



投訴及上訴

Complaints and Appeals



投訴處理

投訴的整體趨勢

在本報告年度，私隱專員公署接獲 3,450 宗投訴（當中包括經公署主動網上巡查發現的「起底」個案），較 2023-24 年度的 3,600 宗下跌約 4.2%。其中，涉及「起底」的投訴個案為 305 宗，而經公署主動網上巡查發現的個案有 65 宗。

隨着私隱專員公署持續針對「起底」罪行果斷執法，「起底」情況已經顯著改善。與「起底」相關的投訴及經公署主動網上巡查發現的「起底」個案總數，由上一報告年度的 631 宗顯著下跌 41% 至本報告年度的 370 宗。儘管近年涉及「起底」的個案有持續下跌的趨勢，惟打擊「起底」仍然是公署的重要工作目標。

Complaint Handling

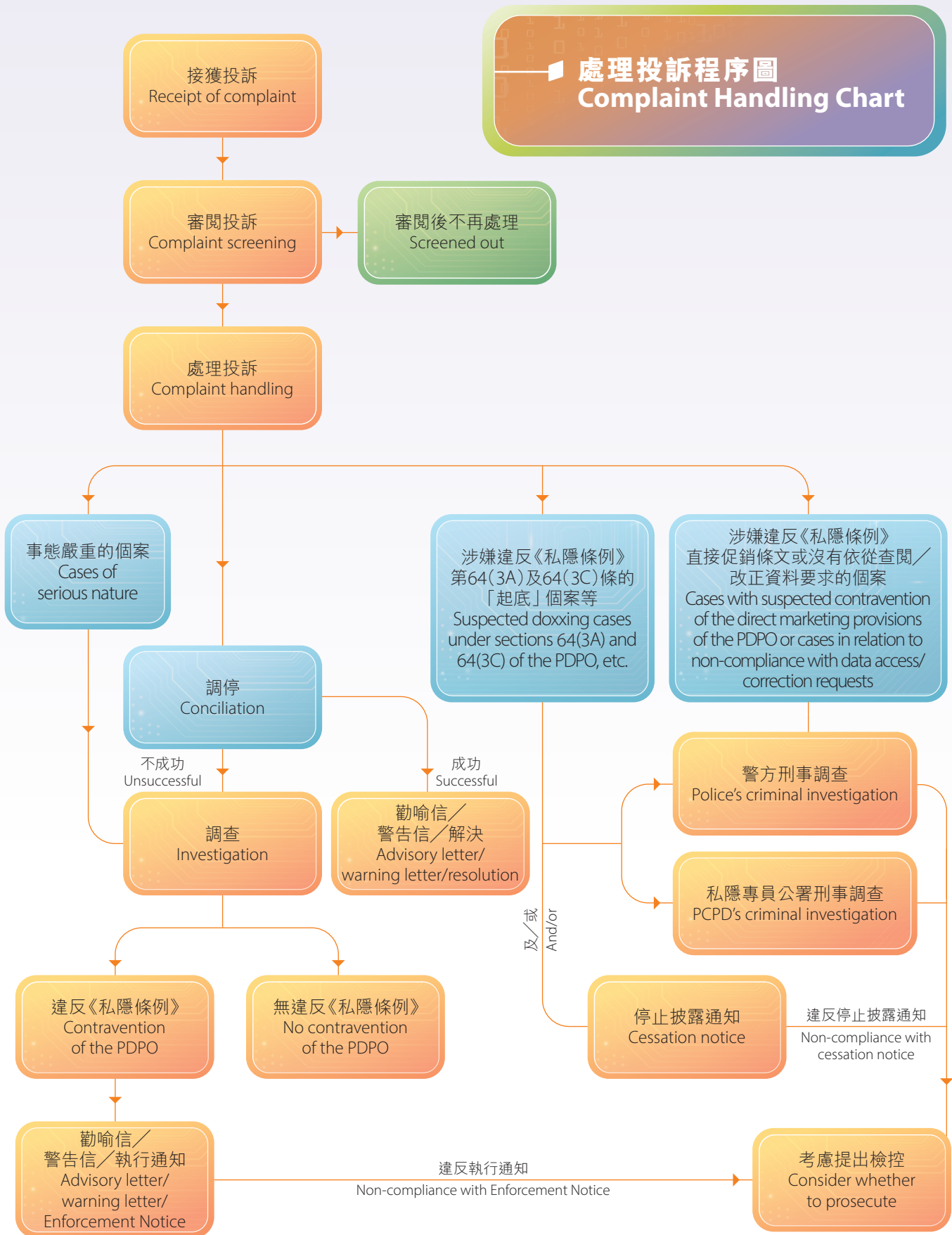
Overall Trend of Complaints

In this reporting year, the PCPD received 3,450 complaints (which includes the number of doxxing cases uncovered through proactive online patrols), indicating a 4.2% decrease from the 3,600 cases in 2023-24. This total comprised 305 doxxing-related complaints and 65 doxxing cases uncovered by proactive online patrols.

With the continuous and unwavering law enforcement efforts of the PCPD, the problem of doxxing has largely been ameliorated. The total number of doxxing-related complaints and cases detected through proactive online patrols dropped significantly by 41%, from 631 to 370 year-on-year. While doxxing cases continue to decline in recent years, combatting doxxing offences remains a key priority for the PCPD.



處理投訴程序圖
Complaint Handling Chart



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

接獲的投訴及經主動網上巡查發現的「起底」個案

私隱專員公署在2024-25年度共收到3,450宗投訴及經主動網上巡查發現的「起底」個案。撇除當中305宗與「起底」相關的投訴個案及65宗經主動網上巡查發現的「起底」個案，公署在本報告年度共接獲3,080宗非「起底」相關的投訴，較去年增加3.7%(圖4.1)。

Complaints Received and Doxing Cases Uncovered by Proactive Online Patrols

The number of complaints received and doxing cases uncovered by proactive online patrols of the PCPD totalled 3,450 in the year 2024-25. With the 305 doxing-related complaints and 65 doxing cases uncovered by proactive online patrols factored out, the PCPD received 3,080 non-doxing-related complaints in the reporting year, representing a 3.7% increase from the previous reporting year (Figure 4.1).

