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

保障個人資料私隱 構建 智慧香港

Protecting Personal Data Privacy for a SMART HONG KONG

2022-23
Annual Report 年報



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私隱專員的話
Privacy Commissioner's Message



2022-23 年度見證着個人資料私隱專員公署（私隱專員公署）穩中求進的一年，我和我的團隊秉持一貫的努力，繼續推進既定的工作，同時亦推展多項新猶。我們成功落實打擊「起底」的新監管制度，在報告年度內成就多個「第一」，包括第一次「起底」定罪個案及第一次判刑。另一方面，隨着智慧城市及數碼經濟的發展，科技急速進步亦帶來了新的數據威脅，就此我們採取了相應行動，保障市民的個人資料私隱。這 2022-23 年度的年報記載了私隱專員公署一年來在工作上的堅持與進步，尤其是我們如何在瞬息萬變的個人資料私隱領域下實現我們的目標及應對新挑戰。

The year 2022-23 marks a time of continuity and progression for the Office of the Privacy Commissioner for Personal Data (PCPD), with my team and I continuing with our established efforts while also forging ahead with new initiatives. We successfully navigated a smooth transition to the anti-doxxing regulatory framework, as evidenced by the numerous "FIRSTS" achieved during the reporting year, including the first-ever conviction and sentencing case. On the other front, the rapid pace of technological advancement in the development of smart cities and the digital economy has given rise to novel and emerging data threats, compelling us to roll up our sleeves and take further steps towards safeguarding individuals' personal data privacy. This 2022-23 Annual Report documents a year of the PCPD's persistence and advancement, in particular, how we deliver our objectives and respond to new challenges in the evolving field of personal data privacy.



鍾麗玲
Ada CHUNG Lai-ling

個人資料私隱專員
Privacy Commissioner for Personal Data



2022-23年度的主要數字 Notable Figures in 2022-23

與上一個年度一樣，我們在2022-23年度繼續透過執行我們的核心職能，致力推廣及維護個人資料私隱的保障。在報告年度內，我們：

Similar to the last reporting year, we have remained committed to promoting and safeguarding the protection of personal data privacy through the execution of our core functions in 2022-23. During the reporting year, we:

- 接獲**3,644**宗投訴個案，包括**676**宗與「起底」相關的個案；
  Received **3,644** complaints, including **676** doxxing-related complaints;
- 展開**116**次調查；
  Commenced **116** investigations;
- 接獲**98**宗資料外洩事故通報；
  Received **98** data breach notifications;
- 接獲**15,293**宗公眾查詢；
  Received **15,293** public enquiries;
- 進行**383**次循規行動；
  Conducted **383** compliance actions;
- 展開**83**次刑事調查；
  Initiated **83** criminal investigations;
- 展開**19**次拘捕行動；
  Mounted **19** arrest operations;
- 發布**51**篇新聞稿；
  Issued **51** media statements;
- 回應**114**宗傳媒查詢；
  Addressed **114** media enquiries;
- 留意到**2,074**則與私隱專員公署的工作相關的新聞；
  Observed **2,074** news reports relating to the PCPD's work;
- 錄得每月平均**159,324**人次瀏覽私隱專員公署網站；
  Logged a monthly average of **159,324** visits to the PCPD's website;
- 於社交媒體發表**457**篇帖文；及
  Published **457** social media posts; and
- 錄得**31,478**人次參加私隱專員公署的講座、研習班及工作坊。
  Recorded **31,478** participants at PCPD's talks, seminars and workshops.



2022-23年度的主要工作成果

打擊「起底」

《2021年個人資料(私隱)(修訂)條例》(《修訂條例》)自2021年10月實施以來，已超過了一年。在報告年度內，我們全面執法，竭盡全力打擊非法「起底」活動。有賴一眾同事的齊心協力及努力不懈，我們的執法工作成效顯著，亦令《修訂條例》得以成功落實。年內，我們展開了83次刑事調查及19次拘捕行動，拘捕了19人。

2022年5月，我們在首宗拘捕個案落案起訴一名32歲男子。2022年10月，一名27歲男子被定罪，成為首宗因「起底」罪行被定罪的案件。該男子於2022年12月被判監禁八個月，是新「起底」罪行的首次判刑。

年內，私隱專員公署合共向28個網上平台(大多由海外服務提供者營運)發出1,006個停止披露通知，要求移除17,829個「起底」信息，當中遵從率超過95%。除了個別的「起底」信息，在不同的個案中，用作「起底」的整條頻道亦被成功移除。

Key Deliverables in 2022-23

Combatting Doxxing

More than a year has elapsed since the implementation of the Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) in October 2021. During the reporting year, we undertook full-scale enforcement, leaving no stone unturned in our effort to clamp down on illegal doxxing activities. Thanks to the concerted and unwavering efforts of my colleagues, we take pride in our fruitful enforcement work that has yielded notable results and contributed to the successful implementation of the Amendment Ordinance. We commenced 83 criminal investigations and mounted 19 arrest operations, resulting in the arrest of 19 persons.

In May 2022, we laid charges against a 32-year-old man in the first doxxing arrest case. In October 2022, a 27-year-old man was convicted, marking the first conviction of the doxxing offence. The man was sentenced to eight months of imprisonment in December 2022, marking the first sentencing case for the new doxxing offence.

During the year, a total of 1,006 cessation notices were served on 28 online platforms, mostly operated by overseas service providers, requesting the removal of 17,829 doxxing messages. The compliance rate for removing these messages was over 95%. Apart from individual doxxing messages, entire channels dedicated to doxxing were also successfully removed on various occasions.



在執法的同時，我們亦在提高公眾及主要持份者對《修訂條例》的認識方面取得重大進步。我們進行了各式各樣的推廣活動，包括研討會、學校講座、電台及報章訪問、在報章及行業期刊上發表文章，以及在社交媒體平台發布訊息。我們亦與其他持份者合作，包括非牟利機構、學校及大學，以及行業組織，積極發揮我們推廣工作的影響力。我十分高興向大家匯報，我們的外展和推廣工作備受好評，公眾對《修訂條例》的認識和了解顯著提高。

In parallel with our enforcement efforts, we made strong strides in raising awareness of the Amendment Ordinance among the general public and key stakeholders. We carried out a wide range of promotional activities, including seminars, school talks, radio and newspaper interviews, as well as publishing articles in newspapers and industry journals, and messages on social media platforms. We also collaborated with other stakeholders, including non-profit organisations, schools and universities, and industry associations, to maximise the impact of our promotional efforts. I am pleased to report that our outreach and promotional efforts were well received, resulting in a significant increase in public awareness and understanding of the Amendment Ordinance.

主動應對新興的私隱威脅

Proactive Steps against Emerging Threats to Privacy

在報告年度內，數碼化持續急速發展，進一步加劇對個人資料私隱的威脅，尤其是以下兩種威脅已受到社會日益關注：資料詐騙及網絡攻擊。

Over the course of the reporting year, digitisation continued to advance at breakneck speed, further exacerbating threats to personal data privacy. Two threats, in particular, have emerged as growing concerns in society – data fraud and cyberattacks.

當中，電話詐騙和網絡欺詐的數目不斷上升，越來越多市民被騙徒誘騙披露其個人資料。騙徒使用的詐騙技倆亦越趨複雜，令市民更難識辨這類詐騙。為防患未然，我們認為關鍵在於提高公眾的意識，讓他們知道如何識辨詐騙及避免成為受害者。

The number of telephone scams and online fraud cases has been on the rise, with more individuals falling victim to fraudsters and revealing their personal data. The deception techniques used by fraudsters have become increasingly sophisticated, making it more difficult for individuals to identify these scams. To address this issue, we believe it is crucial to raise public awareness about how to identify and avoid falling prey to fraud.



因此，我們展開了一系列的防騙活動，教導市民識辨及避免電話詐騙和網絡欺詐，包括設立「個人資料防騙熱線」，處理公眾懷疑誘騙個人資料的查詢或投訴；推出專題網頁提供防騙貼士、相關教育資源及求助途徑；以及向大眾派發防騙教材。

My office has therefore rolled out a string of anti-fraud initiatives aimed at equipping individuals with the knowledge to recognise and avoid telephone scams and online fraud, including setting up a "Personal Data Fraud Prevention Hotline" to handle enquiries or complaints from members of the public in relation to suspected data fraud cases, launching a dedicated webpage offering anti-fraud tips, relevant educational resources and assistance channels, and distributing anti-fraud educational materials to the community.

儘管針對資料當事人的資料詐騙個案持續受到關注，但數據安全亦已成為越來越多資料使用者關心的議題。在這個數碼年代，資訊及通訊科技已被廣泛使用，而疫情期間轉用混合工作和學習模式，更加速社會採用這些科技。可是，這對個人資料私隱的保障，尤其是在數據安全方面，帶來了重大的挑戰。其中網絡攻擊等威脅在全球不斷增加，對資料使用者構成的風險實在不能忽視。我們認為穩健的資料保安系統是良好數據管治的核心元素，因此我們在2022年8月發出《資訊及通訊科技的保安措施指引》，為機構，特別是中小企，建議相關的資料保安措施，以協助它們遵從《個人資料(私隱)條例》(《私隱條例》)的規定及防範數據安全威脅。

While data fraud cases targeting data subjects remain an issue, data security has also become an increasing concern for data users. The widespread use of information and communications technology (ICT) has become ubiquitous in this digital age, and the shift to hybrid working and learning during the pandemic has accelerated the adoption of ICT. This has posed significant challenges for protecting personal data privacy, especially when it comes to safeguarding data security. Threats such as cyberattacks have been on the rise globally, posing an ever-looming risk for data users. As we believe that a robust data security system is a core element of good data governance, in August 2022, we issued the "Guidance Note on Data Security Measures for Information and Communications Technology" to provide organisations, especially small and medium-sized enterprises, with recommended data security measures for ICT to facilitate their compliance with the requirements of the Personal Data (Privacy) Ordinance (PDPO) and protect themselves against data security threats.



在國際方面，在2022年10月舉行的第44屆環球私隱議會，由私隱專員公署共同發起的《在完善網絡安全監管和了解網絡風險方面提升國際合作能力決議》，在會議上獲得成員一致通過。該決議要求議會成員就資料保障機構在網絡安全方面的職責加深了解，並探索在應對網絡風險方面的國際合作契機。

On the international front, we co-sponsored the "Resolution on International Cooperation Capacity Building for Improving Cybersecurity Regulation and Understanding Cyber Incident Harms" at the 44th Global Privacy Assembly (GPA) in October 2022, which was adopted by GPA members by consensus at the conference. Through this resolution, the GPA resolved to develop an understanding of the remits and responsibilities of data protection authorities in relation to cybersecurity, as well as explore opportunities for international cooperation in tackling cybersecurity risks.

監察及執法

Monitoring and Enforcing Compliance

今時今日，社交媒體已成為我們日常生活不可或缺的一部分。鑑於對個人資料的潛在風險，我們檢視了香港10大最常使用的社交媒體，並於2022年4月發表《社交媒體私隱設定大檢閱》報告。該報告全面概述了各社交媒體在私隱功能、私隱政策及私隱版面易用性方面的特點，亦就加強保護用戶的個人資料向社交媒體提供建議。我希望該報告能幫助香港的社交媒體用戶構建一個更安全及更有保障的社交媒體氛圍。

Nowadays, social media has become an integral part of our daily lives. To recognise the potential risks to personal data, we released a flagship report in April 2022 on "Comparison of Privacy Settings of Social Media" after reviewing the top 10 most commonly used social media platforms in Hong Kong. The report gave a comprehensive overview of each platform's privacy features, privacy policies and the usability of their privacy dashboards. It also offered recommendations to social media platforms on enhancing protection of their users' personal data. I hope that the report can pave the way for a safer and more secure environment for social media users in Hong Kong.

至於處理投訴及循規調查的工作，我們在報告年度內發表了多份報告，包括一份關於物業管理界別的調查報告，以及一份關於一個醫療集團透過內部統一系統互用旗下品牌客戶的個人資料的調查報告。我們亦就資料使用者通報的五宗資料外洩事故發表四份調查報告，分別涉及一間醫療機構、一間相片沖印公司、一個政府部門及一間非牟利機構。

Turning to our work on complaints handling and compliance investigations, we published a number of reports during the reporting year, including an investigation report concerning the property management sector and another concerning a medical group's sharing of customers' personal data among its various brands through an internal integrated system. In addition, we released four investigation reports regarding five data breach incidents reported by data users, involving a medical institution, a photofinishing company, a government department and a non-profit organisation.

向世界說好香港故事

我們一直透過定期參與國際及區域性會議，與其他資料保障機構和資料保障專家保持聯繫，以緊貼國際資料保障社群的最新脈搏。我們於2022年7月12至13日舉辦了「第57屆亞太私隱機構論壇」。該論壇亦是香港特別行政區成立25周年的慶祝活動之一。

來自亞太區不同資料保障機構、超過110名代表齊聚論壇，討論新興的環球私隱議題，並分享監管和執法經驗。該論壇獲得與會者一致好評，論壇的組織、內容，以及與當前私隱形勢的相關性均獲得國際肯定和稱許。我們亦藉此展示私隱專員公署的各項工作成果，向世界說好香港故事。

Telling the World a Good Hong Kong Story

We have been keeping our fingers on the pulse of the international data protection community by regularly participating in international and regional conferences and networking with other data protection authorities and data protection experts. In 2022, we virtually hosted the 57th Asia Pacific Privacy Authorities (APPA) Forum from 12 to 13 July 2022, which was also held as one of the celebratory events of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region.

Over 110 representatives from different data protection authorities across the Asia Pacific region gathered at the forum to discuss emerging global privacy issues and share regulatory and enforcement experiences. The forum was well received by participants, who commended its organisation, content, and relevance to the current privacy landscape. We were able to showcase the various achievements in our work and tell the world a good Hong Kong story.

感謝之言

我藉此機會衷心感謝政制及內地事務局，以及私隱專員公署兩個諮詢委員會(個人資料(私隱)諮詢委員會和科技發展常務委員會)的委員，在過去一年給予我們寶貴的意見和堅定不移的支持。我亦感謝所有同事，他們一直以來的敬業精神、專業態度和努力付出令我們得以在年內達成多項目標及落實新猶。

A Word of Thanks

I must take the opportunity to express my heartfelt appreciation to the Constitutional and Mainland Affairs Bureau of the Hong Kong Government, as well as the members of our two advisory committees, the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Developments, for their invaluable advice and unwavering support over the past year. I would also like to thank my colleagues for their continuous dedication, professionalism and hard work, which were instrumental in achieving our various objectives while implementing new initiatives during the year.

未來的願景

隨着社會復常，我相信未來一年既是生機蓬勃的一年，亦是充滿機遇和挑戰的一年。鑑於Web 3.0和生成式人工智能如ChatGPT等帶來前所未有的科技躍進，我們會繼續將工作聚焦於保障數據安全上，並提高公眾和企業在這方面的意識。作為個人資料私隱的守護者，我們將繼續堅定不移，恪守承諾，推廣保障及尊重個人資料私隱，為香港發展成為首屈一指的科技中心和世界級數據樞紐奠定良好的基礎。

讓我們攜手建設數碼國家、數碼大灣區、數碼香港。

Our Vision for the Future

With the return to normalcy, I am confident that the year ahead will promise to be vibrant and dynamic, with opportunities and challenges. In light of the unprecedented advancement in technology brought by Web 3.0 and generative artificial intelligence like ChatGPT, we will continue to focus our work on safeguarding data security and raising the awareness among the public and enterprises. As the guardian of personal data privacy, we shall remain steadfast in our commitment to promoting the protection and respect for personal data privacy, which in turn would provide a healthy foundation for Hong Kong's development as a premier technology centre and a world class data hub.

Let's work hand in hand in building a digital Country, a digital Greater Bay Area and a digital Hong Kong.

鍾麗玲
大律師
個人資料私隱專員
2023年9月

Ada CHUNG Lai-Ling
Barrister
Privacy Commissioner for Personal Data
September 2023



私隱專員公署簡介

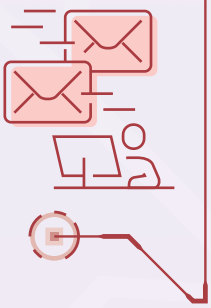
About Us





數字回顧 *(2022 年 4 月 — 2023 年 3 月)*

A Year in Numbers *(APRIL 2022 – MARCH 2023)*



3,644

接獲 3,644 宗投訴個案

Received 3,644 complaints



19

採取 19 次拘捕行動

Mounted 19 arrest operations



1,517

處理 1,517 宗「起底」個案

Handled 1,517 doxxing cases



116

展開 116 次調查

Commenced 116 investigations



98

接獲 98 宗資料外洩事故通報

Received 98 data breach notifications

15,293

接獲 15,293 宗公眾查詢

Received 15,293 public enquiries



383

進行 383 次循規行動

Conducted 383 compliance actions



83

展開 83 次刑事調查

Initiated 83 criminal investigations





51

發布 51 篇新聞稿

Issued 51 media statements

114

回應 114 宗傳媒查詢

Addressed 114 media enquiries





2,074

留意到 2,074 則與私隱專員公署工作相關的新聞於不同的傳媒平台報道

Observed 2,074 news reports related to the PCPD's work being published on various media channels

159,324

錄得每月平均 159,324 人次瀏覽私隱專員公署網站

Logged an average of 159,324 visits to the PCPD's website each month





457

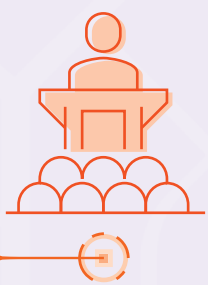
於社交媒體發表 457 篇帖文

Published 457 social media posts

31,478

錄得 31,478 人次參加私隱專員公署的講座、研習班及工作坊

Recorded 31,478 attendances at the PCPD's talks, seminars and workshops



願景、使命及價值
Vision, Mission and Values



願景 Vision

- 培養及推廣保障與尊重個人資料私隱的文化
  To develop and promote a culture of protection and respect for individual's privacy in relation to personal data

使命 Mission

- 透過宣傳和教育，推廣保障及尊重個人資料私隱
  To promote the protection and respect for personal data privacy through publicity and education
- 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
  To facilitate lawful and responsible use of personal data by providing guidance and best practices
- 透過有效執法，監察及監管循規情況
  To monitor and supervise compliance through effective enforcement
- 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
  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 Values

尊重 Respect
- 尊重他人的個人資料私隱
  Respect others' personal data privacy

誠信 Integrity
- 行事公正專業
  Act fairly and professionally

創新 Innovation
- 緊貼科技、社會與經濟的發展
  Embrace technological, social and economic developments

獨立 Independence
- 獨立於政府和其他機構
  Independent from the Government and other bodies

卓越 Excellence
- 致力追求最佳成績及最高標準
  Striving for the best results and highest standards

全年活動一覽
One Year at a Glance

4月 / Apr 2022

發表《社交媒體私隱設定大檢閱》報告

Released the report on "Comparison of Privacy Settings of Social Media"



2022 5月 / May



出版《跨境資料轉移指引：建議合約條文範本》

Published the "Guidance on Recommended Model Contractual Clauses for Cross-border Transfers of Personal Data"

就首宗「起底」拘捕個案落案起訴一名32歲男子

Laid charges against a 32-year-old man in the first arrest case relating to doxxing

6月 / Jun 2022

發表兩份調查報告及新版本的物業管理界別指引

Published two investigation reports and a new edition of guidance note for the property management sector



7月 / Jul 2022



舉辦第57屆亞太區私隱機構論壇，超過110名來自亞太區不同資料保障機構的代表齊聚論壇

Hosted the 57th Asia Pacific Privacy Authorities Forum which gathered over 110 representatives from different data protection authorities across the Asia Pacific region

舉辦年度「關注私隱週」，主題為「數碼新世代的私隱保障」

Launched the annual Privacy Awareness Week with the theme of "Privacy Protection in Digital Era"





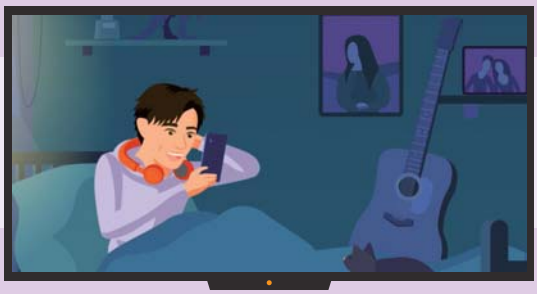
舉辦「物業管理界別：保障個人資料私隱」網上講座。此網上講座在同年9月再度舉辦，兩次活動共吸引了超過1,300名參加者

Organised a webinar on "Protection of Personal Data Privacy for Property Management Sector". With its re-run in September, the two webinars attracted over 1,300 participants

2022 8月 / Aug

透過電視及電台宣傳「起底」罪行

Promoted the doxxing offence through TV and radio





出版《資訊及通訊科技的保安措施指引》

Issued "Guidance Note on Data Security Measures for Information and Communications Technology"

9月 / Sep 2022

設立「個人資料防騙熱線」，處理懷疑誘騙個人資料的查詢或投訴

Set up a "Personal Data Fraud Prevention Hotline" to handle enquiries or complaints from the public in relation to suspected data fraud cases





舉辦「尊重私隱 由我做起」小學生短片創作比賽，吸引超過320名學生參與

Launched a Short Video Competition for Primary School Students with the theme of "Respecting Privacy Begins with Me", attracting over 320 primary school students to join the competition

舉辦「網絡世界中的數據安全管理 — 個人資料保安及事故應變實用貼士」網上講座

Organised a webinar on "Data Security Management in the Cyber World – Practical Tips on Personal Data Security and Incident Response"

私隱專員、內地法律學者及香港資深執業律師於「內地《數據出境安全評估辦法》」網上講座中發表演講

Privacy Commissioner, a Mainland legal scholar and a Hong Kong legal professional presented at the webinar on "The Mainland's Security Assessment Measures on Cross-border Transfers of Data"



2022

10月 / Oct

一名27歲男子被裁定「起底」罪名成立，屬「起底」案件的首次定罪

A 27-year-old man was convicted of the doxxing offence, marking the first conviction of a doxxing offence

由私隱專員公署擔任聯席主席的環球私隱會議國際執法合作工作小組推出「跨境案例地圖」

The Global Privacy Assembly's International Enforcement Cooperation Working Group, co-chaired by the PCPD, launched the transnational cross-border enforcement case map

向社福機構派發防騙貼士海報及抗疫物資

Distributed anti-fraud posters and medical supplies to social welfare organisations



11月 / Nov

2022

發表兩份調查報告，涵蓋醫療及沖印行業的機構

Published two investigation reports which covered organisations in healthcare and photo printing industries

兩名私隱專員公署主任榮獲「申訴專員嘉許獎2022」公職人員獎

Two PCPD officers received The Ombudsman's Awards 2022 for Officers of Public Organisations

作為學校講座系列的一部分，私隱專員在本地一間小學宣傳「向網絡欺凌和『起底』說『不』」

As part of a series of school talks, Privacy Commissioner promoted "Say 'No' to Cyberbullying and Doxxing" at a local primary school



2022

12月 / Dec



私隱專員在網上講座中向醫管局新界西聯網醫護人員講解《私隱條例》的規定

Privacy Commissioner explained the requirements of the PDPO to staff members of the New Territories West Cluster of Hospital Authority at a webinar

一名27歲男子的「起底」控罪罪成，被判監禁八個月，為「起底」新條文立法後首宗判刑的案件

A 27-year-old man was convicted of the doxxing offence and was sentenced to eight months of imprisonment, marking the first sentencing case for the new doxxing offence



發表有關一家信貸資料機構的個人資料系統的視察報告

Released an inspection report on the personal data system of a credit reference agency

發表對兩宗在選舉事務處發生的個人資料外洩事故的調查報告

Published an investigation report on two personal data breach incidents of the Registration and Electoral Office

2023

1月 / Jan

私隱專員向中小學老師講解新「起底」罪行及保障網上個人資料私隱

Privacy Commissioner explained the new doxxing offence and the protection of personal data privacy online to primary and secondary school teachers





舉辦「私隱之友嘉許獎2023」

Launched the "Privacy-Friendly Awards 2023"

2023 1月 / Jan



私隱專員及教育界代表在「預防及處理學生的網絡欺凌與『起底』行為」網上講座中演講

The Privacy Commissioner and representatives from the education sector spoke at a webinar on "Preventing and Handling of Students' Misbehaviour Involving Cyberbullying and Doxxing"

舉辦長者新年講座以提高他們的防騙意識

Organised a New Year talk for the elderly to raise their awareness of fraud prevention



2023 2月 / Feb

私隱專員在記者會、立法會會議及不同媒體訪問中報告2022年私隱專員公署的工作

Privacy Commissioner reported the PCPD's work in 2022 at a media briefing, Legislative Council meeting and various media interviews





私隱專員出席香港城市大學法律學院舉辦的講座，並擔任客席講師

The Privacy Commissioner spoke at a guest lecture organised by the School of Law of the City University of Hong Kong

2023 3月 / Mar



私隱專員及地產代理監管局行政總裁韓婉萍女士在一個題為「地產代理業界：認識保障個人資料私隱」的網上講座中演講

Privacy Commissioner and Ms Ruby HON, the Estate Agents Authority's Chief Executive Officer, spoke at a webinar on "Protection of Personal Data Privacy for the Estate Agency Sector"

架構
Organisation

香港個人資料私隱專員公署(私隱專員公署)是一個獨立機構，負責監察香港法例第486章《個人資料(私隱)條例》(《私隱條例》)的實施及符規情況。私隱專員公署致力透過監察及監管各界人士遵從《私隱條例》的規定，執行《私隱條例》及推廣保障和尊重個人資料私隱的文化，確保市民的個人資料私隱獲得保障。

The Office of the Privacy Commissioner for Personal Data (PCPD) is an independent body set up to oversee the implementation of and compliance with the provisions of the Personal Data (Privacy) Ordinance (PDPO). The PCPD strives to ensure the protection of the privacy of individuals in relation to personal data through monitoring compliance with the PDPO, enforcing its provisions and promoting the culture of protecting and respecting personal data privacy.

私隱專員公署於1996年8月成立，其工作由個人資料私隱專員負責。私隱專員公署設有多個部門，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。

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.



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
Ms Ada CHUNG Lai-ling
個人資料私隱專員
Privacy Commissioner for Personal Data

成員 MEMBERS

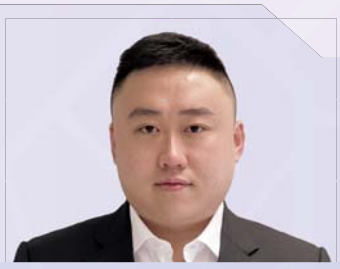
(按姓氏英文字母排序 in alphabetical order of last name)



歐陽嘉慧女士
Ms Terese AU-YEUNG Kar-wai
律師
Solicitor



陳嘉賢女士 , JP
Ms Karen CHAN Ka-yin, JP
德國寶集團有限公司
執行董事
Executive Director,
German Pool Group Company Limited



趙質山先生
Mr Alex CHIU Chih-sun
香港航天科技集團有限公司
董事
Director,
Hong Kong Aerospace Technology Group Limited



簡慧敏女士
Ms Carmen KAN Wai-mun
中國銀行 (香港) 有限公司
總法律顧問
General Counsel,
Bank of China (Hong Kong) Limited

委員會會定期收取私隱專員公署的運作表現報告，並就私隱專員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.



連浩民先生
Mr **Joseph LIN Ho-man**
永卓御富國際有限公司
創辦人
Founder,
Ever Royal International Limited



黃偉雄先生 , MH, JP
Mr **Addy WONG Wai-hung**, MH, JP
中原地產代理有限公司
亞太區主席兼行政總裁
Chairman and Chief Executive Officer (Asia Pacific),
Centaline Property Agency Limited



楊逸芝女士
Ms **Eirene YEUNG**
長江實業集團有限公司
執行委員會委員兼公司秘書
Executive Committee Member & Company Secretary,
CK Asset Holdings Limited

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

私隱專員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，以顧及該等發展對個人資料私隱方面的潛在影響。委員會同時會就私隱專員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。

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 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.

