



# 香港個人資料 私隱專員公署 簡介

About the Office of  
the Privacy Commissioner for  
Personal Data, Hong Kong

[PCPD.org.hk](http://PCPD.org.hk)

Protect, Respect Personal Data  
保障、尊重個人資料

使命

## MISSION STATEMENT

致力推廣、監察及監管，促使各界人士遵從條例，確保市民的個人資料私隱得到保障。

To secure the protection of privacy of the individual with respect to personal data through promotion, monitoring and supervision of compliance with the Ordinance.

## 關於我們 WHO WE ARE

香港個人資料私隱專員公署(下稱「公署」)是一個獨立的法定機構，負責監管《個人資料(私隱)條例》(第486章)(下稱「條例」)的執行。條例旨在保障個人在個人資料方面的私隱權利。

條例在1995年制定並於2012年修訂。公署成立於1996年8月1日。

The Office of the Privacy Commissioner for Personal Data, Hong Kong (the "PCPD") is an independent statutory body established to oversee the enforcement of the Personal Data (Privacy) Ordinance, Cap 486 (the "Ordinance") to protect the privacy of individuals with respect to their personal data.

The Ordinance was first enacted in 1995 and amended in 2012. The PCPD was established on 1 August 1996.

## 個人資料私隱專員的職責

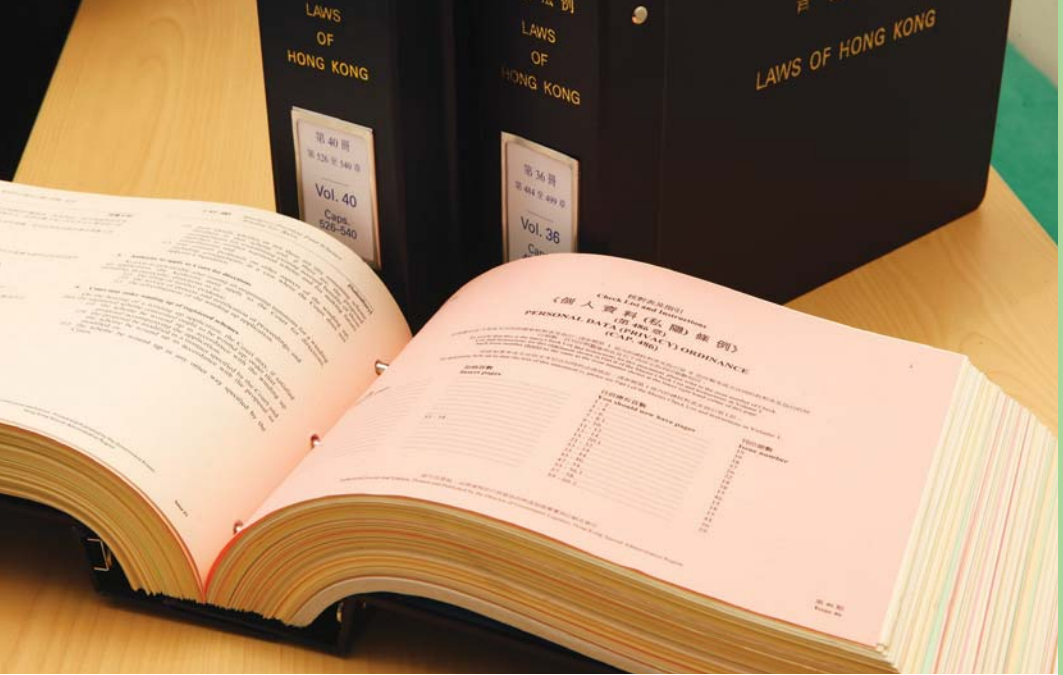
### FUNCTIONS AND DUTIES OF THE PRIVACY COMMISSIONER FOR PERSONAL DATA

公署以個人資料私隱專員（下稱「私隱專員」）為首。私隱專員是由香港特別行政區行政長官委任，負責履行條例賦予他的職能及權力，包括推廣、監察及監管對條例的遵守，以及管理公署的活動。副私隱專員負責協助私隱專員。

公署分為多個部門，協助私隱專員履行其職責，包括行政部、財務部、法律部、執行部、審查及政策部、資訊科技部及機構傳訊部。

The PCPD is headed by the Privacy Commissioner for Personal Data (the "Commissioner"), who is appointed by the Chief Executive of HKSAR. He is responsible for discharging the functions and powers conferred upon him under the Ordinance including promoting, monitoring and supervising compliance with the Ordinance, as well as administering the activities of the PCPD. He is assisted by the Deputy Privacy Commissioner.