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

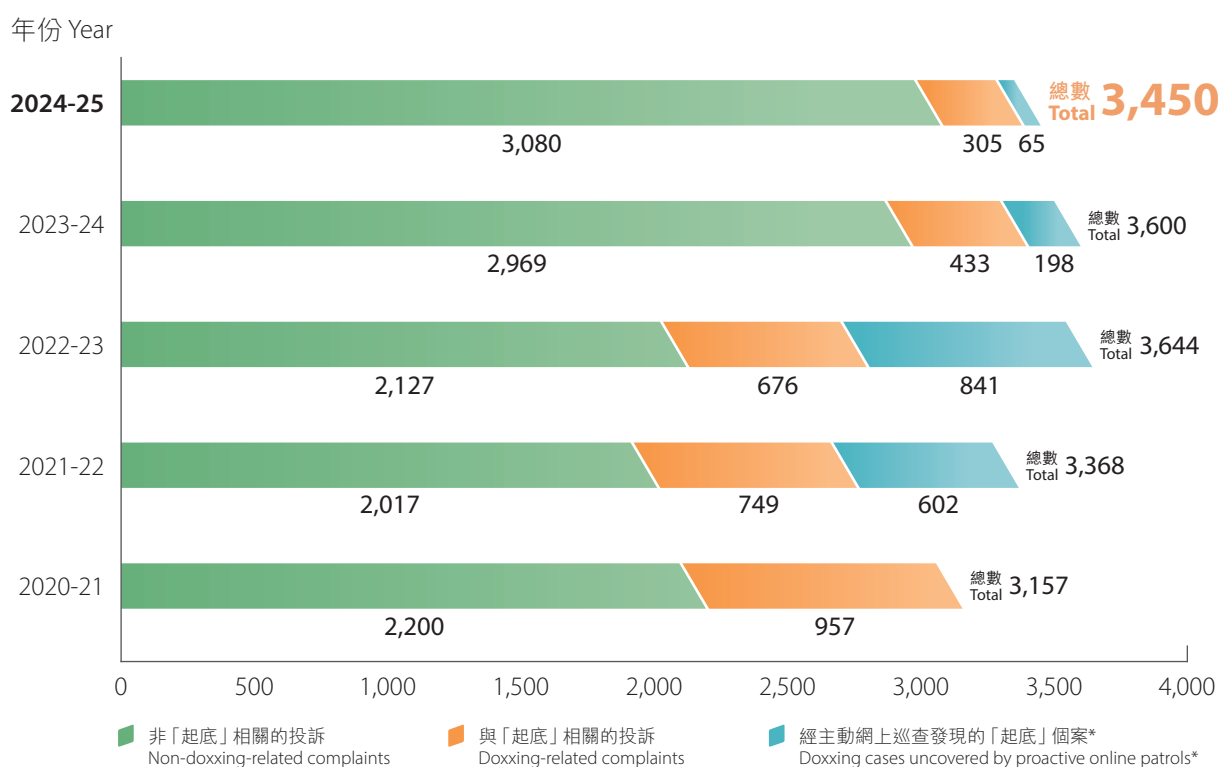


圖 Figure 4.1

* 自2021年《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。

* Since the 2021 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 in relation to doxing messages found, as empowered under the Amendment Ordinance.

