

## **College of Professional and Continuing Education**

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專業及持續教育學院

### **GUIDELINES ON HANDLING APPLICANT/STUDENT DATA WITH REFERENCE TO THE PERSONAL DATA (PRIVACY) ORDINANCE**

#### **Provisions of the Ordinance**

1. The Personal Data (Privacy) Ordinance, enacted by the Government in August 1995, came into force in late 1996.
2. The Ordinance provides for the lawful and fair collection of personal data and requires a data user (any person that controls the collection, holding, processing or use of personal data) to inform a data subject (the one whose personal data are being held by the data user) the ultimate use of the information collected.
3. The Ordinance provides that unless the data subject gives consent, otherwise personal data should be used for the purposes for which they were collected or a directly related purpose.
4. Under the Ordinance, an individual has the right to confirm with data users whether their personal data are held, to obtain a copy of such data, and to have them corrected. Individuals may complain to the Privacy Commissioner for Personal Data about suspected breaches of the Ordinance and claim compensation for damage through civil proceedings.
5. There is a Code of Practice on the Hong Kong Identity Card Number and other personal identifiers which gives guidance to data users on the collection, accuracy, retention, use and security of the Identity Card Number and copies as well as other identifiers that uniquely identify individuals such as passport numbers, student number and examination candidate number.

#### **Student Data held by CPCE and/or its Units**

6. There are 4 units under the College of Professional and Continuing Education (CPCE), namely The Hong Kong Community College (HKCC), Hong Kong CyberU (HKCyberU), School of Professional Education and Executive Development (SPEED) and College of Chinese Mainland Programmes (CCMP).
7. According to the Personal Data (Privacy) Ordinance, "data" means any representation of information (including an expression of opinion) in any document which includes a personal identifier.

8. In the context of the applicant records and student records kept in CPCE and/or its Units, "data" include the following:
  - i) Applicant data - including personal information such as name, Hong Kong identity card number, date of birth, address, telephone and public examination results, etc. as well as application data such as admissions scores, application progress record and academic reference, etc.
  - ii) Student data - including personal information (same as the Applicant data) as well as academic and registration information such as programmes studied, subject registration details, examination results, etc.
9. The student records are created from the data of the applicants which the applicants have explicitly given consent via the authorization in the application forms. At present, most of the applicants' data are collected directly from the applicants when they complete the application forms at the time of application. Some data may be obtained directly from the relevant authorities or institutions in which case authorization from the applicants will be obtained.
10. Applicant data are normally kept for one year except in case of particular items as set out in **Appendix A** and will then be destroyed. Student data are however kept permanently. Apart from the student data kept by the Units in the central database, some other supporting units, such as Library, University Health Service, etc., also hold student data for the purpose of providing supporting services to students.
11. The following documents which contain student information with personal identifier are also kept by relevant units/offices where appropriate:-
  - i) Documents concerning examination results - cumulative result sheets, student profiles, marked examination scripts, documents relating to students' first appeal;
  - ii) Committee documents - papers and minutes of Academic Board, Academic Regulations Committee, Academic Appeals Sub-committee, Student Discipline Sub-committee, Subject Assessment and Review Panels (SARP), Board of Examiners (BoE);
  - iii) Application forms on various study related matters.

(Documents related to applicant and student data kept by CPCE and/or its units together with their retention periods, are summarised in **Appendix A**.)

**Guidelines for Data Collection and Use (reference Data Protection Principles 1 and 3 – DPP1 and DPP3)**

12. **The Ordinance requires a data user to inform the data subject the ultimate use of the information collected and stipulates that unless the data subject gives consent, personal data should be used for the purpose for which they were collected or a directly related purpose.**

13. CPCE and/or its units should only collect data which are relevant and not in excess of the purpose for which they have been collected. All units should bear the provision of the Ordinance and this guideline in mind when collecting data from students.
14. Applicants should be informed of the purposes for which their data will be used. This can be done by incorporating the following, where appropriate, in the relevant application/admissions documents (e.g. Guide for Applicants, Application Forms or Notice of Offer):-

“I authorise HKCC/SPEED/HKCyberU/CCMP to use my data including the HKID number, public examination results and other qualifications, for the following purposes:-

