of displaying such data to avoid committing the same mistake.

Lessons Learnt

COVID-19 has quickly escalated into a global health crisis following its outbreak. Employers may arrange regular virus testing for their staff to ensure the health and safety of the community. While prompt anti-epidemic measures are important, employers must not lose sight of the importance of protecting the personal data of their staff. In this case, the nurses' intention of posting the list might have been to keep the staff informed of the sequence of their respective tests in advance; nonetheless, they failed to consider that the list contained sensitive and excessive personal data. Employers should consider adopting an approach that minimises the disclosure of personal data while seeking to achieve their objective, so as to strike a proper balance between epidemic prevention and privacy protection. Employers should at all times exercise due care in safeguarding the personal data of their staff by formulating guidelines or measures, providing training or education, and raising staff awareness of personal data privacy protection.

附錄四

Appendix 4

個案三

電訊公司在客戶已報失身份證的情況下仍接納有人以該身份證申請服務 — 保障資料第4原則 — 個人資料的保安

投訴內容

投訴人曾被賊人盜取財物及身份證。他就此分別致電及到訪其電話服務供應商匯報有關事件，並着職員於電腦系統內記錄有關事宜，以免賊人假冒其身份。及後，一名人士（該名人士）到訪該電訊公司的分行，以投訴人被盜的身份證作身份證明，成功停用了投訴人的電話號碼並簽署了兩份新合約。同時，該名人士亦更改了投訴人收取該電訊公司帳單的電郵地址。

投訴人不滿該電訊公司就事件的處理，遂就此向警方報案及向私隱公署提出投訴。

結果

該電訊公司確認投訴人曾就被盜取身份證一事向他們作出通知。然而，事發時該電訊公司並無就客戶報失身份證方面訂立妥善的行事方式以作出記錄，故其分行職員在處理該名人士的服務申請時，並不知道投訴人身份證被盜的情況，僅按一般核對客人身份證明文件的程序（即要求客人出示身份證明文件正本及核對文件上的資料）處理該名人士提出的要求。

Case 3

A telecommunications company accepted a HKID Card that had been declared lost by a customer – DPP 4 – security of personal data

The Complaint

The Complainant had his belongings and HKID Card stolen. He then called and visited his telephone service provider to report the theft and asked its staff to record the theft in its computer system so that the thief could not assume his identity. Subsequently, a person (the Person) visited a branch of the telecommunications company and, using the HKID Card stolen from the Complainant as proof of identity, successfully deactivated the Complainant's telephone number and signed two new contracts. Meanwhile, the Person also changed the Complainant's email address from which the latter received his bills from the telecommunications company.

Dissatisfied with the handling of the case by the telecommunications company, the Complainant reported the incident to the Police and lodged a complaint with the PCPD.

Outcome

The telecommunications company confirmed that the Complainant had notified them of the theft of his HKID Card. However, at the time of the incident, the telecommunications company had not established proper practices to record the loss of a customer's HKID Card. As a result, its branch staff was not aware of the theft of the Complainant's HKID Card when processing the Person's application. The staff conducted the normal procedure of checking the customer's proof of identity (i.e. asking the customer to produce the original identity document and checking the information on the document) to process the Person's request.



因應本個案，該電訊公司就客戶報失身份證方面實施一系列的措施，包括要求報失身份證的客戶出示臨時身份證或其他身份證明文件予職員核對身份，並填妥一份「遺失身份證文件聲明書」。職員便會於電腦系統中標明不可再接納該報失的身份證作為該客戶的身份證明文件。另一方面，如職員遇上曾經報失身份證的客戶提出申請或更改服務，職員必須核對該客戶提供的身份證的簽發日期，以確保該身份證是在報失日期後發出的；如職員對該客戶的身份有懷疑，則必須要求該客戶出示其他身份證明文件。該電訊公司並規定所有這類個案必須經主管審批才可作進一步處理。

私隱公署就事件向該電訊公司發出警告，要求他們必須敦促職員嚴格遵循有關保障客戶個人資料方面的政策（包括就客戶報失身份證方面所實施的上述措施），加強對職員的培訓，並提醒他們須以謹慎的態度處理客戶的個人資料，以符合《私隱條例》的相關規定。