被投訴者類別

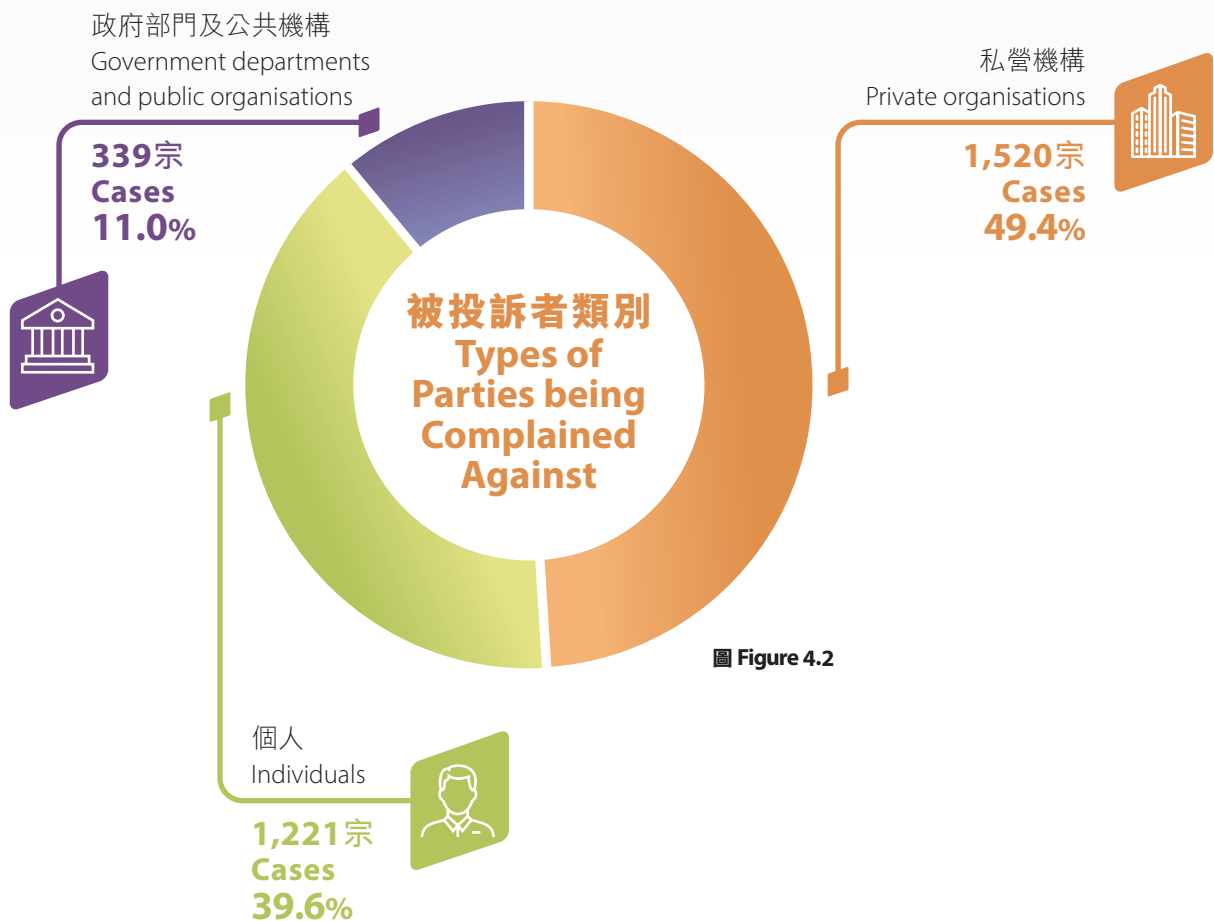
3,080宗與「起底」無關的投訴的被投訴者可分為以下類別(圖4.2)：

- 私營機構(1,520宗)，主要涉及銀行、金融機構、物業管理公司、零售機構及醫療機構；
- 個人(1,221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
- 政府部門及公共機構(339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 3,080 non-doxxing-related complaints can be categorised as follows (Figure 4.2):

- Private organisations (1,520 cases), with the majority involving banks, financial institutions, property management companies, retail business organisations, and healthcare institutions;
- Individuals (1,221 cases), with disputes mainly arising from domestic affairs and the installation of CCTV by neighbours; and
- Government departments and public organisations (339 cases), with the majority involving healthcare institutions, law enforcement agencies, and educational institutions.

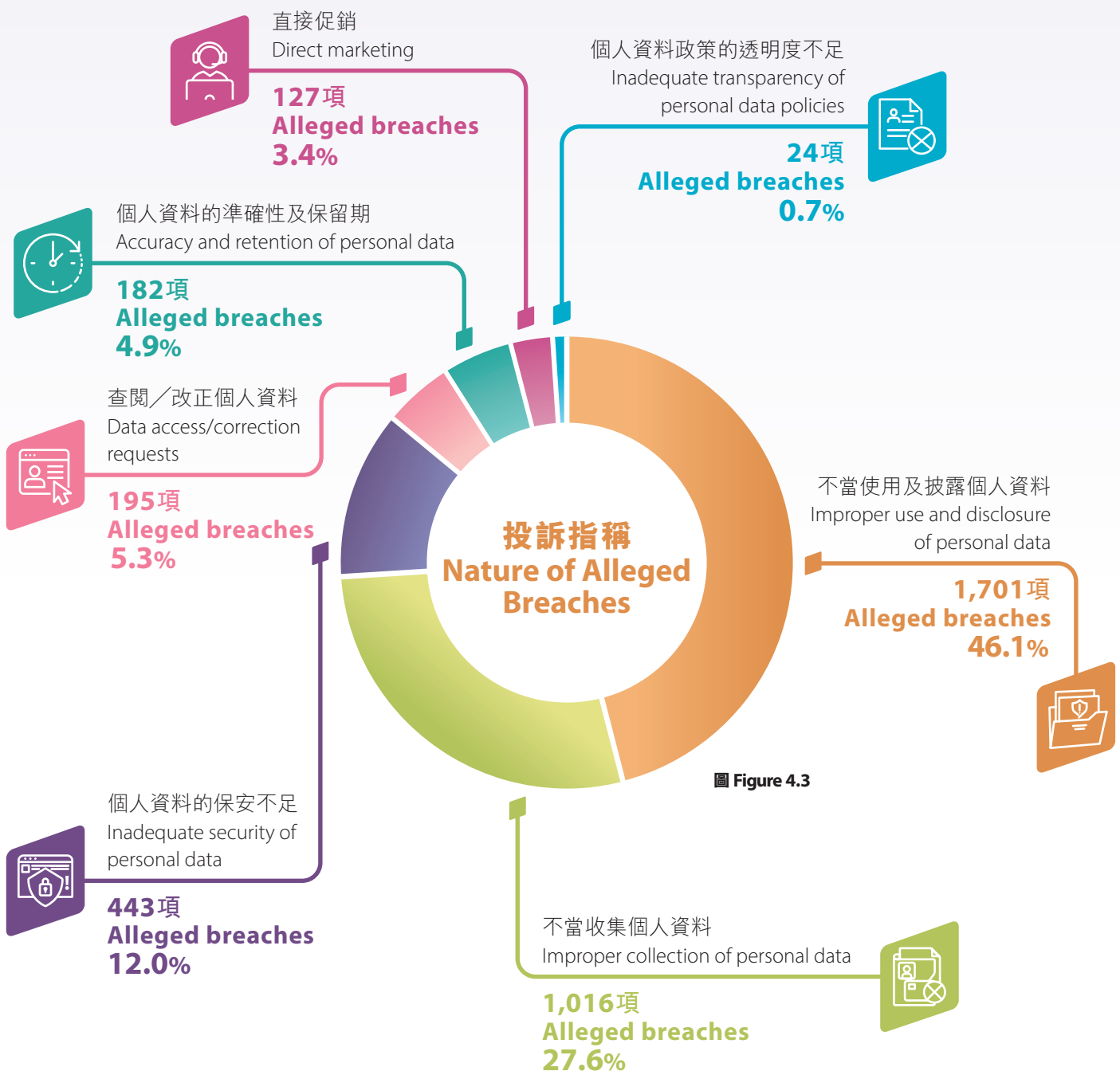


投訴指稱

除「起底」相關個案外，3,080宗投訴共涉及3,688項涉嫌違規行為（單一投訴或會牽涉多於一項指稱），涉嫌的違規行為的性質如下（圖4.3）：

Nature of Alleged Breaches

Excluding doxxing-related cases, the 3,080 complaints involved a total of 3,688 alleged breaches (as one complaint might have involved more than one allegation). The nature of the alleged breaches is shown below (Figure 4.3):



投訴所涉範疇

撇除「起底」個案，私隱專員公署在報告年度內接獲的投訴所涉及的主要範疇分布如圖4.4所示。

雖然與資訊科技相關的投訴由去年的1,304宗減少21%至2024-25年度的1,030宗，惟此類別的投訴仍然遠超其他範疇的投訴，佔整體投訴個案約三成。有關情況是源於社交媒體和智能電話應用程式的使用在日常生活日漸增加。在這數碼時代，資料使用者透過互聯網或電子方式收集及使用更多個人資料的情況已成不可避免的趨勢。

除了與資訊科技相關的投訴外，其他範疇的投訴分布與上年度相若，其中涉及香港身份證號碼／副本及其他身份代號的投訴比上一報告年度減少約12%。有關減幅反映資料使用者在《私隱條例》下有關收集香港身份證號碼／副本及其他身份代號方面的保障個人資料私隱意識顯著提升，顯示私隱專員公署在公眾教育、循規及執法方面的努力取得成效。

Subject Matters of Complaints

Excluding doxxing cases, the distribution of major subject matters of complaints received by the PCPD in the reporting year is as shown in figure 4.4.