- i) as a basis for all types of processing relevant to admission to HKCC/SPEED/HKCyberU/CCMP programmes/courses and for all other associated purposes, including identifying multiple applications/registration, and checking records of my studies as a student in institutions in Hong Kong and elsewhere;
  - ii) for HKCC/SPEED/HKCyberU/CCMP to extract from its records and for relevant institutions to provide the HKCC/SPEED/HKCyberU/CCMP with information about my studies;
  - iii) for HKCC/SPEED/HKCyberU/CCMP to send me information on the HKCC/SPEED/HKCyberU/CCMP including programmes/courses it offers from time to time;
  - iv) for transferring to the student record system upon successful outcome of my application. The data together with my photo image collected at the time of registration will be used in activities in support of my study at the HKCC/SPEED/HKCyberU/CCMP including those conducted by the students' organizations. These will later on form the graduate record which may be used in support of alumni activities;
  - v) for statistical and research purposes (all personal identifiers such as name, HKID number, address and telephone number will be deleted).”
15. The data should not be disclosed to any organizations except those covered by the purposes declared in paragraph 14. Disclosure includes making printed copies, allowing access to data on VDU screens, sending discs or tapes or passing data during conversations.
16. Unless it is required by Law, organisations such as the Hong Kong Immigration Department, the Student Financial Assistance Agency, educational institutions, prospective employers or employers which require applicant/student data from the HKCC/SPEED/HKCyberU/CCMP including the provision of references on a student's general performance, character, potential, etc must have obtained the written consent from the applicants/students concerned before

HKCC/SPEED/HKCyberU/CCMP will release any data. Even when it is required by Law to provide the data or the student/applicant has given consent, care needs to be exercised in providing only the data necessary and pertaining to the students concerned only and not whatever requested by the organisation. However, requests on verifying whether a named person is our graduate will be entertained but only confirmation on the award (without classification) and the year attained will be made on the principle that the graduate list could be viewed as public document. (Details on the data currently provided to outside organisations by the CPCE and its units are shown in **Appendix B.**)

**Guidelines For Retention of Applicant/Student Data (reference Data Protection Principle 2 – DPP2)**

17. **The Ordinance provides that personal data should be kept no longer than necessary.**
18. As a general guideline, all applicant/student documents or data should be deleted when they are no longer required. All documents concerning applicants, students and graduates which contain their personal identifiers should not be kept unnecessarily. Care must be taken so as not to overlook E-mail records kept.
19. Individual units/offices should keep a list of the student data kept and review their retention policies on an annual basis to ensure that data are kept no longer than necessary. A written record on details of their retention policies should also be kept so that whenever there are queries, ready information could be provided immediately.
20. In particular, the following aspects will be handled as specified below:-

- i) Minutes of Subject Assessment and Review Panels (SARP), Board of Examiners (BoE)

These minutes should only be kept for 7 years.

- ii) Papers and minutes of CPCE Academic Board, Academic Regulations Committee, Academic Appeals Sub-committee, Student Discipline Sub-committee

It may be prudent for the Committees to consider keeping the papers for 7 years before disposal. A separate summary record should be kept permanently on all cases considered and the decisions made without mentioning of names for reference of the committee in decision making.

- iii) Assessment results

Only the overall result of the examination scripts is regarded as personal data. For administrative purpose, it is necessary for marked examination scripts, together with the marks of all assessment components which contribute to a subject assessment, to be kept until two months after the deadline for submission

of second appeals. After this period, these should be disposed of via confidential recycling.

iv) Various application forms

These should be kept until the application concerned has been processed or a reasonable duration as deemed necessary by units.

(Documents related to applicant and student data kept by the CPCE and/or its units together with their retention periods, are summarised in **Appendix A.**)

**Guidelines for Ensuring Security of Applicant/Student Data** (reference Data Protection Principle 4 – DPP4)

21. **The Ordinance requires that appropriate security measures be applied to personal data.**
22. To ensure data security, all departments/units need to be alerted of the requirement of the Ordinance and should be reminded of the following:-
  - i) All paper student records, diskettes, magnetic tapes and other media must be kept in lockable storage when not in use. Printed documents should not be left in public areas and unwanted materials should be properly destroyed.
  - ii) Data should be stored securely and kept away from people not entitled to see them. Staff who are involved in the processing of data must be given clear instructions on the security and protection of data and of the necessity to avoid unauthorized disclosure. Unwanted files should be properly destroyed.
  - iii) Terminals should not be placed in areas where unauthorised persons might be able to read the screens. Passwords must be kept confidential and be changed at regular intervals to avoid unauthorised users tampering with the computer database.
  - iv) Any temporary staff including student assistants employed should as far as possible not be allowed to have access to the computerised applicant data and student records. If this is unavoidable, they should be supervised by a permanent staff during the operation. All temporary staff having access to applicant/student data should be asked to sign an undertaking not to disclose applicant/student information without authorisation or misuse such information. It may also be a good practice for regular staff to sign a similar undertaking.

