

LEGCO QUESTION NO. 18

Reply (1)

The number of complaints received by the Office of the Privacy Commissioner for Personal Data (“PCPD”) in the past three years about improper collection of personal data of employees (including prospective, current and former employees) by employers, and the outcome of the handling of such cases by PCPD are as follows:

	2011	2012	2013
No prima facie evidence	6	3	5
PCPD has no jurisdiction/anonymous complaints	10	8	8
Settled through conciliation	11	10	3
Complainants relay concern only/no response to PCPD’s inquiries	13	20	8
Insufficient evidence	7	9	9
Complaints withdrawn by complainants	9	3	3
Formal investigation:			
- Contravention of the requirements under the Personal Data (Privacy) Ordinance	1	0	0
- No contravention	2	0	0
- Investigation curtailed	1 ¹	1 ²	1 ²
Being processed	0	0	1
Total	60	54	38

¹ PCPD considered that the complainant and complainees could settle the dispute on their own and therefore decided not to intervene and curtailed the investigation.

² As remedial measures were taken by the party being complained against during the investigation, the dispute was settled through conciliation and PCPD curtailed the investigation.