

# 保障數據安全 推動數字經濟

## Ensuring Data Security

to Promote a Digital Economy

2023-24 年報 Annual Report



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# 私隱專員的話

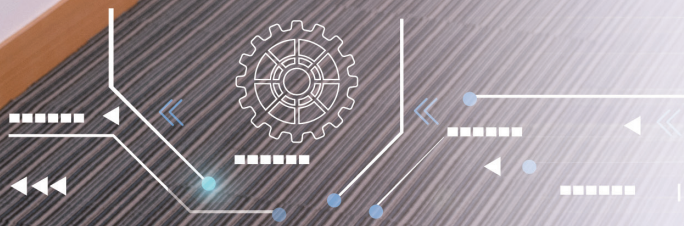
## PRIVACY COMMISSIONER'S MESSAGE



**鍾麗玲**

**Ada CHUNG Lai-ling**

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



歡迎大家參閱個人資料私隱專員公署（私隱專員公署）2023-24年度的年報。本年報呈現了私隱專員公署過去一年難忘的工作和發展。隨着數字經濟提速發展，我們密切關注威脅數據安全的情況，而我們採取的果斷行動亦卓有成效。鑑於人工智能（AI）安全極其重要，我們與國際間其他私隱或資料保障機構合作，共同應對與AI相關的棘手私隱風險。在執法方面，循規行動、刑事調查和拘捕的數字皆錄得破紀錄的增幅，我們的執法行動持續擴大、發展。放眼大灣區，我們積極促進大灣區內個人資料跨境流動，為推動國家數字經濟持續發展作出貢獻。本年報刻畫私隱專員公署在報告年內廣泛、多樣的行動和長足發展，在瞬息萬變的數碼世界中不遺餘力地保護個人資料私隱，推動數字經濟。

Welcome to the 2023-24 Annual Report of the Office of the Privacy Commissioner for Personal Data (PCPD). This report unveils a remarkable year of action and growth for my Office. As the drive towards the digital economy gains momentum, we have kept our finger on the pulse of data security threats that loom on the horizon and taken incisive actions to serve the public. Recognising the paramount importance of artificial intelligence (AI) security, we have collaborated with our international counterparts to tackle the thorniest privacy risks associated with AI. On the enforcement front, our actions have continued to expand and grow, leading to a record-breaking surge in compliance actions, criminal investigations and arrests. Within the Greater Bay Area, we have actively facilitated cross-boundary flow of personal data, contributing to the continuous growth of a thriving digital economy in our Motherland. This report also underscores the immense breadth and scale of action and growth undertaken by my

Office over the reporting year, as we left no stone unturned in our commitment to safeguarding personal data privacy in the ever-evolving digital landscape to promote a digital economy.







## 2023-24 年度的主要數字 Key Performance Figures in 2023-24

以下數字充分展現了我們在2023-24年度在各領域努力保障個人資料私隱。我們在各方面均克盡己任，工作亮點如下：

The following performance figures showcase our comprehensive efforts in safeguarding personal data privacy in the reporting year of 2023-24. We have faithfully discharged our duties on all fronts with highlights as follows:

- 接獲**3,600**宗投訴個案；  
Received **3,600** complaints;
- 處理**631**宗「起底」個案；  
Handled **631** doxxing cases;
- 展開**113**次調查；  
Commenced **113** investigations;
- 接獲**169**宗資料外洩事故通報；  
Received **169** data breach notifications;
- 接獲**16,034**宗公眾查詢；  
Received **16,034** public enquiries;
- 進行**410**次循規行動；  
Conducted **410** compliance actions;
- 展開**152**次刑事調查；  
Initiated **152** criminal investigations;
- 採取**26**次拘捕行動；  
Mounted **26** arrest operations;
- 發布**67**篇新聞稿；  
Issued **67** media statements;
- 回應**172**宗傳媒查詢；  
Responded to **172** media enquiries;
- 各媒體發布了**2,629**則與私隱專員公署工作相關的新聞；  
Noted **2,629** news reports relating to the PCPD's work across various media channels;
- 錄得每月平均**214,046**人次瀏覽私隱專員公署網站；  
Logged an average of **214,046** visits to the PCPD's website each month;
- 於社交媒體發表**663**篇帖文；及  
Published **663** social media posts; and
- 錄得**40,735**人次參加私隱專員公署的講座、研習班及工作坊。  
Recorded **40,735** attendances at the PCPD's talks, seminars and workshops.

## 2023-24年度的主要成果

### 提升數據安全

提升數據安全對孕育一個維護個人資料私隱的繁榮社會，以至促進數字經濟發展都至關重要。鑑於數據包括個人資料，保障個人資料私隱已成為確保和提升數據安全的基石。在報告年度內，私隱專員公署開展了一系列行動，致力提升各持份者，包括機構和市民的數據安全。我們舉辦了一連串活動，涵蓋出版全面的指引、發表資料豐富的意見調查、主辦具影響力的推廣活動及發表國際性的聯合聲明。

為應付日益加劇、針對機構的網絡攻擊，我們於2023年6月主動發出《資料外洩事故的處理及通報指引》，向機構提供實用建議，讓他們能在資料外洩事故「發生前」及「發生後」妥善應對。我們在2023年11月亦與香港生產力促進局共同公布「香港企業網絡保安準備指數及私隱認知度調查2023」報告結果，闡述了各企業的網絡保安準備和私隱認知程度。因應調查報告的結果，我們迅速地推出「數據安全三大法寶」，包括(i)一站式的數據安全專題網頁；(ii)供機構評核其數據安全措施是否足夠的自我評估工具「數據安全快測」；和(iii)向機構提供協助的「數據安全熱線」。

## Major Accomplishments in 2023-24

### Enhancing Data Security

Enhancing data security is pivotal towards nurturing a thriving society that upholds personal data privacy and promoting digital economy. Recognising that data encompasses personal data, safeguarding its privacy has become the bedrock of ensuring and enhancing data security. Throughout the reporting year, the PCPD embarked on a multitude of initiatives aimed at bolstering data security for all stakeholders, be they organisations or members of the public. Our endeavours spanned a wide spectrum of activities, including publishing comprehensive guidance, releasing insightful surveys, organising impactful promotional campaigns and issuing joint statements on a global scale.

In response to the escalating cyberattacks targeting organisations, we proactively issued a new guidance publication titled “Guidance on Data Breach Handling and Data Breach Notifications” in June 2023. This guidance is intended to equip organisations with practical recommendations on navigating both the “BEFORE” and “AFTER” scenarios of a data breach. In November 2023, we collaborated with the Hong Kong Productivity Council to release the results of the “Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness Survey 2023”. That report shed light on the prevailing state of cybersecurity preparedness and privacy awareness within the enterprise landscape. The findings left no room for complacency, prompting us to swiftly roll out the “Data Security Trio”, which comprised (i) a dedicated thematic webpage on data security; (ii) the “Data Security Scanner” – a self-assessment tool enabling organisations to evaluate the adequacy of their data security measures; and (iii) a “Data Security Hotline” to aid organisations.



我們不但致力於實行各種措施，亦積極地與其他執法機構和行業合作，舉辦一系列講座，從而搭建一個平台，促進對數據安全威脅相關的風險和應對方案的認知，例如探討一些值得注意的安全威脅，包括網絡釣魚和勒索軟件等。

Our commitment to action extends beyond mere implementation of initiatives. We have actively collaborated with other law enforcement agencies and industry partners by organising a series of seminars, which served as a platform for fostering a wider understanding of the risks and countermeasures surrounding data security threats. Noteworthy security threats discussed included phishing attempts and ransomware.

數據無分國界，數據安全問題亦然。近年，數據擷取帶來的數據安全隱患備受關注。從數據安全角度而言，未經授權的數據擷取有可能導致敏感的個人資料曝光。有見及此，私隱專員公署聯同澳洲、加拿大和英國等地11個私隱或資料保障機構，向社交媒體平台和其他載有公開個人資料的網站發表聯合聲明，提醒相關平台和網站有責任保護個人資料免遭非法數據擷取，並表明環球保障私隱期望及原則。如聯合聲明所強調：「確保數據安全是一種動態的責任，保持警惕至關重要。」

Data transcends border, and so do data security issues. Data scraping has emerged as a rising data security concern in recent years. From a data security perspective, unauthorised data scraping can lead to the exposure of sensitive personal data. To address this problem, my Office joined hands with 11 other privacy or data protection authorities around the globe to issue a joint statement to social media platforms and other websites that host publicly accessible personal data. The statement reminded these platforms and websites of their responsibilities to protect personal data from unlawful data scraping, and outlined the global expectations and principles on privacy protection. As stressed in our joint statement, *“Data security is a dynamic responsibility and vigilance is paramount.”*



## 堅定採取執法及循規行動

執法是私隱專員公署其中一個主要法定職責，我們亦竭盡所能擔當這個角色。我樂於匯報本年度打擊非法「起底」活動的工作，再次取得豐碩成果。年度內我們共展開了152次刑事調查，比去年同期增近一倍；亦採取了26次拘捕行動，拘捕27人；「起底」訊息移除率與上個報告年度一樣超過95%，在我們向網上平台發出停止披露通知後，共有9,227個「起底」訊息被移除。

除了打擊「起底」，私隱專員公署其他監管執法行動亦見顯著增長。當中一項重要工作涉及對香港所有信貸資料服務機構進行全面的循規審查。相關循規審查已於2024年1月完成，我們未有發現有違反《個人資料（私隱）條例》關於借款人資料保安及保留期限規定的情況。年內，我們亦完成對不同資料外洩事故的主要調查。

## Robust Enforcement and Compliance Actions

Enforcement is one of the primary statutory functions of my Office, and we spare no efforts in playing this key role. I am delighted to report that our efforts to combat illegal doxxing activities have yielded another year of success. Over the reporting year, we instigated 152 criminal investigations, nearly doubling the number of the previous year. We mounted 26 arrest operations, resulting in the arrest of 27 individuals. For the second consecutive reporting year, we achieved a high removal rate of over 95% of doxxing messages, by serving cessation notices on online platforms and removing as many as 9,227 doxxing messages.

Beyond combatting doxxing, my Office has witnessed a notable increase in regulatory enforcement in other areas. One of the significant undertakings involved extensive compliance checks of all credit reference agencies in Hong Kong. These checks, completed in January 2024, revealed no violations of the Personal Data (Privacy) Ordinance concerning security measures and retention periods of borrowers' data. My Office also successfully concluded major investigations into various data breach incidents during the reporting year.



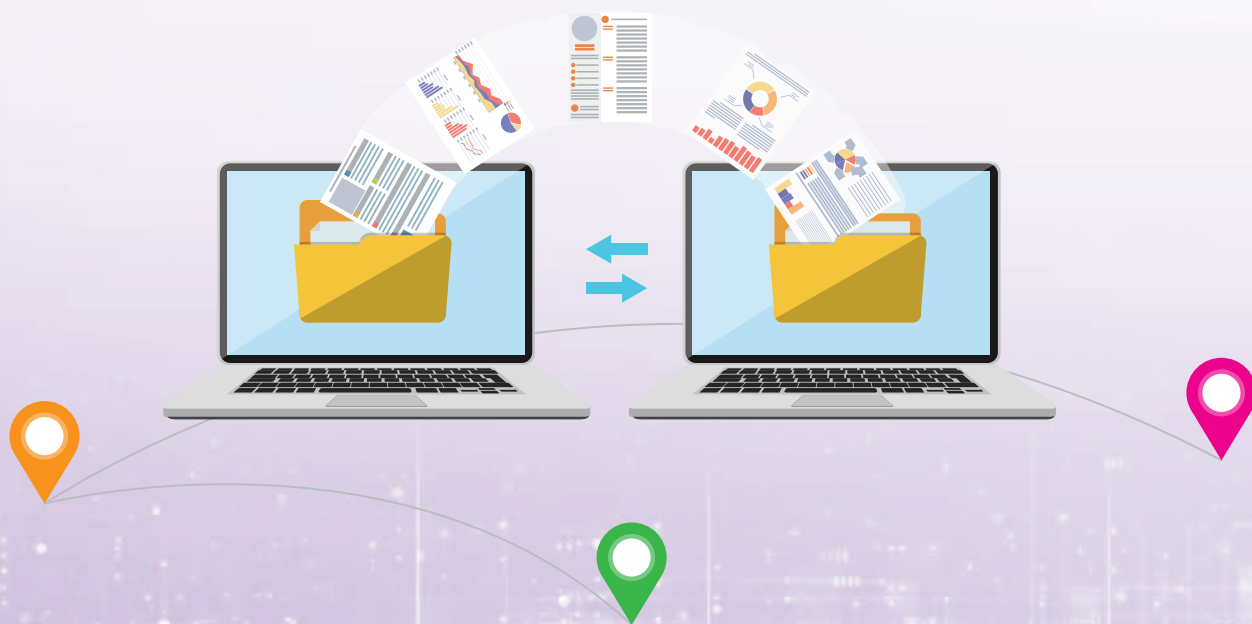


## 促進粵港澳大灣區個人資料跨境流動

隨着粵港澳大灣區內各城市緊密融合，香港和大灣區其他城市之間的數據跨境流動需求亦與日俱增。有見數據跨境流動對推動大灣區數字經濟以至建立「數字灣區」的重要性，國家互聯網信息辦公室（網信辦）、香港特別行政區政府創新科技及工業局（創科及工業局）及私隱專員公署於2023年12月共同制定《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》（《標準合同》）。我欣然報告，私隱專員公署參與了《標準合同》的討論和起草過程，為達致這重要的里程碑，促進個人資料在香港與大灣區內其他九個城市之間有序流動，作出積極貢獻。

## Facilitating Cross-boundary Flow of Personal Data

Given the increasing integration of cities within the Guangdong-Hong Kong-Macao Greater Bay Area, there is a growing demand for data flow between Hong Kong and other cities in the region. Recognising the significance of cross-boundary data flows in driving the digital economy within the area and thus establishing a “Digital Bay Area”, the Cyberspace Administration of China (CAC), the Innovation, Technology and Industry Bureau (ITIB) of the Hong Kong SAR Government and my Office jointly formulated the “Standard Contract for Cross-boundary Flow of Personal Information Within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” in December 2023. I am pleased to report that my Office participated in the discussion and drafting process of the Standard Contract, contributing to this significant milestone in facilitating the orderly movement of personal data between Hong Kong and nine other cities in the Greater Bay Area.



## 跨越地域的人工智能(AI)

AI是一把雙刃劍。私隱專員公署認同AI帶來的「私隱悖論」：一方面，用戶使用AI時需應對私隱問題；另一方面，海量數據乃AI的命脈。為達致兩者之間微妙的平衡，我們在2023年9月發布了《使用AI聊天機械人「自保」十招》單張，提供有關安全使用聊天機械人的實用「貼士」，以協助用戶保障其個人資料私隱。

在國際舞台上，環球私隱議會是集合全球超過130個資料保障機構、具領導地位的國際平台。私隱專員公署作為該組織的成員，於2023年10月的年度會議中參與發起兩項突破性的決議，分別為《生成式人工智能系統決議》和《人工智能與僱傭決議》。兩者皆於會上獲其他成員一致通過。

## AI Beyond Borders

AI is a double-edged sword. My Office acknowledges the “privacy paradox” presented by AI: users grapple with privacy concerns when interacting with AI which, in turn, relies on abundant data as its lifeblood. Mindful of this delicate balance, we issued a leaflet titled “10 TIPS for Users of AI Chatbots” in September 2023 to support chatbot users in safeguarding their personal data privacy and provide down-to-earth tips on the safe use of AI chatbots.

On the international arena, as a member of the Global Privacy Assembly (GPA), the premier international forum for over 130 data protection authorities worldwide, my Office co-sponsored two groundbreaking resolutions at the GPA annual conference in October 2023, namely, the “Resolution on Generative AI Systems” and “Resolution on AI and Employment”. Both resolutions received unanimous support from other authorities.





## 透過宣傳與教育推動保障私隱

私隱專員公署的宣傳工作之一，是向致力保障個人資料私隱的機構作出積極肯定。2023年8月，我們舉辦了以「實踐私隱管理系統 建立信任共創雙贏」為主題的「私隱之友嘉許獎2023」頒獎典禮，表揚及嘉許包括公私營機構和政府部門等138個機構。私隱專員公署樂見獲獎機構在保障個人資料私隱方面秉持值得仿效的極高標準。

我們不僅在機構層面保障個人資料私隱，更進一步鼓勵社會各界人士保護其個人資料私隱。因此，我們於2023年7月在香港書展期間出版了一本深入淺出的中文書《私隱法·保一 了解你的個人資料私隱》，提高大眾對個人資料私隱的關注和理解。

## Empowering Privacy Protection through Promotion and Public Education

As part of our promotion efforts, my Office also proactively commends organisations that demonstrate a strong commitment to safeguarding personal data privacy. In August 2023, we organised the “Privacy-Friendly Awards 2023” Presentation Ceremony under the theme “Embrace Privacy Management Programme to Gain Trust and Benefits”. This flagship event served as a platform to recognise and honour the efforts of 138 organisations, including both public and private entities, as well as government departments. We are excited to see that these organisations made exemplary efforts and upheld very high standards in safeguarding personal data privacy.

Our mission to safeguard personal data privacy extends beyond the organisational level. We walk the extra mile, empowering people from all walks of life to protect their personal data privacy. To this end, we published a user-friendly Chinese book titled “The Treasure-trove of Privacy – Understanding Your Personal Data Privacy” during the Hong Kong Book Fair in July 2023, aiming to raise awareness and understanding of personal data privacy among members of the public.



## 展望未來

回顧過去一年成就的同時，我們必須為未來做好準備，迎接在數字經濟下科技發展帶來的諸多新挑戰。為確保我們應對日新月異的私隱威脅時能做到防患未然，我們將持續調整策略優次，並且在履行職能時保持警惕，致力確保個人資料私隱受到保障同時亦促進香港成為創新科技樞紐，推動數字經濟的發展。

最後，本人衷心感謝香港特別行政區政府政制及內地事務局，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，堅定不移地支持私隱專員公署的工作，成為我們取得進展和成就的關鍵。我亦感激私隱專員公署所有卓越的同事，他們展現敬業精神，以極其專業、崇高操守和孜孜不倦的態度服務市民，他們的付出有目共睹。

**讓我們攜手釋放數據的力量，齊享數字經濟的繁榮。**

**鍾麗玲**

大律師

個人資料私隱專員

2024年9月

## The Journey Ahead

As we reflect on our achievements over the past year, we must also prepare for the journey ahead, where new challenges driven by technological advancements in the digital economy abound. To stay on top of emerging threats to privacy, we are committed to continuously adapting our strategic priorities and remaining vigilant in discharging our statutory roles. We are dedicated to ensuring the protection of personal data privacy while facilitating Hong Kong's evolution into an innovation and technology hub and the development of a digital economy.

As I bring my remarks to a close, I feel compelled to express my sincere gratitude to the Constitutional and Mainland Affairs Bureau of the Hong Kong SAR Government, along with the esteemed members of my Office's two advisory committees, the Personal Data (Privacy) Advisory Committee and the Standing Committee on Technological Developments. Their steadfast support has been instrumental in our progress and achievements. I would also like to acknowledge and thank the talented staff of my Office, as each of them approaches their work with remarkable commitment and service. They have done the public a great service through their expertise, high ethical standards and tireless dedication to work.

**Unleash the Power of Data, Together We Prosper in a Data-Driven Digital Economy**

**Ada CHUNG Lai-Ling**

Barrister

Privacy Commissioner for Personal Data

September 2024



# 私隱專員 公署簡介

ABOUT PCPD





# 數字回顧 (2023年4月 — 2024年3月)

## A YEAR IN NUMBERS (April 2023 – March 2024)

3,600

接獲 3,600 宗投訴個案  
Received 3,600 complaints



631

處理 631 宗「起底」個案  
Handled 631 doxing cases



113

展開 113 次調查  
Commenced 113 investigations



169

接獲 169 宗資料外洩事故通報  
Received 169 data breach notifications



16,034

接獲 16,034 宗公眾查詢  
Received 16,034 public enquiries



410

進行 410 次循規行動  
Conducted 410 compliance actions



152

展開 152 次刑事調查  
Initiated 152 criminal investigations





26

採取26次拘捕行動  
Mounted 26 arrest  
operations



67

發布67篇新聞稿  
Issued 67 media statements



172

回應172宗傳媒查詢  
Responded to 172 media enquiries



2,629

各媒體發布了2,629則與私隱專員公署  
工作相關的新聞  
Noted 2,629 news reports relating to the  
PCPD's work across various media channels



214,046

錄得每月平均214,046  
人次瀏覽私隱專員公  
署網站

Logged an average of  
214,046 visits to the  
PCPD's website each  
month



663

於社交媒體發表663篇帖文  
Published 663 social media posts



40,735

錄得40,735人次參加私隱專員  
公署的講座、研習班及工作坊  
Recorded 40,735 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 of 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 of 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  
Strive for the best results and highest standards



# 年度大事一覽

## MAJOR EVENTS

2023

4月 APR

訪問澳門個人資料保護辦公室以加強聯繫和深化合作  
Visited the Office for Personal Data Protection in Macao to strengthen ties and foster collaboration



政制及內地事務局局長曾國衛, GBS, IDSM, JP 與私隱專員出席立法會財務委員會特別會議，解答立法會議員的問題  
Secretary for Constitutional and Mainland Affairs, Mr Erick TSANG Kwok-wai, GBS, IDSM, JP, and Privacy Commissioner attended a special meeting of the Legislative Council Finance Committee to answer questions raised by Legislative Council members

2023

5月 MAY

舉辦「預防及處理同學的網絡欺凌與『起底』行為」網上講座，吸引超過150名人士參加  
Organised a webinar on "Prevention and Handling of Cyberbullying and Doxxing Behaviour involving Students", attracting over 150 participants



舉辦「尊重私隱 由我做起」小學生短片創作比賽頒獎典禮，以表揚23隊出色隊伍在宣揚尊重及保障個人資料私隱的努力  
Organised an awards presentation ceremony to recognise the efforts of 23 outstanding primary school teams in promoting the respect for and protection of personal data privacy through a short video competition themed "Respecting Privacy Begins with Me"

舉辦「內地《個人信息保護法》：回顧及實施情況」網上講座，吸引超過130名參加者  
Organised a webinar on "Review and Practical Implementation of the Mainland's Personal Information Protection Law", drawing over 130 participants

Organised a webinar on "Review and Practical Implementation of the Mainland's Personal Information Protection Law", drawing over 130 participants



## 2023 5月 MAY

與菲律賓私隱委員會簽署諒解備忘錄，以鞏固雙方在保障個人資料私隱方面的合作

Signed a Memorandum of Understanding with the National Privacy Commission of the Philippines to strengthen ties and foster closer cooperation between two authorities in the protection of personal data privacy



## 2023 6月 JUN

發表有關未經授權查閱信貸資料庫的信貸資料的調查報告及題為《數碼時代的私隱保障：比較十大網購平台的私隱設定》的報告

Released an investigation report on the unauthorised access to credit data in a credit reference system and a report titled "Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms"



出席第59屆亞太區私隱機構論壇，並分享私隱專員公署就一宗資料外洩事故的調查結果

Attended the 59<sup>th</sup> Asia Pacific Privacy Authorities Forum and shared the findings of the PCPD's investigation into a data breach incident



推出一系列以「個人資料咪亂俾 踢走騙徒靠晒你」為主題的防騙宣傳活動，包括播放由藝員馮素波和鄭子誠擔綱演出的防騙宣傳短片

Launched a series of anti-fraud publicity activities under the theme of "Don't Hand Over Your Personal Data – Beware of Fraudsters", including the broadcast of videos starring artistes Alice FUNG So-bor and Timothy CHENG Tse-sing

發出新版的《資料外洩事故的處理及通報指引》，協助機構有效地應對資料外洩事故

Issued a new "Guidance on Data Breach Handling and Data Breach Notifications" to assist organisations in responding to data breach incidents effectively



2023  
7月 JUL

舉辦《私隱法·保 — 了解你的個人資料私隱》  
新書發布會

Organised a book launch event for “The Treasure-trove of Privacy – Understanding Your Personal Data Privacy”



舉辦「Web 3.0 下的網絡安全及資料外洩事故處理」講座，吸引近 200 名人士參加

Organised a seminar on “Cybersecurity in Web 3.0 and Data Breach Handling”, drawing nearly 200 participants

2023  
8月 AUG

出版《Sharenting 家長「放閃」須知》單張，為家長提供一些貼士，提醒他們在網上分享子女日常生活時應注意的事項  
Published the “Sharenting Dos and Don’ts” pamphlet to provide some tips for parents before they publish any post about their children online



聯同 11 個司法管轄區的私隱或資料保障機構發表聯合聲明，向社交媒體平台發表環球保障私隱期望及原則

Released a joint statement with 11 global privacy or data protection authorities to promulgate global privacy protection expectations and principles to social media platforms

2023  
8月 AUG

舉辦「私隱之友嘉許獎2023」頒獎典禮，嘉許138間機構，以表揚他們在保障個人資料私隱的決心及表現

Organised the "Privacy-Friendly Awards 2023" Presentation Ceremony to recognise 138 organisations for their commitment to and performance in protecting personal data privacy



2023  
9月 SEP

出版《資料外洩事故的處理及通報指引》小冊子，以協助機構在資料外洩事故發生前未雨綢繆，並制訂事故發生時的應變計劃

Published a pamphlet titled "Guidance on Data Breach Handling and Data Breach Notifications" to assist organisations in responding to data breaches by preparing for both "BEFORE" and "AFTER" scenarios

出版《使用AI聊天機械人「自保」十招》，以協助用戶保障其個人資料私隱，並更安全地使用人工智能聊天機械人

Published "10 TIPS for Users of AI Chatbots" to help users protect their personal data privacy and provide tips on the safe use of artificial intelligence (AI) chatbots



發表有關一個政府部門的個人資料系統視察報告

Released an inspection report on the personal data system of a government department



2023

10月 OCT

發表有關一家虛擬銀行的客戶個人資料系統的視察報告

Released an inspection report on the customers' personal data system of a virtual bank



出席第45屆環球私隱議會，討論了人工智能和其他新興科技帶來的私隱問題，以及數據擷取、跨境資料轉移等議題

Attended the 45<sup>th</sup> Global Privacy Assembly to discuss privacy issues relating to AI and other novel technologies, data scraping, cross-border data transfers and more

舉辦「採用標準合同從內地跨境轉移個人信息」分享會，吸引超過110名參加者

Organised an experience sharing session on "Using Standard Contracts for Transferring Personal Information Out of the Mainland", bringing together over 110 participants



2023

11月 NOV

舉辦「防範網絡攻擊 提升數據安全」講座，吸引超過500名人士參加

Organised a seminar on "Enhancing Data Security to Prevent Cyber Attacks", attracting over 500 participants

2023  
11 月 NOV

發表「香港企業網絡保安準備指數及私隱認知度調查 2023」報告

Released the "Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness Survey 2023" report



政制及內地事務局局長曾國衛, GBS, IDSM, JP 與私隱專員出席立法會政制事務委員會政策簡報會，解答立法會議員的問題

Secretary for Constitutional and Mainland Affairs, Mr Erick TSANG Kwok-wai, GBS, IDSM, JP, and Privacy Commissioner attended the Policy Briefing meeting of the Legislative Council Panel on Constitutional Affairs to answer questions raised by Legislative Council members



舉辦「良好數據管治：私隱之友嘉許獎得主」經驗分享會，吸引超過 160 名來自不同行業人士參加

Organised an experience sharing session on "Good Data Governance by Privacy-Friendly Awardees 2023", gathering over 160 participants from various sectors





2023  
12月 DEC

舉辦「安全使用 WhatsApp 及社交平台」講座，吸引超過 600 名人士參加  
Organised a seminar on "Safe Use of WhatsApp and Social Media Platforms", attracting over 600 participants

私隱專員於《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》業界簡介會上致辭

Privacy Commissioner spoke at an industry briefing about the Standard Contract for Cross-boundary Flow of Personal Information Within the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)



發表兩份調查報告，包括有關僱主不當保留及使用僱員／前僱員個人資料的報告和涉及一個網上平台用戶個人資料遭未獲准許的擷取的報告

Released two investigation reports, one on the improper retention and use of personal data of employees/former employees by employers, and the other on unauthorised scraping of the personal data of the users of an online platform

為超過 80 位長者舉辦聖誕講座，加強他們的防騙意識

Organised a Christmas talk for over 80 elderlies to enhance their awareness of fraud prevention

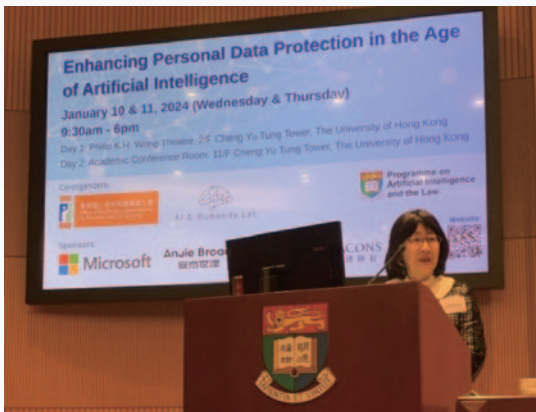




2024  
1 月 JAN

完成對全港信貸資料服務機構的循規審查，以確保借款人的個人資料私隱受到保障及信貸資料庫的數據安全

Completed compliance checks of all credit reference agencies in Hong Kong, ensuring the protection of the personal data privacy of borrowers and the data security of credit reference databases



與香港大學法律學院合辦「在AI時代加強保障個人資料」的國際會議，吸引超過330名參加者出席

Co-organised the international conference "Enhancing Personal Data Protection in the Age of Artificial Intelligence" with the Faculty of Law of the University of Hong Kong, attracting over 330 participants

發表《電子點餐的私隱關注》報告及出版《在餐廳使用手機應用程式或二維碼點餐的保障私隱貼士》單張

Released a report on "Privacy Concerns on Electronic Food Ordering at Restaurants" and published a leaflet on "Food Ordering Using Mobile Apps or QR Codes at Restaurants: Tips for Protecting Privacy"



根據法庭手令調查Worldcoin（世界幣）項目有關生物辨識個人資料私隱的風險

Executed court warrants to investigate the Worldcoin project over concerns of biometric data privacy risks

2024  
2月 FEB

私隱專員向立法會政制事務委員會報告  
2023年工作

Privacy Commissioner briefed the Legislative  
Council Panel on Constitutional Affairs on the  
work of the PCPD in 2023



向28間本地機構就開發或使用人工智能對個人資料私隱的影響進行循規審查  
Conducted compliance checks on 28 local organisations in relation to the implications of the  
development or use of AI on personal data privacy

私隱專員於「媒體和資訊素養系列：認識互  
聯網、社交媒體及有關保障個人資料私隱研  
討會」發表專題演講，吸引超過230名中小學  
校長及老師參加

Privacy Commissioner spoke at the "Media and Information  
Literacy Series: Seminar on Understanding the Internet,  
Social Media and Protection of Personal Data Privacy",  
attracting more than 230 primary and secondary school  
principals and teachers





2024  
3月 MAR

與香港互聯網註冊管理有限公司合辦「應對網絡安全威脅及資料外洩事故」講座，吸引超過880名人士參加

Co-organised a seminar with Hong Kong Internet Registration Corporation Limited on “Responding to Cyber Security Threats and Data Breaches”, attracting over 880 participants



出版《保護個人資料 — 明智使用智能電話》及《保護個人資料 — 精明使用社交媒體》單張，為用戶提供保障私隱的貼士

Published two leaflets titled “Protect Your Personal Data – Smart Use of Smartphones” and “Protect Your Personal Data – Be Smart on Social Media” to provide tips for users to better protect personal data privacy

# 組織架構

## ORGANISATIONAL STRUCTURE

香港個人資料私隱專員公署（私隱專員公署）是根據香港法例第486章《個人資料（私隱）條例》（《私隱條例》）成立的獨立機構，負責監察、監管和促進各界人士遵從《私隱條例》的規定，確保市民的個人資料私隱得到保障。

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。公署轄下的七個部門包括投訴部、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。

The Office of the Privacy Commissioner for Personal Data (PCPD) is an independent body established pursuant to the Personal Data (Privacy) Ordinance (PDPO) (Chapter 486 of the Laws of Hong Kong). The PCPD strives to ensure the protection of the privacy of individuals in relation to personal data through monitoring, supervising and promoting compliance with the PDPO.

Established in August 1996, the PCPD is headed by the Privacy Commissioner for Personal Data. The seven functional units under the PCPD include the Complaints Division, Criminal Investigation Division, Compliance and Enquiries Division, Legal Division, Global Affairs and 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 and Enquiries

法律 Legal

環球事務及研究 Global Affairs and 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。

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

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。

## 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.

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.

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

### 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)



**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



**鄒錦沛博士**  
**Dr CHOW Kam-pui**

香港大學計算機科學系副教授  
(任期由2023年10月1日起)  
Associate Professor,  
Department of Computer Science,  
The University of Hong Kong  
(Appointment from 1 October 2023)



**簡慧敏議員, JP**  
**The Hon Carmen KAN Wai-mun, JP**

中國銀行(香港)有限公司  
總法律顧問  
General Counsel,  
Bank of China (Hong Kong) Limited





**羅輝先生**  
Mr **LAW Fai**

香港商業廣播有限公司  
新聞及公共事務總監  
(任期由2023年10月1日起)  
Director, News and Public Affairs,  
Hong Kong Commercial Broadcasting  
Company Limited  
(Appointment from 1 October 2023)



**連浩民先生, MH**  
Mr **Joseph LIN**  
**Ho-man, MH**

HKE Holdings Limited  
執行董事兼主席  
Executive Director and Chairman,  
HKE Holdings Limited



**黃敏華女士**  
Ms **Nikki NG Mien-hua**

信和集團  
非執行董事  
(任期由2023年10月1日起)  
Non-Executive Director,  
Sino Group  
(Appointment from 1 October 2023)



**黃志光博士**  
Dr **Patrick WONG**  
**Chi-kwong**

嶺南大學諮議會主席；  
生產力促進局前副主席  
(任期由2023年10月1日起)  
Chairman, The Court of Lingnan  
University; Former Deputy Chairman,  
Hong Kong Productivity Council  
(Appointment from 1 October 2023)

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



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

律師  
(任期至2023年9月30日)  
Solicitor  
(Appointment up to 30 September 2023)



**趙質山先生**  
Mr **Alex CHIU Chih-sun**

香港航天科技集團有限公司  
董事  
(任期至2023年9月30日)  
Director,  
Hong Kong Aerospace Technology  
Group Limited  
(Appointment up to 30 September 2023)



**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  
(任期至2023年9月30日)  
Chairman and Chief Executive Officer  
(Asia Pacific),  
Centaline Property Agency Limited  
(Appointment up to 30 September 2023)



**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  
(任期至2023年9月30日)  
Executive Committee Member  
and Company Secretary,  
CK Asset Holdings Limited  
(Appointment up to 30 September 2023)

## 科技發展常務委員會

## Standing Committee on Technological Developments

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。

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.

