



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

**UNOFFICIAL TRANSLATION**

## **Authorization**

### **No.03/A/2017/GPDP**

**Subject: PJ intends to obtain the personal data of all those who have registered with the FSS through data combination**

Through data combination the PJ (Polícia Judiciária/Judiciary Police) intends to obtain from the FSS (Fundo de Segurança Social/Social Security Fund) the personal data of all those who have registered with it, and therefore these two entities jointly filed an application for authorization.

The types of data to be combined between the two said entities, according to Article 4(1)(1) of Law 8/2005 (*Personal Data Protection Act/PDPA*), qualify as “personal data” as they relate to any information concerning identified or identifiable natural persons. Inasmuch as deceased persons’ data that related to living persons are also amongst the data to be combined, then they should also be taken as personal data. In regards to employers’ data, equally they also qualify as personal data should they relate to identifiable natural persons. Under Article 3(1) of the same Law, the processing of these types of data should be subject to the PDPA.

Article 4(1)(10) of the PDPA laid down that “combination of data shall mean a form of processing which consists of the possibility of correlating data in a filing system with data in a filing system or systems kept by another or other controllers or kept by the same controller for other purposes”. Through the InforMac the FSS will transmit the personal data of those registered for social security to the PJ; in other words, the latter, to enrich its database, will obtain data from FSS’s database. Such data connection between the two public departments fulfills the definition of “data combination” as laid down in the PDPA.



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According to the application information, the combination aimed at PJ's discharging of its statutory duties, namely the prevention and combat of crime.

Under Article 9 and 22 of the PDPA, combination of personal data not provided for in a legal provision or a provision of a regulation of an organic nature shall be subject to the authorization issued by the Office for Personal Data Protection (GPDP). Such authorization should be applied by the controller or jointly by the corresponding controllers.

Through the mentioned combination the PJ will obtain timely information from FSS, therefore this will reduce the time and cost for administrative procedures and is in line with the efficiency principle and the e-government policy adopted by the MSAR Government. Taking into account the types of data for combination, whether the combination is in line with the purposes outlined in laws and regulations, and the legitimate interests of the controllers of the data processing—from the premise that the combination does not curtail or discriminate the rights, freedom and safeguards provided to the data subjects—the combination fulfils the requirement of Article 9(2) of the PDPA. On the other hand, PJ's transfer of the obtained data to places outside the MSAR also complies with Article 20 of the PDPA.

Obtaining the personal data of all those registered with the FSS, through combination, will assist PJ to discharge its statutory duties and exercise its public power, namely prevention and combat of crime. Thereby the GPDP, according to Article 9, 22(1)(3) and 24 of the PDPA, authorizes these entities—for the mentioned purposes and on the basis that secure data processing is guaranteed and without affecting the rights of the data subjects—to combine the personal data of all those registered with the FSS. Details of the current Authorization are as follows:



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1. The data controllers:

(1) Judiciary Police (Portuguese: *Policia Judiciária/PJ*); address: *Av. da Amizade, n.º 823, Edf. da PJ, Macau.*

(2) Social Security Fund (Portuguese: *Fundo de Segurança Social/FSS*); address: *Alameda Dr. Carlos d'Assumpção, n.os 249-263, Edf. China Civil Plaza, 18.º andar, Macau.*

2. Types of data subjects: all those registered with the FSS, including the beneficiaries and the employers.

3. Types of personal data to be processed: others.

4. Processing purposes: prevention and investigation of crime.

5. Types of data recipients: judicial authorities.

6. How the data subjects exercise their right to access and right of rectification: in some cases direct and in some indirect.

7. Intended data transfer to any third countries: yes.

Fong Man Chong

Coordinator

May 4th 2017