



# 監察及監管符規

Monitoring and Supervising Compliance





## 回應公眾查詢

在2020-21年度，私隱公署接獲合共18,253宗查詢，較2019-20年度因應當時社會事件而接獲大量查詢的23,779宗減少23%。

查詢主要涉及收集及使用個人資料（例如香港身份證號碼）（28%）、處理與僱傭有關的個人資料（8%）及使用閉路電視（5%）。私隱公署在報告年度亦接獲與2019冠狀病毒病疫情有關的查詢。查詢包括使用視像會議軟件引起的保安關注，以及收集及使用與2019冠狀病毒病有關的健康資料。

與使用互聯網有關的查詢，由2019-20年度的1,695宗上升2%至2020-21年度的1,726宗。查詢主要涉及網絡欺凌和透過互聯網包括社交平台收集及使用個人資料。

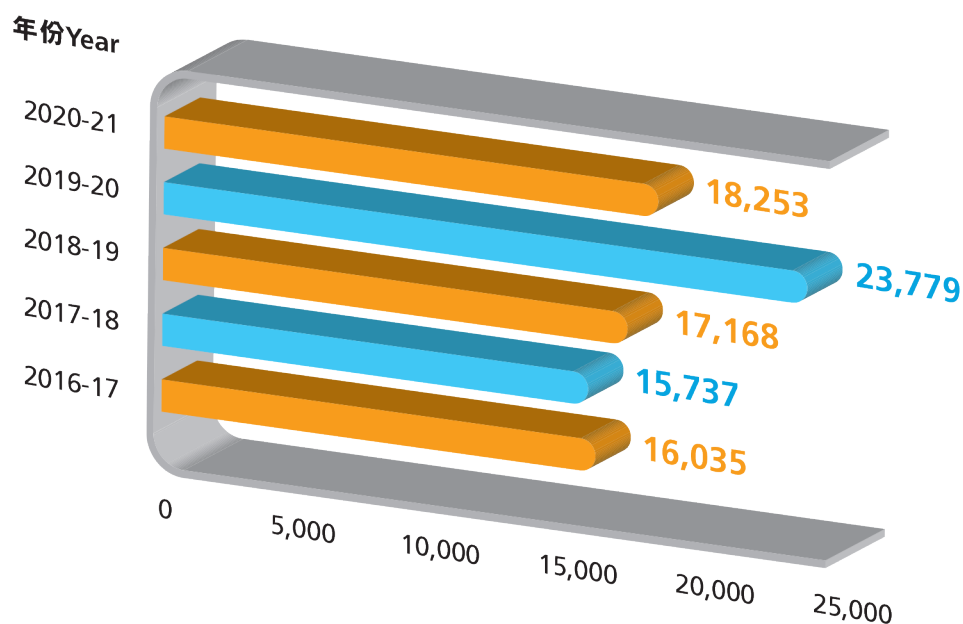
## Response to Public Enquiries

In 2020-21, a total of 18,253 enquiries were received, a decrease of 23% from 23,779 in 2019-20 when a substantial number was in relation to public events.

The enquiries mainly concerned the requirements on the collection and use of personal data (for example Hong Kong Identity (HKID) Card number) (28%), handling of personal data in employment (8%), and use of CCTV (5%). There were also enquiries relating to the COVID-19 pandemic, including security concerns about the use of video conferencing software and collection and use of health data.

Enquiries relating to the use of the Internet increased by 2% from 1,695 cases to 1,726 cases. They mainly concerned cyberbullying, and collection and use of personal data on the Internet, including social media platforms.