While the number of complaints relating to information technology decreased by 21% from 1,304 in the previous reporting year to 1,030 in the year 2024-25, this category still outnumbered all other subject matters, accounting for approximately 30% of all complaints. This is attributable to the increasing use of social media and smartphone applications in daily life. In this digital era, it is an inevitable trend for data users to collect and use more personal data through the Internet or electronic means.

Aside from the complaints relating to information technology, the distribution of other major subject matters of complaints received by the PCPD in the reporting year was similar to that of last year. Notably, the number of complaints relating to Hong Kong Identity Card (HKID Card) numbers/copies and other personal identifiers decreased by 12% compared with the last reporting year. The decline reflects a significant increase in data users' awareness of protecting personal data privacy in the collection of HKID Card numbers/copies and other identifiers under the PDPO, indicating the effectiveness of the PCPD's efforts in public education, compliance and enforcement initiatives.

投訴所涉範疇 Subject Matters of Complaints

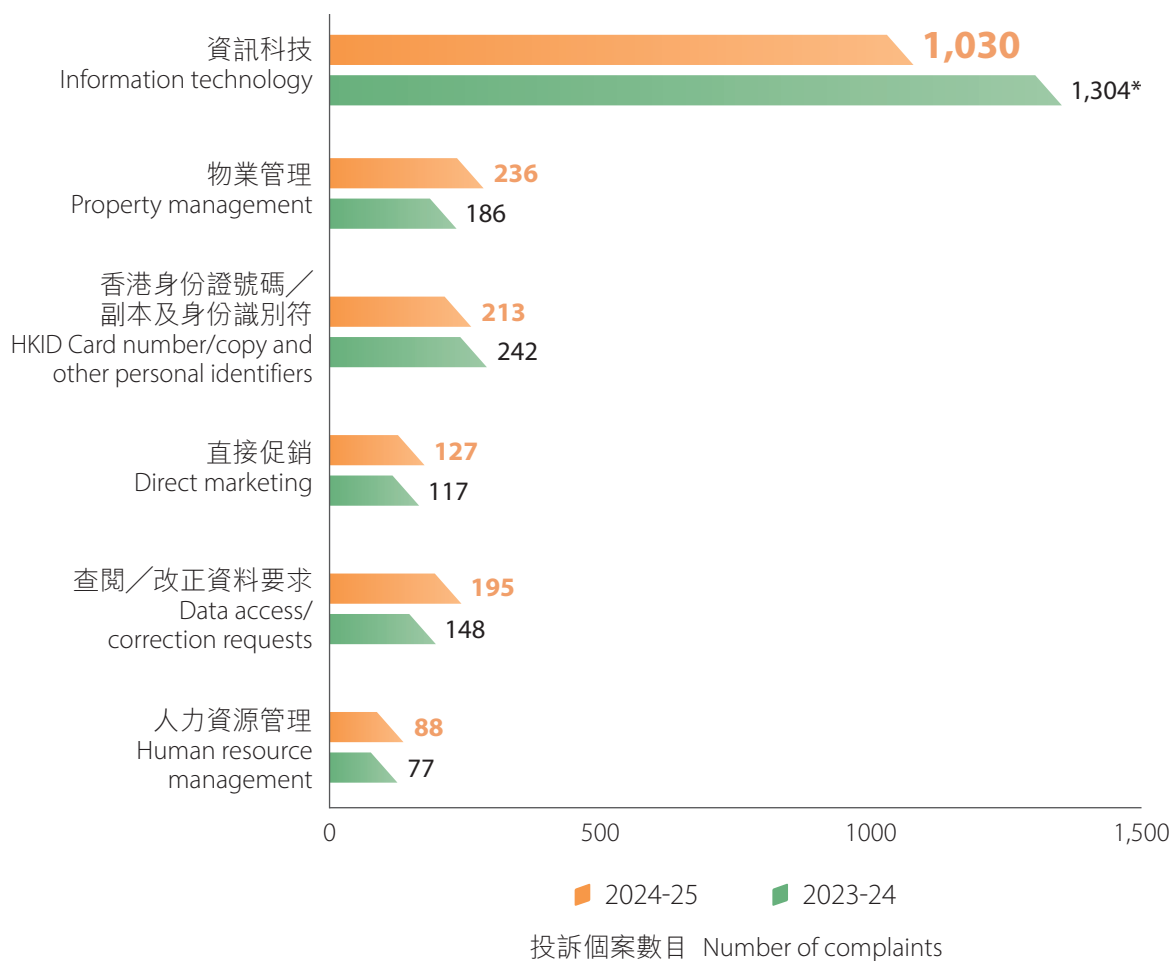


圖 Figure 4.4

* 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 2024-25 報告年度，私隱專員公署共處理了 4,278 宗投訴，包括新接獲的 3,450 宗投訴（當中包括 305 宗與「起底」相關的投訴及 65 宗經主動網上巡查發現的「起底」個案），以及承接上一報告年度的 828 宗投訴。截至 2025 年 3 月 31 日，其中 3,238 宗投訴（75.7%）已在本報告年度完成，餘下 1,040 宗（24.3%）則仍在處理中。

若撇除與「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 2,822 宗非「起底」相關的投訴，其中 1,830 宗經公署初步評估後結案，餘下 992 宗則獲受理作進一步處理。

在這 992 宗投訴當中，私隱專員公署以調停方式成功解決 881 宗（88.8%）。另有 21 宗涉及刑事成份的投訴（主要與直接促銷有關），公署在收集涉嫌違反《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 90 宗投訴進行調查，並發現其中 33 宗違反《私隱條例》的規定。公署已向被投訴者發出執行通知、警告信或勸喻信，指示或要求其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 2024-25 reporting year, the PCPD handled a total of 4,278 complaints, which consisted of 3,450 new cases (including 305 doxxing-related complaints and 65 doxxing cases uncovered by proactive online patrols) and 828 complaints carried forward from the previous reporting year. Among them, the handling of 3,238 complaints (75.7%) were concluded during the reporting year, while the remaining 1,040 complaints (24.3%) were still in progress as at 31 March 2025.