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。

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 for  
Personal Data  
(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**  
Mr **Alex CHAN**

香港生產力促進局  
數碼轉型部總經理  
General Manager,  
Digital Transformation Division,  
Hong Kong Productivity Council



**張偉倫先生**  
Mr **Alan CHEUNG**

香港應用科技研究院  
人工智能及可信技術部門  
首席總監  
Chief Director, Artificial Intelligence and  
Trust Technologies,  
Hong Kong Applied Science and  
Technology Research Institute



**劉偉經特邀教授**  
Adjunct Professor **Jason LAU**

國際信息系統審計會 (ISACA)  
全球董事會成員  
Director,  
ISACA International Board of Directors



**李嘉樂博士**  
Dr **Gregg LI**

創星滙 (香港)  
創會主席兼總裁  
(任期由2024年1月1日起)  
Founding Director and President,  
Orion Astropreneur Space Academy  
(Appointment from 1 January 2024)



**黃錦輝議員, MH**  
Professor the Hon  
**William WONG**  
**Kam-fai, MH**

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 Deputy Head,  
Department of Computer Science,  
The University of Hong Kong



**方保僑先生**  
Mr **Francis**  
**Po-kiu FONG**

香港資訊科技商會  
榮譽會長  
(任期至2023年12月31日)  
Honorary President,  
Hong Kong Information  
Technology Federation  
(Appointment up to 31 December 2023)

# 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  
for Personal Data  
(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  
for Personal Data  
(Legal, Global Affairs and Research)

4

**關啟宇先生**

**Mr Billy KWAN**

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)





**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**

首席個人資料主任(合規及查詢)  
Chief Personal Data Officer  
(Compliance and Enquiries)

**9 廖雅欣女士**  
**Ms Joyce LIU**

署理高級律師(環球事務及研究)  
Acting Senior Legal Counsel  
(Global Affairs and Research)

**10 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

**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)

2

**周映彤女士**

**Ms Phoebe CHOW**

企業傳訊總監  
Head of Corporate  
Communications

3

**黃寶漫女士**

**Ms Clemence WONG**

律師  
Legal Counsel

4

**鄭楚英女士**

**Ms Kimmy CHENG**

高級個人資料主任(合規及查詢)  
Senior Personal Data Officer  
(Compliance and Enquiries)

5

**盧浩榮先生**

**Mr John LO**

高級個人資料主任(合規及查詢)  
Senior Personal Data Officer  
(Compliance and Enquiries)

6

**馮學晴女士**

**Ms Dorothy FUNG**

署理律師  
Acting Legal Counsel







7

**盧迪凡先生**  
**Mr DF LO**

高級個人資料主任(刑事調查)  
Senior Personal Data Officer  
(Criminal Investigation)

8

**周沅瑩女士**  
**Ms Stephanie CHAU**

律師  
Legal Counsel

9

**胡慧雅女士**  
**Ms Terri WU**

高級個人資料主任(投訴)  
Senior Personal Data Officer  
(Complaints)

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**

高級個人資料主任(投訴)  
Senior Personal Data Officer  
(Complaints)

12

**文靄怡女士**  
**Ms Ayee MAN**

署理高級個人資料主任  
(合規及查詢)  
Acting Senior Personal Data Officer  
(Compliance and Enquiries)







# 本年重點工作

## Highlights of the Year



## 打擊「起底」罪行

### 概覽

《2021年個人資料(私隱)(修訂)條例》(《修訂條例》)於2021年10月8日生效，以加強打擊侵犯個人資料私隱的「起底」行為，並賦權私隱專員就有關「起底」罪行發出停止披露通知以停止「起底」訊息的披露，以及就涉嫌「起底」的個案進行刑事調查及檢控。

## Combatting Doxxing Offences

### Overview

The Personal Data (Privacy) (Amendment) Ordinance 2021 (Amendment Ordinance) came into effect on 8 October 2021 to strengthen the combat of doxxing acts which are intrusive to personal data privacy and empower the Privacy Commissioner to issue cessation notices to put an end to the disclosure of doxxing messages, as well as to carry out criminal investigations and institute prosecutions in respect of doxxing-related offences.



繼2021-22年度私隱專員公署首次對「起底」個案展開拘捕行動，以及2022-23年度首次對「起底」個案成功作出檢控後，於本報告年度公署不論是在展開刑事調查的個案宗數及拘捕人數方面，均創下歷年新高。此外，經公署持續不斷的主動網上巡查及執法行動，網絡上發現的「起底」個案已大幅減少。

Following the PCPD's first arrest in a doxxing case in the 2021-22 reporting year, and the first successful prosecution in a doxxing case in the 2022-23 reporting year, the PCPD in the current reporting year has seen a record high in both the number of criminal investigations commenced and the number of arrests made. In addition, through the PCPD's continuous efforts in proactive online patrols and law enforcement, the number of doxxing cases discovered on the Internet has notably reduced.

## 「一站式」處理「起底」個案

在《修訂條例》下，私隱專員公署獲賦予新的刑事調查和檢控權，可「一站式」由刑事調查、搜集證據到提出檢控處理「起底」案件，經簡化的程序能有效加快針對「起底」案件的執法和檢控行動。

## Handling Doxxing Cases on a "One-stop" Basis

Under the Amendment Ordinance, the PCPD is given new criminal investigation and prosecution powers to handle doxxing cases on a "one-stop" basis from criminal investigations and evidence collection to prosecutions. The streamlined process can effectively expedite enforcement and prosecution actions against doxxing cases.

在接獲「起底」投訴後，私隱專員公署會就涉嫌觸犯「起底」相關罪行的個案展開刑事調查，指派刑事調查人員直接跟進調查工作、搜集證據並進行分析，以決定是否就個案展開拘捕行動。而除了小部分與警方採取聯合執法行動的個案，絕大部分的拘捕個案均由公署的刑事調查人員處理。

After receiving a doxxing complaint, the PCPD will commence criminal investigation into the alleged doxxing-related offences by assigning criminal investigators to follow up on the investigation, collect evidence and conduct analysis, so as to determine whether an arrest operation will be mounted. Except for a few cases involving joint operations with the Police, the vast majority of arrest cases were handled by the PCPD's criminal investigators.





其中一個值得注意的例子是私隱專員公署在2023年11月拘捕一名涉嫌觸犯「起底」罪行的人士，並於三個月內(即2024年2月)成功將被告入罪。

### 「起底」個案概述

於報告年度內，私隱專員公署合共處理了631宗「起底」個案(其中198宗為經公署主動網上巡查發現的個案、433宗是接獲與「起底」相關的投訴)。公署於同期就152宗個案展開刑事調查，並作出26次拘捕行動，共27人被捕。

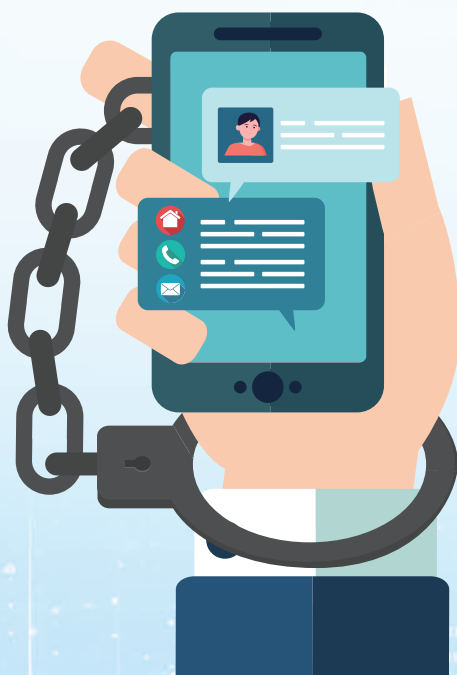
此外，私隱專員公署轉介了30宗涉及《私隱條例》第64(3C)條下的罪行，及／或涉及其他不屬於《私隱條例》範圍內的罪行，以供警方作進一步調查及考慮作出檢控。

One of the noteworthy examples is that the PCPD was able to secure the conviction of a doxxing case in February 2024, only three months after the defendant was arrested in November 2023.

### Overview of Doxxing Cases

During the reporting year, the PCPD handled a total of 631 doxxing cases (including 198 doxxing cases uncovered by the PCPD's proactive online patrols and 433 doxxing-related complaints received), commenced 152 criminal investigations and mounted 26 arrest operations with 27 persons arrested.

Furthermore, the PCPD referred 30 doxxing cases involving offence under section 64(3C) of the PDPO and/or other offences outside the purview of the PDPO to the Police for further investigation and consideration of prosecution.



## 拘捕個案重點

在私隱專員公署拘捕的27人中，將事主「起底」的主要原因包括金錢糾紛(33%)、人際糾紛(33%)、職場糾紛(15%)及因政見不同而造成的糾紛(8%)；餘下三人(11%)則因為其他原因作出「起底」(圖1.1)。

## Highlights of Arrest Cases

Among the 27 persons arrested by the PCPD, the motives for doxxing were as follows: monetary disputes (33%), relationship disputes (33%), workplace disputes (15%) and disputes arising from different political views (8%). The remaining three persons (11%) doxxed the victims for other reasons (Figure 1.1).

### 拘捕個案重點 Highlight of Arrest Cases

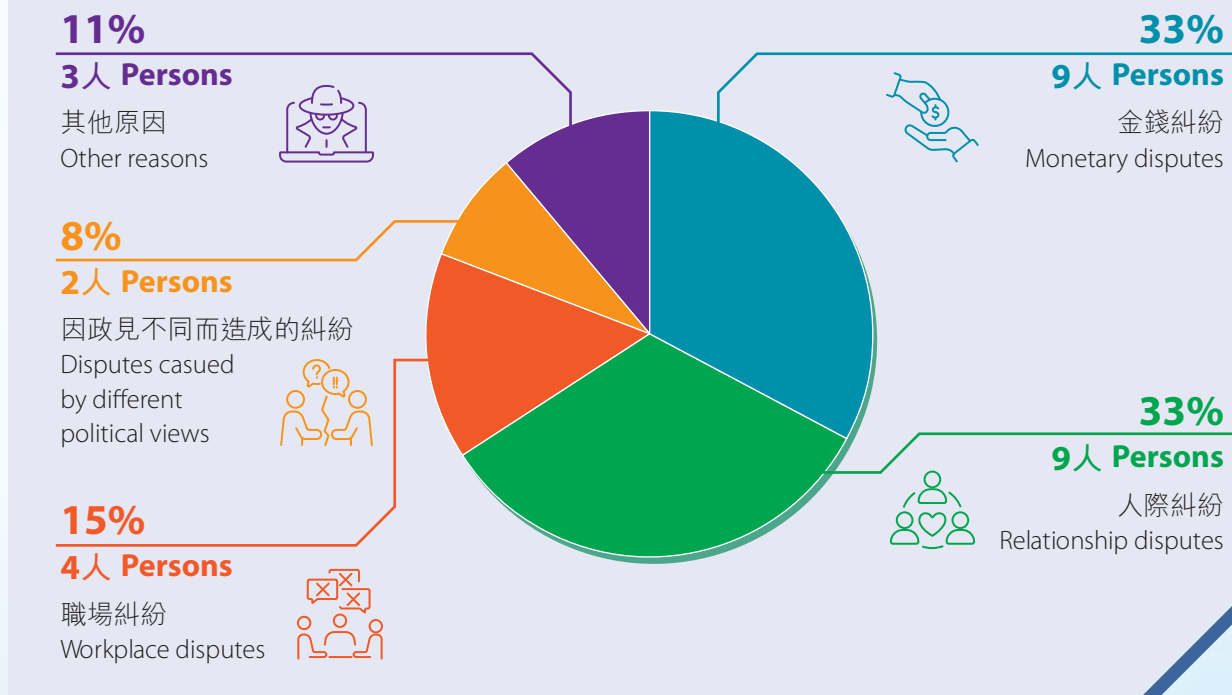


圖1.1  
Figure 1.1



與金錢糾紛有關的案件主要涉及合約爭議，涉及職場糾紛的案件主要源於同事之間的爭端。與人際糾紛有關的案件則主要涉及感情瓜葛及鄰里之間的爭端。

Cases relating to monetary disputes mainly stemmed from contractual disputes while cases relating to workplace disputes generally arose from conflicts between colleagues at work. Cases originating from relationship disputes mainly involved emotional entanglements and conflicts between neighbours.

至於「起底」的方式，被捕人士中有21人（78%）透過社交媒體平台及五人（18%）透過即時通訊軟件作出「起底」，其餘一宗（4%）則涉及郵遞信件。

As far as the means of doxxing are concerned, 21 (78%) of the arrested persons conducted doxxing activities through social media platforms, while five (18%) used instant messaging applications, and one case (4%) involved the use of postal mail.

### 「起底」訊息的移除

除了通過刑事調查和檢控行動將「起底」者繩之於法外，及時移除「起底」訊息同樣重要，以避免對事主造成進一步傷害。就此，《修訂條例》賦予私隱專員法定權力，可向網上平台發出停止披露通知，要求其把「起底」訊息移除。

### Removal of Doxxing Messages

Apart from bringing doxxers to justice through criminal investigations and prosecutions, the timely removal of doxxing messages is of equal importance to prevent further harm to victims. In this regard, the Amendment Ordinance confers statutory powers on the Privacy Commissioner to issue cessation notices to online platforms to demand the removal of doxxing messages.

在報告年度內，私隱專員公署向19個網上平台發出了314份停止披露通知，要求他們移除9,227則「起底」訊息，亦成功透過發出停止披露通知移除了67個用作「起底」的頻道。儘管停止披露通知的送達對象大部分為海外的網上平台營運商，但整體而言應公署要求移除「起底」訊息的遵從率達96%。

During the reporting year, the PCPD issued 314 cessation notices to 19 online platforms, requesting removal of 9,227 doxxing messages. 67 channels used for doxxing were also successfully removed through the issuance of cessation notices. Although most of the cessation notices were served on overseas online platform operators, the overall compliance rate for removing doxxing messages reached 96%.

## 「起底」案件的定罪及判刑

在報告年度內，共有16宗「起底」罪行的定罪個案，共17人被定罪。刑罰包括監禁、罰款、社會服務令及感化令。監禁刑期介乎兩星期至兩個月，當中有兩宗個案除判監禁外亦涉及港幣500元罰款；而判處的社會服務令則介乎80至200小時。

被判監禁的三宗個案如下：

### 男子將外傭中介「起底」

被告於2021年透過事主（作為中介）聘請外傭，事主與被告其後因外傭無法來港工作而發生金錢糾紛。及至2022年4月，被告在一個社交媒體平台上先後發布三條訊息，披露事主的個人資料，並對事主作出負面的評論及指控。於2023年5月，被告在認罪下被裁定一項「未獲資料當事人同意下披露其個人資料而該披露造成指明傷害」的罪名成立，法院判處被告監禁四星期，緩刑18個月。

## Conviction and Sentencing on Doxxing Cases

During the reporting year, there were a total of 16 conviction cases relating to doxxing, involving 17 persons. The penalties varied and included imprisonment, fines, community service orders and probation orders. The imprisonment sentences ranged from two weeks to two months, and two of the sentences involved a fine of HK\$500 in addition to imprisonment. The community service orders imposed ranged from 80 hours to 200 hours.

Below are three cases involving custodial sentences:

### Male Doxxed an Intermediary of Foreign Domestic Helpers

The defendant signed a contract with the victim, an intermediary, for employment of a foreign domestic helper in 2021. The victim and the defendant later ran into a monetary dispute after the domestic helper had failed to report duty. In April 2022, the defendant posted the personal data of the victim in three doxxing messages on a social media platform alongside some negative comments and allegations. He was convicted of one charge of “disclosing personal data without data subject’s consent causing specified harm” in May 2023 upon his guilty plea. The Court sentenced the defendant to four weeks’ imprisonment, suspended for 18 months.





### 男子因金錢糾紛將他人「起底」

事主曾於2020年與另一名人士發生金錢糾紛。至2022年9月及12月，被告在一個社交媒體平台的個人帳戶上發布了兩條包含事主個人資料（包括其香港身份證副本）的訊息，要求事主還款。於2024年1月，被告在認罪下被裁定兩項「在未獲同意下披露個人資料」的罪名成立，法院判處被告監禁兩個月，緩刑兩年。

### Male Doxxed Another Person because of Monetary Dispute

The victim had a monetary dispute with a third party in 2020. Subsequently, the defendant posted two messages containing the personal data of the victim (including a copy of the victim's Hong Kong Identity Card) on a personal account of a social media platform respectively in September and December 2022, requesting settlement of the outstanding loan from the victim. He was convicted of two charges of "disclosing personal data without consent" in January 2024 upon his guilty plea. The Court sentenced the defendant to two months' imprisonment, suspended for two years.



### 女子將寵物賣家「起底」

被告曾於2022年底向事主購買三隻小貓，被告其後因當中一隻小貓出現健康問題向事主提出退款要求，但二人未能就退款金額達成共識而出現糾紛。2023年5月，被告在一個社交媒體平台的公開群組發布了一條包含事主個人資料的帖文，並對事主作出負面的評論和指控。於2024年2月，被告在認罪下被裁定一項「在未獲同意下披露個人資料」的罪名成立，法院判處被告監禁兩星期，緩刑三年，並罰款港幣500元。

### Female Doxxed a Pet Seller

The defendant purchased three kittens from the victim in late 2022. The defendant subsequently requested a refund from the victim because of the health issue of one of the kittens, but the two could not agree on the amount of refund and a dispute arose between them. In May 2023, the defendant posted a message containing the personal data of the victim in an open discussion group on a social media platform, alongside some negative comments and allegations against the victim. She was convicted of one charge of “disclosing personal data without consent” in February 2024 upon her guilty plea. The Court sentenced the defendant to two weeks’ imprisonment, suspended for three years, and a fine of HK\$500.

從上述裁決可見，法庭視「起底」為嚴重罪行，因此須以相稱的刑罰（包括監禁）以達到阻嚇作用。

Based on the above cases, it is clear that the Court is of the view that doxxing is a serious offence which ought to be deterred by penalties commensurate with the severity of the offences, including custodial sentences.





## 維護數據安全

國家安全涵蓋數據安全，而數據安全是網絡安全的支柱。數據安全包括保護個人資料私隱，對於維護個人的私隱權至關重要。私隱專員公署一直致力透過多種策略以加強數據安全。

## Safeguarding Data Security

Data security is an integral part of national security and forms the backbone of cybersecurity. It encompasses the protection of personal data privacy, which is fundamental to preserving individuals' privacy rights. The PCPD has been dedicated to strengthening data security through various strategies.

### 推出「數據安全」三大法寶

### Launching the Data Security Trio



私隱專員公署於2023年11月14日在網站推出「數據安全」專題網頁及「數據安全快測」，並設立「數據安全熱線」2110 1155，旨在讓企業可一站式取得有關資料保安的資訊，並協助他們提升保護數據的能力及遵從《私隱條例》的規定。

With the aim of providing enterprises with one-stop access to information concerning data security and helping them enhance their capability to protect data and comply with the requirements under the PDPO, the PCPD launched the Data Security thematic webpage and the “Data Security Scanner” on the website, as well as the “Data Security Hotline” 2110 1155 on 14 November 2023.

「數據安全」專題網頁讓企業可以便捷地取得與資料保安有關的資訊，包括保安提示、最新數據安全消息、資料外洩事故的資料、《私隱條例》的相關規定、案例及教育資訊等。「數據安全快測」則是一個自我評估工具，讓企業快捷方便地自行評估其資訊及通訊科技系統的資料保安措施是否足夠。

The Data Security thematic webpage enables enterprises to conveniently obtain information related to data security, including security alerts, latest updates on data security, information on data breach incidents, relevant requirements under the PDPO, cases, and educational resources. Separately, the “Data Security Scanner” is a self-assessment toolkit that enables enterprises to conduct a quick and easy self-assessment of the adequacy of their data security measures for information and communications technology systems.

## 發出新版《資料外洩事故的處理及通報指引》及網上資料外洩事故通報表格

有鑑於近年資料外洩事故有增無減，為確保數據安全，私隱專員公署於2023年6月30日發出新版的《資料外洩事故的處理及通報指引》，向機構提供實用的建議，協助他們作好準備，一旦發生資料外洩事故可以有效地應對，並遏止損害及傷害擴大。

## Issuing New Guidance on Data Breach Handling and Data Breach Notifications, and Online Data Breach Notification Form

In view of the increasing number of data breach incidents in recent years and with the aim of safeguarding data security, the PCPD issued a new “Guidance on Data Breach Handling and Data Breach Notifications” on 30 June 2023 to assist organisations in preparing themselves in the event a data breach occurs. The Guidance also contains practical recommendations to help organisations handle data breaches and contain the resulting damage and harm.





另外，私隱專員公署亦推出了網上資料外洩事故通報表格，以引導式問題及多項選擇題，幫助機構更全面及便捷地向公署通報資料外洩事故的詳情。

Separately, the PCPD has also launched an Online Data Breach Notification Form. This form, designed with guided questions and multiple-choice answers, enables organisations to comprehensively and efficiently report the details of data breach incidents to the PCPD.

https://www.pcpd.org.hk/english/enforcement/data\_breach\_notification/dbn\_form.html

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

Home > Compliance & Enforcement > Data Breach Notification

**Compliance & Enforcement**

- Court Judgment
- Administrative Appeals Board's Decisions
- Case Notes
- Data Breach Notification**
- Submissions on Privacy Issues
- Consultations

## Data Breach Notification

### Basic Information of the data user

**User Sector**

☐ Private Sector

☐ Public Sector

**Company/organisation name\***

**Hong Kong office's correspondence address**

### Information of the Contact Person

**Name of person making this notification\***

**Job Title**

## 因應不同私隱保障議題主動採取循規行動

私隱專員公署一直留意有關數據安全的私隱保障議題，並主動採取合適的循規行動。

因應社會各界關注全港信貸資料庫處理借款人的信貸資料的情況，為確保借款人的個人資料私隱受到保障及資料庫的數據安全，私隱專員公署於2023年6月主動對全港信貸資料服務機構進行循規審查，以了解該等機構就借款人的信貸資料所採取的保安措施及保留期限，是否符合《私隱條例》的規定。在完成循規審查後，公署向所有信貸資料服務機構提供實用建議，以加強他們的數據安全措施。

## Taking Proactive Compliance Actions in Response to Various Privacy Protection Issues

The PCPD continued to monitor privacy protection issues related to data security and proactively took appropriate compliance actions.

In response to concerns raised by the community about the handling of borrowers' credit data by credit reference agencies in Hong Kong, the PCPD proactively commenced compliance checks of all credit reference agencies in Hong Kong in June 2023 to ensure the protection of the personal data privacy of borrowers and the data security of credit reference databases. The compliance checks were carried out to ascertain whether the security measures and retention periods adopted by credit reference agencies regarding the credit data of borrowers complied with the requirements of the PDPO. After completion of the compliance check process, the PCPD provided practical recommendations to all credit reference agencies with a view to enhancing their data security measures.





## 透過外展和教育加強數據安全

私隱專員公署積極舉辦不同講座及工作坊，闡明網絡及數據安全的重要性。通過舉辦研習班和推廣活動，公署希望提高機構對數據安全的意識。在報告年度內，公署為不同機構舉辦了170場內部培訓。由2023年11月起，這類內部培訓內容亦加入了數據安全管理，以加強機構保障數據安全的措施。有關數據安全的講座包括2023年7月的「Web 3.0下的網絡安全及資料外洩事故處理」、2023年11月的「防範網絡攻擊 提升數據安全」以及2024年3月的「應對網絡安全威脅及資料外洩事故」。

## Enhancing Data Security through Outreach and Education

The PCPD actively organised various seminars and workshops to raise awareness of the importance of cyber and data security. These initiatives aimed to heighten organisations' awareness of data security through workshops and promotional activities. The PCPD conducted 170 in-house seminars for different organisations within the reporting year. Starting from November 2023, the content of such in-house seminars has also incorporated data security management to enhance organisations' data security measures. Some seminars on data security included "Cybersecurity in Web 3.0 and Data Breach Handling" in July 2023, "Enhancing Data Security to Prevent Cyber Attacks" in November 2023 and "Responding to Cyber Security Threats and Data Breaches" in March 2024.



## 加強協同效應和國際合作

在2023年11月，私隱專員公署及香港生產力促進局・網絡安全共同發表「香港企業網絡保安準備指數及私隱認知度調查2023」報告，評估本地企業應對網絡安全威脅的準備程度。

## Strengthening Synergy and International Cooperation

In November 2023, the PCPD and the Hong Kong Productivity Council Cyber Security jointly released the “Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness Survey 2023” report, assessing the readiness of local enterprises to respond to cyber security threats.



鑑於科技進步帶來的私隱風險，私隱專員公署積極與國際性私隱組織合作，應對科技快速發展所帶來的挑戰。在2023年8月，作為環球私隱議會的國際執法合作分組的聯席主席，公署與全球11個私隱或資料保障機構，向社交媒體平台等網站發表聯合聲明，表達環球保障私隱的期望及原則，指出數據擷取帶來的主要私隱風險，並提醒他們有責任保護個人資料免遭非法數據擷取。聯合聲明亦向相關平台提供一系列建議措施，以減低數據擷取的私隱風險。

Given the privacy risks associated with technological advancements, the PCPD actively collaborated with international counterparts to tackle challenges arising from rapid technological development. In August 2023, as the co-chair of the International Enforcement Cooperation Working Group of the Global Privacy Assembly, the PCPD joined forces with 11 privacy or data protection authorities worldwide to issue a joint statement to social media platforms and other websites. This collective effort established global expectations and principles on privacy protection, identified the major privacy risks associated with data scraping, underscored the platforms' duty to safeguard personal data against unlawful extraction and recommended measures to mitigate privacy risks.



## 進行調查

### 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與投訴有關的調查報告。

私隱專員就未經授權查閱一個信貸資料庫（該資料庫）的信貸資料一事進行調查，並於2023年6月發表調查報告。調查源於私隱專員公署收到一宗投訴，投訴人發現他在該資料庫內的信貸資料在他不知情及未經他的同意下被財務公司多次查閱。調查發現該資料庫的營運者違反了《私隱條例》下保障資料第4(1)原則有關個人資料保安的規定，以及保障資料第2(2)原則有關個人資料保留的規定。

## Conducting Investigations

### Releasing Two Complaint Investigation Reports

During the reporting year, the Privacy Commissioner released two complaint investigation reports.

The Privacy Commissioner conducted an investigation into the unauthorised access to credit data in a credit reference system (the System) and released an investigation report in June 2023. The investigation arose from a complaint received by the PCPD, where the complainant reported that his credit data in the System had been accessed multiple times by money lending companies without his knowledge or consent. The investigation found that the operator of the System had contravened Data Protection Principle (DPP) 4(1) of the PDPO regarding the security of personal data and DPP 2(2) regarding the retention of personal data.



此外，為促進僱主及人力資源管理人員認識有關保障個人資料私隱方面的責任和相關的法律規定，私隱專員於2023年12月就接獲的四宗有關人力資源管理的投訴發表調查報告。私隱專員調查後發現，涉案機構分別違反了保障資料原則有關個人資料準確性、使用（包括披露）和保安的規定。

Besides, to raise the awareness amongst employers and human resource managers of their responsibilities in protecting personal data privacy and complying with the relevant statutory requirements, the Privacy Commissioner released an investigation report in December 2023 regarding four complaints received by the PCPD in relation to human resource management. Upon investigation, the Privacy Commissioner found that the organisations in the four cases had respectively contravened the requirements on accuracy, use (including disclosure) and security of personal data under the DPPs.

在上述調查中，私隱專員向涉案的資料使用者送達了執行通知，指示他們糾正其違規事項，以及防止類似的違規行為再度發生。

In the aforementioned investigations, the Privacy Commissioner served Enforcement Notices on the data users concerned, directing them to remedy their respective contraventions and prevent recurrence of similar contraventions.





## 發表兩份有關資料外洩事故的調查報告

在報告年度內，私隱專員公署完成兩份有關資料外洩事故的調查報告。2023年12月，公署就一個網購平台涉及超過30萬個香港用戶帳號的資料外洩事故發表調查報告，當中私隱專員裁定有關網購平台違反了保障資料第4(1)原則有關個人資料保安的規定。在2024年3月，公署完成對一公營機構與勒索軟件攻擊有關的資料外洩事故的調查，其後發表相關的調查報告<sup>1</sup>，當中私隱專員裁定該公營機構同時違反了保障資料第2(2)及第4(1)原則有關個人資料保留及保安的規定。

私隱專員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。

## Releasing Two Investigation Reports on Data Breach Incidents

During the reporting year, the PCPD completed two investigation reports on data breach incidents. In December 2023, the PCPD released an investigation report on a data breach incident encountered by an online shopping platform involving the personal data of more than 300,000 user accounts in Hong Kong. In the report, the Privacy Commissioner found that the online shopping platform contravened DPP 4(1) concerning the security of personal data. In March 2024, the PCPD completed an investigation into a data breach incident related to a ransomware attack on a public body, and an investigation report was subsequently released<sup>1</sup>, in which the Privacy Commissioner found that the public body contravened DPP 2(2) and 4(1) concerning the retention and security of personal data.

The Privacy Commissioner served Enforcement Notices on the relevant data users, directing them to remedy the contraventions and prevent their recurrence.

<sup>1</sup> 私隱專員於2024年4月2日發表有關調查報告。

<sup>1</sup> The Privacy Commissioner released the investigation report on 2 April 2024.

## 舉辦私隱之友嘉許獎 2023

### 138間得獎機構支持實踐私 隱管理系統

在報告年度內，私隱專員公署舉辦旗艦活動——「私隱之友嘉許獎2023」，以「實踐私隱管理系統 建立信任共創雙贏」為主題，向企業推廣設立個人資料私隱管理系統的重要性。頒獎典禮於2023年8月圓滿舉行，由政制及內地事務局局長曾國衛，GBS, IDSM, JP擔任主禮嘉賓，共嘉許138間企業、公私營機構及政府部門，以表揚他們在保障個人資料私隱的決心及表現。

## Launching Privacy-Friendly Awards 2023

### 138 Award-winning Organisations Support the Implementation of Privacy Management Programme

During the reporting year, the PCPD launched its flagship event – the “Privacy-Friendly Awards 2023” under the theme of “Embrace Privacy Management Programme to Gain Trust and Benefits” to promote the significance of the establishment of a Personal Data Privacy Management Programme to organisations. The Awards Presentation Ceremony, officiated by Mr Erick TSANG Kwok-wai, GBS, IDSM, JP, Secretary for Constitutional and Mainland Affairs, was successfully held in August 2023. Awards were presented to 138 enterprises, public and private organisations, as well as government departments to recognise their commitment and performance in safeguarding personal data privacy.





參加機構只要具備指定的「保障私隱措施」，即獲嘉許。經過評審委員會的仔細考慮和審核，多達138間機構獲獎，當中八間機構獲得卓越金獎、80間機構獲得金獎、33間機構獲得銀獎和17間機構獲得銅獎。今屆得獎機構的數目比上屆多近四成，反映越來越多機構認同保障個人資料私隱的重要性。

Participating organisations with designated “Privacy Protection Measures” in place were eligible for awards. After careful consideration and assessment by the judging panel, 138 organisations were awarded, of which eight won Outstanding Gold Awards; 80 won Gold Awards; 33 won Silver Awards and 17 won Bronze Awards. The increase in the number of award-winning organisations by nearly 40% compared to the previous year reflects that more and more organisations recognise the importance of protecting personal data privacy.



## 推動良好的數據管治

私隱專員公署透過報章特刊、社交媒體、網上平台等渠道推動更多機構實踐良好的數據管治，並為「私隱之友嘉許獎2023」榮獲卓越金獎的機構拍攝短片，向業界分享他們在保障個人資料私隱方面的經驗及心得。

## Promoting Good Data Governance

The PCPD aims to propel more organisations towards implementing good data governance through a range of channels, including newspaper advertorials, social media and online platforms. Short videos were also produced for the Outstanding Gold Awardees of the “Privacy-Friendly Awards 2023” to share their experience and insights in safeguarding personal data privacy.

此外，私隱專員公署於2023年11月及2024年3月先後舉行兩場經驗分享會，邀得榮獲卓越金獎的機構代表分享他們在設立個人資料私隱管理系統的實戰經驗，以及機構在實踐數據管治和加強保障數據安全時可能遇到的挑戰，共吸引超過340名來自銀行、保險、政府／公營機構、醫護、法律及資訊科技等行業人士參加。

In addition, the PCPD organised two experience-sharing sessions in November 2023 and March 2024, where representatives of the Outstanding Gold Awardees shared with participants their practical experience in establishing Personal Data Privacy Management Programmes, and the challenges they encountered in implementing data governance and strengthening data security. These sharing sessions attracted over 340 participants from various sectors, including banking, insurance, government/public bodies, medical and healthcare, legal and information technology sectors.

## 防範資料詐騙

### 提高市民的防騙意識

網上騙案有上升趨勢，面對層出不窮的詐騙手法，提升市民的防騙意識至關重要。因此，私隱專員公署開設「防騙貼士」專題網站，為市民提供一站式網上資源平台。公署亦不時發出新聞稿呼籲市民及機構提防詐騙網站及短訊，並於2023年12月舉辦「安全使用WhatsApp及社交平台」講座，闡釋騙徒騎劫即時通訊軟件帳戶的行騙手法，吸引超過600名人士參加。

## Preventing Data Fraud

### Enhancing Public Awareness of Fraud Prevention

As there has been an increase in online fraud cases, it is crucial to enhance public awareness of fraud prevention when facing different kinds of fraud traps. Therefore, the PCPD launched a new dedicated webpage entitled “Anti-Fraud Tips”, serving as a one-stop information portal for members of the public. The PCPD also regularly issued media statements to urge the public and organisations to guard against fraudulent websites and SMS messages. A seminar on “Safe Use of WhatsApp and Social Media Platforms” to illustrate fraudsters’ tricks on hijacking instant messaging accounts was organised in December 2023, which attracted over 600 participants.





此外，私隱專員公署推出一系列以「個人資料咪亂俾 踢走騙徒靠晒你」為主題的防騙宣傳活動，邀請了藝員馮素波和鄭子誠參與拍攝宣傳短片，以生活化及輕鬆的方式帶出防騙訊息，自2023年6月分階段於本地電視台、網上平台及港鐵車廂內播出。首集以「偽冒會員獎賞計劃」為題，加強公眾保障個人資料私隱的意識，避免財物損失；次集主題為「優惠禮品騙局」，提醒市民勿因一時貪念而被騙取個人資料；第三集通過模擬「保健產品推銷騙局」，教育大眾要提高警覺，以免誤墮騙徒的推銷陷阱；最後一集取材自「感情騙案」，提醒大眾要避開感情陷阱，慎防詐騙。

In addition, the PCPD launched a series of anti-fraud publicity activities under the theme of “Don’t Hand Over Your Personal Data – Beware of Fraudsters”, and invited artistes Alice FUNG So-bor (馮素波) and Timothy CHENG Tse-sing (鄭子誠) to perform key roles in promotional videos to convey the messages of fraud prevention in a realistic yet light-hearted way. The videos were broadcast on local TV, online platforms and MTR in-train TVs in phases starting from June 2023. The first episode titled “Fake Membership Awards Programme” aims to raise public awareness of protecting personal data privacy so as to avoid property loss. The second episode uses “Promotional Gifts Scam” as the theme to remind citizens not to disclose personal data out of greed. The third episode on “Healthcare Products Promotional Scam” educates members of the public to stay vigilant and not fall prey to scams. The last episode themed “Romance Scam” reminds the public to beware of relationship traps and fraudsters.