圖 Figure 1.1  
查詢個案數目 Number of enquiries received





## 監察及推廣遵守《私隱條例》的規定

當私隱專員有足夠理由相信有機構的行事方式與《私隱條例》規定不相符，便會展開循規審查或調查。在完成循規行動後，私隱專員會告知有關機構不符合《私隱條例》規定或其他不足之處，並建議補救措施以糾正違規情況和作出預防。

在 2020-21 年度，私隱專員進行了 356 次循規行動，較 2019-20 年度的 329 次上升 8%。

有關報告年度內完成的幾個重點循規行動載於附錄六（第 142-149 頁）：

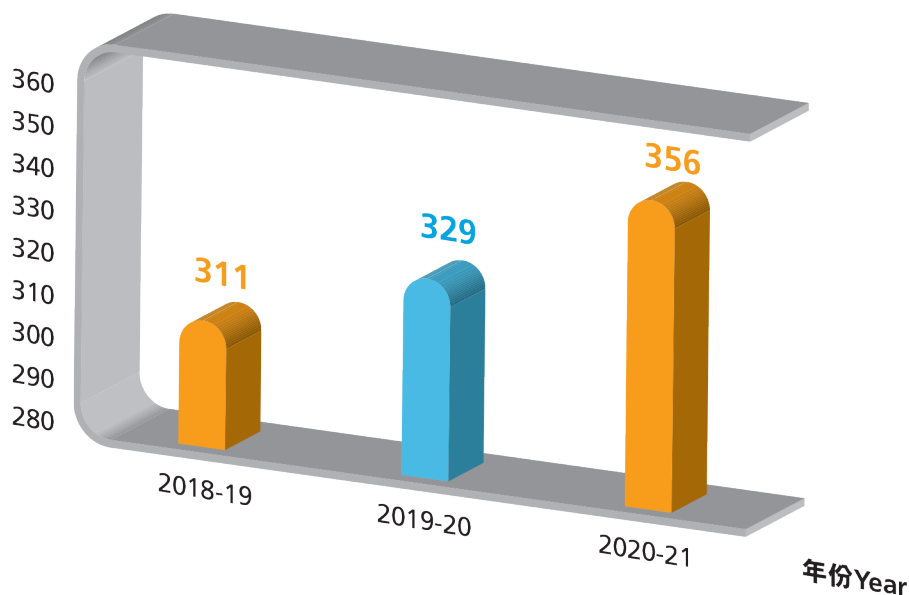
## Monitoring and Promoting Compliance with the PDPO

When the Privacy Commissioner has reasonable grounds to believe that an organisation's practices are inconsistent with the requirements under the PDPO, compliance checks or investigations will be conducted. Upon completion of a compliance action, the organisation receives a report from the Privacy Commissioner on the breaches, inconsistencies and deficiencies that require remedial actions.

In 2020-21, the Privacy Commissioner carried out 356 compliance actions, an 8% increase over the 329 compliance actions in 2019-20.

Highlights of some compliance actions conducted during the reporting year can be found in Appendix 6 (page 142-149).

圖 Figure 1.2  
2018-19 至 2020-21 年度內循規行動數目  
Number of Compliance Actions from 2018-19 to 2020-21



## 視察

### 視察原因

根據政府統計處公布的就業統計數字，飲食業界僱用超過 220,000 名人士。私隱專員在 2020 年認為，依據《私隱條例》第 36 條對飲食業界其中一間具領導地位的公司（該僱主）進行視察，以審視該僱主與僱傭相關的個人資料系統是符合公眾利益。

### 結果及建議

視察報告在 2020 年 8 月發表。視察結果顯示，該僱主已致力按其業務性質及營運模式進行私隱管理。私隱專員向該僱主提出改善建議，而這些建議亦適用於業界及香港所有僱主。建議如下：

- 停止收集求職者的部分香港身份證號碼，並完全銷毀已收集的此類資料；
- 確保每份收集並持有的僱員身份證副本均加上「副本」字眼，橫跨整個身份證影像；
- 確保當招聘廣告中直接要求求職者遞交個人資料時：(a) 向所有求職者提供《收集個人資料聲明》；或 (b) 向所有求職者提供可向其索取《收集個人資料聲明》的聯絡人身份；

## Inspection

### Reason for Inspection

According to the employment statistics published by the Census and Statistics Department, more than 220,000 persons were employed in the food and beverage industry. In 2020, the Privacy Commissioner considered that it was in the public interest to carry out an inspection on the handling of employment-related personal data at one of the leading companies in the food and beverage industry (Employer) pursuant to section 36 of the PDPO.

