

5 Dec 2016

香港互聯網服務供應商協會發布“網絡營運者向執法機構提供客戶資料之守則”

在 2016 年 11 月 25 日舉行的 2016 年 ISP 研討會上，香港互聯網服務供應商協會（HKISPA）發布了第一版“網絡營運者向執法者提供客戶資料之守則”（守則），建議互聯網供應商及網絡營運者（ISP）採用。

執法機構（如香港警務處及香港海關）恆常與 ISP 接觸，以收集互聯網用戶的資料以作執法用途。一般來說，香港的 ISP 與執法機構通力合作打擊罪案，但在沒有相應的法院搜令的情況下向執法機構披露客戶資料，亦有可能使有關 ISP 在不知情的情況下面臨潛在的法律責任。因應此情況，“守則”是一個建議 ISP 遵守的工作程序，使 ISP 能繼續和執法機構通力合作，同時為 ISP 本身提供最大限度的保護及知情權。

此“守則”自 2014 年初以來醞釀及起草，收集了互聯網服務供應商、內容供應商、網上服務供應商、用戶、版權擁有人、以及香港警務處和香港海關的意見。

The Hong Kong Internet Service Providers Association Released “Code for Release of Information”

At the 2016 ISP Symposium held on 25 Nov 2016, the HKISPA released the first version of its Code for Release of Information (“the Code”).

Law Enforcement Agencies (like the Hong Kong Police Force and the Customs and Excise Department) often approach Internet Service Providers to collect information about online activities of Internet users, with some cases without a Court Search Warrant. ISPs in HK in general are very cooperative to LEAs, but often such revelation of customer information to LEAs without a corresponding Court Search Warrant may expose the ISP concerned to potential legal liability.

This Code was therefore designed. It is a working procedure recommended to the ISPs to adopt when disclosing information to LEAs, so as to maximize the protection of the ISP itself from legal liability, while still be able to help LEAs to conduct online investigations.

This version of the Code for Release of Information was crafted since early 2014, and has solicited inputs from ISPs, online service providers and content providers, users, copyright owners and also inputs from the HK Police Force and the Customs and Excise Department.

守則下載 To download the Code

http://www.hkisp.org.hk/images/doc/Code-for-Release-of-Information_v1.2.pdf



Media Enquiry

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