Excluding the doxxing-related complaints and doxxing cases uncovered by proactive online patrols, the PCPD completed the handling of 2,822 non-doxxing related complaints in this reporting year, of which 1,830 complaints were concluded after preliminary assessments, while the other 992 complaints were accepted for further handling.

Among these 992 complaints, the PCPD successfully resolved 881 complaints (88.8%) through conciliation. The other 21 complaints, which involved possible criminal elements (mostly relating to direct marketing), were referred to the Police for further investigation and consideration for prosecution following the PCPD's collection of *prima facie* evidence of suspected contraventions of the PDPO. The PCPD carried out investigations into the remaining 90 complaints and found 33 cases to be in contravention of the requirements of the PDPO. The PCPD issued Enforcement Notices, warning letters, or advisory letters to direct or request the parties being complained against to take remedial actions or implement appropriate and practicable measures to prevent recurrence of the contraventions.

進行調查

私隱專員於報告年度內發表了多份調查報告，當中包括(i)有關一個加密貨幣項目在香港的運作及(ii)八間機構透過一個網上招聘平台刊登匿名招聘廣告的調查結果。

關於一個加密貨幣項目在香港的運作的調查結果

私隱專員就一個加密貨幣項目(該項目)在香港的運作發表調查結果。調查源於私隱專員關注該項目在香港的運作涉及嚴重的個人資料私隱風險，因此主動啟動對該項目的調查，以了解該項目在香港的運作是否涉及違反《私隱條例》的規定。

調查發現，參與該項目的人士需要讓有關機構透過虹膜掃描收集其面容及虹膜影像以「驗證」人類身分及製作虹膜編碼，藉此獲取註冊身分，並可定期免費獲得虛擬貨幣。

私隱專員裁定該項目在香港的運作違反《私隱條例》附表1有關個人資料的收集、保留、透明度、查閱及改正資料的保障資料原則，當中包括：

Conducting Investigations

During the reporting period, the Privacy Commissioner published a number of investigation reports, including the investigation findings concerning (i) the operation of a cryptocurrency project in Hong Kong and (ii) eight organisations which placed “blind” recruitment advertisements (Blind Ads).

Investigation Findings on the Operation of a Cryptocurrency Project in Hong Kong

The Privacy Commissioner published investigation findings regarding the operation of a cryptocurrency project (the Project) in Hong Kong. Originating from the Privacy Commissioner’s concern that the operation of the Project in Hong Kong involved serious risks to personal data privacy, proactive investigation was initiated by the Privacy Commissioner into the Project to determine whether the operation of the Project in Hong Kong has contravened the requirements of the PDPO.

The investigation findings showed that participants of the Project were asked to authorise the relevant organisation’s collection of images of their faces and irises through iris scanning, with a view to verifying their humanness and generating iris codes, as part of obtaining a registered identity that allowed them to receive tokens in the form of cryptocurrency at regular intervals for free.

The Privacy Commissioner found that the operation of the Project in Hong Kong had contravened the Data Protection Principles (DPPs) in Schedule 1 to the PDPO relating to the collection, retention, transparency, data access and correction rights, which included:

- 保障資料第1(1)原則：私隱專員認為該項目收集面容及虹膜影像並非必需，而且超乎適度；
- 保障資料第1(2)原則：該項目不公平地收集個人資料，特別是相關《私隱聲明》和《生物辨識資料同意書》的內容不但欠缺中文版本，而且營運點的職員也不會向參與者解說或確認他們明白上述文件的內容，更不會告知參與者向其披露生物辨識資料的風險，又或解答參與者的問題；
- 保障資料第1(3)原則：在收集個人資料時或之前，參與者未獲清楚告知法例上訂明需要告知的資訊，包括收集個人資料的目的、他們是有責任或可自願提供其個人資料、資料可轉移予哪些類別的人士，以及參與者查閱和更正個人資料的權利和方式；
- 保障資料第2(2)原則：該項目會保留個人資料長達10年，以用作訓練核實身分程序的人工智能模型，私隱專員認為時間過長，實屬過度保留個人資料；
- DPP 1(1): The Privacy Commissioner considered that the face and iris images collected by the Project were unnecessary and excessive;
- DPP 1(2): The Project collected personal data unfairly, in particular the relevant “Privacy Notice” and “Biometric Data Consent Form” were not available in Chinese, nor did the iris scanning device operators at the operating locations offer any explanation or confirm with the participants to ensure that they understood the said documents. They also did not communicate the possible risks pertaining to the disclosure of biometric data, nor did they answer participants’ questions;
- DPP 1(3): On or before the collection of personal data, participants were not clearly informed of the information as specified under the PDPO, including the purpose(s) of collection, whether it was obligatory or voluntary for them to provide their personal data, the classes of possible transferees, and the right and means to request access to and correction of their personal data;
- DPP 2(2): The Project would retain personal data for a maximum of 10 years for the purpose of training AI models for the user verification process. The Privacy Commissioner considered that the retention period was too long which amounted to prolonged retention of personal data;

- 保障資料第5原則：處理個人資料的政策及行事常規透明度不足。在相關時間，該項目的《私隱聲明》並沒有提供中文版，對以中文為母語的參與者而言，私隱專員認為參與者無法清楚明白相關政策、行事常規、條款或細則，因此透明度不足；及
- 保障資料第6原則：參與者未能行使查閱和改正個人資料的權利。

基於以上缺失，私隱專員遂向有關機構發出執行通知，要求該項目停止在香港的所有運作，包括以虹膜掃描裝置收集市民的虹膜及面容影像。

關於八間機構透過一個網上招聘平台刊登匿名招聘廣告的調查結果

私隱專員就八間機構透過一個網上招聘平台(該平台)刊登匿名招聘廣告發表調查結果。調查源於私隱專員關注有機構透過該平台刊登匿名招聘廣告以收集求職者個人資料的情況可能涉及違反《私隱條例》的相關規定。私隱專員就此啟動對該平台及八間涉及在該平台刊登匿名招聘廣告的機構的調查。

- DPP 5: Insufficient transparency of the personal data policy and practices. The Privacy Notice at the material time was not available in Chinese. The Privacy Commissioner was of the view that participants using Chinese as native language would not be able to clearly understand the relevant policies and practices, terms and conditions of the Project, resulting in a lack of transparency; and

- DPP 6: Participants did not have the means to exercise their rights of data access and correction.