### Findings and Recommendations

The inspection report was published in August 2020. The Inspection showed that the Employer did make reasonably good efforts to ensure proper management of employees' data. The Privacy Commissioner identified some areas of improvement that were also generally applicable to the industry as well as all employers in Hong Kong. The recommendations were:

- Cease collecting partial HKID Card numbers of job applicants and obliterate such data previously collected;
- Mark photocopies of employees' HKID Card with the word "COPY" across the entire image of the HKID Card;
- Provide all job applicants with (a) a copy of the Personal Information Collection Statement (PICS); or (b) the identity of the contact person from whom the job applicants may obtain a copy of the PICS, if the job advertisement directly solicits personal data from job applicants;



- 適時刪除透過即時通訊應用程式收集到的求職者個人資料；
  - 確保網上私隱政策與職位申請表上所述的個人資料的保留時限相符；
  - 定期為所有僱員進行資料保障培訓及更新相關的培訓材料；及
  - 與廢紙處置承辦商及其他承辦商所簽訂的協議中加入有關處理僱員個人資料的限制條款。
- Erase in a timely manner job applicants' personal data collected in instant messaging apps;
  - Ensure the same retention period of employees' personal data as stated in the online privacy policy and the employment application form;
  - Conduct data protection training for all employees and update related training materials regularly; and
  - Incorporate restrictive clauses on handling employees' personal data in the agreements with paper disposal and other contractors.

## 資料外洩事故通報

個人資料的保安漏洞可能引致資料被人未經授權或意外地查閱、處理、刪除、喪失或使用。資料外洩事故有可能構成違反《私隱條例》附表1的保障資料第4原則。《私隱條例》並未有強制資料使用者就資料外洩事故作出通報，但私隱公署一直鼓勵資料使用者通知私隱專員、受影響的資料當事人及其他相關單位。

私隱公署在接獲經指定表格或其他方式提交的資料外洩事故通報後，會評估資料以考慮是否有需要展開循規審查。私隱專員對相關資料使用者進行循規審查後，會指出不足之處及建議補救措施，防止同類事故再次發生。

## Data Breach Notifications

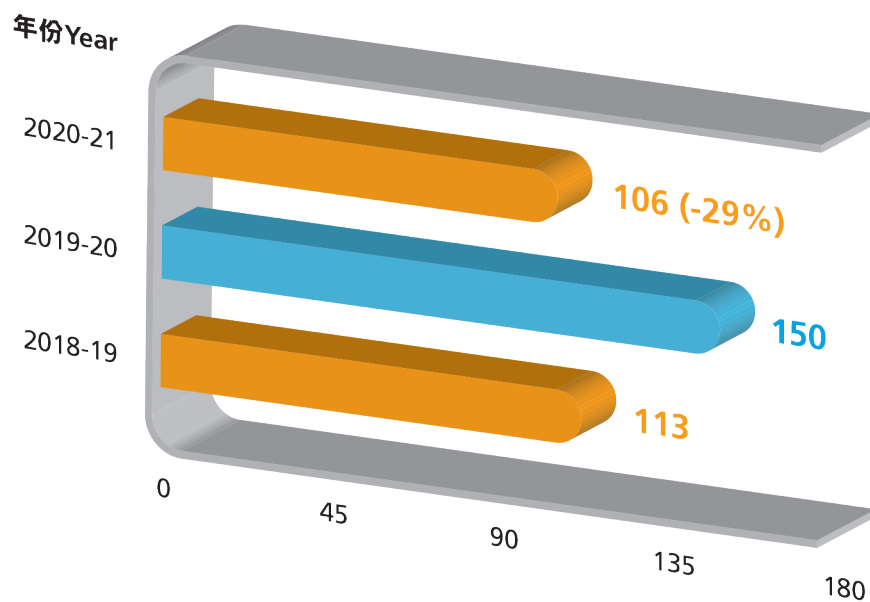
A breach of security of personal data could result to exposing the data to unauthorised or accidental access, processing, erasure, loss or use. Such a breach may amount to a contravention of Data Protection Principle (DPP) 4 of Schedule 1 to the PDPO. When a data breach has occurred, a data user is not mandated under the PDPO to give a data breach notification (DBN), but the PCPD has always encouraged data users to notify the Privacy Commissioner, affected data subjects and other relevant parties.

