

LCQ19: Services for searching various registers and government records

Following is a question by the Hon Alice Mak and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (November 18):

Question:

Regarding the services provided by the Government for searching various registers and government records which contain personal data (search services), will the Government inform this Council:

(1) of the number of applications for each type of search services in each of the past two financial years and, among them, the number of those rejected;

(2) whether the relevant government departments have imposed regulation and conducted random checks on the search services to prevent them from being abused; if so, of the details, and the respective numbers of persons prosecuted and convicted in the past five years for unlawful use of the personal data obtained through the search services;

(3) of the current requirements of the various search services in respect of the following: (i) whether the applicants are required to give reasons for the applications, (ii) whether there are restrictions on the types of applicants, and (iii) whether the types of data obtainable are dependent on the reasons for application and the types of applicants; whether the Government will comprehensively review such requirements with a view to preventing abuses of the search services;

(4) whether it will enact legislation or formulate a mechanism to enable a data subject to apply on reasonable grounds (such as personal safety being threatened) for classification of the data relating to him or her in a register or government record as confidential or non-public, so that it does not fall within the scope of data which is obtainable from the search services; and

(5) of the measures in place to prevent personal data obtained through the search services from being used for improper purposes, such as doxxing?

Reply:

President,

Our consolidated reply to the Hon Alice Mak's question is as follows:

At present, Government public registers are maintained and managed by respective Government departments. The content available for public

inspection is decided by respective departments having regard to the relevant legislation and policies with a view to achieving the purpose of the public register and at the same time suitably safeguarding personal data privacy. The Constitutional and Mainland Affairs Bureau does not have the search figures of the respective public registers.

Reviews are conducted from time to time by Government departments on the arrangements and other matters relating to the handling of public registers in the light of social development and public needs, with the aim to satisfy public needs and at the same time endeavour to safeguard the personal data privacy of data subjects and appropriately balancing freedom of speech and information flow. At present, according to section 64(2) of the Personal Data (Privacy) Ordinance (PDPO), a person commits an offence if he/she discloses any personal data obtained from a data user without the data user's consent and such disclosure causes psychological harm to the data subject. The person who commits such offence is liable on conviction to a fine of \$1,000,000 and to imprisonment for five years. Since the social unrest in June last year, the Police has to date arrested 17 individuals for alleged contravention of section 64 of the PDPO. On October 9, 2020, one of the defendants was convicted in the District Court of, among other charges, contravention of section 64(2) of the PDPO. On November 3, 2020, the defendant was sentenced to 18 months' imprisonment, and together with other convictions, received a sentence of imprisonment for a total of two years.