**Guidelines for Access to and Correction of Data (reference Data Protection Principle 6 – DPP6)**

23. **The Ordinance provides that the data subject has the right to obtain a copy of such data, and to have them corrected. A data user is required to comply with a data access request within 40 days after receiving the request.**
24. All requests for access to data by an applicant, a student or a graduate should be made in writing to the relevant unit with details on the data requested. The Unit will normally reply within 40 days from the first request date unless it is impossible to verify the identity of the person concerned. In the latter case, written advice should be given to the person explaining the reason for the non-compliance and a record should be entered into the log book for non-compliance; the initial fee charged should be refunded as required by the Ordinance. (A sample copy of the application form to be used is attached in **Appendix C**. Although processing of a data access request should not be affected by the payment of the initial charge, this charge, with the additional further charge, must be settled before the data would be handed over to the data subject.
25. The information given must be that contained in the personal data at the time the request is received. Normal routine amendments and deletions may continue but no tampering to the data should be made in order to make it acceptable to the data subject.
26. For errors which are the result of wrong data entry, these will be corrected free of charge and a confirmation notification will be sent to the applicant, student or graduate.
27. Requests to have access to personal data will be entertained subject to a fee (currently HK \$150 per request) plus further charges (currently \$5 per copy). Requests for changes which are resulted from errors made by the data subject may also be subjected to the above charges.
28. Requests to amend their names (except in the case of errors of initial entry into student record) or other personal particulars (except telephone and address) from graduates will not be entertained. The requests will only be noted and filed.
29. In particular, the following aspects will be handled as specified below:-
  - i) Admissions scores and position on admissions waiting lists

At present, the admissions scores and the component scores as well as the position of an applicant on the admissions waiting list are not released to applicants. Upon applicants' request for access, these information should be provided.
  - ii) Assessment results

All examination-related documents containing subject component results are

currently kept confidential to students. If student requests to have access to these, relevant information if kept by units should be provided.

iii) Minutes of Board of Examiners and relevant Committees

- a) If students request under the Ordinance to have a copy of the Board of Examiners (BoE) / Subject Assessment Review Panels (SARP) minutes, extracts on only the part with particular mentioning of the student's name are to be provided if the relevant record has not been destroyed.
- b) Decision papers concerning special cases of assessment presented to the Board of Examiners(BoE), CPCE Academic Board and CPCE Academic Regulations Committee for approval and the relevant minutes of meetings, if not yet destroyed at the time of the data subject making the request for access, should be extracted to students upon request under the Ordinance.

iv) Academic Appeals Sub-committee and Student Discipline Sub-committee

Upon students' request under the Ordinance, an extract of the part of the papers and minutes concerning them should be provided if the relevant record has not been destroyed.

**Useful Reference Documents**

30. A set of the following documents prepared by the Office of the Privacy Commissioner for Personal Data, Hong Kong is available for perusal in the Dean's office.

- i) Personal Data (Privacy) Ordinance
- ii) Personal Information: Your Privacy Rights Explained issued by the Office of the Privacy Commissioner for Personal Data
- iii) Personal Data (Privacy) Ordinance - a guide for data users Numbers 1, 2 and 3 issued by the Office of the Privacy Commissioner for Personal Data
- iv) Preparing On-line - Personal Information Collection Statements and Privacy Policy Statements issued by the Office of the Privacy Commissioner for Personal Data
- v) Personal Data Privacy and the Internet - A Guide for Data Users issued by the Office of the Privacy Commissioner for Personal Data
- vi) Internet Surfing with Privacy in Mind - A Guide for Individual Net Users issued by the Office of the Privacy Commissioner for Personal Data
- vii) Personal Data (Privacy) Ordinance - Code of Practice on the Identity Card Number and Other Personal Identifiers issued by the Office of the Privacy

Commissioner for Personal Data

- viii) Exercising your Data Access Rights issued by the Office of the Privacy Commissioner for Personal Data
  - ix) E Privacy: A Policy Approach to Building Trust and Confidence in E-Business
  - x) Personal Data Privacy: Guidance on Cross-Marketing Activities
  - xi) Privacy Guidelines: Monitoring and Personal Data Privacy at Work
  - xii) Recommended Procedures for IT Practitioners on Personal Data Handling
31. It may also be useful to visit the website of the Office of the Privacy Commissioner for Personal Data at <http://www.pcpd.org.hk>. You may find the following items on this website useful:-
- i) Self-Assessment Form for Evaluating Compliance with the Personal Data (Privacy) Ordinance (access via Publication and Videos → Others)
  - ii) Case Studies (access via Case Notes).



**Documents Related to Applicant/Student Data  
Kept by CPCE and/or its Units and their Retention Periods**

**1. Applicant/student data kept**

i) **Applicant Data**

- a) Personal particulars:- name, Hong Kong identity card number, date of birth, sex, nationality, address, email, disability information, fax and telephone numbers, academic records, public examinations results, entry qualification or any other qualifications including detailed results of studies at CPCE unit(s) and, where appropriate, information on secondary school attended and work experience.
- b) Application information:- choices of programmes, admissions scores, application progress record, various identifying indicators transcribed from information contained in the application form.

ii) **Student Data**

- a) Personal particulars:- name, Hong Kong identity card number, computer codes for the Chinese name, date of birth, sex, nationality, address, fax and telephone numbers, E-mail, disability information, public examinations results and unweighted total Advanced Level score, entry qualification or any other qualifications including detailed of results during studies at Units, screening results, nonacademic achievements indicators and, where appropriate, information on secondary school attended.
- b) Academic and registration information:- programme(s) studied, assessment results, academic records, registration and subject registration details, debit note information and, where relevant, awards received.
- c) Other information e.g. academic appeal/disciplinary records, various applications kept by CPCE and/or its Units.