Upon receiving a DBN, through the PCPD-designated DBN form or other means of communication, the PCPD assesses the information and decides whether a compliance check is warranted. When a compliance check is taken, upon completion, the Privacy Commissioner would identify the deficiencies and advise the data user on remedial measures to prevent occurrence of similar incidents.

在報告年度內，私隱公署接獲 106 宗資料外洩事故通報，35 宗來自公營機構、71 宗來自私營機構，共涉及約 85 萬名人士的個人資料。這些外洩事故涉及黑客入侵、系統錯誤設定、僱員未經授權查閱、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，以及意外銷毀個人資料等。私隱公署對所有 106 宗事故均展開循規審查。

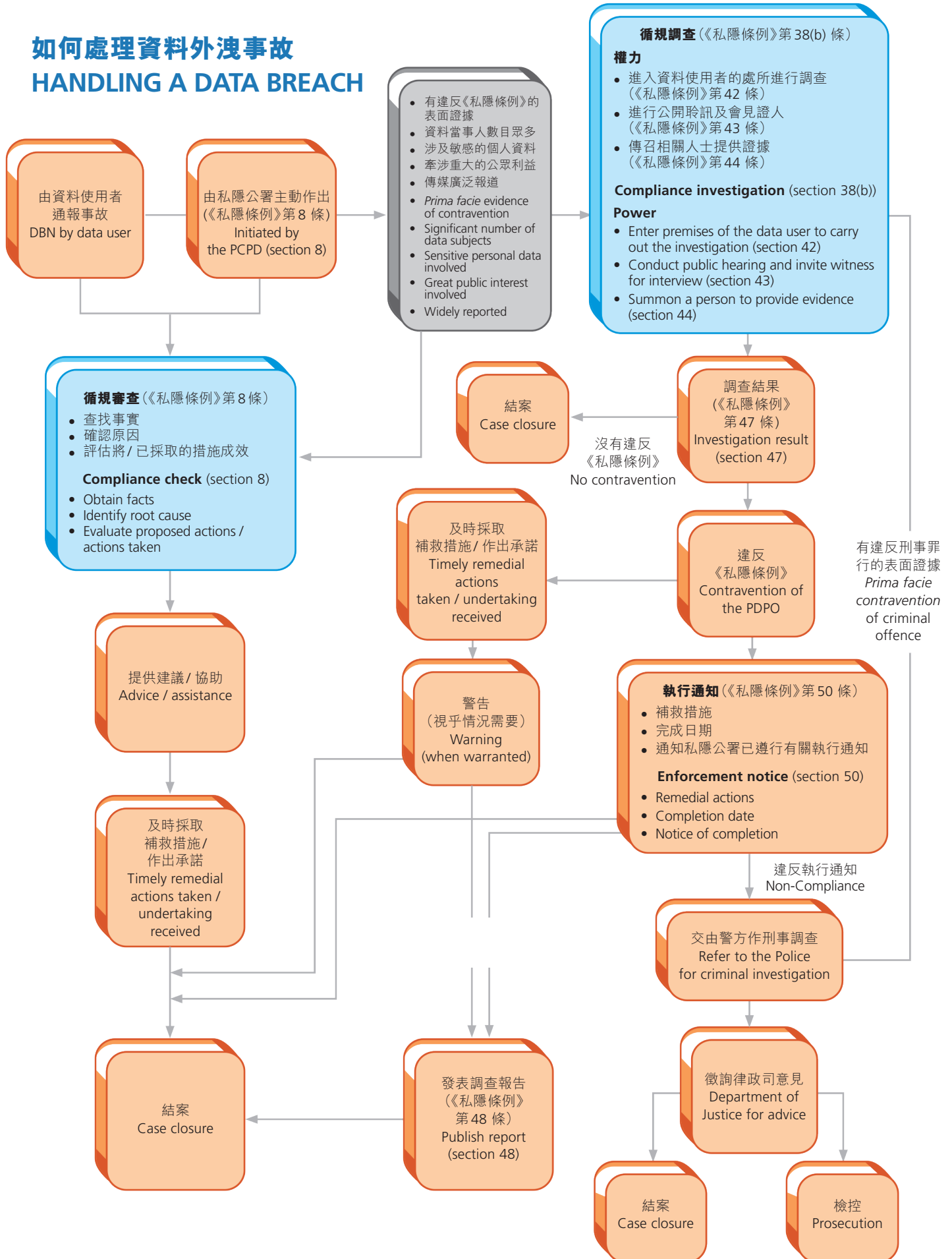
In the reporting year, the PCPD received 106 DBNs, 35 from the public sector and 71 from the private sector. The DBNs collectively involved the personal data of about 850,000 individuals. These data breach incidents involved hacking, system misconfiguration, unauthorised access of personal data by internal staff, loss of documents or portable devices, inadvertent disclosure of personal data by fax, email or post, and accidental erasure of personal data, etc. The PCPD conducted compliance check in all 106 incidents.