聯席主席 CO-CHAIRPERSONS



鍾麗玲女士
Ms Ada CHUNG Lai-ling
個人資料私隱專員
Privacy Commissioner for Personal Data



蕭穎思女士
Ms Cecilia SIU
助理個人資料私隱專員（法律、環球事務及研究）
Assistant Privacy Commissioner (Legal, Global Affairs and Research)

成員 MEMBERS

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



陳仲文工程師
Ir **Alex CHAN**

香港生產力促進局數碼轉型部總經理
（任期由 2022 年 7 月 1 日起）
General Manager, Digital Transformation Division,
Hong Kong Productivity Council
(Appointment from 1 July 2022)



張偉倫先生
Mr **Alan CHEUNG**

香港應用科技研究院可信及人工智能技術部門高級總監
（任期由 2023 年 1 月 1 日起）
Senior Director of the Trust and Artificial Intelligence Technologies, Hong Kong Applied Science and Technology Research Institute
(Appointment from 1 January 2023)



方保僑先生
Mr **Francis Po-kiu FONG**

香港資訊科技商會榮譽會長
Honorary President,
Hong Kong Information Technology Federation



劉偉經教授
Professor **Jason LAU**

香港浸會大學財務及決策學系特邀教授
Adjunct Professor,
Department of Finance and
Decision Sciences, Hong Kong Baptist University



黃錦輝教授
Professor **K F WONG**

香港中文大學工程學院副院長（外務）
Associate Dean (External Affairs), Faculty of Engineering,
The Chinese University of Hong Kong



姚兆明教授
Professor **S M YIU**

香港大學計算機科學系教授及副系主任
Professor and Associate Head,
Department of Computer Science,
The University of Hong Kong



栢雅盛先生
Mr **Mark PARSONS**

霍金路偉律師行合伙人
（任期至 2022 年 12 月 31 日）
Partner, Hogan Lovells
(Appointment up to 31 December 2022)



楊月波教授
Professor **Y B YEUNG**

香港浸會大學計算機科學系特邀教授
（任期至 2022 年 6 月 30 日）
Adjunct Professor, Department of Computer Science,
Hong Kong Baptist University
(Appointment up to 30 June 2022)

高級管理團隊
Senior Management Team



1 **鍾麗玲女士**
Ms Ada CHUNG Lai-ling
個人資料私隱專員
Privacy Commissioner for Personal Data

2 **黎智敏女士**
Ms Joyce LAI
助理個人資料私隱專員（企業傳訊及合規）
Assistant Privacy Commissioner (Corporate Communications and Compliance)

3 **蕭穎思女士**
Ms Cecilia SIU
助理個人資料私隱專員（法律、環球事務及研究）
Assistant Privacy Commissioner (Legal, Global Affairs and Research)

4 **關啟宇先生**
Mr Billy KWAN
署理助理個人資料私隱專員（投訴及刑事調查）
Acting Assistant Privacy Commissioner (Complaints and Criminal Investigation)





⑤ **庾燕青**女士
Ms **Gloria YU**
首席個人資料主任（刑事調查）
Chief Personal Data Officer (Criminal Investigation)

⑥ **李曉盈**女士
Ms **Ines LEE**
高級律師
Senior Legal Counsel

⑦ **吳穎軒**女士
Ms **Hermina NG**
高級律師（投訴）
Senior Legal Counsel (Complaints)

⑧ **郭正熙**先生
Mr **Brad KWOK**
署理首席個人資料主任（合規及查詢）
Acting Chief Personal Data Officer (Compliance & Enquiries)

⑨ **潘潔霖**女士
Ms **Natalie POON**
高級個人資料主任（企業支援）
Senior Personal Data Officer (Corporate Support)



高級人員
Senior Officers



1 **盧廸凡**先生
Mr **DF LO**
高級個人資料主任（刑事調查）
Senior Personal Data Officer (Criminal Investigation)

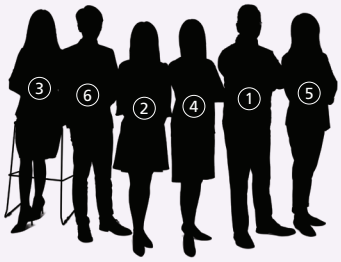
2 **廖雅欣**女士
Ms **Joyce LIU**
律師
Legal Counsel

3 **周映彤**女士
Ms **Phoebe CHOW**
企業傳訊總監
Head of Corporate Communications

4 **黃寶漫**女士
Ms **Clemence WONG**
律師
Legal Counsel

5 **鄭楚英**女士
Ms **Kimmy CHENG**
署理高級個人資料主任（合規及查詢）
Acting Senior Personal Data Officer (Compliance & Enquiries)

6 **盧浩榮**先生
Mr **John LO**
署理高級個人資料主任（合規及查詢）
Acting Senior Personal Data Officer (Compliance & Enquiries)





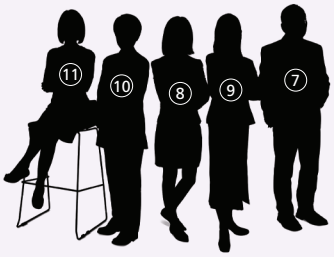
7 **陳德明**先生
Mr **Raymond CHAN**
高級個人資料主任(資訊科技)
Senior Personal Data Officer (Information Technology)

8 **胡慧雅**女士
Ms **Terri WU**
高級個人資料主任(投訴)
Senior Personal Data Officer (Complaints)

9 **周沅瑩**女士
Ms **Stephanie CHAU**
律師
Legal Counsel

10 **黎淑芬**女士
Ms **Addy LAI**
高級個人資料主任(投訴)
Senior Personal Data Officer (Complaints)

11 **李凱寧**女士
Ms **Joyce LI**
署理高級個人資料主任(投訴)
Acting Senior Personal Data Officer (Complaints)



本年重點工作

Highlights of the Year






5 分 minutes
22 秒 seconds
Commissioner for Personal Data
個人資料



實施《2021年個人資料(私隱)(修訂)條例》

為打擊侵犯個人資料私隱的「起底」行為，《修訂條例》已於2021年10月8日刊憲生效。《修訂條例》主要內容包括：

Implementing the Personal Data (Privacy) (Amendment) Ordinance 2021

To combat doxxing acts which are intrusive to personal data privacy, the Amendment Ordinance was gazetted and came into effect on 8 October 2021. The main content of the Amendment Ordinance included:



- 訂立未經同意下披露個人資料（俗稱「起底」）的兩級制刑事罪行；
- 賦權私隱專員就「起底」相關罪行進行刑事調查及檢控；及
- 賦權私隱專員發出停止披露通知，要求任何有能力移除「起底」訊息的人士（包括在電子訊息方面的非港人服務提供者）停止披露「起底」訊息。

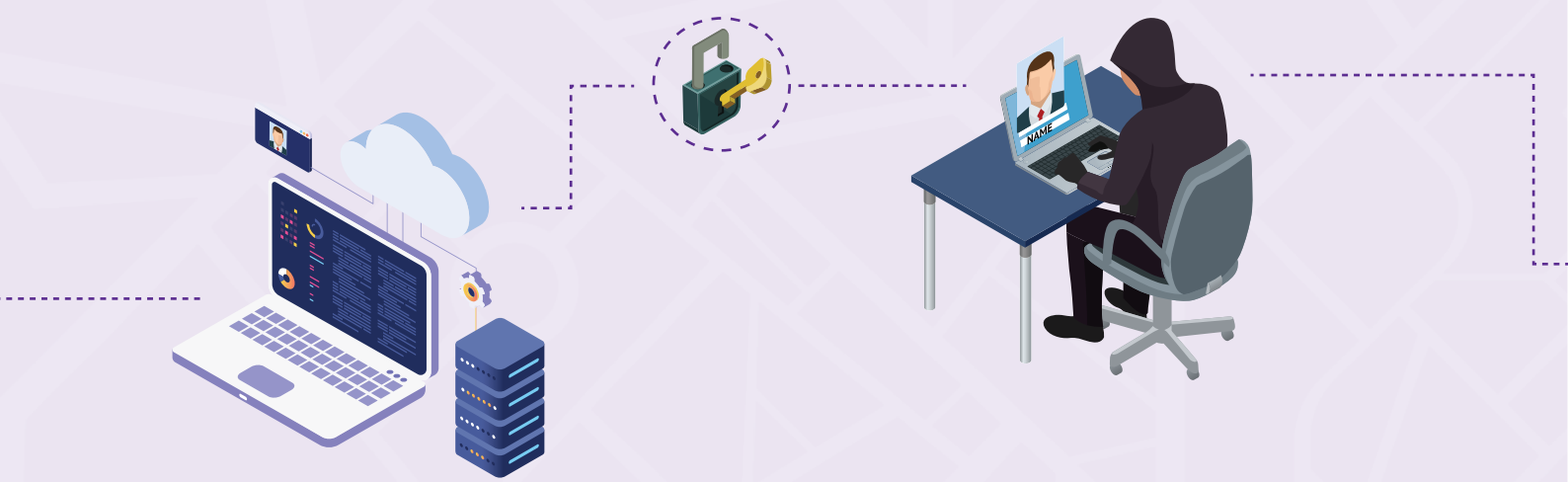
- Enacting two-tier criminal offences for disclosing personal data without consent, commonly known as doxxing;
- Empowering the Privacy Commissioner to conduct criminal investigations and institute prosecutions related to doxxing offences; and
- Empowering the Privacy Commissioner to issue cessation notices directing any persons who can remove doxxing messages (including a non-Hong Kong service provider for electronic messages) to cease the disclosure of a doxxing message.

視乎案件的嚴重性，私隱專員可以以她的名義在裁判法院就「起底」相關罪行以簡易程序提出檢控。至於循公訴程序審訊的「起底」罪行或涉及其他刑事罪行的個案，則會轉介予警方作進一步調查和檢控。

以上賦予私隱專員的新增權力，讓私隱專員公署能夠在處理「起底」案件時進行刑事調查以至提出檢控，簡化執法流程並提升公署打擊「起底」個案的執法效率。其中一個值得注意的例子是在首宗的「起底」罪定罪案件，公署在

The Privacy Commissioner can, depending on the gravity of the cases, institute prosecution in her name against doxxing-related summary offences in the Magistrates' Courts. Cases involving the commission of indictable doxxing offences or other offences would be referred to the Police for further investigation and prosecution.

The new powers given to the Privacy Commissioner enabled the PCPD to handle doxxing cases from the beginning of criminal investigations to prosecutions in a streamlined process and effectively expedited enforcement actions against doxxing cases. One of the noteworthy examples is that the PCPD was able to secure its first conviction in a doxxing case



2022年6月拘捕案中被告，並於不足四個月內（即同年10月）成功將被告入罪。

in October 2022, less than four months after the defendant was arrested in June that year.

概述「起底」個案

於報告年度內，私隱專員公署共收到676宗由市民作出的與「起底」有關的投訴，展開83項刑事調查，並作出19次拘捕行動（其中三次為公署與警方採取的聯合行動），共19人被捕。

此外，私隱專員公署向警方轉介了38宗與「起底」有關的個案（因該等個案涉及《私隱條例》第64(3C)條下的第二級「起底」罪行，及／或涉及其他不屬於《私隱條例》範圍內的罪行），以供警方調查及考慮作出檢控。

Overview of Doxxing Cases

During the reporting year, the PCPD received 676 doxxing-related complaints lodged by members of the public, commenced 83 criminal investigations and mounted 19 arrest operations (with three of them being joint operations of the PCPD and the Police) with 19 persons arrested.

Besides, 38 referrals of doxxing cases, which involved the second-tier doxxing offence under section 64(3C) of the PDPO and/or other crimes outside the purview of the PDPO, were made to the Police for their investigations and consideration of prosecutions.

拘捕個案重點

在採取了拘捕行動的19宗個案中，10宗（53%）涉及金錢糾紛、四宗（21%）涉及職場糾紛、三宗（16%）涉及人際糾紛，其餘兩宗（10%）源於因政見不同而造成的糾紛（圖1.1）。

Highlights of Arrest Cases

Among the 19 arrested cases, 10 (53%) were related to monetary disputes, four (21%) were related to workplace disputes, three (16%) were related to relationship disputes and the remaining two (10%) originated from disputes caused by differences in political opinions (Figure 1.1).

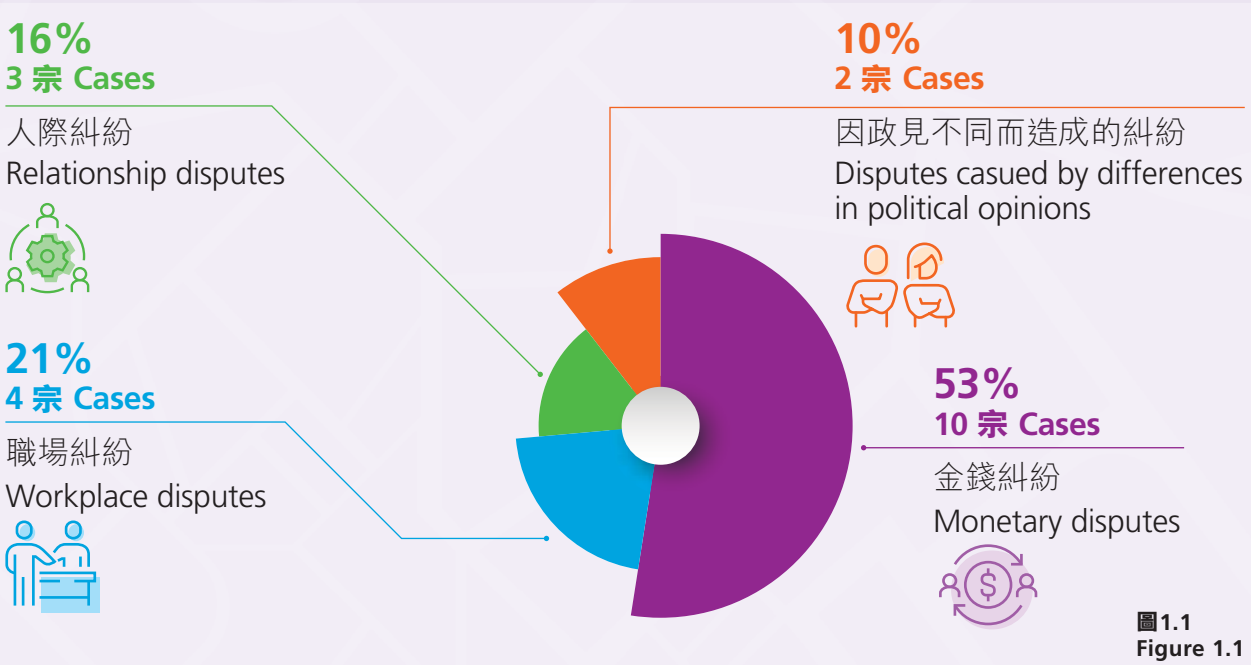


圖1.1
Figure 1.1

在上述10宗與金錢糾紛有關的案件中，其中七宗（70%）與合約及／或租賃糾紛有關。至於涉及職場糾紛的案件除源於勞資雙方的矛盾外，亦有源於同事之間的爭端。而與人際糾紛有關的案件，則主要涉及感情瓜葛。

Among the 10 arrested cases relating to monetary disputes, seven (70%) of them were related to contractual and/or rental disputes. Cases relating to workplace disputes concerned not only conflicts between employers and employees but also conflicts between colleagues at work, while cases originating from relationship disputes were mainly related to emotional entanglements.

至於「起底」的方式，被捕案件中有16宗（84%）是透過社交媒體平台及即時通訊軟件作出的，其餘三宗則涉及張貼實體單張。

As far as the means of doxxing are concerned, 16 (84%) of the arrested cases involved doxxing through social media platforms and instant messaging applications and three other cases involved putting up physical posters.

私隱專員曾在不同場合中提醒市民大眾，「起底」屬嚴重罪行。市民應循合法途徑處理糾紛，將他人「起底」並不是解決問題的方法，相反往往只會令衝突升級。

The Privacy Commissioner has reminded members of the public in various occasions that doxxing is a serious offence. Disputes should be resolved by lawful means and doxxing is not an option to resolve disputes as it would only escalate conflicts.

「起底」訊息的移除

Removal of Doxxing Messages

根據《修訂條例》，私隱專員獲賦權發出停止披露通知，要求將「起底」訊息移除，減低對相關資料當事人及其家人造成的傷害。私隱專員會根據案件的實際情況，向有能力就訊息採取停止披露行動的人士或團體發出停止披露通知，當中可能包括網上平台營運商、互聯網服務提供者或主機服務提供者。

Under the Amendment Ordinance, the Privacy Commissioner is empowered to issue and serve cessation notices to demand the removal of doxxing messages so as to minimise the harms caused to the data subjects concerned and their family members. Depending on the circumstances of the case, the Privacy Commissioner may serve cessation notices on individuals or entities who are able to take cessation actions, which may include operators of online platforms, internet service providers or hosting service providers.

由於網絡世界沒有地域限制，若有關標的訊息屬電子訊息，根據《修訂條例》，私隱專員有權向非港人服務提供者，例如社交媒體平台的海外營運商，發出停止披露通知，指示該服務提供者採取停止披露行動。私隱專員發出停止披露通知的域外權力，大大加強了私隱專員公署對網上「起底」活動的執法效果，因這些活動常有涉及由香港以外的服務供應商營運的社交媒體平台。

Given that the cyberworld has no borders, in case the subject message is an electronic message, the Amendment Ordinance has empowered the Privacy Commissioner to issue and serve cessation notice(s) on a non-Hong Kong service provider, such as the overseas service operator of a social media platform, directing it to take cessation action(s) pursuant to the PDPO. Such extra-territorial power of the Privacy Commissioner to issue cessation notice(s) has significantly strengthened the enforcement of the PCPD against online doxxing activities which commonly involve social media platforms operated by service providers outside Hong Kong.

於報告年度內，私隱專員公署共向28個網上平台（主要由海外的服務供應商營運）發出1,006份停止披露通知，要求它們移除17,829個「起底」訊息，整體遵從率超過95%。除「起底」訊息外，在一些個案中，用於「起底」的整個頻道也被成功移除。

During the reporting year, a total of 1,006 cessation notices were served on 28 online platforms, which were mostly operated by overseas service providers, to request the removal of 17,829 doxxing messages. The compliance rate of the removal of doxxing messages was over 95%. Apart from individual doxxing messages, on some occasions, the entire channels for doxxing purposes were also successfully removed.

法院對「起底」案件的判刑所傳遞的明確信息

A Clear Message from the Court's Sentencing on Doxxing Cases

在報告年度內，共有三宗「起底」罪行的定罪案件。

There were three conviction cases relating to doxxing offences during the reporting year.

首宗案件涉及感情糾紛，亦是《修訂條例》新訂立的「起底」罪行的首宗定罪案件。27歲的男被告在結束與前女友的短暫交往後，在四個社交媒體平台上披露了她的個人資料，亦在當中三個平台冒認事主開設帳戶，並邀請他人到她的住址找她。於2022年10月，被告在認罪下被裁定七項「在未獲同意下披露個人資料」的「起底」罪名成立。法院於判刑時考慮到被告的「起底」行為對受害人造成不可估量的傷害，並判處被告監禁八個月。法院明言必須給予合乎比

The first case involved a relationship dispute and is the first conviction case of the new doxxing offence introduced by the Amendment Ordinance. The defendant, a 27-year-old male, disclosed his ex-girlfriend's personal data on four social media platforms after a brief relationship and impersonated her to invite others to visit her residence. He was convicted of seven charges of the new doxxing offence relating to "disclosing personal data without consent" in October 2022 upon his guilty plea. The Court considered that the defendant's doxxing behaviour had caused immeasurable harm to the victim and sentenced the defendant to eight months' imprisonment.

重的判刑，以達致懲罰、阻嚇、譴責作用。法院在此案的判刑向社會帶出明確的訊息—「起底」屬嚴重罪行，違者可被處即時監禁。

The Court emphasised that a proportionate sentence must be imposed to achieve the effects of punishment, deterrence and condemnation. This has sent a clear message to the public that doxxing constitutes a serious crime which may lead to immediate custodial sentence.

在第二宗個案中，兩位事主聘請被告為其住所裝修，但雙方其後發生金錢糾紛。被告在社交媒體平台上公開了事主的姓名、職業、居住地址等個人資料，並對其作出負面評論。32歲的被告經審訊後於2022年12月被裁定兩項「起底」罪名成立，並被判處160小時社會服務令。

In the second case, the victims engaged the defendant as a renovation contractor for their residence but a monetary dispute later arose between the parties. The defendant disclosed the personal data of the victims such as their names, occupations and residential addresses on a social media platform with negative comments on them. The 32-year-old defendant was convicted of two charges of the doxxing offences after trial in December 2022 and was sentenced to community service order of 160 hours.

在第三宗個案中，36歲的女士從事網上買賣，事主是她的供應商，二人關係因金錢糾紛惡化。被告在社交媒體平台上多個群組披露了事主及其丈夫的個人資料，並指控事主欺詐。被告在認罪下於2023年2月被裁定14項「起底」罪名成立。法院於判刑時表示雖然明白被告因金錢糾紛而受影響，但她試圖以「起底」方式作出追討屬不智的行為，而她亦須為自己的錯誤行為承擔法律責任。經考慮案件的整體情況(包括被告的悔意及其個人處境)後，法院判處被告監禁兩個月，緩刑24個月。

The third case involved a 36-year-old female who was an online trader, while the victim was her supplier. Their business relationship turned sour because of a monetary dispute. The defendant disclosed the personal data of the victim and her husband in multiple groups on a social media platform, and the posts also contained allegations about the victim's fraudulent behaviour. The defendant was convicted of 14 charges of the doxxing offence in February 2023 upon her guilty plea. In considering her sentence, the Court acknowledged that the defendant was adversely affected by the monetary disputes but commented that it was unwise of her to seek redress by way of doxxing. The defendant had to bear the legal consequences for her wrongdoing. Taking into account the overall situation, including the remorsefulness and personal circumstances of the defendant, the Court sentenced the defendant to 2 months' imprisonment, suspended for 24 months.

從上述判刑可見，法庭認為「起底」為嚴重罪行，並認為須以相稱的刑罰(包括即時監禁)以帶來阻嚇作用。

From the above sentences, it is clear that the Court considers doxxing as a serious offence, which ought to be deterred by penalties commensurate with the severity of the offences, including immediate custodial sentences.

宣傳及教育以遏止「起底」

在報告年度內，私隱專員公署積極向學生和教師傳遞反「起底」的訊息。在2022年11月，私隱專員在一所本地小學為超過200名小學生舉辦了一場「網上保護個人資料、尊重個人資料私隱」講座。2023年1月，私隱專員在與香港電腦教育學會聯合舉辦的網上講座中，向來自小學和中學的500多名校長和教師講解「預防及處理學生的網絡欺凌與『起底』行為」。在針對專業人士或公眾的其他講座或網上講座中，新的反「起底」制度和公署的新權力亦得到充分的說明。

Publicity and Education to Curb Doxxing

During the reporting year, the PCPD reached out to students and teachers to spread the anti-doxxing message. In particular, in November 2022, the Privacy Commissioner delivered a talk on "Protecting and Respecting Personal Data Privacy Online" to over 200 primary school students at a local primary school. In January 2023, the Privacy Commissioner spoke to over 500 principals and teachers from primary and secondary schools at a webinar on "Preventing and Handling of Students' Misbehaviour involving Cyberbullying and Doxxing" jointly organised with the Hong Kong Association for Computer Education. Explanations of the new anti-doxxing regime and the PCPD's new powers were also included in other talks or webinars for professionals or members of the public.



為提醒市民在網上或社交媒體平台轉載「起底」訊息前要三思，私隱專員公署製作了電視宣傳短片及電台宣傳聲帶，從2022年7月開始在40個電視頻道和12個廣播頻道播放。相關短片及聲帶的推廣亦見於不同的線上平台，包括私隱專員公署的網站和社交媒體平台。

To remind members of the public to think twice before reposting any doxxing messages on the internet or social media platforms, the PCPD produced a TV and radio Announcement in the Public Interest (API) that were aired on 40 TV channels and 12 radio channels commencing in July 2022. The API was also advertised on different online platforms, including the PCPD's website and social media platforms.



私隱專員公署將繼續密切關注「起底」活動，在各個方面採取及時有效的執法行動，包括發出停止披露通知以刪除「起底」訊息，對「起底」人士進行刑事調查和起訴，並通過宣傳和教育來提高公眾意識，共同打擊「起底」行為。

The PCPD would continue to closely monitor doxxing activities, take timely and effective enforcement actions on all fronts, including issuing cessation notices to remove doxxing messages and pursuing criminal investigations and prosecutions against doxxers and enhance public awareness to combat doxxing through publicity and education programmes.

打擊資料詐騙

私隱專員公署留意到，近年來出現多宗形形色色的詐騙個案，當中有騙徒假冒政府部門、執法機構、銀行等不同機構以電話、電郵或短訊方式接觸市民，藉以套取市民敏感的個人資料，包括個人姓名、電話號碼、身份證號碼、銀行帳戶號碼／密碼及信用卡資料，引致事主或親友蒙受金錢損失。

面對層出不窮的詐騙手法，提高市民的防騙意識至關重要。因此，私隱專員公署設立了「個人資料防騙熱線」及開設了防騙專題網站，以加強市民提防詐騙和保障個人資料私隱的意識。

Combatting Data Fraud

The PCPD noted that numerous fraud cases in various forms were reported in recent years, involving the use of phishing calls, emails or SMS messages by swindlers who impersonated officers of different organisations, such as government departments, enforcement authorities and banks, etc., with the intention of obtaining sensitive personal data from the public. The personal data included the victims' names, phone numbers, Hong Kong Identity Card numbers, bank account numbers/passwords and credit card information. The disclosure of such information caused monetary losses to the victims, their friends or relatives.

In the face of ever-changing fraud tricks, raising the level of awareness to fraud among members of the public is crucial. Hence, the PCPD set up an anti-fraud hotline and launched a thematic webpage to increase public awareness of guarding against fraud and protecting personal data privacy.



設立「個人資料防騙熱線」

私隱專員公署於2022年9月設立「個人資料防騙熱線」3423 6611，以處理懷疑誘騙個人資料的查詢或投訴。在報告年度內，公署接獲732宗懷疑誘騙個人資料的查詢，較上一報告年度的511宗增加43%。公署向查詢的市民提供保障個人資料的建議，並在部分個案中成功堵截騙案。

Setting up "Personal Data Fraud Prevention Hotline"

The PCPD set up the "Personal Data Fraud Prevention Hotline" 3423 6611 in September 2022 to handle enquiries or complaints about suspected personal data fraud cases. During the reporting year, the PCPD received 732 enquiries relating to telephone scams, with an increase of 43% when compared to 511 cases in the previous reporting year. The PCPD provided the enquirers with advice on the protection of personal data, and successfully intercepted fraudulent acts in some cases.



開設防騙專題網站

私隱專員公署開設全新的「防騙貼士」專題網站，為市民提供一站式網上資源平台，內容包括防騙貼士、相關詐騙例子、教育資訊及活動，以及求助途徑。

作為防騙活動的一部分，私隱專員公署亦發表建議以提醒市民提防最新的詐騙手法，並提供一些防騙貼士，而這些建議亦獲傳媒廣泛報導。而在2022年10月，私隱專員於香港電台第一台發表《香港家書》，呼籲市民保護其個人資料，慎防墮入騙徒陷阱。

Launching Anti-Fraud Thematic Webpage

The PCPD launched a new webpage entitled "Anti-Fraud Tips" to provide a one-stop portal for members of the public, covering tips on avoiding personal data fraud, relevant examples of fraud cases, educational information and activities, as well as ways to seek assistance.

As part of its anti-fraud education campaign, the PCPD also published advisories to remind the public to be cautious of new fraud tricks and provide tips to prevent personal data fraud. These advisories received widespread media coverage. In October 2022, the Privacy Commissioner published a "Hong Kong Letter" on RTHK Radio 1, urging the public to protect their personal data and avoid falling into the traps of scammers.

有鑑於長者常是騙徒的主要目標，私隱專員公署的「防疫抗疫關愛義工隊」於2022年10月向兩間社福機構派發防騙貼士海報。關愛義工隊亦於2023年1月為長者安排講座及遊戲以提高他們的防騙意識。公署將會繼續為長者舉辦更多講座，讓他們了解常見的詐騙手法，避免受騙蒙損。

As the elderly are prime targets for scammers, the Volunteer Team of the PCPD distributed anti-fraud posters to two social welfare organisations in October 2022. Additionally, the Volunteer Team arranged a talk and games session for the elderly in January 2023 to raise their awareness of scams. The PCPD will continue to organise more talks for the elderly, helping them recognise common scam tactics and avoid becoming victims of scams.





調查

發表兩份與投訴有關的調查報告

私隱專員於報告年度發表了兩份調查報告。

為提升物業管理業界別對保障業戶及訪客的個人資料私隱的意識，私隱專員於2022年6月就接獲的四宗有關物業管理公司的投訴發表調查報告。私隱專員調查後發現，四宗個案的物業管理公司分別違反了《私隱條例》保障資料原則有關個人資料收集、保留、使用和保安的規定。

此外，私隱專員就一個醫療集團透過內部統一系統互用旗下品牌客戶個人資料一事進行調查，並於2022年11月發表調查報告。調查源於私隱專員公署收到兩宗投訴，涉及該醫療集團營運的四個品牌。調查發現該醫療集團違反了《私隱條例》下保障資料第3原則有關使用（包括披露或轉移）個人資料的規定。

在上述調查中，私隱專員向所有涉案的資料使用者發出了執行通知，指示他們糾正其違規事項，以及防止類似的違規行為再發生。

Investigations

Publishing of Two Complaint Investigation Reports

During the reporting year, the Privacy Commissioner published two investigation reports.

To raise awareness in the property management sector of the need to protect residents' and visitors' personal data privacy, the Privacy Commissioner published an investigation report in June 2022 regarding four complaints received by the PCPD against property management companies. Upon investigation, the Privacy Commissioner found that the property management companies in the four cases had respectively contravened the requirements on collection, retention, use and security of personal data under the Data Protection Principles (DPP) of the PDPO.

Besides, the Privacy Commissioner conducted an investigation into a medical group's sharing of clients' personal data among its various brands through an internal integrated system, and published an investigation report in November 2022. The investigation arose from two complaint cases received by the PCPD, involving four brands operated by the medical group. The investigation found that the medical group had contravened DPP 3 of the PDPO on the use (including disclosure and transfer) of personal data.

In the above investigations, Enforcement Notices were served on the data users concerned, directing them to remedy their respective contraventions and prevent recurrence of similar contraventions in future.

發表四份有關資料外洩事故的調查報告

在報告年度內，私隱專員公署就資料使用者作出的五宗資料外洩事故通報發表四份調查報告。2022年6月及11月，公署分別就一間醫療機構意外棄置病人醫療紀錄一事，以及一間影像沖曬公司的數據庫遭勒索軟件攻擊一事發表調查報告。在2022年12月，公署就某政府部門通報的兩宗個人資料外洩事故發表調查報告，兩宗事故分別涉及該政府部門把載有選民資料的檔案以電郵誤送至不明收件人，以及將一名選舉委員會委員及其助理的個人資料誤送予其他委員。2023年2月，公署就一間非牟利組織的伺服器遭勒索軟件攻擊一事發表報告。

私隱專員裁定，上述個案的資料使用者均違反了《私隱條例》保障資料第4(1)原則有關個人資料保安的規定；私隱專員已向相關的資料使用者送達執行通知，指示其糾正違規事項並防止違規情況再度發生。

Publishing Four Investigation Reports on Data Breach Incidents

During the reporting year, the PCPD published four investigation reports related to five data breach incidents reported by data users. In June and November 2022, the PCPD respectively published investigation reports on an accidental disposal of patients' medical records by a medical institution and a ransomware attack on the database of a photofinishing company. In December 2022, the PCPD published an investigation report on two personal data breach incidents reported by a government department. The two incidents respectively involved the wrongful dispatch of files containing electors' personal data by email to an unknown recipient and the wrongful disclosure of the personal data of an Election Committee member and their assistant to other Election Committee members. In February 2023, the PCPD published an investigation report on a ransomware attack on the servers of a non-profit-making organisation.

The Privacy Commissioner found that the data users in the above cases had contravened DPP 4(1) of the PDPO concerning the security of personal data. Enforcement Notices were served on the data users concerned, directing them to remedy and prevent the recurrence of the contraventions.



推動數據安全

培養公眾對數據安全的意識

鑑於資料外洩事件呈上升趨勢，提高資料使用者對數據安全重要性的認知變得更為必要，令他們採取適當的政策和措施來保障數據安全。為此，私隱專員公署於2022年8月發出《資訊及通訊科技的保安措施指引》(指引)，為資料使用者建議相關的資料保安措施，以協助他們遵從《私隱條例》的規定。

Promoting Data Security

Nurturing Data Security Awareness in the Public

In the light of an increasing trend in data breach incidents, there is a need to raise the awareness of data users to the importance of data security so that they would adopt appropriate policies and measures to safeguard data security. For this purpose, the PCPD issued the "Guidance Note on Data Security Measures for Information and Communications Technology" in August 2022. The Guidance provides data users with recommended data security measures for ICT, making it easier for them to comply with the requirements of the PDPO.





報告年度內，私隱專員公署積極推廣指引及提高公眾對保障數據安全重要性的意識。為達到更廣泛的受眾，公署於2022年9月舉辦「網絡世界中的數據安全管理—個人資料保安及事故應變實用貼士」網上講座。公署在講座期間闡釋指引的內容，並提供有關資訊及通訊科技的資料安全措施的實務建議。該講座獲香港電腦保安事故協調中心及香港電腦學會支持。

During the reporting year, the PCPD made concerted efforts in promoting the Guidance and raising public awareness of the importance of safeguarding data security. To reach a wider audience, the PCPD organised a webinar on "Data Security Management in the Cyber World – Practical Tips on Personal Data Security and Incident Response" in September 2022. During the webinar, the PCPD provided an overview of the Guidance and highlighted practical recommendations for data security measures for ICT systems. The event was supported by the Hong Kong Computer Emergency Response Team Coordination Centre and the Hong Kong Computer Society.

除了舉辦講座外，私隱專員公署亦在不同的專業期刊上發表文章，例如香港律師會的《香港律師》會刊和香港公司治理公會的《CGj》會刊，倡議在現今數碼時代中數據安全的重要性。透過在專業期刊上發表文章，公署能接觸到不同行業的專業人士和持份者及更多元化的受眾。

In addition to hosting seminars, the Privacy Commissioner also published articles in various professional journals, such as "Hong Kong Lawyer" of The Law Society of Hong Kong and "CGj" of the Hong Kong Chartered Governance Institute, to advocate the importance of data security in today's digital era. Through publishing articles in different media, the PCPD has been able to reach professionals and stakeholders across different industries and a diverse audience.

為了進一步推廣指引，私隱專員公署於2023年2月發布了一份簡明的單張，以強調指引建議的數據安全措施的要點。

To further promote the Guidance, the PCPD published a reader-friendly information leaflet in February 2023 to highlight the key points of the recommended data security measures.



與國際社群合作

在國際層面上，私隱專員公署於2022年10月舉行的第44屆環球私隱議會上，與其他資料保障機構共同發起《在完善網絡安全監管和了解網絡風險方面提升國際合作能力決議》(《決議》)，並獲得成員通過。《決議》要求議會成員就資料保障機構在網絡安全方面的職責加深了解，並探索在應對網絡風險方面的國際合作契機。

私隱專員公署亦於2022年12月加入環球私隱議會下的國際執法合作工作小組的網絡安全分組，與國際私隱社群互相學習及協作，以在未來數年內履行《決議》。

Collaborating with International Community

On the international front, the PCPD co-sponsored the "Resolution on International Cooperation Capacity Building for Improving Cybersecurity Regulation and Understanding Cyber Incident Harms" at the 44th Global Privacy Assembly (GPA) annual conference in October 2022. The Resolution, which was adopted by GPA members, aims to develop an understanding of the remits and responsibilities of data protection authorities in relation to cybersecurity, as well as explore opportunities for international cooperation in tackling cybersecurity risks.