iii) **Documents concerning examination results**

- a) kept by the Dean's Office:-
  - Papers and Minutes of CPCE Academic Board, Academic Regulations Committee, Academic Appeals Sub-committee, Student Discipline Sub-committee
  - External Examiners' reports with specific mentioning of students' names

b) kept by units:-

- Cumulative result sheets
- Students' profiles
- Minutes of Subject Assessment and Review Panels (SARP) and Board of Examiners (BoE)
- Minutes/records of first appeal cases
- Applications for deferment and others relating to their studies
- Applications for transcript, testimonial, withdrawal, etc.
- Hong Kong identity card copies which may have been collected for processing of various applications

## 2. Retention periods for the various data/documents

- i) It is important that the principle of keeping only necessary data/information for no longer than necessary should always be complied with. All parties concerned should therefore regularly review their records and destroy those unnecessary ones properly. The following sets out the retention period for specific documents:-

Document	Retention Period
a) Application forms and related admissions forms, originals of additional documents and letters from applicants' referees in support of their applications	All application forms and additional documents will be disposed of in end-December for semester one applications and end-March for semester two applications.
b) Computer records of applicants and admittees	<p>For unsuccessful applicants, the data related to their personal identifiers will be disposed of in end-December for semester one applications and end-March for semester two applications. Data without personal identifier will be kept for statistical/analytical purpose.</p> <p>For admittees, the application data set out in 1(ii)(a) on page 8 will be transferred and kept as the permanent computerized student records.</p>
c) Various computer-printed application documents/computer files and CDs including applicant data checklist, applicants' academic and non-academic results, priority list, offer confirmation reports, offer letters etc.	All of these documents and files, if available, will be disposed of in end-December for semester one applications and end-March for semester two applications.

d) Internally generated application/selection documents/listings	All of these documents and files, if available, will be disposed of in end-December for semester one applications and end-March for semester two applications.
e) Complaint cases on application/admissions and accountability checklists (the latter currently for semester one applications only)	All of these documents will be disposed of around 6 months after the start of admissions semester concerned, in end-March for semester one applications and end-August for semester two applications.
f) Computerised student records	These will be kept permanently.
g) Copies of Hong Kong identity card	All copies will be destroyed (or returned to the authorized person if appropriate) after processing of the relevant applications and upon verification of the Hong Kong identity card.
h) Documents concerning assessment <ul style="list-style-type: none"> <li>• Assessments results</li> <li>• Documents for SARP</li> <li>• Documents for BoE</li> <li>• Documents relating to students' first appeal</li> <li>• External Examiners' reports with specific mentioning of student's name</li> </ul> Minutes of CPCE Academic Board	) ) ) These should be kept until two months ) after the deadline for submission of ) second appeals. ) ) ) ) These should be kept for 7 years.
i) Minutes of Academic Regulations Committee, Academic Appeals Sub-committee and Student Discipline Sub-committee on special cases	These should be kept for 7 years. A separate summary record should be kept permanently on all cases considered and the decisions made without mentioning of names for reference of the committee in decision making.

- ii) Units should review whether it is necessary to keep other documents not mentioned (including E-mails) above on which students' names are mentioned as these records will be open for access by the students/graduates upon request. If it is necessary, the data subjects should be advised of this when they are being asked to provide the information in future.

- iii) Offices/units which keep other forms of student data (e.g. medical records for the office of UHS) should make reference to the above guideline and any specific guidelines available for their profession concerned to determine the data to be retained and the retention periods.

**Provision of Applicant/Student Data to Other Organisations**

1. PolyU and other institutions - checking of multiple registrations with PolyU and other institutions; providing examination results to other institutions for admissions purpose upon request.
2. Student Financial Assistance Agency - confirming the graduation status for the purpose of grants and loans processing.
3. Immigration Department - certification upon requests on the offer of places to non-local students applying for student visa; providing lists of full-time graduates with information on their HKID No. and address for the purpose of Jury services.
4. HKCC students' union/clubs/societies - providing information on students including student name, student number and programme details upon request for conducting election.
5. PolyU/HKCC/SPEED/HKCyberU alumni associations - providing information on graduates including student number, student name, date of birth, HKID number, sex, correspondence addresses, telephone numbers, fax numbers, email address, programme and level of award, to these alumni associations.
6. Other organisations - providing verification of qualification and year of award upon requests of prospective employers, government, overseas country Consulates, professional bodies and schools, etc.

## **College of Professional and Continuing Education**

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### **Application for Personal Data Access under the Personal Data (Privacy) Ordinance**

Before filling in the attached form to request for personal data access, please read the following paragraphs.

