

個人資料(私隱)條例

查閱資料要求表格

致查閱資料要求者的重要通告

1. 請在填寫本表格前，細閱本表格的內容及註釋。如本表格載有《個人資料(私隱)條例》(下稱「條例」)的有關規定的摘要，該摘要只作參考之用。關於法例的詳細及明確內容，請參閱條例的條文。
2. 本表格是個人資料私隱專員(下稱「專員」)根據條例第67(1)條所指明的，其生效日期為2010年9月1日。如你不採用本表格來提出查閱資料要求(下稱「你的要求」)，資料使用者可拒絕依從你的要求(見條例第20(3)(e)條)。
3. 請以中文或英文填寫本表格。如你的要求不是以中文或英文作出，資料使用者可拒絕依從你的要求(見條例第20(3)(a)條)。
4. 查閱資料要求必須由你作為資料當事人或由條例第2條所指的「有關人士」(請參閱本表格第III部)提出。
5. 你沒權查閱不屬於你的個人資料或不屬個人資料的資料(見條例第18(1)條)。資料使用者只須向你提供你的個人資料的複本，而不是載有你的個人資料的文件的複本。在大多數情況下，資料使用者或選擇提供有關文件的複本。如你所要求的個人資料是以錄音形式記錄，資料使用者可提供該段載有你的個人資料的錄音謄本。
6. 你必須在本表格內清楚及詳細地指明你所要求的個人資料。如你未能向資料使用者提供他為找出你所要求查閱的個人資料而合理地要求的資訊，資料使用者可拒絕依從你的要求(見條例第20(3)(b)條)。
7. 請勿把本表格送交專員。填妥的表格應直接送交資料使用者，以作出你的要求。
8. 資料使用者可要求你提供身分證明，例如香港身分證，及向你收取依從查閱資料要求的費用(見條例第20(1)(a)及28(2)條)。
9. 資料使用者在條例第20條指定的情況下可拒絕依從你的要求。

致資料使用者的重要通告

1. 你必須根據條例第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。依從查閱資料要求是指提供所要求的資料的複本。僅是向查閱資料要求者發出收取所要求的資料的通知或向要求者發出繳費通知是不足夠的。在依從要求時，你應刪除或不披露除資料當事人外，其他人士的姓名或可識別該些人士的身分的資料。
2. 如你不能於40日內依從該項查閱資料要求或依據條例第20條有合法理由拒絕依從該項要求，你必須於**上述 40日期間內**，以書面通知該查閱資料要求者你拒絕依從該項查閱資料要求及述明理由(見條例第19(2)及21(1)條)。如你並無持有所要求的資料，亦應在上述40日期間內通知該查閱資料要求者。
3. 不根據條例規定依從查閱資料要求即屬犯罪。資料使用者一經定罪，可處第3級罰款(現時為10,000港元)(見條例第64(10)條)。
4. 你可就依從查閱資料要求收取費用，但條例第28(3)條訂明：「為依從查閱資料要求而徵收的費用不得超乎適度」。
5. 在以下情況，你須拒絕依從查閱資料要求 -
 - (a) 你不獲提供你合理地要求 -
 - (i) 以令你信納提出要求者的身分的資訊；
 - (ii) (如提出要求者看來是就另一名個人而屬有關人士)以令你 -
 - (A) 信納該另一名個人的身分；及
 - (B) 信納提出要求者確是就該另一名個人而屬有關人士，的資訊；
 - (b) (在符合第(2)款的規定下)你不能在不披露一名個人屬其資料當事人的個人資料的情況下依從該項要求；但如你信納該另一名個人已同意向該提出要求者披露該等資料，則屬例外；或
 - (c) (在其他情況下)在當其時，依從該項要求根據本條例是被禁止的。(見條例第20(1)條)

6. 資料使用者須或可拒絕依從查閱資料要求的其他情況：

在符合條例第20(2)條的規定下，該資料使用者不能在不披露另一名個人屬其資料當事人的個人資料的情況下依從該項要求。

(見條例第20(1)(b)條)

