

## 香港民意研究所（研究所，PORI）有關 警方搜查研究所辦公室及取走資料之聲明

2020 年 7 月 17 日

香港民意研究所謹代表義務法律團隊，向公眾闡述有關警方從研究所取走資料的情況，以及說明會如何與警方跟進事件。

警方於 2020 年 7 月 10 日下午六時左右，持手令搜查研究所辦公室的所有電子儀器。研究所立即通知義務法律團隊到場，並由義務律師及義務大律師陪同進行搜查。警員於同日抄取研究所辦公室部份電腦內容，又拍下部份電腦畫面截圖。

警方至今並未明確告知研究所，警方調查案件的具體內容，亦並未向研究所提供當日所執行的搜查令文本。外界傳言警方是次調查，乃是關於所謂「洩露港大民意研究計劃，早年研究收集所得的三萬名警員資料」。如果警方確是調查此案件，研究所則是案中資料被盜受害人，警方亦有責任向研究所交代調查詳情及進度。

目前研究所大致知悉、但並不完全肯定，當日警方從研究所辦公室取走資料的範圍，因此已由律師去信，向警方索取當日被取走資料的副本，供研究所備存及檢查。要待警方提供有關副本後，研究所才能公布被取走資料的範圍。

普及投票系統的資訊科技顧問小組向律師團隊表示，警方搜查電腦時，可能同時取走了一些正開啟檔案的內容。當時其中一部電腦中，研究所同事正開著一個載有全部初選票站主任聯絡方法的清單，因此該清單亦有可能已被警方取走。

無論如何，研究所已書面向警方申明，當日警方取走的資料受「法律專業保密特權」及「新聞材料保密」原則保障。因此，在警方與研究所代表律師解決保密及特權問題之前，根據《基本法》、香港法律及有關案例，警方不得閱讀及使用當日取走的資料。

研究所亦要求警方承諾，取走的資料只供警方調查案件之用，不得把資料轉移予其他執法機構、政府部門或第三方單位。



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## **A Statement from Hong Kong Public Opinion Research Institute (PORI) on a Police Search of PORI's Office and the Taking Away of Data from PORI**

**17 July 2020**

PORI provides the following statement on behalf of its pro bono legal team illustrating, to the public, an incident where the Hong Kong Police took away data from PORI, and how we will follow up with the Police on same.

The Police attended PORI's office on 10 July 2020 at around 6 pm, exercising a search warrant against all of the electronic devices found therein. PORI informed its pro bono legal team immediately and the raid was attended by pro bono Solicitors Firm and Counsel. The Police took away data from some of the computers located at the PORI's office. Cap screens of some of these computers have also been taken.

PORI has not been told by the Police any particulars of the investigation. We have also, not been provided with a copy of the search warrant executed on the date. It is said that the Police investigation concerns the purported leak of 30,000 police officers' personal information collected by the HKU Public Opinion Programme in earlier years. If the Police are indeed investigating this matter, PORI, as a victim of the case, is entitled to be informed of the particulars and progress of such investigation.

PORI has no full knowledge of the scope of the data being collected by the Police on 10 July 2020. PORI's Solicitors have therefore, written to the Police to seek provision of a copy of the data collected for record and examination. We will only fully realize the scope of the data being taken away upon receiving a copy of same from the Police.

The PopVote System's IT Team informed the legal team that the Police is capable of collecting the contents of any files remained open on PORI's computers at the time of the raid. At the material time, PORI's team has opened, on one of their computers, a file containing a contact list of all of the responsible station officers for the Primary Election, and that list may have already been collected by the Police.

In any event, PORI has written to the Police and asserted legal professional privilege and privilege over journalist materials of the data being collected. Before the issue of privilege and confidentiality being resolved, the Police is, pursuant to The Basic Law, The Laws of Hong Kong and the relevant case law, not permitted to read or utilize the data collected therein.

PORI has also requested an undertaking from the Police, that the data was taken away for the sole purpose for Police's investigation, and that the data shall not be transferred to any authorities, government departments or third parties.