

檢討個人資料(私隱)條例 Review of Personal Data (Privacy) Ordinance

政制及內地事務局
Constitutional and
Mainland Affairs Bureau

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12項主要建議所涉及的範疇 Areas Covered by the 12 Major Proposals

- (1) 敏感個人資料
Sensitive personal data
- (2) 資料保安 (例如: 規管資料處理者及分判活動)
Data security (e.g. regulation of data processors and sub-contracting activities)
- (3) 私隱專員的執法權力 (例如: 授予私隱專員刑事調查及檢控權力)
Enforcement powers of the Privacy Commissioner (e.g. granting criminal investigation and prosecution power to the PCPD)
- (4) 罪行及制裁 (例如: 在未經授權下取得、披露和出售個人資料)
Offences and sanctions (e.g. unauthorized obtaining, disclosure and sale of personal data)

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15項有頗大影響的建議所涉及的範疇

Areas Covered by the 15 Proposals with Considerable Impact

- (1) 資料當事人的權利 (例如: 由第三者給予訂明同意更改個人資料用途)
Rights of data subjects (e.g. third party to give prescribed consent to change of use of personal data)
- (2) 資料使用者的權利及義務 (例如: 為遵從其他條例而拒絕依從查閱資料要求)
Rights and obligations of data users (e.g. refusal to comply with a data access request on ground of compliance with other legislation)
- (3) 私隱專員的執法權力 (例如: 拒絕調查的新增理據)
Enforcement powers of the PCPD (e.g. additional grounds for refusing to investigate)
- (4) 新增豁免條文 (例如: 在緊急情況下處理個人資料)
Introducing new exemptions (e.g. handling personal data in emergency situations)

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9項無意推行的建議所涉及的範疇

Areas Covered by the 9 Proposals which We Incline not to Pursue

- (1) 私隱條例的規管範圍 (例如: 把互聯網規約地址視為個人資料)
Scope of regulation under the PDPO (e.g. internet protocol address as personal data)
- (2) 豁免條文 (例如: 有關公眾利益的裁決)
Exemptions (e.g. public interest determination)
- (3) 私隱專員的權力 (例如: 搜查及檢取證據的權力)
Powers of the PCPD (e.g. power to search and seize evidence)

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16項雜項建議所涉及的範疇 Areas Covered by the 16 Miscellaneous Proposals

主要包括一些務求私隱條例的運作更為暢順，和解決私隱條例施行時在技術和運作上遇到的問題的修訂（例如：因為法例規定、准許，或與任何法律程序有關而使用個人資料）

Mainly include amendments to streamline the operation of the PDPO and address technical and operational problems encountered in the implementation of the PDPO (e.g. use of personal data required or authorized by law or related to legal proceedings)

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-End-

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