借鑑

今時今日，身份盜用個案屢見不鮮，資料使用者如何有效地保障客戶個人資料，面臨前所未有的挑戰。面對層出不窮的犯案手法，資料使用者必須訂立妥善的核實身份機制，才可避免不法分子有機可乘。在本個案中，若該電訊公司在案發時已備有妥善機制就客戶報失身份證的情況作出記錄及核證，便能有效識辨懷疑個案，亦可把握機會將賊人繩之於法。

In response to this case, the telecommunications company implemented a series of measures to deal with the loss of a customer's HKID Card. They included requiring the customer who reported the loss of his HKID Card to present his recognisance form or other identity documents to its staff for verification of identity and to complete a "Declaration of Loss of HKID Card". The staff would then suitably make a remark in the computer system, noting that the lost HKID Card could no longer be accepted as the customer's identity proof. On the other hand, when a customer wished to apply for or change a service, and that customer had previously reported a loss of his HKID Card, its staff must check and ensure that the HKID Card presented was issued after the date of the report. When in doubt about the identity of the customer, the staff must request other identity documents from the customer. The telecommunications company also required that all such cases must be approved by a supervisor before it could be proceeded with.

The PCPD issued a warning to the telecommunications company regarding the incident. It was required to urge its staff to strictly follow its policies on the protection of customers' personal data (including the above measures in relation to the reporting of loss of customers' HKID Cards). It was also required to strengthen the training for its staff and remind its staff to handle customers' personal data with prudence in order to comply with the relevant requirements of the PDPO.

Lessons Learnt

With identity theft being a common occurrence nowadays, data users are faced with an unprecedented challenge to effectively protect their customers' personal data. In the face of the multifariousness of crimes, it is important for data users to formulate proper identity verification mechanisms to avoid loopholes which unscrupulous individuals may exploit. In this case, if the telecommunications company had a proper recording and verification mechanism in place, it would have been able to effectively identify the suspected case. The telecommunications company would then have had the opportunity to bring the thief to justice.

附錄四

Appendix 4

個案四

物業管理公司職員使用環保紙張時披露業戶的個人資料 — 保障資料第4原則 — 個人資料的保安

投訴內容

投訴人為某物業管理公司旗下屋苑的住戶。某日，投訴人發現有數十張「油漆未乾」的告示懸掛或張貼於屋苑內行人通道的兩旁。投訴人注意到該些告示背面，載有該公司與業戶之間的通訊電郵。而其中一張告示背後，是投訴人曾向該公司發送的投訴電郵列印本。該列印本清楚顯示了投訴人的英文姓名、電郵地址及投訴內容。投訴人遂向私隱公署投訴該公司。

結果

該公司表示，根據其既定指引，環保紙只供內部使用。是次事件乃基於個別員工的人為疏忽所致，而公司已對有關員工作出口頭訓示及嚴正警告。該公司亦因應事件而修訂使用環保紙的指引，規定職員日後一律不可使用涉及個人資料的書信或文件作環保紙張，否則會受到紀律處分。

Case 4

Staff of a property management company disclosed the personal data of residents when using recycled paper – DPP 4 – security of personal data

The Complaint

The Complainant was a resident of an estate managed by a property management company. One day, the Complainant found dozens of notices displaying the words “Wet Paint” hung or posted on both sides of the pedestrian walkway in the estate. The Complainant noticed that on the back of these notices were email exchanges between residents and the company. In particular, a printout of a complaint email from the Complainant to the company was on the back of one of the notices. It clearly showed her English name, email address and the content of the complaint. The Complainant thus lodged a complaint against the company with the PCPD.

Outcome

The company said that according to its established guidelines, recycled paper was for internal use only. The incident was caused by human negligence on the part of individual staff members, who were given verbal reprimands and warnings. In the light of the incident, the company revised its guidelines on the use of recycled paper, requiring its staff to stop using documents or correspondences involving personal data as recycled paper in future, failing which they would be subject to disciplinary action.