第20(1)(b)條的施行不得－

- (a) 令該款提述另一名個人屬其資料當事人的個人資料之處，包括提述識辨該名個人為有關的查閱資料要求所關乎的個人資料的來源的資訊(但如該名個人在該等資訊被點名或該等資訊以其他方式明確識辨該名個人的身分則除外)；
- (b) 令資料使用者無須在不披露該另一名個人的身分(不論是藉著略去姓名或其他能識辨身分的詳情或以其他方式)的情況下，在有關的查閱資料要求是可予依從的範圍內依從該項要求。

(見條例第20(2)條)

7. 在以下情況，資料使用者可拒絕依從查閱資料要求－

- (a) 該項要求既不是採用中文而以書面作出，亦不是採用英文而以書面作出；
- (b) 該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；
- (c) 該項要求關乎某些個人資料，並是在由－
 - (i) 就該等資料屬資料當事人的個人；
 - (ii) 一名或一名以上代表該名個人的有關人士；或
 - (iii) 該名個人及該等有關人士的任何組合，所提出的2項或2項以上的類似要求之後提出，而在所有有關情況下，要該資料使用者依從該項要求是不合理的；
- (d) (在符合第(4)款的規定下)有另一資料使用者控制該等資料的使用，而控制的方式禁止本款所述的第一位資料使用者依從(不論是完全依從或部分依從)該項要求；
- (e) 提出該項要求須採用的格式已根據第67條指明，而該項要求並非採用該種格式；或
- (f) (在其他情況下)在當其時根據本條例拒絕依從該項要求，不論是憑藉第VIII部下的豁免或其他規定而拒絕。

(見條例第20(3)條)

如－

- (a) 查閱資料要求與第18(1)(a)條有關，第20(3)(d)條的施行不得令有關的資料使用者在任何範圍內無須依從該項要求；
- (b) 查閱資料要求與第18(1)(b)條有關，第20(3)(d)條的施行，不得令有關的資料使用者無須在能不違反有關禁制而依從該項要求的範圍內依從該項要求。

(見條例第20(4)條)

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¹ (正楷全名)：

(由 _____ 經辦?)

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)： _____

個人身分代號，例如香港身分證號碼³/護照號碼或以往由資料使用者編配的其他身分識別號碼(如有，例如學生編號、職員編號、病人編號、帳戶號碼、會員號碼或其他參考編號)：

通訊地址： _____

日間聯絡電話號碼： _____

電郵地址(如有)： _____

[如此項查閱資料要求並非由資料當事人提出，必須填寫本部]

第III部：查閱資料要求者 查閱資料要求者的資料及身分⁴

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： _____

電郵地址(如有)： _____

此項查閱資料要求是本人按下述情況以「有關人士」的身分，代表資料當事人作出的：

- 資料當事人是未成年人，本人對資料當事人有作為父母親的責任；
- 資料當事人無能力處理其本身事務，本人由法庭委任以處理該等事務；
- 本人獲資料當事人書面授權代表他/她提出此項查閱資料要求。

(請於適當方格內加上「✓」號)

1 請填上向其提出查閱資料要求的資料使用者的姓名或名稱。

2 如資料使用者曾告訴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。

3 只適用於持有香港身分證的資料當事人。請注意，有關資訊有助資料使用者提取或尋找所要求的資料。如果你有合理理由相信資料使用者在有關情況下並不需要身分證號碼來識辨資料當事人的身分，則無須在本表格內填寫身分證號碼。

4 資料使用者在依從此項查閱資料要求前，可向你要求合理而又足夠的個人資料，以證明你的身分。

現夾附下述證明文件：

(請於適當方格內加上「✓」號)

- 出生證明書複本
- 法庭命令複本
- 授權書
- 其他(請註明)： _____

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，以要求查閱資料當事人的下述個人資料，但不包括本表格第V部指明無關的資料：

所要求的資料的描述⁵：

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

本人不需要下述個人資料⁶：

- 載於資料當事人以前曾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及/或查閱資料要求者發出的信件)
- 載於資料使用者以前曾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及/或查閱資料要求者發出的信件或資料使用者應過往的要求向資料當事人及/或查閱資料要求者所提供的文件)
- 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)
- 以下所述(請盡量詳細描述)：

(請於適當方格內加上「✓」號，並於適當地方填上資料)