In view of the above deficiencies, the Privacy Commissioner served an Enforcement Notice on the relevant organisation, directing it to cease all operations under the Project in Hong Kong. These included scanning and collecting iris and face images of members of the public using iris scanning devices.

Investigation Findings on Eight Organisations Placing Blind Ads on an Online Recruitment Platform

The Privacy Commissioner published investigation findings regarding eight organisations placing Blind Ads on an online recruitment platform (the Platform). The investigation arose from the Privacy Commissioner's concern that the act of placing Blind Ads on the Platform by organisations to collect personal data from job applicants might constitute a contravention of the relevant requirements under the PDPO. As such, investigations were initiated on the Platform and eight organisations that had placed Blind Ads on the Platform.

一般而言，匿名招聘廣告即廣告中沒有披露招聘機構（僱主或其委託的招聘代理）的名稱或提供足夠資料以辨識相關機構的身分，以及沒有向求職者提供方式聯絡機構以獲取進一步資料或聯絡方式未有提供足夠的資料以辨識機構的身分，卻直接要求求職者遞交個人資料，例如香港身份證號碼、聯絡資料或履歷等。

調查發現，在該平台登記開立帳戶的機構可透過其帳戶刊登廣告進行招聘。招聘機構可以用「私人廣告商」（即「Private Advertiser」）的名義刊登招聘廣告而不披露機構的名稱。八間招聘機構在調查中透過該平台以「私人廣告商」名義刊登匿名招聘廣告，收集求職者的個人資料。

私隱專員裁定八間招聘機構在該平台上刊登上述匿名招聘廣告，要求求職者向不知名的招聘機構提供個人資料，以及該平台透過其平台刊登該些廣告，兩者同樣涉及不公平地收集求職者的個人資料，因而違反《私隱條例》的保障資料第1(2)原則的規定。

私隱專員遂向該平台及三間招聘機構發出執行通知，指示相關機構糾正其違反事項，以及防止同類違反的行為再發生，亦向餘下五間機構發出勸喻信。

In general, a Blind Ad is one that does not identify the recruiting organisation (either the employer or a recruitment agency acting on its behalf) nor contain sufficient information to identify the organisation, and does not provide a means for job applicants to make further enquiries or such means does not contain sufficient information to identify the organisation. Yet, it directly invites job applicants to submit their personal data, such as their HKID Card numbers, contact details or resumes.

The investigation revealed that organisations with a registered account on the Platform could place recruitment advertisements on it. A recruiting organisation can publish recruitment advertisements in the name of a "Private Advertiser" without disclosing its name. The eight recruiting organisations under investigation published Blind Ads in the names of "Private Advertisers" to collect the job applicants' personal data.

The Privacy Commissioner found that all eight organisations that placed the aforesaid Blind Ads on the Platform and requested job applicants to submit their personal data to unknown recruiting companies, and the Platform that published the said Blind Ads were involved in the unfair collection of the personal data of job applicants, which constituted contraventions of DPP 1(2) of the PDPO.

The Privacy Commissioner therefore served Enforcement Notices on the Platform and three recruiting organisations, directing them to take measures to remedy the contraventions and prevent future recurrence of similar contraventions. Advisory letters were issued to the remaining five organisations.

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16宗裁決(包括於過往年度提出的上訴)，當中14宗被駁回及兩宗被裁定得直(即發還私隱專員公署作進一步處理)。在同一報告年度內，有五宗上訴由上訴人自行撤回(圖4.5)。

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 16 decisions (which included appeals lodged in previous years), in which 14 appeals were dismissed and two appeals were allowed (i.e. remitted to the PCPD for further investigation). In the same reporting year, five appeals were lodged and subsequently withdrawn by the appellants (Figure 4.5).