私隱公署認為該公司未有採取所有切實可行的步驟，去確保員工對個人資料的保安風險有一定程度的意識或敏感度，故該公司因未能妥善保障所持有的個人資料而違反了保障資料第4原則的規定。私隱公署警告該公司，必須就銷毀或棄置載有個人資料文件制訂周詳的內部政策及指引，以便員工遵循（例如載有個人資料但不需保留的文件須適時銷毀、要求員工定期檢查回收箱內的紙張是否包括載有個人資料的文件）。同時，該公司亦應派員進行有效的監察及與員工溝通，以確保員工知悉並依從其內部政策及指引行事。

借鑑

雖然該公司已有指引訂明環保紙只供內部使用，但是次事件仍然發生。另外，不論是負責列印「油漆未乾」告示，或是負責張貼該些告示的職員，均沒有發現該些告示背後載有個人資料。由此可見，該公司職員對保障個人資料私隱的意識不足。該公司應汲取是次事件的經驗，明白到制訂相關政策固然是當務之急，但採取措施讓員工了解並遵從有關政策亦是刻不容緩。該公司亦應提供全面的培訓予員工，以提高員工對保障個人資料私隱的意識。

The PCPD considered that the company had failed to take all practicable steps to ensure a degree of awareness of or sensitivity to the security risks associated with personal data among staff. The company therefore failed to properly protect the personal data held by it in contravention of DPP 4. The PCPD warned the company that it needed to formulate a comprehensive internal policy and guidelines on the destruction or disposal of documents containing personal data for its staff to follow (e.g. destroying in a timely manner the documents that contain personal data but need not be retained; and requiring staff to regularly check whether the paper in recycling bins include documents containing personal data). The company should also assign designated staff to effectively monitor and communicate with other staff to ensure that they are aware of and follow its internal policy and guidelines.

Lessons Learnt

The incident occurred despite the company's guidelines stipulating that recycled paper was for internal use only. Moreover, neither the staff responsible for printing the "Wet Paint" notices nor the staff responsible for posting the notices had come to realise that there was personal data printed on the back of the notices, proving a lack of awareness of personal data privacy protection among staff. The company should learn from this experience that it is pivotal not only to formulate the relevant policy, but also to adopt measures to enhance the awareness of such policy and foster a strong sense of compliance among staff. The company should also provide comprehensive training to its staff to strengthen their appreciation for personal data privacy protection.

附錄四

Appendix 4

個案五

食肆對顧客個人資料所採取的保安措施不足 — 保障資料第4原則 — 個人資料的保安

投訴內容

為應對2019冠狀病毒病疫情，政府實施進入食肆規定，規定食肆負責人須確保顧客在進入食肆前利用手提電話流動應用程式「安心出行」掃描場所二維碼，或登記其姓名、聯絡電話及到訪食肆的日期及時間，並要求餐廳保留書面或電子紀錄31天。該進入食肆規定於2021年2月18日實施後，私隱公署接獲投訴指有食肆沒有妥善處理顧客登記資料，因而就此對14宗投訴展開調查。

結果

私隱公署的調查結果顯示：11間食肆使用共用的登記表格或登記簿、一間食肆沒有設置表格收集箱、一間食肆沒有保持表格收集箱時刻蓋好，以及一間食肆使用尚未剪開的共用表格。以上情況均顯示該些食肆對登記的個人資料所採取的保安措施不足，以致有關資料可被未獲准許或意外的查閱或使用，違反《私隱條例》保障資料第4(1)原則的規定。

Case 5

Restaurants took inadequate security measures to protect customers' information – DPP 4 – security of personal data

The Complaint

In response to the COVID-19 pandemic, the Government imposed the Restaurant Entry Requirement whereby the responsible persons of restaurants had to ensure that customers either scanned the venue's QR code with the "LeaveHomeSafe" mobile app or registered their names, contact numbers, and dates and times of their visits before entering the restaurants, and for restaurants to keep such written or electronic records for 31 days. Since the implementation of the Restaurant Entry Requirement on 18 February 2021, the PCPD had received complaints about the failure of restaurants to properly handle the registered data of customers, and as a result, launched investigations into 14 complaints.

Outcome

The PCPD's findings revealed that: 11 restaurants used common registration forms or books; one restaurant did not set up any collection box for the forms; one restaurant failed to cover the collection box at all times; and one restaurant used uncut sheets of paper as common forms. The above practices exposed the registered personal data to unauthorised or accidental access or use, and contravened DPP 4(1) of the PDPO as regards the security of personal data.