1. Under and in accordance with the terms of the Ordinance, an individual may request HKCC/SPEED/HKCyberU/CCMP to confirm whether HKCC/SPEED/HKCyberU/CCMP holds any personal data of which the individual is the Data Subject and, if so, request a copy of such data.
2. If you want access to your own data held by the HKCC/SPEED/HKCyberU/CCMP under the provisions of the Ordinance, you must complete the attached Access Request Form and submit it to the HKCC/SPEED/HKCyberU/CCMP. Any requests on behalf of the Data Subject should be submitted with a written authorisation and a copy each of the Data Subject's Student ID Card (for current students) as well as HKID card.
3. A charge reflecting the cost of processing this request will be levied. The current charge includes an initial fee of HK\$150 which is non-refundable irrespective of the outcome of your request and must be settled at the time of submitting the request plus a further charge of HK\$5 per page of data provided which must be settled at the time of collecting the data.
4. On submission of the Access Request Form, you will be required to pay the initial search fee by attaching a cheque made payable to "The Hong Kong Polytechnic University".
5. You may be asked to provide additional information to help us to meet your request. HKCC/SPEED/HKCyberU/CCMP may not be able to process your application if you do not provide sufficient information.
6. You will be notified in writing of the outcome within 40 days of submitting your access request. If your request is being complied with, you will be informed to settle the necessary further fee. If your request is refused, HKCC/SPEED/HKCyberU/CCMP will inform you of the reason(s) in writing.
7. This form and our reply (except in the case of a decline of your request) will be destroyed after we have responded to your data access request.

# PERSONAL DATA (PRIVACY) ORDINANCE

## DATA ACCESS REQUEST FORM

### Important Notice

1. Please read this Form and the footnotes carefully before completing this Form.
2. This Form is specified by the Privacy Commissioner for Personal Data ("the Commissioner") under section 67(1) of the Personal Data (Privacy) Ordinance ("the Ordinance") with effect from 1 April 2008. According to section 20(3)(e) of the Ordinance, a data access request may be refused if it is not made in this Form.
3. Please complete this Form in the Chinese or English language. A data user may refuse to comply with a data access request under section 20(3)(a) of the Ordinance if the request is not in writing in the Chinese or English language. **The completed Form should be sent directly to the data user to whom this data access request is made, and not to the Commissioner.**
4. Section 18(1) of the Ordinance confers a right on the data subject to access his personal data held by a data user.
5. The requestor shall specify in sufficient details and clarity the personal data requested in order to facilitate location of the requested data by the data user. Failure to supply such information which the data user may reasonably require to locate the requested data may result in the data user refusing to comply with the data access request under section 20(3)(b) of the Ordinance.
6. A data user shall comply with the data access request in accordance with section 19(1) of the Ordinance **within 40 days** after receiving the request. The duty of the data user to comply with a data access request extends only to supplying a copy of the personal data of the data subject, and not to supply a copy of the document in which the data is contained.
7. If the data user is unable to comply or has valid ground to refuse to comply with the request pursuant to section 20 of the Ordinance, it shall in accordance with section 19(2) or 21(1) of the Ordinance give the requestor written notification of such matter and the reasons **within the same 40 days** period.
8. Failure of the data user to comply with the data access request in accordance with the requirements of the Ordinance may constitute an **offence** and an offender is liable on conviction to a fine at level 3 under section 64(10) of the Ordinance.
9. Where this Form contains a summary of the relevant requirements of the Ordinance, the summary is provided for reference purpose only. For the complete and definitive statement of the law, please refer to the Ordinance itself.

## Part I: Data User

### Particulars of the data user to whom this data access request is made

Name<sup>1</sup> (full name in block letters): HKCC / HKCyberU / SPEED / CCMP

(for the attention of <sup>2</sup> \_\_\_\_\_ )

Address : \_\_\_\_\_  
\_\_\_\_\_

## Part II: Data Subject

### Particulars of the data subject making this data access request

Name in English (full name in block letters, surname first): \_\_\_\_\_

Name in Chinese: \_\_\_\_\_

Hong Kong Identity Card Number <sup>3</sup>: \_\_\_\_\_

Personal identifier (e.g. student number, staff number, medical card number, account number, or other reference number) previously assigned by the Data User for identification purpose (if any): \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Day time contact phone number: \_\_\_\_\_

## Part III: The Requestor

### Name, correspondence details and capacity of the Requestor

*[This part should only be completed if the Data Subject is not the Requestor]*

Name in English (full name in block letters, surname first): \_\_\_\_\_

Name in Chinese: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Day time contact phone number: \_\_\_\_\_

This data access request is made in my capacity as a relevant person<sup>4</sup> on behalf of the Data Subject, in proof of which I enclose the following<sup>5</sup>:- \_\_\_\_\_

<sup>1</sup> Please delete as appropriate.

<sup>2</sup> If you have previously been informed by the Data User of the name or title of the person to whom such a data access request may be made, please fill in here the name and/or title of such person.

