



澳門特別行政區政府
Governo da Região Administrativa Especial de Macau
個人資料保護辦公室
Gabinete para a Protecção de Dados Pessoais

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Authorization

No. 06/A/2012/GPDP

Subject: The Financial Services Bureau applied for data combination to provide the Statistics Bureau the information of business tax (contribuição industrial), including business names, trade and business owners

The Financial Services Bureau (DSF) applies to the GPDP for an authorization on the combination of personal data, with the Statistics and Census Bureau (DSEC), for the processing of information on business names, trade and business owners.

According to the information provided by the DSF, the information to be provided to the DSEC through combination includes the business taxpayer number, the taxpayer's name, supplementary group, tax exemption percentage, business name and information related to the business venue (land lot number, building name and telephone number, etc.).

According to Article 4(1)(1) of Law 8/2005 (the Personal Data Protection Act, or the PDPA), "personal data shall refer to any information related to an identified or identifiable natural person....." The information on business names, trade and business owners to be provided by the DSF to the DSEC through combination shall be deemed as personal data only if the taxpayer is a natural person and the related business tax registration information can be used to identify this natural person. According to Article 3 of idem, the processing of information involved shall be governed by the PDPA.

According to information from the DSF, it will provide the said information to the DSEC through a leased line. As a consequence, a data connection is established between the databases of the two public authorities, which meets the definition of data combination as provided in Article 4 (1)(10) of the PDPA.

According to the DSF, the purpose for the DSEC to collect the business tax information on business names and trade is to perform different types of surveys and to prepare social and economic statistics information. In its monthly statistics on foreign trade, the DSEC has to use the information on tax-paying businesses to verify the information on the import and export declarations and licenses. When there is any incomplete or unclear information, the DSEC will also use the business information to contact the importers and exporters concerned. The related information will also be used to create enterprise profiles for internal use, which will be used as the sampling data for all types of venue surveys.



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According to Articles 22 and 9 of the PDPA, unless the combination of personal data is allowed in the laws or organizational regulations, the data controller for the processing of personal data, or the entity jointly responsible for the processing, shall apply to the GPDP for an authorization.

After analyzing the information provided by the DSF, the GPDP finds that the DSF provides to the DSEC the information of business tax information, including business names, trade and business owners, through combination, so that the latter can have the updated information in a timely manner and reduce the time and cost of administrative procedures, which is in accordance with the efficiency principle of administrative procedures and fulfills the e-government policy of the MSAR Government. In addition, in the current application, the type of information for combination, whether the combination meets the purpose specified in laws and regulations and the legitimate interests of the controller of the personal data processing, and the fact that the combination shall not discriminate or reduce of the rights, freedoms and protections of the data subjects, all these are in line with Article 9(2) of the PDPA.

To sum up, the DSF provides to the DSEC the business tax information (contribuição industrial), including business names, trade and business owners through combination, so that the latter can perform its duties for statistics on foreign trade and ensure the accuracy thereof. According to Article 9 and Article 22(1)(3) of the PDPA, the GPDP hereby authorizes for the DSF and the DSEC to process the aforementioned personal data through combination for the said purpose, by guaranteeing the safe processing of such data without reducing the rights of the data subjects.

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Coordinator
29 March 2012