涉事的14間食肆其後已採取相應的補救措施，包括以獨立表格取代共用的登記表格或登記簿、設置以不透明物料造成的表格收集箱供顧客使用、以及要求店員必須確保表格收集箱時刻蓋好。然而，考慮到防範於未然，私隱公署向所有涉事食肆發出執行通知，要求涉事食肆採取適當及切實可行的措施，以保障顧客的登記資料，並指明涉事食肆須採取的步驟防止違反再發生。有關步驟包括制定書面政策及指引予其職員，並透過定期傳閱指引文件及提供培訓，以提升職員對保障個人資料私隱的意識。

借鑑

不論食肆的業務規模、營業模式或資源多寡，食肆在收集、持有、處理和使用個人資料方面都有責任遵守《私隱條例》的規定。在實施防疫措施上，食肆須為店員提供適當培訓及指引，提高他們對保障個人資料私隱的意識。有效的保障個人資料私隱的措施亦有助提升食肆的商譽及競爭優勢，帶來更多潛在商機。

另一方面，為保障個人資料，市民應注意向不同食肆提供個人資料所帶來的私隱風險。

The 14 restaurants subsequently took remedial action, including replacing common registration forms or books with individual registration forms, setting up a form-collection box made of opaque materials for customers' use, and requesting its staff to cover the collection box at all times. Nevertheless, in order to prevent recurrence of similar incidents in future, the PCPD issued Enforcement Notices to the restaurants in question to request them to implement appropriate and practicable measures to protect the registration data of customers and specified the steps that ought to be taken by the restaurants for preventing recurrence of the contravention. These measures included providing a written policy and guidance to their staff, as well as circulating the guidance regularly and providing training to staff to raise their awareness of personal data privacy protection.

Lessons Learnt

Regardless of the scale of business, mode of operation and availability of resources, all restaurants have the responsibility to comply with the requirements of the PDPO in the collection, holding, processing and use of personal data. When it comes to implementing anti-epidemic measures, restaurants should raise their staff's awareness of personal data privacy protection through appropriate training and guidance. With effective measures in place to protect personal data privacy, restaurants are set to enhance their goodwill, competitive edge and potential business opportunities.

On the other hand, to safeguard their personal data, members of the public should be mindful of the privacy risks inherent in providing personal data to restaurants.

附錄五

Appendix 5

定罪個案選錄 • 以作借鑑

Summaries of Selected Conviction Cases – Lessons Learnt

個案一

Case 1

地產代理沒有依從客戶的拒收直銷訊息要求，繼續使用其個人資料作直接促銷 — 《私隱條例》第35G條

An estate agent failed to comply with the opt-out request from a customer to cease using his personal data in direct marketing – section 35G of the PDPO

法院：	九龍城裁判法院
Court:	Kowloon City Magistrates' Court
審理裁判官：	莊靜慧暫委裁判官
Coram:	Ms CHONG Ching-wai, Erica, Deputy Magistrate
裁決日期：	2021年9月7日
Date of Decision:	7 September 2021

投訴內容

投訴人透過一間地產代理公司購買物業，並向該公司提供了他的姓名及電話號碼。投訴人其後向該公司提出拒收直銷訊息要求，並獲對方確認已將他的個人資料加入該公司的拒收名單，不會再致電聯絡投訴人作直接促銷。然而，投訴人稍後收到該公司的一名地產代理的來電，查詢投訴人是否有意放售物業。

The Complaint

The Complainant provided his full name and mobile phone number to an estate agency when he purchased a property. He subsequently made an opt-out request to the agency and received a confirmation from the agency that his personal data had already been included in its opt-out list and no further direct marketing calls would be made to him. However, the Complainant later received a direct marketing call from an estate agent of the agency asking him if he wished to sell his property.

結果

該名地產代理被控沒有依從資料當事人的拒收直銷訊息要求，而繼續使用其個人資料作直接促銷（違反《私隱條例》第35G(3)條）。經審訊後該名地產代理被裁定罪名成立，被判罰款港幣15,000元。

借鑑

公司職員在致電客戶進行促銷前，應該先核對公司所備存的「拒收直銷訊息的客人名單」。若個別職員沒有核對拒收名單而以電話聯絡名單中的客戶作出直接促銷，有關職員便可能須負上刑事責任。

根據《私隱條例》第35G(3)條，資料使用者如收到客戶有關停止使用其個人資料作直接促銷的要求，須在不向該客戶收費的情況下，依從其要求。違反有關規定屬刑事罪行，一經定罪，最高刑罰是罰款港幣500,000元及監禁三年。

Outcome

The estate agent was charged with failing to comply with the request from a data subject to cease using his personal data in direct marketing, contrary to section 35G(3) of the PDPO. The estate agent was convicted after trial and fined HK\$15,000.

Lessons Learnt

Before calling a customer for direct marketing purposes, a staff member of a company should check the opt-out list maintained by the company. An individual staff member who has failed to check the opt-out list and called the customers on the list for direct marketing may have committed a criminal offence.

