

Equal Opportunities Commission Office Data Access Request Form

Important Notice to Data Access Requestor

1. Please complete this Form in Chinese or in English. Please read this Form and the footnotes carefully before completing this Form. The EOC may consider request(s) made in other languages as far as practicable. This Form is adapted from the specified form by the Privacy Commissioner for Personal Data under section 67(1) of the Personal Data (Privacy) Ordinance (“the PDPO”) effective on 1 October 2012. For a complete and definitive statement of the law, please refer to the PDPO itself. The EOC may not be able to process your data access request (“your request”) if it is not made in this Form (see section 20(3)(e) of the PDPO).
2. To make a data access request, you must either be the data subject who is the subject of the data or a “relevant person” as defined in section 2 of the PDPO.
3. References are made in the Form to the specific sections of the PDPO. For a complete and definitive statement of the law please refer to the PDPO itself.
4. You are not entitled to access data which is not personal data or personal data not belonging to you. The EOC 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 EOC may elect to provide a copy of the document concerned with redaction, if the document concerned contains other persons’ personal data (please refer to section 20 of the PDPO). If the personal data you request is recorded in a non-written form, the EOC may provide the data in a form in which it is practicable to supply a copy.
5. It is important that you specify in the Form clearly and in detail the personal data that you request. You may be asked to provide additional information to help us process your request. The EOC may not be able to process your request if you have not supplied it with such information as the EOC may reasonably require to locate the requested data (please refer to section 20(3)(b) of the PDPO). If you supply any false or misleading information in this Form for the purpose of having the EOC comply with your request, you may commit an offence (please refer to section 18(5) of the PDPO).
6. The EOC Office will charge for each data access request a processing fee made under the Personal Data (Privacy) Ordinance as follows:

- Processing fee:
- (i) HK\$2.5 per page for paper record or;
 - (ii) HK\$55 for the simple production of a CD/CD-ROM/DVD/audio/video record; or
 - (iii) A variable fee based on the lowest quotation for the production of a CD/CD-

ROM/DVD/audio/video record which requires complicated editing work.

Note:

- A. For paper records, the processing work incurred by the EOC includes but is not limited to locating, vetting, sorting and redacting information and photocopying of documents.
 - B. The processing fee of HK\$55 is charged for the simple production of a digital format such as CD/CD-ROM/DVD/audio/video record from an original source which is of the same or similar digital format, without the need to remove identifiable audio records/images/contents of third parties through editing. Where more complicated editing work like redacting audio records/ images/contents of third parties is required, the processing fee will be based on the lowest quotation obtained by the EOC for work to be performed by an external service provider.
 - C. If the data access request requires processing of paper records and conversion of these records into files/records to be stored in a digital format such as CD-ROM, the processing fee will include both the fee for processing paper records [i.e. (i) above] and the processing fee of production of a digital format [i.e. either (ii) or (iii)] above].
7. The EOC may refuse to comply with your request in the circumstances specified in section 20 of the Ordinance.
 8. The completed Form should be sent directly to ***Equal Opportunities Commission, 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong*** and addressing to responsible persons as follows:
 - (a) Director (Complaint Services) or the Chief Legal Counsel for personal data held in records of enquiries and complaints in respect of anti-discrimination legislation in their respective areas of work; and
 - (b) Director (Corporate Planning and Services) for personal data held in all other records.

PART I: Personal Particulars [Please complete either Part (A) or (B) as appropriate.]

(A) Data Subject's Particulars			
Name in English (Full name in block letters, surname first) (*Mr/Mrs/Miss/Other)		Name in Chinese (if any)	
Personal identifiers (e.g. HK identity card number ¹ / passport number or other identification number previously assigned by the EOC, if any, such as complaint number or other reference number):			
Day time contact no.		E-mail address (if any)	
Correspondence address			
(B) Relevant Person's Particulars²			
<i>[To be completed if this request is made by a Relevant Person other than the Data Subject]</i>			
Name in English (Full name in block letters, surname first) (*Mr/Mrs/Miss/Other)		Name in Chinese (if any)	
HK Identity card no.		Day time contact no.	
E-mail address (if any)			
Correspondence address			
<p>This data access request is made in my capacity as a “relevant person” on behalf of the Data Subject as follows: (Please give a tick in the appropriate box)</p> <p><input type="checkbox"/> the Data Subject is a minor and I have parental responsibility over the Data Subject;</p> <p><input type="checkbox"/> the Data Subject is incapable of managing his/her own affairs and I have been appointed by a court to manage those affairs; or</p> <p><input type="checkbox"/> the Data Subject is mentally incapacitated within the meaning of section 2 of the Mental Health Ordinance (Cap. 136), and:-</p> <p style="margin-left: 20px;">(i) I have been appointed under section 44A, 59O or 59Q of that Ordinance to be his/her guardian; or</p> <p style="margin-left: 20px;">(ii) I have been vested the guardianship of the Data Subject or I have to perform the functions of the appointed guardian under section 44B(2A) or (2B) or 59T(1) or (2) of that Ordinance; or</p> <p><input type="checkbox"/> I am authorised in writing by the Data Subject to make this data access request on his/her behalf.</p>			
* Delete where appropriate			

¹ For data subjects who are Hong Kong Identity Card holders, please note that the information may assist the EOC to retrieve or locate the data requested. 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 EOC in the circumstances.