另外，私隱專員公署亦派發防騙宣傳海報至各區民政事務處、社區中心、長者中心和學校，又於各大公共交通網絡及網上平台宣傳防騙訊息。公署關愛義工隊亦於2023年聖誕為長者舉辦防騙講座，透過講座及遊戲提高長者的防騙意識，教導他們分辨詐騙訊息。

Furthermore, the PCPD distributed anti-fraud promotional posters to District Offices, community centres, elderly centres and schools, and promoted anti-fraud messages across major public transportation networks and online platforms. The PCPD's Volunteer Team also organised talks on fraud prevention for the elderlies during Christmas in 2023. During the visit, the Volunteer Team arranged talks and games to raise the elderlies' alertness of fraudulent scams so that they could easily identify scammers.





# 合規

Compliance





## 回應公眾查詢

私隱專員公署在本報告年度接獲16,034宗查詢個案(圖2.1)，比上年度增加了4.8%，平均每個月處理約1,300宗查詢個案，大部分(84%)屬電話查詢<sup>1</sup>，經書面及親臨公署提出的查詢分別佔12%及4%。

主要查詢類別為有關收集及使用個人資料的情況(例如：香港身份證號碼及／或副本)(30%)、私隱專員公署的投訴處理政策(9%)、僱傭關係的個人資料處理(6%)、查閱與更正個人資料的權益(6%)、安裝與使用閉路電視設備情況(5%)及《私隱條例》的應用(5%)。

有關誘騙個人資料的查詢持續增加，由上年度的732宗增至本年度的903宗，增幅為23%。本年度私隱專員公署接獲942宗關於「起底」的查詢，較2022-23年度的325宗增加近三倍。

## Responding to Public Enquiries

The PCPD received a total of 16,034 enquiry cases during the reporting year (Figure 2.1), an increase of 4.8% compared to the preceding reporting year. On average, around 1,300 enquiry cases were handled each month. The majority of the enquiries (84%) were made by telephone<sup>1</sup>, while the percentages of enquiries made in writing and in person were 12% and 4% respectively.

The key areas of enquiries included the collection and use of personal data (e.g. Hong Kong Identity Card numbers and/or copies) (30%), the PCPD's complaint handling policy (9%), the handling of personal data in the context of employment (6%), the rights to access and correct personal data (6%), the installation and use of CCTV facilities (5%) and the application of the PDPO (5%).

The number of enquiries regarding personal data fraud continued to rise, from 732 in the preceding reporting year to 903 in this reporting year, representing an increase of 23%. The number of enquiries related to doxxing in this reporting year was 942, which was nearly a three-fold increase from 325 in the 2022-23 reporting year.

<sup>1</sup> 包括透過私隱專員公署的一般查詢熱線(2827 2827)、數據安全熱線及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)。

<sup>1</sup> Including through the General Enquiries Hotline (2827 2827), Data Security Hotline and 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

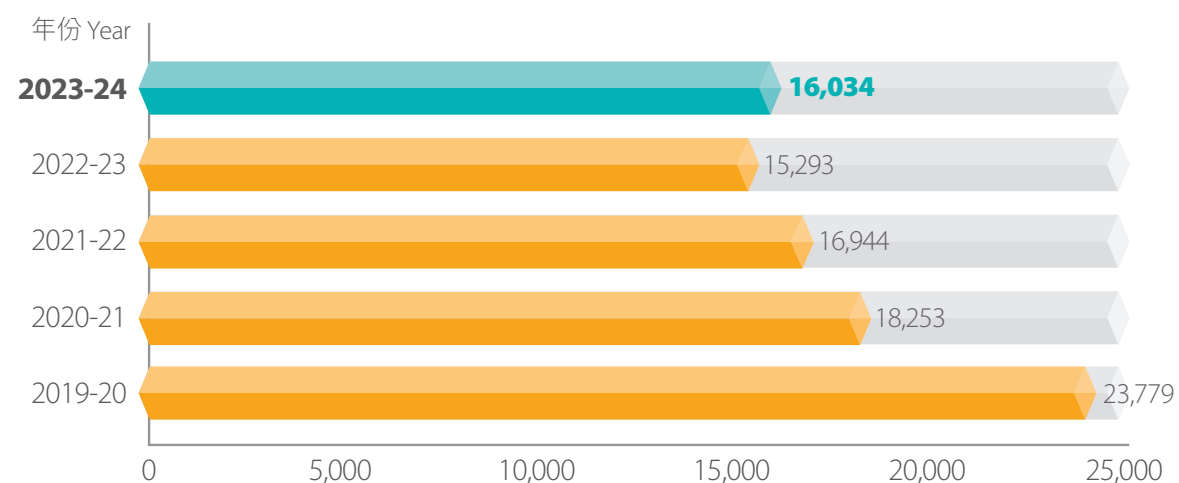


圖2.1  
Figure 2.1



## 展開循規行動

當私隱專員公署發現機構的行事方式可能與《私隱條例》規定不相符時，公署會展開循規審查或調查。完成循規行動後，私隱專員一般會向機構指出其行事方式與《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，避免日後重蹈覆轍。

在報告年度內，私隱專員共進行了410次循規行動，較2022-23年度的383次多7%（圖2.2）。

## Initiating Compliance Actions

When the PCPD identifies that an organisation's practices may not comply with the requirements under the PDPO, the PCPD will initiate compliance checks or investigations. Upon completion of a compliance action, the Privacy Commissioner will generally inform the organisation of its non-compliant or deficient practices under the PDPO and urge it to take appropriate remedial measures to rectify the contraventions, and implement preventive measures to prevent the contraventions from recurring.

During the reporting year, the Privacy Commissioner carried out 410 compliance actions, an increase of 7% compared to 383 in 2022-23 (Figure 2.2).

### 循規行動數目

### Number of Compliance Actions Carried Out

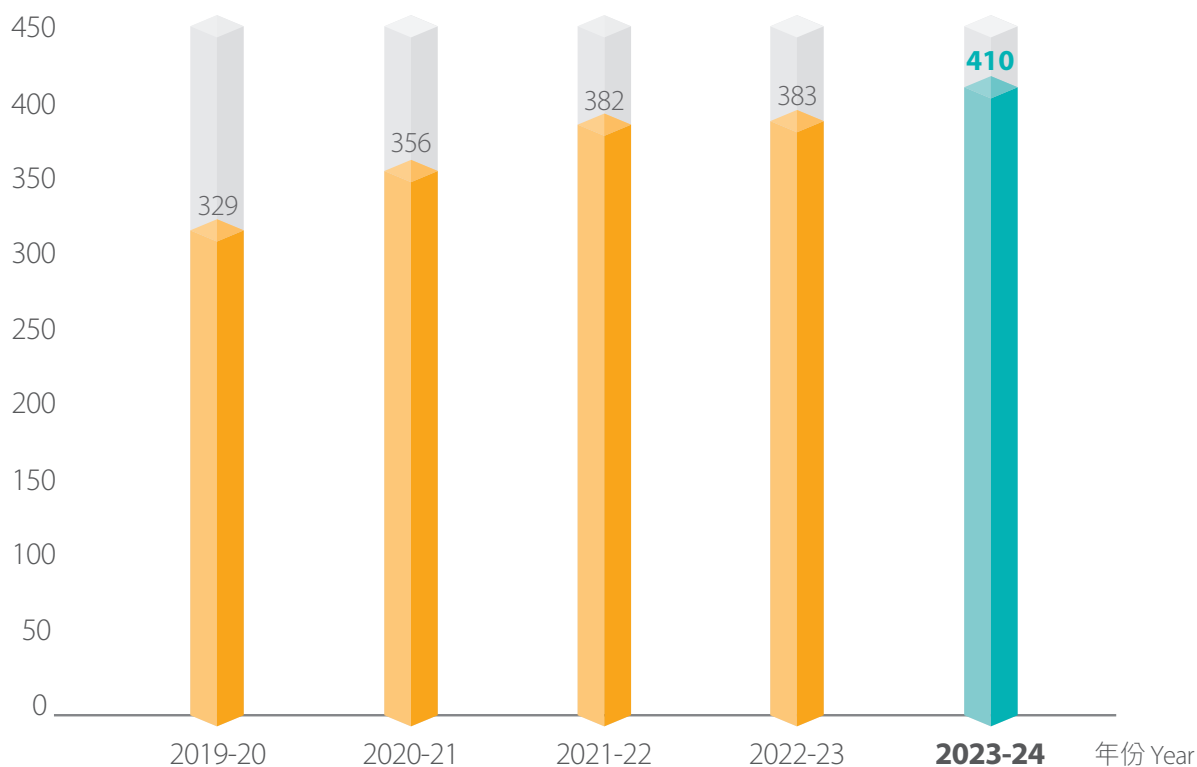


圖2.2  
Figure 2.2



## 處理資料外洩事故通報

資料外洩事故一般指資料使用者持有的個人資料懷疑或已經外洩，面臨未經授權或意外地被查閱、處理、刪除、喪失或使用的風險。資料外洩事故可能違反《私隱條例》附表1保障資料第4原則的規定。為減低資料外洩事故的影響及糾正相關保安漏洞，私隱專員公署鼓勵資料使用者就事故通知資料當事人、私隱專員和其他相關人士。

在接獲資料外洩事故通報後，私隱專員公署會仔細評估通報當中的資料，以考慮是否有需要對有關機構展開循規審查或調查。在完成循規行動後，私隱專員一般會向有關資料使用者具體指出其不足之處，並建議補救措施，改正其不足之處，以避免事故重演。

## Handling 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 subjects to the risks of unauthorised or accidental access, processing, erasure, loss or use. The breach may be found to be in contravention of Data Protection Principle (DPP) 4 of Schedule 1 to the PDPO. To mitigate the impact of a data breach and rectify related security vulnerabilities, data users are encouraged to notify the affected data subjects, the Privacy Commissioner and other relevant parties upon the occurrence of a data breach incident.

Upon receipt of a data breach notification, the PCPD would carefully assess the information provided to determine whether the situation warrants the initiation of a compliance check on or an investigation into the organisation involved. Upon completion of the compliance actions, the Privacy Commissioner would generally identify deficiencies of the data users and provide recommendations for remedial measures to rectify the deficiencies and to prevent recurrence of such incidents.



在報告年度內，私隱專員公署接獲169宗資料外洩事故通報（50宗來自公營機構、119宗來自私營機構），涉及約90萬名人士的個人資料。這些外洩事故的性質涉及黑客入侵、遺失文件或便攜式裝置、經傳真、電郵或郵件意外披露個人資料、僱員未經授權查閱個人資料、意外銷毀個人資料，以及系統錯誤設定等。公署對每宗事故均展開了循規審查或調查（圖2.3）。

During the reporting year, the PCPD received a total of 169 data breach notifications (50 from the public sector and 119 from the private sector), involving the personal data of around 900,000 individuals. The nature of these data breach incidents included hacking, loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, unauthorised access of personal data by employees, accidental erasure of personal data and system misconfiguration. The PCPD conducted a compliance check on or an investigation into each of these 169 incidents (Figure 2.3).

### 資料外洩事故通報數目

### Number of Data Breach Notifications Received

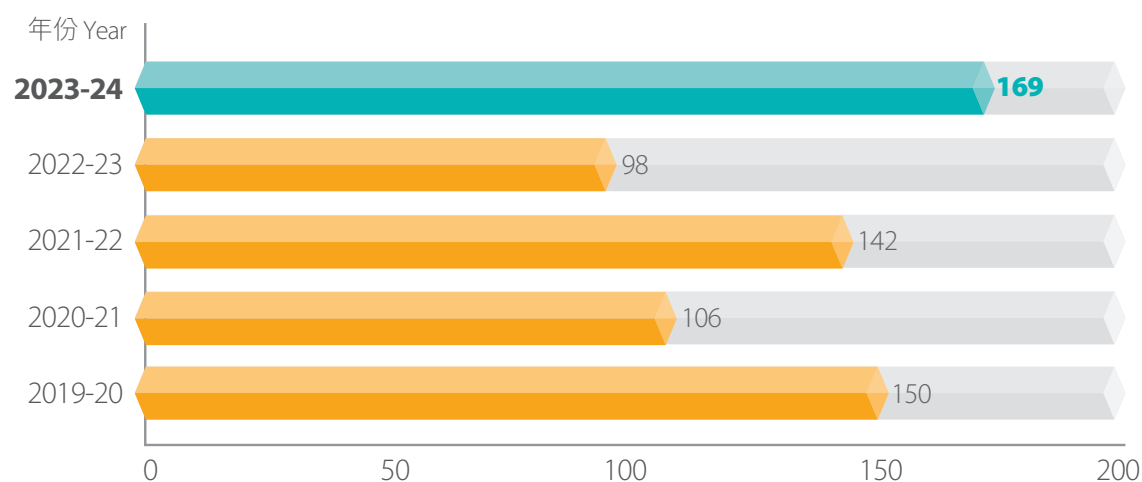


圖2.3  
Figure 2.3



## 循規調查

在報告年度內，私隱專員發表了兩份有關資料外洩事故的調查報告。

### 一個網購平台的資料外洩事故

一個網購平台向私隱專員公署通報，發現一個網上論壇一則銷售訊息聲稱可出售該平台260萬名用戶的個人資料，包括324,232個香港用戶帳號的個人資料。該網購平台表示該資料外洩事故源於2022年1月系統遷移過程中出現的一個保安漏洞。私隱專員就事件展開調查。

私隱專員經調查後認為事件是由該網購平台以下的缺失導致：

- (1) 未有在系統遷移前進行私隱影響評估；
- (2) 不全面的編碼覆檢程序；
- (3) 與系統遷移有關的安全評估有缺失；
- (4) 欠缺與編碼覆檢程序相關的書面政策；及
- (5) 欠缺有效的偵測措施。

## Compliance Investigations

During the reporting year, the Privacy Commissioner published two investigation reports in relation to data breach incidents.

### A Data Breach Incident of an Online Shopping Platform

An online shopping platform reported to the PCPD after discovering that a listing posted on an online forum offered for sale the personal data of its 2.6 million users, which included the personal data of 324,232 user accounts in Hong Kong. The online shopping platform stated that the data breach incident was caused by a security vulnerability that was introduced during a system migration in January 2022. The Privacy Commissioner initiated an investigation into the incident.

Upon conclusion of her investigation, the Privacy Commissioner considered that the incident had been caused by the following deficiencies of the online shopping platform:

- (1) Failure to conduct a privacy impact assessment prior to the system migration;
- (2) Incomprehensive code review process;
- (3) Inadequate security assessment associated with the system migration;
- (4) Lack of a written policy in relation to the code review process; and
- (5) Lack of effective detection measures.

鑑於其缺失，私隱專員認為該網購平台沒有採取所有切實可行的步驟確保涉事的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，因而違反了保障資料第4(1)原則有關個人資料保安的規定。私隱專員向該網購平台送達執行通知，指示其糾正以及防止有關違規情況再次發生。

In the light of the deficiencies, the Privacy Commissioner considered that the online shopping platform had not taken all practicable steps to ensure that the personal data involved was protected against unauthorised or accidental access, processing, erasure, loss or use, thereby contravening DPP 4(1) regarding the security of personal data. The Privacy Commissioner served an Enforcement Notice on the online shopping platform to direct it to remedy and prevent recurrence of the contravention.

私隱專員建議機構若要遷移涉及個人資料的資訊系統，應採取以下措施加強數據安全：

The Privacy Commissioner made the following recommendations on strengthening data security to organisations which may perform information system migration involving personal data:

- 進行私隱影響評估，特別是當系統或行事方式出現重大改變及引入新科技時進行有關評估；
  - 制訂確保數據安全的遷移計劃；
  - 進行有效的漏洞評估；
  - 提供相關的員工培訓；
  - 實施有效的檢測機制偵測異常活動；及
  - 制訂地區性政策及程序，確保遵從《私隱條例》的規定。
- Carry out privacy impact assessments, especially when significant changes are made to systems or practices and upon the adoption of new technologies;
  - Develop a migration plan that prioritises data protection;
  - Conduct effective vulnerability assessments;
  - Provide relevant employee training;
  - Implement an effective mechanism for detecting abnormal activities; and
  - Formulate localised policies and procedures to ensure compliance with the PDPO.



## 某公營機構的資料外洩事故

一間公營機構向私隱專員公署通報，指其電腦系統及檔案伺服器遭勒索軟件攻擊及惡意加密，導致超過13,000名資料當事人的個人資料外洩，當中約四成受影響人士為求職者及已離職的僱員。

私隱專員經調查該資料外洩事故後認為事件是由該機構以下的缺失導致：

- (1) 資訊系統欠缺有效針對惡意攻擊的偵測措施，令黑客能成功獲取具管理員權限的帳戶憑證；
- (2) 沒有為遠端存取資料啟用多重認證功能，導致黑客能利用獲取的帳戶憑證透過遠端桌面連接進入該機構的網絡；
- (3) 對資訊系統進行的保安審計不足；
- (4) 資訊保安政策有欠具體；及
- (5) 約四成受影響人士的個人資料被不必要地保留。

## A Data Breach Incident of a Public Body

A public body reported to the PCPD that its computer systems and file servers had been attacked by ransomware and maliciously encrypted. The incident resulted in the leakage of the personal data of more than 13,000 data subjects, about 40% of whom were unsuccessful job applicants and former employees.

Upon conclusion of her investigation into the data breach incident, the Privacy Commissioner considered that the incident had been caused by the following deficiencies of the public body:

- (1) Lack of effective detection measures against malicious attacks, allowing the hacker to obtain the credentials of user accounts with administrative privileges;
- (2) Failure to enable multi-factor authentication for remote access to data, allowing the hacker to gain access to its network through a remote desktop connection using the credentials of a user account;
- (3) Insufficient security audits of the information systems;
- (4) Lack of specificity in the information security policy; and
- (5) Unnecessary retention of the personal data of around 40% of the affected individuals.

基於上述情況，私隱專員認為該機構沒有採取所有切實可行的步驟，以確保涉事的個人資料(i)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；及(ii)保存時間不超過使用該資料實際所需的時間，因而違反了保障資料第4(1)及2(2)原則有關個人資料保安及保留的規定。私隱專員向該機構送達執行通知，指示其糾正以及防止有關違規情況再次發生。

私隱專員向使用資訊及通訊科技處理個人資料的機構作出以下建議：

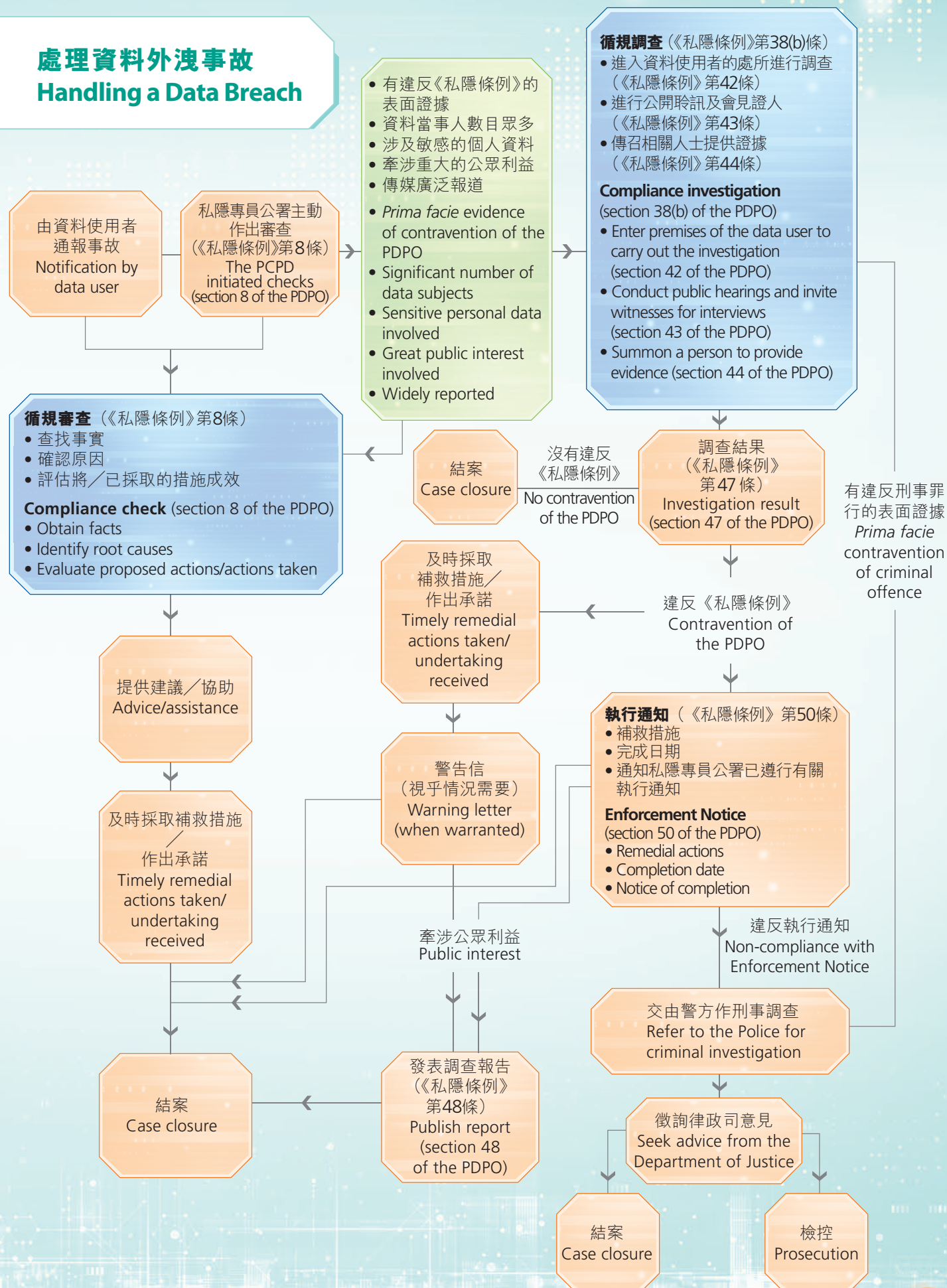
In the circumstances, the Privacy Commissioner considered that the public body had not taken all practical steps to ensure that the personal data involved was (i) protected against unauthorised or accidental access, processing, erasure, loss or use; and (ii) not kept longer than was necessary for the fulfilment of the purpose for which the data was used, thereby contravening DPP 4(1) and DPP 2(2) regarding the security and retention of personal data. The Privacy Commissioner served an Enforcement Notice on the public body to direct it to remedy and prevent recurrence of the contravention.

The Privacy Commissioner made the following recommendations to organisations which use information and communications technologies for processing personal data:

- |                          |  |
|--------------------------|--|
| ➤ 設立個人資料私隱管理系統並委任保障資料主任； | ➤ Establish a Personal Data Privacy Management Programme and appoint data protection officer(s); |
| ➤ 建立穩健的網絡保安框架；           | ➤ Establish a robust cybersecurity framework;  |
| ➤ 適時對資訊系統進行風險評估及保安審計；    | ➤ Conduct timely risk assessments and security audits of information systems;                    |
| ➤ 建立重視資訊安全的企業文化；及        | ➤ Establish a corporate culture that values information security; and                            |
| ➤ 適時刪除個人資料。              | ➤ Delete personal data in a timely fashion.  |



## 處理資料外洩事故 Handling a Data Breach



## 進行視察

私隱專員公署一直致力就各界遵守《私隱條例》規定作出監察及監管，包括行使《私隱條例》第36條的權力，派員到持有大量市民個人資料的機構，實地視察其資料系統。在報告年度內，私隱專員發表了兩份視察報告。

### 某政府部門的個人資料系統

視察結果顯示，該政府部門致力實施個人資料私隱管理系統，為保障個人資料私隱建立了穩健的基礎，並持續評估及監督該系統以確保符合《私隱條例》的要求。私隱專員於視察報告中向該政府部門提出10項建議，以加強其持有的個人資料的保安。

此外，私隱專員強烈鼓勵該部門繼續努力向全體員工灌輸和維持一個優良的資料保障文化，以加強對持份者個人資料的私隱保障及保安，並展示該部門對良好數據管治及與公眾建立信任的決心。

## Conducting Inspections

The PCPD is committed to monitoring and supervising compliance with the requirements of the PDPO, including exercising the powers under section 36 of the PDPO to carry out site inspections of the data systems of organisations which handle a vast amount of personal data. During the reporting year, the Privacy Commissioner published two inspection reports.

### Personal Data System of a Government Department

The findings of the inspection revealed that the government department had made significant efforts to implement a Personal Data Privacy Management Programme and had built a robust infrastructure to protect personal data privacy, which was supported by an ongoing review and monitoring process to facilitate compliance with the requirements under the PDPO. The Privacy Commissioner also made 10 recommendations to the government department in the inspection report with a view to enhancing the security of the personal data held by the department.

In addition, the Privacy Commissioner strongly encouraged the government department to continuously strive to instil and maintain a strong culture of data protection among all staff members to better protect the privacy and security of the personal data of its stakeholders and demonstrate its commitment to good data governance and building trust with members of the public.



## 一間虛擬銀行的客戶個人資料系統

視察結果顯示，該銀行建立了個人資料私隱管理系統並委任專職的保障資料主任，有系統並負責任地建立一套遵從《私隱條例》規定的制度，循規地管理客戶的個人資料。此外，私隱專員欣悉該銀行透過實行無紙化辦公環境、舉行防範釣魚襲擊威脅的演習活動，以及推動私隱友善辦公文化等措施，致力保障個人資料私隱。整體來說，私隱專員認為該銀行在處理客戶個人資料上大致符合《私隱條例》中附表1保障資料原則的規定。

雖然如此，私隱專員建議該銀行加強對資料處理者的管理、提升資料遺失防護系統的監察能力、限制員工查閱客戶個人資料的時間、集中管理處理個人資料的內部政策及指引，並持續定期檢視其個人資料系統，以加強對客戶個人資料的保障。

## Personal Data System of a Virtual Bank

The findings of the inspection revealed that the bank had established a Personal Data Privacy Management Programme and appointed a dedicated Data Protection Officer to systematically and responsibly develop a system to comply with the requirements the PDPO and to manage customers' personal data. In addition, the Privacy Commissioner was pleased to note that the bank had been committed to protecting personal data privacy through measures such as implementing a paperless office, conducting drill exercises to prevent the threat of phishing attacks and promoting a culture of privacy in the workplace. Overall, the Privacy Commissioner considered that the bank had generally adhered to the requirements of DPPs of Schedule 1 to the PDPO in the handling of customers' personal data.

Nevertheless, the Privacy Commissioner recommended the bank to strengthen the management of its data processors, enhance the monitoring capabilities of the data loss prevention system, limit the time for staff members to access customers' personal data, centrally manage its internal policies and guidelines on the handling of personal data, and continuously and regularly review its personal data system so as to strengthen the protection of customers' personal data.

## 處理核對程序申請

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

在報告年度內，私隱專員公署共收到37宗核對程序申請。經審閱後，私隱專員在加入附加條件後批准了36宗申請，一宗申請不屬《私隱條例》訂明的核對程序而不獲批准。

## Processing Matching Procedure Requests

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

During the reporting year, the PCPD received a total of 37 applications to carry out matching procedures. After vetting, the Privacy Commissioner approved 36 of these applications, with conditions imposed, and rejected one application which was found not to be a matching procedure as defined under the PDPO.





## 推廣合規

### 發表《數碼時代的私隱保障：比較十大網購平台的私隱設定》報告及出版《使用網購平台的保障私隱貼士》單張

公眾對網上購物已習以為常，網購為消費者帶來便利及好處，卻存在個人資料私隱的風險。在2023年6月，私隱專員公署發表《數碼時代的私隱保障：比較十大網購平台的私隱設定》報告，當中檢視及評估了10個本地消費者常用的網購平台（即Baby Kingdom — BKmall、Carousell、eBay、Fortress、HKTVmall、京東、PlayStation App、Price.com.hk、香港格價網、Samsung及淘寶）的私隱設定，以了解有關平台收集及使用用戶個人資料的情況。

私隱專員公署根據檢視結果，向網購平台營運商提供保障用戶私隱的具體建議，包括允許用戶以訪客身分購物並僅收集處理交易所需的個人資料、將所有與私隱有關的選項預設為保障用戶私隱的選項，以及提高追蹤用戶活動的透明度。同時，公署出版了《使用網購平台的保障私隱貼士》單張，向網購平台用戶提供安全網購及保障個人資料私隱的貼士，包括僅提供完成註冊及交易所需的最少量資料、注意直接促銷相關的設定、刪除不再使用的帳戶等。

## Promoting Compliance

### Release of Report on “Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms” and Publication of Leaflet on “Tips for Users of Online Shopping Platforms”

Online shopping has become an integral part of daily life for many people. While online shopping offers convenience and benefits to consumers, it also poses risks to personal data privacy. In June 2023, the PCPD released a report on “Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms”, which covered a review and assessment of the privacy settings of 10 online shopping platforms commonly used in Hong Kong (namely, Baby Kingdom – BKmall, Carousell, eBay, Fortress, HKTVmall, JD.COM, PlayStation App, Price.com.hk, Samsung and Taobao), to understand how these online shopping platforms collect and use the personal data of their users.

Based on the review findings, the PCPD provided specific advice to the operators of online shopping platforms regarding protection of the users’ personal data. This included allowing users to shop as guests and only collecting personal data necessary to process transactions, setting all privacy-related options to protect user privacy by default, and increasing transparency in tracking users’ activities. Simultaneously, the PCPD published a leaflet on “Tips for Users of Online Shopping Platforms”, which provided advice to users of online shopping platforms about how to carry out online shopping safely while protecting their personal data privacy, including, for example, only providing the minimum amount of personal data required for registration and transactions, and paying attention to direct marketing settings and deleting unused accounts.

## 發表《電子點餐的私隱關注》報告及出版《在餐廳使用手機應用程式或二維碼點餐的保障私隱貼士》單張

隨着電子點餐漸趨普及，私隱專員公署在2024年1月發表《電子點餐的私隱關注》報告。公署派員走訪了60間向顧客提供手機應用程式或二維碼自助點餐的本地餐廳，實測有關餐廳在提供電子點餐服務時收集及使用顧客個人資料的情況。

私隱專員公署根據檢視結果，就加強電子點餐相關的個人資料保護，向飲食業界提供具體建議，包括向顧客提供其他不涉及收集個人資料的點餐方式，或按實際所需收集最少量的個人資料，使用顧客的個人資料作直接促銷前須徵求其同意，並不應預設該選項為「同意」。

## Release of Report on “Privacy Concerns on Electronic Food Ordering at Restaurants” and Publication of Leaflet on “Food Ordering Using Mobile Apps or QR Codes at Restaurants: Tips for Protecting Privacy”

With the increasing prevalence of electronic ordering services, the PCPD released a report on “Privacy Concerns on Electronic Food Ordering at Restaurants” in January 2024. The PCPD’s representatives paid visits to 60 local restaurants which allowed customers to order food by using a mobile application or scanning a QR code, and carried out tests on the collection and use of customers’ personal data by the restaurants concerned in the provision of electronic food ordering services.

According to the review results, the PCPD provided specific recommendations to the food and beverage industry regarding enhancing personal data protection when using electronic ordering services. The suggestions included providing alternative food ordering means to customers without collecting their personal data or collecting a minimal amount of personal data as needed, and seeking customers’ consent to use their personal data for direct marketing purposes, in which the setting for options should not be set as “agree” by default.



與此同時，私隱專員公署出版了《在餐廳使用手機應用程式或二維碼點餐的保障私隱貼士》單張，向市民提供保障私隱的建議，包括考慮是否僅為堂食點餐功能而使用應用程式並開立帳戶、以訪客身分點餐時須考慮所需個人資料的類別是否必須，及是否可以在不提供有關資料的情況下仍可點餐等。

At the same time, the PCPD published a leaflet on “Food Ordering Using Mobile Apps or QR Codes at Restaurants: Tips for Protecting Privacy” to provide advice to citizens about privacy protection. Citizens are advised to consider whether to use the mobile apps and create an account solely for restaurant dining purposes, whether the types of personal data to be collected are necessary when ordering as a guest, as well as whether the order could be placed without providing such data, etc.





