

Hong Kong Jails an Insurance Agent for Violating the Personal Data (Privacy) Ordinance

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The Hong Kong Privacy Commissioner for Personal Data recently announced the first prison sentence for a violation of the Personal Data (Privacy) Ordinance (Chapter 486) (the “PDPO”). Under the PDPO, making a false statement to the Commissioner is subject to a maximum fine of HK\$10,000 and a 6-month jail sentence. The Commissioner charged an insurance agent with making false statements during its investigation of a PDPO complaint from an insurance policyholder. The policyholder claimed that in 2012, she provided information to the insurance agent while he was at one insurance company. The agent subsequently moved to a new company and used the information to issue a policy in the name of his new company, without disclosing this change. Accordingly, she said that the insurance agent misled her and obtained her personal information by false means. A police investigation further revealed that the agent submitted insurance documents to the new insurance company that were not signed by the policyholder. Because the Commissioner found that the insurance agent gave false statements during its investigation of the complaint, the case was referred to the Tuen Mun Magistrates’ Court for criminal enforcement under the PDPO. The Court sentenced the insurance agent to 4 weeks in prison.

TIP: Hong Kong courts can enforce criminal liability for an applicable violation of the PDPO. It is incumbent that individuals and companies fully cooperate and be truthful during any investigation conducted by the Commissioner.

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