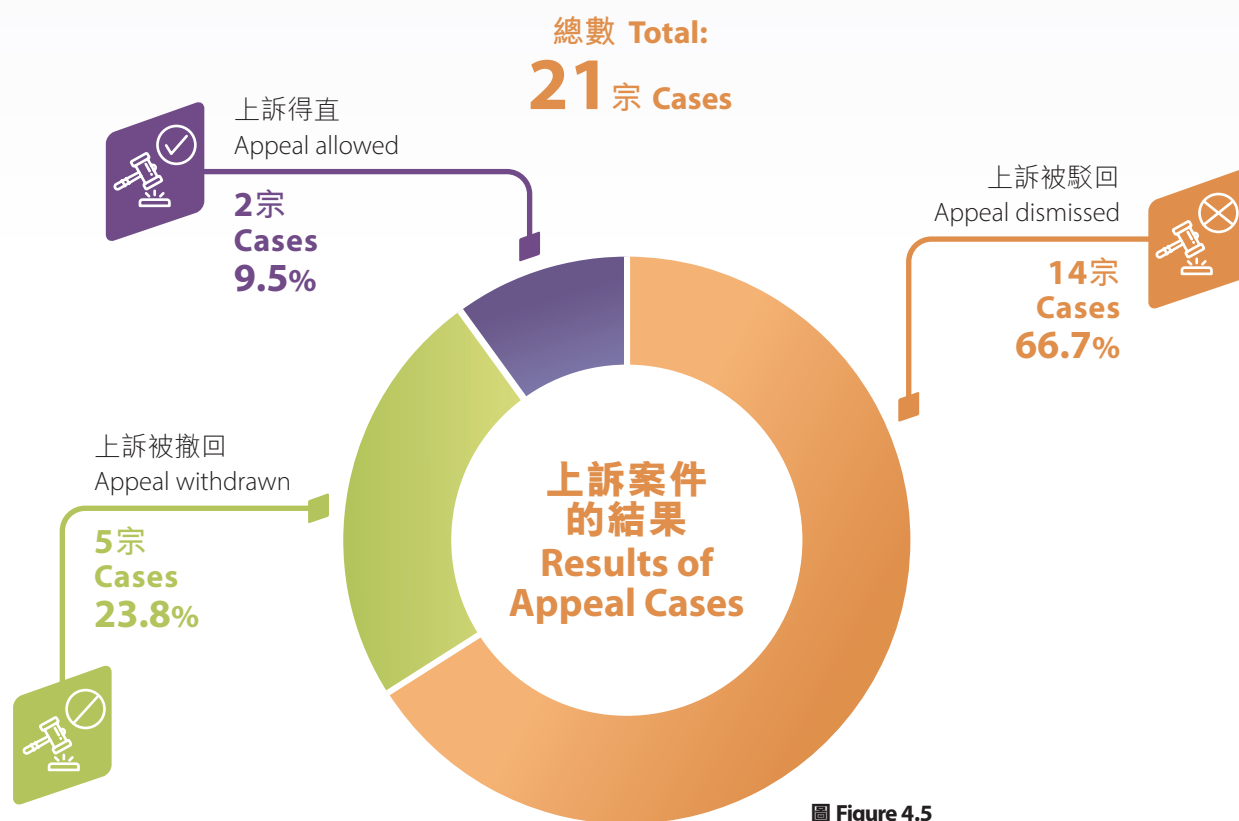


圖 Figure 4.5

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43宗上訴個案。其中：

- 23宗個案為不服私隱專員根據《私隱條例》第39(1)及／或(2)條及公署發出的《處理投訴政策》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；
- 九宗涉及私隱專員在作出調查後不送達執行通知的決定；
- 一宗涉及私隱專員在作出調查後送達執行通知的決定；
- 四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
- 餘下的六宗個案涉及不就《私隱條例》第64條所訂罪行進行指明調查的決定。

Nature of AAB Cases Received and Provisions of the PDPO Involved

A total of 43 appeals were received during the reporting year. Among which:

- 23 of these were related to appeals against the Privacy Commissioner's decisions to refuse to carry out or terminate investigations initiated by complaints under sections 39(1) and/or (2) of the PDPO and in accordance with the Complaint Handling Policy issued by the PCPD;
- Nine appeals were against the Privacy Commissioner's decisions not to serve Enforcement Notices after investigations;
- One appeal was against the Privacy Commissioner's decision to serve an Enforcement Notice after investigation;
- Four 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 six appeals were against the Privacy Commissioner's decisions not to carry out specified investigations into alleged offences under section 64 of the PDPO.

上述 43 宗上訴個案中，具體涉及以下指稱(圖4.6)：

The particulars of the 43 appeal cases involved the following allegations (Figure 4.6):

- | | |
|---------------------------|---|
| ■ 違反保障資料原則：20宗 | ■ Contraventions of DPPs: 20 cases |
| ■ 不遵從查閱資料要求：八宗 | ■ Non-compliance with data access requests: eight cases |
| ■ 個案未構成在未獲同意下披露個人資料的罪行：六宗 | ■ Not constituting offences for disclosing personal data without consent: six cases |
| ■ 不接納個案為投訴：四宗 | ■ Not accepted as a complaint: four cases |
| ■ 為依從查閱資料要求而徵收的費用：兩宗 | ■ Imposition of fees for complying with data access requests: two cases |
| ■ 在未獲同意下披露個人資料的罪行：兩宗 | ■ Offences for disclosing personal data without consent: two cases |
| ■ 不遵從改正資料要求：一宗 | ■ Non-compliance with data correction requests: one case |