5 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或交易、收集或持有該些個人資料的情況等，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。

6 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。此舉有助在依從查閱資料要求時避免任何不必要的延誤或費用。

第VI部：查閱要求

本人謹此要求閣下：

- (a) 告知本人閣下是否持有該等所要求的資料⁷
- (b) 除上述第V部無關的資料外，向本人提供一份閣下所持有的該等資料的複本⁸
- (a)及(b)

(請於適當方格內加上「✓」號)

第VII部：依從查閱資料要求的方式

本人希望閣下⁹：

- 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通訊地址
- 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通訊地址
- 用*英文/中文/資料被持有時的語文¹⁰ (*請刪去不適用者) 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)¹¹ 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此項查閱資料要求前，可能要求本人提供¹²：

- (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；
- (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¹³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其他與之直接有關的目的。

日期

查閱資料要求者簽署

表格：OPS003 (9/2010修訂)

- 7 查閱資料要求者選擇此格，表示要求資料使用者確定「是否」持有所要求的資料，而不是要求資料使用者提供所要求的資料的複本。
- 8 要求者選擇此格，表示只是要求索取所要求的資料的複本。如查閱資料要求者不肯定資料使用者是否持有所要求的資料，則建議查閱資料要求者選擇「(a)及(b)」一格，那麼資料使用者即使沒有持有所要求的資料，亦須通知查閱資料要求者。
- 9 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。
- 10 如所指定的語文並不是資料被持有時的語文，只需提供載有有關資料的文件的真確複本。
- 11 如資料使用者在實際上不能按指定的形式提供資料，資料使用者只需以實際上能提供的形式提供資料，並附上通知書告知查閱資料要求者有關情況。
- 12 如未能提供資料使用者在本部分要求的資料，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。
- 13 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。

PERSONAL DATA (PRIVACY) ORDINANCE DATA ACCESS REQUEST FORM

Important Notice to Requestor

1. Please read this Form and the footnotes carefully before completing this Form. Where this Form contains a summary of the relevant requirements of the Personal Data (Privacy) Ordinance ("the Ordinance"), the summary is provided for reference purpose only. For a complete and definitive statement of the law, please refer to the Ordinance itself.
2. This Form is specified by the Privacy Commissioner for Personal Data ("the Commissioner") under section 67(1) of the Ordinance with effect from 1 September 2010. The data user may refuse to comply with your data access request ("your request") if it is not made in this Form (see section 20(3)(e) of the Ordinance).
3. Please complete this Form in Chinese or English. The data user may refuse to comply with your request if your request is not made in either language (see section 20(3)(a) of the Ordinance).
4. To make a data access request, you must either be the data subject or a "relevant person" as defined in section 2 of the Ordinance (please refer to Part III of this Form).
5. You are not entitled to access data which are not personal data or personal data not belonging to you (see section 18(1) of the Ordinance). The data user is only required to provide you with a copy of your personal data rather than a copy of the document containing your personal data. In most situations the data user may elect to provide a copy of the document concerned. If the personal data you request is recorded in an audio form, the data user may provide a transcript of that part of the audio record which contains your personal data.
6. It is important that you specify in the Form clearly and in detail the personal data that you request. The data user may refuse to comply with your request if you have not supplied him with such information as he may reasonably require to locate the requested data (see section 20(3)(b) of the Ordinance).
7. Do not send this Form to the Commissioner. The completed Form should be sent directly to the data user to whom you made your request.
8. The data user may require you to provide identity proof such as your Hong Kong Identity Card and may charge a fee for complying with your request (see sections 20(1)(a) and 28(2) of the Ordinance).
9. The data user may refuse to comply with your request in the circumstances specified in section 20 of the Ordinance.