圖 Figure 1.3  
2018-19 至 2020-21 年度內資料外洩事故通報數目  
Number of Data Breach Notifications from 2018-19 to 2020-21





# 如何處理資料外洩事故 HANDLING A DATA BREACH





## 處理核對程序申請

### 定義及取得同意

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，每一項比較涉及超過十個或以上資料當事人，而核對資料的結果可用作對有關資料當事人採取不利行動的程序。

資料使用者如無資料當事人的訂明同意或私隱專員的同意，不得進行核對程序。

### 申請數字

在 2020-21 年度，私隱專員收到 29 宗來自政府部門及公共機構的核對程序申請，並在有條件的情況下批准了有關申請。

## Handling Requests for Carrying Out Matching Procedure

### Definition and Consent

A matching procedure is a process by which personal data collected for one purpose is compared with personal data collected for other purposes when each comparison involves the personal data of 10 or more data subjects and is performed by non-manual means, and the result of the comparison may be used for taking adverse actions against the data subjects concerned.

A data user must not carry out a matching procedure unless it has obtained the data subjects' prescribed consent or the Privacy Commissioner's consent.

### Number of Requests

In 2020-21, the PCPD received 29 applications from government departments and public organisations for the Privacy Commissioner's consent to carry out matching procedures, and the applications were approved subject to conditions.



## 就公眾諮詢所提交的意見書

在報告年度內，私隱專員就以下公眾諮詢提交有關保障個人資料私隱的意見：

## Submissions Made in Respect of Public Consultations

In the reporting year, the Privacy Commissioner provided views from the perspective of personal data privacy protection in response to the following public consultations:

徵詢意見的機構 Consulting Organisation	諮詢文件 Consultation Paper
選舉管理委員會 Electoral Affairs Commission	立法會選舉活動建議指引公眾諮詢 Public Consultation on Legislative Council Election Proposed Guidelines
香港金融管理局 Hong Kong Monetary Authority	Consultation Paper on Implementation of Mandatory Reference Checking Scheme to Address the “Rolling Bad Apples” Phenomenon (只有英文版)
保安局 Security Bureau	有關《引入窺淫、私密窺視、未經同意下拍攝私密處及相關罪行的建議》的諮詢文件 Consultation Paper on the Proposed Introduction of Offences of Voyeurism, Intimate Prying, Non-consensual Photography of Intimate Parts and Related Offences
香港法律改革委員會 The Law Reform Commission of Hong Kong	有關《性罪行檢討中的判刑及相關事項》的諮詢文件 Consultation Paper on Sentencing and Related Matters in the Review of Sexual Offences
商務及經濟發展局 Commerce and Economic Development Bureau	電話智能卡實名登記制度諮詢文件 Consultation Paper on Real-name Registration Programme for SIM Cards