The PCPD is divided into different functional divisions to assist the Commissioner to perform his duties. They are the Administration Division, Finance Division, Legal Division, Operations Division, Compliance & Policy Division, Information Technology Division and Corporate Communications Division.



## 關於條例 ABOUT THE ORDINANCE

### 涵蓋範圍

條例旨在保障**個人資料**方面的私隱權，即直接或間接與一名在世人士（**資料當事人**）有關而從中可切實確定有關人士的身份的任何已記錄在文件內的資訊，而此等資訊的存在形式，是可以切實可行地作出查閱及處理的。任何操控個人資料的收集、持有、處理或使用的人士（**資料使用者**，包括私營機構、公營機構及政府部門）須遵從條例的規定。

### SCOPE OF COVERAGE

The Ordinance aims to protect the privacy rights of a person's personal data i.e. recorded information relating directly or indirectly to a living individual (data subject); from which it is practical to ascertain the identity of the individual; and in a form in which access to or processing of the data is practicable. Any person (data user, including private sector, public sector and government department) who controls the collection, holding, processing or use of the personal data shall comply with the requirements under the Ordinance.



## 甚麼是個人資料？ WHAT IS PERSONAL DATA?

個人資料：(1) 是關乎一名在世人士，並可識別該人士身份的資料；  
(2) 其存在的形式令資料可讓人切實可行地查閱或處理。

個人的姓名、電話號碼、地址、身份證號碼、相片、病歷和受僱紀錄等都是條例保護的個人資料。

Personal Data: (1) is the information which relates to a living person and can be used to identify that person; (2) exists in a form in which access to or processing is practicable.

Examples of personal data protected by the Ordinance include names, phone numbers, addresses, identity card numbers, photos, medical records and employment records.

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## 誰是資料當事人？ WHO IS A DATA SUBJECT?

資料當事人是指屬該個人資料的當事人的在世人士。根據條例，已故人士不是資料當事人。

A data subject is a living individual who is the subject of the personal data. A deceased person is not a data subject under the Ordinance.

## 誰是資料使用者？ WHO IS A DATA USER?

資料使用者是獨自或聯同其他人操控個人資料的收集、持有、處理或使用的人士。即使個人資料處理程序外判，資料使用者亦須為承辦商的錯失負上法律責任。

A data user is a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The data user is liable as the principal for the wrongful act of its authorised data processor.

## 市民在條例下可享有的權利 RIGHTS TO BE ENJOYED UNDER THE ORDINANCE

只提供所需資料的權利	right to give only necessary data
公平及為合法目的收集資料的權利	right to fair collection for lawful purpose
獲告知資料的用途的權利	right to be informed about intended use
要求資料準確的權利	right to data accuracy
要求資料不要被過度保留的權利	right to non-excessive retention of data
拒絕同意更改資料用途的權利	right to withhold consent to change of use
要求採取資料保安措施的權利	right to data security
獲告知資料政策及措施的權利	right to be informed of data policies and practices
查閱資料的權利	right of access
改正資料的權利	right of correction

## 六項保障資料原則

## SIX DATA PROTECTION PRINCIPLES

所有使用個人資料的人士（資料使用者）須依從條例核心的六項保障資料原則，該六項原則涵蓋了每項個人資料由收集、保存、使用以至銷毀的整個生命週期。

A person who collects, holds, processes or uses the data (Data User) has to follow the six Data Protection Principles (DPPs). The DPPs represent the normative core of the Ordinance and cover the entire life cycle of a piece of personal data.

### DPP 第1原則

#### 收集目的及方式

#### COLLECTION PURPOSE & MEANS



資料使用者須以合法和公平的方式，收集他人的個人資料，其目的應直接與其職能或活動有關。

須以切實可行的方法告知資料當事人收集其個人資料的目的，以及資料可能會被轉移給哪類人士。

收集的資料是有實際需要的，而不超乎適度。

Personal data must be collected in a lawful and fair way, for a purpose directly related to a function/activity of the data user.

All practicable steps shall be taken to notify the data subjects of the purpose of data collection, and the classes of persons to whom the data may be transferred.