<sup>3</sup> For data subjects who are Hong Kong Identity Card holders. The identity card number needs not be provided in this Form if you have reasonable grounds to believe that this will not be necessary for the unique identification of the data subject by the data user in the circumstances.

<sup>4</sup> Under section 2(1) of the Ordinance, a "relevant person", in relation to an individual, means:

- (a) where the individual is a minor, a person who has parental responsibility over the minor;
- (b) where the individual is incapable of managing his own affairs, a person appointed by the court to manage those affairs; or
- (c) in any other case, a person authorized in writing by the individual to make the data access request.

<sup>5</sup> Please fill in here details of any documentary proof of "relevant person" status, e.g. copy birth certificate, copy court order, written authorization, etc., which you will provide with the Data Access Request Form. Please see also paragraph (b) of Part VIII of the Form.



## Part IV: The Requested Data

This data access request is made under section 18(1) of the Ordinance for the following personal data of the Data Subject, except those specifically excluded under Part V of this Form:-

Description of the Requested Data<sup>6</sup>: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date around which or period within which the Requested Data were collected (if known):

\_\_\_\_\_

The name of the branch or staff member of the Data User that collected the Requested Data (if known):

\_\_\_\_\_

## Part V: Exclusions

For the avoidance of doubt, the Requested Data access to which is sought **do not include** any personal data<sup>7</sup>:

- ☐ contained in documents previously provided to the Data User by the Data Subject (e.g. letters to the Data User from the Data Subject)
- ☐ contained in documents already provided to the Data Subject by the Data User (e.g. letters to the Data Subject from the Data User or documents provided pursuant to a previous request)
- ☐ in the public domain (e.g. newspaper clippings or entries in public registers concerning the Data Subject)
- ☐ (other excluded personal data): \_\_\_\_\_

(Please tick and complete where appropriate)

## Part VI: The Request

I hereby request you:-

- ☐ (a) pursuant to section 18(1)(a) of the Ordinance, to inform me whether you hold the Requested Data<sup>8</sup>
- ☐ (b) pursuant to section 18(1)(b) of the Ordinance, if you hold any of the Requested Data, to supply me with a copy of such Data that you hold<sup>9</sup>
- ☐ both (a) and (b)

(Please tick where appropriate)

<sup>6</sup> Please specify clearly and in details the personal data requested (e.g. personal data contained in appraisal reports, medical records, credit reports) including further information, if any, such as the particular incident in association with it, the circumstances under which the personal data were collected and held, etc. to facilitate location of the Requested Data. Too general a description of the Requested Data, such as "all of my personal data", may render the request being refused by the data user pursuant to section 20(3)(b) of the Ordinance in that the data user is not supplied with such information as it may reasonably require to locate the personal data in which the request relates.

<sup>7</sup> Please tick to exclude, as far as possible, any personal data that you do not wish to include within the scope of the Requested Data. This may help to avoid any unnecessary delay or charge in complying with the data access request.

<sup>8</sup> By ticking this box, the Requestor has indicated that he or she is requesting only for a confirmation of "Yes" or "No" as to whether the Data User holds the Requested Data and is not requesting for a copy of the Requested Data.

<sup>9</sup> By ticking this box, the Requestor has indicated that he or she is requesting only for a copy of the Requested Data. Where the Data User does not hold the Requested Data, the Data User is not obliged to notify the Requestor. It is therefore advisable to tick the box "both (a) and (b)" if the Requestor wishes to receive notification from the Data User.

## Part VII: Preferred Manner of Compliance

In your complying with this data access request, I would prefer that you<sup>10</sup>:

- ☐ give me an indication, before processing my data access request, of any fee that may be charged for compliance with my request<sup>11</sup>
- ☐ notify me when a copy of the Requested Data is ready for collection
- ☐ send by registered mail a copy of the Requested Data to me at my address given in this Form
- ☐ send by ordinary mail a copy of the Requested Data to me at my address given in this Form
- ☐ supply to me a copy of the Requested Data in the \_\_\_\_\_ language
- ☐ supply to me a copy of the Requested Data in the form of \_\_\_\_\_ (e.g. computer disk, microfilm, etc.)

(Please tick and complete where appropriate)

## Part VIII: Further Information and Payment

I understand that before complying with my request, you may require me to provide<sup>12</sup>:

- (a) proof of my identity;
- (b) where I am making this request as a relevant person, proof of the identity of the Data Subject and further proof (if any) of my status as a relevant person;
- (c) such further information as may be reasonably required for you to locate the Requested Data;
- (d) payment of a fee charged under section 28 of the Ordinance.

## Part IX: Use of Personal Data

Except with the prescribed consent of the individual concerned, the personal data provided in this Form will be used for the purpose of processing this data access request and for directly related purposes only.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Data Subject/ Requestor\*

(\* Delete where appropriate)

Form OPS003 (revised 1/2008)

<sup>10</sup> Please tick and fill in according to preference. However, compliance with the data access request may not be in the preferred manner where this is not reasonably practicable.

