錢包地址及鏈上數據作為個人資料

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監管機構的立場

個人資料保護委員會（PDPC）於2022年7月發布了一份關於區塊鏈設計中資料保護考慮因素的指南。指南採取三個核心立場。寫入區塊鏈的數據，如可與其他資訊結合而識別個人，即屬個人資料。將個人資料寫入區塊鏈的機構，作為資料控制者仍須為其負責。經假名化處理的數據，例如錢包地址或經雜湊處理的識別碼，如機構或他人能將其與某一個人聯繫起來，仍可能屬於個人資料。[1]指南建議將個人資料保存在鏈下，鏈上只記錄雜湊值或參照，並在參與者可受合約約束的情況下使用許可制網絡。機構在部署前，應評估其使用公開區塊鏈的方式是否符合保留限制及更正責任。

對交易所及協議的影響

知悉某錢包地址背後客戶身份的交易所，在該地址中持有個人資料。因此，客戶從該地址進行的每一筆公開鏈上交易，在交易所手中都屬於個人資料。交易所披露地址與身份之間的聯繫，即屬披露個人資料，須取得同意或依賴

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某項例外。例外涵蓋法律規定的披露（包括根據*CLM v CLN*案中那類法院命令作出的披露，以及向執法機關作出的披露），以及調查或法律程序所需的披露。[2]收到披露令的交易所應遵從命令，不應以該法為拖延的理由。交易所如被申索人的律師非正式要求提供戶口持有人資料，則應拒絕，因為沒有任何例外涵蓋向私人當事方作出的自願披露。

協議面對的問題不同。開發者如將某項身份屬性寫入公開鏈，例如以靈魂綁定代幣記錄某地址已通過驗證，便已建立一項無法更正或刪除的永久公開紀錄。委員會的指引將此視為設計缺陷，除非該屬性無法與個人聯繫起來。實際上，唯一安全的設計是將身份保存在鏈下，鏈上只記錄已完成驗證的密碼學證明，此外別無其他。

註釋

1. Personal Data Protection Commission，*Guide on Personal Data Protection Considerations for Blockchain Design*（2022年7月）。 ↩
2. Personal Data Protection Act 2012，附表一（同意的例外），包括法律規定或授權的披露，以及調查或法律程序所需的披露。 ↩

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