總數 Total:
43宗 Cases

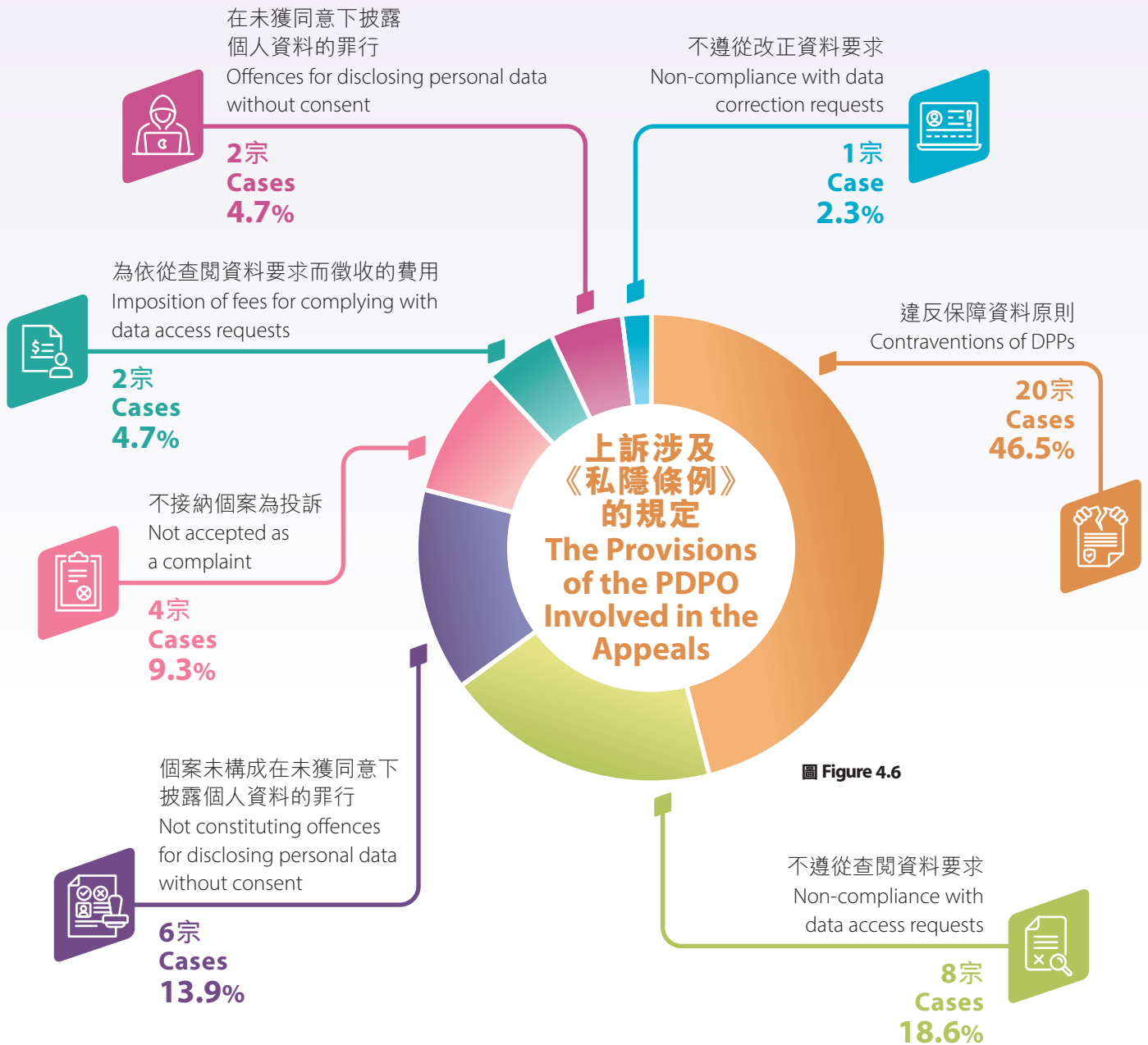


圖 Figure 4.6

而43宗接獲的上訴個案當中，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4.7)：

Of the 43 appeal cases received, the distribution of DPPs concerned is as follows (one appeal might involve more than one DPP) (Figure 4.7):

- | | |
|-----------------------|--|
| ■ 第1原則(收集資料原則)：九宗 | ■ DPP 1 (Data Collection Principle): nine cases |
| ■ 第2原則(資料準確及保留原則)：七宗 | ■ DPP 2 (Data Accuracy and Retention Principle): seven cases |
| ■ 第3原則(使用資料原則)：13宗 | ■ DPP 3 (Data Use Principle): 13 cases |
| ■ 第4原則(資料保安原則)：四宗 | ■ DPP 4 (Data Security Principle): four cases |
| ■ 第6原則(資料查閱及改正原則)：10宗 | ■ DPP 6 (Data Access and Correction Principle): 10 cases |

總數 Total:
43宗 Cases*

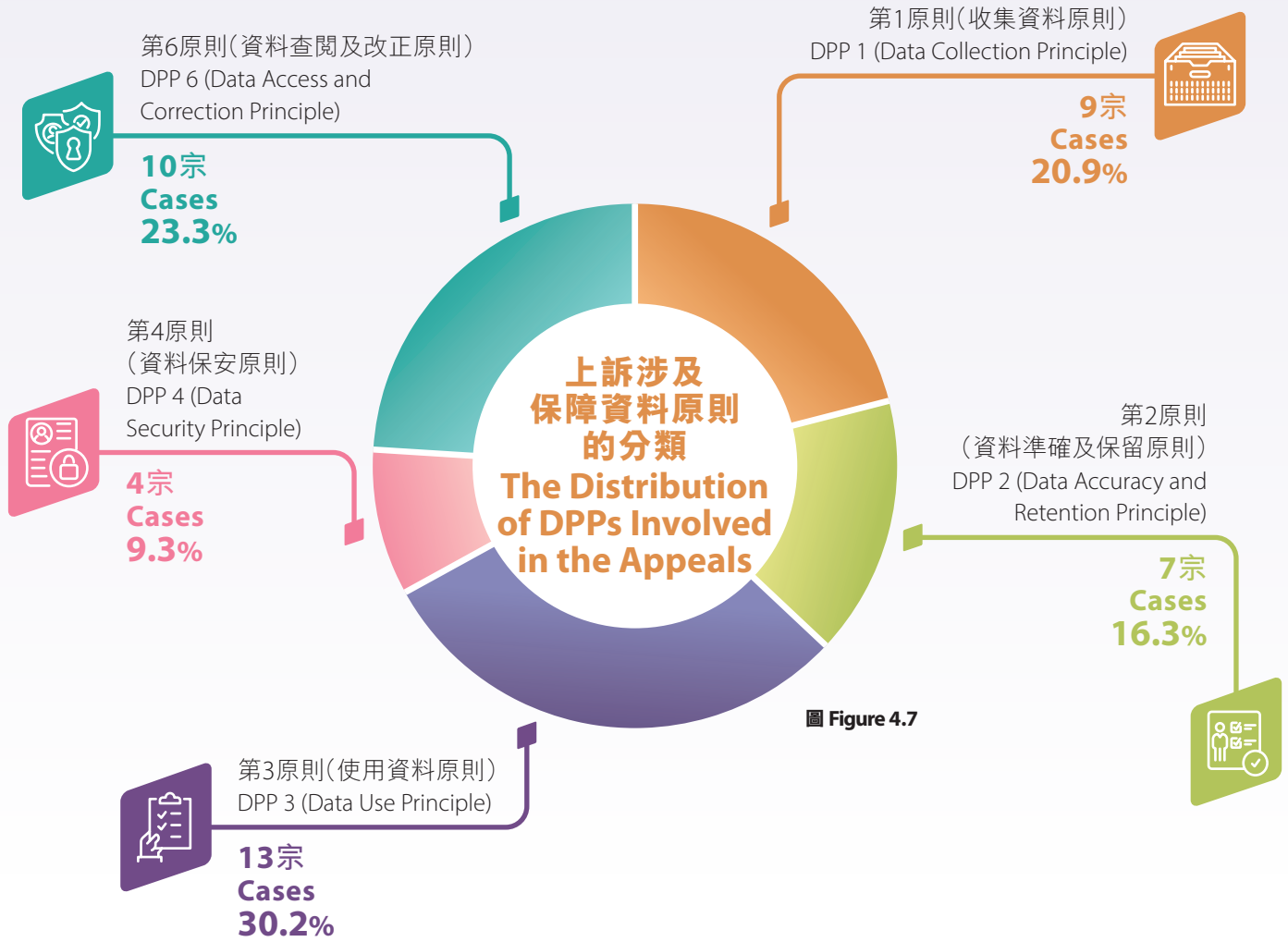


圖 Figure 4.7

* 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.