Furthermore, the PCPD has joined the Cybersecurity Subgroup under the GPA's International Cooperation Enforcement Working Group since December 2022. The aim is to learn from and collaborate with the international privacy community in delivering the mandate of the Resolution in the years to come.

第57屆亞太區私隱機構論壇

「亞太區私隱機構論壇」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，論壇中各機構亦就私隱規例、新科技以及處理私隱相關的查詢和投訴交換資訊。私隱專員公署一直積極參與「亞太區私隱機構論壇」的活動，並於2022年7月以視像舉辦「第57屆亞太區私隱機構論壇」。來自亞太區不同資料保障機構、超過110名代表齊聚論壇，討論廣泛的環球私隱問題，並分享監管和執法經驗。

The 57th Asia Pacific Privacy Authorities Forum

The PCPD has been an active member of the Asia Pacific Privacy Authorities (APPA), which is a principal forum for privacy and data protection authorities in the Asia Pacific Region. The APPA serves to strengthen cooperation, discuss best practices, and share information on privacy regulations, new technologies, and the handling of enquiries and complaints related to privacy. In the year, the PCPD hosted the 57th APPA Forum in July 2022 through video conferencing. Over 110 representatives from various data protection authorities across the Asia Pacific region gathered at the forum to discuss a wide array of global privacy issues and share regulatory and enforcement experiences.

論壇是香港特別行政區成立25周年的慶祝活動之一，並由政制及內地事務局局長曾國衞，GBS，IDSM，JP在開幕儀式上擔任主禮嘉賓，以及發表祝賀詞。

The forum, which was held as one of the celebratory events of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region, was officiated by Mr Erick TSANG Kwok-wai, GBS, IDSM, JP, Secretary for Constitutional and Mainland Affairs, who delivered a congratulatory message at the forum.





在論壇期間，私隱專員主持了一場題為「新興科技引起的私隱議題和監管路線圖」的專題討論，嘉賓講者包括來自澳洲、加拿大、日本和英國的私隱及／或資訊專員或高級代表。討論既深入探討人臉識別和人工智能等科技快速發展所帶來的私隱影響，亦探討了不同地區監管方法的差異性，而參與各方均獲得寶貴的見解。

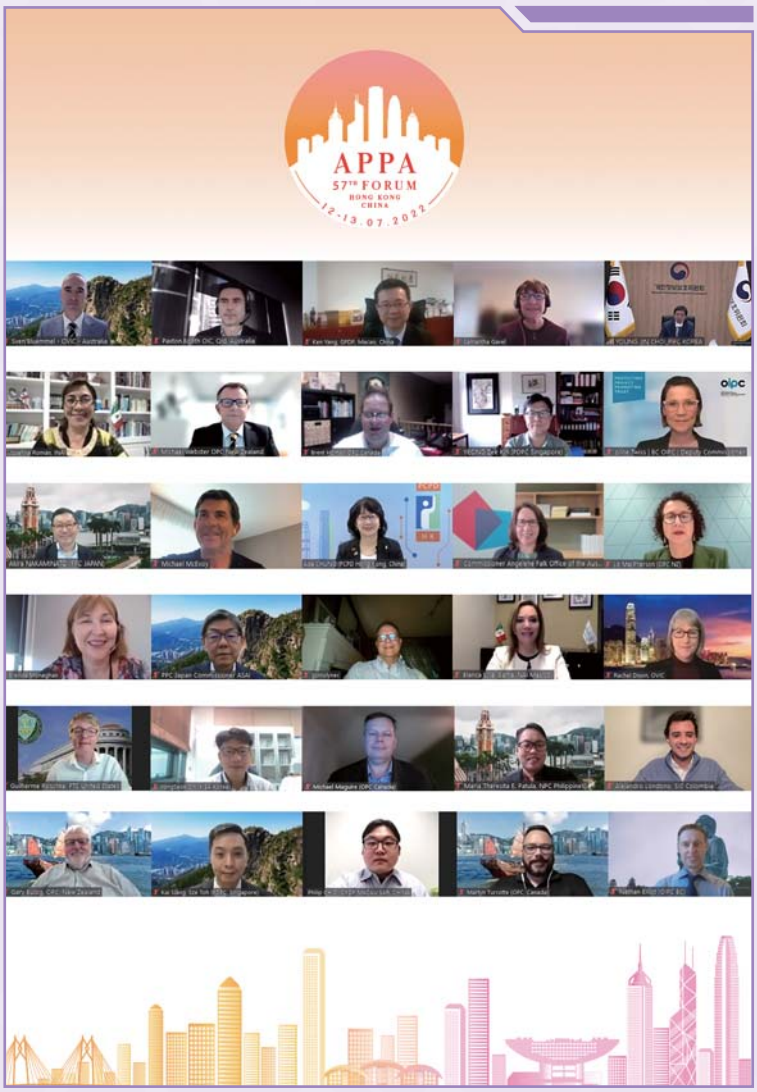
During the forum, the Privacy Commissioner led a highly engaging panel discussion entitled "Privacy Issues Arising from Emerging Technologies and the Regulatory Roadmaps". Privacy/information commissioners or senior representatives from Australia, Canada, Japan, and the United Kingdom joined as panellists. The discussion explored in depth many of the privacy implications arising from rapid advancements in technologies such as facial recognition and artificial intelligence. Valuable insights were gained into the divergent approaches to regulation across jurisdictions.

私隱專員公署亦藉論壇展示公署的工作成果，介紹了公署對「起底」罪行的最新執法行動，及分享公署在《社交媒體私隱設定大檢閱》報告中的檢視結果；該報告全面檢視了香港十大最常使用的社交媒體在私隱功能方面的表現。

The PCPD also showcased its work at the forum by giving an update on the enforcement actions on doxxing and sharing its findings in the report on "Comparison of Privacy Settings of Social Media", which holistically reviewed the performance of the top 10 most commonly used social media platforms in Hong Kong in terms of their private functions.

論壇的其他主要議題包括執法和法例的發展、指引和推廣及跨境資料流通。

Other major topics of the forum included enforcement and legislative development, guidance and outreach, and cross-border data flows.



合規
Compliance







公眾查詢

私隱專員公署在本報告年度接獲的查詢個案數目為15,293宗，比上年度減少了9.7%，平均每個月處理約1,300宗查詢個案，即每個工作天處理60宗查詢。大部分查詢個案(84%)屬電話查詢[1]，經書面及親臨公署提出的查詢分別佔13%及3%。(圖2.1)

大部份的查詢與收集及使用個人資料的情況有關(例如：香港身份證號碼及／或副本)(28%)，其他的主要查詢類別為僱傭關係的個人資料處理(7%)及《私隱條例》的應用(8%)。關於「起底」的查詢有所增加，由上年度的217宗增至本年度的325宗，增幅為49%。

有關電話行騙的查詢持續增加，由上年度的511宗增至本年度的732宗，增幅為43%。因應透過偽冒電話、電郵或短訊誘騙個人資料的個案呈上升趨勢，私隱專員公署於2022年9月設立「個人資料防騙熱線」(3423 6611)，處理懷疑誘騙個人資料的查詢或投訴。

[1] 包括透過私隱專員公署的一般查詢熱線(2827 2827)、中小型企業諮詢熱線(2110 1155)、有關「起底」查詢／投訴熱線(3423 6666)及個人資料防騙熱線(3423 6611)。

Public Enquiries

A total of 15,293 enquiry cases were received during the reporting year, a drop of 9.7% when compared to the previous year. On average, approximately 1,300 enquiry cases were handled per month, meaning 60 enquiries being handled per working day. The majority of the enquiries (84%) were telephone enquiries[1], while written and in-person enquiries accounted for 13% and 3% respectively. (Figure 2.1)

Most of the enquiries were related to the collection and use of personal data (e.g. Hong Kong Identity Card numbers and/or copies) (28%). Other enquiries included employment-issues (7%) and general enquiries on the application of the PDPO (8%). There was an increase in the number of enquiries related to doxxing, from 217 last year to 325 this year, representing an increase of 49%.

The number of enquiries concerning telephone scams continued to rise, from 511 last year to 732 this year, representing an increase of 43%. In response to the growing trend of personal data fraud cases through impersonating phone calls, emails or text messages, the PCPD set up a "Personal Data Fraud Prevention Hotline" (3423 6611) in September 2022 to handle enquiries or complaints about suspected personal data fraud cases.

[1] Including through the General Enquiries Hotline (2827 2827), Small and Medium Enterprises Hotline (2110 1155), Enquiry/Complaint Hotline about Doxxing (3423 6666) and Personal Data Fraud Prevention Hotline (3423 6611) of the PCPD.

查詢個案數目
Number of Enquiries Received

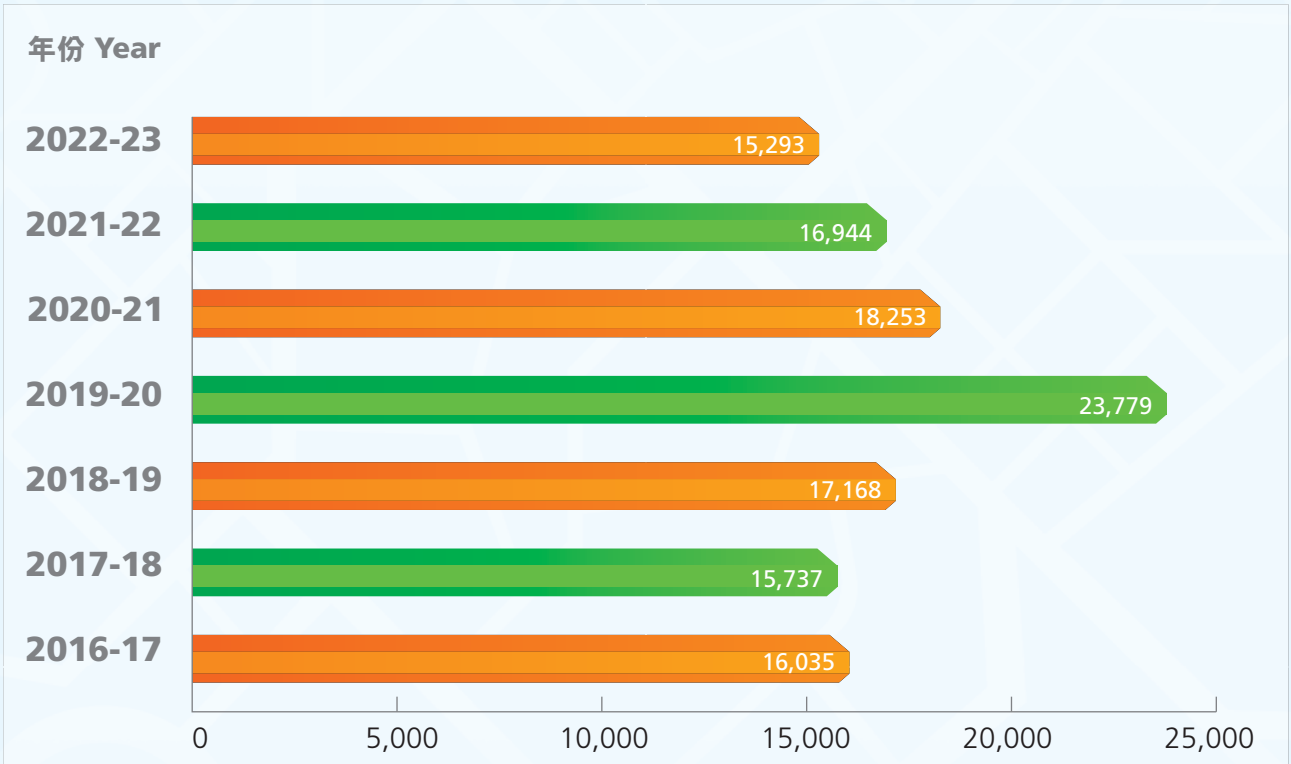


圖2.1
Figure 2.1



循規行動

當私隱專員公署發現有機構的行事方式與《私隱條例》規定不相符時，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383次循規行動，數字與上一年度的382次循規行動相若。（圖2.2）

Compliance Actions

In cases where the PCPD finds that an organisation's practices do not comply with the requirements under the PDPO, the PCPD will initiate compliance checks or investigations. Upon completion of the compliance action, the Privacy Commissioner will generally point out any inconsistencies or deficiencies in relation to the requirements under the PDPO to the organisation, and advise the organisation to take remedial actions to correct the breaches and implement preventive measures to avoid the recurrence of similar incidents. During the reporting year, the Privacy Commissioner carried out 383 compliance actions, comparable to the 382 compliance actions carried out in the preceding year. (Figure 2.2)

循規行動數目
Number of Compliance Actions Carried Out

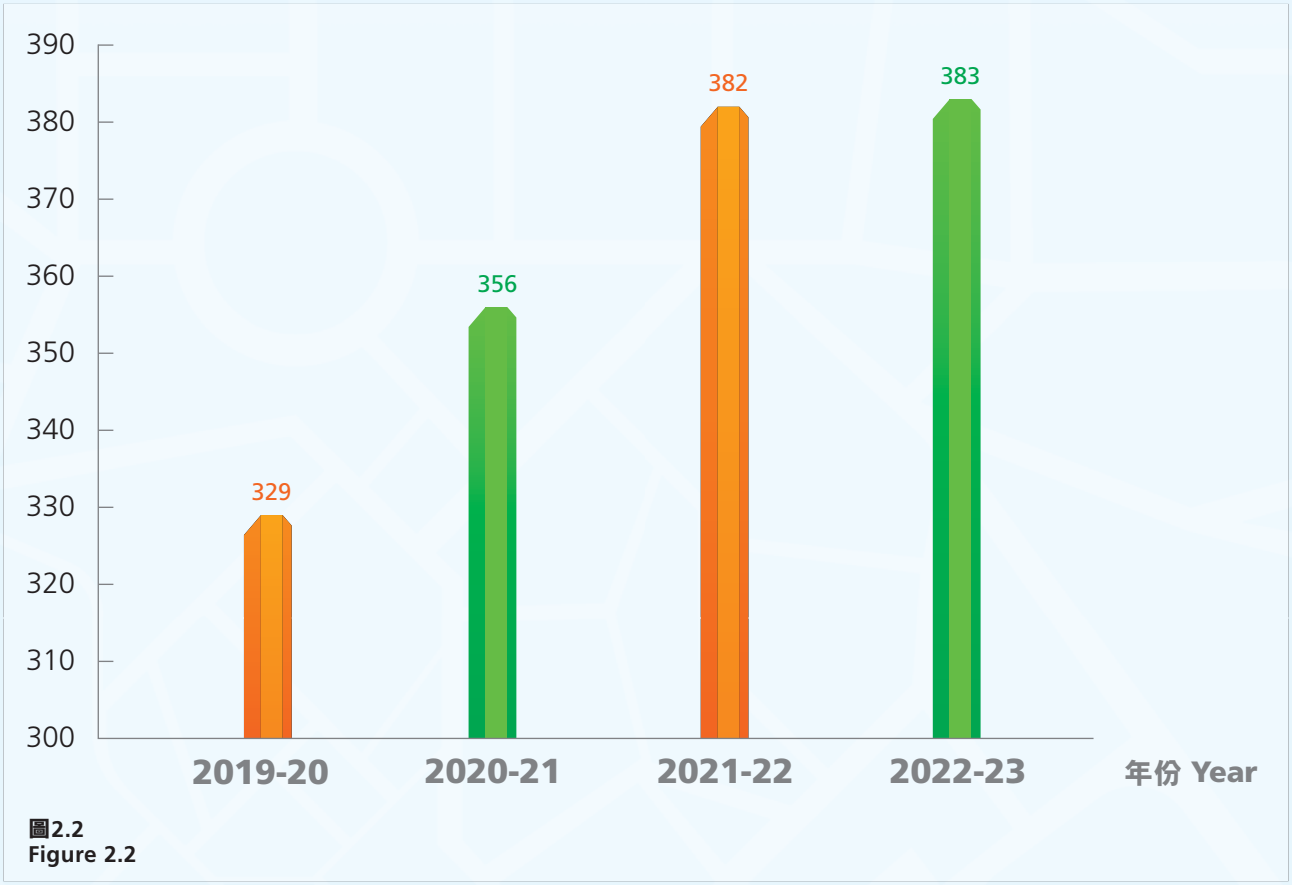


圖2.2
Figure 2.2

資料外洩事故通報

資料外洩事故一般指資料使用者持有的個人資料疑似或已經遭到外洩，令有關資料當事人的個人資料有被未獲准許的或意外的查閱、處理、刪除、喪失或使用的風險。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。資料使用者在發現資料外洩事故時應盡快向私隱專員及受影響的資料當事人作出通報，尤其是當該資料外洩可能會給受影響的資料當事人帶來實際的傷害風險，以減低資料外洩事故的影響及妥善處理有關事故。

私隱專員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。在完成循規審查或調查後，私隱專員一般會指出資料使用者的不足之處，並建議他們採取補救措施以防止和避免同類事故重演。

在報告年度內，私隱專員公署接獲98宗資料外洩事故通報（39宗來自公營機構及59宗來自私營機構），共涉及約79萬名人士的個人資料。這些外洩事故涉及黑客入侵、遺失文件或便攜式裝置、經電郵、郵件或即時通訊軟件意外披露個人資料、僱員未經授權查閱，以及系統錯誤設定等。公署對這98宗事故均展開了循規審查或調查。（圖2.3）

Data Breach Notifications

A data breach is generally regarded as a suspected or actual breach of the security of personal data held by a data user, which exposes the personal data of data subject(s) to the risk of unauthorised or accidental access, processing, erasure, loss or use. A data breach may amount to a contravention of Data Protection Principle (DPP) 4 in Schedule 1 in the PDPO. Data users should give a data breach notification to the Privacy Commissioner and the affected data subjects as soon as practicable after becoming aware of a data breach incident, in particular if the data breach is likely to result in a real risk of harm to those affected data subjects. This will minimise the impact of a data breach and ensure proper handling of such an incident.

Upon receiving a data breach notification, the PCPD would carefully assess the information provided and determine whether the situation warrants the initiation of a compliance check or investigation. Upon completing a compliance check or investigation, the Privacy Commissioner would generally point out deficiencies of the data user and suggest remedial actions to prevent and avoid the recurrence of similar incidents.

In the reporting year, the PCPD received 98 data breach notifications (39 from the public sector and 59 from the private sector), involving the personal data of about 790,000 individuals. These data breach incidents involved hacking, loss of documents or portable devices, inadvertent disclosure of personal data by email, post or instant messaging applications, unauthorised access to personal data by internal staff and system misconfiguration, etc. The PCPD conducted a compliance check or investigation for each of these 98 incidents. (Figure 2.3)

資料外洩事故通報數目
Number of Data Breach Notifications Received

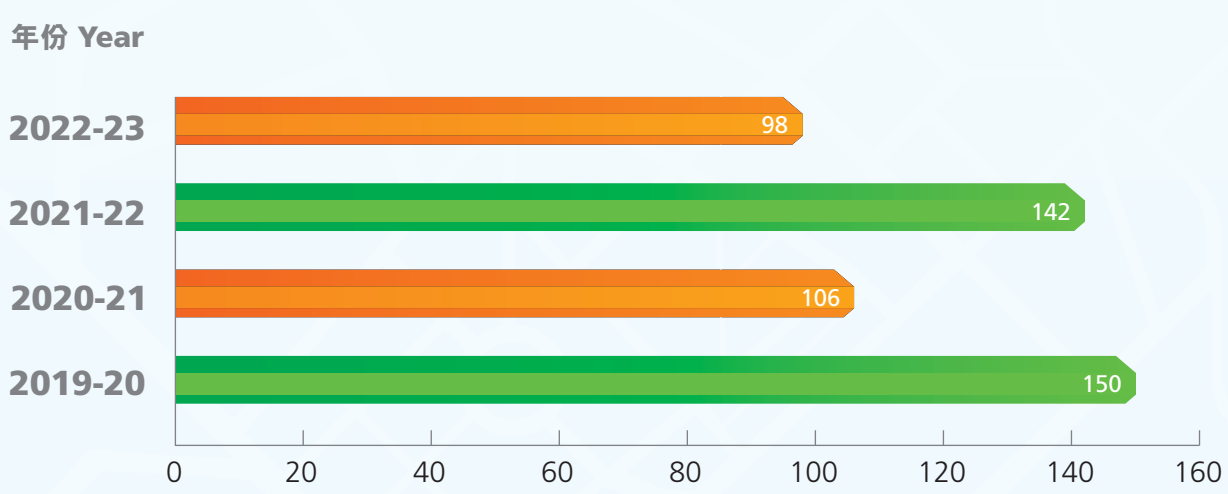


圖2.3
Figure 2.3

循規調查

在報告年度內，私隱專員公署就資料使用者作出的五宗資料外洩事故通報發表四份調查報告。

一間醫療機構外棄置病人醫療紀錄

一間醫療機構向私隱專員公署通報，指旗下一間醫務中心(該醫務中心)意外棄置一個載有病人醫療紀錄的紙箱(該紙箱)。事件涉及該醫務中心294名病人。

Compliance Investigations

During the reporting year, the PCPD published four investigation reports in relation to five data breach incidents reported by data users.

Accidental Disposal of Medical Records of Patients by a Medical Institution

A medical institution reported to the PCPD that one of its medical centres (Medical Centre) had accidentally disposed of a carton box (Carton Box) which contained patients' medical records. The incident affected a total of 294 patients at the Medical Centre.

根據調查所獲得的證據，私隱專員發現該醫療機構在以下方面存在嚴重不足，導致該紙箱在可避免的情況下遭意外棄置：

(1) 員工的個人資料保障意識欠奉；

(2) 欠缺有效的資料保障政策及程序；及

(3) 欠缺提供個人資料保障方面的員工培訓。

在這個案中，私隱專員發現該醫療機構在個人資料的保安方面存在嚴重不足，私隱專員認為該醫療機構沒有採取所有切實可行的步驟以確保涉事的醫療紀錄受保障而不受未獲准許的或意外的查閱、處理、刪除、喪失或使用所影響，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。私隱專員已向該醫療機構送達執行通知，指示該醫療機構糾正以及防止有關違規情況再發生。

From the evidence collected in the investigation, the Privacy Commissioner found that the medical institution had the following serious deficiencies which contributed to the accidental yet avoidable disposal of the Carton Box:

(1) Lack of staff awareness of personal data protection;

(2) Lack of effective data protection policies and procedures; and

(3) Lack of staff training on personal data protection.

In the present case, the Privacy Commissioner found that the medical institution had serious deficiencies in ensuring the security of personal data. The Privacy Commissioner considered that the medical institution had not taken all practicable steps to ensure that the medical records in question be protected from unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) concerning the security of personal data under the PDPO. The Privacy Commissioner issued an Enforcement Notice to the medical institution, directing it to remedy and prevent the recurrence of the contravention.

一間影像沖曬公司的數據庫遭勒索軟件攻擊

一間影像沖曬公司向私隱專員公署通報，指其網上商店的數據庫於2021年10月26日遭勒索軟件攻擊及惡意加密。事件合共影響544,862名會員及73,957名曾在2020年11月16日至2021年10月26日期間於該公司網上商店訂購產品及／或接受服務的客戶。

Ransomware Attack on the Database of a Photofinishing Company

A photofinishing company reported to the PCPD that its database of its online store (Database) had been attacked by ransomware and maliciously encrypted on 26 October 2021. A total of 544,862 members and 73,957 customers who had ordered products and/or accepted services from its online store between 16 November 2020 and 26 October 2021 were affected by the incident.

根據調查所獲得的證據，私隱專員發現該公司在以下方面存在嚴重不足，導致該數據庫在可避免的情況下被黑客利用保安漏洞入侵系統並存取個人資料：

(1) 錯誤評估保安漏洞的風險；

(2) 資訊系統管理有欠妥善；及

(3) 拖延啟用多重認證功能。

在這個案中，私隱專員發現該公司在個人資料風險意識及個人資料保安措施方面存在嚴重不足，導致公司的數據庫遭勒索軟件攻擊。私隱專員認為該公司沒有採取所有切實可行的步驟以確保涉事的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、喪失或使用所影響，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。私隱專員已向該公司送達執行通知，指示該公司糾正違規情況以及防止違規情況再發生。

Based on the evidence collected in the investigation, the Privacy Commissioner found that the company had the following serious deficiencies, which contributed to the avoidable exploitation of a vulnerability and access to personal data in the Database by the hacker:

(1) Misevaluation of security vulnerability risks;

(2) Deficiencies in information system management; and

(3) Procrastinated implementation of multi-factor authentication.

In the present case, the Privacy Commissioner found that the company had serious deficiencies in risk awareness and personal data security measures, which led to the ransomware attack on the Database. The Privacy Commissioner considered that the company had not taken all practicable steps to ensure that the personal data involved was protected from unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) concerning the security of personal data under the PDPO. The Privacy Commissioner issued an Enforcement Notice to the company, directing it to remedy the contravention and prevent its recurrence.

某政府部門兩宗個人資料外洩事故

個案(一):一員工錯誤地把載有選民資料的檔案以電郵發送至不明收件人

個案(一)發生之時正值本地第五波2019冠狀病毒病疫情肆虐,當時該政府部門作出特別在家工作安排,把職員分成不同組別交替在家工作,以減少社交接觸。涉案的文書主任(該文書主任)獲安排在某些日子在家工作。

該文書主任擬把兩個載有約15,000名選民登記資料(包括中英文姓名及住址資料)的試算表檔案(該兩個檔案)傳送至其私人電郵帳戶,以方便她翌日在家工作。然而該文書主任卻輸入了錯誤的電郵地址,導致該兩個檔案被傳送至不明收件人。該文書主任留意到她傳送的電郵在十多分鐘後仍未送達她的私人電郵帳戶,才發現出錯。該文書主任遂向助理選舉主任報告情況。

根據調查所獲得的證據,私隱專員認為以下原因導致個案(一)的發生:

(1) 職員沒有遵從該政府部門有關資訊科技保安的指引;

(2) 該政府部門職員的資料保障意識不足;及

(3) 該政府部門的資訊保安措施不足。

Two Personal Data Breach Incidents of a Government Department

Case (1): A Staff Member Wrongly Dispatched Files Containing the Data of Electors by Email to an Unknown Recipient

Case (1) occurred during the period when the fifth wave of COVID-19 ran rampant. At that time, the government department implemented special work-from-home arrangements by dividing staff into different teams to work from home alternately to reduce social contact. The clerical officer involved in the incident (Clerical Officer) was arranged to work from home on certain days.

The Clerical Officer intended to send two Excel files which contained the particulars of about 15,000 electors (including their Chinese and English names and residential addresses) (Two Excel Files) to her personal email account to facilitate her work from home the following day. However, she input an incorrect email address that the Two Excel Files were sent to an unknown recipient. She only realised the mistake when she noticed that she had not received the email in her personal email account after about 10 minutes. The Clerical Officer then reported the situation to the Assistant Electoral Officer.

According to the evidence obtained during the investigation, the Privacy Commissioner considered that the following reasons led to the occurrence of Case (1):

(1) Failure of the staff to comply with the guidelines issued by the government department on information technology security;

(2) Inadequate awareness of data protection among the staff of the government department; and

(3) Inadequate information security measures implemented by the government department.

私隱專員認為這宗個案主要涉及人為錯誤。資料外洩事故源於個別職員的疏忽和缺乏資料保障意識，以致違反該政府部門有關資訊科技保安的指引，包括「僅使用部門的電郵系統以電郵方式傳送保密資料」及「不可使用個人電郵帳戶處理公務或傳送保密資料或個人資料」。有關職員在沒有充分考慮所涉及的安全風險及未有仔細核對收件人的電郵地址的情況下，單純地為方便在家工作而將載有大量個人資料的電郵發送到該政府部門電郵系統以外的錯誤電郵地址。另一方面，私隱專員發現該政府部門在事發前並未設置適當的資訊保安措施，令職員可隨意將載有個人資料的檔案透過該政府部門的電郵系統發送到其電郵系統以外的私人電郵地址，亦是這宗個案發生的肇因。

The Privacy Commissioner considered that the incident was mainly caused by human errors. The data breach incident stemmed from the negligence and lack of awareness of data protection of the individual staff member, which led to the contravention of the relevant guidelines of the government department on information technology security, including "(staff should) only use the email system of the government department for transmission of classified information through email" and " (staff should not) use personal email accounts for official duties or for transmitting classified information or personal data". Simply for the convenience of working from home, the staff member sent an email containing a huge amount of personal data of electors to an incorrect email address outside the email system of the government department without sufficient consideration of the associated security risks and without carefully verifying the recipient's email address. On the other hand, the Privacy Commissioner also found that the government department had not put in place appropriate information security measures prior to the incident, which allowed staff to freely send files which contained personal data to personal email addresses outside the email system of the government department. This was another contributing factor of the incident.

<u>個案(二)：一員工錯誤地將一名選舉委員會委員送交的回條夾附在測試電郵內</u>

<u>Case (2): A Staff Member Wrongly Attached a Reply Slip Submitted by an Election Committee Member to a Test Email</u>

個案(二)在該政府部門準備舉行2022年行政長官選舉(該選舉)時發生。為準備該選舉，該政府部門計劃於2022年4月27日發送測試短訊及／或電郵給已提供流動電話號碼及／或電郵地址的選委及／或其助理，以確保他們能接收與選舉有關的資訊。

Case (2) occurred in the preparatory stage for the 2022 Chief Executive Election (Election). To prepare for the Election, the government department planned to issue test SMS and/or email messages on 27 April 2022 to Election Committee (EC) members and/or their assistants who had provided their mobile phone numbers and/or email addresses to ensure that they could receive information related to the Election.

該政府部門在收到選委及其助理提供的聯絡資料回條後，以人手將回條上涉及約1,800名選委及其助理的資料輸入至一份電腦資料總表(該資料總表)。可是，由於該資料總表仍存在不準確的資料，於是便要分批次核對電郵地址及發送測試電郵。

After receiving the reply slips which contained contact information provided by EC members and their assistants, the government department manually input the information related to about 1,800 EC members and their assistants onto a computer list (Master List). However, inaccuracies were spotted in the Master List, which led to the checking of the email addresses and the issuing of the test emails in batches.

為加快程序，一名高級主任指示自第四批次起省略第二次檢查。直至2022年4月28日早上，職員在覆核已發出的測試電郵時，發現一個於上午4時42分發送予38名選委及26名選委助理的電郵，錯誤夾附了附有一名選委及其助理個人資料的回條，當中載有該名選委及其助理的姓名、電郵地址、電話號碼，以及該名選委的簽署。

To speed up the process, a senior officer instructed that a second check process be removed starting from the fourth batch of test emails. In the morning of 28 April 2022, it was discovered while reviewing the issued test emails that an email sent to 38 EC members and 26 assistants at 4:42 a.m. had a reply slip containing the personal data of an EC member and his assistant wrongly attached. The personal data included the names, email addresses and phone numbers of the EC member and his assistant, as well as the signature of the EC member.

根據調查所獲得的證據，私隱專員認為以下原因導致個案(二)的發生：

According to the evidence obtained during the investigation, the Privacy Commissioner considered that the following reasons led to the occurrence of Case (2):

(1) 該政府部門的相關職員疏忽及資料保障的意識不足；

(1) Negligence and inadequate awareness of data protection among relevant staff of the government department;

(2) 該政府部門的工作流程明顯存有不足；及

(2) Deficiencies in the work process of the government department; and

(3) 相關工作欠缺書面程序。

(3) Absence of written procedures for the relevant work.

私隱專員認為這宗個案主要是由人為錯誤所引起。這事故源於相關職員的疏忽及缺乏資料保障意識，以及該政府部門相關工作流程的不足。在這宗個案中，不準確的資料總表明顯地導致了工作流程的突然改變，以致職員須在午夜後對測試電郵擬稿中的電郵地址與電子版回條進行核對。私隱專員認為如果該政府部門備有恰當的工作流程，以確保該資料總表能適時及準確地備妥，有關職員則毋須在時間緊迫下進行最後一刻的人手核對，亦毋須利用不穩妥的方式進行核對；同時，如果相關職員在核對的過程中更為謹慎，應可避免這宗個案發生。

The Privacy Commissioner attributed the incident to human errors. The incident stemmed from the negligence and lack of awareness of data protection among relevant staff and deficiencies in the relevant workflow of the government department. In this case, the inaccuracies in the Master List apparently led to a sudden change in the workflow. As a result, there was a need to manually cross-check email addresses in draft test emails against the reply slips well past mid-night. The Privacy Commissioner considered that if the government department had a proper workflow in place to ensure the Master List was promptly and accurately prepared, the staff members involved would not have to conduct last-minute manual checking under tight time constraints or use unreliable methods to conduct the checking. Meanwhile, if the staff members involved had been more cautious in the checking process, the incident could have been avoided.