# 投訴及上訴

Complaints and Appeals





## 處理投訴

### 投訴的整體趨勢

私隱專員公署在本報告年度收到的投訴及經公署主動網上巡查發現的「起底」個案總數為3,600宗，比2022-23年度的3,644宗下跌了約1.2%。當中，與「起底」相關的投訴個案有433宗，經主動網上巡查發現的「起底」個案有198宗。

經主動網上巡查發現的「起底」個案由2022-23年度的841宗下跌至本報告年度的198宗，反映出私隱專員公署針對「起底」罪行的執法取得成果。雖然網上涉及「起底」的情況大幅減少，打擊「起底」仍然是私隱專員公署的重點工作。

## Handling Complaints

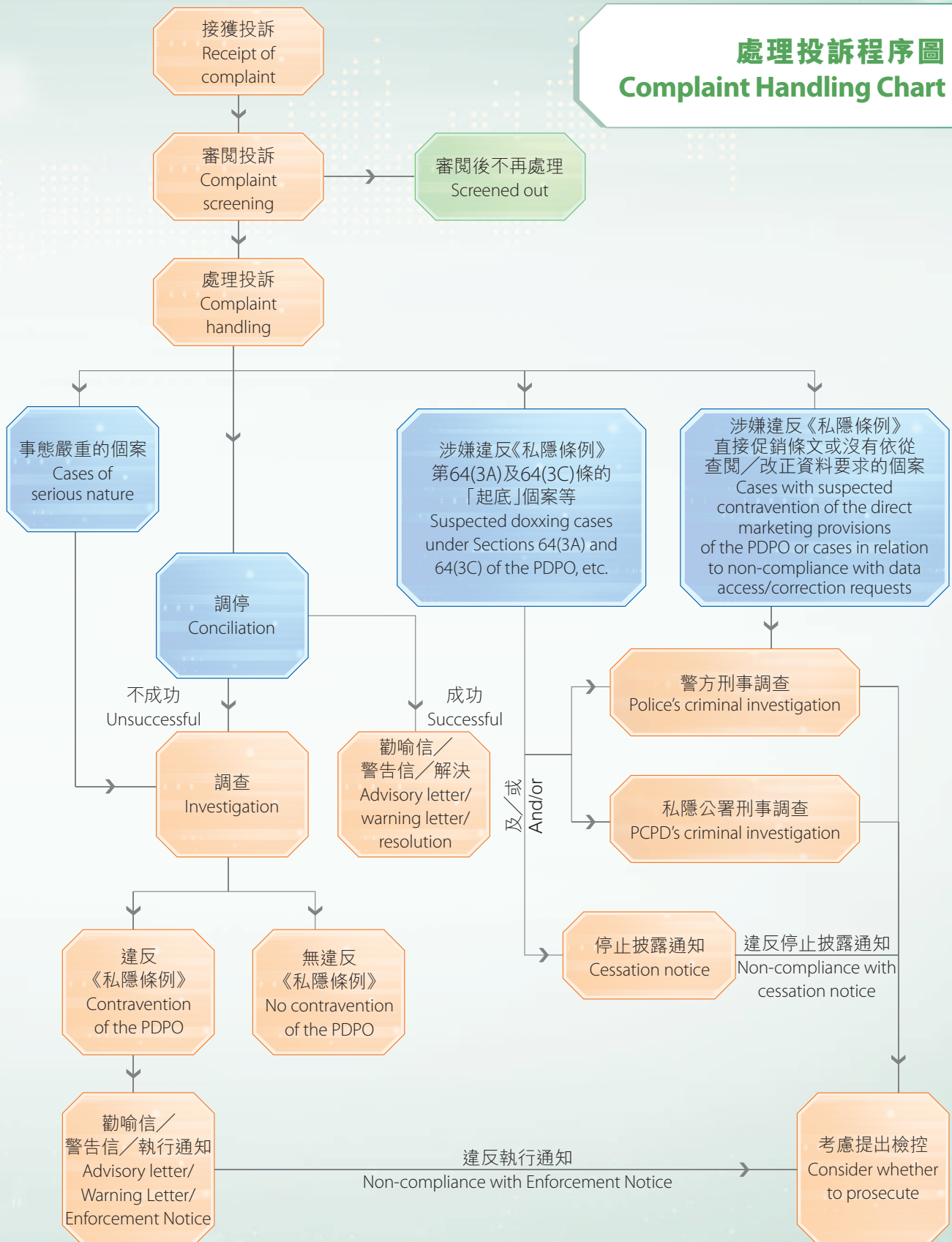
### Overall Trend of Complaints

In this reporting year, the total number of complaints received and doxxing cases uncovered by proactive online patrols was 3,600, a decrease of 1.2% from the 3,644 cases in 2022-23. Of all complaints, 433 were doxxing-related complaints and 198 were doxxing cases uncovered by proactive online patrols.

Specifically, the number of doxxing cases detected through proactive online patrols dropped from 841 in the 2022-23 reporting year to 198 in the current reporting year, demonstrating the successful enforcement efforts made by the PCPD in combating doxxing offences. Although there has been a significant decline in online doxxing activities, curbing doxxing remains a 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](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](https://www.pcpd.org.hk/english/complaints/policy/complaint_policy.html)



## 接獲的投訴及經主動網上巡查發現的「起底」個案

私隱專員公署在2023-24年度共收到3,600宗投訴及經主動網上巡查發現的「起底」個案，當中包括433宗與「起底」相關的投訴個案及198宗經主動網上巡查發現的「起底」個案。撇除這兩個類別，私隱專員公署在本報告年度共接獲2,969宗投訴，較去年增加39.6%（圖3.1）。

## Complaints Received and Doxxing Cases Uncovered by Proactive Online Patrols

There were a total of 3,600 complaints and doxxing cases uncovered by proactive online patrols in 2023-24. Excluding the 433 doxxing-related complaints and 198 doxxing cases uncovered by proactive online patrols, the PCPD received 2,969 complaints, representing a 39.6% increase from the previous reporting year (Figure 3.1).

接獲的投訴個案及作出主動巡查個案數目  
Number of Complaints Received and Doxxing Cases Uncovered by Proactive Online Patrols

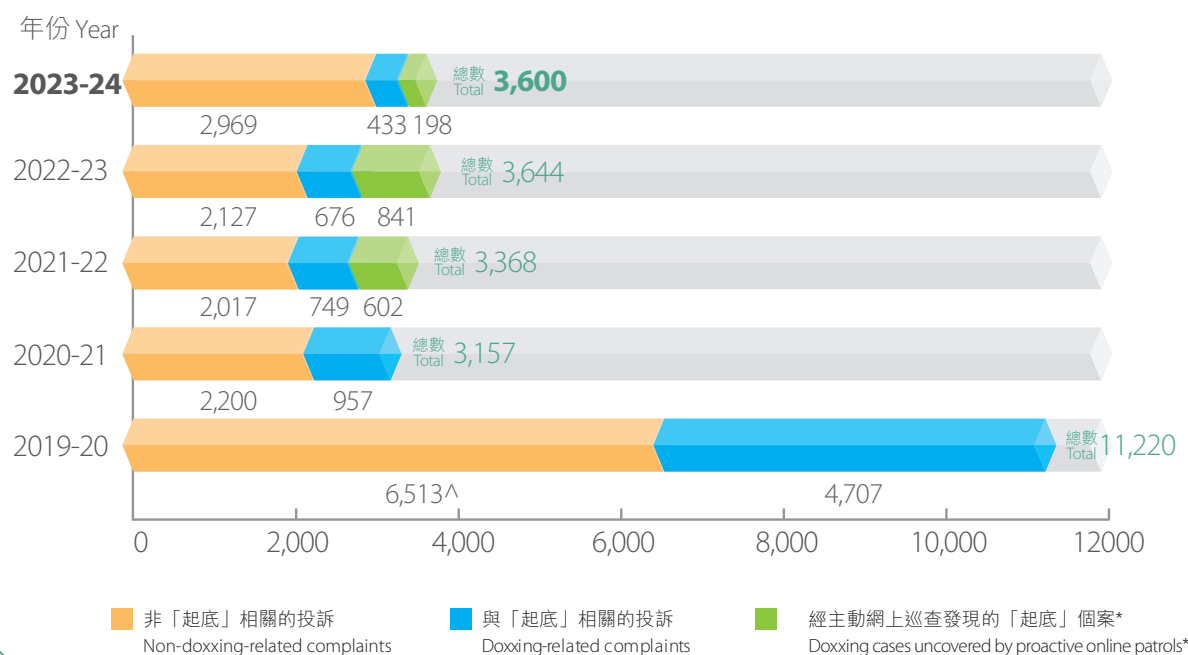


圖3.1  
Figure 3.1

\* 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。

<sup>^</sup> 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平台披露一份航空公司機艙服務員名單的投訴。

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

<sup>^</sup> 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.

## 被投訴者類別

2,969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 (1,197宗)，主要涉及銀行、金融機構、物業管理公司、電訊公司及零售機構；
- 個人 (1,466宗)，當中大部分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 (306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 2,969 non-doxxing-related complaints are categorised as follows (Figure 3.2):

- Private organisations (1,197 cases), with the majority involving banks, financial institutions, property management companies, telecommunication companies and retail business organisations;
- Individuals (1,466 cases), with disputes mainly stemming from domestic affairs and installation of CCTV by neighbours; and
- Government departments and public organisations (306 cases), with the majority being healthcare organisations, law enforcement agencies and education institutes.

### 被投訴者類別

### Types of Parties being Complained against

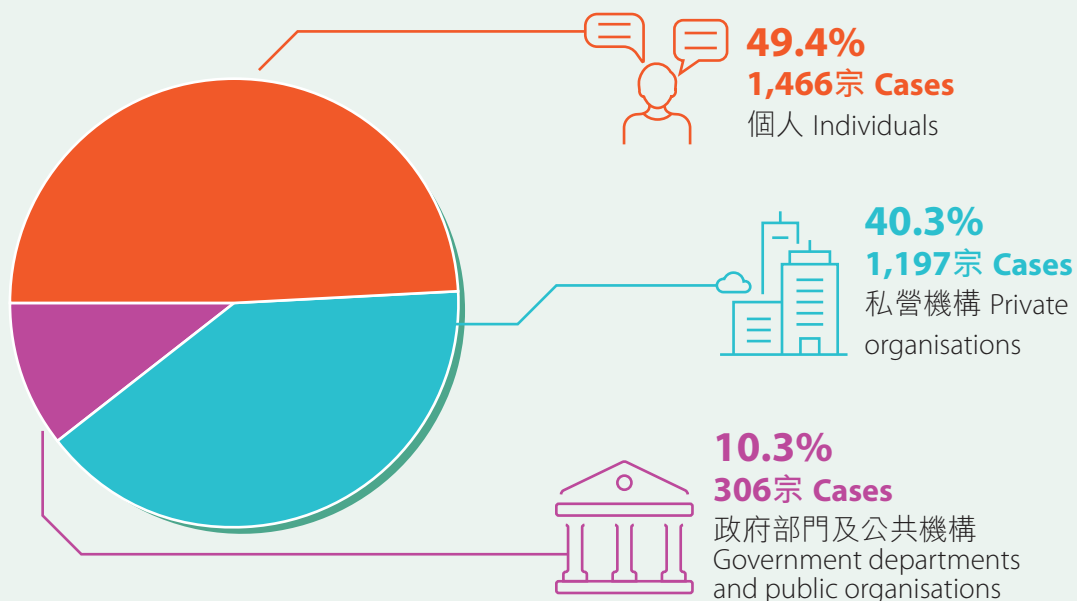


圖3.2  
Figure 3.2



## 投訴指稱

2,969宗非「起底」相關的投訴當中，共涉及3,593項涉嫌違規行為（單一投訴或會牽涉多於一項指稱），投訴指稱的違規性質如下（圖3.3）：

## Nature of Alleged Breaches

The 2,969 non-doxxing-related complaints involved a total of 3,593 alleged breaches (as one complaint might involve more than one allegation). The nature of the alleged breaches is shown as follows (Figure 3.3):

### 投訴指稱

### Nature of Alleged Breaches

**4.1%**

**148項 Alleged breaches**

查閱／改正個人資料  
Data access/  
correction requests



**3.3%**

**117項 Alleged breaches**

直接促銷  
Direct marketing



**0.1%**

**5項 Alleged breaches**

個人資料政策的  
透明度不足  
Inadequate  
transparency  
of personal data policies



**26.7%**

**959項 Alleged breaches**

不當收集個人資料  
Improper collection  
of personal data



**8.8%**

**315項 Alleged breaches**

個人資料的保安不足  
Inadequate security  
of personal data



**5.3%**

**189項 Alleged breaches**

個人資料的準確性  
及保留期  
Accuracy or retention  
of personal data



**51.7%**

**1,860項 Alleged breaches**

不當使用及披露個人資料  
Improper use and disclosure  
of personal data



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)。

值得注意的是，有關查閱／改正資料要求的投訴由97宗增加至148宗，增幅達53%，有關增幅反映市民對行使他們在《私隱條例》下有關查閱及改正資料要求的權利的意識大大提升，可見私隱專員公署在公眾教育方面的工作取得成效。

另一方面，與資訊科技相關的投訴依然是佔比最高的類別，投訴個案數目為2022-23年度的三倍。這個情況是源於市民及機構在日常溝通及處理業務時經常使用即時通訊軟件、社交網絡平台和智能電話應用程式，而當中亦會涉及收集及使用個人資料的情況。

## 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).

It is noteworthy that the number of complaints relating to data access/correction requests has seen a 53% increase, rising from 97 to 148 cases. This trend shows that the PCPD's public education campaigns are effective as citizens are becoming more aware of their data access and correction rights under the PDPO.

On the other hand, the number of complaints relating to information technology remains the highest among all categories, with the number of complaints tripling that in the 2022-23 reporting year. This surge could be explained by the widespread use of instant messaging software, online social networks, and smartphone applications by members of the public and organisations in their daily communication and business transactions, which may also involve the collection and use of personal data.



## 投訴範疇

## Subject Matters of Complaints

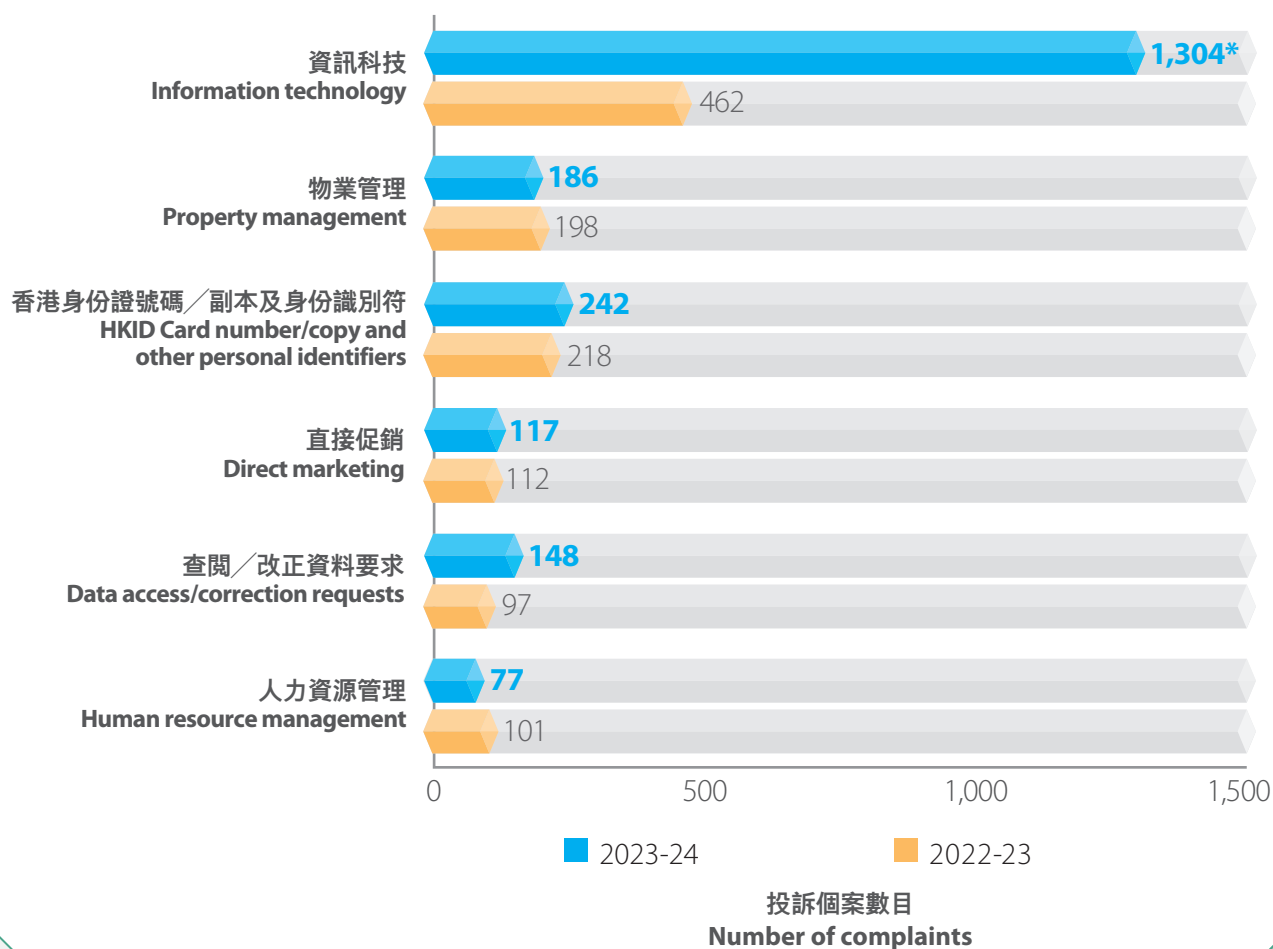


圖3.4  
Figure 3.4

\* 超過500宗與資訊科技有關的投訴源自於同一位投訴人。

\* There are more than 500 complaints related to information technology lodged by the same complainant.

## 年度投訴摘要

在2023-24報告年度，私隱專員公署共處理了4,432宗投訴，包括新接獲的3,600宗投訴（當中包括433宗與「起底」相關的投訴及198宗經主動網上巡查發現的「起底」個案），以及832宗承接上一報告年度的投訴。其中3,604宗投訴（81.3%）已在本報告年度完成，而另外828宗（18.7%）則仍在處理中（截至2024年3月31日）。

撇除與「起底」相關的投訴及經網上巡查發現的「起底」個案，私隱專員公署在本報告年度完成處理2,906宗投訴，其中2,039宗經公署初步評估後結案，另外867宗則獲受理作進一步處理。

在這867宗投訴當中，私隱專員公署以調停方式成功解決744宗（86%）。另外20宗涉及刑事成份的投訴（其中大部分與直接促銷有關），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。公署就餘下的103宗投訴進行調查，並發現其中54宗違反《私隱條例》的規定，因此分別向被投訴者發出執行通知、警告信或勸諭信，指示或要求被投訴者採取補救行動或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 the 2023-24 reporting year, the PCPD handled a total of 4,432 complaints, which consisted of 3,600 newly received complaints (including 433 doxxing-related complaints and 198 doxxing cases uncovered by proactive online patrols) and 832 complaints carried forward from the previous reporting year. Of these, 3,604 complaints (81.3%) were dealt with during the reporting year, while the remaining 828 complaints (18.7%) were still in progress as at 31 March 2024.

Excluding the doxxing-related complaints and doxxing cases uncovered by proactive online patrols, the PCPD completed the handling of 2,906 complaints in this reporting year, of which 2,039 complaints were concluded after conducting preliminary assessment, while the other 867 complaints were accepted for further handling.

Among these 867 complaints, the PCPD successfully resolved 744 complaints (86%) through conciliation. For the other 20 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 investigations and consideration of prosecutions. The PCPD carried out investigations into the remaining 103 complaints and found 54 cases to be in contravention of the requirements of the PDPO. Therefore, the PCPD issued Enforcement Notices, warning letters or advisory letters, directing or requesting the parties being complained against to take remedial actions or implement appropriate and practicable measures to prevent a 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)條展開五項調查並分別發表以下兩份調查報告。

### 關於未經授權查閱信貸資料庫的信貸資料的調查報告

私隱專員就一宗有關未經授權查閱一個信貸資料庫（該資料庫）的信貸資料的投訴發表一份調查報告。調查源於一名投訴人發現他在該資料庫內的信貸資料在他不知情及未經他的同意下，被八間他不認識的財務公司多次查閱，投訴人遂向私隱專員公署投訴該資料庫的營運商沒有採取足夠保安措施保障他的個人資料。

根據調查所得，該資料庫由一間科技公司（該公司）營運，查閱該資料庫的財務公司共有約680間，涉及約18萬名借款人的信貸資料。私隱專員認為該公司在保障個人資料所採取的保安措施及保留信貸資料的時限方面存在以下三項不足：

- 未有採取適當的措施防止個人信貸資料受到不當查閱、處理或使用；
- 薄弱的密碼管理；及
- 逾期保留已完成還款超過五年的信貸紀錄，數目達五萬多宗。

## Complaint Investigations

During the reporting period, the Privacy Commissioner published two reports on five investigations conducted under section 38(a) of the PDPO, respectively. Details of the reports are as follows.

### Investigation Report on Unauthorised Access to Credit Data in a Credit Reference System

The Privacy Commissioner published an investigation report on unauthorised access to credit data in a credit reference system (the System). The investigation arose from a complaint lodged by a complainant reporting that his credit data in the System was accessed a number of times by eight money lending companies unknown to him without his knowledge or consent. The complainant was of the view that the operator of the System did not put in place adequate security measures to protect his personal data, thus he lodged a complaint to the PCPD.

As a result of the investigation, it was found that the System was operated by a technology company (the Company). Around 680 money lending companies used the System, which contained the credit data of about 180,000 borrowers. The Privacy Commissioner identified three areas of deficiencies in terms of the security measures taken by the Company to protect personal data and the retention period of credit data:

- Failure to take practicable steps to protect the credit data from unauthorised access, processing or use;
- Weak password management; and
- Prolonged retention of over 50,000 credit records of borrowers who had completed their repayments more than five years ago.

基於上述情況，私隱專員認為該公司未有採取所有切實可行的步驟，保障該資料庫內的個人資料不受未獲准許的或意外的查閱、處理或使用所影響，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。該公司亦未有採取所有切實可行的步驟，以確保個人資料的保存時間不超過所需的時間，違反保障資料第2(2)原則的規定。私隱專員遂向該公司送達執行通知，指示該公司糾正其違反事項，以及防止同類違反的行為再度發生。

In the circumstances, the Privacy Commissioner considered that the Company had failed to take all practicable steps to protect the personal data in the System against unauthorised or accidental access, processing, or use, thereby contravening Data Protection Principle (DPP) 4(1) under the PDPO relating to the security of personal data. The Company also failed to take all practicable steps to ensure that the personal data concerned was not kept longer than was necessary, thus contravening DPP 2(2). Consequently, the Privacy Commissioner served an Enforcement Notice on the Company, directing it to remedy the contraventions and prevent recurrence of similar contraventions.

私隱專員藉此報告建議該公司及其他個人信貸資料庫的營運商：

Through the report, the Privacy Commissioner recommended the Company and other operators of credit reference databases to:

- 實施個人資料私隱管理系統；
  - 委任保障資料主任，監察《私隱條例》的遵從；
  - 聘用獨立循規審核人士，定期就信貸資料機構提供個人信貸資料服務的機制及方法進行循規審核；及
  - 增加違規情況的罰則，減少財務公司再次發生違規的情況。
- Implement a Personal Data Privacy Management Programme;
  - Appoint data protection officer(s) to monitor compliance with the PDPO;
  - Appoint an independent compliance auditor to conduct regular compliance audits on the mechanism and means of providing credit reference services; and
  - Increase penalties for contraventions to deter the recurrence of violations by money lenders.



## 關於僱主不當保留及使用僱員／前僱員個人資料的調查報告

私隱專員公署在過去五年平均每年收到過百宗有關人力資源管理方面的投訴。為促進僱主及人力資源管理人員認識他們在保障個人資料私隱方面的責任和相關的法律規定，私隱專員就接獲的四宗有關人力資源管理的投訴發表調查報告。該四宗投訴分別涉及四間機構，當中兩間機構的員工在即時通訊軟件群組中不當披露個人資料，另外兩間機構分別被指在前僱員離職後仍繼續使用其個人資料作公司網上銀行帳戶的使用者及使用前僱員的舊住址填寫及郵寄報稅表。

私隱專員調查後發現三間涉案的機構違反了保障資料第3(1)原則有關使用（包括披露）個人資料的規定，另外一間機構則違反了保障資料第2(1)原則有關個人資料的準確性及保障資料第4(1)原則有關個人資料保安的規定。私隱專員因而向四間涉案機構送達執行通知，指示其糾正違規事項，以及防止類似的違規行為再度發生。私隱專員亦就如何保障個人資料私隱向僱主作出建議，並同步更新《人力資源管理：常問問題》資料單張。

## Investigation Report on Improper Retention and Use of Personal Data of Employees/Former Employees by Employers

Over the past five years, the PCPD received on average over a hundred complaints relating to human resource management per annum. To raise the awareness amongst employers and human resource managers of their duties in protecting personal data privacy and in complying with the relevant statutory requirements, the Privacy Commissioner published an investigation report in respect of four complaints received by the PCPD concerning human resource management. The four complaints were respectively lodged against four organisations, the staff of two of which were alleged to have improperly disclosed personal data in instant messaging application chat groups, while the other two organisations were alleged to have continued using a former employee's personal data as the user of a corporate bank account after he had left employment and used the old address of a former employee for filing and mailing a tax return respectively.

Upon investigation, the Privacy Commissioner found that three organisations had contravened DPP 3(1) regarding the use (including the disclosure) of personal data, and one organisation had contravened DPP 2(1) regarding the accuracy of personal data and DPP 4(1) regarding the security of personal data. The Privacy Commissioner therefore served Enforcement Notices on the four organisations, directing them to remedy their respective contraventions and prevent recurrence of similar contraventions in future. The Privacy Commissioner also provided recommendations to employers in general on how to safeguard personal data privacy, and issued an updated information leaflet on "Human Resource Management: Common Questions" in parallel.

## 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》（香港法例第442章）而設立的法定組織，負責處理對私隱專員在《私隱條例》下的決定而提出的上訴，並作出裁決。

### 行政上訴案件統計資料

於報告年度內，委員會合共頒布七宗裁決（包括於過往年度提出的上訴），當中五宗被駁回、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，有三宗上訴由上訴人自行撤回（圖3.5）。

## Appeals Lodged with the Administrative Appeals Board

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

### Statistics of AAB Cases

During the reporting year, the AAB handed down a total of seven decisions (which included appeals lodged in previous years), in which five 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, three appeals were lodged and subsequently withdrawn by the appellants (Figure 3.5).

### 上訴案件的結果 Results of Appeal Cases

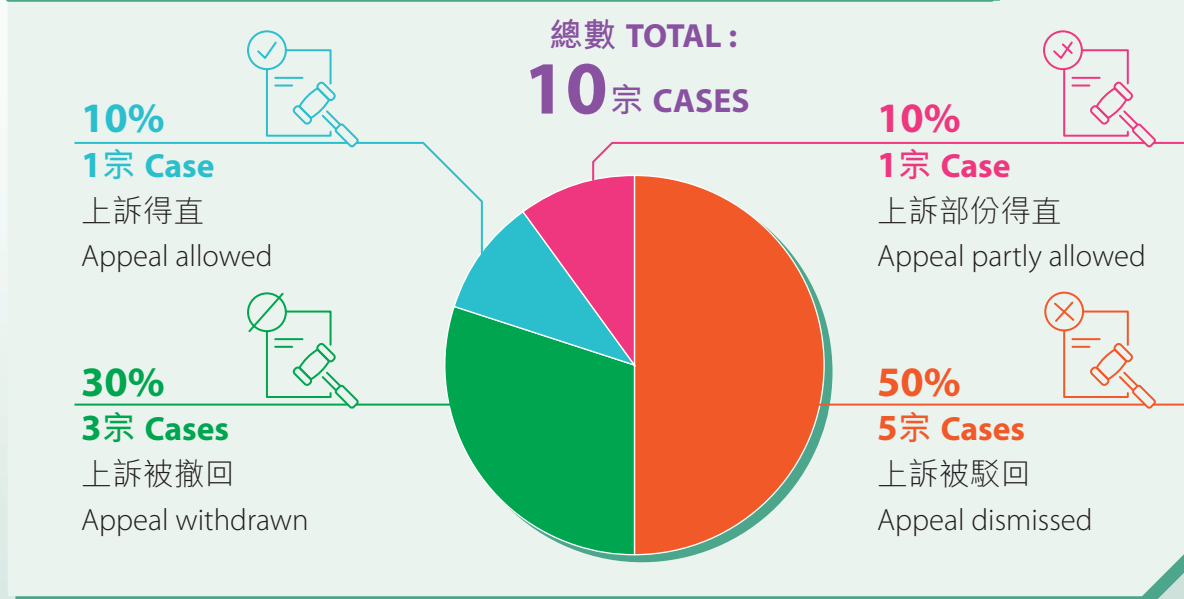


圖3.5  
Figure 3.5



## 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32宗上訴個案。其中：

## Nature of AAB Cases Received and Provisions of the PDPO Involved

A total of 32 appeals were received during the reporting year.

- 15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》，在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而行使上述酌情權；
  - 八宗涉及私隱專員在作出調查後不送達執行通知的決定；
  - 另外八宗涉及私隱專員不接納相關個案為《私隱條例》第37條下的「投訴」的決定；及
  - 餘下的一宗上訴個案涉及私隱專員在完成刑事調查後作出結案的決定。
- 15 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 in accordance with the Complaint Handling Policy issued by the PCPD, on the grounds that there was no *prima facie* evidence of any contraventions of the requirements under the PDPO following a preliminary enquiry by the PCPD;
  - Eight appeals were against the Privacy Commissioner's decisions not to serve Enforcement Notices after investigation;
  - Another eight appeals were against the Privacy Commissioner's decisions not to accept the relevant case as a "complaint" under section 37 of the PDPO; and
  - The remaining appeal involved the termination of investigation after having completed a criminal investigation by the Privacy Commissioner.

上述32宗上訴個案中，具體涉及以下指稱(圖3.6)：

The particulars of the 32 appeal cases involved the following allegations (Figure 3.6):

- 違反保障資料原則：13宗
- 不接納個案為投訴：八宗
- 不遵從查閱資料要求：六宗
- 在未獲同意下披露個人資料的罪行：三宗
- 是否涉及個人資料：兩宗
- Contraventions of DPPs: 13 cases
- Not accepted as a complaint: eight cases
- Non-compliance with data access requests: six cases
- Offences for disclosing personal data without consent: three cases
- Whether or not personal data was involved: two cases

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

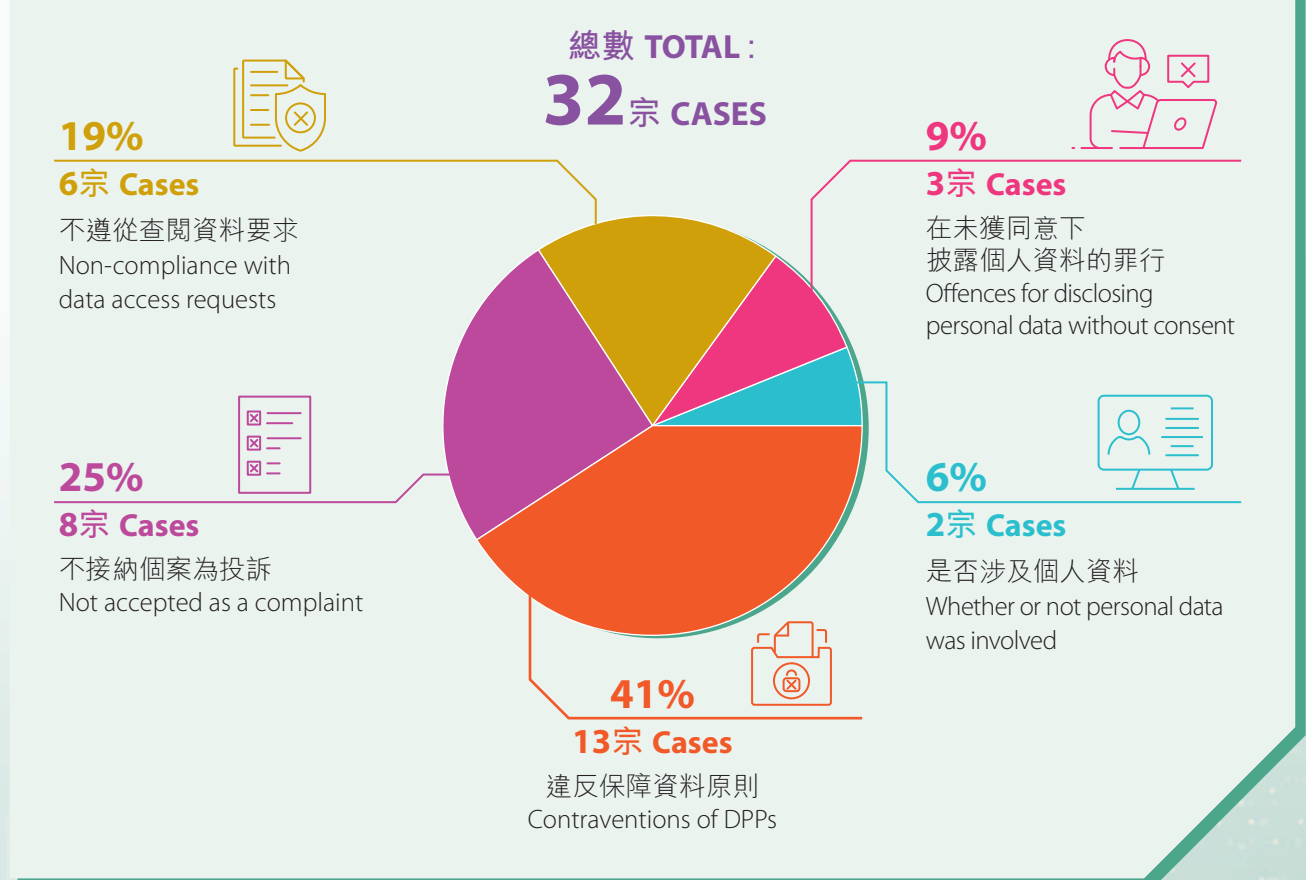


圖3.6  
Figure 3.6



而32宗接獲的上訴個案中，19宗上訴個案涉及違反保障資料原則的指稱，當中牽涉的保障資料原則的分類如下（單一個案或會牽涉多於一項保障資料原則）（圖3.7）：

Of the 32 appeal cases received, 19 appeal cases involved alleged contraventions of the DPPs and the distribution of DPPs concerned is as follows (one appeal might involve more than one DPP) (Figure 3.7):

- |                      |  |
|----------------------|--|
| ➤ 第1原則（收集資料原則）：六宗    | ➤ DPP 1 (Data Collection Principle): six cases             |
| ➤ 第2原則（資料準確及保留原則）：兩宗 | ➤ DPP 2 (Data Accuracy and Retention Principle): two cases |
| ➤ 第3原則（使用資料原則）：九宗    | ➤ DPP 3 (Data Use Principle): nine cases                   |
| ➤ 第4原則（資料保安原則）：五宗    | ➤ DPP 4 (Data Security Principle): five cases              |
| ➤ 第6原則（資料查閱及改正原則）：六宗 | ➤ DPP 6 (Data Access and Correction Principle): six cases  |

## 上訴涉及保障資料原則的分類

## The Distribution of DPPs Involved in the Appeals

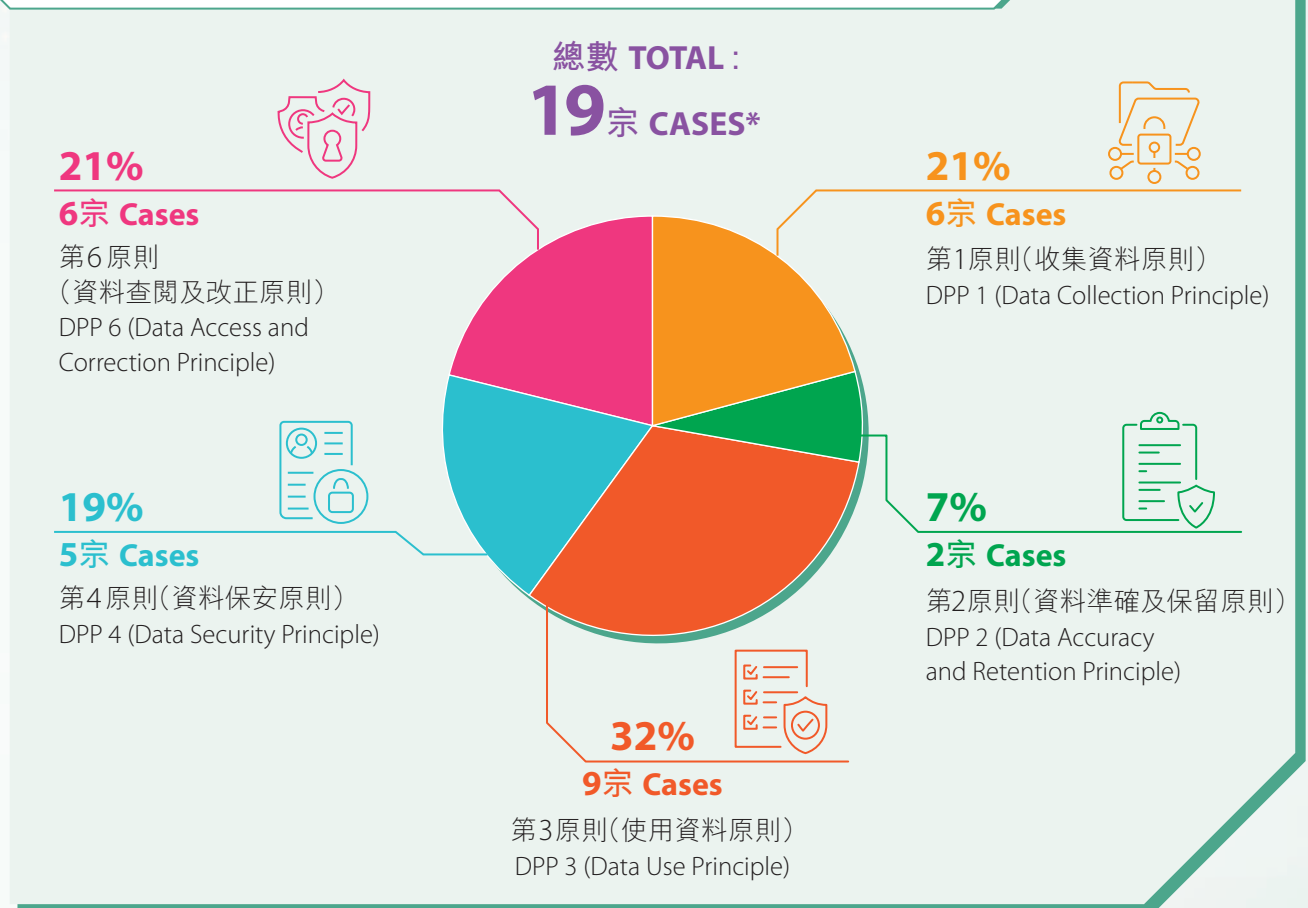


圖3.7  
Figure 3.7

\* 單一個案或會牽涉多於一項保障資料原則。

\* One appeal might involve more than one DPP.