² The EOC may require reasonably sufficient personal information from you regarding your identity before the EOC 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 authorisation
- others please specify: _____

PART II. Details of the Requested Data

[Please provide details of data requested that can assist the EOC Office to locate the data requested. Attach additional sheets if necessary.]

Description of the data requested required ³:

Date / period around which the data requested was collected (if known):

Name of the division or staff in the EOC that collected the data requested (if known):

PART III. Exclusions to the Data Requested

[Please tick and fill in the details where appropriate to exclude any personal data that you do not wish to include within the scope of the data requested. This may help avoid unnecessary delay or charge in processing the data access request.]

I do not require any personal data which is:

- contained in documents which had previously been provided to the EOC by the Data Subject (e.g. letters from the Data Subject to the EOC and/or the Requestor).
- contained in documents which had previously been provided to the Data Subject by the EOC (e.g. letters from the EOC to the Data Subject and/or the Requestor or documents the EOC 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): _____

³ Please specify clearly and in detail the personal data requested (e.g. personal data contained in reports) including further information, if any, such as the particular incident in association with it, the circumstances under which the personal data was collected and 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 not being processed by the EOC (see section 20(3)(b) of the PDPO) where the EOC is not supplied with such information as it may reasonably require to locate the personal data to which the request relates.

PART IV. The Request *[Please put a tick in the appropriate box.]*

I hereby request the EOC

- (a) to inform me whether EOC holds the Requested Data in PART II above⁴;
- (b) to provide me with a copy of the Requested Data that the EOC holds⁵, subject to exclusions in PART III above.
- both (a) and (b)

PART V. Preferred Manner of Compliance

I would prefer the EOC to ⁶:

(Please give a tick in the appropriate box and complete where appropriate)

- send by registered mail a copy of the Requested Data to me at my correspondence address given in this Form ⁷
- 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 *English / Chinese / the language in which the data are held ⁸
(*Delete where appropriate)
- supply to me a copy of the Requested Data in the form of _____ (e.g. computer disk, microfilm, etc.)⁹

PART VI. Further Information and Payment

I understand that before complying with this request, the EOC may require me to provide ¹⁰:

- (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 the EOC to locate the data requested;
- (d) payment of a fee charged described in Point 6 of the Important Notice of this Form (also see section 28 of the PDPO ¹¹).

⁴ By ticking this box, the Data Subject/Relevant Person indicates that he is requesting only for a confirmation of “Yes” or “No” as to whether the EOC holds the Requested Data and is not requesting the EOC to provide a copy of the Requested Data. If only this option is selected, there will be no applicable processing fee.

⁵ By ticking this box, the Data Subject/Relevant Person indicates that he is requesting only for a copy of the Requested Data. If the EOC does not hold the Requested Data, the EOC will need to notify the Data Subject/Relevant Person in writing that it does not hold the data.

⁶ However, compliance with the data access request may not be in the preferred manner where it is not reasonably practicable to do so.

⁷ A reasonable fee may be incurred if the data requested is supplied to the Data Subject/Relevant Person by registered mail.

⁸ If the language specified is not the language in which the data is held, it will be sufficient for the EOC to provide a true copy of the document which contains the data.

⁹ If the EOC is unable to supply the form as specified because it is not practicable for the EOC to do so, it will be sufficient to supply the data in the form which it is practicable for the EOC to supply and accompanied by a written notice to inform the Data Subject/Relevant Person of the same.

¹⁰ Failure to provide the information as required by the EOC under this Part may result in the data access request being refused, or not being complied with to the desired extent.

¹¹ Sections 28(2) and (3) of the PDPO 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

PART VII. Use of Personal Data
<p>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.</p>
PART VIII. Declaration
<p>I declare that the information given in this request for data access is correct to the best of my knowledge and belief.</p> <p>Signature of the Requestor _____ Date _____</p>

For Official Use Only	Date & Time of receipt	
Documents produced on:		
Prepared by: Date:	Checked and accepted by: Date:	

section 28(5) of the PDPO, compliance with a data access request may be refused unless and until any such fee has been paid.