再者，該政府部門沒有就發送測試電郵的機制制定任何書面程序，因而增加了人為偏差及未有依循所需步驟的風險。私隱專員理解該政府部門職員進行最後一刻的核對時所面對的壓力，但書面程序的欠缺無可避免地增加了人為錯誤的風險，尤其是考慮到當職員須長時間工作，以及為了加快整個工作流程而省略了第二次檢查，以致削弱了原先三層檢查機制的有效性。

In addition, the government department did not have any written procedures on the mechanism of sending test emails, thus increasing the risks of human errors and non-compliance with the necessary steps. The Privacy Commissioner understood that staff of the government department were working under huge pressure during last-minute checks. However, the lack of written procedures inevitably increased the risks of human errors, especially when the staff had to work prolonged hours, and the removal of the second checking to expedite the whole process undermined the effectiveness of the original three-tier checking mechanism.

綜合而言，私隱專員認為兩宗個案突顯該政府部門沒有採取所有切實可行的步驟以確保個人資料受到保障，而不受未獲准許的或意外的查閱、處理、刪除、喪失或使用所影響，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。因此，私隱專員已向該政府部門送達兩份執行通知，指示該政府部門糾正以及防止有關違規情況再發生。

Overall, the Privacy Commissioner considered that the two incidents revealed that the government department had not taken all practicable steps to ensure that personal data was protected from unauthorised or accidental access, processing, erasure, loss or use, and therefore had contravened DPP 4(1) concerning the security of personal data under the PDPO. Consequently, the Privacy Commissioner served two Enforcement Notices on the government department directing it to remedy the contravention and prevent its recurrence.

一間非牟利學會遭勒索軟件攻擊

一間非牟利學會向私隱專員公署通報資料外洩事故，指其名下六台載有個人資料的伺服器遭勒索軟件攻擊及惡意加密，一名黑客威脅會將該些伺服器內的檔案上載至互聯網，並要求該學會支付贖金，為已被加密的檔案解鎖。事件導致超過13,000名會員及約10萬名非會員的個人資料外洩。

Ransomware Attack on the Servers of a Non-profit Institution

A non-profit institution reported to the PCPD that six servers containing personal data had been attacked by ransomware and maliciously encrypted. A hacker had threatened to upload the files in the servers to the internet and demanded a ransom from the institution to unlock the encrypted files. The personal data of over 13,000 members and about 100,000 non-members were leaked in the incident.

根據調查所獲得的證據，私隱專員認為該學會在資料保安風險意識及個人資料保安措施方面存在以下不足：

From the evidence collected in the investigation, the Privacy Commissioner found deficiencies in the institution's awareness of data security risks and its personal data security measures, namely:

(1) 資料保安風險管理欠佳；

(1) Inadequacies in the management of data security risks;

(2) 資訊系統管理有欠妥善；及

(2) Deficiencies in information system management; and

(3) 未適時啟用多重認證功能。

(3) Prolonged implementation of multi-factor authentication.

在這個案中，私隱專員發現該學會在資料保安風險管理及個人資料保安措施方面存在明顯不足，導致載有個人資料的伺服器遭勒索軟件攻擊。私隱專員認為該學會欠缺有效的資料保安風險管理機制，在保養關鍵的網絡設備上對服務提供者採取寬鬆態度，導致載有個人資料的資訊系統的保安措施無法有效應對網絡安全風險和威脅。私隱專員經調查後認為該學會沒有採取所有切實可行的步驟以確保涉事的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、喪失或使用所影響，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。私隱專員已向該學會送達執行通知，指示該學會糾正以及防止有關違規情況再次發生。

In this case, the Privacy Commissioner found that there were apparent deficiencies in the data security risk management and personal data security measures of the institution, leading to the ransomware attack on its servers which contained personal data. The Privacy Commissioner considered that the institution lacked an effective data security risk management mechanism and adopted a lax approach towards service providers responsible for maintaining critical network infrastructure. As a result, the security measures of the information system which contained personal data were inadequate in addressing cybersecurity risks and threats. Upon the conclusion of the investigation, the Privacy Commissioner considered that the institution had not taken all practicable steps to ensure that the personal data involved was protected from unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) concerning the security of personal data under the PDPO. The Privacy Commissioner served an Enforcement Notice on the institution, directing it to remedy the contravention and prevent its recurrence.

私隱專員透過上述調查個案向處理個人資料的機構提供以下建議：

Through these investigation cases, the Privacy Commissioner made the following recommendations to organisations which process personal data:

<u>機構性措施</u>

- 設立個人資料私隱管理系統，負責任地使用及保留個人資料；
- 委任保障資料主任，監察《私隱條例》的遵從並向高級管理層匯報；
- 就非常規的工作安排進行私隱風險評估並制訂具針對性的指引；

<u>Organisational Measures</u>

- Establish a Personal Data Privacy Management Programme (PMP) for the responsible use and retention of personal data;
- Appoint Data Protection Officer(s) to monitor compliance with the PDPO and report any issues to the senior management;
- Conduct privacy risk assessments and formulate specific guidelines for non-routine work;

- 向僱員提供全面的培訓，將個人資料保障滲入其日常工作之中，以減低因意識不足所引致的人為錯誤；及
- 妥善監督服務提供者。

- Provide employees with comprehensive training to incorporate personal data protection into their daily duties, with a view to reducing human errors caused by a lack of awareness; and
- Monitor service providers appropriately.

資訊保安措施

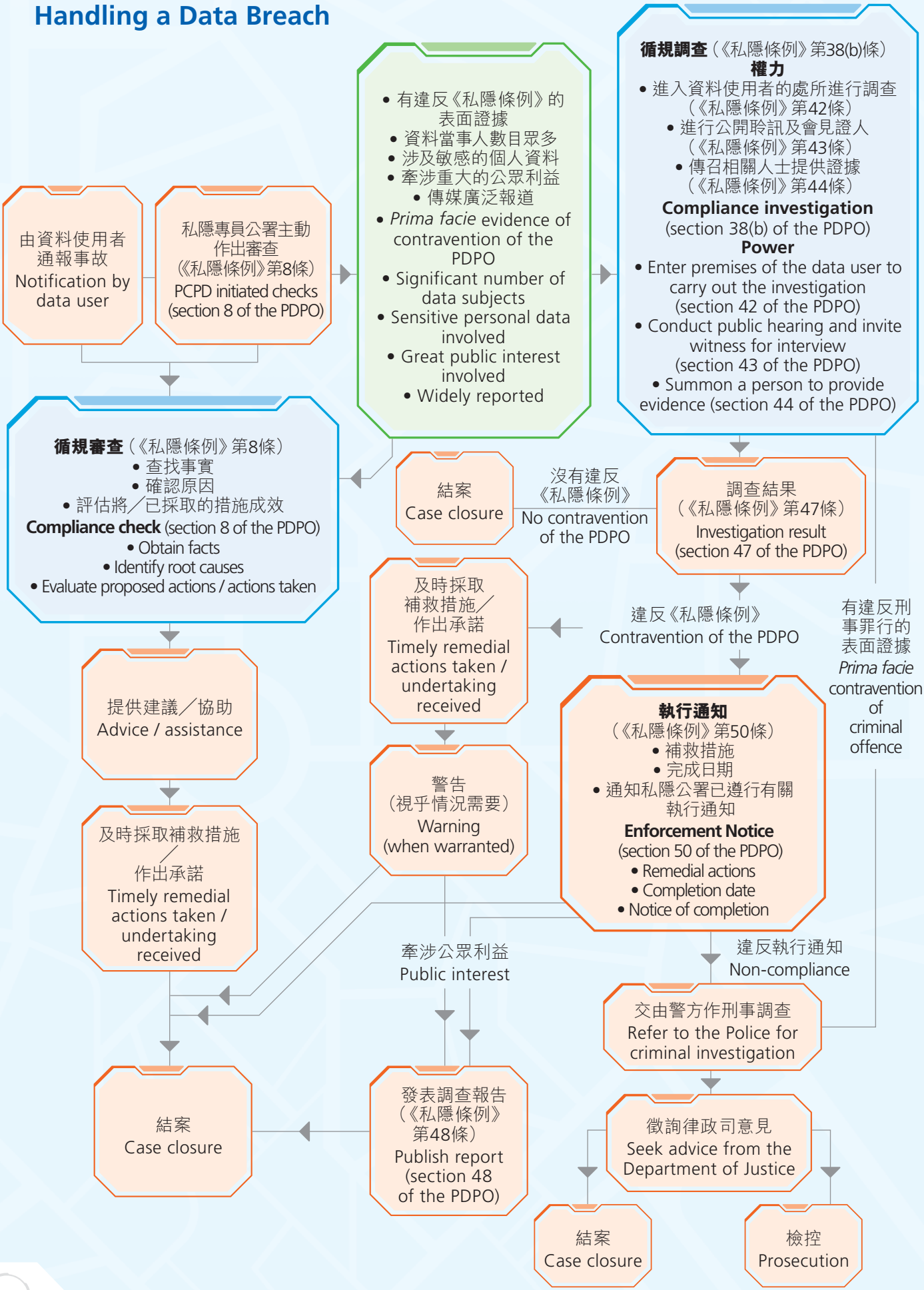
- 應時刻提高警覺以防止黑客攻擊，定時進行風險評估以檢視黑客攻擊對系統可能帶來的影響；
- 提升資訊系統管理，包括制訂有效的修補程式管理程序，盡早修補保安漏洞；及
- 確實執行數據備份，制訂數據備份政策，定期備份含有重要資料的系統。

Information Security Measures

- Stay vigilant to prevent hacker attacks by conducting regular risk assessments to review the potential impact of hacking on their systems;
- Enhance information systems management, including developing effective patch management procedures to patch security vulnerabilities as early as possible; and
- Conduct data backup conscientiously, including formulating a data backup policy and conducting regular backup for systems containing important data.



如何處理資料外洩事故
Handling a Data Breach



視察

視察原因

私隱專員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。隨着數碼資訊科技急速發展，加上信貸資料服務機構的服務被廣泛地使用，社會對信貸資料庫的保安期望大大提升。在2022年，私隱專員依據《私隱條例》第36條對環聯資訊有限公司（環聯）進行視察，審視他們的個人資料系統。

視察結果及建議

視察結果顯示，環聯重視保障其持有的個人資料，採取了良好的行事常規，其個人信貸資料系統的保安措施符合國際標準。環聯已經接納私隱專員公署的意見建立個人資料私隱管理系統並委任專責人員作為保障資料主任，有系統地建立一套遵從《私隱條例》規定的制度，以收集、持有、處理及使用個人資料。私隱專員認為環聯在保障其持有的個人資料方面，符合《私隱條例》附表1的保障資料第4原則有關個人資料保安的要求。

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 handling vast amounts of personal data. With advancing technology and widespread use of credit reference agencies' services, public expectations on the data security measures adopted by credit reference agencies regarding their consumer credit databases have been increasing. In 2022, the Privacy Commissioner, pursuant to section 36 of the PDPO, carried out an inspection of the personal data system of TransUnion Limited (TransUnion).

Findings and Recommendations

The findings of the inspection reveal that TransUnion attached great importance to the personal data it holds and adopted good practices. The security measures of its consumer credit data system conformed to international standards. TransUnion accepted the advice of the PCPD to implement a PMP and appoint a designated Data Protection Officer to establish a proper system for collecting, handling, processing and using personal data in compliance with the PDPO. The Privacy Commissioner considered that in terms of protecting personal data, TransUnion had complied with the requirements in DPP 4 in Schedule 1 in the PDPO regarding the security of personal data.

視察期間，環聯因應私隱專員公署的建議推行免費「信貸提示服務」，當訂閱「信貸提示服務」人士的信貸報告出現重要變動（例如更改電話號碼或地址，出現申請查詢或帳戶開設），環聯會透過電郵通知該人士，讓該人士知悉其信貸報告的變動，並可以預早作出防範或跟進。此外，環聯亦因應私隱專員的建議推出一項服務，讓被「起底」或懷疑被「起底」的人士，可在其信貸報告中加入備註，讓使用環聯個人信貸資料服務的信貸提供者（即銀行或財務機構）查閱該名人士的信貸報告時得悉此事，在審核該人士的信貸申請時可作參考。

During the inspection, following the PCPD's advice, TransUnion launched a free "Credit Alert Service", alerting subscribers by email of crucial changes to their credit reports (e.g. changes to telephone numbers or addresses, or application enquiries or opening of accounts). The alerts allow individuals to be aware of changes in their credit reports and take early preventive measures or remedial action. TransUnion also launched a feature, on the advice of the Privacy Commissioner, to allow individuals who were victims or suspected victims of doxxing to add remarks to their credit reports. These remarks alert credit providers using TransUnion's consumer credit reference service (i.e. banks or financial institutions) when reviewing credit reports and assessing individuals' credit applications.

私隱專員透過視察結果，向需要處理大量客戶個人資料的機構作出數項建議，包括設立個人資料私隱管理系統及委任專責人員作為保障資料主任、制訂地區性政策及監控個人資料的查閱情況等，以確保符合《私隱條例》的規定。

Through the findings of the inspection, the Privacy Commissioner made several recommendations to organisations handling vast amounts of customers' personal data, including, for example, the implementation of a PMP, appointment of a designated Data Protection Officer, and development of local policies and monitoring access to personal data to ensure compliance with the PDPO.

核對程序申請

核對程序是指以自動化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，而核對資料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。

Matching Procedure Requests

A data matching procedure automatically compares two sets of personal data collected for different purposes, each involving the personal data of 10 or more data subjects. The results of the comparison may be used to take adverse action against the data subjects concerned. A data user shall not carry out a matching procedure without the prescribed consent of all data subjects involved or the Privacy Commissioner.

在報告年度內，私隱專員公署共收到37宗來自政府部門的個人資料核對程序申請。經審閱後，私隱專員在附加條件的情況下批准了35宗申請，一宗申請因未有足夠資料而被拒，而另一宗則與之前一宗已獲批准的申請重疊而毋須再獲批准。

During the reporting year, the PCPD received 37 applications from government departments to carry out matching procedures. Upon examination, 35 applications were approved, subject to the conditions imposed by the Privacy Commissioner. One application was rejected due to insufficient information while another one was unnecessary as it repeated a previously approved application.

推廣合規

Promoting Compliance

發表《社交媒體私隱設定大檢閱》報告

Publication of Report on "Comparison of Privacy Settings of Social Media"

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分，近年公眾亦漸趨關注使用社交媒體的個人資料私隱風險。在2022年4月，私隱專員公署發表《社交媒體私隱設定大檢閱》報告，當中檢視和評估香港十大最常使用的社交媒體(即Facebook、Facebook Messenger、Instagram、LINE、LinkedIn、Skype、Twitter、WeChat、WhatsApp及YouTube)在私隱功能、私隱政策及私隱版面易用性的表現。

The use of social media and instant messaging applications is very much part of everyday life for Hong Kong people. In recent years, the public has become increasingly aware of the personal data privacy risks of using social media. In April 2022, the PCPD published a report on "Comparison of Privacy Settings of Social Media", which covered a review and assessment of the privacy functions, privacy policies and usability of privacy dashboards of the top 10 most commonly used social media platforms in Hong Kong (namely, Facebook, Facebook Messenger, Instagram, LINE, LinkedIn, Skype, Twitter, WeChat, WhatsApp and YouTube).

私隱專員公署基於檢視結果，向社交媒體營運者提供有關加強保護個人資料的具體建議，包括建議社交媒體營運者應持續採取「貫徹私隱的設計」，優化其服務，並向用戶提供更多私隱相關功能，增加用戶的選擇。另一方面，公署向社交媒體用戶提供建議，並提議社交媒體用戶如何更好地保障個人資料私隱，包括在註冊帳戶前細閱社交媒體的私隱政策、開設專為社交媒體而設的電郵帳戶，並只提供必須的個人資料。

Based on the review findings, the PCPD provided specific advice to the social media platform operators to enhance personal data protection. This includes continuously adopting "Privacy by Design" to enhance their services and provide more privacy-related functions to users so as to provide more choices to users. The PCPD also provided advice to social media users, including, for example, reading the privacy policy of the social media carefully before registering an account, opening an email account dedicated to social media and only providing the necessary personal data.

投訴及上訴
Complaints and Appeals







投訴

投訴的整體趨勢

私隱專員公署在2022-23年度收到的投訴及作出主動巡查個案總數為3,644宗，比2021-22年度的3,368宗增加了約8%。

與「起底」相關的投訴個案有676宗，主動網上巡查個案有841宗，共佔投訴個案總數的42%，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》過去一年多的實施，打擊「起底」將繼續是私隱專員公署的首要任務。

Complaints

Overall Trend of Complaints

There were a total of 3,644 complaints and self-initiated online patrol cases in 2022-23, indicating an increase of 8% from the 3,368 cases in 2021-2022.

Of the total complaints, 676 were related to doxxing complaints and 841 were related to proactive online patrol cases, accounting for 42%. This suggests that doxxing remained as one of the major areas of personal data privacy intrusion. With the Amendment Ordinance being implemented for over a year, curbing doxxing will continue to be a top priority of the PCPD.



處理投訴程序圖
Complaint Handling Chart



詳情請參閱私隱專員公署的處理投訴政策：https://www.pcpd.org.hk/tc_chi/complaints/policy/complaint_policy.html
For details, please refer to the PCPD's Complaint Handling Policy: https://www.pcpd.org.hk/english/complaints/policy/complaint_policy.html

接獲的投訴及主動網上巡查個案

私隱專員公署在2022-23年度共有3,644宗投訴及作出主動網上巡查個案，當中包括676宗與「起底」相關的投訴個案及841宗主動網上巡查個案。撇除這兩個類別，私隱專員公署在2022-23年度共接獲2,127宗投訴，較去年增加5.5%（圖3.1）。

Complaints Received and Self-initiated Online Patrol Cases

There were a total of 3,644 complaints and self-initiated online patrol cases in 2022-23. Excluding the 676 doxxing-related complaints and 841 self-initiated online patrols cases, the PCPD received 2,127 complaints, which represents a 5.5% increase from the previous year (Figure 3.1).

接獲的投訴個案及作出主動網上巡查個案數目
Number of Complaints Received and Self-initiated Online Patrol Cases

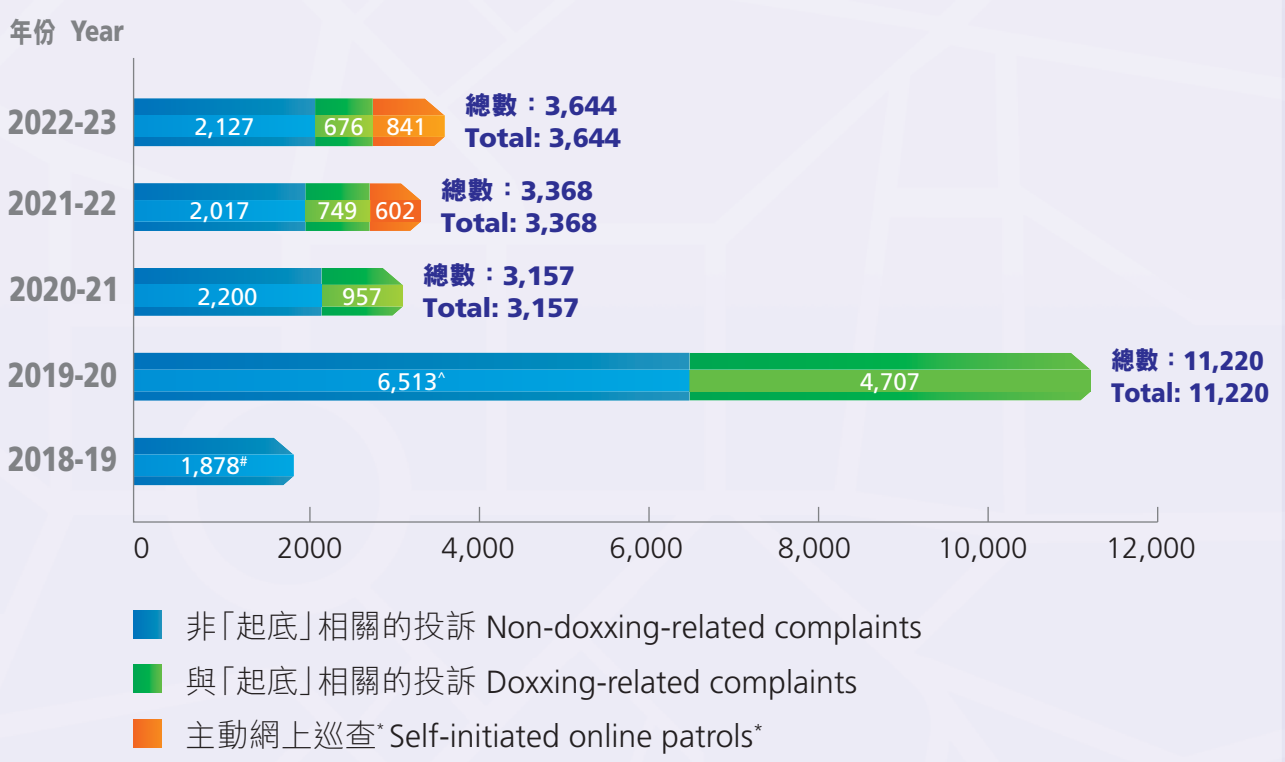


圖3.1
Figure 3.1

* 自《修訂條例》於2021年10月8日正式生效後，私隱專員公署定期作出主動網上巡查，就發現的「起底」訊息，私隱專員會根據《修訂條例》賦予的權力發出停止披露通知。

^ 當中包括2,665宗與兩次警員於直播時向鏡頭展示一名記者的香港身份證有關的投訴、669宗懷疑保安人員盜取住戶信件的投訴，以及428宗有關一名藝人於其社交媒體平台披露一份航空公司機艙服務員名單的投訴。

\# 當中包括143宗有關航空公司外洩客戶個人資料的投訴。

* Since the Amendment Ordinance came into force on 8 October 2021, the PCPD has been conducting regular self-initiated online patrols and the Privacy Commissioner would issue cessation notices as empowered under the Amendment Ordinance against doxxing messages found.

^ There were 2,665 complaints 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.

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

被投訴者類別

2,127宗非「起底」相關投訴的被投訴者可分為以下類別(圖3.2):

- 私營機構(1,127宗),主要涉及銀行、財務公司、物業管理公司、電訊公司及零售機構;
- 個人(808宗),當中眾多個案與私人事務引起的糾紛及鄰居安裝閉路電視有關;及
- 政府部門和公共機構(192宗),主要涉及醫護機構、執法機關及教育機構。

Types of Parties being Complained against

The types of parties being complained against among the 2,127 non-doxxing-related complaints can be categorised as follows (Figure 3.2):

- Private organisations (1,127 cases), with the majority involving banks, financial institutions, property management companies, telecommunication companies and retail business organisations;
- Individuals (808 cases), with many disputes arising from domestic affairs and installation of CCTV by neighbours; and
- Government departments and public organisations (192 cases), with the majority involving healthcare organisations, law enforcement agencies and education institutes.

被投訴者類別
Types of Parties being Complained against

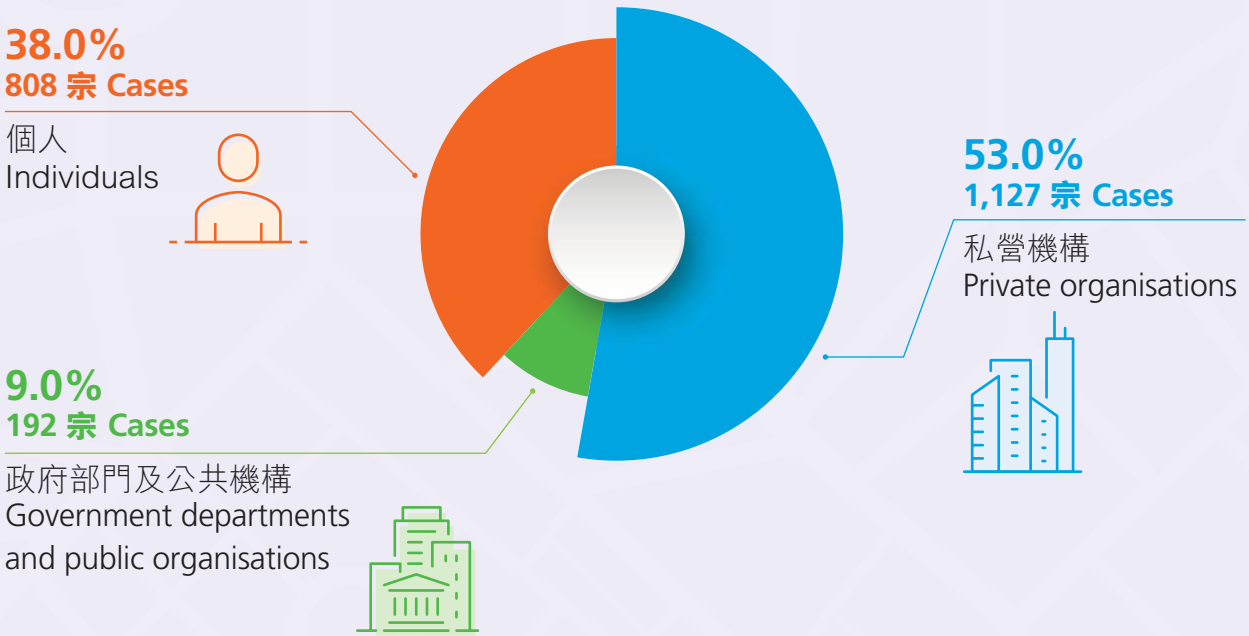


圖3.2
Figure 3.2

投訴指稱

2,127宗非「起底」相關的投訴當中，共涉及2,624項涉嫌違規行為(因同一宗投訴可涉及多於一項指稱)，投訴指稱的違規性質如下(圖3.3)：

Nature of Alleged Breaches

The 2,127 non-doxxing-related complaints involved a total of 2,624 alleged breaches (as one complaint might involve more than one allegation). The nature of the alleged breaches is shown as follows (Figure 3.3):

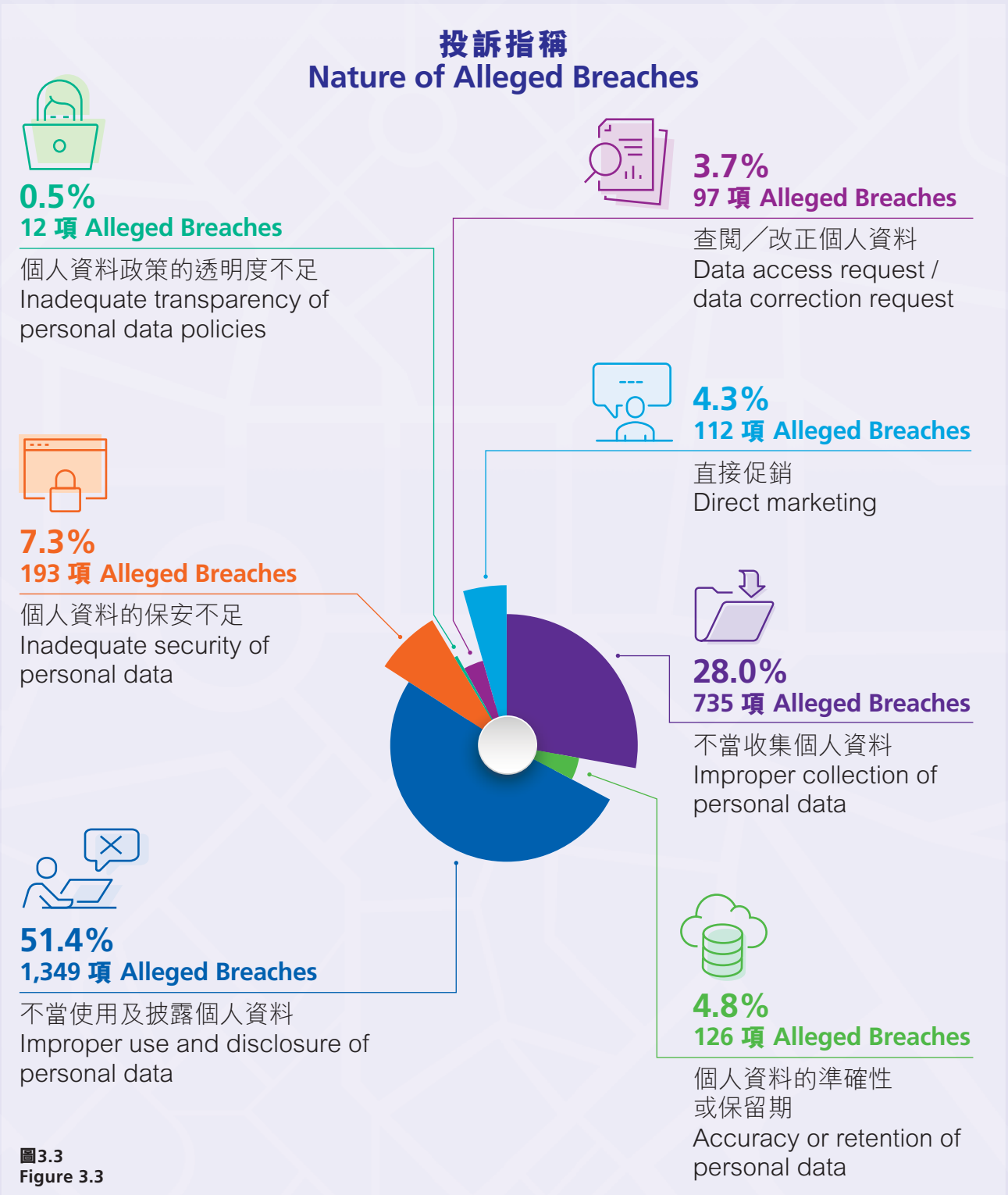


圖3.3
Figure 3.3

投訴範疇

私隱專員公署在報告年度內收到的非「起底」相關的投訴所涉及的主要範疇分布如下(圖3.4)。

當中可見資訊科技相關的投訴類別依然佔最多，投訴個案數目為2021-22年度的三倍。這個情況是源於市民在即時通訊軟件、社交網絡平台和智能電話應用程式使用個人資料，以及機構透過電子網絡平台收集個人資料的情況日益普遍，無紙化的現象成為世界的大趨勢。

此外，與物業管理有關的投訴增加了28.6%，相信這是因為在2019冠狀病毒病大流行期間，物業管理公司需要處理外賣員的訪客登記、確診住戶呈報資料及派發防疫物資的情況大幅增加所致。

Subject Matters of Complaints

The distribution of major subject matters of non-doxxing-related complaints received by the PCPD in the reporting year is as follows (Figure 3.4).

The number of complaints relating to information technology remains the highest among all, with the number of complaints tripling that in the 2021-22 reporting year. This could be explained by the increasing use of personal data by the general public when accessing instant messaging software, online social networks and smartphone applications, as well as the use of online platforms by corporations to collect personal data, when going paperless is a major trend in the world.

Further, complaints relating to property management increased by 28.6%. This increase could be attributed to the need for property management companies to handle various records during the COVID-19 pandemic, which included the visitor records of delivery workers, information submitted by residents who were tested positive and records of distribution of epidemic prevention packs.