<sup>11</sup> Sections 28(2) and (3) of the Ordinance provide that a fee may be charged for compliance with a data access request under section 18(1)(a) or (b), which fee shall not be excessive. According to section 28(5) of the Ordinance, compliance with a data access request may be refused unless and until any such fee has been paid.

<sup>12</sup> Failure to provide the additional information as required may result in the data access request being refused, or not being complied with to the desired extent.

# 個人資料(私隱)條例

## 查閱資料要求表格

### 重要通告

1. 請在填寫本表格前，細閱本表格內容及註釋。
2. 本表格是個人資料私隱專員（下稱「私隱專員」）根據《個人資料(私隱)條例》（下稱「條例」）第67(1)條所指明的，其生效日期為2008年4月1日。根據條例第20(3)(e)條的規定，如不採用本表格提出查閱資料要求，有關要求可能會被拒絕。
3. 請以中文或英文填寫本表格。如查閱資料要求不是以中文或英文書面作出，資料使用者可根據條例第20(3)(a)條拒絕依從該要求。**填妥的表格應直接送交資料使用者作出查閱資料要求**，而不是送交私隱專員。
4. 條例第18(1)條賦予資料當事人向資料使用者查閱其所持有關於他的個人資料的權利。
5. 作出查閱資料要求者必須詳細及清楚地指明他所要求的個人資料，以便資料使用者找出他所要求的資料。如未能向資料使用者提供為找出所查閱的資料而合理地要求的資訊，資料使用者可根據條例第20(3)(b)條拒絕依從該項查閱資料要求。
6. 資料使用者必須根據條例第19(1)條的規定，在收到查閱資料要求後的**40日內**，依從該項要求。資料使用者依從查閱資料要求的責任，只限於提供資料當事人的個人資料的複本，而不是提供載列有關資料的文件的複本。
7. 如資料使用者不能依從要求，或依據條例第20條有認可的理由拒絕依從要求，該資料使用者仍須根據條例第19(2)或21(1)條的規定，在**上述40日期間內**，以書面通知要求者有關事宜及其理由。
8. 如資料使用者沒有根據條例的規定依從查閱資料要求，可能觸犯條例第64(10)條所訂的**罪行**，一經定罪，可處第3級罰款。
9. 如本表格載有條例的有關規定的摘要，有關摘要只作參考之用。關於詳盡及明確的法律內容，請參閱條例的原文。

## 第I部：資料使用者 向其提出查閱資料要求的資料使用者資料

姓名或名稱<sup>1</sup>（正楷全名）：香港專上學院 / 香港網上學府 / 專業進修學院 / 中國內地課程學院

（由 \_\_\_\_\_ 經辦<sup>2</sup>）

地址： \_\_\_\_\_

## 第II部：資料當事人 提出查閱資料要求的資料當事人資料

中文姓名： \_\_\_\_\_

英文姓名（正楷全名，先填姓氏）： \_\_\_\_\_

香港身分證號碼<sup>3</sup>： \_\_\_\_\_

以前由資料使用者編配作識別用途的個人身分代號（例如學生編號、職員編號、醫療卡編號、帳戶號碼或其他參考編號）（如有）： \_\_\_\_\_

通訊地址： \_\_\_\_\_

日間聯絡電話號碼： \_\_\_\_\_

## 第III部：要求者 要求者的姓名、聯絡資料及身分

【如資料當事人並非作出此查閱資料要求者，請填寫此部】

中文姓名： \_\_\_\_\_

英文姓名（正楷全名，先填姓氏）： \_\_\_\_\_

通訊地址： \_\_\_\_\_

日間聯絡電話號碼： \_\_\_\_\_

此項查閱資料要求是本人以有關人士<sup>4</sup>的身分，代表資料當事人作出的，現夾附下述證明文件<sup>5</sup>：

<sup>1</sup> 請將不適用者刪去。

<sup>2</sup> 如資料使用者曾告知你負責處理查閱資料要求的人的姓名或職銜，請填上該人的姓名及/或職銜。

<sup>3</sup> 只適用於持有香港身分證的資料當事人。如你有合理理由相信資料使用者在有關情況下不需要身分證號碼，亦可獨一無二地識辨資料當事人的身分，則毋須在本表格內填寫身分證號碼。

<sup>4</sup> 根據條例第2(1)條，「有關人士」就個人而言—

(a) 如該名個人是未成年人，指對該未成年人負有作為父母親的責任的人；

(b) 如該名個人無能力處理其本身事務，指由法庭委任以處理該等事務的人；或

(c) 如屬其他情況，指獲該名個人以書面授權代他提出查閱資料要求的人。

<sup>5</sup> 請在此填上你隨查閱資料要求表格提供的「有關人士」身分的證明文件，例如出生證明書複本、法庭命令複本、授權書等。請同時參閱本表格第VIII部(b)段。