Data collected should be necessary but not excessive.

### DPP 第2原則

#### 準確性、儲存及保留

#### ACCURACY & RETENTION



資料使用者須確保持有的個人資料準確無誤，資料的保留時間不應超過達致原來目的的實際所需。

Personal data is accurate and is not kept for a period longer than is necessary to fulfill the purpose for which it is used.



DPP 第3原則 使用  
USE



個人資料只限用於收集時述明的目的或直接相關的目的，除非得到資料當事人自願和明確的同意。

Personal data is used for the purpose for which the data is collected or for a directly related purpose, unless voluntary and explicit consent is obtained from the data subject.

DPP 第4原則 保安措施  
SECURITY



資料使用者須採取切實可行的步驟，保障個人資料不會未經授權或意外地被查閱、處理、刪除、喪失或使用。

A data user needs to take practical steps to safeguard personal data from unauthorised or accidental access, processing, erasure, loss or use.

DPP 第5原則 透明度  
OPENNESS



資料使用者須公開其處理個人資料的政策和行事方式，交代其持有的個人資料類別和用途。

A data user must make known to the public its personal data policies and practices, types of personal data it holds and how the data is used.

DPP 第6原則 查閱及更正  
DATA ACCESS & CORRECTION



資料當事人有權要求查閱其個人資料；若發現有關個人資料不準確，有權要求更正。

A data subject must be given access to his personal data and to make corrections where the data is inaccurate.

## 如何作出投訴？

## HOW TO LODGE A COMPLAINT?

投訴人可用中文或英文，以書面向公署提出投訴。投訴內須列出投訴人的姓名及聯絡方法，被投訴者的身份資料，以及個案的詳情（包括足夠資料以支持其指稱）。為方便起見，投訴人可使用公署的投訴表格（「OPS001」表格）。

An individual who wants to lodge a complaint can put it in writing in either Chinese or English, giving his name and contact details, identity of the party complained against, and full particulars of the case with sufficient information in support of the allegation to the PCPD. For convenience, this can be done by using the complaint form (“the OPS001 Form”) obtainable from the PCPD.

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## 處理投訴的程序

## COMPLAINT HANDLING

在接獲投訴並核實投訴人的身份後，私隱專員首先會與投訴人及（若有需要的話）被投訴者接觸，以斷定投訴的表面證據是否成立。如表面證據成立，私隱專員會在投訴人與被投訴者之間進行調停，試圖解決爭端。如爭端無法透過調停去解決及根據條例第39（2）條，私隱專員可根據條例第38條作出正式調查。如涉嫌違反投訴個案的性質嚴重的話，私隱專員亦可進行正式調查。在完成調查後，如私隱專員認為有關資料使用者正在或已經違反條例下的規定，及考慮到對資料當事人所造成或可能造成的損害或困擾（如有），私隱專員會決定是否向資料使用者送達執行通知。該通知會指令有關資料使用者採取步驟（包括停止任何作為或行為），以作出補救，及在適當情況下防止違規行為再發生。違反執行通知即屬違法，可被判處罰款及監禁。

已依從執行通知的資料使用者如故意作出或不作出執行通知指明的作為，即屬犯罪。私隱專員可將個案轉介警方調查及檢控。

After receiving a complaint and verifying the identity of the complainant, the Commissioner will first liaise with the complainant and, if necessary,

the party complained against to determine whether a prima facie case can be established. If there is a prima facie case, the Commissioner will try to resolve the dispute through conciliation. If the dispute cannot be resolved in this way and subject to section 39(2) of the Ordinance, the Commissioner may carry out a formal investigation under section 38 of the Ordinance. The Commissioner may also immediately proceed to undertake a formal investigation if the suspected contravention in the complaint case is of a serious nature. After completion of an investigation, if the Commissioner is of the opinion that the relevant data user is contravening or has contravened a requirement under the Ordinance and having regard to the damage or distress (if any) caused, or is likely to be caused to the data subject, the Commissioner will decide whether or not to serve on the data user an enforcement notice. The notice will direct the relevant data user to take such steps (including ceasing any act or practice) to remedy and if appropriate, prevent any recurrence of the contravention. Contravention of an enforcement notice is an offence which could result in a fine and imprisonment.

It is an offence for a data user who, having complied with an enforcement notice, intentionally does the same act or makes the same omission specified in the enforcement notice. The Commissioner may refer the case to the police for investigation and prosecution.