投訴範疇
Subject Matters of Complaints

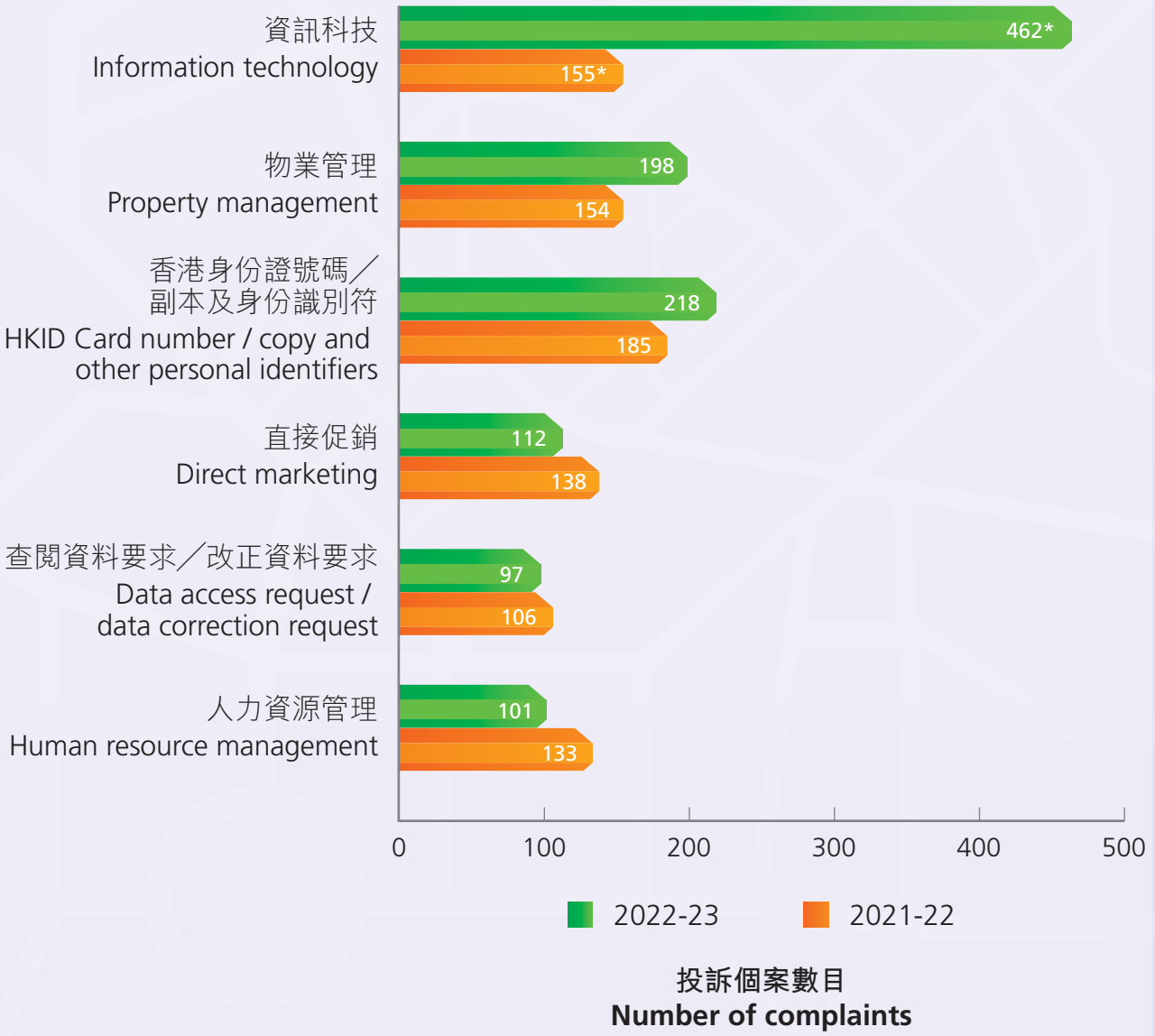


圖3.4
Figure 3.4

* 撇除主動網上巡查的個案

* Self-initiated online patrol cases were not included

年度投訴摘要

在2022-23年度，私隱專員公署共處理了5,119宗投訴，包括新接獲的3,644宗投訴（當中包括676宗與「起底」相關的投訴及841宗網上巡查個案），以及1,475宗承接上一報告年度的投訴。

私隱專員公署在2022-23年度內完成了4,287宗投訴（83.7%），而另外832宗（16.3%）則仍在處理中（截至2023年3月31日）。

撇除與「起底」相關的投訴及網上巡查的案件，私隱專員公署在2022-23年度完成處理2,198宗投訴，其中1,036宗經私隱專員公署初步評估後結案，另外1,162宗則獲受理作進一步處理。

在這1,162宗投訴當中，私隱專員公署以調停方式成功解決1,046宗（90%）。另外11宗涉及刑事成份的投訴（其中大部分與直接促銷有關），私隱專員公署在確立涉嫌違反《私隱條例》相關規定的初步證據後，將案件轉交警方作進一步調查及考慮檢控。至於餘下的105宗投訴，私隱專員公署在其中40宗投訴中發現違反《私隱條例》的規定，因此分別向被投訴者發出八張執行通知和32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 2022-23, the PCPD handled a total of 5,119 complaints, of which 3,644 were new complaints (including 676 doxxing-related complaints and 841 online patrols cases) and 1,475 were carried over from the previous reporting year.

During the 2022-23 reporting year, the PCPD completed the handling of 4,287 complaints (83.7%), while the remaining 832 complaints (16.3%) were still in progress as at 31 March 2023.

Excluding the doxxing-related complaints and online patrol cases, the PCPD completed the handling of 2,198 complaints in 2022-23, of which 1,036 complaints were concluded after our preliminary assessment, while the other 1,162 complaints were accepted for further handling.

Among these 1,162 complaints, the PCPD successfully resolved 1,046 complaints (90%) through conciliation. For the other 11 complaints which involved possible criminal offences (mostly related to direct marketing), the PCPD, after obtaining *prima facie* evidence of the suspected contravention of the PDPO, referred them to the Police for further investigation and consideration for prosecution. Among the remaining 105 complaints, the PCPD found 40 cases to be in contravention of the requirements of the PDPO. The PCPD therefore issued eight Enforcement Notices and 32 warnings, directing or requesting the parties being complained against to take remedial actions or implement appropriate and practicable measures to prevent recurrence of the contravention.

投訴調查

私隱專員於報告年度內根據《私隱條例》第38(a)條就六宗投訴展開調查並發表以下兩份調查報告。

關於物業管理公司收集、保留及使用業戶及訪客個人資料的調查報告

過去五年，私隱專員公署平均每年收到逾百宗有關物業管理界別的投訴。為提升物業管理業界別對保障業戶及訪客的個人資料私隱的意識，私隱專員就四宗有關物業管理公司的投訴發表調查報告。該四間物業管理公司分別被指：

- 在公共告示板張貼載有業主全名及地址的追收款項通告；
- 在派發口罩活動中，沒有遮蓋寫有已領取口罩業戶的姓名和地址的共用簽收表格；
- 擅自將某業戶的電話號碼披露予另一業戶；及
- 強制要求外賣人員出示香港身份證作訪客登記。

Complaint Investigations

During the reporting period, the Privacy Commissioner initiated investigations under section 38(a) of the PDPO into six complaints and published two reports on those investigations. Details of these reports are as follows.

Investigation Report on the Improper Collection, Retention and Use of Personal Data of Residents and Visitors by Property Management Companies

Over the past five years, the PCPD received more than 100 complaints per year against property management companies. To raise awareness of the need to protect the personal data privacy of residents and visitors, the Privacy Commissioner investigated four complaints against property management companies. The four companies were accused of the following:

- Displaying the full names and addresses of property owners on a public notice board in a payment overdue notice;
- Failing to cover a common form containing the names and addresses of residents who had collected face masks in a mask distribution activity;
- Disclosing the phone number of a resident to another resident without consent; and
- Requiring delivery workers to show their Hong Kong Identity Cards for the purpose of registration as visitors.

在四宗個案中，私隱專員調查後發現涉案的物業管理公司分別違反了《私隱條例》下保障資料原則有關個人資料的收集、保留、使用和保安的規定。私隱專員向四間物業管理公司發出執行通知，指示該些公司糾正其違規事項，以及防止類似的違規行為再發生。私隱專員亦就如何保障個人資料私隱向物業管理界別作出建議，並同步更新《保障個人資料私隱 — 物業管理界別指引》。

The Privacy Commissioner found that the four property management companies had contravened the relevant requirements of the Data Protection Principles (DPP) of the PDPO regarding the collection, retention, use, and security of personal data. Enforcement Notices were served on the four property management companies, directing them to remedy their contraventions and prevent recurrence of similar contraventions in future. The Privacy Commissioner also issued an updated "Protection of Personal Data Privacy – Guidance for Property Management Sector" guidance note, which included recommendations on how to safeguard personal data privacy.

關於一個醫療集團透過內部統一系統互用旗下品牌客戶個人資料的調查報告

Investigation Report on a Medical Group's Sharing of Clients' Personal Data among its Various Brands through an Integrated System

在完成調查一個醫療集團(該醫療集團)透過內部統一系統互用旗下品牌客戶個人資料的情況後，私隱專員發表另一份調查報告。調查源於兩宗私隱專員公署收到的投訴，涉及該醫療集團營運的四個品牌。

The Privacy Commissioner published an investigation report regarding a medical group's sharing of clients' personal data among its various brands through an integrated system. The investigation began after the PCPD received two complaint cases involving four brands operated by the medical group.



私隱專員經調查發現當事人本來只向該醫療集團個別品牌提供的個人資料，在他們不知情的情況下，被披露及轉移予其他使用該醫療集團內部統一系統的品牌的職員。基於上述情況，私隱專員認為該醫療集團違反了《私隱條例》下保障資料第3原則有關使用（包括披露或轉移）個人資料的規定。私隱專員同樣亦發出執行通知，指示該醫療集團糾正其違規事項，以及防止類似的違規行為再發生。

The Privacy Commissioner discovered that personal data originally provided by complainants to a single brand had been disclosed and transferred to staff members of other brands without the complainants' knowledge nor consent through an internal integrated system. Based on these circumstances, the Privacy Commissioner concluded that the medical group had violated DPP 3 of the PDPO on the use (including disclosure and transfer) of personal data. An Enforcement Notice was issued to the medical group, requiring it to remedy and prevent the recurrence of the violations in question.

透過以上報告，私隱專員亦對其他營運多元品牌的機構作出建議，提醒有關機構向客戶提供清晰易明的收集個人資料聲明，讓他們了解機構收集其個人資料的目的及其個人資料可能轉移予哪些類別的人士；使用（包括披露或轉移）客戶的個人資料於新目的前須先取得客戶的同意；以及按照業務的範疇及職員的職權，適當設定職員查閱或存取客戶個人資料的權限。

In addition, the Privacy Commissioner made recommendations to other organisations that operate multiple brands. These recommendations included providing clients with clear and concise Personal Information Collection Statements to help them understand the purpose of data collection and the classes of transferees to whom the data may be transferred; obtaining consents from customers before using (including disclosing and transferring) their personal data for a new purpose; and appropriately assigning staff members' rights of access to and retrieval of clients' personal data, taking into account the scope of business and staff members' authorities.



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) is a statutory body established under the Administrative Appeals Board Ordinance (Chapter 442 of the Laws of Hong Kong), which 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，委員會合共頒布六宗裁決(包括於過往年度提出的上訴)，當中四宗被駁回、一宗被裁定得直(即發還私隱專員公署作進一步處理)及一宗被裁定部分得直。在同一報告年度內，有四宗上訴由上訴人自行撤回(圖3.5)。

Statistics of AAB cases

During the reporting year, the AAB handed down a total of six decisions (which included appeals lodged in previous years), in which four appeals were dismissed, one appeal was allowed (i.e. remitted to the PCPD for further investigation) and one appeal was partly allowed. In the same reporting year, four appeals were lodged and subsequently withdrawn by the appellants (Figure 3.5).

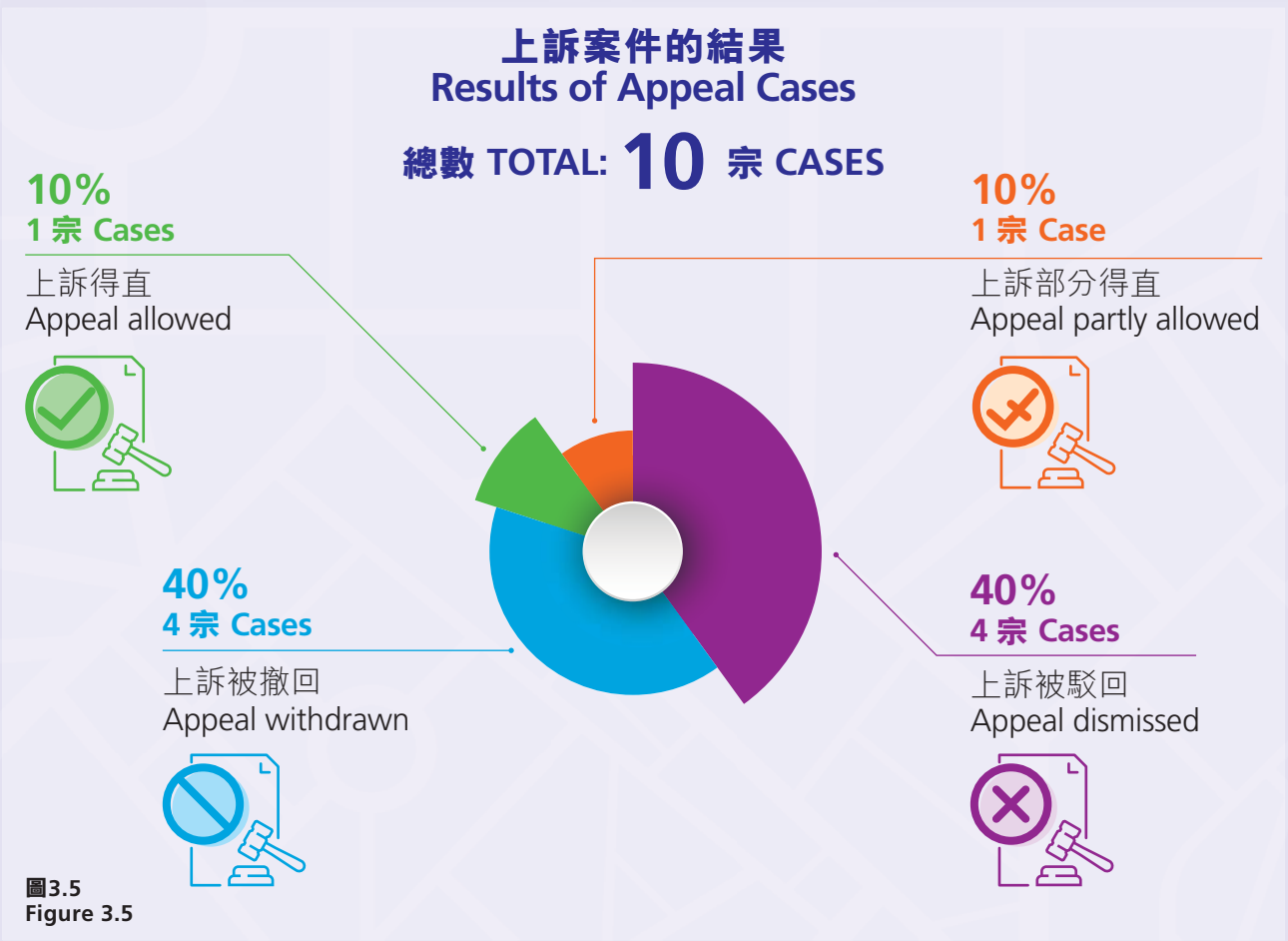


圖3.5
Figure 3.5

接獲的行政上訴案件的性質及涉及《私隱條例》的規定

私隱專員公署於報告年度內共接獲七宗上訴個案，四宗個案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。私隱專員參照由公署發出的《處理投訴政策》，當中列出有關公署進行初步查詢後發現並無違反《私隱條例》任何規定的表面證據為理由行使上述酌情權。至於餘下的三宗上訴個案，一宗涉及私隱專員在作出調查後不送達執行通知的決定，另外兩宗則涉及私隱專員在作出調查後送達執行通知的決定。

此七宗上訴個案具體涉及以下指稱(圖3.6)：

- 違反保障資料原則：五宗
- 不遵從查閱資料要求：一宗
- 是否涉及個人資料：一宗

Nature of AAB Cases Received and Provisions of the PDPO Involved

A total of seven appeals were received during the reporting year. Four of these were related to appeals against the Privacy Commissioner's decisions to refuse to carry out or terminate investigations initiated by a complaint under section 39(2) of the PDPO. The Privacy Commissioner exercised the aforesaid discretionary power as outlined in the Complaint Handling Policy issued by the PCPD, on the ground that there was no prima facie evidence of any contraventions of the requirements under the PDPO after a preliminary enquiry by the PCPD. Regarding the remaining three cases, one appeal was against the Privacy Commissioner's decision not to serve an Enforcement Notice after investigation, while the other two appeals were against the Privacy Commissioner's decision to serve an Enforcement Notice after investigation.

The particulars of the seven appeal cases involved the following allegations (Figure 3.6):

- Contraventions of DPPs: five cases
- Non-compliances with data access requests: one case
- Concerning whether or not personal data was involved: one case

上訴涉及《私隱條例》的規定
The Provisions of the PDPO Involved in the Appeals

總數 TOTAL: 7 宗 CASES

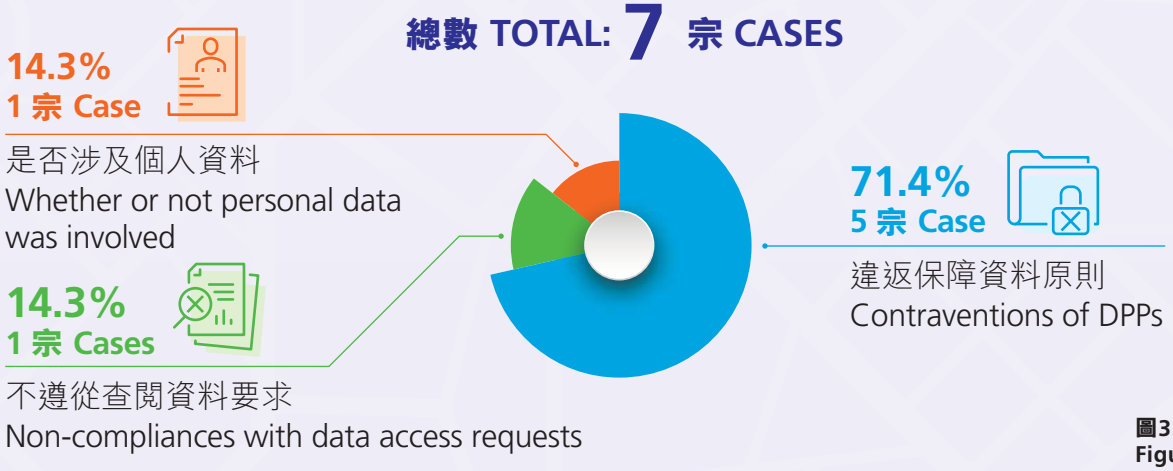


圖3.6
Figure 3.6

而七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3.7)：

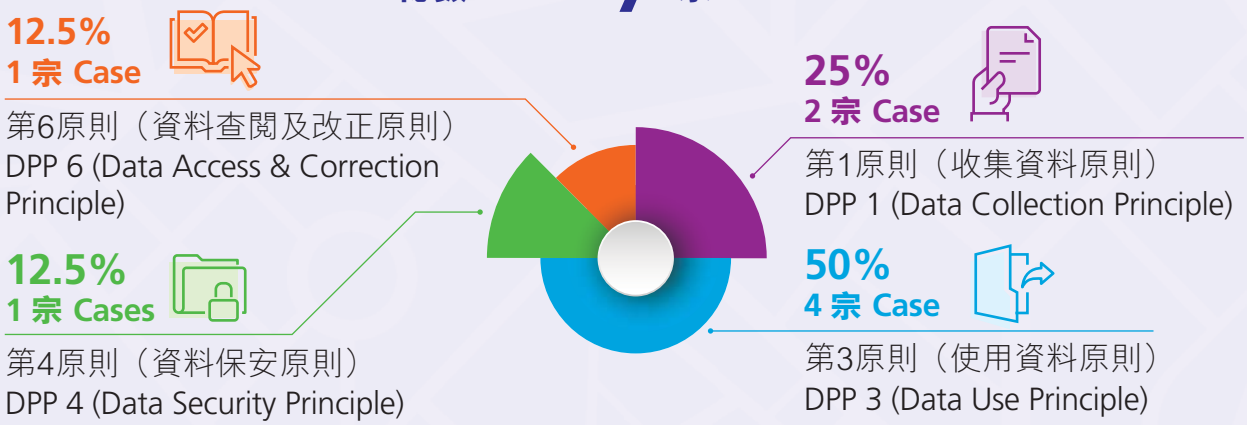
- 第1原則(收集資料原則)：兩宗
- 第3原則(使用資料原則)：四宗
- 第4原則(資料保安原則)：一宗
- 第6原則(資料查閱及改正原則)：一宗

Out of the seven appeal cases received, the distribution of DPPs concerned is as follows (one appeal might involve more than one DPP) (Figure 3.7):

- DPP 1 (Data Collection Principle): two cases
- DPP 3 (Data Use Principle): four cases
- DPP 4 (Data Security Principle): one case
- DPP 6 (Data Access & Correction Principle): one case

上訴涉及保障資料原則的分類
The Distribution of the DPPs Involved in the Appeals

總數 TOTAL: 7 宗 CASES*



* 一宗個案可牽涉多於一項保障資料原則

* One appeal might involve more than one DPP

圖3.7
Figure 3.7

宣傳與教育

Promotion and Education






媒體和資訊素養
線上教育講座


議視聽

宣傳活動

在面對持續挑戰的同時，私隱專員公署在報告年度內一直致力推廣個人資料私隱。通過利用多樣化的平台，如宣傳活動、教育活動和傳媒等，私隱專員公署有效地與各持分者聯繫，以提高社會對個人資料私隱保護的認識和理解。

Promotional Campaigns

During the reporting year, the PCPD continued its efforts to promote the message of protecting and respecting personal data privacy through promotion and education. By leveraging a diverse range of platforms, such as promotional campaigns, educational activities and media, the PCPD effectively engaged different stakeholders to raise awareness and understanding of personal data privacy protection.



私隱專員公署的教育工作包括針對特定行業的活動、網上講座、研習班和培訓課程，旨在促進不同行業和社區遵從《私隱條例》的規定。此外，私隱專員公署通過不同渠道回應各種私隱議題，例如發布指引、新聞稿、接受訪問、撰寫文章以及在社交媒體上發布帖文，進一步加強公署對保障個人資料私隱的承諾。

在報告年度內，私隱專員公署的全面努力一共吸引了超過31,000人次參加其教育活動，反映了公署在日益數碼化的世界中對推廣保障個人資料私隱的堅定。

To foster compliance with the PDPO across different sectors and the wider community, the PCPD's educational endeavours encompassed industry-specific campaigns, seminars, webinars, workshops and training sessions. Additionally, the PCPD addressed privacy concerns through multiple channels, including advisories, media statements, response to media enquiries, interviews, articles and social media posts, reinforcing its commitment to safeguarding personal data privacy.

Throughout the reporting year, the PCPD's comprehensive efforts attracted over 31,000 attendances to its educational events, reflecting our unwavering dedication to promoting personal data privacy protection in an increasingly digital world.

關注私隱週

自2007年起，私隱專員公署每年均參與由亞太區私隱機構成員合辦的「關注私隱週」，藉此加強區內對保障個人資料私隱的意識。報告年度內的香港「關注私隱週2022」於7月11至17日舉行，主題為「數碼新世代的私隱保障」。

一系列的活動於「關注私隱週」展開，當中包括於7月12至13日由私隱專員公署舉辦，同時亦是香港特別行政區成立25周年慶祝活動之一的「第57屆亞太區私隱機構論壇」。在論壇中，私隱專員主持了題為「新興科技引起的私隱議題和監管路線圖」的專題討論環節，吸引了超過120位保障資料主任聯會（聯會）會員參加。

私隱專員公署聯同香港電腦教育學會舉辦的「社交媒體私隱教與學」網上分享會亦是「關注私隱週2022」的另一重點活動，共吸引了超過300位校長及教師參加。「社交媒體：私隱保障實用貼士」海報亦在7月時張貼於本地鐵路運輸的車箱幕門及派發予相關持份者。

Privacy Awareness Week

Since 2007, the PCPD has been participating in the Privacy Awareness Week (PAW) jointly organised by members of the Asia Pacific Privacy Authorities (APPA) to enhance the awareness of personal data privacy protection in the region. During the reporting year, the PAW 2022 was held from 11 to 17 July, under the theme of "Privacy Protection in Digital Era".

Various activities were held during the week, including the 57th APPA Forum hosted by the PCPD from 12 to 13 July as one of the celebratory events of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region. Led by the Privacy Commissioner, a panel discussion entitled "Privacy Issues Arising from Emerging Technologies and the Regulatory Roadmaps" was held at the forum and attracted an attendance of over 120 Data Protection Officers' Club (DPOC) members.

Another highlight of the PAW 2022 was the "Learning and Teaching Privacy on Social Media" Online Forum jointly organised by the PCPD and the Hong Kong Association for Computer Education which attracted an attendance of over 300 principals and teachers. A poster on "Practical Tips on Privacy Protection in Using Social Media" was also posted on the screen doors of MTR trains in July and distributed to relevant stakeholders.





私隱之友嘉許獎2023

私隱專員公署旗艦活動之一「私隱之友嘉許獎」於2023年載譽歸來，並以「實踐私隱管理系統 建立信任共創雙贏」為主題，旨在表揚及嘉許機構對保障個人資料私隱的重視及努力。嘉許獎反應十分熱烈，共收到168份來自企業、公私營機構及政府部門的報名，可見香港對保護個人資料私隱的意識和重要性日益提高。

經評審委員會嚴格的評核程序後，具備指定「保障私隱措施」的參加機構將獲嘉許。除了「私隱之友」金、銀、銅三個級別的獎狀和獎品外，所有得獎機構亦會授予「私隱之友」標誌作為嘉許象徵。卓越獲獎者更會獲邀參與推廣活動，展現他們保障個人資料私隱的成就。

Privacy-Friendly Awards 2023

In 2023, the PCPD's flagship event – the "Privacy-Friendly Awards" returned under the theme of "Embrace Privacy Management Programme to Gain Trust and Benefits", which aims to recognise the commitment and efforts of organisations in protecting personal data privacy. The Awards received an overwhelming response of 168 applications from enterprises, public and private organisations, and government departments, which indicated the growing awareness and importance of protecting personal data privacy in Hong Kong.

Participating organisations with designated "Privacy Protection Measures" in place will be awarded after a stringent assessment process by the judging panel. In addition to the Gold, Silver or Bronze "Privacy-Friendly" certificates and prizes, all awardees would be granted a "Privacy-Friendly" logo as a token of recognition. Outstanding performers will also be invited to participate in various publicity activities to showcase their achievements in personal data privacy protection.



科技發展一日千里，在瞬息萬變的環境下，實施穩健的個人資料私隱管理系統以作為數據管治的一部分有助機構建立信任，並促進機構遵從《私隱條例》的規定，這亦是香港企業一直賴以成功的重要一環。公署會繼續推廣設立個人資料私隱系統的重要性，並鼓勵更多機構加入「私隱之友」行列，攜手構建尊重和保障個人資料私隱的文化。

In a fast-changing environment accelerated by rapid technological advancements, implementing a robust Personal Data Privacy Management Programme (PMP) as part of data governance can help organisations build trust and facilitate compliance with the requirements of the PDPO, which is also an essential component of the continuous success of businesses in Hong Kong. The PCPD will continue to promote the importance of setting up a PMP and encourage more organisations to join our privacy-friendly community and make a concerted effort to cultivate the culture of respecting and protecting personal data privacy.





教育活動

行業保障私隱活動

私隱專員公署舉辦或參與12項行業保障個人資料私隱的宣傳及教育活動，涵蓋教育、物業管理、資訊科技、地產代理及社會服務等行業，共吸引近4,000名相關行業的人士參加。私隱專員公署透過與各個行業的夥伴機構合作，如教育局、地產代理監管局、香港電腦教育學會、香港電腦應急小組協調中心、香港電腦學會、香港社會服務聯會和物業管理業監管局等，向相關行業的從業員傳播保障個人資料的訊息，以期在行業中培育和推廣尊重私隱的文化。

Education

Industry-specific Privacy Campaigns

The PCPD organised or participated in 12 industry-specific promotional and educational events concerning personal data privacy protection, covering sectors such as education, property management, information technology, estate agency and social services. These events attracted nearly 4,000 participants from the relevant industries. By collaborating with various partners of respective sectors, such as the Education Bureau, Estate Agents Authority, Hong Kong Association for Computer Education, Hong Kong Computer Emergency Response Team Coordination Centre, Hong Kong Computer Society, Hong Kong Council of Social Service and Property Management Services Authority, the PCPD aimed to disseminate essential information on personal data protection to practitioners, fostering and promoting a culture of protecting and respecting personal data privacy within the industries.





專題演講及講座／網上講座

私隱專員及其團隊積極參與不同機構舉辦的研討會及講座，就不同的個人資料私隱議題向持份者及公眾人士提供最新資訊及分享意見，例如《私隱條例》下有關打擊「起底」的規定、個人資料私隱管理系統、開發及使用人工智能道德標準，及網絡推廣的私隱風險及機遇。

私隱專員公署亦繼續就最新的個人資料私隱議題舉辦研討會，包括網絡世界中的數據安全管理、內地《數據出境安全評估辦法》，及公署就跨境資料轉移所建議的合約條文範本等。

Speaking Engagements and Seminars/ Webinars on Topical Issues

The Privacy Commissioner and her team delivered presentations in a variety of seminars/webinars and talks organised by different organisations to provide stakeholders and members of the public with up-to-date information and advice on various personal data privacy issues, such as the anti-doxxing regime under the PDPO, PMP, ethical development and use of artificial intelligence, as well as privacy risks and opportunities of digital marketing.

The PCPD also continued to organise seminars/ webinars on current topical issues relating to personal data privacy, including data security management in the cyber world, the Mainland's security assessment measures on cross-border data transfers, and the PCPD's recommended model contractual clauses for cross-border transfers of personal data.





專業研習班

於報告年度內，私隱專員公署共舉辦了28場專業研習班，吸引超過770名人士參加。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、與《私隱條例》有關的法院及行政上訴委員會案例、個人資料私隱管理系統、查閱資料要求、與直接促銷活動及人力資源管理有關的保障資料私隱措施，以及和保險、銀行或金融服務行業有關的保障私隱議題。

Professional Workshops

During the reporting year, the PCPD organised a total of 28 professional workshops which attracted over 770 participants. These workshops, supported by 30 professional organisations and industry associations, covered topics on data protection law, court cases and Administrative Appeals Board decisions relating to the PDPO, PMP, data access requests, data protection in direct marketing activities and human resource management, as well as privacy protection issues relating to insurance, banking or financial services.

簡介講座／網上講座及機構內部培訓

為了提高公眾人士對《私隱條例》的認識，私隱專員公署共舉辦了13次免費講座／網上講座以簡介《私隱條例》，讓公眾人士理解有關法定要求。另外，私隱專員公署亦應不同公私營機構的邀請，舉辦了約150場度身訂造的培訓課程，向他們的員工講解《私隱條例》的要求。

Introductory Seminars/Webinars and In-house Training Programmes

To enhance public awareness of the PDPO, the PCPD held 13 free introductory seminars/webinars for the general public to understand the statutory requirements. In addition, the PCPD was also invited to conduct around 150 tailor-made training sessions for public and private organisations to explain the requirements of the PDPO to their staff members.

與持份者會面

為提高持份者對保障個人資料私隱的意識，私隱專員公署積極與不同界別的持份者接觸，以了解他們對私隱議題的關注並作出交流。私隱專員公署透過公開講座、研討會、研習班和網上講座向不同政府部門、商會、專業團體、協會及組織、聯會會員、以至年輕人及社會大眾人士分享專業知識和提供培訓。

Meetings with Stakeholders

To enhance stakeholders' awareness and knowledge of personal data privacy protection, the PCPD actively engaged with stakeholders from different sectors to understand and exchange views on their concerns about topical privacy issues. The PCPD met with various government departments, chambers of commerce, professional bodies, associations and organisations, DPOC members, youngsters, and the wider community through public talks, seminars, workshops and webinars to share expertise and provide training.