## 展開宣傳活動

在報告年度內，私隱專員公署透過全面的推廣和教育活動，進一步加強宣揚保障個人資料私隱的重要訊息。公署利用各種渠道，從成效顯著的推廣活動至一系列的教育和媒體活動，成功接觸社會上的不同群體，增強他們對保護個人資料私隱重要性的認識和理解。

## Launching Promotional Campaigns

During the reporting year, the PCPD has intensified its commitment to spreading the core message of personal data privacy protection through comprehensive promotional and educational activities. Utilising a wide array of channels, ranging from highly effective promotional campaigns to a series of educational activities and media engagements, the PCPD has successfully reached out to various groups in the society, enhancing their awareness and understanding of the importance of personal data privacy protection.



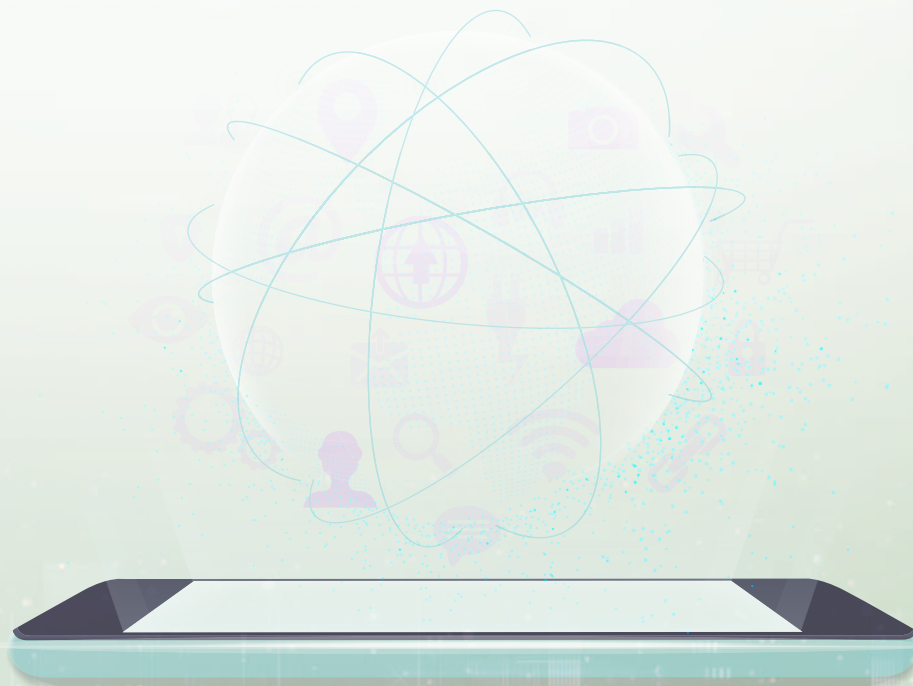


私隱專員公署一直積極推動各行各業及社會各界遵守《私隱條例》的規定，當中包括針對不同人士的宣傳活動、講座、會議和培訓課程，以提升公眾對保護個人資料私隱的意識。公署亦直接回應社會上不同的私隱議題，通過不同的方式，例如指引、新聞稿、媒體回應、訪問、文章和社交媒體帖文，履行保護和尊重個人資料私隱的使命。

私隱專員公署教育活動的參與人數充分反映，個人資料私隱近年無可置疑成為了市民大眾熱切關注的議題之一。於報告年度內，公署各種活動共吸引超過40,735人參加，標誌着公署在日益數碼化的環境中提高個人資料私隱保障水平的堅定決心。

The PCPD has been actively promoting compliance with the PDPO across diverse sectors and within the community. This has involved a number of tailored initiatives, including promotional campaigns, seminars, conferences, and training sessions, all designed to raise public awareness of protecting personal data privacy. The PCPD also directly responded to various privacy issues in the society through different means, such as guidance, press statements, media responses, interviews, articles and social media posts, fulfilling its mission of protecting and respecting personal data privacy.

Undoubtedly, personal data privacy has become one of the common concerns for members of the public in recent years. This has been reflected in the impressive attendance numbers of the PCPD's educational activities, with over 40,735 individuals participating in its events throughout the reporting year. It marks the PCPD's unwavering resolve to elevate the standards of personal data privacy protection as it navigates an ever more digital landscape.



## 關注私隱週

自2007年起，私隱專員公署一直持續參加由亞太區私隱機構成員合辦的「關注私隱週」。2023年的「關注私隱週」以「從基本做好—尊重及保障個人資料私隱」為題，於7月24至30日舉行，旨在提高公眾對個人資料私隱的認識。

「關注私隱週2023」的其中一個重點活動，是在香港書展2023上推出私隱專員的中文新書《私隱法•保—了解你的個人資料私隱》。與此同時，由私隱專員主持的講座「探討學生網絡欺凌和『起底』現象」提供了關於學生網上私隱的真知灼見，吸引了超過120名參加者。為配合上述推廣工作，公署在書展中亦設置互動攤位，展示了一系列與私隱相關的刊物，加強「關注私隱週」教育公眾的成效。

## Privacy Awareness Week

Since 2007, the PCPD has been a steadfast participant in the Privacy Awareness Week (PAW), collaboratively orchestrated by the members of the Asia Pacific Privacy Authorities (APPA). Embracing the theme “Building from the Foundation – Respect and Protect Personal Data Privacy”, the PAW 2023 took place from 24 to 30 July and aimed to elevate public awareness of personal data privacy.

The PAW 2023 featured the launch of the Privacy Commissioner’s new Chinese book titled《私隱法•保—了解你的個人資料私隱》(“The Treasure-trove of Privacy – Understanding Your Personal Data Privacy”) at the Hong Kong Book Fair 2023. The accompanying seminar on “Cyberbullying and Doxxing Behaviour involving Students”, led by the Privacy Commissioner, featured insights into student online privacy and drew an audience of over 120 participants. Complementing these efforts, the PCPD’s interactive booth at the fair highlighted a selection of privacy-related publications, contributing significantly to the PAW’s educational impact.





「Web 3.0下的網絡安全及資料外洩事故處理」網上講座是「關注私隱週」的另一重點活動，講座上闡釋公署發布的《資料外洩事故的處理及通報指引》，並探討有關Web 3.0的網絡保安風險。

The webinar “Cybersecurity in Web 3.0 and Data Breach Handling” was another key event of the PAW, discussing the security risks of Web 3.0 and explaining the “Guidance on Data Breach Handling and Data Breach Notifications” issued by the PCPD.

私隱專員公署在「關注私隱週 2023」期間，通過一系列的宣傳教育活動，並於各個行業間廣泛派發海報，各項活動均顯示了公署致力促進尊重及保護個人資料私隱的文化。

With a strategic campaign of promotional and educational activities and widespread distribution of posters across various sectors, the PCPD’s initiatives during the PAW 2023 reflect its enduring dedication to promoting a culture where personal data privacy is both respected and safeguarded.



## 製作不同主題的宣傳及教育短片

為了提高機構及公眾對《私隱條例》的理解及掌握保障個人資料私隱的最新資訊，私隱專員公署於報告年度內就不同主題製作了多段宣傳及教育短片，其中包括一系列以「個人資料咪亂俾 踢走騙徒靠晒你」為主題的防騙宣傳短片，以提升市民防騙意識。

## Promotional and Educational Videos on Various Topics

With a view to enhancing the understanding of the PDPO and the latest information about personal data privacy protection among organisations and the general public, the PCPD produced a series of promotional and educational videos on different topics during the reporting year. This includes a series of anti-fraud promotional videos themed “Don’t Hand Over Your Personal Data – Beware of Fraudsters”, aimed at raising public awareness of fraud prevention.





為了推動良好的數據管治，私隱專員公署邀請了於「私隱之友嘉許獎2023」榮獲卓越金獎的機構拍攝短片，向業界分享他們在保障個人資料私隱方面的經驗及心得。另外，公署推出全新的機構短片，讓市民更了解公署作為執法者、推動者和教育者的角色，以及推廣保障及尊重個人資料私隱的使命。

To promote good data governance, the PCPD invited organisations that received the Outstanding Gold Award of the "Privacy-Friendly Awards 2023" to participate in making short videos and sharing their experiences and insights on safeguarding personal data privacy. In addition, the PCPD launched its new corporate video to help citizens better understand the PCPD's role as an enforcer, facilitator and educator, as well as its mission to promote the protection of and respect for personal data privacy.



此外，私隱專員公署不時就不同的個人資料私隱議題舉辦專題講座及記者會，並於活動後將錄影片段上載至公署網站，讓更多人可隨時隨地觀看或重溫內容。

On the other hand, the PCPD organised seminars and media briefings on various issues and topics relating to personal data privacy from time to time. The recording clips were uploaded to the PCPD's website after the events, allowing more people to watch or revisit them at anytime and anywhere.

## 向不同界別推廣私隱意識

### 針對不同行業的保障私隱活動

於報告年度內，私隱專員公署共舉辦或參與16項涵蓋資訊科技、教育、醫護、社會服務、法律及金融等行業的保障個人資料私隱的宣傳及教育活動，吸引近4,000名相關行業的人士參加。為了在不同業界建立保障和尊重個人資料私隱的文化，公署透過與不同夥伴機構合作，如亞洲證券業與金融市場協會、香港城市大學、教育局、新聞教育基金、香港電腦保安事故協調中心、香港電腦學會、香港生產力促進局、香港中文大學、香港教育大學、香港社會服務聯會、香港中律協和香港大學等，有效地向相關行業從業者分享保障個人資料的重要訊息。

## Raising Privacy Awareness across Sectors

### Industry-specific Privacy Campaigns

During the reporting year, the PCPD organised or participated in 16 industry-specific promotional and educational events in relation to personal data privacy protection. These events covered information technology, education, medical and healthcare, social services, legal as well as financial sectors, attracting nearly 4,000 participants from the relevant industries. To foster a culture of protecting and respecting personal data privacy within respective sectors, the PCPD collaborated with various partners such as Asia Securities Industry & Financial Markets Association, City University of Hong Kong, Education Bureau, Journalism Education Foundation, Hong Kong Computer Emergency Response Team Coordination Centre, Hong Kong Computer Society, Hong Kong Productivity Council, The Chinese University of Hong Kong, The Education University of Hong Kong, The Hong Kong Council of Social Service, The Small and Medium Law Firms Association of Hong Kong and The University of Hong Kong, aiming to effectively disseminate key messages on personal data protection to their industry practitioners.





## 專題演講及講座

私隱專員公署不時就熱門或大眾關注的個人資料私隱議題舉辦研討會，包括數據安全、資料外洩事故處理、內地《個人信息出境標準合同辦法》、歐盟《通用數據保障條例》及使用社交平台與即時通訊軟件的私隱風險等。此外，公署亦積極參與其他機構舉辦的研討會及講座，向不同持份者及公眾人士分享關於個人資料私隱最新的資訊及意見，例如「起底」罪行的相關規定、數據流動、網絡安全，及人工智能急速發展下的私隱風險等。

## Speaking Engagements and Seminars on Topical Issues

The PCPD organised seminars on popular or widely discussed topics relating to personal data privacy from time to time, including data security, data breach handling, the Mainland's Measures on the Standard Contract for Cross-border Transfers of Personal Information, the European Union's General Data Protection Regulation and privacy risks associated with the use of social media platforms and instant messaging applications. In addition, the PCPD actively participated in a wide range of seminars and talks organised by various organisations to share up-to-date information and advice on different personal data privacy issues with stakeholders and members of the public, such as the anti-doxxing regime under the PDPO, data flow, cybersecurity and the privacy risks posed by the rapid development of artificial intelligence (AI).



## 專業研習班

私隱專員公署舉辦不同範疇的專業研習班，供專業人士及相關行業的從業員參加。研習班得到超過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。於報告年度內，公署共舉辦了27場專業研習班，吸引超過770名參加者。

## 簡介講座及機構內部培訓

私隱專員公署於報告年度內共舉辦了13次免費講座／網上講座，讓公眾人士了解《私隱條例》的規定。另外，公署亦應多間機構的邀請，舉辦了170場度身訂造的內部培訓講座，向不同公私營機構的員工講解《私隱條例》的要求，以推廣《私隱條例》及提升機構的數據安全意識。

## Professional Workshops

The PCPD organised professional workshops on different aspects for professionals and individuals working in relevant fields to attend. These workshops, supported by more than 30 professional organisations and industry associations, covered topics on data protection law, court cases and Administrative Appeals Board's decisions relating to the PDPO, Personal Data Privacy Management Programme, data access requests, data protection measures relating to direct marketing activities and human resource management, as well as privacy protection issues specific to insurance, banking and financial services industries. During the reporting year, the PCPD organised a total of 27 professional workshops, attracting over 770 attendees.

## Introductory Seminars and In-house Training Programmes

The PCPD held 13 free introductory seminars/webinars for the general public to understand the requirements of the PDPO during the reporting year. The PCPD was also invited to conduct 170 tailor-made in-house training sessions for public and private organisations to explain the requirements of the PDPO to their staff members, with a view to promoting the PDPO and enhancing data security awareness among these organisations.



## 與持份者會面

為了更全面地了解持份者對個人資料私隱的關注，私隱專員公署積極與不同政府部門、商會、專業團體、組織、機構的代表，以及保障資料主任聯會會員、長者、青少年及社會各界溝通，就熱門的私隱議題互相交流和分享見解。

## Meeting with Stakeholders

To gain a comprehensive understanding of stakeholders' concerns about personal data privacy, the PCPD actively engaged with representatives from different government departments, chambers of commerce, professional bodies, associations, organisations, Data Protection Officers' Club members, elderlies, youngsters, and the wider community to exchange views and share insights into topical privacy issues.



## 保障資料主任聯會

私隱專員公署於2000年成立保障資料主任聯會（聯會），為公私營機構的保障資料人員提供具成效的培訓和經驗交流平台，讓他們獲取有關私隱領域的最新資訊，促進個人資料私隱符規的實踐。截至2024年3月底，聯會會員人數超過440名。

## Data Protection Officers' Club

Established by the PCPD in 2000, the Data Protection Officers' Club (DPOC) has provided data protection practitioners from public and private sectors with an effective training and experience sharing platform for accessing information about the latest developments in the privacy landscape and advancing the practice of data privacy compliance. The DPOC membership reached more than 440 by the end of March 2024.



在報告年度內，私隱專員公署為聯會會員舉辦了多場專題講座。公署亦舉行了兩場經驗分享會，特邀在「私隱之友嘉許獎2023」榮獲卓越金獎的機構，分享他們在設立個人資料私隱管理系統的實戰經驗和真知灼見，以及機構在實踐數據管治措施和加強保障數據安全時可能遇到的挑戰。會員的反饋令人鼓舞。

During the reporting year, the PCPD organised multiple topical seminars for DPOC members. The PCPD also held two experience-sharing sessions, inviting organisations that received Outstanding Gold Award of the PCPD's "Privacy-Friendly Awards 2023" to share their practical experience and insights on developing a Personal Data Privacy Management Programme, as well as challenges that organisations may encounter when implementing data governance measures and strengthening data security. The feedback from the members was encouraging.





## 透過媒體宣傳與教育

### 新聞稿及傳媒查詢

在報告年度內，私隱專員公署繼續處理與個人資料私隱有關的議題和提供意見。公署共發布了67篇新聞稿，並回覆172宗傳媒查詢。傳媒關注議題包括多宗個人資料外洩事故和數據安全、兒童及青少年私隱、生成式人工智能為個人資料私隱帶來的挑戰、安裝閉路電視、預防個人資料詐騙，以及數據跨境流動等。

## Promoting and Educating through Media Outreach

### Media Statements and Enquiries

During the reporting year, the PCPD continued to address and give advice on topical issues relating to personal data privacy. The PCPD issued 67 media statements and responded to 172 media enquiries. Topics of media concern included multiple personal data breach incidents and data security, privacy of children and teenagers, challenges to personal data privacy brought by generative AI, installation of CCTVs, prevention of personal data fraud and cross-boundary data flow.



## 記者會、會見傳媒、訪問和在報章及行業刊物的文章

於報告年度內，私隱專員公署分別在2023年6月、11月、12月及2024年1月舉行四場記者會，讓傳媒及公眾人士更了解公署的工作。記者會內容涵蓋公署2023年工作報告、「香港企業網絡保安準備指數及私隱認知度調查2023」報告、公署協助機構提升數據安全推出的三大新猷、發表五份報告（包括一個網上平台的個人資料遭未獲准許的擷取、比較十大網購平台的私隱設定、電子點餐的私隱關注、多間機構不當保留及使用僱員／前僱員個人資料和未經授權查閱一個信貸資料庫的信貸資料），以及出版使用網購平台的保障私隱貼士和與人力資源管理有關的兩份單張。

## Media Briefings, Standups, Interviews and Articles in Newspapers and Industry Journals

During the reporting year, the PCPD organised four media briefings in June, November, December 2023, and January 2024 respectively, allowing the media and members of the public to better understand the work of the PCPD. The media briefings covered the PCPD's work report for 2023, the "Hong Kong Enterprise Cyber Security Readiness Index and Privacy Awareness Survey 2023" report, the three key initiatives launched by the PCPD to assist organisations in enhancing data security, the release of five reports (including unauthorised scraping of the personal data from an online platform, comparison of the privacy settings of 10 online shopping platforms, privacy concerns on electronic food ordering, improper retention and use of employees'/former employees' personal data by various organisations, and unauthorised access to credit data in a credit reference system), as well as the publication of two leaflets on tips for users of online shopping platforms and human resource management.





私隱專員公署在報告年度內亦會見傳媒三次，分別就個人資料外洩事故趨勢、Worldcoin(世界幣)項目及一宗涉嫌違反「起底」罪行的個案向傳媒作出簡介。

The PCPD also organised three media standups during the reporting year to brief the media on the trends of personal data breach incidents, the Worldcoin project and a suspected doxxing case.



另外，私隱專員及其團隊就與私隱有關的議題接受54次電視、電台及報章訪問。私隱專員亦在報章及行業刊物上發表文章，以回應時下備受關注的私隱議題並提供建議，例如數據安全和生成式人工智能帶來的私隱與道德挑戰。

In addition, the Privacy Commissioner and her team attended 54 television, radio and newspaper interviews on privacy-related issues. The Privacy Commissioner also published articles in newspapers and industry journals to address and advise on topical privacy issues, such as data security and the privacy and ethical challenges brought by generative AI.



## 宣傳及教育刊物

在報告年度內，私隱專員公署繼續致力於加強公眾對保護個人資料私隱的認識。其中一項重要成就是出版了由私隱專員編著的中文書籍《私隱法·保 — 了解你的個人資料私隱》，旨在加深公眾對《私隱條例》的認識，並分享在日常生活保障個人資料私隱的精明貼士。

私隱專員公署發布了不同刊物，涵蓋一系列有關個人資料私隱保護的主題，特別是應對當今數碼時代的相關問題。當中包括《資料外洩事故的處理及通報指引》及其單張、《數碼時代的私隱保障：比較十大網購平台的私隱設定》報告及使用網購平台貼士的單張、《電子點餐的私隱關注》報告及《在餐廳使用手機應用程式或二維碼點餐的保障私隱貼士》單張，以及《使用AI聊天機械人「自保」十招》、《保護個人資料 — 明智使用智能電話》與《保護個人資料 — 精明使用社交媒體》單張。

## Publicity and Educational Materials

During the reporting year, the PCPD continued to strengthen public awareness of personal data privacy protection. One of the significant achievements was the publication of the Chinese book “The Treasure-trove of Privacy – Understanding Your Personal Data Privacy” authored by the Privacy Commissioner, aiming to help members of the public better understand the PDPO and to share practical tips on protecting personal data privacy in their everyday lives.

The PCPD issued a variety of publications, covering a range of topics on personal data privacy protection, particularly addressing concerns pertinent to the digital age. These include the “Guidance on Data Breach Handling and Data Breach Notifications” and its leaflet, the report on “Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms” alongside a leaflet offering tips for users of online shopping platforms, the report on “Privacy Concerns on Electronic Food Ordering at Restaurants” and a leaflet titled “Food Ordering Using Mobile Apps or QR Codes at Restaurants: Tips for Protecting Privacy”, as well as leaflets on “10 TIPS for Users of AI Chatbots”, “Protect Your Personal Data – Smart Use of Smartphones” and “Protect Your Personal Data – Be Smart on Social Media”.





## 網站及社交媒體平台

私隱專員公署透過網站，有效地傳遞有關公署的工作、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2,500,000瀏覽人次。為了讓企業可一站式取得有關資料保安的資訊，公署推出了全新的數據安全專題網頁，提供最新的數據安全消息、資料外洩事故通報、相關案例、教育資訊及有用連結。

私隱專員公署定期更新其社交媒體平台，利用淺白的文字和插圖向公眾講解個人資料私隱保障的資訊和私隱趨勢。在報告年度內，公署在社交媒體平台上發表了663篇帖文，較上一個報告年度的457篇增加了45%。

## Website and Social Media Platforms

The PCPD effectively disseminated information about the PCPD's work, personal data privacy protection and the latest developments through its website. During the reporting year, the PCPD's website recorded over 2,500,000 visits. With a view to providing enterprises with a one-stop access to information concerning data security, the PCPD launched a new thematic webpage to provide latest data security news, data breach notifications, relevant cases and educational information as well as links to other useful websites.

The PCPD regularly updated its social media platforms, using simple texts and illustrations to inform the public of information about personal data privacy protection and privacy trends. During the reporting year, the PCPD published 663 social media posts, a 45% increase compared to the 457 posts in the previous reporting year.



## 與青少年聯繫

### 小學生短片創作比賽頒獎典禮

為提升小學生對尊重及保障個人資料私隱的意識，私隱專員公署舉辦「尊重私隱 由我做起」小學生短片創作比賽，吸引了超過320名來自41間學校的小三至小六學生參加，共收到74份以「尊重別人的個人資料私隱」、「向網絡欺凌說『不』」及「上網提高警覺，披露個人資料要小心」為主題的短片作品。為嘉許傑出學生的努力，比賽頒獎典禮於2023年5月舉行，並邀得政制及內地事務局副局長胡健民先生，MH, JP擔任主禮嘉賓。

## Engaging Youngsters

### Awards Presentation Ceremony of Short Video Competition for Primary School Students

To raise primary school students' awareness of respecting and protecting personal data privacy, the PCPD organised a Short Video Competition for Primary School Students on "Respecting Privacy Begins with Me", which attracted over 320 Primary 3 to Primary 6 students from 41 schools to participate in the Competition. 74 video entries were received, illustrating 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 recognise the outstanding efforts of the students, an awards presentation ceremony was held in May 2023 and was officiated by the Under Secretary for Constitutional and Mainland Affairs, Mr Clement WOO Kin-man, MH, JP.





## 反「起底」教育學校巡迴講座

為了提高中學生在使用社交媒體時保護個人資料的意識，及培養他們向網絡欺凌及「起底」說「不」的正確態度，私隱專員公署於2023年4月起舉辦反「起底」教育學校巡迴講座，以到校講座的形式向中學生講解相關資訊。在報告年度內，公署人員曾到訪34間中學向接近12,000名學生推廣反「起底」訊息。

## School Touring of Anti-doxxing Education Talks

With a view to enhancing secondary school students' awareness of personal data protection when using social media platforms and nurturing their correct attitude to say "No" to cyberbullying and "doxxing", the PCPD launched the School Touring of Anti-doxxing Education Talks in April 2023 to present relevant information to secondary school students in a face-to-face format. During the reporting year, the PCPD's representatives visited 34 schools to promote anti-doxxing messages to around 12,000 students.





# 鞏固國際聯繫

## Fostering International Ties





## 積極參與全球私隱保障社群活動

數據無國界，世界日趨互聯互通，面對保障個人資料私隱的挑戰需要全球共同努力。在報告年度內，私隱專員公署積極參與私隱保障社群在區域和國際層面的活動和工作，展示出公署一直以來在國際領域環球事務的承擔和參與。公署亦與世界各地的資料保障機構維持定期溝通，以建立對話及加強合作關係，並就個人資料私隱保障事宜交換見解和經驗。從交流所得的專業知識，亦有助公署掌握國際間保障私隱方面的最新發展。

## Actively Participating in the Global Privacy Protection Community

Data is borderless. Tackling the challenges surrounding the protection of personal data privacy in our increasingly interconnected world requires concerted global efforts. The PCPD actively participated in the activities and work of the privacy protection community at regional and international levels throughout the reporting year, demonstrating its unwavering commitment to, and participation in, the work of the global community in the international arena. By maintaining regular communications with data protection authorities from around the globe and exchanging insights and experiences on matters pertaining to the protection of personal data privacy, the PCPD has established dialogues and strengthened the collaborative relationships with fellow data protection authorities. The expertise gained from these exchanges also enables the PCPD to stay abreast of the latest global trends in privacy protection.







## 環球私隱議會

環球私隱議會（前身為國際資料保障及私隱專員會議）於1979年成立，是一個具領導地位的國際平台，集合全球超過130個資料保障機構，就私隱議題和國際最新發展進行討論和交流。

## Global Privacy Assembly

Founded in 1979, the Global Privacy Assembly (GPA), formerly known as the International Conference of Data Protection and Privacy Commissioners, serves as the leading international platform where over 130 data protection authorities from across the world assemble to engage in discussions and share perspectives on privacy issues and the latest international developments.



私隱專員及私隱專員公署代表於2023年10月15至20日出席第45屆環球私隱議會的年度會議。會議於百慕達以視像及實體的混合模式舉行，會上討論了人工智能和其他新興科技帶來的私隱問題，以及數據擷取、跨境資料轉移等議題。

The Privacy Commissioner and representatives of the PCPD attended the 45<sup>th</sup> GPA Annual Conference from 15 to 20 October 2023. The hybrid conference, which was held in Bermuda, featured discussions about privacy issues relating to Artificial Intelligence (AI) and other novel technologies, data scraping, cross-border data transfers and more.

在公開環節上，助理個人資料私隱專員（法律、環球事務及研究）蕭穎思女士在題為「實行國際合作：環球私隱議會的角色」的專題研討會上發言，講述私隱專員公署如何積極地與亞洲以至世界各地的資料保障機構建立聯繫，包括簽訂諒解備忘錄、定期對話，以及參與多個國際資料保障機構網絡。

In the Open Session, the Assistant Privacy Commissioner for Personal Data (Legal, Global Affairs and Research), Ms Cecilia SIU, spoke as a panellist at a side event entitled "International Cooperation in Action: The Role of the GPA". She discussed how the PCPD had engaged actively with other data protection authorities in Asia and around the world through execution of memoranda of understanding, regular dialogues, and participation in various international data protection networks.

在閉門會議中，由私隱專員公署擔任聯席主席的國際執法合作工作分組向大會提交年度報告。工作分組於年內的重點工作包括舉辦多個閉門執法會議，以促進各地資料保障機構就不同議題進行資訊共享和協作。會議期間，工作分組亦為與會成員舉辦題為「處理資料外洩事故通報和調查」的工作坊。蕭女士在會上分享了公署在處理資料外洩事故通報及調查期間面臨的挑戰，以及相應的解決措施。

In the Closed Session, the GPA's International Enforcement Cooperation Working Group (IEWG), co-chaired by the PCPD, presented its annual report to the GPA. Some highlights of its work in 2023 included conducting multiple closed-door enforcement sessions to facilitate information sharing and collaboration among data protection authorities on various topics. In a capacity building workshop hosted by the IEWG for GPA members on the topic of "Managing Breach Notifications and Investigations", Ms Siu shared with the participants the challenges faced by the PCPD in managing breach notifications and investigations, as well as the corresponding solutions that addressed such challenges.





## 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的主要平台，旨在促進合作、交流最佳行事常規，及促進成員間就私隱規例、新興科技，以及就有關處理私隱查詢和投訴分享資訊和經驗。

## Asia Pacific Privacy Authorities

Established in 1992, the Asia Pacific Privacy Authorities (APPA) is the primary forum for privacy and data protection authorities in the Asia Pacific region to foster collaboration, exchange best practices, and promote the sharing of information and experiences among members on privacy regulations, emerging technologies and the handling of privacy enquiries and complaints.



## 第59屆亞太區私隱機構論壇

私隱專員連同私隱專員公署代表於2023年6月6至7日出席於墨西哥城以視像及實體模式舉行的第59屆亞太區私隱機構論壇。論壇的重點討論事項如下：

## 59<sup>th</sup> APPA Forum

The Privacy Commissioner and representatives of the PCPD attended the 59<sup>th</sup> APPA Forum from 6 to 7 June 2023. The forum was held in hybrid mode in Mexico City. Major themes discussed at the forum included:

- 僱員監察活動；
  - 人工智能對現今社會的影響；
  - 生物辨識與人權；及
  - 可靠地跨境轉移個人資料。
- Employee surveillance;
  - The impact of AI on today's society;
  - Biometrics and human rights; and
  - Cross-border transfer of personal data with trust.

論壇中，時任署理首席個人資料主任（合規及查詢）郭正熙先生向亞太區私隱機構成員分享了私隱專員公署就一宗資料外洩事故的調查結果。事件源於多個載有某香港專業學會個人資料的伺服器遭勒索軟件攻擊及惡意加密，涉及超過10萬名會員及非會員的個人資料。

At the forum, the then Acting Chief Personal Data Officer (Compliance and Enquiries), Mr Brad KWOK, shared with APPA members the findings of an investigation by the PCPD into a data breach incident involving a Hong Kong professional association, in which servers containing personal data were attacked by ransomware and maliciously encrypted. The incident affected the personal data of over 100,000 members and non-members.





## 第60屆亞太區私隱機構論壇

私隱專員連同私隱專員公署代表於2023年11月30日至12月1日出席於澳洲悉尼以視像及實體模式舉行的第60屆亞太區私隱機構論壇。論壇的重點討論事項如下：

- 新興科技例如生成式人工智能；
- 促進跨境資料流動的可靠性；
- 保障兒童私隱；及
- 私隱與其他監管領域的關係。

會上，助理個人資料私隱專員（法律、環球事務及研究）蕭穎思女士與論壇成員分享公署的《數碼時代的私隱保障：比較十大網購平台的私隱設定》報告結果，亦重點介紹了對網購平台營運商的建議，並概述公署向網購平台用戶提供的貼士。

## 60<sup>th</sup> APPA Forum

The Privacy Commissioner and representatives of the PCPD attended the 60<sup>th</sup> APPA Forum from 30 November to 1 December 2023. The forum was held in hybrid mode in Sydney, Australia. Major themes discussed at the forum included:

- Emerging technologies such as generative AI;
- Promoting trust in cross-border data flows;
- Safeguarding children's privacy; and
- Intersections between privacy and other regulatory spheres.

At the forum, the Assistant Privacy Commissioner for Personal Data (Legal, Global Affairs and Research), Ms Cecilia SIU, shared with APPA members the findings of the PCPD's report on "Privacy Protection in the Digital Age: A Comparison of the Privacy Settings of 10 Online Shopping Platforms". She also highlighted the PCPD's recommendations to operators of online shopping platforms and summarised the tips to users of such platforms.



## 全球私隱執法機構網絡

全球私隱執法機構網絡於2010年成立，旨在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擔任全球私隱執法機構網絡的委員會成員，並參與定期會議，與其他會員交流知識和經驗及討論執法議題。

## Global Privacy Enforcement Network

Founded in 2010, the Global Privacy Enforcement Network aims to foster cooperation among privacy enforcement authorities across borders. During the reporting year, the PCPD continued to be a committee member of the GPEN and participated in periodic meetings to share knowledge and experience and discuss enforcement issues with other members.



**Global Privacy  
Enforcement Network**





## 與菲律賓私隱委員會簽訂諒解備忘錄

私隱專員公署與菲律賓私隱委員會於2023年5月在港簽訂諒解備忘錄(備忘錄)，鞏固雙方的合作，並加強在保障個人資料私隱方面的協作。根據備忘錄，兩所機構的合作範圍包括就調查或其他執法行動交流資訊、在跨境個人資料事故或外洩的聯合調查中互相協助，以及就現有和新興的保障個人資料議題的教育和培訓工作彼此合作。備忘錄為兩個資料保障機構在共同關注的監管事宜上建立更緊密的關係。

## Signing of MOU with the Philippines' National Privacy Commission

In May 2023, the PCPD and the National Privacy Commission of the Philippines signed a Memorandum of Understanding (MoU) in Hong Kong to strengthen ties and foster closer cooperation in the protection of personal data privacy. Under the MoU, the scope of collaboration includes the sharing of information involving investigations or any other enforcement actions, providing mutual assistance in joint investigations into cross-border personal data incidents or breaches, and collaboration in training and education on current and emerging data protection issues. The MoU forms the basis of a closer relationship between the two authorities on matters of mutual regulatory interest.