Important Notice to Data User

1. You are required by section 19(1) of the Ordinance to comply with a data access request **within 40 days** after receiving the same. To comply with a data access request means to supply a copy of the requested data. A mere notification given to the requestor to collect the requested data or a note sent to the requestor for payment of a fee is insufficient. In complying with the request, you should omit or otherwise not disclose the names or other identifying particulars of individuals other than the data subject.
2. If you are unable to comply with the data access request within 40 days or have a lawful reason for refusing to comply with the request pursuant to section 20 of the Ordinance, you must give the requestor written notification of your refusal and your supporting reasons **within the same 40 days** period (see sections 19(2) and 21(1) of the Ordinance). If you do not hold the requested data, you should inform the requestor accordingly within the same 40 days period.
3. It is an offence not to comply with a data access request in accordance with the requirements of the Ordinance. Any data user convicted of such an offence is liable to a fine at level 3 (currently set at HK\$10,000) (see section 64(10) of the Ordinance).
4. You may charge a fee for complying with a data access request, but section 28(3) of the Ordinance provides that "no fee imposed for complying with a data access request shall be excessive".
5. You shall refuse to comply with a data access request –
 - (a) if you are not supplied with such information as you may reasonably require –
 - (i) in order to satisfy you as to the identity of the requestor;
 - (ii) where the requestor purports to be a relevant person, in order to satisfy the data user –
 - (A) as to the identity of the individual in relation to whom the requestor purports to be such a person; and
 - (B) that the requestor is such a person in relation to that individual;
 - (b) subject to subsection (2) of the Ordinance, if you cannot comply with the request without disclosing personal data of which any other individual is the data subject unless you are satisfied that the other individual has consented to the disclosure of the data to the requestor; or
 - (c) in any other case, if compliance with the request is for the time being prohibited under the Ordinance.(see section 20(1) of the Ordinance)

6. Other circumstances in which a data user shall or may refuse to comply with a data access request :

Subject to section 20(2) of the Ordinance, if the data user cannot comply with the request without disclosing personal data of which any other individual is the data subject.
(see section 20(1)(b) of the Ordinance)

Section 20(1)(b) shall not operate -

- (a) so that the reference in that subsection to personal data of which any other individual is the data subject includes a reference to information identifying that individual as the source of the personal data to which the data access request concerned relates unless that information names or otherwise explicitly identifies that individual;
- (b) so as to excuse a data user from complying with the data access request concerned to the extent that the request may be complied with without disclosing the identity of the other individual, whether by the omission of names, or other identifying particulars, or otherwise.

(see section 20(2) of the Ordinance)

7. A data user may refuse to comply with a data access request if –

- (a) the request is not in writing in the Chinese or English language;
- (b) the data user is not supplied with such information as the data user may reasonably require to locate the personal data to which the request relates;
- (c) the request follows 2 or more similar requests made by-
 - (i) the individual who is the data subject in respect of the personal data to which the request relates;
 - (ii) one or more relevant persons on behalf of that individual; or
 - (iii) any combination of that individual and those relevant persons,and it is unreasonable in all the circumstances for the data user to comply with the request;
- (d) subject to subsection (4), any other data user controls the use of the data in such a way as to prohibit the first-mentioned data user from complying (whether in whole or in part) with the request;
- (e) the form in which the request shall be made has been specified under section 67 and the request is not made in that form; or
- (f) in any other case, compliance with the request may for the time being be refused under this Ordinance, whether by virtue of an exemption under Part VIII or otherwise.

(see section 20(3) of the Ordinance)

Section 20(3)(d) shall not operate so as to excuse a data user from complying with the data access request concerned –

- (a) in so far as the request relates to section 18(1)(a), to any extent;
- (b) in so far as the request relates to section 18(1)(b), to any extent that the data user can comply with the request without contravening the prohibition concerned.

(see section 20(4) of the Ordinance)

Part I: Data User

Particulars of the Data User to whom this data access request is made

Name¹ (full name in block letters): _____

(for the attention of² _____)

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 (if any): _____

Personal identifier, e.g. Hong Kong Identity Card number³/ passport number or other identification number previously assigned by the Data User (if any, such as student number, staff number, patient number, account number, membership number or other reference number): _____

Correspondence address: _____

Day time contact phone number: _____

Email address (if any): _____

[This part must be completed if this request is made by a Requestor other than the Data Subject]

Part III: The Requestor

Particulars and capacity of the Requestor⁴

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

Name in Chinese (if any): _____

Correspondence address: _____

Day time contact phone number: _____

Email address (if any): _____

This data access request is made in my capacity as a "relevant person" on behalf of the Data Subject as follows:

- the Data Subject is a minor and I have parental responsibility over the Data Subject;
- the Data Subject is incapable of managing his/her own affairs and I have been appointed by a court to manage those affairs or
- I am authorized in writing by the Data Subject to make this data access request on his/her behalf.