Pursuant to section 35G(3) of the PDPO, a data user who receives a customer's request to cease using his personal data in direct marketing must comply with the request without a charge. Failing to comply with the requirement is a criminal offence, and is punishable by a fine up to HK\$500,000 and imprisonment of up to 3 years.



附錄五

Appendix 5

個案二

Case 2

電訊公司沒有依從客戶的拒收直銷訊息要求，繼續使用其個人資料作直接促銷 — 《私隱條例》第35G條

A telecommunications company failed to comply with the opt-out request from a customer to cease using his personal data in direct marketing – section 35G of the PDPO

法院：	沙田裁判法院
Court:	Shatin Magistrates' Court
審理裁判官：	覃有方裁判官
Coram:	Mr CHUM Yau-fong, David, Magistrate
裁決日期：	2021年9月7日
Date of Decision:	7 September 2021

投訴內容

投訴人是一間電訊公司的客戶，並曾向該公司提出拒收直接促銷訊息的要求。不過，該公司在致電通知投訴人合約即將到期的同時，向他推廣新的服務計劃。

The Complaint

The Complainant was a customer of a telecommunications company. He made an opt-out request to the company to not receive its direct marketing messages. However, a representative of the telecommunications company made a phone call to the Complainant, informing him of the expiry of his service contract and at the same time promoting to him a new service plan.

結果

該公司被控沒有依從資料當事人拒收直銷訊息的要求，而繼續使用其個人資料作直接促銷，違反《私隱條例》第35G(3)條。該公司承認上述控罪，被判罰款港幣8,000元。

借鑑

儘管商戶致電提醒客戶合約快將期滿是出於好意，但如果商戶職員打算於電話對話中，進一步向客戶推銷續約服務或新合約服務，職員應先核實有關客戶是否已同意商戶使用其個人資料作直接促銷或曾否提出拒收直銷訊息要求。

Outcome

The telecommunications company was charged with failing to comply with the request from a data subject to cease using his personal data in direct marketing, contrary to section 35G(3) of the PDPO. The telecommunications company pleaded guilty to the charge and was fined HK\$8,000.

Lessons Learnt

A business organisation may out of goodwill make phone calls to customers to remind them of the expiry of their service contracts. However, if the staff member intends to further promote contract renewal services or new contract services to the customers during the phone calls, he should check beforehand whether the customers have already consented to the use of their personal data for direct marketing purposes or whether they have made opt-out requests.



附錄五

Appendix 5

個案三

一名人士在使用客戶的個人資料作直接促銷前沒有採取指明的行動通知客戶及取得其同意，以及沒有告知客戶他有拒收直接促銷訊息的權利 — 《私隱條例》第35C及35F條

Case 3

An individual used a customer's personal data in direct marketing without taking specified actions to notify the customer and obtain his consent, and failed to notify the customer of his opt-out right – sections 35C and 35F of the PDPO

法院：	粉嶺裁判法院
Court:	Fanling Magistrates' Court
審理裁判官：	吳重儀裁判官
Coram:	Ms NG Chung-yee, Debbie, Magistrate
裁決日期：	2021年8月26日
Date of Decision:	26 August 2021

投訴內容

投訴人在數年前曾就家居維修事宜與多間公司聯絡，Y女士是其中一間公司的代表。有一天，投訴人收到Y女士一則透過即時通訊軟件發出關乎投資置業的直接促銷訊息，並表示可安排車輛接送參觀物業。

結果

Y女士承認違反兩項《私隱條例》的罪名，每項控罪分別被判罰款港幣2,000元，共被判罰款港幣4,000元。

第一項控罪指Y女士在使用投訴人的個人資料作直接促銷前，未有採

The Complaint

A few years ago, the Complainant made contact with several companies to enquire about home repair services, and Ms Y was a representative of one of the companies. One day, the Complainant received a direct marketing message via an instant messaging app from Ms Y regarding property investment and was informed that she could arrange transportation for viewing the properties.

Outcome

Ms Y pleaded guilty to two charges under the PDPO and was fined HK\$4,000 in total (HK\$2,000 in respect of each charge).