## 第IV部：所要求的資料

此項查閱資料要求是根據條例第18(1)條作出的，要求查閱資料當事人的下述個人資料，但本表格第V部指明的無關資料除外：

所要求的資料的描述<sup>6</sup>： \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

所要求的資料的大概收集日期或期間（如知悉）： \_\_\_\_\_

收集所要求的資料的資料使用者的分行名稱或職員姓名（如知悉）： \_\_\_\_\_

\_\_\_\_\_

## 第V部：無關資料

為免生疑問，所要求查閱的資料**不包括**下述個人資料<sup>7</sup>：

- ☐ 載於資料當事人以前向資料使用者提供的文件內的個人資料（例如，資料當事人向資料使用者發出的信件）
- ☐ 載於資料使用者已向資料當事人提供的文件內的個人資料（例如，資料使用者向資料當事人發出的信件或應過往的要求所提供的文件）
- ☐ 屬於大眾可閱覽的資料（例如，新聞剪報上或公共登記冊內關於資料當事人的資料）
- ☐ （其他不被包括的個人資料）： \_\_\_\_\_

（請於適當方格內加上「✓」號，並於適當地方填上資料）

## 第VI部：查閱要求

本人謹此要求閣下：

- ☐ (a) 依據條例第18(1)(a)條的規定，告知本人閣下是否持有該等所要求的資料<sup>8</sup>
- ☐ (b) 依據條例第18(1)(b)條的規定，如閣下持有任何該等所要求的資料，向本人提供一份閣下所持有的該等資料的複本<sup>9</sup>
- ☐ (a)及(b)

（請於適當方格內加上「✓」號）

<sup>6</sup> 請清楚及詳細地註明所要求的個人資料(例如，工作表現評核報告、醫療記錄、信貸報告內的個人資料)，包括進一步資料(如有)，例如與之有關的某一事件、收集及持有個人資料的情況等，以便找出所要求的資料。如所要求的資料的描述太籠統，例如，「本人的所有個人資料」，資料使用者可依據條例第20(3)(b)條拒絕該要求，因為資料使用者不獲提供他為找出該項要求所關乎的個人資料而合理地要求的資訊。

<sup>7</sup> 請在空格內加上「✓」號，盡量從所要求的資料中剔除無關的個人資料。此舉有助於在依從查閱資料要求時避免任何不必要的延誤或費用。

<sup>8</sup> 要求者選擇此格，表示他/她要求資料使用者確定「是否」持有所要求的資料，而不是要求索取所要求的資料的複本。

<sup>9</sup> 要求者選擇此格，表示他/她只是要求索取所要求的資料的複本。如資料使用者沒有持有所要求的資料，資料使用者則毋須通知要求者。因此，如要求者希望收到資料使用者的通知，應選擇「(a)及(b)」一格。

## 第VII部：依從查閱資料要求的方式

依從此項查閱資料要求時，本人希望閣下<sup>10</sup>：

- ☐ 在處理本人的要求前，先通知本人為依從此要求任何擬收取的費用<sup>11</sup>
- ☐ 通知本人領取所要求的資料的複本
- ☐ 將所要求的資料的複本，用掛號寄往本人在本表格內填報的地址
- ☐ 將所要求的資料的複本，用平郵寄往本人在本表格內填報的地址
- ☐ 用\_\_\_\_\_ (請指明語文)向本人提供一份所要求的資料的複本
- ☐ 用\_\_\_\_\_ 形式(例如電腦磁碟、縮微膠卷等)向本人提供一份所要求的資料的複本

(請於適當方格內加上「✓」號，並於適當地方填上資料)

## 第VIII部：進一步資料及付款

本人明白閣下在依從本人的查閱資料要求前，可能要求本人提供<sup>12</sup>：

- (a) 本人的身分證明；
- (b) 如本人以有關人士的身分提出查閱資料要求，資料當事人的身分證明及本人作為有關人士的進一步證明（如有）；
- (c) 閣下為找出所要求的資料合理地需要的進一步資料；
- (d) 繳付根據條例第28條收取的費用。

## 第IX部：個人資料的使用

除獲有關個人的訂明同意外，本表格上的個人資料只可用於處理此項查閱資料要求及直接與其有關的目的。

日期

資料當事人 / 要求者簽署\*

(\*刪去不適用者)

表格：OPS 003 (1/2008修訂)

<sup>10</sup>請按選擇在空格內加上「✓」號。不過，如按選擇的方式依從查閱資料要求不能合理地切實可行，則可能無法按該方式依從有關查閱資料要求。

<sup>11</sup>條例第28(2)及(3)條規定，資料使用者可為依從根據條例第18(1)(a)或(b)條提出的查閱資料要求而徵收不超乎適度的費用。根據條例第28(5)條，資料使用者可拒絕依從有關查閱資料要求，除非及直至收到有關費用為止。

<sup>12</sup>如未能提供額外所需資料，則可能引致查閱資料要求被拒，或未能依從有關查閱資料要求至所期望的程度。