## 與香港大學合辦人工智能國際會議

為應對人工智能對個人資料私隱帶來的挑戰以及促進持份者之間的交流，私隱專員公署與香港大學法律學院的人工智能與法律研究項目以及香港大學AI & Humanity Lab合辦題為「在AI時代加強保障個人資料」的國際會議，會議於2024年1月10至11日舉行，吸引超過330名參加者出席。來自世界各地的私隱專員、私隱專家、學者及業界代表在會上探討人工智能對個人資料保障的影響。

## Organising International AI Conference with the University of Hong Kong

With a view to addressing the personal data privacy risks brought by AI and facilitating exchanges among stakeholders, the PCPD co-organised an international conference on AI with the Programme on Artificial Intelligence and the Law of the Faculty of Law and the AI & Humanity Lab of the University of Hong Kong. The conference, entitled “Enhancing Personal Data Protection in the Age of Artificial Intelligence”, was held on 10 and 11 January 2024 and attracted over 330 participants. Privacy commissioners, privacy experts, scholars and industry representatives from around the world shared their insights into the implications of AI on personal data protection.





私隱專員亦在會議期間參與題為「從監管角度應對AI風險」的專題討論，嘉賓講者包括來自美國加州、日本、新加坡和英國的私隱專員、高層代表或私隱專家。私隱專員介紹了私隱專員公署應對人工智能（包括生成式人工智能）快速發展帶來的風險的相關工作，並向與會者闡述了公署就人工智能發布的指引和政府就人工智能提出的倡議。

The Privacy Commissioner also participated in a panel discussion during the conference. The discussion, titled “Addressing the Risks of AI from the Regulatory Perspective”, was joined by privacy commissioners, senior representatives or privacy experts from California, Japan, Singapore and the United Kingdom. The Privacy Commissioner gave an account of the work of the PCPD in addressing the risks posed by the rapid development of AI, including generative AI, and explained to the participants the guidance materials relating to AI published by the PCPD and the Government’s AI initiatives.



## 針對數據擷取的聯合聲明

在社交媒體平台等網上平台擷取數據以發展人工智能或進行詐騙等不法行為，已引起世界各地監管機構的關注。為應對載有公開個人資料的網上平台遭大規模擷取數據的問題，公署作為環球私隱議會國際執法合作工作分組的聯席主席，於2023年8月聯同來自世界各地的11個私隱／資料保障機構，就着環球保障私隱的期望及原則

## Joint Statement on Data Scraping

Data scraping from online platforms such as social media platforms for AI development or illegal fraudulent activities has drawn regulatory attention worldwide. In response to the issue of mass data scraping from online platforms that host publicly accessible personal data, the PCPD, as the co-chair of the IEWG of GPA, joined hands with 11 privacy/data protection authorities around the world to issue a joint statement to these online platforms in August 2023. The signatories promulgated global expectations and principles on privacy protection to the platforms, with a view to

向社交媒體平台等網站發表聯合聲明，指出數據擷取帶來的主要私隱風險，並提醒他們有責任保護個人資料免遭非法數據擷取。聯合聲明亦向相關平台提供一系列建議措施，以減低數據擷取的私隱風險。

### 在第45屆環球私隱議會年度會議發起兩項針對人工智能的決議

人工智能的發展不僅在本港引起關注，也引起了世界各地私隱監管機構的廣泛討論。私隱專員公署作為環球私隱議會的人工智能的道德與數據保障工作分組的成員，參與發起《生成式人工智能系統決議》和《人工智能與僱傭決議》兩項決議，以應對人工智能崛起帶來的私隱及道德風險。兩項決議皆於2023年10月的環球私隱議會年度會議上獲成員一致通過。《生成式人工智能系統決議》呼籲人工智能的開發者、提供者及使用者建立負責任及可信賴的生成式人工智能系統，並呼籲環球私隱議會成員在針對生成式人工智能系統的執法行動上加強合作。《人工智能與僱傭決議》則呼籲機構為僱傭事宜而開發或使用人工智能系統時，應採取「貫徹私隱的設計」、確保人工智能系統所作的決定的可解釋性，以及避免員工或求職者在過程中受偏見或歧視影響。

highlighting the key privacy risks associated with data scraping and reminding them of their responsibilities to protect personal data from unlawful data scraping. A series of measures were also recommended to the platforms to mitigate the privacy risks of data scraping.

### Sponsoring Two Resolutions on AI at the 45<sup>th</sup> GPA Annual Conference

The advancement of AI not only garners attention locally but also sparks extensive discussions among privacy regulators around the world. The PCPD, as a member of the Ethics and Data Protection in Artificial Intelligence Working Group of the GPA, co-sponsored two resolutions in response to the privacy and ethical risks associated with the emergence of AI, namely the “Resolution on Generative AI Systems” and the “Resolution on AI and Employment”. Both resolutions were adopted by GPA members by consensus at the annual conference of the GPA in October 2023. The “Resolution on Generative AI Systems” calls on AI developers, providers and deployers to establish responsible and trustworthy generative AI system, as well as calls on GPA members to coordinate their enforcement efforts on generative AI systems. The “Resolution on AI and Employment” calls on organisations to adopt “Privacy by Design” when they develop or use AI systems in the context of employment, to ensure the explainability of the decisions made by AI systems and to prevent employees and candidates from being impacted by biases or discrimination in the process.



# 財務報表

Financial Statements





## 獨立核數師報告 Independent Auditor's Report

### 致：個人資料私隱專員

(依據《個人資料(私隱)條例》在香港成立的單一法團)

### 意見

本核數師(以下簡稱「我們」)已審核列載於第139至171頁**個人資料私隱專員**的財務報表，此財務報表包括於2024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2024年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

### 意見基準

我們已根據香港會計師公會頒佈的《香港核數準則》進行審核。我們於該等準則下的責任已於本報告的「核數師就審核財務報表須承擔的責任」一節進一步闡述。我們根據香港會計師公會制定的《專業會計師職業道德守則》(「守則」)獨立於個人資料私隱專員，我們亦已根據守則達致我們的其他道德責任。我們認為我們所獲得的審核憑證屬充足及適當以為我們的意見提供基準。

### 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 139 to 171, which comprise the statement of financial position as at 31 March 2024, 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 information.

In our opinion, the financial statements give a true and fair view of the financial position of the PCPD as at 31 March 2024, and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

### Basis for Opinion

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



## 財務報表及其核數師報告以外的資料

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

我們有關財務報表的意見並不涵蓋其他資料，我們並不會就此發表任何形式的核證結論。

就我們對財務報表的審核而言，我們的責任是閱讀其他資料，從而考慮其他資料是否與財務報表或我們在審核過程中獲悉的資料存在重大不符，或存在重大錯誤陳述。如我們基於已完成的工作認為其他資料出現重大錯誤陳述，我們須報告此一事實。我們就此並無報告事項。

## 個人資料私隱專員及管治層就財務報表須承擔的責任

個人資料私隱專員須負責根據香港會計師公會頒佈的《香港財務報告準則》編製真實而公平的財務報表，及落實其認為編製財務報表所必要的內部控制，以使財務報表不存在由於欺詐或錯誤而導致的重大錯誤陳述。

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

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

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

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

## Responsibilities of the Privacy Commissioner and those Charged with Governance for the Financial Statements

The Privacy Commissioner is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA, and for such internal control as the Privacy Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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

管治層須負責監督個人資料私隱專員的財務報告流程。

### 核數師就審核財務報表須承擔的責任

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

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

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

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with the agreed terms of engagement, and for no other purposes. We do not assume responsibility towards or accept liability to any other person for the contents of this report. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSA's 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：

As part of an audit in accordance with HKSAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- 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。
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the PCPD's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Privacy Commissioner.

➤ 對個人資料私隱專員採用持續經營會計基礎的恰當性作出結論。根據所得的審核憑證，決定是否存在與事件或情況有關的重大不確定性，而可能對個人資料私隱專員持續經營的能力構成重大疑慮。如我們認為存在重大不確定性，則有必要在核數師報告中提請使用者對財務報表中的相關披露資料的關注。如有關的披露資料不足，則修訂我們的意見。我們的結論是基於截至核數師報告日期所取得的審核憑證。然而，未來事件或情況可能導致個人資料私隱專員不能繼續持續經營。

➤ 評價財務報表（包括披露資料）的整體列報方式、結構及內容，以及財務報表是否公允反映有關交易和事項。

➤ Conclude on the appropriateness of the Privacy Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the PCPD's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the PCPD to cease to continue as a going concern.

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

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

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

**黃龍德會計師事務所有限公司**  
執業會計師

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

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

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

執業證書號碼：P06369

Practising Certificate Number: P06369

香港，2024年7月24日

Hong Kong, 24 July 2024



## 全面收益表 Statement of Comprehensive Income

截至2024年3月31日止年度 YEAR ENDED 31 MARCH 2024

		附註 Notes	2024 \$	2023 \$
<b>收入</b>	<b>Income</b>			
政府補助金	Government subventions	5	99,382,291	94,929,984
銀行利息	Bank interest		1,545,784	823,536
講座收費	Seminar fees		1,649,060	1,408,395
會員費	Membership fees		93,600	111,800
「防疫抗疫基金」下 創造職位計劃的 財務資助	Financial assistance under Job Creation Scheme of Anti-epidemic Fund		1,210,207	2,746,697
雜項收入	Miscellaneous income		108,661	53,379
			<b>103,989,603</b>	100,073,791
<b>支出</b>	<b>Expenditure</b>			
核數師酬金	Auditor's remuneration		56,000	55,000
行政費用	Administrative expenses		2,007,106	1,791,851
顧問服務	Consultancy services		385,000	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	287,071	908,066
– 由其他資金來源 支付	– financed by other sources of funds	9	9,005,764	8,922,522
僱員薪俸	Staff emoluments	6	81,323,667	70,204,223
辦公室的營運租賃 租金	Operating lease rentals in respect of office premises		292,860	284,880
海外訪問／會議 支出	Overseas visit/conference		469,713	245,985
宣傳推廣及教育 支出	Promotion and education expenses		5,035,289	5,573,349
法律協助計劃	Legal assistance scheme		36,530	44,159
其他營運費用	Other operating expenses		6,312,503	5,181,217
租賃負債利息	Interest on lease liabilities	17	226,192	270,699
			<b>105,437,695</b>	93,525,751
<b>年內(虧損)/盈餘及 全面(虧損)/收益 總額</b>	<b>(Deficit)/surplus and total comprehensive (loss)/ income for the year</b>		<b>(1,448,092)</b>	6,548,040

第144至171頁的附註屬本財務報表的組成部分。

The notes on pages 144 to 171 are an integral part of these financial statements.

## 財務狀況表 Statement of Financial Position

於 2024 年 3 月 31 日 AT 31 MARCH 2024

		附註 Notes	2024 \$	2023 \$
<b>非流動資產</b>	<b>Non-current asset</b>			
物業、機器及設備	Property, plant and equipment	9	21,961,536	10,119,078
<b>流動資產</b>	<b>Current assets</b>			
應收款項、按金及預付款項	Accounts receivable, deposits and prepayments		1,505,853	2,560,129
銀行結存及現金	Bank balances and cash	10	44,023,819	45,153,859
			45,529,672	47,713,988
<b>流動負債</b>	<b>Current liabilities</b>			
應付款項及應計費用	Accounts payable and accruals		180,049	575,593
職員約滿酬金撥備	Provision for staff gratuity	11	4,805,529	4,143,181
未放取年假撥備	Provision for unutilised annual leave		1,245,973	1,409,499
預收政府補助金	Government subvention received in advance	12	9,740,217	8,175,593
租賃負債	Lease liabilities	13, 17	6,868,997	6,749,832
			22,840,765	21,053,698
<b>流動資產淨值</b>	<b>Net current assets</b>		22,688,907	26,660,290
<b>資產總額減流動負債</b>	<b>Total assets less current liabilities</b>		44,650,443	36,779,368
<b>非流動負債</b>	<b>Non-current liabilities</b>			
政府的約滿酬金補助款	Government subvention for gratuity	14	3,990,784	4,086,978
職員約滿酬金撥備	Provision for staff gratuity	11	1,804,453	1,528,839
資本補助金	Capital subvention fund	15	319,287	606,358
租賃負債	Lease liabilities	13, 17	13,017,198	172,186
			19,131,722	6,394,361
<b>資產淨值</b>	<b>Net assets</b>		25,518,721	30,385,007
<b>資金</b>	<b>Funds</b>			
一般儲備	General reserve	16	25,518,721	30,385,007

本財務報表已於 2024 年 7 月 24 日獲私隱專員批准及授權刊發

Approved and authorised for issue by the Privacy Commissioner on 24 July 2024

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 144 至 171 頁的附註屬本財務報表的組成部分。

The notes on pages 144 to 171 are an integral part of these financial statements.



## 資金變動表 Statement of Changes in Funds

截至2024年3月31日止年度 YEAR ENDED 31 MARCH 2024

		全面收益表 Statement of comprehensive income \$	一般儲備 General reserve \$	總計 Total \$
<b>於2022年4月1日 的結餘</b>	<b>Balance at 1 April 2022</b>	–	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)
<b>於2023年3月31日及 2023年4月1日 的結餘</b>	<b>Balances at 31 March 2023 and at 1 April 2023</b>	–	30,385,007	30,385,007
年內虧損及 全面虧損總額	Deficit and total comprehensive loss for the year	(1,448,092)	–	(1,448,092)
調撥	Transfer	1,448,092	(1,448,092)	–
政府收回上年盈餘	Previous year's surplus recovered by Government	–	(3,418,194)	(3,418,194)
<b>於2024年3月31日 的結餘</b>	<b>Balance at 31 March 2024</b>	–	25,518,721	25,518,721

第144至171頁的附註屬本財務報表的組成部分。

The notes on pages 144 to 171 are an integral part of these financial statements.

## 現金流量表 Statement of Cash Flows

截至2024年3月31日止年度 YEAR ENDED 31 MARCH 2024

	附註 Notes	2024 \$	2023 \$
<b>營運活動</b>	<b>Operating activities</b>		
年內(虧損)/盈餘	(Deficit)/surplus for the year	<b>(1,448,092)</b>	6,548,040
調整：	Adjustments for:		
– 折舊支出	– Depreciation expense	<b>9,292,835</b>	9,830,588
– 處置物業、機器及設備的收入	– Gain on disposal of property, plant and equipment	<b>(8,000)</b>	–
– 利息收入	– Interest income	<b>(1,545,784)</b>	(823,536)
– 租賃負債利息	– Interest on lease liabilities	<b>226,192</b>	270,699
– 政府收回上年盈餘	– Previous year's surplus recovered by Government	<b>(3,418,194)</b>	(5,759,379)
營運資本變動前的營運盈餘	Operating surplus before working capital changes	<b>3,098,957</b>	10,066,412
應收款項、按金及預付款項減少/(增加)	Decrease/(increase) in accounts receivable, deposits and prepayments	<b>1,001,158</b>	(1,997,249)
應付款項及應計費用(減少)/增加	(Decrease)/increase in accounts payable and accruals	<b>(395,544)</b>	460,429
職員約滿酬金撥備增加	Increase in provision for staff gratuity	<b>937,962</b>	1,361,405
未放取年假撥備減少	Decrease in provision for unutilised annual leave	<b>(163,526)</b>	(6,137)
預收政府補助金增加	Increase in government subvention received in advance	<b>1,564,624</b>	–
政府的約滿酬金補助款(減少)/增加	(Decrease)/increase in government subvention for gratuity	<b>(96,194)</b>	554,882
資本補助金減少	Decrease in capital subvention fund	<b>(287,071)</b>	(357,076)
營運活動所得現金淨額	Net cash generated from operating activities	<b>5,660,366</b>	10,082,666



## 現金流量表 (續) Statement of Cash Flows (Continued)

截至2024年3月31日止年度 YEAR ENDED 31 MARCH 2024

	附註 Notes	2024 \$	2023 \$
<b>投資活動</b>	<b>Investing activities</b>		
收取利息	Interest received	1,598,902	618,990
三個月以上之 短期銀行存款 減少／(增加)	Decrease/(increase) in short-term bank deposits with maturity more than three months	9,069,954	(1,573,006)
購置物業、機器及 設備的付款	Payments for property, plant and equipment	(331,715)	(2,357,937)
處置物業、機器及 設備的得益	Proceeds from disposals of property, plant and equipment	8,000	—
投資活動所得／(所用) 現金淨額	Net cash from/(used in) investing activities	10,345,141	(3,311,953)
<b>融資活動</b>	<b>Financing activities</b>		
已付租賃負債本金	Capital element of lease rentals paid	(7,839,401)	(7,626,419)
已付租賃負債利息	Interest element of lease rentals paid	(226,192)	(270,699)
融資活動所用現金 淨額	Net cash used in financing activities	(8,065,593)	(7,897,118)
<b>現金及現金等值的 增加／(減少)</b>	<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>7,939,914</b>	<b>(1,126,405)</b>
<b>年初的現金及 現金等值</b>	<b>Cash and cash equivalents at the beginning of year</b>	<b>36,083,905</b>	<b>37,210,310</b>
<b>年底的現金及 現金等值</b>	<b>Cash and cash equivalents at the end of year</b>	<b>44,023,819</b>	<b>36,083,905</b>
<b>現金及現金等值 結存分析</b>	<b>Analysis of balances of cash and cash equivalents</b>		
銀行結存及現金	Bank balances and cash	44,023,819	45,153,859
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)
<b>年底的現金及 現金等值</b>	<b>Cash and cash equivalents at the end of the year</b>	<b>44,023,819</b>	<b>36,083,905</b>

第144至171頁的附註屬本財務報表的組成部分。

The notes on pages 144 to 171 are an integral part of these financial statements.

## 財務報表附註 Notes to the Financial Statements

2024年3月31日 31 MARCH 2024

### 1. 一般資料

個人資料私隱專員是根據1995年8月3日制定的《個人資料(私隱)條例》而於香港設立的單一法團，目的是要在個人資料方面保障個人的私隱，並就附帶及相關事宜訂定條文。註冊辦事處地址為香港灣仔皇后大道東248號大新金融中心12樓。

### 2. 遵從《香港財務報告準則》的聲明

個人資料私隱專員的財務報表是按照香港會計師公會頒佈的所有適用的《香港財務報告準則》(包含所有適用的個別《香港財務報告準則》、《香港會計準則》和詮釋)以及香港公認會計原則的規定編製。重要會計政策概要載列於附註3。

### 1. General Information

The Privacy Commissioner for Personal Data (the "PCPD") is a corporation sole established in Hong Kong under the Personal Data (Privacy) Ordinance 1995 enacted on 3 August 1995 for the purpose of protecting the privacy of individuals in relation to personal data and to provide for matters incidental thereto or connected therewith. The address of its registered office is 12/F., Dah Sing Financial Centre, 248 Queen's Road East, Wanchai, Hong Kong.

### 2. Statement of Compliance with Hong Kong Financial Reporting Standards

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



### 3. 重要會計政策信息概要

#### (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 Material Accounting Policies Information

#### (a) Basis of preparation of the financial statements

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

#### (b) Property, plant and equipment

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

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

##### **Owned assets**

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

##### **Right-of-use assets**

Leasehold land and 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. 重要會計政策信息概要 (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 Material Accounting Policies Information (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. 重要會計政策信息概要 (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 Material Accounting Policies Information (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. 重要會計政策信息概要 (續)

#### (e) 預期信貸虧損的虧損撥備

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

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

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

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

### 3. Summary of Material Accounting Policies Information (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. 重要會計政策信息概要 (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 Material Accounting Policies Information (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. 重要會計政策信息概要 (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。

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。

### 3. Summary of Material Accounting Policies Information (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.

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



### 3. 重要會計政策信息概要 (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)

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。

###### 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 Material Accounting Policies Information (Continued)

#### (g) Leases (Continued)

##### (ii) The PCPD as a lessee (Continued)

###### Right-of-use assets (Continued)

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.

###### 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. 重要會計政策信息概要(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。

#### (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。

### 3. Summary of Material Accounting Policies Information (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.

#### (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.



### 3. 重要會計政策信息概要 (續)

#### (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。

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

### 3. Summary of Material Accounting Policies Information (Continued)

#### (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.

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.

### 3. 重要會計政策信息概要 (續)

#### (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。

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 Material Accounting Policies Information (Continued)

#### (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.

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. 重要會計政策信息概要 (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 Material Accounting Policies Information (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. 重要會計政策信息概要(續)

#### (I) 僱員薪俸(續)

##### (ii) 退休福利成本

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

向強積金計劃支付的供款於到期日列作支出。

#### (m) 資產減值

在報告期末，個人資料私隱專員會檢討具有有限可使用年期的資產的帳面值，以判斷該資產是否出現減值虧損。當顯示可能出現減值虧損時，該資產的可收回值會被評估以計算其虧損幅度。如該資產的可收回值並不可能被評估，個人資料私隱專員會評估該資產所屬的現金產生單位可收回值。當確定了一個合理及一致的分類基礎時，企業資產會被分類為獨立現金產生單位或現金產生單位的最小組別。

### 3. Summary of Material Accounting Policies Information (Continued)

#### (I) Staff emoluments (Continued)

##### (ii) Retirement benefit costs

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

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

#### (m) Impairment of assets

At the end of reporting period, the PCPD reviews the carrying amounts of its assets with finite useful lives to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss, if any. When it is not possible to estimate the recoverable amount of an individual asset, the PCPD estimates the recoverable amount of the cash-generating unit to which the asset belongs. When a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.



### 3. 重要會計政策信息概要 (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。
  - (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。

### 3. Summary of Material Accounting Policies Information (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).
  - (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. 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。

## 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

		2024 \$	2023 \$
經常性及非經常性	Recurrent and non-recurrent	<b>99,095,220</b>	93,900,118
資本補助金(附註15)	Capital subvention fund (Note 15)	<b>287,071</b>	1,029,866
		<b>99,382,291</b>	94,929,984



## 6. 僱員薪俸

## 6. Staff Emoluments

		2024 \$	2023 \$
薪酬	Salaries	<b>67,094,255</b>	58,250,166
約滿酬金及其他津貼	Gratuities and other allowances	<b>12,774,223</b>	10,461,028
強積金計劃供款	Contributions to MPF Scheme	<b>1,618,715</b>	1,499,166
未放取年假撥備回撥	Reversal of provision for unutilised annual leave	<b>(163,526)</b>	(6,137)
		<b>81,323,667</b>	70,204,223

## 7. 主要管理人員的報酬

## 7. Key Management Compensation

		2024 \$	2023 \$
短期僱員薪俸	Short-term staff emoluments	<b>16,040,926</b>	14,119,056
約滿酬金及強積金計劃供款	Gratuities and contributions to MPF Scheme	<b>2,169,423</b>	1,515,761
		<b>18,210,349</b>	15,634,817

## 8. 稅項

## 8. Taxation

根據《個人資料(私隱)條例》附表2第6條的規定，個人資料私隱專員獲豁免課稅，因此個人資料私隱專員無須在本財務報表計提香港利得稅撥備。

No provision for Hong Kong Profits Tax has been made in the financial statements as the PCPD is exempted from taxation in respect of the Inland Revenue Ordinance by virtue of Schedule 2 Section 6 of the Personal Data (Privacy) Ordinance.

## 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	總計 Total
		汽車 Motor vehicle	電腦及軟件 Computer and software	辦公室設備 Office equipment	家具及固定裝置 Furniture and fixtures	租賃物業裝修工程 Leasehold improvements	小計 Sub-total	租賃土地及樓宇 Leasehold land and buildings	
		\$	\$	\$	\$	\$	\$	\$	\$
<b>成本</b>	<b>Cost</b>								
於2023年4月1日	At 1 April 2023	895,488	8,143,278	2,296,862	626,376	10,481,486	22,443,490	37,412,832	59,856,322
增加	Additions	–	119,875	190,450	21,390	–	331,715	20,803,578	21,135,293
處置	Disposal	–	(156,021)	(16,000)	–	–	(172,021)	–	(172,021)
於2024年3月31日	At 31 March 2024	895,488	8,107,132	2,471,312	647,766	10,481,486	22,603,184	58,216,410	80,819,594
<b>累積折舊</b>	<b>Accumulated depreciation</b>								
於2023年4月1日	At 1 April 2023	615,497	6,087,162	1,759,209	507,437	10,096,076	19,065,381	30,671,863	49,737,244
年內折舊	Charge for the year	119,996	891,835	264,826	55,861	247,994	1,580,512	7,712,323	9,292,835
處置核銷	Written back on disposal	–	(156,021)	(16,000)	–	–	(172,021)	–	(172,021)
於2024年3月31日	At 31 March 2024	735,493	6,822,976	2,008,035	563,298	10,344,070	20,473,872	38,384,186	58,858,058
<b>帳面淨值</b>	<b>Net book value</b>								
於2024年3月31日	At 31 March 2024	159,995	1,284,156	463,277	84,468	137,416	2,129,312	19,832,224	21,961,536
<b>成本</b>	<b>Cost</b>								
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
<b>累積折舊</b>	<b>Accumulated depreciation</b>								
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
<b>帳面淨值</b>	<b>Net book value</b>								
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



## 10. 銀行結存及現金

## 10. Bank Balances and Cash

		2024 \$	2023 \$
銀行及手頭現金	Cash at banks and on hand	11,287,272	12,106,045
短期銀行存款	Short-term bank deposits	32,736,547	33,047,814
財務狀況表及 現金流量表的 銀行結存及現金	Bank balances and cash in the statement of financial position and the statement of cash flows	44,023,819	45,153,859

## 11. 職員約滿酬金撥備

## 11. Provision for Staff Gratuity

		2024 \$	2023 \$
於4月1日的結餘	Balance as at 1 April	5,672,020	4,310,615
已作出的撥備	Provision made	8,071,250	6,392,406
未動用款項撥回	Unused amounts reversed	(141,556)	(566,208)
年內支付的數額	Amount paid during the year	(6,991,732)	(4,464,793)
於3月31日的結餘	Balance as at 31 March	6,609,982	5,672,020
減：流動部分	Less: current portion	(4,805,529)	(4,143,181)
非流動部分	Non-current portion	1,804,453	1,528,839

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

		2024 \$	2023 \$
於4月1日的結餘	Balance as at 1 April	8,175,593	8,175,593
已收補助金	Subvention received	2,780,248	–
年內確認為收入的數額	Recognised as income in the year	(1,215,624)	–
於3月31日的結餘	Balance as at 31 March	9,740,217	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

		2024 \$	2023 \$
到期最低租賃付款額	Minimum lease payments due		
– 1年內	– Within 1 year	7,557,902	6,834,870
– 1至5年	– 1 to 5 years	13,537,964	173,558
		21,095,866	7,008,428
減：未來財務費用	Less: future finance charges	(1,209,671)	(86,410)
租賃負債的現值	Present value of lease liabilities	19,886,195	6,922,018
分析為：	Analysed as:		
流動部分	Current portion	6,868,997	6,749,832
非流動部分	Non-current portion	13,017,198	172,186
		19,886,195	6,922,018

未來財務費用所應用的加權平均遞增借貸利率為4.125%（2023：2.65%）。

The weighted average incremental borrowing rate applied for future finance charges is 4.125% (2023: 2.65%).



## 14. 政府的約滿酬金補助款

## 14. Government Subvention for Gratuity

		2024 \$	2023 \$
於4月1日的結餘	Balance as at 1 April	4,086,978	3,532,096
年內確認的補助金	Subventions recognised for the year	(8,087,750)	(6,511,326)
沒收款	Forfeiture	141,556	566,208
已收政府的約滿酬金補助款	Gratuity subvention received from Government	7,850,000	6,500,000
於3月31日的結餘	Balance as at 31 March	3,990,784	4,086,978

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2022年4月1日	At 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日及 2023年4月1日	At 31 March 2023 and 1 April 2023	–	46,149	109,745	–	223,992	226,472	606,358
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	–	(46,149)	(57,259)	–	(95,997)	(87,666)	(287,071)
於2024年3月31日	At 31 March 2024	–	–	52,486	–	127,995	138,806	319,287

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

		2024 \$	2023 \$
於4月1日	At 1 April	<b>30,385,007</b>	29,596,346
由全面(虧損)/ 收益表撥入	Transfer from statement of comprehensive (loss)/income	<b>(1,448,092)</b>	6,548,040
政府收回上年盈餘	Previous year's surplus recovered by Government	<b>(3,418,194)</b>	(5,759,379)
於3月31日	At 31 March	<b>25,518,721</b>	30,385,007

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.

		2024 \$	2023 \$
<b>於年初</b>	<b>At beginning of the year</b>	<b>6,922,018</b>	13,810,835
<b>融資現金流的變動：</b>	<b>Changes from financing cash flows:</b>		
已付租賃負債本金	Capital element of lease rentals paid	(7,839,401)	(7,626,419)
已付租賃負債利息	Interest element of lease rentals paid	(226,192)	(270,699)
融資現金流的變動總額	Total changes from financing cash flows	(8,065,593)	(7,897,118)
		(1,143,575)	5,913,717
<b>其他變動：</b>	<b>Other changes:</b>		
租賃負債利息	Interest on lease liabilities	226,192	270,699
租賃負債增加	Increase in lease liabilities	20,803,578	737,602
其他變動總額	Total other changes	21,029,770	1,008,301
<b>於年末</b>	<b>At end of the year</b>	<b>19,886,195</b>	6,922,018

## 18. 金融工具

個人資料私隱專員將其金融資產分為以下類別：

## 18. Financial Instruments

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

		2024 \$	2023 \$
<b>按攤銷成本計量的金融資產</b>	<b>Financial assets at amortised cost</b>		
應收款項及按金	Accounts receivable and deposits	236,979	568,416
銀行結存及現金	Bank balances and cash	44,023,819	45,153,859
		44,260,798	45,722,275



## 18. 金融工具 (續)

個人資料私隱專員將其金融負債分為以下類別：

## 18. Financial Instruments (Continued)

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

		2024 \$	2023 \$
<b>按攤銷成本計量的 金融負債</b>	<b>Financial liabilities at amortised cost</b>		
應付款項及應計費用	Accounts payable and accruals	180,049	575,593
政府的約滿酬金 補助款	Government subvention for gratuity	3,990,784	4,086,978
租賃負債	Lease liabilities	19,886,195	6,922,018
		<b>24,057,028</b>	<b>11,584,589</b>

所有金融工具的帳面值相對2023年及2024年3月31日時的公平值均沒有重大差別。

All financial instruments are carried at amounts not materially different from their fair values as at 31 March 2024 and 2023.

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。

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

### (a) 信貸風險

個人資料私隱專員並無信貸風險相當集中的情況，而最高信貸風險相等於金融資產所載有關帳面值。銀行存款的信貸風險是有限，因接受存款的銀行均為受香港《銀行業條例》規管的財務機構。

### (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.

## 18. 金融工具 (續)

### (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。

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

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.

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 \$
<b>2024</b>	<b>2024</b>				
應付款項及應計費用	Accounts payable and accruals	180,049	180,049	180,049	–
政府的約滿酬金補助款	Government subvention for gratuity	3,990,784	3,990,784	–	3,990,784
租賃負債	Lease liabilities	19,886,195	21,095,866	7,557,902	13,537,964
		24,057,028	25,266,699	7,737,951	17,528,748
<b>2023</b>	<b>2023</b>				
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



## 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。

## 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. 已頒佈但於年內尚未生效的《香港財務報告準則》

以下是已頒佈但於年內尚未生效的《香港財務報告準則》，這些準則或與個人資料私隱專員的營運及財務報表有關：

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

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

	於以下年度開始或以後生效 Effective for annual periods beginning on or after
《香港會計準則》第1號的修訂：負債分類為流動或非流動 Amendments to HKAS 1, <i>Classification of Liabilities as Current or Non-current</i>	2024年1月1日 1 January 2024
《香港會計準則》第1號的修訂：附帶契諾之非流動負債 Amendments to HKAS 1, <i>Non-current Liabilities with Covenants</i>	2024年1月1日 1 January 2024
《香港會計準則》第16號的修訂：售後租回中之租賃負債 Amendments to HKFRS 16, <i>Lease Liability in a Sale and Leaseback</i>	2024年1月1日 1 January 2024
香港詮釋第5號（經修訂）財務報表之呈列：借款人對包含應要求償還條文之有期貸款之分類 Hong Kong Interpretation 5 (Revised) Presentation of Financial Statements, <i>Classification by the Borrower of a Term Loan that Contains a Repayment on Demand Clause</i>	2024年1月1日 1 January 2024
《香港會計準則》第7號及《香港財務報告準則》第7號的修訂：供應商融資安排 Amendments to HKAS 7 and HKFRS 7, <i>Supplier Finance Arrangements</i>	2024年1月1日 1 January 2024
《香港會計準則》第21號的修訂：缺乏可兌換性 Amendments to HKAS 21, <i>Lack of Exchangeability</i>	2025年1月1日 1 January 2025
《香港會計準則》第10號及《香港會計準則》第28號之修訂：投資者與其聯營公司或合資企業之間出售或注資 Amendments to HKFRS 10 and HKAS 28, <i>Sale or Contribution of Assets between an Investor and its Associate or Joint Venture</i>	待釐定 To be determined



## 19. 已頒佈但於年內尚未生效的《香港財務報告準則》(續)

個人資料私隱專員在本年內並未採納該等《香港財務報告準則》。初步評估顯示採納該等《香港財務報告準則》不會對個人資料私隱專員首次採納年度的財務報表產生重大影響。個人資料私隱專員將繼續評估該等《香港財務報告準則》及其他就此識別的重大變動的影響。

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

The PCPD has not early adopted these HKFRSs. Initial assessment has indicated that the adoption of these HKFRSs would not have a significant impact on the PCPD's financial statements in the year of initial application. The PCPD will be continuing with the assessment of the impact of these HKFRSs and other significant changes may be identified as a result.

## 20. 批准財務報表

本財務報表已於2024年7月24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 24 July 2024.





# 附錄

## Appendices

**附錄一 Appendix 1**  
保障資料原則 Data Protection Principles

**附錄二 Appendix 2**  
服務承諾 Performance Pledge

**附錄三 Appendix 3**  
上訴個案簡述 Appeal Case Notes

**附錄四 Appendix 4**  
投訴個案選錄 • 以作借鑑  
Summaries of Selected Complaint Cases – Lessons Learnt

**附錄五 Appendix 5**  
定罪個案選錄 • 以作借鑑  
Summaries of Selected Conviction Cases – Lessons Learnt

**附錄六 Appendix 6**  
循規行動個案選錄 • 以作借鑑  
Summaries of Selected Compliance Action Cases – Lessons Learnt



# 附錄一

## APPENDIX 1

### 保障資料原則

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

### Data Protection Principles

The objective of the PDPO is to protect the privacy rights of a person (Data Subject) in relation to his personal data. A person who collects, holds, processes or uses the data (Data User) 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, from collection to destruction.

