

Privacy and You

(2011-12-01)

Avoid Excessive Disclosure of Personal Data

Due to business expansion, a big company was preparing for a large-scale recruitment. In order to speed up the recruitment process and save human and other resources, Mr. Ho, the Human Resources Manager, suggested Ms. Lao, the Executive Director, to release the name list of qualified candidates on the company's website to notify them of the time of interview. The list included the candidates' names, genders, identity card numbers and telephone numbers to avoid the confusion of candidates with the identical names.

However Ms. Lao objected this suggestion immediately. She indicated that although the company had the legitimacy to process candidates' personal data and was able to state the arrangement of releasing the name list online in its recruitment rules, it might still violate the principle of proportionality in the *Personal Data Protection Act* for excessive disclosure of personal data to the public.

Ms. Lao also added that the *Guidelines on Publication of Personal Data on the Internet* issued by the Office for Personal Data Protection must be taken as reference if the company wanted to publish the name list on its website. Ms. Lao had attended a training course organized by the Office, and learned that under some circumstances the data controller could legitimately publicize some personal data on the internet without breaching the law. Sometimes the name or even identification number would be released due to work required and for better identification. However it should be fully considered whether it was in conformity with the principle of proportionality in the *Personal Data Protection Act* to avoid unnecessary disclosure of personal data, especially the identity card number. When it was necessary to publicize the name and identity card number, the last two or more digits should be deleted or replaced with symbols as long as the data subject was sufficiently identifiable. Hence, the Office for Personal Data Protection recommends the data controllers to issue an application number to each candidate in recruitment or certain similar activities when applicable, so that the application number, instead of identity card number, can be released to identify the data subject.

After Ms. Lao's explanation, Mr. Ho immediately modified his original plan and told his staff to set up the clear rules of recruitment as well as issued an application number to each candidate. He also reminded his staff to merely announce the candidates' application number with their names when releasing the interview list on the website afterwards.

The provisions of *Personal Data Protection Act* conform to both the legitimate interests of the data subject and the controller. Flexible processing of some details in the work can better protect the legitimate interests of both parties if we understand the legal sense and respect the rights of data subjects.

(The text is provided by the Office for Personal Data Protection. The cases presented here are based on social reality and past real-life cases. Any enquiries about personal data protection can be referred to the Office for Personal Data Protection by phone at 2871 6006.)