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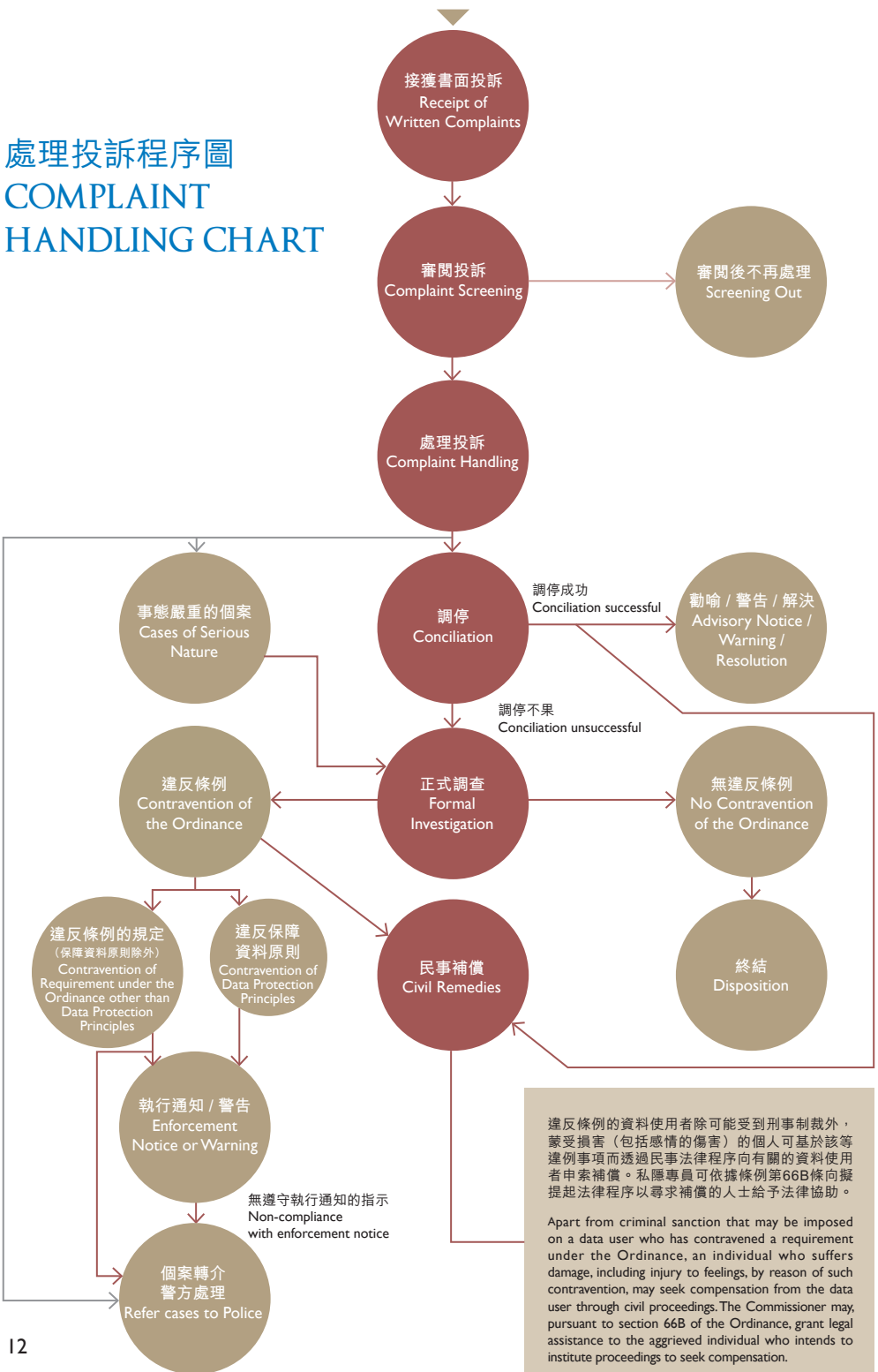
## 法律協助

### LEGAL ASSISTANCE

條例第 66 條規定，任何個人如因資料使用者違反條例下的規定而蒙受損害，則該名個人有權就該損害向有關的資料使用者申索補償。私隱專員可依據條例第 66B 條向擬提起法律程序以尋求補償的人士給予法律協助。

Section 66 of the Ordinance provides that an individual who suffers damage by reason of a contravention of a requirement under the Ordinance by a data user may be entitled to compensation from that data user for that damage. The Commissioner may, pursuant to section 66B of the Ordinance, grant legal assistance to the aggrieved individual who intends to institute proceedings to seek compensation.