保障資料主任聯會

私隱專員公署於2000年成立聯會，旨在向公私營機構的保障資料人員提供有效的培訓和資源豐富的平台，讓他們透過經驗交流與培訓，增潤有關私隱領域中保障資料私隱的知識和促進符規的實踐。截至2022年3月底，聯會會員人數超過510名，當中的機構與個人會員分別來自公私營機構的循規、法律事務、規管與執法和客戶服務等多元背景。

在報告年度內，私隱專員公署為聯會會員舉辦了三場涵蓋數據安全管理和跨境資料轉移的專題講座。聯會會員更獲邀參加由私隱專員公署舉辦的「第57屆亞太區私隱機構論壇」內其中一個專題討論環節。透過來自澳洲、加拿大、日本和英國的私隱／資訊專員或高級代表的分享，聯會會員更可充分了解新興科技在不同司法管轄區對私隱帶來的巨大挑戰，以及是否應監管及如何監管這些技術。

Data Protection Officers' Club

The PCPD established the DPOC in 2000 to provide data protection practitioners from public and private sectors with an effective and resourceful platform for advancing their knowledge of data protection in the privacy landscape and the practice of data privacy compliance through experience sharing and training. DPOC membership reached over 510 by the end of March 2023. The individual and organisational members come from various backgrounds, including compliance, legal affairs, regulatory affairs, law enforcement and customer services in both the public and private sectors.

During the reporting year, the PCPD organised three topical seminars for DPOC members, covering topics such as data security management and cross-border data transfers. DPOC members were also invited to join a panel discussion of the 57th APPA Forum hosted by the PCPD. The DPOC members gained a better understanding of the formidable challenges to personal data privacy arising from emerging technologies across different jurisdictions, and whether and how these technologies should be regulated, from the sharing by the privacy/information commissioners or senior representatives from Australia, Canada, Japan and the United Kingdom.

保障資料主任聯會 DATA PROTECTION OFFICERS' CLUB

媒體宣傳

新聞稿及傳媒查詢

在報告年度內，私隱專員公署共發布51篇新聞稿，並回覆114個傳媒查詢。傳媒關注議題包括《修訂條例》及公署的執法行動、多宗資料外洩事故、《社交媒體私隱設定大檢閱》報告、各項防疫措施引起的私隱問題、個人資料詐騙，以及由一套紀錄片引起的個人資料私隱問題。

Publicity on Media

Media Statements and Enquiries

During the reporting year, the PCPD issued 51 media statements and responded to 114 media enquiries. The topics of media concern included the Amendment Ordinance and the PCPD's enforcement actions, several data breach incidents, the report on "Comparison of Privacy Settings of Social Media", privacy issues arising from various anti-pandemic measures, personal data fraud, as well as the personal data privacy issue arising from a documentary.





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有關私隱的議題接受了72次電視、電台及報章訪問，內容涉及多個課題，包括與《修訂條例》執法有關的拘捕及判刑個案、落實《修訂條例》首年的檢討、個人資料詐騙及私隱專員公署的工作。

Media Interviews, Briefings and Articles in Newspapers and Industry Journals

The Privacy Commissioner and her team conducted 72 television, radio and newspaper interviews on various privacy-related topics, including arrests and sentencing cases related to the enforcement of the Amendment Ordinance, review of the first year of implementation of the Amendment Ordinance, personal data fraud and the work of the PCPD.





私隱專員公署分別於2022年6月、11月及2023年2月舉行了三場記者會，讓傳媒及公眾人士了解私隱專員公署的工作。記者會涵蓋私隱專員公署2022年工作報告、發表五份調查報告(包括四間物業管理公司不當收集、保留及／或使用業戶及訪客個人資料、一個醫療集團意外棄置病人醫療紀錄、一個醫療集團透過統一系統互用旗下品牌客戶的個人資料，及兩間機構數據庫或伺服器遭勒索軟件攻擊)，以及發表新版本的《保障個人資料私隱 — 物業管理界別指引》和《資訊及通訊科技的保安措施指引》單張。

During the reporting year, three media briefings were held in June and November 2022, and February 2023 respectively, enabling the media and members of the public to gain a better understanding of the PCPD's work. The media briefings covered the PCPD's work in 2022, issuance of five investigation reports (including the improper collection, retention and/or use of personal data of residents and visitors by four property management companies, accidental disposal of medical records of patients by a medical group, sharing of clients' personal data among a medical group's various brands through an integrated system, and a ransomware attack on the database or servers of two organisations), as well as the publication of the new edition of "Protection of Personal Data Privacy – Guidance for Property Management Sector" and the leaflet on "Guidance on Data Security Measures for Information and Communications Technology".





私隱專員亦在報章及行業刊物上發表文章，分享有關個人資料私隱的觀點、見解和指引，如資料保安、《修訂條例》和採用跨境資料轉移建議合約條文範本指引。

The Privacy Commissioner also contributed articles to newspapers and industry journals to share views, insights, and guidance on personal data privacy, such as data security, the Amendment Ordinance and the adoption of Recommended Model Contractual Clauses for cross-border transfers of personal data.





宣傳及教育刊物

在報告年度內，私隱專員公署出版了多份刊物，為持份者提供各類實用指引及合規建議，包括《社交媒體私隱設定大檢閱》報告、《資訊及通訊科技的資料保安措施指引》及其單張。

為提醒市民在網上或社交媒體平台轉載「起底」訊息前要三思，私隱專員公署製作了電視宣傳短片及電台宣傳聲帶，由2022年7月起在40個電視頻道及12個電台頻道播放。相關短片及聲帶亦於公署網站及社交媒體平台上播放。

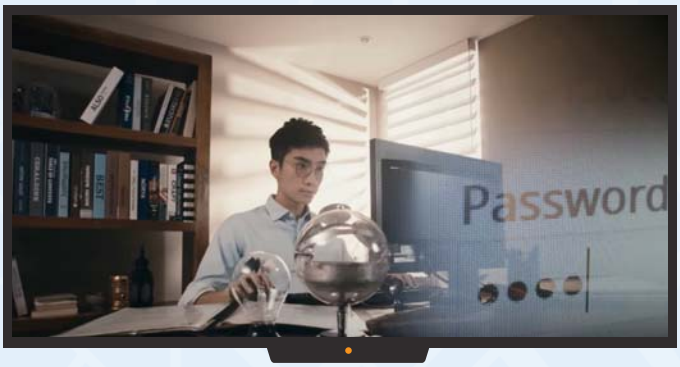
Publicity and Educational Materials

During the reporting year, the PCPD issued a number of publications to provide stakeholders with practical guidance and compliance suggestions, including the report on "Comparison of Privacy Settings of Social Media", the "Guidance Note on Data Security Measures for Information and Communications Technology" and its leaflet.

To remind the public to think twice before sharing doxxing messages online or on social media platforms, the PCPD produced TV and radio Announcements in the Public Interest (API) for broadcast on 40 TV and 12 radio channels starting from July 2022. The API was also promoted on the PCPD's website and social media platforms.







網站

私隱專員公署透過網站有效地傳遞有關保障個人資料私隱及其最新發展的資訊。在報告年度內，公署的網站錄得超過1,900,000瀏覽人次。為提供有關打擊個人資料詐騙的一站式平台，公署推出新網頁，提供反詐騙提示、相關教育資訊及協助渠道。

Website

The PCPD effectively disseminated messages about personal data privacy protection and the latest developments through its website. During the reporting year, the PCPD website recorded over 1,900,000 visits. To provide a one-stop platform of information on combatting personal data fraud, the PCPD launched a new webpage offering anti-fraud tips, relevant educational resources and channels of assistance.



社交媒體平台

私隱專員公署定期更新其社交媒體平台，利用簡單的文字和插圖向公眾提供有關私隱保障和私隱趨勢的資訊。在報告年度內，私隱專員公署發表了457篇帖文，與上一個報告年度的296篇相比，增加了54%。內容涉及公署的宣傳活動、預防個人資料詐騙、《資訊及通訊科技的資料保安措施指引》及其單張、《社交媒體私隱設定大檢閱》報告，以及內地及海外私隱法規的最新發展等。

Social Media Platforms

The PCPD regularly updated its social media platforms, using simple texts and illustrations to inform the public of information relating to privacy protection and emerging privacy trends. During the reporting year, the PCPD published 457 social media posts, a 54% increase compared to the 296 posts in the previous reporting year. The content covered topics such as the PCPD's promotional activities, personal data fraud prevention, the "Guidance Note on Data Security Measures for Information and Communications Technology" and its leaflet, the report on "Comparison of Privacy Settings of Social Media", and the latest developments in privacy regulations in the Mainland and overseas.





與青少年聯繫

保障私隱學生大使・學校夥伴嘉許計劃

為向青少年推廣尊重及保障個人資料私隱的重要訊息，私隱專員公署舉辦「保障私隱學生大使●學校夥伴嘉許計劃」(嘉許計劃)，吸引超過16,000名中學生積極參加。

Engaging Youngsters

Student Ambassador for Privacy Protection Programme – Partnering Schools Recognition Scheme

To promote the importance of respecting and protecting personal data privacy among youngsters, the PCPD organised the "Student Ambassador for Privacy Protection Programme – Partnering Schools Recognition Scheme", which attracted the participation of over 16,000 secondary school students.

在這個獲教育局「商校合作計劃」協辦的嘉許計劃中，私隱專員公署更舉辦了「全港中學生手機GAME應用程式設計比賽」。私隱專員公署共收到超過來自400多名中學生所提交的150多個參賽作品，反應非常踴躍。勝出隊伍亦獲頒獎盃、獎狀及獎學金，以嘉許參賽者的程式設計意念、創意和編程技巧，以及運用創意把「向網絡欺凌說『不』」或「上網提高警覺 披露個人資料要小心」的訊息融入作品中。

Under the programme, which was co-organised by the Education Bureau as a Business-School Partnership Programme, the PCPD also hosted a "Mobile Game Apps Design Competition for Secondary Students". The PCPD received an overwhelming response, with over 150 entries submitted by over 400 secondary school students. The winning teams were awarded trophies, certificates and scholarships in recognition of their programme design concepts, creativity, programming skills and the innovative incorporation of messages related to the theme of the competition: "Say 'No' to Cyberbullying" or "Stay Vigilant Online: Exercise Caution when Disclosing Personal Data" into their work.

私隱專員公署亦頒發嘉許計劃的鑽石、金、銀、銅章予64間中學，以表揚得獎學校過去一年致力締造尊重及保障私隱的校園環境。

The PCPD also presented the programme's diamond, gold, silver and bronze awards to 64 secondary schools in recognition of their efforts in fostering a culture of respecting and protecting personal data privacy on campus over the past year.





「尊重私隱 由我做起」小學生短片創作比賽

私隱專員公署於2022年9月推出了「尊重私隱 由我做起」小學生短片創作比賽，藉此提高同學對保障個人資料私隱的意識，讓他們明白尊重他人的個人資料私隱的重要性，以及認識網上活動潛在的私隱風險。比賽對象為小學三至六年級學生，參賽隊伍需從三個主題：「尊重別人的個人資料私隱」、「向網絡欺凌說『不』」或「上網提高警覺，披露個人資料要小心」中任擇其一，製作一條兩分鐘以下的短片。

Short Video Competition for Primary School Students – Respecting Privacy Begins with Me

The PCPD launched a short video competition for primary three to six students themed "Respecting Privacy Begins with Me" in September 2022, with a view to raising students' awareness of protecting personal data privacy, enabling them to understand the importance of respecting others' personal data privacy and learning more about the potential privacy risks which exist in the online world. Participating teams were invited to choose one of the three themes: "Respect Others' Personal Data Privacy", "Say 'No' to Cyberbullying" or "Stay Vigilant Online: Be Careful while Disclosing Personal Data" to produce a short video clip which lasted for less than two minutes.





學校講座

為協助年輕人更了解如何保障網上個人資料私隱及意識到「起底」行為的嚴重性，私隱專員公署不遺餘力地舉辦「上網提高警覺，向網絡欺凌說『不』」小學講座活動，活動至今已有超過8,000名來自30間學校的學生參與。

其中，私隱專員於2022年11月在聖公會聖雅各小學舉辦「網上保護個人資料、尊重個人資料私隱」講座，向超過200名小五及小六學生講解保障及尊重個人資料私隱的重要性，教導他們向網絡欺凌及「起底」說不。

於報告年度內，私隱專員公署亦繼續舉辦大學講座，致力向大專學生推廣對「起底」條例的認識。

School Talks

To assist youngsters in understanding how to protect their personal data online and raise their awareness of the seriousness of doxxing acts, the PCPD spared no effort to organise primary school talks titled "Stay Vigilant Online: Say 'No' to Cyberbullying". Over 8,000 students from 30 primary schools participated in these activities.

As part of this initiative, the Privacy Commissioner delivered a talk on "Protecting and Respecting Personal Data Privacy Online" at S.K.H. St. James' Primary School in November 2022. The talk emphasised the importance of protecting and respecting personal data privacy to over 200 primary five and six students. The Privacy Commissioner also taught them to say "No" to cyberbullying and doxxing.

During the reporting year, the PCPD also continued to hold university talks to promote the awareness of doxxing offences among tertiary students.





說好香港故事

Telling a Good Hong Kong Story




PCPD
私隱公署


APPA

國際私隱／資料保障社群

隨着互聯網和數碼裝置的普及程度日益增長，數據變得更加容易在世界各地轉移。這趨勢預計將隨着Web 3.0和元宇宙等下一代互聯網而加速，並進一步加強數據流動，使全球成為更緊密的一體。私隱專員公署明白到國際合作的重要性，透過全球私隱或資料保障社群的專業知識，以了解保護個人資料私隱的最新趨勢和最佳行事常規。在報告年度內，私隱專員公署參與了多個區域性和國際性的私隱組織及活動，展示了我們在國際私隱社群一直以來的承擔和參與，向世界說好香港故事。

International Privacy/ Data Protection Community

As internet and digital devices continue to grow and become increasingly prevalent, data has become more accessible across different regions of the world. This trend is expected to accelerate with the emergence of the next generation of the internet, such as Web 3.0 and the metaverse. These technologies will further enhance the movement of data and lead to a more interconnected global community. The PCPD recognises the importance of international collaboration and leveraging the expertise of the global privacy or data protection community to stay up-to-date with the latest trends and best practices in personal data privacy protection. During the reporting year, the PCPD participated in numerous privacy platforms at both regional and international levels, demonstrating its ongoing commitment to and participation in the international community, with a view to telling the world a good Hong Kong story.



私隱專員公署參與國際性和區域性的私隱組織
PCPD's participation in international and regional privacy organisations

環球私隱議會 GPA

- 參與第 44 屆環球私隱議會
  Participated in the 44th GPA Conference
- 國際執法合作工作小組聯席主席
  Co-Chair of the International Enforcement Cooperation Working Group (IEWG)
- 多個工作小組的成員，包括數據分享工作小組、數碼公民及消費者工作小組、數碼教育工作小組，及人工智能的道德與數據保障工作小組
  Member of various working groups, including Data Sharing Working Group, Digital Citizen and Consumer Working Group, Digital Education Working Group and Ethics and Data Protection in Artificial Intelligence Working Group

亞太區私隱機構 APPA

- 舉辦及參與第 57 屆亞太區私隱機構論壇
  Hosted and participated in the 57th APPA Forum
- 參與第 58 屆亞太區私隱機構論壇
  Participated in the 58th APPA Forum
- 科技工作小組及傳訊工作小組成員
  Member of Technology Working Group and Communications Working Group
- 管治委員會成員
  Member of Governance Committee

全球私隱執法機關網絡 GPEN

- 參與定期會議討論執法議題
  Participated in periodic meetings to discuss enforcement issues
- 執行委員會成員
  Member of Executive Committee

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。

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.

私隱專員及私隱專員公署高級人員於2022年10月25至28日以視像方式出席第44屆環球私隱議會。會議於土耳其伊斯坦堡以視像及實體的混合模式舉行，主題為「尋找平衡：在科技急速發展的時代下保障私隱」。討論的題目包括人工智能、人臉識別科技、有效執法、跨境資料轉移和保護兒童私隱等私隱議題。

The Privacy Commissioner and senior officers of the PCPD attended the 44th GPA Conference through video conference from 25 to 28 October 2022. The conference, held in Istanbul, Turkey in a hybrid mode, featured the theme "A Matter of Balance: Privacy in The Era of Rapid Technological Advancement". The topics of discussions included privacy issues relating to artificial intelligence, facial recognition technologies, regulatory effectiveness, cross-border data transfers, and protection of children privacy.

由私隱專員公署擔任聯席主席的國際執法合作工作小組在第44屆環球私隱議會中提交了年度工作報告。小組在2022年的重點工作包括舉行閉門執法會議以促進資料保障機構之間的資訊交流與協作，以及推出「跨境案例地圖」。該地圖由私隱專員公署和哥倫比亞的資料保障機構主導製作，展示了議會成員在2020及2021年進行跨境執法或參與跨境合作的案例。

The GPA's International Enforcement Cooperation Working Group, co-chaired by the PCPD, presented its annual report at the 44th GPA Conference . Some highlights of its work in 2022 included conducting closed-door enforcement meetings to promote information exchange and collaboration among data protection agencies, as well as launching the "transnational case map". The creation of this map, led by the PCPD and the data protection authority in Colombia, disclosed cases in which the GPA members conducted cross-border enforcement or participated in cross-border cooperation in 2020 and 2021.

此外，由私隱專員公署共同發起的《在完善網絡安全監管和了解網絡風險方面提升國際合作能力決議》，亦在會議上獲得成員一致通過。該決議要求議會成員就資料保障機構在網絡安全方面的職責加深了解，並探索在應對網絡風險方面的國際合作契機。

In addition, the PCPD co-sponsored the "Resolution on International Cooperation Capacity Building for Improving Cybersecurity Regulation and Understanding Cyber Incident Harms", which was adopted by GPA members by consensus at the conference. Through this resolution, the GPA resolved to develop an understanding of the remits and responsibilities of data protection authorities in relation to cybersecurity, as well as explore opportunities for international cooperation in tackling cybersecurity risks.

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 and discuss best practices. It also enhances the sharing of information on privacy regulations, new technologies and the handling of privacy enquiries and complaints.

APPA
Asia Pacific Privacy Authorities

第57屆亞太區私隱機構論壇

私隱專員公署很榮幸於2022年7月12及13日在線上舉辦「第57屆亞太區私隱機構論壇」，藉此說好香港故事。來自亞太區不同資料保障機構、超過110名代表齊聚論壇，討論多個環球私隱問題，並分享監管和執法經驗。

57th APPA Forum

The PCPD is honoured to have hosted the 57th APPA Forum virtually from 12 to 13 July 2022, which served as an opportunity to tell the world a good Hong Kong story. The forum brought together over 110 representatives from different data protection authorities across the Asia Pacific region. Participants discussed numerous global privacy issues and exchanged views on regulatory and enforcement experiences.

論壇是香港特別行政區成立25周年的慶祝活動之一。在論壇期間，私隱專員主持了一場富有啟發性的專題討論，題為「新興科技引起的私隱議題和監管路線圖」，嘉賓講者包括來自澳洲、加拿大、日本和英國的私隱及/或資訊專員或高級代表。

During the forum, which was held as one of the celebratory events of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region, the Privacy Commissioner led an insightful panel discussion entitled "Privacy Issues Arising from Emerging Technologies and the Regulatory Roadmaps". The panellists included privacy and/or information commissioners or senior representatives from Australia, Canada, Japan and the United Kingdom.

私隱專員公署亦藉論壇展示私隱公署的工作成果，介紹了私隱專員公署對「起底」罪行的最新執法行動，及分享了私隱專員公署在《社交媒體私隱設定大檢閱》報告中的檢視結果，該報告全面檢視了香港十大最常使用的社交媒體在私隱功能方面的表現。

The PCPD showcased its work at the forum by providing an update on the enforcement actions on doxxing and sharing its findings in the report on "Comparison of Privacy Settings of Social Media", which holistically reviewed the performance of the top ten most commonly used social media platforms in Hong Kong in terms of their privacy functions.

有關論壇的詳情，請參閱本年報「本年重點工作」部分。

For details of the forum, please refer to the "Highlights of the Year" of this annual report.

第58屆亞太區私隱機構論壇

私隱專員連同私隱專員公署高級人員於2022年11月29至30日出席於新加坡以混合模式舉行的第58屆亞太區私隱機構論壇。論壇的重點討論事項如下：

58th APPA Forum

The Privacy Commissioner and senior officers of the PCPD attended the 58th APPA Forum from 29 to 30 November 2022. The forum was held in a hybrid mode in Singapore. Major themes discussed at the forum included:

- 資料保安措施及監管機構的執法策略；
- 跨境資料轉移；
- 保障兒童網上私隱；
- 加強保障私隱技術的應用；及
- 人工智能的開發及使用。

- Data security measures and enforcement strategies by regulators;
- Cross-border data transfers;
- Safeguarding children's online privacy;
- Increasing the use of privacy-enhancing technologies; and
- Development and use of artificial intelligence.

論壇中，私隱專員向亞太區私隱機構成員分享了私隱專員公署針對打擊「起底」行為的執法經驗，以及公署在「起底」方面新增的刑事調查和檢控權力。

During the forum, the Privacy Commissioner shared with APPA members the enforcement experience of the PCPD on doxxing and the new criminal investigation and prosecution powers of the PCPD on doxxing.

在有關資料保安措施的環節中，私隱專員公署律師廖雅欣女士就公署發出的《資訊及通訊科技的保安措施指引》作出簡報，並向與會者分享指引中所建議的資料保安措施。

In a session which featured data security measures, Ms Joyce LIU, Legal Counsel of the PCPD, provided an overview of the "Guidance Note on Data Security Measures for Information and Communications Technology" published by the PCPD. She highlighted the data security measures recommended in the Guidance.



國際及地區性合作

International and Regional Cooperation

與新加坡個人資料保護委員會續簽諒解備忘錄

私隱專員公署與新加坡個人資料保護委員會於2022年7月簽訂及更新於2019年簽署的諒解備忘錄(備忘錄)，以發展促進個人資料保障的雙邊平台及維持雙方現有的聯繫，並就保障個人資料擴大合作範圍和加強緊密的合作關係。

Renewal of MOU with Singapore's Personal Data Protection Commission

In July 2022, the PCPD and Singapore's Personal Data Protection Commission (PDPC) renewed a Memorandum of Understanding (MOU) signed in 2019 to develop bilateral platforms for the advancement of personal data protection. Both authorities signed the renewed MOU to maintain their existing ties and foster closer cooperation with an enhanced scope of collaboration in personal data protection.

備忘錄由私隱專員及新加坡個人資料保護委員會副專員楊子健先生於第57屆亞太區私隱機構論壇舉行之際透過視像會議簽署。

The MOU was signed by the Privacy Commissioner and Mr YEONG Zee Kin, Deputy Commissioner of Singapore's PDPC virtually on the sideline during the 57th APPA Forum.

根據備忘錄，兩個資料保障機構的合作範圍包括就資料保障政策和執法行動交流資訊和分享良好行事方式、在跨境個人資料事件的聯合調查中協調及互相協助，以及在教育和培訓方面進行合作。

Under the MOU, the scope of collaboration between the two data protection authorities includes the exchange of information and sharing of best practices involving data protection policies and enforcement actions, coordination and provision of mutual assistance in joint investigations into cross-border personal data incidents, and collaboration in education and training.





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。私隱專員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。

Global Privacy Enforcement Network

The Global Privacy Enforcement Network (GPEN) was established in 2010 with the aim of fostering cross-border cooperation among privacy enforcement authorities. During the reporting year, the PCPD continued to be a committee member of the GPEN and participated in periodic meetings to discuss enforcement issues and share relevant experiences with other GPEN members.



財務報表
Financial Statements









獨立核數師報告 Independent Auditor's Report

截至 2023 年 3 月 31 日止年度 YEAR ENDED 31 MARCH 2023

致：個人資料私隱專員

（依據《個人資料（私隱）條例》在香港成立的單一法團）

意見

本核數師(以下簡稱「我們」)已審核列載於第125至157頁**個人資料私隱專員**的財務報表，此財務報表包括於2023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2023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。

TO: THE PRIVACY COMMISSIONER FOR PERSONAL DATA

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

Opinion

We have audited the financial statements of **The Privacy Commissioner for Personal Data** (the PCPD) set out on pages 125 to 157, which comprise the statement of financial position as at 31 March 2023, 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 2023, and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards (HKFRSs) issued by the Hong Kong Institute of Certified Public Accountants (HKICPA).

Basis for Opinion

We conducted our audit in accordance with Hong Kong Standards on Auditing (HKSAs) issued by the HKICPA. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the PCPD in accordance with the HKICPA's Code of Ethics for Professional Accountants (the Code), and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

財務報表及其核數師報告以外的資料

個人資料私隱專員負責編製其他資料。其他資料包括年報所載的資料，但不包括財務報表及我們就此的核數師報告。

我們有關財務報表的意見並不涵蓋其他資料，我們並不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。

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.

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。

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。

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.

管治層須負責監督個人資料私隱專員的財務報告流程。

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

核數師就審核財務報表須承擔的責任

Auditor's Responsibilities for the Audit of the Financial Statements

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。

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。

- 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.

- 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。

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

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

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

黃龍德會計師事務所有限公司
執業會計師

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

執業證書號碼：P06369

香港，2023年7月7日

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

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

Practising Certificate Number: P06369

Hong Kong, 7 July 2023

全面收益表 Statement of Comprehensive Income

截至 2023 年 3 月 31 日止年度 YEAR ENDED 31 MARCH 2023

		附註 Notes	2023 $	2022 $
收入	**Income**			
政府補助金	Government subventions	5	**94,929,984**	90,634,368
銀行利息	Bank interest		**823,536**	125,640
講座收費	Seminar fees		**1,408,395**	1,261,195
會員費	Membership fees		**111,800**	98,850
「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		**2,746,697**	1,770,795
雜項收入	Miscellaneous income		**53,379**	88,493
			100,073,791	93,979,341
支出	**Expenditure**			
核數師酬金	Auditor's remuneration		**55,000**	55,000
行政費用	Administrative expenses		**1,791,851**	1,626,914
顧問服務	Consultancy services		**43,800**	–
物業、機器及設備的折舊	Depreciation of property, plant and equipment			
－由資本補助金支付	– financed by capital subvention fund	9	**908,066**	908,357
－由其他資金來源支付	– financed by other sources of funds	9	**8,922,522**	9,752,264
僱員薪俸	Staff emoluments	6	**70,204,223**	65,618,166
辦公室的營運租賃租金	Operating lease rentals in respect of office premises		**284,880**	240,207
海外訪問／會議支出	Overseas visit/conference		**245,985**	21,517
宣傳推廣及教育支出	Promotion and education expenses		**5,573,349**	3,182,133
法律協助計劃	Legal assistance scheme		**44,159**	49,802
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		**5,181,217**	4,550,220
租賃負債利息	Interest on lease liabilities	17	**270,699**	444,106
			93,525,751	86,481,567
年內盈餘及全面收益總額	**Surplus and total comprehensive income for the year**		**6,548,040**	7,497,774

第130至157頁的附註屬本財務報表的組成部分。
The notes on pages 130 to 157 are an integral part of these financial statements.

財務狀況表 Statement of Financial Position

於 2023 年 3 月 31 日 AT 31 MARCH 2023

		附註 Notes	2023 $	2022 $
非流動資產	**Non-current asset**			
物業、機器及設備	Property, plant and equipment	9	**10,119,078**	16,854,127
流動資產	**Current assets**			
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments		**2,560,129**	358,334
銀行結存及現金	Bank balances and cash	10	**45,153,859**	44,707,258
			47,713,988	45,065,592
流動負債	**Current liabilities**			
應付款項及應計費用	Accounts payable and accruals		**575,593**	115,164
職員約滿酬金撥備	Provision for staff gratuity	11	**4,143,181**	2,406,858
未放取年假撥備	Provision for unutilised annual leave		**1,409,499**	1,415,636
預收政府補助金	Government subvention received in advance	12	**8,175,593**	8,175,593
租賃負債	Lease liabilities	13, 17	**6,749,832**	7,454,744
			21,053,698	19,567,995
流動資產淨值	**Net current assets**		**26,660,290**	25,497,597
資產總額減流動負債	**Total assets less current liabilities**		**36,779,368**	42,351,724
非流動負債	**Non-current liabilities**			
政府的約滿酬金補助款	Government subvention for gratuity	14	**4,086,978**	3,532,096
職員約滿酬金撥備	Provision for staff gratuity	11	**1,528,839**	1,903,757
資本補助金	Capital subvention fund	15	**606,358**	963,434
租賃負債	Lease liabilities	13,17	**172,186**	6,356,091
			6,394,361	12,755,378
資產淨值	**Net assets**		**30,385,007**	29,596,346
資金	**Funds**			
一般儲備	General reserve	16	**30,385,007**	29,596,346

本財務報表已於2023年7月7日獲私隱專員批准及授權刊發
Approved and authorised for issue by the Privacy Commissioner on 7 July 2023

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130至157頁的附註屬本財務報表的組成部分。
The notes on pages 130 to 157 are an integral part of these financial statements.

資金變動表 Statement of Changes in Funds

截至 2023 年 3 月 31 日止年度 YEAR ENDED 31 MARCH 2023

		全面收益表 Statement of comprehensive income $	一般儲備 General reserve $	總計 Total $
於2021年4月1日的結餘	**Balance 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日及2022年4月1日的結餘	**Balances at 31 March 2022 and at 1 April 2022**	–	29,596,346	29,596,346
年內盈餘及全面收益總額	Surplus and total comprehensive income for the year	6,548,040	–	6,548,040
調撥	Transfer	(6,548,040)	6,548,040	–
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(5,759,379)	(5,759,379)
於2023年3月31日的結餘	**Balance at 31 March 2023**	–	30,385,007	30,385,007

第130至157頁的附註屬本財務報表的組成部分。
The notes on pages 130 to 157 are an integral part of these financial statements.

現金流量表 Statement of Cash Flows

截至 2023 年 3 月 31 日止年度 YEAR ENDED 31 MARCH 2023

		附註 Notes	2023 $	2022 $
營運活動	**Operating activities**			
年內盈餘	Surplus for the year		**6,548,040**	7,497,774
調整：	Adjustments for:			
－折舊支出	– Depreciation expense		**9,830,588**	10,660,621
－處置物業、機器及設備的損失	– Loss on disposal of property, plant and equipment		**–**	32,881
－利息收入	– Interest income		**(823,536)**	(125,640)
－租賃負債利息	– Interest on lease liabilities		**270,699**	444,106
－政府收回上年盈餘	– Previous year's surplus recovered by Government		**(5,759,379)**	–
營運資本變動前的營運盈餘	Operating surplus before working capital changes		**10,066,412**	18,509,742
應收款項、按金及預付款項增加	Increase in accounts receivable, deposits and prepayments		**(1,997,249)**	(151,658)
應付款項及應計費用（增加）／減少	(Increase)/decrease in accounts payable and accruals		**460,429**	(373,026)
職員約滿酬金撥備增加／（減少）	Increase/(decrease) in provision for staff gratuity		**1,361,405**	(1,553,817)
未放取年假撥備減少	Decrease in provision for unutilised annual leave		**(6,137)**	(542,840)
預收政府補助金減少	Decrease in government subvention received in advance		**–**	(154,340)
政府的約滿酬金補助款增加	Increase in government subvention for gratuity		**554,882**	137,095
資本補助金減少	Decrease in capital subvention fund		**(357,076)**	(736,582)
營運活動所得現金淨額	Net cash generated from operating activities		**10,082,666**	15,134,574
投資活動	**Investing activities**			
收取利息	Interest received		**618,990**	111,868
三個月以上之短期銀行存款（增加）／減少	(Increase)/decrease in short-term bank deposits with maturity more than three months		**(1,573,006)**	973,607
購置物業、機器及設備的付款	Payments for property, plant and equipment		**(2,357,937)**	(1,124,161)
處置物業、機器及設備的得益	Proceeds from disposals of property, plant and equipment		**–**	1,000
投資活動所用現金淨額	Net cash used in investing activities		**(3,311,953)**	(37,686)

		附註 Notes	2023 $	2022 $
融資活動	**Financing activities**			
已付租賃負債本金	Capital element of lease rentals paid	17	**(7,626,419)**	(7,270,875)
已付租賃負債利息	Interest element of lease rentals paid	17	**(270,699)**	(444,106)
融資活動所用現金淨額	Net cash used in financing activities		**(7,897,118)**	(7,714,981)
現金及現金等值的(減少)／增加	**Net (decrease)/increase in cash and cash equivalents**		**(1,126,405)**	7,381,907
年初的現金及現金等值	**Cash and cash equivalents at the beginning of year**		**37,210,310**	29,828,403
年底的現金及現金等值	**Cash and cash equivalents at the end of year**		**36,083,905**	37,210,310
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	10	**45,153,859**	44,707,258
三個月以上之短期銀行存款	Short-term bank deposits with maturity more than three months		**(9,069,954)**	(7,496,948)
年底的現金及現金等值	**Cash and cash equivalents at the end of the year**		**36,083,905**	37,210,310

第130至157頁的附註屬本財務報表的組成部分。
The notes on pages 130 to 157 are an integral part of these financial statements.

