

PERSONAL DATA (PRIVACY) ORDINANCE DATA ACCESS REQUEST FORM¹

This Form is prescribed by the Privacy Commissioner for Personal Data. It should be submitted to the party holding personal data.

(Read this Form and the accompanying Notes carefully before completing the Form.)

To : _____² (for the attention of _____³)

1. The Data Subject

This is a data access request under section 18(1) of the Personal Data (Privacy) Ordinance ("the Ordinance") concerning the personal data of the following individual (hereinafter referred to as "the data subject"):

Name in English: (surname) _____ (other name) _____

Name in Chinese (if any): (surname) _____ (other name) _____

Hong Kong Identity Card Number⁴: _____

Personal identifier (e.g. student no., staff no., medical no.) previously assigned by your organization⁵ (if any): _____

2. The Requested Data

Save as excluded under paragraph 3, this data access request covers the personal data of the data subject as defined below (hereinafter referred to as "the Requested Data"):

Type or other description of the Requested Data (e.g. medical records, personnel records, records relating to a particular incident, etc.): _____

Date around which or period within which the Requested Data were collected (if known)⁶: _____

Branch or staff member by whom the Requested Data were collected (if known): _____

3. Exclusions

For the avoidance of doubt, the Requested Data access to which is sought **do not include** any personal data⁷:

contained in documents previously provided to your organization by the data subject (e.g. letters to your organization from the data subject)

contained in documents already provided to the data subject by your organization (e.g. letters to the data subject from your organization 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) : _____

4. The Request

I hereby request your organization:

pursuant to section 18(1)(a) of the Ordinance, to inform me whether your organization holds the Requested Data

pursuant to section 18(1)(b) of the Ordinance, if your organization holds any of the Requested Data, to supply me with a copy of such Data that your organization holds

5. Preferred Manner of Compliance

In your complying with this data access request, I would prefer that your organization⁸:

gives me an indication, before processing my data access request, of any fee that may be charged for compliance with my request⁹

notifies me when a copy of the Requested Data is ready for collection

sends by registered mail a copy of the Requested Data to me at my address given in this Form

sends by ordinary mail a copy of the Requested Data to me at my address given in this Form

supplies to me a copy of the Requested Data in the _____ language

supplies to me a copy of the Requested Data in the form of _____ (e.g. computer disk, microfilm, etc.)

6. Capacity

This data access request is made in my capacity as (*tick one*):

the data subject

a relevant person¹⁰ of the data subject, in proof of which I enclose the following¹¹: _____

7. Further Information

- I understand that before complying with my request, your organization may require me to provide¹²:
- (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 (whether on a form issued by your organization or otherwise) as may be reasonable for your organization to locate the Requested Data.

8. Time for Compliance or Refusal

- Please note that under section 19(1) of the Ordinance, your organization should comply with my data access request within **40 days**
- after your receiving this request.** If your organization is unable to comply or has valid ground to refuse to comply with the request, in
- accordance with section 19(2) or 21(1) of the Ordinance, your organization is required to give me written notification of such matter and
- the reasons therefor within the same **40 day period. Failure to do so may constitute an offence under section 64(10) of the Ordinance.**
-

9. Use of Personal Data

- Except with the express consent of the individual concerned, the personal data provided in this Form may be used for the purpose of
- processing of the data access request and for directly related purposes only.
- Name of requestor:(surname) _____ (other name) _____
- Correspondence address: _____
- _____ Day-time telephone number: _____
- Date: _____ Signature: _____

NOTES

- This Data Access Request Form is specified by the Privacy Commissioner for Personal Data under section 67 of the Personal Data (Privacy)
- Ordinance with effect from 1 December 1999. According to section 20(3)(e) of the Ordinance, a data access request may be refused if
- it is not made in this Form after the said date. Copies of this Form and an explanatory pamphlet are available at the Office of the Privacy
- Commissioner for Personal Data (PCO) and any District Office. The PCO is situated at Unit 2401, 24/F, Office Tower, Convention Plaza,
- 1 Harbour Road, Wanchai, Hong Kong. The PCO enquiry hotline is 2827 2827.
- Fill in here the name of organization or individual to whom the data access request is addressed.
- If you have previously been informed by the organization to whom the data access request is addressed of the name or title of the person
- in the organization to whom such a request may be made, fill in here the name or title of such person.
- For data subjects who are Hong Kong Identity Card holders only. The identity card number need 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 in the circumstances.
- In this form, the term "your organization" means the party to whom the data access request is addressed, whether such party is in fact an
- organization or an individual.
- For example, if the Requested Data relate to a particular incident, say, a medical consultation, fill in here the date of that consultation as
- best remembered. If the Requested Data relate to a particular period, for example, a period of employment, fill in here the relevant service
- period.
- Tick to exclude, as far as possible, any personal data 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 (see Note 8 below).
- 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.
- According to section 28 of the Ordinance, a fee may be charged for compliance with a data access request under section 18(1)(a) or (b),
- which fee must not be excessive. Compliance with a data access request may be refused unless and until any such fee has been paid.
- 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.
- 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. See also paragraph 7(b) of the Form.
- 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.
-
- Where the Form or these Notes contain a summary of the relevant requirements of the Ordinance, the summary is provided for reference
- only. For the complete and definitive statement of the relevant provisions of the Ordinance, please refer to the Ordinance itself.