# 處理投訴程序圖 COMPLAINT HANDLING CHART



違反條例的資料使用者除可能受到刑事制裁外，蒙受損害（包括感情的傷害）的個人可基於該等違例事項而透過民事法律程序向有關的資料使用者申索補償。私隱專員可依據條例第66B條向擬提起法律程序以尋求補償的人士給予法律協助。

Apart from criminal sanction that may be imposed on a data user who has contravened a requirement under the Ordinance, an individual who suffers damage, including injury to feelings, by reason of such contravention, may seek compensation from the data user through civil proceedings. The Commissioner may, pursuant to section 66B of the Ordinance, grant legal assistance to the aggrieved individual who intends to institute proceedings to seek compensation.

## 如何提出查閱資料要求？

### HOW TO MAKE A DATA ACCESS REQUEST?

根據條例的規定，個人有權要求資料使用者，例如某政府部門或某公司證實是否持有他的個人資料，以及要求它們提供一份該資料的複本，這就是查閱資料要求。個別人士如欲提出查閱資料要求，可填寫由私隱專員指定的「《個人資料(私隱)條例》查閱資料要求表格」(「OPS003」表格)，或闡明有關的查閱資料要求是根據條例而作出的。

Under the Ordinance, every individual has the right to request a data user, e.g. a government department or a company, to ascertain whether it holds his personal data and to request a copy of any such data. Such a request is called a data access request. To make a data access request under the Ordinance, an individual may use the “Personal Data (Privacy) Ordinance Data Access Request Form” specified by the PCPD (the “OPS003 Form”) or simply specify that his request is made under the Ordinance.

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## 推廣及公眾教育

### PROMOTION AND PUBLIC EDUCATION

公署致力透過以下途徑，推廣保障個人資料私隱的訊息：

- 策劃及推廣公眾教育
- 與傳媒及持份者建立良好關係及促進交流
- 為機構舉辦有關認識條例規定的研討會及講座
- 製作刊物及培訓教材，以推廣條例
- 接受傳媒查詢及安排新聞發佈會
- 設立中文繁體、中文簡體及英文網站，為市民提供有關條例及公署動向的資訊，以及網上資源

The PCPD is committed to raising public's awareness of personal data privacy through:

- Developing and implementing promotion and public education programmes
- Building and developing media and stakeholder relationship

- Organising seminars and presentations for organisations to educate them on the requirements under the Ordinance
- Producing publications and training materials to promote the Ordinance
- Responding to media enquiries and arranging press conferences
- Maintaining a website, in traditional Chinese, simplified Chinese and English, to provide comprehensive information about the Ordinance, PCPD news and activities and online resources



網上私隱要自保  
"Think PRIVACY Be SMART Online"  
[www.pcpd.org.hk/besmartonline](http://www.pcpd.org.hk/besmartonline)



青少年專題網站  
"YOUth PRIVACY" portal  
[www.pcpd.org.hk/youthprivacy](http://www.pcpd.org.hk/youthprivacy)

## 保障資料主任聯會

## DATA PROTECTION OFFICERS' CLUB ("DPOC")

公署於2000年創立保障資料主任聯會，為機構的保障資料人員提供一個交流經驗和培訓的平台，促進知識的增長和符規的實踐。（會員需繳交年費）

The PCPD established the DPOC in 2000 to provide practising data protection officers with a platform for advancing the knowledge and practice of data privacy compliance through experience sharing and training. (An annual fee is applied)



[www.pcpd.org.hk/dpoc](http://www.pcpd.org.hk/dpoc)

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The information provided in this publication is for general reference only. It does not provide an exhaustive guide to the application of the Personal Data (Privacy) Ordinance (the "Ordinance"). For a complete and definitive statement of the law, direct reference should be made to the Ordinance itself. The Privacy Commissioner for Personal Data (the "Commissioner") makes no express or implied warranties of accuracy or fitness for a particular purpose or use with respect to the above information. The above suggestions will not affect the functions and power conferred to the Commissioner under the Ordinance.

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