The first charge related to the offence of using the personal data of the Complainant in direct marketing



取指明行動通知投訴人及取得其同意，違反了《私隱條例》第35C條。

第二項控罪指Y女士在首次使用投訴人的個人資料作直接促銷時，未有告知投訴人有權要求她在不向其收費的情況下，停止使用他的個人資料作直接促銷，違反了《私隱條例》第35F條。

借鑑

資料使用者（不論個人或機構代表）在使用個人資料進行直接促銷前，必須採取《私隱條例》第35C條下所述明的指明行動。條文的指明行動包括告知資料當事人：資料使用者不得在取得他的同意前，使用其個人資料作直接促銷；資料使用者擬使用作直接促銷的個人資料的類別；擬就甚麼類別的促銷標的使用其個人資料進行直接促銷；及提供回應是否同意的途徑等資訊。

此外，《私隱條例》第35F條亦訂明，資料使用者在首次使用資料當事人的個人資料作直銷時，仍須告知該資料當事人他有權要求資料使用者，在不向其收費的情況下，停止在直銷中使用有關資料。

違反上述每項規定屬刑事罪行，一經定罪，最高刑罰是罰款港幣500,000元及監禁三年。

without taking specified actions to notify the customer and obtain his consent, in contravention of section 35C of the PDPO.

The second charge related to the offence of 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, in contravention of section 35F of the PDPO.

Lessons Learnt

Before using a data subject's personal data in direct marketing, a data user (whether an individual or a representative of an organisation) must take the specified actions under section 35C of the PDPO. The specified actions include notifying the data subject: that the data user may not use his personal data for direct marketing unless he has received the data subject's consent; of the kinds of personal data that the data user intends to use for direct marketing; of the classes of marketing subjects in relation to which the personal data of the data subject is to be used; and of a response channel through which the data subject can communicate his consent.

Pursuant to section 35F of the PDPO, the data user must also, when using the data subject's personal data in direct marketing for the first time, notify the data subject of his right to request the data user to cease to so use the data, without charge to the data subject.

Failure to comply with each of the above requirements is a criminal offence, and is punishable by a fine up to HK\$500,000 and imprisonment of up to 3 years.

附錄五

Appendix 5

個案四

Case 4

一名記者在未經資料使用者的同意下刊登屬於一位知名人士兒子的出生登記紀錄內記項的核證副本的詳細資料——《私隱條例》第 64(1) 條

A reporter published the details of a certified copy of an entry in the birth register pertaining to a celebrity's son without the consent from the data user – section 64(1) of the PDPO

法院：	西九龍裁判法院
Court:	West Kowloon Magistrate's Court
審理裁判官：	徐綺薇主任裁判官
Coram:	Ms Ivy CHUI Yee-mei, Principal Magistrate
裁決日期：	2021年6月15日
Date of Decision:	15 June 2021

投訴內容

投訴人是一位香港知名人士。一名雜誌社的記者於入境事務處取得該知名人士兒子根據生死登記條例規定而備存的出生登記紀錄內一項記項（俗稱「出世紙」）的核證副本，並在未經資料使用者（即入境事務處）的同意下，於雜誌上刊登有關該位知名人士兒子出生紀錄的詳細資料。

The Complaint

The Complainant was a celebrity in Hong Kong and a reporter gained access to a certified copy of an entry in the birth register kept under the Births and Deaths Registration Ordinance (commonly known as “birth certificate”) pertaining to the Complainant's son from the Immigration Department and published the details of the birth entry concerned in a magazine without the consent from the data user (i.e. the Immigration Department in the present context).

結果

兩間雜誌社及總編輯分別承認披露未經資料使用者同意而取得的個人資料控罪，各被判處罰款港幣40,000元。而該名雜誌記者則獲撤銷控罪，以港幣2,000元簽保守行為12個月。

借鑑

此為首宗以違反《私隱條例》第64(1)條起訴被告人「起底」行為的案件。任何人士干犯《私隱條例》第64(1)條所訂罪行，一經定罪，最高可判罰款港幣1,000,000元及監禁五年。

Outcome

Two magazine companies and the chief editor pleaded guilty to the charge of disclosing personal data of a data subject which was obtained from a data user without the data user's consent, and they were fined HK\$40,000 each. The charge against the reporter was dropped and the court imposed a 12-month bind over on him for HK\$2,000.

Lessons Learnt

This was the first doxxing case in which the defendants were convicted for contravention of the offence under section 64(1) of the PDPO. A person who commits an offence under section 64(1) is liable on conviction to a maximum fine of HK\$1,000,000 and to imprisonment for 5 years.