(Please give a tick in the appropriate box)

1 Please fill in the full name of the Data User to whom the data access request is addressed.

2 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.

3 For Data Subject who is Hong Kong Identity Card holder. Please note that the information may assist the Data User to retrieve or locate the Requested Data. 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.

4 The Data User may require reasonably sufficient personal information from you to satisfy itself as to your identity before it can comply with this data access request.

In proof of my above capacity, I hereby enclose the following:-

(Please give a tick in the appropriate box)

- copy of birth certificate
- copy of court order
- written authorization
- others, please specify : _____

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 Data⁵:

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 who collected the Requested Data (if known):

Part V: Exclusions

I do not require any personal data⁶ which are:

- contained in documents which had previously been provided to the Data User by the Data Subject (e.g. letters to the Data User and/or the Requestor from the Data Subject)
- contained in documents which had previously been provided to the Data Subject by the Data User (e.g. letters to the Data Subject and/or the Requestor from the Data User or documents the Data User had provided to the Data Subject and/or the Requestor pursuant to a previous request)
- in the public domain (e.g. newspaper clippings or entries in public registers concerning the Data Subject)
- set out below (please describe as fully as possible):

(Please tick and complete where appropriate)

5. Please specify clearly and in detail 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 or transaction in association with it, the circumstances under which the personal data were collected or held, etc. to facilitate the 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 where the Data User is not supplied with such information as it may reasonably require to locate the personal data to which the request relates.
6. Please tick to exclude, as far as possible, any personal data that you do not wish to include in the scope of the Requested Data. This may help to avoid any unnecessary delay or charge in complying with the data access request.

Part VI: The Request

I hereby request you:-

- (a) to inform me whether you hold the Requested Data⁷
- (b) to supply to me a copy of the Requested Data that you hold⁸, subject to the exclusions in Part V above
- both (a) and (b)

(Please give a tick in the appropriate box)

Part VII: Preferred Manner of Compliance

I would prefer that you⁹:

- send by registered mail a copy of the Requested Data to me at my correspondence address given in this Form
- send by ordinary mail a copy of the Requested Data to me at my correspondence address given in this Form
- supply to me a copy of the Requested Data in the *English/Chinese/in the language in which the data are held¹⁰ (*Please delete where appropriate).
- supply to me a copy of the Requested Data in the form of _____ (e.g. computer disk, microfilm, etc.)¹¹

(Please tick and complete where appropriate)

Part VIII: Further Information and Payment

I understand that before complying with this request, you may require me to provide¹²:

- (a) proof of my identity;
- (b) proof of the Data Subject's identity if I am making this request as a relevant person and further proof 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 Ordinance¹³.

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 other directly related purposes only.

Date

Signature of the Requestor

7. By ticking this box, the Requestor indicates that he is requesting only for a confirmation of "Yes" or "No" as to whether the Data User holds the Requested Data and is not requesting the Data User to provide a copy of the Requested Data.
8. By ticking this box, the Requestor indicates that he is requesting only for a copy of the Requested Data. If the Requestor is uncertain whether or not the Data User holds the Requested Data, it is advisable to tick both boxes (a) and (b) so that the Data User will need to notify the Requestor even if he does not hold the Requested Data.
9. However, compliance with the data access request may not be in the preferred manner where this is not reasonably practicable.
10. If the language specified is not the language in which the data are held, it will be sufficient to provide a true copy of the document which contains the data.
11. If the Data User is unable to supply the form as specified because it is not practicable for the Data User to do so, it will be sufficient to supply the form in which it is practicable for the Data User to supply and accompanied by a written notice to inform the Requestor of the same.
12. Failure to provide the information as required by the Data User under this Part may result in the data access request being refused, or not being complied with to the desired extent.
13. Sections 28(2) and (3) of the Ordinance provide that a fee may be charged for complying with a data access request made 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.