財務報表附註 Notes to the Financial Statements

2023 年 3 月 31 日 31 MARCH 2023

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。

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. 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。

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 statement is historical cost.

(b) Property, plant and equipment

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

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

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 building	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的差額於損益確認。

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的差額於損益確認。

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，如金融工具的信貸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)的信貸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 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。

(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.

(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)

(l) 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)

(l) 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. 重要會計推算及判斷

按照《香港財務報告準則》編制財務報表時，個人資料私隱專員管理層會為影響到資產、負債、收入及開支的會計政策的應用作出判斷、估計及假設。這些判斷、估計及假設是以過往經驗及多項其他於有關情況下視作合理的因素為基準。儘管管理層對這些判斷、估計及假設作出持續檢討，實際結果可能有別於此等估計。

有關財務風險管理的某些主要假設及風險因素載列於附註18。對於本財務報表所作出的估計及假設，預期不會構成重大風險，導致下一財政年度資產及負債的帳面值需作大幅修訂。

3. Summary of Significant Accounting Policies (Continued)

(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. Critical Accounting Estimates and Judgement

The PCPD's management makes assumptions, estimates and judgements in the process of applying the PCPD's accounting policies that affect the assets, liabilities, income and expenses in the financial statements prepared in accordance with HKFRSs. The assumptions, estimates and judgements are based on historical experience and other factors that are believed to be reasonable under the circumstances. While the management reviews their judgements, estimates and assumptions continuously, the actual results will seldom equal to the estimates.

Certain key assumptions and risk factors in respect of the financial risk management are set out in note 18. There are no other key sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amounts of asset and liabilities within the next financial year.

5. 政府補助金

5. Government Subventions

		2023 $	2022 $
經常性及非經常性	Recurrent and non-recurrent	**93,900,118**	89,068,246
資本補助金(附註15)	Capital subvention fund (Note 15)	**1,029,866**	1,566,122
		94,929,984	90,634,368

6. 僱員薪俸

6. Staff Emoluments

		2023 $	2022 $
薪酬	Salaries	**58,250,166**	55,600,298
約滿酬金及其他津貼	Gratuities and other allowances	**10,461,028**	9,179,518
強積金計劃供款	Contributions to MPF Scheme	**1,499,166**	1,381,190
未放取年假撥備回撥	Reversal of provision for unutilised annual leave	**(6,137)**	(542,840)
		70,204,223	65,618,166

7. 主要管理人員的報酬

7. Key Management Compensation

		2023 $	2022 $
短期僱員薪俸	Short-term staff emoluments	**14,119,056**	13,020,555
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	**1,515,761**	1,279,332
		15,634,817	14,299,887

8. 稅項

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。

8. Taxation

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.

9. 物業、機器及設備

9. Property, Plant and Equipment

		擁有資產 Owned assets						使用權資產 Right-of-use assets	
		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 $	總計 Total $
成本	**Cost**								
於2022年4月1日	At 1 April 2022	535,500	6,472,336	2,159,765	594,406	10,323,546	20,085,553	36,675,230	56,760,783
增加	Additions	359,988	1,670,942	137,097	31,970	157,940	2,357,937	737,602	3,095,539
於2023年3月31日	At 31 March 2023	895,488	8,143,278	2,296,862	626,376	10,481,486	22,443,490	37,412,832	59,856,322
累積折舊	**Accumulated depreciation**								
於2022年4月1日	At 1 April 2022	357,000	4,967,633	1,364,924	405,698	9,749,260	16,844,515	23,062,141	39,906,656
年內折舊	Charge for the year	258,497	1,119,529	394,285	101,739	346,816	2,220,866	7,609,722	9,830,588
於2023年3月31日	At 31 March 2023	615,497	6,087,162	1,759,209	507,437	10,096,076	19,065,381	30,671,863	49,737,244
帳面淨值	**Net book value**								
於2023年3月31日	At 31 March 2023	279,991	2,056,116	537,653	118,939	385,410	3,378,109	6,740,969	10,119,078
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

10. 銀行結存及現金 10. Bank Balances and Cash

		2023 $	2022 $
銀行及手頭現金	Cash at banks and on hand	**12,106,045**	14,834,962
短期銀行存款	Short-term bank deposits	**33,047,814**	29,872,296
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	**45,153,859**	44,707,258

11. 職員約滿酬金撥備 11. Provision for Staff Gratuity

		2023 $	2022 $
於4月1日的結餘	Balance as at 1 April	**4,310,615**	5,864,432
已作出的撥備	Provision made	**6,392,406**	6,299,934
未動用款項撥回	Unused amounts reversed	**(566,208)**	(473,384)
年內支付的數額	Amount paid during the year	**(4,464,793)**	(7,380,367)
於3月31日的結餘	Balance as at 31 March	**5,672,020**	4,310,615
減：流動部分	Less: current portion	**(4,143,181)**	(2,406,858)
非流動部分	Non-current portion	**1,528,839**	1,903,757

約滿酬金撥備是為了支付由受聘日起計已完成合約的職員的約滿酬金而設立的。

Provision for staff gratuity is established for gratuity payments which become payable to those employees of the PCPD who complete their contracts commencing from the date of their employment.

12. 預收政府補助金 12. Government Subvention Received in Advance

		2023 $	2022 $
於4月1日的結餘	Balance as at 1 April	**8,175,593**	8,329,933
已收補助金	Subvention received	**–**	1,500,000
年內確認為收入的數額	Recognised as income in the year	**–**	(1,654,340)
於3月31日的結餘	Balance as at 31 March	**8,175,593**	8,175,593

預收政府補助金是關於年結日後才提供的各項服務而收取的補助金，會遞延入帳及在支出產生的期間有系統地在全面收益表確認為收入。

Government subvention received in advance represents subvention received in connection with various services to be provided after year end and is deferred and recognised as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

13. 租賃負債

13. Lease Liabilities

		2023 $	2022 $
到期最低租賃付款額	Minimum lease payments due		
－1年內	– Within 1 year	**6,834,870**	7,714,980
－1至5年	– 1 to 5 years	**173,558**	6,429,150
		7,008,428	14,144,130
減：未來財務費用	Less : future finance charges	**(86,410)**	(333,295)
租賃負債的現值	Present value of lease liabilities	**6,922,018**	13,810,835
分析為：	Analysed as:		
流動部分	Current portion	**6,749,832**	7,454,744
非流動部分	Non-current portion	**172,186**	6,356,091
		6,922,018	13,810,835

未來財務費用所應用的加權平均遞增借貸利率為2.65% (2022: 2.5%)。

The weighted average incremental borrowing rate applied for future finance charges is 2.65% (2022: 2.5%).

14. 政府的約滿酬金補助款

14. Government Subvention for Gratuity

		2023 $	2022 $
於4月1日的結餘	Balance as at 1 April	**3,532,096**	3,395,001
年內確認的補助金	Subventions recognised for the year	**(6,511,326)**	(6,386,289)
沒收款	Forfeiture	**566,208**	473,384
已收政府的約滿酬金補助款	Gratuity subvention received from Government	**6,500,000**	6,050,000
於3月31日的結餘	Balance as at 31 March	**4,086,978**	3,532,096

這代表就個人資料私隱專員從政府收取的職員約滿酬金款項。

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

15. 資本補助金

15. Capital Subvention Fund

		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 $	購置客貨車 Procurement of van $	電腦鑑證 Computer Forensics $	總計 Total $
於2021年4月1日	At 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
撥入全面收益表為收入，以配對：	Transfer to the statement 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日及2022年4月1日	At 31 March 2022 and 1 April 2022	110,800	600,013	167,004	85,617	–	–	963,434
政府資本補助金	Government capital subvention	–	–	–	–	287,990	384,800	672,790
撥入全面收益表為收入，以配對：	Transfer to the statement of comprehensive income as income to match with:							
–折舊支出	– Depreciation expense	(110,800)	(553,864)	(57,259)	(85,617)	(63,998)	(36,528)	(908,066)
–其他營運費用	– Other operating expenses	–	–	–	–	–	(121,800)	(121,800)
於2023年3月31日	At 31 March 2023	–	46,149	109,745	–	223,992	226,472	606,358

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.

16. 一般儲備

16. General Reserve

		2023 $	2022 $
於4月1日	At 1 April	**29,596,346**	22,098,572
由全面收益表撥入	Transfer from statement of comprehensive income	**6,548,040**	7,497,774
政府收回上年盈餘	Previous year's surplus recovered by Government	**(5,759,379)**	–
於3月31日	At 31 March	**30,385,007**	29,596,346

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.

17. 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。

17. 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.

17. 融資活動產生的負債對帳(續)

17. Reconciliation of Liabilities Arising from Financing Activities (Continued)

		2023 $	2022 $
於年初	**At beginning of the year**	**13,810,835**	21,081,710
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	**(7,626,419)**	(7,270,875)
已付租賃負債利息	Interest element of lease rentals paid	**(270,699)**	(444,106)
融資現金流的變動總額	Total changes from financing cash flows	**(7,897,118)**	(7,714,981)
		5,913,717	13,366,729
其他變動：	**Other changes:**		
租賃負債利息	Interest on lease liabilities	**270,699**	444,106
租賃負債增加	Increase in lease liabilities	**737,602**	–
其他變動總額	Total other changes	**1,008,301**	444,106
於年末	**At end of the year**	**6,922,018**	13,810,835

18. 金融工具

18. Financial Instruments

個人資料私隱專員將其金融資產分為以下類別：

The PCPD has classified its financial assets in the following categories:

		2023 $	2022 $
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	**568,416**	307,024
銀行結存及現金	Bank balances and cash	**45,153,859**	44,707,258
		45,722,275	45,014,282

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:

		2023 $	2022 $
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	**575,593**	115,164
政府的約滿酬金補助款	Government subvention for gratuity	**4,086,978**	3,532,096
租賃負債	Lease liabilities	**6,922,018**	13,810,835
		11,584,589	17,458,095

18. 金融工具(續)

所有金融工具的帳面值相對2022年及2023年3月31日時的公平值均沒有重大差別。

個人資料私隱專員的風險管理目標、政策和流程主要側重於透過密切監控個別風險承擔，最大限度地減低信貸風險、流動資金風險及市場風險對其財務表現及狀況的潛在不利影響。

(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。

18. Financial Instruments (Continued)

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2023 and 2022.

The PCPD's risk management objectives, policies and processes mainly focus on minimising the potential adverse effects of credit risk, liquidity risk and market risk on its financial performance and position by closely monitoring the individual exposure.

(a) 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.

18. 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：

18. 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 $
2023	**2023**				
應付款項及應計費用	Accounts payable and accruals	575,593	575,593	575,593	–
政府的約滿酬金補助款	Government subvention for gratuity	4,086,978	4,086,978	–	4,086,978
租賃負債	Lease liabilities	6,922,018	7,008,428	6,834,870	173,558
		11,584,589	11,670,999	7,410,463	4,260,536
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

18. 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. 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：

18. 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.

19. Hong Kong Financial Reporting Standards Issued but not yet Effective for the Year

HKFRSs that have been issued but are not yet effective for the year include the following HKFRSs which may be relevant to the PCPD's operations and financial statements:

19. 已頒布但於年內尚未生效的《香港財務報告準則》(續)

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

	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, *Insurance Contracts and the related Amendments*	2023年1月1日 1 January 2023
《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, *Classification of Liabilities as Current or Non-current*	2024年1月1日 1 January 2024
《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, *Disclosure of Accounting Policies*	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, *Definition of Accounting Estimates*	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, *Deferred tax related to assets and liabilities arising from a single transaction*	2023年1月1日 1 January 2023

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。

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.

20. 批准財務報表

本財務報表已於2023年7月7日獲個人資料私隱專員授權刊發。

20. Approval of Financial Statements

These financial statements were authorised for issue by the PCPD on 7 July 2023.

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

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Summaries of Selected Conviction Cases – Lessons Learnt

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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周期。

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) should follow the six Data Protection Principles (DPPs) under the PDPO. The DPPs represent the normative core of the PDPO and cover the entire life cycle of a piece 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 and 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 and 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，私隱專員公署在三個範疇內(包括處理公眾查詢、投訴及法律協助計劃申請)的工作表現均高於服務指標，其中五個項目的所有個案更達到100%的服務水平。

私隱專員公署於兩個工作日內完成回覆電話查詢及確認收到書面查詢的比率為100%，並能夠於28個工作日內詳細回覆書面查詢。

至於處理公眾投訴方面，私隱專員公署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，在決定結束投訴個案當中，98%的個案都能夠在180日內結案(服務指標為95%)。

在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，以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 three categories (including the handling of public enquiries, complaints and applications for legal assistance) exceeded the performance target. All cases in five items even reached a 100% service standard.

The PCPD completed all replies to telephone enquiries and acknowledgements of written enquiries within two working days of receipt. All substantive replies to written enquiries were completed within 28 working days of receipt.

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

When handling applications for legal assistance, acknowledgement receipts were issued within two working days of receipt of all applications. All applicants were informed of the outcome within three months after submitting all the relevant information for their 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				
			2018	2019	2020	2021	2022
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%	99%	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%	96%	99%	99%	99%	98%
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%	不適用[2] N/A[2]	100%	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%	83%	100%	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26/2016號)

查閱資料要求 — 口頭通知查閱資料要求的結果 — 採取糾正措施 — 正確行使酌情權拒絕對投訴進行調查 — 進一步調查不能合理地預計可帶來更滿意的結果

Appeal Case Note (1)

(AAB Appeal No. 26 of 2016)

Data access request (DAR) – data subject was informed of the result of the request orally – remedial measures taken – the Privacy Commissioner's discretion not to further investigate the complaint duly exercised – further investigation cannot reasonably be expected to bring about a more satisfactory result

聆訊委員會成員:	**彭耀鴻資深大律師(主席) Mr Robert PANG Yiu-hung, SC (Chairperson)**
Coram:	**潘詠賢女士(委員) Ms Peggy POON Wing-yin (Member)**
	曾慕秋先生(委員) Mr TSANG Mo-chau (Member)
裁決理由書日期:	**2022 年 10 月 24 日**
Date of Decision:	**24 October 2022**

投訴內容

上訴人向政府部門(該部門)提交查閱資料要求,以索取(i)上訴人於指明期間寄出的信函紀錄,及(ii)上訴人於某日提交的陳述書。根據該部門答覆,該部門曾口頭告知上訴人該部門並無持有上訴人要求的(ii)陳述書,而上訴人所要求的(i)信函紀錄複本已備妥,並可在繳費後提供予上訴人。同日,該部門向上訴人發出信函告知其上述事項。在上訴人清繳有關費用後,該部門於同日向上訴人提供上述要求的文件(i)的複本。

The Complaint

The appellant made a DAR to a government department (Department) for a copy of (i) his outward mail record during a specific period and (ii) his submission of a certain date. According to the Department, the appellant was verbally informed that it did not possess item (ii) but a copy of item (i) was ready for collection upon payment of a fee. On the same day, the Department issued a letter to the appellant informing him of the aforesaid information. Upon subsequent payment of the fee, the Department provided the requested document (i) to the appellant on the same day.



上訴人其後表示並未有收到該部門發出的上述信函，故投訴該部門未有以書面方式通知其並無持有所要求的文件(ii)。

私隱專員的決定

經調查後，私隱專員認為未有足夠證據判斷上訴人曾經或未曾收到上述信函，故沒有足夠資料顯示該部門違反《私隱條例》第19(1)條的規定。就此，私隱專員引用《私隱條例》第39(2)(d)條賦予的酌情權拒絕對上訴人的投訴作進一步調查。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) 在本案之中，委員會認同沒有足夠的證據證明該部門未有將上述信函交予上訴人。即使該部門沒有將上述信函交給上訴人，有關過錯純屬技術上的過錯，而該部門亦已於當日口頭通知上訴人並未有持有文件(ii)。

The appellant denied receiving the aforesaid letter and made a complaint against the Department for failing to inform him in writing that it did not hold the requested document (ii).

The Privacy Commissioner's Decision

Upon investigation, the Privacy Commissioner considered that there was insufficient evidence to assess whether the appellant had or had not received the said letter, and thus decided that there was insufficient information to show that the Department had breached section 19(1) of the PDPO. The Privacy Commissioner exercised the discretion provided by section 39(2)(d) of the PDPO to reject further investigation into the appellant's complaint. Dissatisfied with the Privacy Commissioner's decision, the appellant lodged an appeal with the Administrative Appeals Board (AAB).

The Appeal

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

(1) There was insufficient evidence to suggest that the Department did not pass the said letter to the appellant in this case. Even if the Department had omitted to pass the said letter to the appellant, it would have been considered only a technical breach, as the Department had already informed the appellant verbally that it did not possess item (ii) on the same day.

(2) 由於該部門已採納新措施以免日後發生同樣的爭拗，而有關上訴人所指的失誤亦未有對上訴人造成任何損害或不便，因此委員會認為私隱專員在此情況下可根據《私隱條例》第39(2)(d)條終止調查。

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
程潔美律師代表私隱專員

政府律師李希迦代表該政府部門（受到遭上訴所反對的決定所約束的人）

(2) Given that the Department had already taken new measures to avoid similar disputes in the future and the appellant had not suffered any loss or damage, the AAB considered that the discretion under section 39(2)(d) to end the investigation was properly exercised under the circumstances.

The AAB's Decision

The appeal was dismissed.

The appellant appeared in person
Ms Catherine CHING, Legal Counsel, represented the Privacy Commissioner
Ms Rachel LI, Government Counsel, represented the Government Department (the Person bound by the decision appealed against)



附錄三
Appendix 3



上訴個案簡述(二)

(行政上訴案件第5及第6/2021號)

法人身分不是成為《私隱條例》所定義的資料使用者的先決條件 — 按資料使用者指示行事的代理不屬《私隱條例》下的資料使用者 — 沒有證據支持上訴人提出的指稱及正確行使酌情權拒絕對投訴作進一步調查

Appeal Case Note (2)

(AAB Appeal Nos. 5 & 6 of 2021)

Not a prerequisite for a data user under the PDPO to be incorporated – an agent acting on the instructions of a data user is not a data user under the PDPO – the appellant's allegations were not supported by any evidence and the Privacy Commissioner's discretion not to further investigate the complaint duly exercised

聆訊委員會成員:	**張金良先生(主席) Mr CHEUNG Kam-leung (Chairperson)**
Coram:	**趙恒美女士(委員) Ms Mary Grace CHIU Hang-mei (Member)**
	唐以恒先生(委員) Mr TONG Yee-hang (Member)
裁決理由書日期:	**2022 年 4 月 25 日**
Date of Decision:	**25 April 2022**

投訴內容

上訴人是一座私人屋苑(屋苑)的居民,屋苑的業主委員會(業委會)是由屋苑業主組成的非法團組織,業委會於關鍵時間在任。業委會發出一項問卷(問卷),邀請屋苑業主就與屋苑相關的土地用途表達意見。屋苑的管理人(管理人)被委派負責收集屋苑業主填寫的問卷。

The Complaint

The appellant was a resident of a private residential development (Development). The Owners' Committee (Committee) was an unincorporated association formed by the owners of the Development and was in office at the material time. The Committee issued a questionnaire and invited the owners of the Development to state their views in respect of the land use concerning the Development (Questionnaire). The manager of the Development (Manager) was appointed with the duty to collect the completed Questionnaires from the owners.

上訴人向私隱專員作出投訴，他認為業委會透過問卷不當地收集個人資料，業委會委員應該為此負上責任。他亦投訴管理人與業委會合謀以不法手段透過問卷收集業主的個人資料。

The appellant lodged a complaint with the Privacy Commissioner against the Committee for improperly collecting personal data through the Questionnaire and contended that members of the Committee should be held responsible in this regard. The appellant also lodged a complaint against the Manager, alleging that the Manager had conspired with the Committee and resolved to unlawfully collect personal data of the owners through the Questionnaire.

私隱專員的決定

在調查期間，私隱專員留意到上訴人拒絕確認有關他作為案中資料當事人的身分，即他是否在問卷中被收集意見的屋苑業主的其中一人。

The Privacy Commissioner's Decision

During the investigation into the complaints, the Privacy Commissioner noted that the appellant refused to confirm his status as a data subject concerned in the cases, i.e. whether he was one of the owners of the Development whose views were collected in the Questionnaire.

雖然上訴人拒絕確認其身分，私隱專員仍然檢視與投訴有關的資料，並認為業委會在符合其職能及責任的情況下發出問卷，亦沒有不必要或過度收集個人資料。因此，私隱專員認為並無必要就個案作進一步調查，故行使《私隱條例》第39(2)(d)條的酌情權，決定終止調查上訴人的投訴。上訴人不滿私隱專員在兩宗投訴中所作的決定，遂向委員會提出上訴，並獲一併處理。

Despite the appellant's refusal to provide confirmation as to his identity, the Privacy Commissioner reviewed the relevant information of the complaint and considered that the Committee had acted in accordance with its functions and duties in issuing the Questionnaire, and had not unnecessarily and excessively collected personal data. On this basis, the Privacy Commissioner considered further investigation into the complaints unnecessary and exercised the discretion under section 39(2)(d) of the PDPO to terminate the investigation. Dissatisfied with the Privacy Commissioner's decision made in the respective complaints, the appellant lodged an appeal with the AAB regarding both complaints, which the AAB considered together.

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) 上訴人承認自己並非該屋苑的業主，他沒有填寫過該問卷或提供任何其個人資料給業委會。因此，他並非一名資料當事人，沒有權利按照《私隱條例》第37條作出投訴。單就此原因，該上訴便應被駁回。

(2) 私隱專員的職能及權力列於《私隱條例》第8條。毫無疑問，私隱專員的職能或責任不包括處理樓宇管理爭議。

(3) 《私隱條例》內沒有條文排除業委會(作為非法人組織)成為《私隱條例》下所定義的資料使用者。同時，管理人只是業委會的代理，因此並不屬《私隱條例》下的資料使用者。

(4) 投訴人有責任提出一些證據以證實其指稱。不過，上訴人針對業委會及管理人提出的部分指稱毫無根據。私隱專員在此情況下毋需就該些指控作出調查。

The Appeal

The AAB confirmed the Privacy Commissioner's decisions and dismissed the appeals on the following grounds:

(1) The appellant admitted that he was never an owner of the Development. He did not fill in the Questionnaire nor provide any of his personal data to the Committee. Therefore, he was not a data subject and did not have the right to file a complaint under section 37 of the PDPO. For this reason alone, the appeal should be dismissed.

(2) Section 8 of the PDPO defines the functions and powers of the Privacy Commissioner. It was undoubtedly not her function or duty to deal with building management disputes.

(3) Nothing in the PDPO precludes the Committee (being an unincorporated association) from being a data user as defined under the PDPO. Meanwhile, the Manager merely acted as the Committee's agent and thus was not a data user for the purpose of the PDPO.

(4) A number of allegations made by the appellant against the Committee and the Manager respectively were not supported by any evidence. The Privacy Commissioner was not obligated to further investigate those allegations.

(5) 有關問卷要求業主填寫自己的地址以及簽名是有必要性的。這個要求是要確保每個填寫問卷的業主都只會填寫和交回一份問卷，而且那些已經完成了的問卷是反映了業主們的真實看法。

(6) 基於本案的整體情況，私隱專員終止調查的決定並不涉及不當行使《私隱條例》第39(2)(d)條的酌情權。

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

(5) The requirement that the Questionnaire must be signed by the owners of the Development with their address stated was necessary as the Committee needed to ensure that each owner completed and returned no more than one questionnaire, and that the completed questionnaire reflected the true views of the owners.

(6) In the circumstances of the case, the Privacy Commissioner's decision to terminate the investigation was not an improper exercise of discretion under section 39(2)(d) of the PDPO.

The AAB's Decision

The appeal was dismissed.

The appellant appeared in person
Ms Clemence WONG, Assistant Legal Counsel, represented the Privacy Commissioner



附錄三
Appendix 3



上訴個案簡述(三)

(行政上訴案件第13/2021號)

《私隱條例》讓資料當事人提出查閱資料要求的目的並非擴大文件披露的範圍 — 私隱專員毋須就無憑無據的指稱作出調查 — 正確行使酌情權拒絕對投訴作進一步調查

Appeal Case Note (3)

(AAB Appeal No. 13 of 2021)

Not the purpose of the PDPO to extend the scope of discovery by enabling a data subject to make DARs – Privacy Commissioner not obliged to investigate bare allegations – the Privacy Commissioner's discretion not to further investigate the complaint duly exercised

聆訊委員會成員:	**張金良先生(主席) Mr CHEUNG Kam-leung (Chairperson)**
Coram:	**施明耀先生(委員) Mr SY Ming-yiu (Member)**
	容慧慈女士(委員) Ms Christine YUNG Wai-chi (Member)
裁決理由書日期:	**2022 年 5 月 11 日**
Date of Decision:	**11 May 2022**

投訴內容

上訴人是一間會所(會所)的會員,會所在關鍵時間由一間公司(公司)營運。使用會所的人士需要遵從其規則及附例。公司之前曾向上訴人發出警告信,指稱他屢次違反會所的附例。上訴人否認公司的指稱,並要求公司提供在相關日子於會所涉及上訴人的閉路電視片段。

The Complaint

The appellant was a member of a clubhouse (Clubhouse) operated by a company (Company) at the material time. The use of the Clubhouse was subject to its rules and by-laws. The Company had previously issued a warning letter to the appellant, alleging that he had repeatedly breached the Clubhouse by-laws. The appellant denied these allegations and requested the Company produce CCTV footage taken at the Clubhouse involving him on the relevant date.

公司在回覆上訴人的查閱資料要求時，向他提供了一段短片，當中顯示他在相關日子離開會所的時間。上訴人向私隱專員作出投訴，指稱公司沒有遵從其查閱資料要求，及故意刪除或不法地拒絕提供其他相關影片。

In response to the appellant's DAR, the Company provided him with a short video footage which showed him leaving the Clubhouse on the relevant date. The appellant subsequently lodged a complaint with the Privacy Commissioner against the Company, alleging that the Company failed to comply with the DAR and had either deliberately deleted or unlawfully withheld the other video footage.

私隱專員的決定

經調查投訴後，私隱專員知悉公司已向上訴人提供一段拍攝到上訴人在相關時間位於會所的影片，而沒有其他證據證明上訴人的說法，即指稱公司故意刪除或不法地拒絕提供其他相關影片。

The Privacy Commissioner's Decision

Upon investigating the complaint, the Privacy Commissioner noted that the Company had provided the appellant with footage depicting the appellant in the Clubhouse at the material time. There was no other evidence supporting the appellant's allegation that the Company had either deliberately deleted or unlawfully withheld other footage.

再者，上訴人已經述明查閱資料要求的目的是取得影片以支持他可能會向公司就它對上訴人作出的不實指控而提出的民事索償。私隱專員認為《私隱條例》讓資料當事人享有有關個人資料的權利，目的是讓資料當事人查核其個人資料，而非讓資料當事人為其他的目的(例如訴訟)查找資料。

Furthermore, the appellant stated that the purpose of the DAR was to obtain footage supporting his potential civil claim against the Company for its wrongful assertion. In this regard, the Privacy Commissioner reiterated that the PDPO provides data subjects with access to their personal data to enable them to examine it, but not for other purposes, such as litigation.

因此，私隱專員認為上訴人投訴的主要目標的事宜與個人資料私隱無關，就個案作進一步調查並無必要。私隱專員因而行使《私隱條例》第39(2)(ca)條及第39(2)(d)條的酌情權，決定對上訴人的投訴終止調查。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

On this basis, the Privacy Commissioner considered the appellant's primary subject matter unrelated to personal data privacy and further investigation unnecessary. The Privacy Commissioner exercised discretion under sections 39(2)(ca) and 39(2)(d) of the PDPO to terminate the investigation. Dissatisfied with the Privacy Commissioner's decision, the appellant lodged an appeal with 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上訴人的上訴：

(1) 沒有任何證據支持上訴人的指稱，即公司故意刪除或不法地拒絕提供其他相關影片。上訴人有責任提出至少一些證據以支持其投訴，而私隱專員毋須就無憑無據的指稱作出調查。

(2) 上訴人希望獲得所有可能存在的證據，以確定他可能會向公司提出的申索的勝算。不過，《私隱條例》的目的並非擴大文件披露的範圍以讓他反駁公司就他違反附例所提出的指控。

(3) 公司已遵從上訴人的查閱資料要求，私隱專員正確行使《私隱條例》第39(2)條的酌情權終止調查。

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
黃寶漫助理律師代表私隱專員
該公司(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 appellant's allegation that the Company had either deliberately deleted or unlawfully withheld other footage was unsupported by evidence. The appellant must adduce at least some evidence to support his complaint and the Privacy Commissioner needs not investigate bare allegations.

(2) The appellant wished to have all the potentially available evidence to better determine the merit of potential claims against the Company. However, it was not the purpose of the PDPO to extend the scope of discovery to enable him to rebut the Company's allegations of breach on his part.

(3) The Company had complied with the appellant's DAR and the Privacy Commissioner properly exercised discretion under section 39(2) of the PDPO in terminating the investigation.

The AAB's Decision

The appeal was dismissed.

The appellant appeared in person
Ms Clemence WONG, Assistant Legal Counsel, represented the Privacy Commissioner
The Company (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

載有個人資料而未被加密的文件被發送至錯誤的電郵地址 — 保障資料第2(1)原則 — 個人資料的準確性、保障資料第4原則 — 個人資料的保安

投訴內容

投訴人與丈夫委託某律師樓辦理物業買賣手續。就有關交易，投訴人的丈夫收到一封由該律師樓發出的電郵（該電郵），當中夾附了數份交易文件。投訴人的丈夫留意到，該電郵被抄送予一個與投訴人電郵地址非常相似的電郵地址。投訴人不滿該律師樓將他們夫婦二人的個人資料外洩，遂向私隱專員公署投訴該律師樓。

結果

該律師樓解釋，發送該電郵的職員沒有與投訴人核對其手寫的電郵地址，以致該職員在發送該電郵時錯誤地輸入投訴人的電郵地址。該律師樓亦承認，該職員在透過該電郵發送文件時沒有將附件加密。

Case 1

Unencrypted documents containing personal data were sent to an incorrect email address – DPP 2(1) – accuracy of personal data and DPP 4 – security of personal data

The Complaint

The complainant and her husband appointed a law firm to handle property conveyancing procedures. As part of the transaction, the complainant's husband received an email (the Email) from the law firm, with some conveyance documents attached. The complainant's husband noticed that the Email was also sent to an email address that was highly similar to the complainant's own email address. The complainant was dissatisfied that the law firm had exposed her and her husband's personal data to others. As a result, she lodged a complaint against the law firm with the PCPD.

Outcome

According to the law firm's explanation, the staff member who sent the Email did not verify the handwritten email address with the complainant, resulting in a typographical error when entering the complainant's email address for sending the Email. The law firm also acknowledged that the staff member did not encrypt the attachments when sending the documents via the Email.



經私隱專員公署介入後，該律師樓已指示員工在發出電郵時，須小心檢查收件人地址及附件是否正確，並確保載有客戶個人資料的附件被加密及／或以密碼保護。此外，該律師樓亦就其發送電郵的標準做法為員工提供培訓。

Following the intervention of the PCPD, the law firm instructed its staff to carefully verify the recipient addresses and attachments before sending any emails, and to encrypt and/or password protect all documents containing clients' personal data sent via email. Furthermore, the law firm also provided training to its staff in relation to standard practices of email correspondence.