附錄六

Appendix 6

循規行動個案選錄 • 以作借鑑

Summaries of Selected Compliance Action Cases – Lessons Learnt

個案一

Case 1

醫療中心的客戶個人資料管理系統遭未獲授權查閱 — 保障資料第4原則 — 個人資料的保安

Unauthorised access to a clinical centre's customer personal data system – DPP 4 – security of personal data

背景

一間醫療中心向私隱公署通報，指其載有病人檔案的客戶個人資料系統被勒索軟件攻擊，導致約115,000名病人的個人資料，包括姓名、性別、出生日期、香港身份證號碼、聯絡號碼及地址、電郵地址、職業、家族歷史及病人緊急聯絡人的資料外洩。

是次事故源於該醫療中心使用過時的操作系統及軟件，導致其系統容易遭受攻擊。

Background

A clinical centre reported to the PCPD that its customer personal data system containing patient files had suffered a ransomware attack. As a result, about 115,000 records of patients' personal data containing names, gender, dates of birth, HKID Card numbers, contact numbers and addresses, email addresses, occupations, family history and emergency contact information were leaked.

The incident was caused by the use of outdated operating systems and software, which had left its system vulnerable to attackers.



補救措施

在收到該醫療中心的通報後，私隱公署展開了循規審查，並向該醫療中心提供以遵從《私隱條例》相關規定的建議。該醫療中心為其系統進行保安漏洞掃描、更新相關的軟件及操作系統，以及每週定期為有關系統進行檢查，以確保所有安裝的軟件均是最新版本。與此同時，該醫療中心承諾每年聘請獨立網絡安全公司為其系統進行保安審計。

借鑑

資料使用者使用過時的軟件及操作系統可引致嚴重的安全漏洞。醫療機構持有大量屬敏感性質的病人資料，因此應採取切實可行的措施，確保其系統沒有安裝過時或不受技術支援的軟件，以減低遭受網絡攻擊的風險。醫療機構應定期進行漏洞掃描以識辨系統內潛在的保安漏洞，及適時進行修補。

Remedial Measures

Upon receiving the notification from the clinical centre, the PCPD initiated a compliance check and provided recommendations to the clinical centre to ensure compliance with the provisions of the PDPO. The clinical centre conducted a vulnerability scan on its systems, updated the relevant software and operating systems, and scheduled a weekly system update exercise to ensure that all software installed was up to date. It also agreed to engage an external cybersecurity company to conduct a security audit on its systems on an annual basis.

Lessons Learnt

The use of outdated software and operating systems could expose a data user to severe security vulnerabilities. Healthcare organisations possess a huge amount of patients' sensitive data and should therefore take reasonably practicable measures to ensure their systems are free from outdated or unsupported software to minimise the risk of exposure to cyberattacks. Healthcare organisations should perform periodic vulnerability scanning exercises to detect possible security vulnerabilities and take timely action to remediate them.

附錄六

Appendix 6

個案二

在一間醫院內進行未經授權的拍照 — 保障資料第4原則 — 個人資料的保安

背景

一間醫院向私隱公署通報，指一名隸屬一所大學的研究員在該醫院的一間病房巡房及在手術室觀摩手術期間拍照，並透過即時通訊軟件與他人分享照片，儘管病房及手術室的牆上均貼有「不准拍照」的標示。其中一張照片顯示了七名病人的姓名、香港身份證號碼、性別、年齡及手術細節的簡要。

該研究員表示沒有意識到分享照片的行為會無意中洩露病人的個人資料。

補救措施

在收到有關醫院的通報後，私隱公署展開了循規審查，並向該醫院提供以遵從《私隱條例》相關規定的建議。醫院要求校方提醒其員工在進入醫院臨床區域時須遵守醫院的指引。該大學頒布了一套新的指

Case 2

Unauthorised photo-taking in a hospital – DPP 4 – security of personal data

Background

A hospital reported to the PCPD that a research staff from a university had attended a ward and an operating theatre for surgery observations. Even though “No photo taking” signs were posted on the walls of the ward and the operating theatre, the staff took photos and shared them with others via an instant messaging app. One of the photos showed the names, HKID Card numbers, gender, age and brief operation details of seven patients.

The research staff stated that he was not aware that his act of photo sharing had inadvertently disclosed patients’ personal data.

