SmartSuite

Framework / Privacy / Global Privacy Regulations

Hong Kong PDPO (Personal Data (Privacy) Ordinance, Cap. 486)

Hong Kong's Personal Data (Privacy) Ordinance (Cap. 486) sets six Data Protection Principles for data users and is enforced by the Privacy Commissioner for Personal Data.



What it is

The Personal Data (Privacy) Ordinance (PDPO, Cap. 486) is Hong Kong's data protection law. It binds every data user, public or private, that controls the collection, holding, processing or use of personal data, and it has been in force since 20 December 1996.

The Legislative Council enacted the Ordinance on 3 August 1995, and the Privacy Commissioner for Personal Data, supported by the Office of the PCPD, enforces it (section 5). Its core is the six Data Protection Principles in Schedule 1: collection, accuracy and retention, use, security, openness, and access to and correction of data. Contravening a principle is not itself an offense, but the Commissioner can investigate and serve an enforcement notice (section 50), and ignoring that notice is an offense (section 50A).

At a glance

PUBLISHER Legislative Council of Hong Kong (enacted); enforced by the Privacy Commissioner for Personal Data (PCPD)	TYPE Regulation	VERSION Cap. 486, as amended by the 2012 and 2021 Amendment Ordinances
EFFECTIVE December 20, 1996	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Hong Kong	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Medium

Source: pcpd.org.hk/english/data_privacy_law/ordinance_at_a_Glance/ordinance.html

Why it matters

- **Six principles cover the data lifecycle** Schedule 1 applies to the private and public sectors alike, from collection (Principle 1) to access and correction (Principle 6).
- **Enforcement notices carry criminal exposure** A data user that contravenes an enforcement notice faces a fine of HK$50,000 and two years in prison on a first conviction, with a daily penalty of HK$1,000 (section 50A).
- **Direct marketing needs informed consent** Part 6A (sections 35A to 35M) requires consent before personal data is used in direct marketing or provided to others for it. Penalties reach HK$500,000 and three years, or HK$1,000,000 and five years where data is provided for gain.
- **Doxxing is a crime** Section 64(3A) to (3D) creates two offenses for disclosing personal data without consent to cause harm, with up to HK$1,000,000 and five years where harm results.

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How SmartSuite supports HK PDPO (Cap. 486)

Personal Data Inventory and Collection Notices

Record what personal data each system holds, the purpose of collection and the notice given on or before collection under Principle 1(3).

Retention and Erasure Schedule

Set retention periods against Principle 2 and section 26, and track erasure tasks and processor retention terms with owners and dates.

Use Limitation and Direct Marketing Consent

Log the purposes each dataset is used for, the consents behind new purposes (Principle 3) and Part 6A marketing consents and opt-outs (sections 35E and 35G).

Access and Correction Request Tracker

Run data access and correction requests against the 40-day deadlines in sections 19 and 23, with refusal reasons and an audit trail.

Processor and Security Safeguards

Track processors and the contractual or other means required by Principles 2(3) and 4(2), plus the security measures and evidence behind Principle 4.

Incident and PCPD Case File

Keep data incident records, the decision whether to notify the PCPD (a recommended practice) and any enforcement notice response in one case record.

Common framework mappings

APEC PF · GDPR · ISO 27001:2022 · ISO 27701 · APPI · NIST Privacy Framework v1.0 · PIPEDA · Singapore PDPA

Official resources

The Personal Data (Privacy) Ordinance: Ordinance at a Glance

The Privacy Commissioner's overview of Cap. 486: key definitions, the six principles, exemptions and enforcement.

pcpd.org.hk/english/data_privacy_law/ordinance_at_a_Glance/ordinance.html

Six Data Protection Principles

The Privacy Commissioner's page on the six Data Protection Principles in Schedule 1 to the Ordinance.

pcpd.org.hk/english/data_privacy_law/6_data_protection_principles/principles.html

Guidance on Data Breach Handling and Data Breach Notifications

The PCPD's current guidance on handling data breaches and notifying the PCPD and affected individuals.

pcpd.org.hk/english/resources_centre/publications/files/guidance_note_dbn_e.pdf

PCPD Guidance Notes and Reports

The PCPD's index of guidance notes and reports for data users on complying with the Ordinance.

pcpd.org.hk/english/resources_centre/publications/guidance/guidance.html

Frequently asked questions

What are the six Data Protection Principles in the PDPO?

Schedule 1 sets out six principles: purpose and manner of collection, accuracy and duration of retention, use, security, information to be generally available, and access to personal data. They apply to every data user in the public and private sectors. Contravening a principle is not an offense in itself, but the Commissioner can serve an enforcement notice (section 50).

Does Hong Kong require data breach notification under the PDPO?

No. The PCPD states that notifying it of a data breach is not a statutory requirement on data users, and recommends doing so as good practice. The PCPD publishes a notification form and a Guidance on Data Breach Handling and Data Breach Notifications.

How long does a data user have to respond to a data access request?

Section 19 requires a data user to comply within 40 days after receiving the request, by supplying a copy of the data or stating in writing that it holds none. A refusal must be notified in writing within the same 40 days with reasons (section 21), and a correction request is subject to a 40-day limit too (section 23).

Does the PDPO restrict transferring personal data outside Hong Kong?

Section 33 would prohibit transfers except in specified circumstances, but the e-Legislation text marks it "Not yet in operation", so it is not in force. Data users still have to meet the six principles for transferred data, including Principle 4(2) when a processor outside Hong Kong handles it.

What are the doxxing offenses added in 2021?

Since 8 October 2021, section 64(3A) makes it an offense to disclose personal data without consent with intent, or recklessness, to cause specified harm. Section 64(3C) covers disclosure that actually causes harm and carries up to HK$1,000,000 and five years. The Commissioner can investigate, prosecute summary offenses and serve cessation notices (section 66M).

License included / downloadable: Yes The Ordinance is public legislation published on the Hong Kong e-Legislation site, and the PCPD publishes an overview and the six principles for free. The text is included with the platform for reference.

Full framework page and mappings: smartsuite.com/frameworks/hong-kong-personal-data-privacy-ordinance-pdpo-cap-486

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