#### 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，其目的應為合法，而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。
- 收集的資料就該目的而言，是必需及屬足夠，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 in relation to the purpose of collection.

#### 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 practicable steps to ensure that personal data is accurate and not kept longer than is necessary to fulfil the purpose for which it is used.

## 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。

## 資料使用者

指獨自或聯同其他人或與其他人共同控制個人資料的收集、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。

## 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.

## 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 personal data. The data user is liable as the principal for the wrongful act of any data processor engaged by it.

### 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.



### 第4原則 — 資料保安原則

- 資料使用者須採取所有切實可行的步驟，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 practicable steps to protect personal data from unauthorised or accidental access, processing, erasure, loss or use.



### 第5原則 — 透明度原則

- 資料使用者須採取所有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 take all practicable steps to make personal data policies and practices known to the public regarding the 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，私隱專員公署在處理公眾查詢、投訴及法律協助計劃申請方面的工作表現均高於服務指標。

在回覆電話查詢及確認收到書面查詢方面，私隱專員公署均能夠在兩個工作日內完成所有個案，並於28個工作日內詳細回覆書面查詢。

在處理公眾投訴方面，所有個案均能夠在收到投訴後兩個工作日內發出認收通知（服務指標為98%）。此外，在決定結束投訴個案當中，公署能夠在180日內結案的比率為97%（服務指標為95%）。

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

### Performance Pledge

During the reporting year, the PCPD's performance in the handling of public enquiries, complaints and applications for legal assistance exceeded the performance target.

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 also completed within 28 working days of receipt.

In handling public complaints, acknowledgement receipts were issued within two working days of receipt of all cases (our performance target is 98%). In closing a complaint case, 97% of the cases were closed within 180 days of receipt (our performance target is 95%).

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

服務標準 Service Standard			服務指標 (個案達到服務 水平的百分比) Performance Target (% of cases meeting standard)	工作表現 Performance Achieved				
				2019	2020	2021	2022	2023
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%	99%	99%	99%	99%	100%	
結束投訴個案 Close a complaint case	收到投訴後180日內 <sup>1</sup> Within 180 days of receipt <sup>1</sup>	95%	99%	99%	99%	98%	97%	
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%	不適用 <sup>2</sup> N/A <sup>2</sup>	100%	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%	100%	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3/2023號)

投訴表格收集的個人資料及使用目的 — 處理投訴 — 抄送投訴結果信函予被投訴方 — 投訴人的合理期望 — 正確行使酌情權拒絕對投訴作進一步調查

### Appeal Case Note (1)

(AAB Appeal No. 3 of 2023)

Purpose of collection and use of personal data in a complaint form – complaint handling – copying decision letter to the party complained against – reasonable expectation of the complainant – discretion not to further investigate the complaint duly exercised

**聆訊委員會成員：**

**Coram:**

**劉恩沛女士(副主席) Miss LAU Queenie Fiona (Deputy Chairman)**

**陳詠琪女士(委員) Ms Winky CHAN Wing-ki (Member)**

**姚逸明先生(委員) Mr Edmond YEW Yat-ming (Member)**

**裁決理由書日期：**

**Date of Decision:**

**2023年10月11日**

**11 October 2023**

### 投訴內容

上訴人不滿某公立醫院醫生就上訴人親人的傷殘津貼申請所作的醫療評估結果，並向某政府決策局(該決策局)作出申訴。該決策局回覆上訴人，表示其不會介入公立醫院的日常運作及管理，並會把上訴人的投訴轉介醫院管理局處理。上訴人不滿該決策局的回覆，遂向申訴專員作出投訴。

經查訊後，申訴專員認為該決策局的回覆並不涉及任何行政失當，因而結案。同時，申訴專員把決定信函抄送給該決策局局長。上訴人因不滿申訴專員將載有其個人資料的信件抄送予該決策局而向私隱專員作出投訴。

### The Complaint

The Appellant was dissatisfied with the result of a medical assessment conducted by a doctor at a public hospital in relation to his relative's disability allowance application, and he lodged a complaint with a government bureau (the Bureau). The Bureau replied to the Appellant that it would not intervene in the daily operation and management of public hospitals and would refer his complaint to the Hospital Authority for handling. Dissatisfied with the Bureau's reply, the Appellant lodged a complaint with the Ombudsman.

Upon inquiry, the Ombudsman did not find any maladministration on the part of the Bureau and terminated the complaint case. At the same time, the Ombudsman copied the decision letter to the Secretary of the Bureau. The Appellant was dissatisfied that the decision letter containing his personal data was copied to the Bureau and lodged a complaint with the Privacy Commissioner.

## 私隱專員的決定

經初步查詢後，私隱專員認為申訴專員透過投訴表格收集個人資料，目的是作處理上訴人投訴之用。其後，雖然申訴專員的結論是該決策局並沒有行政失當，但把其對案件的評論和結果抄送給該決策局仍然屬處理投訴的一部分。

私隱專員認為在作出投訴時，上訴人已經簽署並同意申訴專員在處理投訴時可以複製投訴表格及在表格內所提交的任何資料（包括個人資料）以轉交任何人士／機構。故此，私隱專員認為申訴專員在取得上訴人披露個人資料的同意後，就處理投訴目的而把載有個人資料的信件抄送予該決策局，並沒有違反《私隱條例》保障資料第3原則，故行使《私隱條例》第39(2)(d)條賦予的酌情權，決定不就上訴人的個案作進一步調查。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

## The Privacy Commissioner's Decision

Upon preliminary enquiry, the Privacy Commissioner considered that the purpose of collecting personal data in the complaint form by the Ombudsman was to handle the Appellant's complaint. Although the Ombudsman subsequently found that there was no maladministration on the part of the Bureau, the Privacy Commissioner took the view that copying the Ombudsman's comments and findings of the case to the Bureau was a part of the complaint handling process.

The Privacy Commissioner considered that the Appellant had signed the complaint form when he filed the complaint thereby agreeing that the Ombudsman might copy and transfer the information (including his personal data) stated in the form to any person or organisation. Hence, the Privacy Commissioner found that the Ombudsman had not contravened DPP 3 of the PDPO by copying the decision letter which contained personal data to the Bureau upon obtaining the Appellant's consent for disclosing his personal data. The Privacy Commissioner therefore exercised the discretion under section 39(2)(d) of the PDPO not to conduct further investigation into the Appellant's complaint. 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) 申訴專員收集上訴人的個人資料的目的是為了處理上訴人的投訴。至於申訴專員其後把載有上訴人個人資料的信件抄送予該決策局，委員會認為申訴專員在抄送覆函時並沒有違反保障資料第3原則，因為所牽涉的個人資料均是用作處理投訴之用。
- (2) 就上訴人提出「合理期望」的論點，委員會認為申訴專員已經在投訴表格內列明資料可以在投訴期間轉移給相關的人士或機構，而上訴人亦的確有在表格上簽署，同意披露有關資料。況且，上訴人在填寫表格時是可以選擇不同意其資料被披露給該決策局。委員會認為申訴專員並沒有超越上訴人就着自己的資料如何被使用的合理期望。

## The Appeal

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

- (1) The purpose of collecting the Appellant's personal data by the Ombudsman was to handle the Appellant's complaint case. The AAB affirmed that the Ombudsman had not contravened DPP 3 by copying the decision letter which contained the Appellant's personal data to the Bureau as the personal data concerned was used for handling his complaint case.
- (2) As regards the argument about "reasonable expectation" put forward by the Appellant, the AAB opined that the Ombudsman had already clearly stated in the complaint form that the information contained therein could be transferred to the relevant person or organisation for the purpose of handling the complaint, and the Appellant had indeed signed the complaint form and consented to such disclosure. Moreover, the Appellant could have selected not to disclose his personal data to the Bureau in the form. The AAB therefore considered that the use of personal data by the Ombudsman had not exceeded the reasonable expectation of the Appellant.



- (3) 委員會認為上訴人並不能夠依賴「以往投訴」以支持其提出合理期望的說法。申訴專員解釋過去沒有抄送上訴人的「以往投訴」結果給相關決策局，是因為該些投訴被申訴專員評為「不予跟進」或「不展開調查」，故對涉事的決策局參考價值不大。相反，在本案中，申訴專員的確把上訴人的案件評為「可跟進」，並就上訴人的投訴展開了初步查訊。委員會認為申訴專員擁有酌情權去決定究竟把案件的結果信件抄送予相關的決策局是否有助促進公共行政的質素和水平，而該決定亦純屬申訴專員內部的行政決定。
- (3) The Appellant could not rely on his “previous complaints” to support his line of argument on reasonable expectation for use of his personal data. The Ombudsman explained that the Appellant’s “previous complaints” had not been copied to the relevant government bureaux because those previous complaint cases were either assessed by the Ombudsman as “not to be pursued” or “not to conduct investigation” and there was limited reference value to the government bureaux concerned. On the contrary, the Ombudsman had assessed the present case as one that could be “followed-up”, and the Ombudsman had indeed conducted a preliminary inquiry on the Appellant’s complaint case. The AAB was of the view that the Ombudsman had discretion to determine whether copying the decision letter to the relevant bureau might facilitate the improvement in the quality and standard of public administration, and it was purely the Ombudsman’s internal administrative decision.

### 行政上訴委員會的決定

委員會駁回本上訴。

上訴人親身應訊

吳凱欣署理律師代表私隱專員

申訴專員(受到遭上訴所反對的決定所約束的人)缺席聆訊

### The AAB’s Decision

The appeal was dismissed.

*The Appellant appeared in person*

*Ms Annabel NG, Acting Legal Counsel represented the Privacy Commissioner*

*The Ombudsman (the Person bound by the decision appealed against) was absent*



# 附錄三

## APPENDIX 3

### 上訴個案簡述(二)

(行政上訴案件第7/2023號)

業主立案法團張貼包含上訴人個人資料的通告 — 採取補救措施 — 發出警告信 — 沒有送達執行通知 — 保障資料第3原則和《私隱條例》第50條

### Appeal Case Note (2)

(AAB Appeal No. 7 of 2023)

Posting of public notices containing the Appellant's personal data by Incorporated Owners – remedial measures taken – warning letter issued – no Enforcement Notice served – DPP 3 and section 50 of the PDPO

**聆訊委員會成員：**  
**Coram:**

**馬嘉駿資深大律師(副主席) Mr Johnny MA Ka-chun, SC**  
**(Deputy Chairman)**

**許嘉俊先生(委員) Mr HASSAN Ka-chun (Member)**

**葉思進先生(委員) Mr YIP Sze-tsun (Member)**

**裁決理由書日期：**  
**Date of Decision:**

**2024年1月22日**  
**22 January 2024**

### 投訴內容

上訴人是某屋邨的居民(該屋邨)，並與該屋邨的業主立案法團(該業主立案法團)發生一些糾紛。上訴人投訴該業主立案法團在該屋邨的公共地方張貼通告(該通告)，當中披露他的姓氏、居住的大廈、其曾任該業主立案法團主席的事實，以及該業主立案法團與他之間發生的事情。

### The Complaint

The Appellant was a resident of an estate and was involved in some disputes with the Incorporated Owners of the estate. The Appellant complained that the Incorporated Owners displayed in public areas of the estate notices (the Notices) that disclosed his surname, the building he resided in, the fact that he was the Chairman of the Incorporated Owners and some past incidents that happened between the Incorporated Owners and himself.



## 私隱專員的決定

私隱專員認為該屋邨的居民能夠從該通告載有的資料中知悉上訴人的身分，因此，該業主立案法團在該通告中披露了上訴人的個人資料。

就上訴人個人資料的使用而言，私隱專員認為該業主立案法團當初收集上訴人的個人資料的目的是為了處理有關屋邨的管理事宜，而在該通告中披露上訴人的個人資料則是為了回應上訴人對該業主立案法團提出的指控，及向其他居民交待上訴人與該業主立案法團之間的糾紛。該披露的目的與當初收集上訴人個人資料的目的並非一致或直接有關，因此該業主立案法團被裁定違反《私隱條例》保障資料第3原則的規定。

考慮到該業主立案法團已經移除該通告，並同意不會在日後的通告披露上訴人的身分，私隱專員決定向該業主立案法團發出警告信，而沒有送達執行通知。上訴人不滿私隱專員的決定，遂向委員會提出上訴。

## 上訴

上訴人指稱該業主立案法團並未於所聲稱的日期移除該通告。然而，委員會指出上訴人所依賴的證據是在他提出上訴後才提出的，而且不足以支持他的指控。

## The Privacy Commissioner's Decision

The Privacy Commissioner found that the Incorporated Owners had disclosed the personal data of the Appellant in the Notices as residents of the estate were able to ascertain the identity of the Appellant from the information contained in the Notices.

In relation to the use of the Appellant's personal data, the Privacy Commissioner considered that the original purpose of the collection of the Appellant's personal data was for the handling of matters relating to the management of the estate. On the other hand, the disclosure of the Appellant's personal data in the Notices was for the purpose of responding to the Appellant's allegations against the Incorporated Owners and explaining to other residents the disputes between the Appellant and the Incorporated Owners. The purpose of such disclosure was not consistent with or directly related to the original purpose of collection of the Appellant's personal data. Hence, the Incorporated Owners was found to have contravened the requirements of DPP 3 of the PDPO.

Having considered that the Incorporated Owners had already removed the Notices in question and agreed not to disclose the Appellant's identity in future notices, the Privacy Commissioner decided to issue a warning letter to the Incorporated Owners without serving an Enforcement Notice. Dissatisfied with the Privacy Commissioner's decision, the Appellant lodged an appeal with the AAB.

## The Appeal

The Appellant alleged that the Notices were not removed on the date claimed by the Incorporated Owners. However, the AAB noted that the evidence the Appellant sought to rely on in this regard was only raised after he had lodged the appeal, and was, in any event, insufficient to support his allegation.



就私隱專員是否應根據《私隱條例》第50條向該業主立案法團送達執行通知，私隱專員表示，在決定不向該業主立案法團送達執行通知前，已經考慮該案件的所有相關情況，包括按《私隱條例》第50(2)條，考慮該通告所關乎的違反是否已對或相當可能會對屬該違反所關乎的個人資料的資料當事人，造成損害或困擾。

委員會同意私隱專員的決定，認為沒有足夠證據顯示上訴人遭受的任何困擾或不便，是由於該業主立案法團在該通告中披露其個人資料而造成的。鑑於該業主立案法團已採取補救措施，委員會認為發出執行通知也不會達致實際或更佳的效果，並確認私隱專員不根據《私隱條例》第50條發出執行通知的決定。

### 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

馮學晴署理律師代表私隱專員

該業主立案法團(受到遭上訴所反對的決定所約束的人)缺席聆訊

Regarding whether an Enforcement Notice should have been served on the Incorporated Owners under section 50 of the PDPO, the Privacy Commissioner submitted that she had already considered all relevant circumstances of the case, including whether the contravention to which the Notices related had caused or was likely to cause damage or distress to the data subject concerned by the contravention as specified under section 50(2) of the PDPO, before coming to the decision not to serve an Enforcement Notice on the Incorporated Owners.

The AAB agreed with the Privacy Commissioner that there was insufficient evidence to show that any distress or inconvenience suffered by the Appellant was caused by the Incorporated Owners' disclosure of his personal data in the Notices. In view of the remedial measures taken by the Incorporated Owners, the AAB noted that the issuing of an Enforcement Notice would not bring about any practical effect or a more satisfactory result and upheld the Privacy Commissioner's decision not to issue an Enforcement Notice under section 50 of the PDPO.

### The AAB's Decision

The appeal was dismissed.

*The Appellant appeared in person*

*Ms Dorothy FUNG, Acting Legal Counsel, represented the Privacy Commissioner*

*The Incorporated Owners (the Person bound by the decision appealed against) was absent*

# 附錄三

## APPENDIX 3

### 上訴個案簡述(三)

(行政上訴案件第9/2023號)

不公平及過度收集個人資料 — 個人資料的保安 — 保障資料第4原則 — 採取合理切實可行的保安措施 — 沒有發出執行通知

### Appeal Case Note (3)

(AAB Appeal No. 9 of 2023)

Unfair and excessive collection of personal data – security of personal data – DPP 4 – take reasonably practicable steps to safeguard personal data – no Enforcement Notice issued

**聆訊委員會成員：**  
**Coram:**

**劉恩沛女士(副主席) Miss LAU Queenie Fiona (Deputy Chairman)**  
**曾思進博士(委員) Dr TSANG Sze-chun (Member)**  
**黃朝龍先生(委員) Mr Dennis WONG Chiu-lung (Member)**

**裁決理由書日期：**  
**Date of Decision:**

**2023年12月6日**  
**6 December 2023**

### 投訴內容

上訴人曾向某政府部門(該部門)提交一項申請。某日，上訴人的丈夫收到該部門的一名醫務社工來電，表示希望透過他聯絡上訴人以跟進上訴人的申請。上訴人提交該申請時並沒有向該部門提供其丈夫的手提電話號碼(該電話號碼)。上訴人認為該名醫務社工是從醫院管理局(醫管局)的電腦系統(該電腦系統)中取得該電話號碼，故向私隱專員投訴該部門(個案一)及醫管局(個案二)。

### The Complaint

The Appellant made an application to a government department (the Department). One day, the Appellant's husband received a phone call from a medical social worker of the Department who advised that he would like to contact the Appellant to follow up on her application. The Appellant had not provided her husband's mobile phone number when she submitted her application to the Department. She considered that the medical social worker might have obtained her husband's phone number from the computer system (the Computer System) of the Hospital Authority (the HA) and therefore lodged a complaint with the Privacy Commissioner against the Department (Complaint Case 1) and the HA (Complaint Case 2) respectively.





## 私隱專員的決定

### 個案一

調查期間，該部門向私隱專員表示，該名醫務社工未能與上訴人取得聯絡，因此透過該電腦系統取得該電話號碼，致電上訴人的丈夫，希望透過他盡快與上訴人聯絡，以跟進上訴人的申請。

私隱專員認為該部門在上述情況下透過該電腦系統取得該電話號碼的做法屬於不公平，亦屬超乎適度，而事件中並無資料顯示該部門或該名醫務社工有任何急切性必須刻意從該電腦系統中查閱上訴人丈夫的電話號碼並透過他聯絡上訴人。因此，私隱專員認為該部門有關做法違反《私隱條例》下保障資料第1(1)及1(2)原則的規定，並向該部門發出警告信。該部門在事後亦採取改善措施，故私隱專員不擬就這宗個案向該部門發出執行通知。

### 個案二

與此同時，私隱專員亦對醫管局展開了初步查詢。私隱專員審視了醫管局提供的資料，認為醫管局已採取合理切實可行的措施保障其電腦系統內病人的個人資料，因而並無違反保障資料第4原則的規定，故此私隱專員認為在此情況下毋須向醫管局發出執行通知。

上訴人不滿私隱專員的決定，遂向委員會提出上訴。

## The Privacy Commissioner's Decision

### Complaint Case 1

In the course of its investigation, the Department informed the Privacy Commissioner that the medical social worker had tried to contact the Appellant but in vain, and thus he had obtained her husband's phone number through the Computer System and attempted to contact the Appellant through her husband to follow up on her application.

The Privacy Commissioner considered that the Department's practice of collecting the husband's phone number through the Computer System was unfair and excessive in the circumstances, and there was no urgency for the Department or the medical social worker to obtain the husband's phone number through the Computer System to contact the Appellant. The Privacy Commissioner therefore concluded that the Department had contravened DPP 1(1) and 1(2) of the PDPO and issued a warning letter to the Department. Having considered the remedial actions taken by Department, the Privacy Commissioner decided not to issue an Enforcement Notice against the Department.

### Complaint Case 2

At the same time, the Privacy Commissioner conducted a preliminary enquiry with the HA. Having carefully examined the information provided by the HA, the Privacy Commissioner found that the HA had already taken reasonably practicable steps to safeguard the patients' personal data stored in the Computer System and there was no contravention of the requirements of DPP 4, and thus it was unnecessary to issue an Enforcement Notice against the HA.

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) 根據行政上訴案件2015年第54號的決定，保障資料第4原則下的責任，只是要求資料使用者「採取合理地切實可行的步驟」保障個人資料，而並非要不計算代價和可行性去採取任何步驟。
- (2) 委員會認為個案涉及個別職員不當地收集個人資料，而並非源自醫管局系統的缺失，而醫管局已經有既定程序和指引處理違規行為，包括向違規職員作出訓示及督導。因此，委員會認為醫管局已採取合理切實可行的措施保障該電腦系統內病人的個人資料，並無違反保障資料第4原則的規定，故此委員會認為私隱專員在此情況下毋須向醫管局發出執行通知。
- (3) 就上訴人提出的建議（即醫管局應在有關病人提出有關要求後才列印或轉移有關的個人資料予該部門，而並非將整個系統的存取權開放予該部門）（該建議），委員會認同私隱專員的決定，在醫管局沒有違反保障資料第4原則的情況下，醫管局是否更改其現行做法或採納上訴人的建議，純粹屬於醫管局的內部決定。

## The Appeal

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

- (1) According to the decision in AAB No. 54 of 2015, DPP 4 only requires a data user to take all "reasonably practicable steps" in safeguarding the security of personal data and does not require a data user to take every step irrespective of the cost and feasibility.
- (2) The AAB took the view that the incident was caused by the unfair collection of personal data by an individual staff member but not deficiencies in the HA's system. The HA had already put in place relevant procedures and guidelines to handle cases involving misuse of personal data (such as warning the staff involved and implementing enhanced supervision). Hence, the AAB considered that the HA had taken reasonably practicable steps in safeguarding patients' personal data stored in the Computer System and there was no contravention of DPP 4 on the part of the HA. Therefore, the AAB agreed that it was unnecessary for the Privacy Commissioner to issue an Enforcement Notice in such circumstances.
- (3) Regarding the suggestion put forward by the Appellant (i.e. the HA should print or transfer the relevant personal data to the Department upon the request of the patient, instead of granting full access to the entire system) (the Suggestion), the AAB agreed with the Privacy Commissioner's decision that, in the absence of any contravention of DPP 4 by the HA, the decision of whether to change its existing arrangement or adopt the Appellant's Suggestion remained an internal decision of the HA.



(4) 即使上訴人不同意私隱專員所引用的統計數據（即該部門每年需要處理醫務社會服務的申請數目龐大）以反駁上訴人提出的指稱及該建議，委員會認為這項爭議並不足以推翻私隱專員的決定。

(4) Even if the Appellant disagreed with the statistical data quoted by the Privacy Commissioner (i.e. the number of medical social services applications handled by the Department annually was substantial) to rebut the Appellant's allegation and the Suggestion, the AAB was of the view that this dispute was insufficient to overturn the Privacy Commissioner's decision.

### 行政上訴委員會的決定

委員會駁回本上訴。

上訴人授權他人代表應訊

周沅瑩律師代表私隱專員

該部門及醫管局（受到遭上訴所反對的決定所約束的人）缺席聆訊

### The AAB's Decision

The appeal was dismissed.

*The Appellant authorised another person to appear on her behalf*

*Ms Stephanie CHAU, Legal Counsel, represented the Privacy Commissioner*

*The Department and the Hospital Authority (the Persons bound by the decision appealed against) were absent*



# 附錄三

## APPENDIX 3

### 上訴個案簡述(四)

(行政上訴案件第 15/2023 號)

《私隱條例》第 48 及 50 條賦予私隱專員酌情權——衡量私隱專員的決定是否原則上犯錯或在任何方面屬於過度

### Appeal Case Note (4)

(AAB Appeal No. 15 of 2023)

Sections 48 and 50 of the PDPO confer discretionary power on the Privacy Commissioner – consider whether the Privacy Commissioner's decision is either wrong in principle or in any way excessive

**聆訊委員會成員：**  
**Coram:**

**馬淑蓮女士(副主席) Ms Jay MA Suk-lin (Deputy Chairman)**  
**李慕潔女士(委員) Miss Rebecca LEE Mo-kit (Member)**  
**陳德鳴先生(委員) Mr CHAN Tak-ming (Member)**

**裁決理由書日期：**  
**Date of Decision:**

**2024 年 1 月 12 日**  
**12 January 2024**

### 投訴內容

上訴人為某服務視障人士的機構(該機構)的會員。於 2022 年某日，上訴人致電電台，並在財政司司長答問大會上表達意見，期間提及該機構於疫情期間的表現。其後，該機構在其「資訊通服務系統」(一般熱線)中向會員發布通告，交代及回應有關上訴人於電台節目中的言論(該通告)，當中披露了上訴人的姓名及其作為該機構會員代表的身分。

上訴人不滿該機構的做法，遂向私隱專員作出投訴。

### The Complaint

The Appellant was a member of an organisation that serves people with visual impairments (the Organisation). On a day in 2022, the Appellant called in to a radio station and expressed his opinion about the Organisation, including its performance during the pandemic, during the Financial Secretary's question-and-answer session. Subsequently, the Organisation published a notice (the Notice) to its members through its information service hotline (the General Hotline) addressing and responding to the Appellant's opinion made on the radio programme. The Notice disclosed the Appellant's name and identity as a representative of members of the Organisation.

The Appellant was dissatisfied with the Organisation's actions and lodged a complaint with the Privacy Commissioner.



## 私隱專員的決定

經考慮調查所得的相關資料及證據後，私隱專員認為該通告提及上訴人的姓名、該機構會員代表的身分及上述事件的經過，披露了上訴人的個人資料，該披露的目的與當初收集上訴人個人資料的目的並非一致或直接有關，而且該機構亦沒有必要在該通告中披露上訴人的個人資料。因此，私隱專員認為該機構違反《私隱條例》下保障資料第3原則的規定。

然而，考慮到該機構已從一般熱線中移除該涉及上訴人的通告，糾正了違反保障資料第3原則的行為，並向私隱專員作出書面確認，日後在類似本個案的情況下，除非已取得資料當事人的訂明同意，否則不會將其個人資料披露予其他與事件無關的人士（包括該機構的會員），並只會按「需要知道」的原則，將足夠但不得超乎適度的資料披露予有需要知悉有關資料的會員，私隱專員不擬向該機構發出執行通知，並決定向該機構發出警告信，促請該機構日後須緊遵《私隱條例》的相關規定。

上訴人認為私隱專員應該發出執行通知，並公開調查報告，遂向委員會提出上訴。

## The Privacy Commissioner's Decision

After considering the relevant information and evidence obtained from the investigation, the Privacy Commissioner was of the view that, by including the Appellant's name and identity as a representative of the members of the Organisation, as well as the details of the abovementioned incident, the Organisation had disclosed the Appellant's personal data with a purpose different from, and not directly related to, the purpose of collection of his personal data, and it was not necessary for the Organisation to disclose the Appellant's personal data on the Notice. Thus, the Privacy Commissioner considered that the Organisation had contravened DPP 3 under the PDPO.

That said, having considered that the Organisation had removed the Notice relating to the Appellant from the General Hotline and rectified the contravention of DPP 3, and provided written confirmation to the Privacy Commissioner that, should they encounter similar incidents in the future, they would not disclose personal data of data subjects to individuals unrelated to the incident (including members of the Organisation) unless with the data subject's prescribed consent, and would only disclose the data that was adequate and not excessive to members on a need-to-know basis, the Privacy Commissioner decided not to issue any Enforcement Notice to the Organisation but instead issued a warning letter, urging compliance with the relevant requirements under the PDPO.

The Appellant was of the view that the Privacy Commissioner should have issued an Enforcement Notice and published an investigation report, and subsequently 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該上訴：

- (1) 《私隱條例》第48及50條均說明了私隱專員可採取合適的做法發出執行通知或公開調查報告。這說明了私隱專員根據條例獲賦予相關的酌情權。但酌情權並不是絕對的，行使酌情權需符合法例的真正原意及意思，私隱專員只能為着達到條例相關目的而有效地行使酌情權，而在行使酌情權作出決定時，私隱專員只能考慮相關的因素並須排除無關的因素。
- (2) 即使委員會在行使相關條例賦予委員會的酌情權時，委員會在接納遭上訴的決定前也須衡量私隱專員的決定是否原則上犯錯或在任何方面屬於過度。根據案例，委員會在作出衡量時需要考慮私隱專員在作出決定時有否不合理或不合比例地行使其酌情權。

## The Appeal

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

- (1) Sections 48 and 50 of the PDPO stated that the Privacy Commissioner may take appropriate actions in issuing Enforcement Notices or publishing investigation reports. They showed that discretionary power had been conferred upon the Privacy Commissioner under the PDPO. However, the discretionary power was not absolute. The exercise of discretionary power depended on the true intent and meaning of the empowering statute. The Privacy Commissioner could only validly exercise the discretion for reasons relevant to the achievement of the purpose of the statute, and upon exercising the discretion in making a decision, the Privacy Commissioner should take into account the relevant considerations and exclude irrelevant ones.
- (2) Even when the AAB exercised the discretionary power conferred upon it by the relevant provisions, the AAB would also need to consider whether the Privacy Commissioner's decision, which is the subject of the appeal, was wrong in principle or in any way excessive before accepting the decision being appealed against. According to case laws, the AAB would need to consider whether the Privacy Commissioner had exercised the discretionary power unreasonably or disproportionately in making the decision.



- (3) 就不發出執行通知的決定而言，委員會認為由於該機構已將該通告刪除，所以即使私隱專員根據《私隱條例》第50條向該機構發出執行通知，該執行通知也不能帶來更有效及更滿意的效果。委員會亦觀察到私隱專員在作出其決定前及在處理案件時所考慮的事項，認為私隱專員在作出該決定而行使酌情權的時候沒有任何原則上犯錯或在任何方面屬於過度。
- (3) Regarding the decision not to issue an Enforcement Notice, the AAB was of the view that since the Organisation had removed the Notice, even if the Privacy Commissioner issued an Enforcement Notice to the Organisation in accordance with section 50 of the PDPO, the Enforcement Notice would not have led to a more effective and satisfactory result. The AAB also noted the factors that the Privacy Commissioner had taken into consideration before making the decision as well as the handling of the incident and considered that the exercise of discretionary power by the Privacy Commissioner was neither wrong in principle nor in any way excessive.
- (4) 委員會同意其司法管轄權並不包括私隱專員不公開調查報告的決定。而即使委員會有這方面的司法管轄權，委員會亦認為私隱專員在行使酌情權不公開相關調查報告的決定並沒有不合理或不合比例之處。
- (4) The AAB agreed that its jurisdiction did not include the Privacy Commissioner's decision not to publish the investigation report. Even if the AAB had jurisdiction over the issue, the AAB considered that the Privacy Commissioner's exercise of discretionary power in not publishing the investigation report was neither unreasonable nor disproportionate.

### 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

周沅瑩律師代表私隱專員

該機構(受到遭上訴所反對的決定所約束的人)缺席聆訊

### The AAB's Decision

The appeal was dismissed.

*The Appellant appeared in person*

*Ms Stephanie CHAU, Legal Counsel, represented the Privacy Commissioner*

*The Organisation (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

**僱主在未確定聘任求職者前收集其香港身份證及銀行卡副本 — 保障資料第1原則 — 個人資料的收集**

#### 投訴內容

投訴人於某公司的分店應徵工作並進行面試。完成面試後，職員要求影印投訴人的香港身份證及銀行卡（該些文件），以便將該些文件的副本交予人事部處理合約及安排值勤。其後，投訴人曾聯絡該公司了解申請結果惟沒有回音。投訴人不滿該公司於未確定聘用他的情況下收集該些文件的副本，遂向私隱專員公署投訴。

#### 結果

該公司向私隱專員公署表示投訴人已在分店通過面試，而分店經理就此認為投訴人已獲取錄，故即時影印了該些文件供區域經理批核。然而，在區域經理批核投訴人的申請時，由於當時人手已經足夠，故沒有接納投訴人的申請。

#### Case 1

**Collection of copies of Hong Kong Identity Card and bank card from a job applicant by an employer prior to the acceptance of employment offer – DPP 1 – collection of personal data**

#### The Complaint

The complainant applied and interviewed for a job at a branch of a company. After the interview, the staff of the company requested to make a copy of the complainant's Hong Kong Identity Card (HKID Card) and bank card (the Documents) in order to submit the same to the Human Resources Department for contract preparation and job allocation purposes. Thereafter, the complainant asked the company about the outcome of his job application but did not receive any response. The complainant was dissatisfied that the company collected the copies of the Documents prior to confirming his employment offer, and hence lodged a complaint with the PCPD.

#### Outcome

The company explained to the PCPD that the complainant had passed the interview at the branch, and the branch manager considered the application successful. In the circumstances, the Documents were copied and passed to the district manager for vetting purposes. However, during the vetting process, the district manager considered that the company had sufficient manpower and the complainant's application was thus rendered unsuccessful.



經私隱專員公署介入後，該公司修訂收集求職者個人資料方面的指引，訂明直至與獲聘的求職者簽約或員工履新時，才會收集該些文件的副本。

私隱專員公署就事件向該公司發出警告信，要求該公司定期向職員傳閱已修訂的指引，確保職員緊遵有關收集求職者個人資料方面的規定。

### 借鑑

根據私隱專員公署發出的《身份證號碼及其他身份代號實務守則》(該守則)，雖然僱主可根據該守則收集僱員的身份證副本，以證明僱主有遵守《入境條例》(香港法例第115章)第17J條的規定，即在聘用僱員前已核查該名僱員的身份證。然而，該守則亦清楚指出，直至成功聘用有關求職者前，僱主不應收集其身份證副本。此外，私隱專員公署發出的《人力資源管理實務守則》中亦同樣重申，僱主不應在招聘過程中收集求職者的身份證副本，除非及直至有關求職者已接受聘任。

香港身份證副本載有重要及敏感的個人資料，各機構應以此案為鑑，確保負責招聘程序的職員不會在求職者接受聘任前收集其香港身份證副本。同樣地，如求職者並未接受聘任，機構無必要收集其銀行戶口資料以作發薪之用。

Upon the PCPD's intervention, the company revised its guidelines relating to the collection of personal data from job applicants. According to the revised guidelines, the company would only collect copies of the Documents at the time the selected job applicant signed the contract or during the onboarding process.

The PCPD also issued a warning letter to the company, requesting it to recirculate the revised guidelines regularly to ensure that staff adhered to the relevant requirements regarding the collection of personal data from job applicants.

### Lessons Learnt

In accordance with the "Code of Practice on the Identity Card Number and Other Personal Identifiers" (the Code) issued by the PCPD, employers are permitted to collect a copy of a HKID card in order to provide proof of compliance with section 17J of the Immigration Ordinance (Chapter 115 of the Laws of Hong Kong), which provides that the employer shall inspect the HKID Card of a prospective employee before employing him/her. However, it is also highlighted in the Code that the employer shall not collect any HKID Card copy until the applicant is successfully recruited. In addition, as reiterated in the "Code of Practice on Human Resource Management" issued by the PCPD, an employer should not collect a copy of the HKID Card of a job applicant during the recruitment process unless and until the applicant has accepted an offer of employment.