Remedial Measures

Upon receiving the notification from the hospital, the PCPD initiated a compliance check and provided recommendations to the hospital to ensure compliance with the provisions of the PDPO. The hospital requested the university to remind its staff members to observe the guidelines of the hospital when they entered the clinical



引，以妥善處理病人的個人資料和敏感信息。這套新指引明確禁止員工在任何病房或手術室拍照，並禁止透過社交媒體平台或即時通訊軟件分享包含病人資料的照片或文字訊息。

借鑑

病人資料屬敏感的個人資料，應受到高度保護。為此，處理病人資料的機構應制定清晰的資料保障指引，並可加入與有關機構營運相關的實際示例，以更清晰地說明可能違反資料保障指引的情況。此外，機構應提供足夠員工培訓，以向他們灌輸資料保障的思維，並提醒他們須適當考慮有關妥善處理病人資料的既定協議。

areas of the hospital. The university promulgated a new set of guidelines for the proper handling of patients' personal data and sensitive information. It explicitly prohibited photo taking at any wards or operating theatres as well as uploading and sharing of photos or text messages containing patient data through social media platforms or instant messaging app.

Lessons Learnt

Patient's data are sensitive personal data which should be afforded a high degree of protection. To this end, organisations handling patients' data should formulate clear data protection guidelines, in which practical examples relevant to their operations could be included to better illustrate what may constitute violations of the guidelines. Adequate staff training should be provided to instil a data protection mindset in staff and remind them to give due consideration to the established protocols on the proper handling of patients' personal data.

附錄六

Appendix 6

個案三

於在家工作安排中遺失手提電腦 — 保障資料第4原則 — 個人資料的保安

背景

一個政府部門向私隱公署通報，表示一名員工在公共交通工具上，遺失了一部由該部門提供予員工用作在家工作的手提電腦。該電腦載有該員工的下屬的工作評核的草擬報告，當中涉及的個人資料包括姓名、職級及委任日期、薪金點、職責及初步工作評語。該員工沒有在工作評核階段完結後適時從該手提電腦中刪除上述工作評核的草擬報告。

Case 3

Loss of notebook computer under work-from-home arrangements – DPP 4 – security of personal data

Background

A government department reported to the PCPD that a staff member had lost an official notebook computer, which was provided to the staff member under work-from-home (WFH) arrangements, on public transport. The computer contained draft staff appraisal reports including their names, ranks and dates of appointment, salary points, duties and preliminary assessments. The staff member had failed to delete the draft appraisal reports upon completion of the appraisal period.



補救措施

在收到有關政府部門的通報後，私隱公署展開了循規審查。私隱公署發現，由於該手提電腦內的資料已被加密保護，當中的個人資料受到未獲准許或意外的查閱的風險較低。雖則如此，該部門已提醒所有員工，需要小心處理公務使用的便攜式儲存裝置。

該部門修訂工作指引，提醒員工不應將機密資料永久儲存於手提電腦內，並應適時刪除不再需要的機密資料。

借鑑

自2019冠狀病毒病大流行肆虐開始，不少機構需要實行在家工作安排，以減少社區的人流及社交接觸。雖然大部分機構已訂立政策，要求員工加密儲存於手提電腦內的電子檔案，但機構難以確保員工適時刪除已不需使用而載有個人資料的文件。為加強保障個人資料，機構應考慮要求員工透過虛擬私人網絡(VPN)處理工作文件，而非直接將有關文件儲存於便攜式儲存裝置內。

Remedial Measures

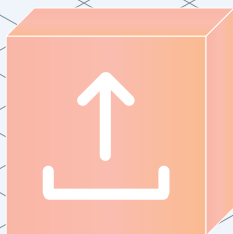
Upon receiving the notification from the government department, the PCPD initiated a compliance check. The PCPD found that while the personal data contained in the notebook computer had been encrypted to reduce the risk of unauthorised or accidental access to the data, the department reminded staff to take extra care in handling official portable devices.

The department revised its guidelines reminding staff members that notebook computers should not be used as permanent storage of restricted information, and such information should be deleted when it was no longer necessary.

Lessons Learnt

In view of the severity of the COVID-19 pandemic situation, many organisations have adopted WFH arrangements to reduce the flow of people and social contacts in the community. It is noted that most organisations have policies in place to require their staff members to encrypt electronic records in notebook computers. However, it is difficult to ensure staff members deleted obsolete documents containing personal data in notebook computers. To further enhance the protection of personal data, organisations should consider requesting their staff members to access work files through a virtual private network (VPN) connection instead of storing work files locally.





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