

Personal Data (Privacy) (Amendment) Ordinance 2021 comes into effect today

The Personal Data (Privacy) (Amendment) Ordinance 2021 (the Ordinance) has been published in the Gazette and comes into effect today (October 8).

A Government spokesman said, "Since 2019, doxers have attacked those of different political stances through the indiscriminate disclosure of their personal data, in effect weaponising the personal data concerned. The Ordinance aims to combat malicious doxing acts that have become more rampant in recent years, so as to protect the personal data privacy of the general public. We have to spare no efforts to combat such despicable doxing acts that have a clear intent to harm, so as to eliminate conflicts in the society and establish the virtues of law-abidance and mutual respect.

"The Ordinance aims to combat unlawful doxing acts in three aspects: (1) criminalise doxing acts as new offences targeting malicious acts of disclosing personal data of the data subject without his/her consent, with an intent or being reckless as to whether specified harm would be caused to the data subject or his/her family member; (2) empower the Privacy Commissioner for Personal Data (Commissioner) to carry out criminal investigations and institute prosecution towards doxing-related offences; and (3) confer on the Commissioner statutory powers to serve notices to those who are able to take a cessation action, directing them to cease disclosure of doxing contents (cessation notices). The amendments focus on combating doxing acts, and the scope of the offence is clear, focused and target-specific. The amendments also strike a reasonable balance between protection of privacy and freedom of speech," the spokesman added.

The Office of the Privacy Commissioner for Personal Data (PCPD) has also published in the Gazette today the implementation guidelines for criminal investigation and prosecution of doxing-related offences, issue of cessation notices, as well as the ranks of officers authorised with the above powers for the public's reference.

The spokesman said, "Upon commencement of the Ordinance, the PCPD will enhance publicity and education on the contents of the Ordinance through different channels, including announcements in the public interest on television and radio, videos, pamphlets, posters, online webinars and promotions on social media platforms. The initiatives aim to help the public better understand the essence and provisions of the Ordinance so that they would not inadvertently violate the law. It also serves to deter intentional doxing acts."

Upon the commencement of the Ordinance, any person who discloses personal data of a data subject without the relevant consent of the data subject, with an intent or is being reckless as to whether any specified harm would be (or would likely be) caused to the data subject or his/her family

member, commits an offence. The Government spokesman urged members of the public not to defy the law by attempting to commit the concerned doxxing acts. The PCPD and the Police will step up law enforcement actions to protect the personal data privacy of the public.