A HKID Card copy contains important and sensitive personal data. Organisations shall take this case as an example to ensure the recruitment staff shall not collect the HKID Card copy of a job applicant unless and until the job applicant has accepted an offer of employment. Similarly, if a particular applicant has not accepted an offer of employment, it is not necessary to collect the bank account information for payroll purposes.

# 附錄四

## APPENDIX 4

### 個案二

**流動Wi-Fi數據機租借公司對客戶個人資料所採取的保安措施不足 — 保障資料第4原則 — 個人資料的保安**

#### 投訴內容

投訴人是一家流動Wi-Fi數據機租借公司(該公司)的客戶。他在該公司位於香港國際機場的櫃台提取Wi-Fi數據機時留意到，該公司使用的簽收表格讓客戶在簽收時可以查閱到其他簽收客戶的個人資料，包括英文全名、租借時段及目的地。另一方面，該公司亦在非營業時間未有安排員工當值時，將該簽收表格放置在櫃台供客戶自行簽收，以致客戶的個人資料有可能被他人查閱。

#### 結果

經私隱專員公署介入後，該公司已修改共用簽收表格的格式，當中包括移除表格上目的地一欄，而姓名一欄中只顯示客戶的姓氏和名字的首字母，令他人不能從簽收表格上有限的資料確定客戶身分。此外，該公司並以非透明的紙張遮蓋簽收表格上其他人士的資料，以防他人意外地查閱到簽收表格上的客戶個人資料。

### Case 2

**Mobile Wi-Fi device rental company took inadequate security measures to protect customers' personal data – DPP 4 – security of personal data**

#### The Complaint

The complainant was a customer of a mobile Wi-Fi device rental company (the Company). While picking up a Wi-Fi device at the Company's counter located at the Hong Kong International Airport (the Counter), the complainant noticed that the acknowledgment of receipt form (the Form) allowed him to access personal data of other customers, including their full English names, rental periods and destinations. The Company also left the Form unattended at the Counter during non-business hours and customers were required to acknowledge receipt of the Wi-Fi devices on their own. This situation might lead to unauthorised access to customers' personal data.

#### Outcome

After the PCPD's intervention, the Company revised the format of the Form, namely, removing the "destination" column and displaying only the customer's family name with the initial of the given name so that the identity of the customer could not be ascertained from the limited information available on the Form. In addition, the Company covered the Form with non-transparent sheets to avoid accidental access to customers' personal data on the Form.



私隱專員公署亦就事件向該公司發出勸諭信，要求他們採取切實可行的措施，以確保客戶的登記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。同時要求他們提供員工培訓，以提高員工對保障個人資料私隱的意識。

### 借鑑

資料使用者採用共用表格登記個人資料的做法非鮮見，惟有關做法或會令客戶查閱到早前已登記人士的個人資料，以致客戶的個人資料外洩，做法不可取。私隱專員公署明白在個案中，有關的資料使用者鑑於其實際營運模式難以安排員工24小時當值以協助客戶完成簽收程序，在這情況下，資料使用者更應從簽收表格的格式著手，只顯示簽收所須的資料，以減低客戶資料外洩的風險。同時，資料使用者亦可考慮將簽收程序電子化，以電腦系統取代實體的共用簽收表格，避免客戶在簽收時查閱到其他客戶的資料，以確保客戶的個人資料私隱受到更妥善的保障。

The PCPD issued an advisory letter to the Company in response to the incident, requesting it to take all practicable measures to protect the registration data of customers against unauthorised or accidental access, processing, erasure, loss or use. Meanwhile, the Company was requested to provide training to staff to raise their awareness of personal data privacy protection.

### Lessons Learnt

The use of common forms by data users to record personal data is not uncommon. However, this practice is not advisable as it may lead to customers accessing the personal data of previous registrants, resulting in leakage of customers' personal data. Considering the business operation model in the present case, the PCPD understands that it may be impracticable for the Company to arrange staff to be available around the clock to complete the pick-up procedures. To minimise the risk of personal data leakage, data users should focus on the format of the acknowledgment form by displaying only the necessary information for the purpose of acknowledging receipt. Meanwhile, data users may consider digitising such processes by using a computer system instead of physical common forms. As such, customers would not have access to other customers' personal data when completing the acknowledgment procedures, thereby ensuring better protection of customers' personal data privacy.



# 附錄四

## APPENDIX 4

### 個案三

**網店透過未加密的網絡連結向客戶發送載有個人資料的訂單發票 — 保障資料第4原則 — 個人資料的保安**

#### 投訴內容

投訴人在一間網上家電店（該網店）購物後，收到由該網店提供載有其訂單發票的網絡連結（該連結）。投訴人發現該連結未有加密，只要通過修改該連結尾段的五位數字，便可閱覽該網店其他客戶的訂單發票，當中載有他們的姓名、電話號碼、電郵地址、送貨地址和購物詳情等訂單資料。投訴人認為該網店對客戶的個人資料保安不足，遂向私隱專員公署投訴該網店。

#### 結果

經私隱專員公署介入後，該網店已即時糾正有關問題，任何人士均不能再透過該連結或修改該連結的數字，閱覽任何訂單發票上的資料。同時，為避免同類情況再次發生，該網店承諾日後會以可攜式文件格式（即PDF）向客戶發送訂單發票，以取代以網絡連結提供訂單發票的做法。

### Case 3

**An online store sent invoices containing personal data to customers via unencrypted weblinks – DPP 4 – security of personal data**

#### The Complaint

The complainant received an unencrypted weblink (the Weblink) to access his invoice after making a purchase at an online store for home appliances (the Store). The complainant discovered that the weblink was not encrypted, and by modifying the last five digits of the Weblink, he could gain access to other customers' invoices, which contained order information including their names, phone numbers, email addresses, delivery addresses and purchase details. The complainant was of the view that the Store had failed to safeguard the customer's personal data and hence lodged a complaint against the Store with the PCPD.

#### Outcome

After the PCPD's intervention, the Store promptly rectified the problem. External access to the information contained in the invoices was no longer possible by clicking on the Weblink or modifying the digits of the Weblink. To prevent the recurrence of similar incidents, the Store pledged that invoices containing personal data would be sent to customers in portable document format (PDF) in the future, instead of providing them with weblinks.



私隱專員公署就事件向該網店發出警告信，要求該店日後在處理客戶的個人資料時務必緊遵《私隱條例》的規定，採取所有切實可行的步驟，以確保持有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。

### 借鑑

本案源於該網店以網絡連結向客戶發送訂單發票時，未有採取嚴謹的保安措施，防止指定客戶以外的人士閱覽發票上所載的個人資料，亦沒有察覺藉修改網絡連結的數字可導致其他客戶的訂單資料遭查閱的漏洞。機構在實施任何涉及處理個人資料的程序前，應對個人資料在傳輸和儲存方面進行全面的風險評估，例如採用適當的加密工具保障所傳送的個人資料，藉此識別任何數據安全的漏洞，以減低個人資料外洩的風險及恪守《私隱條例》的相關規定。

The PCPD issued a warning letter to the Store, requiring it to strictly comply with the relevant requirements of the PDPO on handling customers' personal data by taking all practicable steps to ensure that any personal data held by it was protected against unauthorised or accidental access, processing, erasure, loss or use.

### Lessons Learnt

The primary cause of the complaint pertaining to the use of weblinks to provide customers with their respective invoices stemmed from the Store's failure to adopt stringent security measures to protect the personal data of designated customers from any unauthorised access, or to detect the vulnerability arising from the modification of the weblinks. Prior to engaging in any practices that would involve the handling of personal data, organisations should conduct thorough risk assessments regarding the transmission and storage of personal data. This may include using adequate encryption tools to safeguard the transmitted personal data thereby identifying any vulnerabilities in their data security. This can minimise the risk of exposing the customers' personal data and ensure compliance with the relevant requirements under the PDPO.



# 附錄四

## APPENDIX 4

### 個案四

**學校在處理個人資料時的不當行為 — 保障資料第1原則 — 個人資料的收集 — 保障資料第3原則 — 個人資料的使用 — 保障資料第5原則 — 公開個人資料方面的政策及實務**

#### 投訴內容

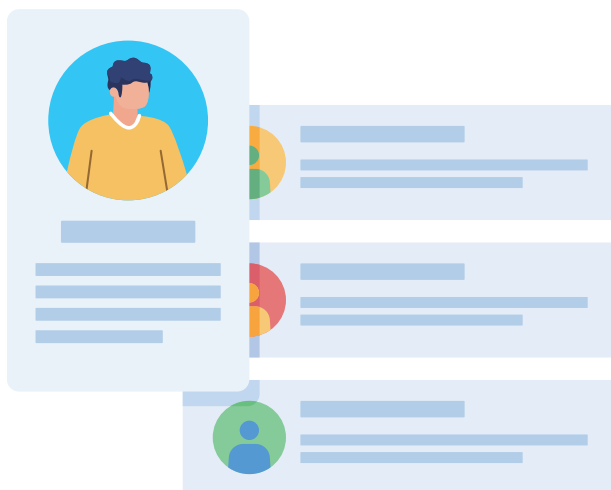
投訴人對他們子女就讀的學校（該學校）作出投訴，指該學校使用不同表格（該些表格）收集個人資料以用作處理入學申請、記錄進出及問卷調查時，並未告知資料當事人（即該學校的學生、家長及校友）該些表格收集個人資料的目的。投訴人亦指出該學校在未取得他們同意的情況下將投訴人子女的照片披露在該學校的網站上。此外，該學校未有提供一份清晰的私隱政策述明校方會如何使用在學生學習期間所收集的個人資料。

### Case 4

**A school's malpractice in handling personal data – DPP 1 – manner of collection of personal data – DPP 3 – use of personal data – DPP 5 – make personal data policies and practices known**

#### The Complaint

The complainants lodged a complaint against the school (the School) attended by their children for using different forms (the Forms) to collect personal data for school admissions, visit records and a questionnaire, and that the data subjects, namely, students, parents and alumni, were not informed of the purposes of the personal data collection via the Forms. They also complained that the School disclosed photos of their children on the School's website without their consent. Furthermore, the School did not have a clear privacy policy specifying how the data collected during the students' attendance would be used.



## 結果

根據所得資料，私隱專員公署認為該學校違反了《私隱條例》下的保障資料第1(3)原則、第3原則及第5原則，詳情如下：

私隱專員公署檢視了該些表格，發現他們未有以收集個人資料聲明或等同文件的方式，提供保障資料第1(3)原則所規定的全部或部分的資訊。因此，該學校違反了保障資料第1(3)原則。

有關未經同意在該學校的網站上發布學生照片一事，私隱專員公署認為在拍攝照片時，學生及／或其家長或未有預期其照片會被發布及公開披露。因此，學生的個人資料被學校用於新目的，但該學校未有就該新目的取得當事人同意，因而違反了保障資料第3原則。

另一方面，私隱專員公署發現該學校在相關時間並沒有在其網站上提供私隱政策聲明或其等同文件，以確保資料當事人獲悉該學校在處理個人資料方面的私隱政策及實務，因此違反了保障資料第5原則。

## Outcome

Based on the information obtained, the PCPD found that the School had contravened DPP 1(3), DPP 3 and DPP 5 of the PDPO in the following ways:

The PCPD reviewed the Forms and found that the requisite information as stipulated under DPP 1(3), either in the form of a Personal Information Collection Statement (PICS) or its equivalent, was missing in part or in whole from the Forms. As such, the School had contravened DPP 1(3).

Regarding the publication of the students' photos on the School's website without consent, the PCPD considered that the students and/or their parents might not expect those photos would be published and made available to the public when they were taken. Therefore, the students' personal data had been used for a new purpose by the School. As no consent was obtained for such new purpose, the School had contravened DPP 3.

Moreover, the PCPD discovered that the School did not have a Privacy Policy Statement (or its equivalent) available on the School's website at the material time to allow the data subjects to be informed of its privacy policies and practices in relation to the personal data it handled, and hence was in contravention of DPP 5.



經私隱專員公署介入後，該學校採取了以下補救措施：

- 修改該些表格並加入收集個人資料聲明以提供以下相關必要資訊：(i) 收集資料的目的；(ii) 填表人士是否必須抑或可自願提供該等資料，以及不提供該等資料的後果；及 (iii) 該等人士要求查閱及改正資料的權利，以及處理該等要求的負責人的聯絡資料；
- 從該學校網站上移除相關學生的照片，並向所有家長發出了一份附回條的通告，以獲取家長同意在該學校網站及刊物上使用學生的照片及作品；
- 在該學校的網站上公開其私隱政策聲明及相關指引以述明學校在收集及使用個人資料方面的政策及實務；及
- 該學校確認將繼續致力保障其收集所得的個人資料以保護資料當事人的私隱，例如安排教職員參與有關保障個人資料的培訓。

考慮到該學校所採取的補救措施，私隱專員公署向該學校發出警告信，要求該學校日後在處理個人資料時須嚴格遵守相關規定，包括但不限於《私隱條例》下的保障資料原則。

Upon the intervention of the PCPD, the School has taken the following remedial actions:

- Revised the Forms by adding the PICS and including the requisite information on (i) the purpose of collection of the data; (ii) whether it is obligatory or voluntary for individuals to supply their data, and the consequences for failure to comply; and (iii) the rights to request access to and correction of the data, as well as the contact details of the individual designated to handle the data access and correction requests;
- Removed the relevant students' photos from the School's website, and issued a notice with a reply slip to obtain parental consent for using students' photographic images and works on the School's website and its publications;
- A Privacy Policy Statement and relevant guidelines in relation to the policies and practices of the collection and use of personal data are available on the School's website; and
- The School confirmed that it would continue to make every effort to safeguard personal data collected in order to protect the privacy of the data subjects, including arranging personal data protection training for staff members.

Taking into account the remedial actions of the School, the PCPD issued a warning letter to the School requesting it to strictly comply with the relevant requirements, including but not limited to observing the DPPs under the PDPO, when handling personal data in the future.

## 借鑑

由於學校在日常運作中可能需要頻繁地收集和使用學生及其家長的個人資料，因此在處理這些個人資料時應時刻保持謹慎，並重視資料當事人的個人資料私隱權利。具體而言，學校應透過提供收集個人資料聲明或等同文件以述明其收集個人資料的目的。此外，學校亦應在其網站上提供其私隱政策及實務，以便各持份者查閱。

本個案突顯了該學校缺乏尊重個人資料私隱的意識及忽略其重要性。作為學生的照顧者，學校理應致力保護兒童私隱。就此，學校應主動並定期審視其日常運作（包括在更新學校網站時）對私隱的潛在影響。當學校因新目的而上載學生照片至其網站時，應在發布前先取得有關人士的同意。

## Lessons Learnt

As schools may frequently collect and use the personal data of students and parents in their day-to-day operation, they should be cautious in the handling of that personal data and put sufficient weight on the data subjects' personal data privacy rights. In particular, schools should specify the collection purposes of the personal data by way of providing a PICS or its equivalent. Moreover, their privacy policies and practices should also be made readily available on their websites so they can be easily accessed by the parties concerned.

The matters in this case demonstrated the School's lack of awareness of the importance of respecting personal data privacy. As the carer of their students, schools should endeavour to protect children's privacy. In this regard, schools should take initiatives to conduct regular reviews of any potential privacy impact of their daily working procedures, including the updating of their websites. Whenever students' photos are uploaded for a purpose different from that for which they were collected, consent from the relevant persons should be sought beforehand.



# 附錄五

## APPENDIX 5

### 定罪個案選錄・以作借鑑

### Summaries of Selected Conviction Cases – Lessons Learnt

#### 個案一

#### Case 1

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

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

法院：	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：	2024年2月20日
Date of Decision:	20 February 2024

#### 投訴內容

投訴人是一間電訊公司的客戶，並曾向該公司提供他的個人資料。投訴人其後透過電郵向該公司作出拒收直銷訊息的要求，並獲該公司書面確認收悉有關要求。然而，投訴人其後仍先後兩次分別收到該公司推廣其服務的來電及電郵。

#### The Complaint

The complainant was a customer of a telecommunications company who had provided his personal data to the company. Subsequently, the complainant made a request to the company by email to opt out of direct marketing. Receipt of the same was acknowledged by the company in writing. However, the complainant later, on two occasions, received a call and an email respectively from the company promoting its services.





## 結果

該公司被票控兩項違反《私隱條例》第35G(3)條罪行，沒有依從資料當事人的要求繼續使用其個人資料作直接促銷。該公司承認傳票控罪，每張傳票分別被判罰款港幣2,000元，合共港幣4,000元。

## 借鑑

市民對保障其個人資料私隱的意識日漸提升，機構更需尊重客戶對其個人資料使用於直接促銷的意願。為避免類似情況再次發生，機構應定期更新拒收直銷訊息名單，並加強員工在依從客戶拒收直銷訊息要求的培訓，確保他們對《私隱條例》下有關直接促銷的規定有充分的認知。資料使用者一旦違反《私隱條例》第35G條的規定，即屬違法，一經定罪，可處罰款港幣50萬元及監禁三年。

## Outcome

The company was summoned for two offences of failing to comply with the request from a data subject to cease using his personal data in direct marketing, contrary to section 35G(3) of the PDPO. The company pleaded guilty to the offences and was fined HK\$2,000 for each summons, totalling HK\$4,000.

## Lessons Learnt

As the public becomes more aware of the need to protect the privacy of their personal data, organisations need to respect their customers' choices about the use of their personal data in direct marketing. To prevent recurrence of similar cases, organisations should regularly update opt-out lists and strengthen the training of staff on complying with customers' opt-out requests to ensure that they are fully aware of the requirements relating to direct marketing under the PDPO. A data user who contravenes the requirements of section 35G under the PDPO commits an offence and is liable on conviction to a fine of HK\$500,000 and to imprisonment for three years.



# 附錄五

## APPENDIX 5

### 個案二

### Case 2

**兩人發生金錢糾紛，第三者知情後在網上將當中一人「起底」—《私隱條例》第64(3A)條**

**After learning about a monetary dispute between two individuals, a third party doxxed one of them online – section 64(3A) of the PDPO**

法院：	沙田裁判法院
Court:	Shatin Magistrates' Court
審理裁判官：	陳慧敏署理主任裁判官
Coram:	Ms CHAN Wai-mun, Acting Principal Magistrate
裁決日期：	2024年1月12日
Date of Decision:	12 January 2024

#### 投訴內容

投訴人於2020年曾經與另一名人發生金錢糾紛。及至2022年9月及12月，被告在社交媒體平台上發布了兩條載有投訴人個人資料的訊息，要求投訴人還款。投訴人被披露的個人資料包括英文姓名、手提電話號碼、相片及香港身份證副本，從中可以看到投訴人的中文姓名、英文姓名、香港身份證號碼、出生日期、性別，以及事主的照片等。

#### 結果

於2024年1月，被告在認罪下被裁定干犯兩項《私隱條例》第64(3A)條「在未獲同意下披露個人資料」的罪名成立，法院判處被告監禁兩個月，緩刑兩年。

#### 借鑑

身份證載有敏感的個人資料，隨意或惡意在未經當事人的同意下披露或轉載身份證副本，可以構成「起底」罪行。違例者一經定罪，最高可被處罰款港幣100萬元及監禁五年。

#### The Complaint

In 2020, the complainant had a monetary dispute with a third party. Subsequently, the defendant posted two messages containing the complainant's personal data on a social media platform, one in September and one in December 2022, demanding repayment of the outstanding loan from the complainant. The personal data disclosed included the complainant's English name, mobile phone number, his photos and a copy of the complainant's HKID Card, which showed particulars of his Chinese name, English name, HKID Card number, date of birth, gender and a photo of him, etc.

#### Outcome

The defendant was convicted of two charges of contravening section 64(3A) of the PDPO, "disclosing personal data without data subject's consent", in January 2024 upon his guilty plea. The Court sentenced the defendant to two months' imprisonment, suspended for two years.

#### Lessons Learnt

Identity cards contain sensitive personal data. Disclosing or reposting copies of identity cards without the consent of the data subject concerned, either arbitrarily or maliciously, may constitute a doxxing offence. An offender is liable on conviction to a fine up to HK\$1,000,000 and imprisonment up to five years.

# 附錄五

## APPENDIX 5

### 個案三

### Case 3

**女子在互聯網上披露鄰居夫婦的個人資料 —《私隱條例》第 64(3A) 條**

**A female disclosed personal data of her neighbours on the Internet – section 64(3A) of the PDPO**

法院：	西九龍裁判法院
Court:	West Kowloon Magistrates' Court
審理裁判官：	蘇文隆主任裁判官
Coram:	Mr SO Man-lung, Don, Principal Magistrate
裁決日期：	2024年3月8日
Date of Decision:	8 March 2024

### 投訴內容

兩名投訴人是夫婦，被告是他們的鄰居，兩戶素有積怨。2022年3月，兩名投訴人與被告發生爭執，期間被告以手提電話錄影兩名投訴人。翌日至2022年5月期間，被告在一個社交媒體平台的兩個公開群組先後發布了四條包含兩名投訴人個人資料的帖文，該些帖文附有上述的錄影片段，並對兩名投訴人作出負面的評論和指控。

### The Complaint

The two complainants were a married couple, and the defendant was their neighbour. The relationship between two households had been tense because of previous grudges. In March 2022, a dispute arose between the defendant and the complainants, during which the defendant took a video of the complainants with her mobile phone. On the date following the dispute and until May 2022, four messages containing the personal data of the complainants, each with the said video attached, were posted in two open discussion groups on a social media platform, alongside some negative comments and allegations against the complainants.



## 結果

於2024年3月，被告在認罪下被裁定干犯四項《私隱條例》第64(3A)條「在未獲同意下披露個人資料」的罪名成立，法院判處被告監禁兩星期，緩刑三年，並罰款港幣500元。

## Outcome

The defendant was convicted of four charges of contravening section 64(3A) of the PDPO, “disclosing personal data without consent”, in March 2024 upon her guilty plea. The Court sentenced the defendant to two weeks’ imprisonment, suspended for three years, and a fine of HK\$500.

## 借鑑

「起底」並非解決衝突的適當途徑，也不是有效的方法。這種行為可能導致嚴重的法律後果，違例者一經定罪，可被處即時監禁。

## Lessons Learnt

Doxxing is neither an appropriate nor effective avenue for resolving conflicts. Such behaviour can also lead to serious legal repercussions, and offenders can be liable on conviction to immediate imprisonment.



# 附錄六

## APPENDIX 6

### 循規行動個案選錄・以作 借鑑

### Summaries of Selected Compliance Action Cases – Lessons Learnt

#### 個案一

#### Case 1

#### 即時通訊軟件帳戶遭騎劫 — 保障資料第4原則 — 個 人資料的保安

#### Instant messaging account hijacking – DPP 4 – security of personal data

##### 背景

私隱專員公署在本報告年度接獲23宗有關社福機構及學校的資料外洩事故通報，表示用作與服務使用者、學生及／或學生家長通訊的即時通訊軟件帳戶遭騎劫，騙徒繼而盜用有關即時通訊軟件帳戶假冒受害機構，向通訊錄的聯絡人發送訊息企圖騙取金錢。有關事件涉及近2,600名服務使用者、學生、學生家長及／或職員的姓名及手提電話號碼等個人資料。

##### Background

The PCPD received 23 data breach notifications from social welfare organisations and schools during this reporting year, reporting that their accounts on an instant messaging application, which was used for communication with service users, students and/or parents of students, had been hijacked. The fraudsters then impersonated the organisations and used the hijacked accounts to send messages to the contacts in the address books, attempting to swindle them. The incidents involved the personal data of nearly 2,600 individuals and the affected data included names and mobile phone numbers of service users, students, parents of students and/or staff members.



## 補救措施

私隱專員公署對涉事的社福機構及學校展開了循規審查，並向他們提供遵從《私隱條例》規定的建議。就此，該等社福機構及學校都加強了即時通訊軟件帳戶的保安措施，例如啟用帳戶的雙重認證功能、定期檢查已連結的裝置及登出不再使用或不明的裝置連結，並制訂指引向員工述明安全使用即時通訊軟件的注意事項，包括小心留意網頁連結，不要誤按虛假的即時通訊軟件網頁版，及切勿向他人透露任何密碼或驗證碼等。

## 借鑑

機構如使用即時通訊軟件與通訊錄的聯絡人溝通，應採取足夠的安全措施保障有關帳戶的安全，包括啟用雙重認證功能，定期更新軟件並留意官方發出的安全資訊，並就此制定合適的政策供員工依循。機構亦應就安全使用有關軟件向員工提供合適的培訓，並定期監察他們使用有關帳戶的情況，確保他們符合相關政策的規定。

## Remedial Measures

The PCPD initiated compliance checks against those social welfare organisations and schools and provided recommendations to them to ensure compliance with the provisions of the PDPO. In light of the incident, the social welfare organisations and schools enhanced the security measures of their instant messaging accounts. This included enabling two-factor authentication on the accounts, regularly checking linked devices in account settings and logging out of any devices that are no longer in use or are unknown to the users. Additionally, guidelines on precautions for using the instant messaging accounts were formulated for their staff members. These guidelines emphasised paying close attention to web links, avoiding clicking fake web versions of the instant messaging applications and not disclosing passwords or verification numbers to others.

## Lessons Learnt

If organisations are to use instant messaging applications to communicate with individuals in their contact lists, they should implement sufficient security measures to safeguard the security of the relevant accounts, including enabling two-factor authentication, regularly updating software, paying attention to official security information and formulating appropriate policies for staff members to follow. Organisations should provide appropriate training to staff members regarding the safe usage of the applications and regularly monitor their usage to ensure their compliance with the relevant policies.



# 附錄六

## APPENDIX 6

### 個案二

**一名中學教師沒有適當地設定內部檔案的存取權限 — 保障資料第4原則 — 個人資料的保安**

#### 背景

一間中學向私隱專員公署通報，指一名教師在離職前將文件連同117名學生的個人資料製成雲端範本供內部使用。然而，該名教師沒有適當地設定有關檔案的存取權限，以致未經准許查閱的學生有機會查看該些檔案，當中載有117名學生的姓名、性別、就讀小學名稱、成績、跨境生和有特殊學習需要的學生標示及分班結果。

#### 補救措施

在收到有關中學的通報後，私隱專員公署展開了循規審查，並向該中學提供遵從《私隱條例》規定的建議。該中學停止了所有用戶建立或使用雲端的範本功能，並制定守則述明教職員透過雲端分享檔案時需注意的事項，例如確保在分享檔案之前設定存取權限等。

### Case 2

**A secondary school teacher failed to properly configure access rights to an internal file – DPP 4 – security of personal data**

#### Background

A secondary school reported to the PCPD that a departing teacher had customised a template on a cloud drive that included documents and personal data of 117 students, for internal use. However, the teacher failed to properly configure the access rights to the file, allowing unauthorised students to access the file. The file contained names, genders, names of primary school attended, academic results, indicators for cross-boundary students and students with special educational needs and class allocation results of the 117 students.

#### Remedial Measures

Upon receiving the notification from the secondary school, the PCPD initiated a compliance check and provided recommendations to the secondary school to ensure compliance with the provisions of the PDPO. The secondary school disabled the functions of creating and using custom templates on the cloud drive for all user accounts and formulated a code stipulating precautions when sharing files through cloud drives, such as ensuring that access rights are set before sharing the file, etc.

## 借鑑

學校使用資訊系統以處理學生個人資料實屬普遍，學校應制訂清晰而有效的資訊科技政策及程序，羅列教職員在使用資訊系統及軟件時應如何保障個人資料的安全，並採取措施確保負責處理學生個人資料的教職員遵從有關規定行事，減低出現人為錯誤的風險。

## Lessons Learnt

It is common for schools to use information systems to process personal data of students. Therefore, schools should formulate clear and effective information technology policies that outline how to safeguard the security of personal data when using the information systems and applications. Schools should also devise measures to ensure staff members' compliance with relevant policies to mitigate the risks of human error.



# 附錄六

## APPENDIX 6

### 個案三

#### 遺失載有個人資料的可攜式儲存裝置 — 保障資料第4原則 — 個人資料的保安

##### 背景

一間社區中心及一個政府部門分別向私隱專員公署通報，該政府部門委託該社區中心舉辦一個義工計劃，而該社區中心的一名員工在未獲授權的情況下，將計劃參加者的個人資料儲存至一枚可攜式儲存裝置，而該員工在與公事無關的情況下攜帶該裝置到一公共場所並於該處遺失了該裝置。該裝置載有225名人士的個人資料，包括50名計劃參加者的個人資料，以及該中心的服務使用者及自僱人士的紀錄。

##### 補救措施

在收到有關的資料外洩事故通報後，私隱專員公署展開了循規審查。該社區中心採取了各項措施防止類似事件再次發生，包括提醒員工將載有個人資料的文件攜離中心的審批機制以及有關保障資料的守則及工作指引；要求員工如須使用可攜式儲存裝置儲存個人資料或機密文件，必須使用該社區中心提供及已進行加密處理的可攜式儲存裝置；以及委託第三方專業顧問對其資訊系統及運作程序進行私隱影響評估及審計。

### Case 3

#### Loss of a portable storage device containing personal data – DPP 4 – security of personal data

##### Background

A community centre and a government department respectively reported to the PCPD that the government department had entrusted the community centre to organise a volunteer programme, and that a staff member of the community centre stored the personal data of the programme participants on a portable storage device without authorisation and carried it to a public place in non-official circumstances. The device was lost while being carried and it contained the personal data of 225 individuals, including 50 programme participants, as well as records of the service users and self-employed persons of the community centre.

##### Remedial Measures

Upon receiving the notification, the PCPD initiated a compliance check. The community centre implemented various measures to prevent recurrence of similar incidents. The measures included reminding all staff members about the approval mechanism for taking documents containing personal data outside the centre, as well as the data protection codes and guidelines; requiring staff members to use encrypted portable storage devices, provided by the community centre, for storing personal data and confidential documents; and engaging third-party professional consultants to conduct privacy impact assessments and audits for its information system and operating procedures.



而該政府部門亦提醒其委託的其他承辦商有關保障個人資料的要求及其重要性，為承辦商或機構制定處理個人資料的指引，並於與承辦商或合作機構簽訂的服務合約中加入與《私隱條例》相關的條款，以確保承辦商或合作機構符合有關規定。

### 借鑑

便攜式儲存裝置提供一個便捷的方法儲存和轉移資料至機構系統以外的地方。不過，當機構使用便攜式儲存裝置時，由於可以簡單且快速地複製和轉移大量個人資料至機構系統以外的地方（而普遍來說機構系統較為安全），因而增加了資料保安事故的風險。機構應在切實可行範圍內避免使用便攜式儲存裝置來存儲個人資料。如有必要使用便攜式儲存裝置，應制訂政策列明允許使用有關裝置的情況、可轉移到有關裝置的個人資料類別和數量、使用便攜式儲存裝置的審批程序等。機構亦應保存這類便攜式儲存裝置的清單及追蹤其使用情況和位置，並在每次使用後妥善地刪除當中的資料。

另一方面，機構委託第三方處理個人資料時，應以合約規範或其他方法，防止轉移予第三方作處理的個人資料在未獲准許的或意外的情況下被查閱、處理、刪除、喪失或使用。

The government department reminded other engaged contractors about the requirements and significance of personal data protection, formulated guidelines for contractors or organisations regarding the processing of personal data and incorporated provisions of the PDPO into its contracts with contractors or organisations to ensure compliance.

### Lessons Learnt

While portable storage devices offer a convenient means to store and transfer data outside of an organisation's system, they are susceptible to data security incidents because large amounts of personal data can be easily and quickly copied and transferred outside of corporate systems, which are generally better secured. Organisations should avoid the use of portable storage devices to store personal data wherever practicable. If it is necessary to use portable storage devices, organisations should establish policies that set out the circumstances under which portable storage devices may be used, the types and amount of personal data that may be transferred, and the approval process of the use of portable storage devices, etc. Organisations should also keep an inventory of portable storage devices and track their use and whereabouts, as well as erase data in portable storage devices securely after each use.

On the other hand, if organisations entrust a third-party data processor, contractual or other means should be adopted to prevent unauthorised or accidental access, processing, erasure, loss or use of the data transferred to the data processor for processing.

# 附錄六

## APPENDIX 6

### 個案四

### Case 4

**一個專業團體的電郵系統遭  
未獲授權查閱 — 保障資料  
第4原則 — 個人資料的保  
安**

**Unauthorised access to a professional  
association's email system – DPP 4 – security  
of personal data**

#### 背景

一個專業團體向私隱專員公署通報，表示一名員工點擊釣魚電郵內的連結，並在連結中的釣魚登入頁面輸入電郵帳戶的登入憑證，令黑客成功盜用其帳戶，並向大約2,700人發送釣魚電郵，導致再多兩個員工的電郵帳戶被盜用，黑客其後利用盜用的帳戶查閱載有17,517人的電郵地址的文件。

#### Background

A professional association reported to the PCPD that a staff member clicked on an embedded link in a phishing email and entered his login credentials on a phishing login page. As a result, the account was compromised and used to send phishing emails to around 2,700 individuals, which led to two other email accounts of staff members being compromised. The compromised accounts were then used to access documents that contained the email addresses of 17,517 individuals.



## 補救措施

收到該團體的通報後，私隱專員公署展開循規審查。該團體向私隱專員公署表示，已因應事件啟用基於網域的訊息驗證、報告和一致性功能，以阻止任何未經授權的電子郵件進入工作人員的收件匣。此外，該團體已為所有帳戶重設密碼及採用雙重認證，亦採用地理位置檢查以阻止使用來自己知涉及黑客活動國家的IP位址的登入。該團體承諾對所有員工進行加強網絡安全意識的培訓。

## 借鑑

員工成為網絡釣魚攻擊的受害者可能會對機構造成嚴重後果。為了防止此類攻擊，機構應讓員工了解網絡釣魚相關的風險，並提供有關如何識別和避免網絡釣魚的定期培訓。此外，機構應在電郵系統中實施完備的偵測和過濾系統來加強保安措施。同時，機構應實施多重認證功能和定期更改密碼，以降低機構被未經授權存取資料的風險。

## Remedial Measures

Upon receipt of the notification from the association, the PCPD initiated a compliance check. The association informed the PCPD that, in light of the incident, it had enabled the domain-based message authentication, reporting and conformance function, preventing unauthorised emails from reaching staff members' inboxes. Furthermore, the association had reset the passwords of all user accounts and implemented two-factor authentication. Additionally, the association implemented a geo-location check, blocking logins from IP addresses associated with countries that were commonly known for hackers. The association also undertook to conduct security awareness training for all staff members.

## Lessons Learnt

Phishing attacks can have severe consequences for organisations when staff members fall victim to them. To prevent such attacks, it is crucial to educate staff members about the risks associated with phishing emails and provide regular training on how to identify and avoid them. Moreover, organisations should enhance their security measures by implementing robust detection and filtering systems in their email systems. Meanwhile, organisations should implement multi-factor authentication and regular password updates to mitigate the risk of unauthorised access.





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