私隱專員公署亦就事件向該機構發出警告，要求他們務必敦促員工日後在保障及處理個人資料方面，緊遵《私隱條例》的規定，同時嚴格遵從其資料保障政策，不時提醒員工小心處理個人資料的重要性，並定時將相關的政策文件作內部傳閱。

The PCPD also issued a warning to the law firm, requiring it to instruct its staff to strictly comply with the relevant requirements under the PDPO regarding the handling and protection of clients' personal data, and to strictly adhere to its data protection policies. The firm was also instructed to regularly remind its staff about the importance of carefully handling clients' personal data, and to periodically circulate the relevant policy to its staff.

借鑑

個案是源於誤讀手寫電郵地址的人為錯誤。透過電郵與不同人士溝通，是現今十分普遍的工作活動。當員工每日都在發送電郵，他們或會不自覺地忽略了核對電郵地址的重要性。要避免發生類似本案的人為錯誤，機構應透過訂立資料保障的政策，並為員工提供培訓，藉以在員工之間建立尊重個人資料私隱的文化。

Lessons Learnt

The primary cause of the complaint was an instance of human error: the misreading of a handwritten email address. This is not an uncommon occurrence in workplaces where staff regularly communicate with various parties via email. They may unwittingly overlook the importance of verifying the accuracy of email addresses. To prevent similar human errors, organisations are advised to cultivate a culture of respect for personal data privacy. This can be achieved by establishing data protection policies and providing staff members with regular training.

附錄四
Appendix 4

個案二

機構在沒有持有投訴人所要求查閱的資料的情況下索取查閱資料費用 — 保障資料第6原則 — 查閱資料費用

投訴內容

投訴人是某機構的前職員，他在離職後向該機構提出查閱資料要求（該要求），要求查閱他人事檔案中的以下紀錄：(i)被客戶或供應商投訴、(ii)違反僱員合約或該機構向他發出警告信，及(iii)觸犯香港法例第57章《僱傭條例》而被解僱。該機構在回覆該要求時，向投訴人表示需就該要求收取港幣906.5元的查閱資料要求費用（該費用）。然而，經了解後，投訴人得知該機構事實上無持有他所要求查閱的資料。就此，投訴人向私隱專員公署投訴該機構向他收取該費用。

結果

根據《私隱條例》第28條，資料使用者可為依從查閱資料要求而徵收不超乎適度的費用，但這只限於當資料使用者藉提供所查閱的個人資料的複本以依從查閱資料要求。

Case 2

A company charged a fee for data access request notwithstanding that it did not hold the requested data – DPP 6 – charging of fee for data access request

The Complaint

The complainant, a former employee of a company, made a DAR to the company for records from his personnel file. Specifically, he requested information regarding (i) complaints made against him by customers or suppliers, (ii) breaches of the employment contract or warnings sent to him by the company, and (iii) the record of the termination of his employment due to his breach of the Employment Ordinance (Cap 57). The company responded to the DAR with a request for a fee of HK$906.5 (the Fee). However, upon further inquiry, the complainant was informed that the company did not possess the requested data. As a result, the complainant filed a complaint with the PCPD against the company for imposing the Fee on him.

Outcome

According to section 28 of the PDPO, a data user may impose a fee for complying with a DAR, provided that the fee is not excessive. This applies only when the data user complies with the DAR by providing a copy of the requested personal data.



該機構向私隱專員公署確認他們並無持有投訴人所要求查閱的資料，私隱專員公署因而認為，該機構不可為依從該要求而向投訴人徵收費用。經私隱專員公署解釋《私隱條例》的相關規定後，該機構最終以書面回覆投訴人，確認並無持有投訴人所要求查閱的資料，亦再無要求他繳付該費用。由於該機構在個案中向投訴人徵收該費用的做法不符《私隱條例》的規定，私隱專員公署亦已就事件向該機構發警告信，要求該機構日後在處理查閱資料要求方面必須遵循《私隱條例》的規定。

The company confirmed to the PCPD that it did not possess the data requested by the complainant. Consequently, the PCPD determined that the company could not charge the complainant the Fee for complying with the DAR. After explaining the relevant provisions of the PDPO to the company, the PCPD requested that the company provide a written response to the complainant affirming that it did not hold the requested data and would not collect the Fee. As the PCPD found that the imposition of the Fee in the present case did not comply with the requirements of the PDPO, the PCPD issued a warning to the company, advising it to ensure that all future DARs are handled in accordance with the PDPO.

借鑑

《私隱條例》容許資料使用者可為依從查閱資料要求而徵收不超乎適度的費用。然而，徵收費用不適用於資料使用者不持有所要求查閱資料的情況。資料使用者假如並無持有所要求查閱的資料，便必須在收到查閱資料要求後的40日內書面通知提出要求者。

Lessons Learnt

The PDPO allows a data user to impose a non-excessive fee for complying with a DAR. However, the imposition of a fee is not allowed in situations where the data user does not hold the requested data. If a data user does not hold the requested data, it is required to inform the requestor in writing within the 40-day time limit.

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Appendix 4

個案三

興趣班課程中心過度收集學員及家長的個人資料 — 保障資料第1原則 — 個人資料的收集

投訴內容

投訴人到課程中心為兒子報讀興趣班，該中心要求投訴人必須提供她的部分香港身份證號碼和其兒子的出生日期。投訴人認為該中心過度收集個人資料，遂向私隱專員公署作出投訴。

結果

該中心解釋，收集學員家長的部分香港身份證號碼，是為確定他們是學員的監護人，合符資格為未成年學員報讀課程；而收集學員的出生日期則是為向學員提供生日優惠、方便日後為學員報名參加比賽，以及按他的年齡編排班別。

私隱專員公署認為收集家長的香港身份證號碼根本無助該中心確定家長與學員的關係，而就提供生日優惠及按年齡編班的目的而言，收集學員的出生年份及月份已屬足夠。此外，該中心亦不應假設學員將會參加比賽並過早收集他們的完整出生日期作日後報名用途。

Case 3

A learning centre for interest classes collected excessive personal data from students and their parents – DPP 1 – collection of personal data

The Complaint

The complainant signed up for an interest class for her son at a learning centre (the Centre). The Centre required the complainant to provide her partial Hong Kong Identity (HKID) Card number and her son's date of birth. As a result, the complainant filed a complaint with the PCPD against the Centre for excessively collecting personal data.

Outcome

The Centre provided an explanation for collecting parents' partial HKID Card numbers, stating it was necessary to determine their capacity as guardians and eligibility to sign up for students who are minors; whereas the collection of students' date of birth was required for providing birthday offers, registering for competitions, and allocating them to classes according to age groups.

The PCPD considered the collection of the parents' HKID Card numbers would not aid the Centre in verifying their relationship with the students and that it should be sufficient to collect only the year and month of birth for providing birthday offers and class allocation. The Centre should not assume students will sign up for future competitions and collect their complete date of birth prematurely.



經私隱專員公署介入後，該中心已修改其收集個人資料的做法，停止向學員的監護人收集香港身份證號碼及改為只收集新學員的出生年份和月份，該中心亦同時銷毀經已收集的香港身份證號碼，並確保資料庫中只保存現有學員的出生年份和月份。

私隱專員公署亦就事件向該中心發出警告，要求他們日後向客人收集個人資料前，慎重考慮是否真正需要收集有關資料，確保緊遵《私隱條例》的相關規定。

借鑑

由於香港身份證號碼屬敏感的個人資料，一旦被濫用，可為當事人帶來身分被盜用等嚴重後果。為確保循規守法，機構在決定收集香港身份證號碼前應進行全面評估，以確定是否有真正需要及充分理據作出有關收集。另一方面，兒童私隱的議題在社會上日漸受到關注，致力保障和尊重兒童私隱的機構可贏得家長的信任，從而建立競爭優勢。

After the PCPD intervened, the Centre revised its practice of personal data collection such that it no longer collected guardians' partial HKID Card numbers, and only collected the month and year of birth from newly enrolled students. The Centre also destroyed the previously collected HKID Card numbers, retaining only the month and year of birth in the records of current students.

The PCPD also issued a warning to the Centre, urging it to carefully consider if it is necessary to collect the personal data before requesting it from customers and to ensure compliance with the relevant requirements under the PDPO.

Lessons Learnt

As HKID Card numbers are a piece of sensitive personal data, its misuse may result in dire consequences like identity theft to data subjects. To ensure compliance with the legal requirements, organisations should, before deciding to collect HKID Card numbers, thoroughly assess if there exists a genuine need and sufficient justification for such collection. On the other hand, in the light of the increasing concern surrounding children's privacy in society, organisations that are committed to respecting and protecting children's privacy can gain competitive edges by winning parents' trust.

附錄四
Appendix 4

個案四

員工在社交媒體不當披露客戶個人資料 — 保障資料第4原則 — 個人資料的保安

投訴內容

投訴事件發生於2019冠狀病毒病爆發期間，根據當時實施的防疫政策，抵港人士須在指定檢疫酒店接受檢疫。投訴人表示，他在社交媒體上發現一段短片(該短片)，片中出現一份入住檢疫酒店接受檢疫人士的名單(該名單)，載於該名單上的住客姓名、預訂確認編號及房間號碼等資料清晰可見。投訴人就此向私隱專員公署作出投訴。

結果

從有關社交媒體帳戶的公開內容可見，發布該短片的人士可能是一間指定檢疫酒店的員工，私隱專員公署遂向該酒店查詢。

該酒店確認短片是由一名合約外判員工發布，他因工作需要獲授權處理該名單。該員工上載該短片的原意，是為了在社交媒體分享工作地點的環境，但並沒有留意到該名單在無意中被攝入鏡頭。在私隱專員公署介入後，該員工已即時從社交媒體移除該短片。

Case 4

An employee of a hotel disclosed customers' personal data on social media without authorisation – DPP 4 – security of personal data

The Complaint

The incident under complaint happened amid the outbreak of COVID-19. According to the anti-pandemic measures in force at the material time, people arriving in Hong Kong were required to undergo quarantine at a designated quarantine hotel. The complainant alleged that from a video clip (the Clip) uploaded onto the social media, he noticed a list (the List) of hotel guests who were under hotel quarantine. The List displayed sensitive information, such as the guests' names, their booking confirmation numbers and room numbers, which could be clearly seen in the Clip. The complainant hence lodged a complaint with the PCPD.

Outcome

Based on the information posted on the social media account in question, the Clip might have been posted by an employee of a designated hotel. The PCPD hence approached the hotel for enquiry.

The hotel confirmed that the Clip was uploaded by a member of its outsourced contract staff, who was authorised to access the List for the purpose of performing his duties. The staff member had inadvertently captured the List in the Clip while attempting to show the work environment to others. After the PCPD intervened, the staff member immediately removed the Clip from social media.



該酒店並確認該員工由於拍攝及於社交媒體發布日常工作中所接觸的資訊，因而違反他們的保障客人資料政策。除向該員工發出警告，指示他日後嚴格遵循該酒店的內部指引行事，該酒店亦向所有員工提供相關培訓，提醒員工應採取的保障客人個人資料的步驟。

The hotel also confirmed that the staff member had breached its policy for protecting customers' personal data by filming and uploading work-related information to social media. In addition to warning the staff member and instructing him to strictly comply with the policy in future, the hotel provided relevant training for all staff members and reminded them of the practical steps that should be taken to protect customers' personal data.

私隱專員公署就事件向該酒店發出警告，敦促該酒店定期向相關員工發出指引，並透過培訓提高員工保障個人資料私隱的意識，確保員工以謹慎的態度處理客人的個人資料，以符合《私隱條例》的相關規定。

The PCPD also issued a warning to the hotel, requiring it to regularly issue reminders to relevant staff members, heighten their awareness of personal data protection through training, and ensure that its staff members handle customers' personal data with caution, in order to ensure compliance with the relevant requirements under the PDPO.

借鑑

隨着手機及社交媒體的廣泛使用，拍攝日常生活片段在網上分享的做法亦漸趨普遍。在趕上潮流拍攝及分享短片的同時，大家必須注意當中的個人資料私隱危機並謹慎行事，例如避免將載有個人資料的文件攝入鏡頭，並在上載短片前仔細檢查短片的內容，確定內容是適合作公開分享後才上載到社交媒體，以避免發生類似本案的事件。

Lessons Learnt

Following the prevalent use of mobile phones and social media, filming and sharing video clips of daily life has become a common practice. While catching up with this trend, we must also be mindful of potential privacy pitfalls. To avoid the occurrence of incidents similar to this case, it is important to avoid filming any records of personal data, and to carefully review the recorded content to ensure its suitability for public sharing prior to uploading to social media.

附錄四
Appendix 4

個案五

美容中心職員以不公平的方式透過錄音記錄客人於診症時的對話內容 — 保障資料第1原則 — 個人資料的收集

投訴內容

投訴人為某美容中心的客人。她就一項美容療程與該美容中心產生糾紛。投訴人按該美容中心的要求，在其職員陪同下到指定診所就她的皮膚狀況諮詢醫生意見。在過程中，投訴人發現該美容中心的職員在未有告知她的情況下將她與醫生診症時的對話內容錄音。投訴人不滿該職員以不公平的方式收集其個人資料，遂向私隱專員公署投訴該美容中心。

結果

該美容中心表示，事件乃個別職員不了解《私隱條例》的規定所致。該美容中心向私隱專員公署確認已刪除有關錄音，並向投訴人致歉。此外，該美容中心向涉事職員發出警告，告誡涉事職員不可隨意進行錄音及如有需要錄音必須先告知當事人。為避免同類情況再次發生，該美容中心承諾會安排職員參加與《私隱條例》相關的培訓，以提升職員對保障客人個人資料私隱的意識。

Case 5

A staff member of a beauty centre recorded a customer's conversation during a medical consultation by unfair means – DPP 1 – collection of personal data

The Complaint

The complainant, a customer of a beauty centre, had a dispute with the centre concerning a beauty treatment. At the request of the beauty centre, the complainant visited a designated clinic with a staff member to consult a doctor regarding her skin condition. During the consultation, the complainant discovered that a staff member from the beauty centre had audio-recorded the conversation between her and the doctor without notifying her. Dissatisfied with the staff member's unfair collection of her personal data, the complainant lodged a complaint against the beauty centre with the PCPD.

Outcome

The beauty centre attributed the incident to an individual staff member's inadequate understanding of the PDPO. After confirming with the PCPD that the recording in question had been deleted, the centre apologised to the complainant and issued a warning to the staff member involved, cautioning her against making recordings without prior notification to customers. To prevent recurrence of similar incidents, the beauty centre promised to arrange relevant PDPO training for its staff members to enhance their awareness of protecting customers' personal data privacy.



私隱專員公署向該美容中心發出警告，要求該美容中心必須確保前線職員充分了解及遵守《私隱條例》下有關收集個人資料的規定。如職員欲透過錄音記錄客人於診症過程中的對話內容，他們必須在切實可行的情況下，事先通知當事人，向他們提供「收集個人資料聲明」，包括清楚告知當事人進行錄音的目的，以緊遵《私隱條例》的有關規定。

The PCPD had issued a warning to the beauty centre, requesting it to ensure its frontline staff members fully understand and comply with the requirements of the PDPO in relation to the collection of personal data. To comply with the relevant requirements of the PDPO, if staff members intend to record customers' conversations during medical consultations, they should take all practicable steps to ensure that the customer is given prior notice and provided with a Personal Information Collection Statement, which should explicitly inform customers of the purpose of the recording.

借鑑

私隱專員公署明白機構在若干情況下需要透過錄音記錄客戶的對話內容。不過，如對話內容包含客戶的個人資料，相關錄音便會構成收集個人資料而受《私隱條例》所規管。在這情況下，機構必須先告知客戶擬進行錄音及其有關目的，以遵守《私隱條例》的保障資料第1原則下有關收集個人資料的規定。此外，涉案職員對保障客戶個人資料私隱的意識明顯不足。機構應定期向員工提供個人資料私隱的培訓，以確保員工能充分了解及遵守《私隱條例》的規定。

Lessons Learnt

The PCPD understands that organisations may have legitimate reasons for audio-recording customers' conversations under certain circumstances. However, if such conversations involve customers' personal data, the recording will amount to the collection of personal data, and the relevant requirements under the PDPO must be observed. In such situations, organisations must first notify customers of their intention to make audio recordings and the purpose of recording to comply with the requirements of DPP 1 under the PDPO regarding the collection of personal data. Additionally, the staff member involved in this case demonstrated a lack of awareness of the importance of protecting customers' personal data privacy. Organisations should provide regular personal data privacy training to their employees to ensure they fully understand and comply with the requirements of the PDPO.

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

中醫師在使用病人的個人資料作直接促銷前沒有採取指明的行動通知該病人，以及未有告知該病人她拒收直接促銷訊息的權利 —《私隱條例》第35C及35F條

Case 1

A Chinese medicine practitioner used a patient's personal data in direct marketing without taking specified actions to notify the patient and obtain her consent, and failed to notify the patient of her opt-out right – sections 35C and 35F of the PDPO

法院：	**東區裁判法院**
Court:	**Eastern Magistrates' Court**
審理裁判官：	**屈麗雯裁判官**
Coram:	**Miss WAT Lai-man, Minnie, Magistrate**
裁決日期：	**2023 年 2 月 10 日**
Date of Decision:	**10 February 2023**

投訴內容

投訴人是一間中醫診所的病人，她於2015年向該診所提供個人資料，Y中醫師亦曾是該診所的中醫師，但投訴人從未向Y中醫師問症。其後，投訴人收到Y中醫師的WhatsApp訊息，自稱為該診所的前中醫師，向投訴人發送她的工作名片，宣傳她新任職診所的中醫藥服務。

The Complaint

The complainant was a patient at a Chinese medicine clinic (the Clinic) and provided her personal data to the Clinic in 2015. Practitioner Y also worked at the Clinic as a Chinese medicine practitioner but was never consulted by the complainant. Subsequently, the complainant received a WhatsApp message from Practitioner Y, who claimed to be a former practitioner at the Clinic, containing a photo of Practitioner Y's business card promoting Chinese medicine services at a new clinic where she then worked.



結果

Y中醫師承認違反《私隱條例》第35C(1)條及第35F(1)條的控罪，即她未有採取所需步驟通知當事人及取得她的同意下，使用當事人向另一診所提供的個人資料以向她發出直接促銷訊息；亦在首次使用當事人的個人資料作直接促銷時，未有告知當事人有權要求被告在不收費的情況下，停止使用她的個人資料。Y中醫師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。

借鑑

隨着市民保障個人資料私隱的意識日漸提升，機構及其僱員須尊重客戶對其個人資料在直接促銷中如何使用的選擇。離職僱員在使用舊客戶的個人資料進行直接促銷時，更應加倍小心，除了要先取得前僱主的同意外，離職僱員還應按《私隱條例》有關直接促銷的條款，採取所需步驟通知資料當事人並取得他們的同意。

Outcome

Practitioner Y pleaded guilty to charges of sections 35C(1) and 35F(1) of the PDPO for failing to take the necessary action and obtain the data subject's consent before using her personal data that was provided to another clinic in direct marketing. She also neglected to inform the data subject of her right to request that her personal data not be used in direct marketing without charge when using it for the first time. Practitioner Y was fined HK$2,000 in respect of each charge, totalling HK$4,000.

Lessons Learnt

In view of the rising public awareness of the importance of protecting personal data privacy, organisations and their employees should respect their customers' choices regarding the use of their personal data in direct marketing. Former employees should pay close attention when using personal data of their previous clients in direct marketing. Apart from obtaining consent from their former employers, ex-employees should also take specified actions to notify the data subjects and obtain their consent in accordance with the requirements of direct marketing under the PDPO.

附錄五
Appendix 5

個案二

情侶分手後，男方在互聯網上將洩露女方的個人資料 —《私隱條例》第64(3A)條

Case 2

A man disclosed his ex-girlfriend's personal information on the internet after their breakup – section 64(3A) of the PDPO

法院：	**沙田裁判法院**
Court:	**Shatin Magistrates' Court**
審理裁判官：	**張志偉裁判官**
Coram:	**Mr CHEUNG Chi-wai, David, Magistrate**
裁決日期：	**2022 年 10 月 6 日**
Date of Decision:	**6 October 2022**

投訴內容

被告與投訴人曾短暫交往，但不久後分手。其後，被告在沒有得到投訴人的同意下，先後於四個不同的社交媒體平台上披露投訴人的個人資料，包括姓名、照片、住址、私人及辦公室電話號碼、公司名稱及職位。被告還在其中三個平台冒認投訴人開設帳戶，並指投訴人歡迎其他人到她的住址找她。後來，許多陌生人聯絡投訴人，意圖與她交朋友。

The Complaint

The complainant and the defendant had a brief relationship before breaking up. Thereafter, without the complainant's consent, the defendant disclosed the complainant's personal data, including her name, photos, residential address, office and private telephone numbers, and the name of her employer and position, on four different social media platforms. The defendant also impersonated the complainant to open accounts on three of the said platforms, stating that the complainant welcomed others to visit her at her home address. Many strangers later contacted the complainant and tried to get acquainted with her.

結果

法院在被告認罪後，裁定他七項涉及「起底」的控罪成立。法院經考慮相關報告後，判處被告監禁八個月。

借鑑

公眾人士應以合法和負責的方式處理糾紛。在互聯網上披露他人的個人資料，不但無助於解決問題，反而往往會令情況變得更壞。此外，「起底」被視為嚴重的刑事罪行。違例者一經定罪可即時監禁，最高可被處罰100萬元及監禁五年。

Outcome

The defendant pleaded guilty to seven charges of the doxxing offence. After considering the relevant reports, the court sentenced the defendant to eight months' imprisonment for unlawfully disclosing the complainant's personal data.

Lessons Learnt

The general public should handle their disputes in a lawful and responsible manner. Revealing personal data of others on the internet may amount to doxxing and does not help resolve issues. Moreover, doxxing is a serious criminal offence. Offenders are liable upon conviction to immediate imprisonment and subject to a maximum penalty of a fine up to $1,000,000 and imprisonment up to five years.



附錄五
Appendix 5

個案三

網上賣家因金錢糾紛在互聯網上洩露供應商的個人資料 —《私隱條例》第64(3A)條

Case 3

An online trader disclosed her supplier's personal information on the internet because of monetary dispute – section 64(3A) 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：	**2023 年 2 月 1 日**
Date of Decision:	**1 February 2023**

投訴內容

被告從事網上買賣，而投訴人曾是其供應商。兩人之間的商業關係因金錢糾紛而變得緊張。其後，被告在一個社交媒體平台上14個不同的群組發文，聲稱有人騙財，並在文中披露投訴人和她的丈夫的個人資料。被披露的個人資料包括投訴人和她的丈夫的中文姓名、照片和電話號碼。

The Complaint

The defendant was an online trader and the complainant was her supplier. Their business relationship turned sour after a dispute over money. Thereafter, the defendant disclosed the personal data of the complainant and her husband in 14 groups of a social media platform, along with allegations of fraudulent behaviour. The disclosed personal data included the Chinese names, photos, and phone number of the complainant and her husband.

結果

法院在被告認罪後，裁定她14項涉及「起底」的控罪成立。法院經考慮相關報告後，判處被告監禁兩個月，緩刑兩年。

借鑑

市民應循合法途徑處理糾紛，將他人「起底」是不可接受的行為，相反往往只會使衝突升級。再者，「起底」屬嚴重罪行，違例者一經定罪可即時監禁，最高可被處罰100萬元及監禁五年。

Outcome

The defendant pleaded guilty to 14 charges of the doxxing offence. After considering the relevant report, the court sentenced the defendant to two months' imprisonment, suspended for two years.

Lessons Learnt

Members of the public should resolve their disputes by lawful means. Doxxing is not an acceptable means of resolution of disputes and will only escalate the conflict. Moreover, doxxing is a serious offence and offenders are liable upon conviction to immediate imprisonment and subject to a maximum penalty of a fine up to $1,000,000 and imprisonment up to five 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

一間教育機構因密碼管理欠佳而導致未獲授權查閱學生和家長的個人資料 — 保障資料第4原則 — 個人資料的保安

背景

一間教育機構向私隱專員公署通報，指他們的資訊管理系統遭黑客利用暴力攻擊獲取了管理員密碼，並建立了具有管理權限的新帳戶，以查閱當中的個人資料。事件影響超過24,000名家長及學生用戶的個人資料。

該機構調查後發現，是次事故源於密碼管理欠佳，未有採取行業最佳做法保護管理員帳戶所致。

Case 1

An educational institution's improper password management led to unauthorised access to the personal data of students and parents – DPP 4 – security of personal data

Background

An educational institution reported to the PCPD that a hacker had acquired the administrator password of its information management system through a brute force attack and created a new account with administrative rights to access the personal data stored in it. The incident affected the personal data of more than 24,000 parent and student users.

Investigation revealed that the incident was due to improper password management, which failed to protect the administrator account in accordance with industry best practices.



補救措施

收到該機構的通報後，私隱專員公署展開循規審查，並就《私隱條例》的相關規定向該機構提供建議。就此，該機構採取了補救措施，包括為其資訊管理系統採用雙重認證功能為系統帳戶提供額外的保護、設定高強度密碼、定期清理不必要的帳戶，以及透過加強培訓提高員工的資料保障意識。

Remedial Measures

Upon receipt of the notification from the institution, the PCPD initiated a compliance check and provided recommendations to the institution to ensure compliance with the relevant provisions of the PDPO. In response, the institution implemented remedial measures, including two-factor authentication for its information management system to provide an additional layer of protection for system accounts, strong passwords, regular purging of unnecessary accounts and an enhanced training programme to raise employees' awareness of data privacy protection.

借鑑

基於行政和教學用途，教育機構通常會持有大量關於學生及學生家長的個人資料。越來越多教育機構採用網上學習模式，當這些機構利用資訊科技帶來方便的同時，不應忽視隨之而來的私隱風險，特別是關乎兒童及青少年的個人資料。機構管理個人資料系統需加強警惕，制定適當的系統安全政策、措施和程序(例如善用多重認證功能及採用合適的密碼管理政策)，以減低個人資料遭未獲准許的或意外的查閱、處理、刪除、喪失或使用的風險。

Lessons Learnt

Educational institutions typically hold a large amount of personal data about students and their parents for administrative and educational purposes. There is an increasing trend of adopting online learning models by educational institutions. While reaping the benefits of information technology, these institutions should not overlook the accompanying privacy risks, especially regarding the personal data of children and youngsters. Organisations managing personal data systems need to remain vigilant and implement appropriate security policies, measures and procedures (e.g. utilising multi-factor authentication and adopting suitable password management policies) to minimise the risks of unauthorised or accidental access, processing, erasure, loss or use of personal data.

附錄六
Appendix 6

個案二

一名體育組織的職員錯誤地上載及傳送活動參加者的個人資料 — 保障資料第4原則 — 個人資料的保安

背景

一間體育組織向私隱專員公署通報，指職員在安排發放比賽資訊予參賽者時，錯誤地把載有308名活動參加者的姓名、電話號碼及電郵地址的檔案上載至該組織的網站及透過電郵發送給參加者。

補救措施

在收到該組織的通報後，私隱專員公署展開了循規審查。該組織向私隱專員公署表示，該組織已因應事件強化處理個人資料的程序，當中要求職員須妥善地為載有個人資料的檔案命名，使載有參賽者個人資料的檔案能夠被明確辨認，從而減少錯誤選取檔案的機會。此外，工作人員在安排上載或透過電郵發送載有個人資料的檔案前，須先由主管級職員加以覆核。該組織已召開全體員工會議向所有職員講解上述程序，並敦促職員需加以遵從。

Case 2

A staff member of a sports organisation accidentally uploaded and transmitted the personal data of event participants – DPP 4 – security of personal data

Background

A sports organisation reported to the PCPD that a staff member accidentally uploaded a file with the names, phone numbers and email addresses of 308 event participants to the organisation's website and sent it to participants via email while distributing competition information.

Remedial Measures

Upon receiving the notification from the sports organisation, the PCPD initiated a compliance check. The organisation informed the PCPD that it had enhanced personal data handling procedures in response to the incident. These measures included requiring staff to properly name files containing personal data for easy identification of files containing participants' personal data, reducing the likelihood of selecting the wrong file. Furthermore, managerial staff should review files containing personal data before uploading or emailing them. The organisation held a meeting with all employees to explain these procedures and urged staff to comply.

借鑑

資料外洩事故往往是由人為錯誤所引起。資料使用者應持續向員工灌輸保障資料的重要性，並向他們提供有關如何妥善處理個人資料的培訓。同時，資料使用者應在處理個人資料方面建立清晰而有效的程序和指引，並採取措施（例如定期提示及抽查）以確保他們遵從有關程序和指引。

Lessons Learnt

Data breach incidents are often caused by human errors. It is essential for data users to continuously make employees aware of the importance of data protection and provide them with training on proper personal data handling. Establishing clear and effective procedures and guidelines for handling personal data is essential, along with implementing measures (such as regular reminders and audits) to ensure adherence to these procedures.



附錄六
Appendix 6

個案三

載有學生及家長個人資料的文件夾遭意外棄置 — 保障資料第4原則 — 個人資料的保安

背景

一所學校向私隱專員公署通報，指一名工友錯誤地把一個載有超過100名學生及家長個人資料的「自動轉賬」文件夾（該文件夾）當作廢物處理，並棄置於學校附近的垃圾站。

該學校調查後發現，是次事故源於負責處理自動轉賬工作的文員將該文件夾放置在其桌下的垃圾桶上，以致工友誤以為該文件夾屬可棄置，並與其他廢物一併處理。

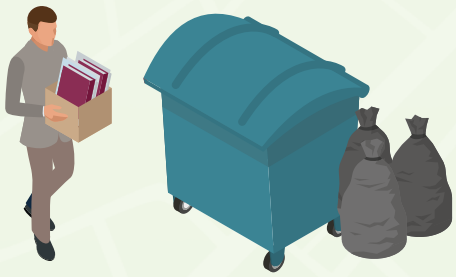
Case 3

A folder that contained personal data of students and parents was accidentally disposed of – DPP 4 – security of personal data

Background

A school reported to the PCPD that a cleaner had mistakenly treated a folder that contained auto-pay documents with personal data of over a 100 students and parents (the Folder) as waste and disposed of it at the refuse collection point near the school.

An investigation conducted by the school revealed that the clerk responsible for handling auto-pay documents placed the Folder on the rubbish bin under her desk. As a result, the cleaner disposed of the Folder together with other waste by mistake.



補救措施

收到該學校的通報後，私隱專員公署展開循規審查。因應是次事故，該學校已提醒涉事文員須謹慎處理及保管載有個人資料的文件，並向涉事工友提供有關處理廢物做法的培訓。此外，該學校將保障個人資料私隱的工作指引及注意事項納入教職員守則內，並透過會議及工作坊培訓，向員工發放已修訂的守則並講解當中要點。

Remedial Measures

Upon receipt of the notification from the school, the PCPD initiated a compliance check. In response to the incident, the school reminded the clerk of the need to exercise caution in handling and safekeeping documents containing personal data. The school also provided the cleaner with training on proper waste disposal procedures. Besides, the school incorporated guidelines and points to note on personal data protection into its staff code of conduct. The revised code of conduct was disseminated to staff through meetings and workshop training.

借鑑

無論個人資料是遭意外丟失、洩漏還是不當處置，對受影響的個人潛在的傷害不容忽視。除了制訂保障資料政策和程序外，機構應加強保安措施以保障個人資料，並採取措施及監管機制，確保僱員遵從這些政策和程序的要求行事，以及為他們提供全面的培訓，加強他們保障個人資料私隱的意識，減低人為錯誤的風險。

Lessons Learnt

Regardless of whether personal data is accidentally lost, leaked or improperly disposed of, the potential harm to the affected individuals should not be underestimated. In addition to establishing effective data protection policies and practices, organisations should strengthen security measures to safeguard personal data. This includes implementing measures and monitoring mechanisms to ensure employees comply with policies and procedures, as well as providing comprehensive training to strengthen employees' awareness of personal data protection and minimise the risk of human errors.


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