

監管局發出 保障客戶個人資料執業通告

EAA issues new practice circular on the **protection of personal data**

公眾越來越關注個人資料的保障。為了提醒地產代理從業員在執業時必須保障客戶個人資料及應注意的事項，監管局發出了一份有關保障個人資料新執業通告，並已於2011年10月1日生效。

監管局於2011年9月20日舉行記者會，公布有關新指引的重點，並提醒管理層應建立妥善的措施及制度，以確保公司及員工遵從新通告的指引。新執業通告除了述明在《個人資料(私隱)條例》(《私隱條例》)之下，有關保障個人資料的基本原則之外，也會就着地產代理的日常工作，在收集、使用、處理個人資料及直接促銷等四大範疇，提供實務性的指引。

如地產代理在執業時未能遵守通告所載指引，將有機會受監管局紀律制裁，公司管理層也有可能因前線員工違規而被追究。

《私隱條例》早於1996年12月已開始實施，監管局過去也曾經發出數份與保障個人資料相關的執業

The issue of protecting personal data has aroused public concern in recent years. In order to remind estate agency practitioners the points to note on the protection of clients' personal data when carrying out estate agency work, the EAA issued a new practice circular, which took effect on 1 October 2011.

A press briefing was held on 20 September 2011 to announce the key points of the new guidelines. The EAA also reminded the management of estate agencies to adopt appropriate measures to ensure their frontline staff comply with the guidelines. The practice circular covers the principles relating to the protection of personal data under the Personal Data (Privacy) Ordinance (PDPO). It also provides detailed practical guidelines concerning the collection, use and handling of clients' personal data and conducting direct marketing in the course of estate agency business.

If a practitioner is found to have breached the guidelines stipulated in the practice circular, he may be subject to disciplinary action by the EAA. The management of the related estate agency may also be held accountable for failing to properly supervise their staff.



監管局執業及考試委員會主席梁永祥先生聯同規管及法律總監劉淑葵女士舉行記者會，簡介最新的保障客人個人資料執業通告。

Chairman of the Practice and Examination Committee of the EAA, Mr William Leung, and Director of Regulatory Affairs and General Counsel, Ms Eva Lau, brief the press on the new practice circular on the protection of clients' personal data by estate agents.

通告及有關資訊保安的指引，提醒業界遵循《私隱條例》的要求。為方便業界掌握相關指引，監管局整合了過去發出相關的執業通告及指引，並加入新的內容，發出這一份新的通告。

監管局執業及考試委員會主席梁永祥表示，地產代理從業員在日常的業務過程，經常都會收集和處理客戶的個人資料。所以，從業員認識《私隱條例》，以及保障個人資料的重要性，對保障客戶的個人資料非常重要。

欲了解新通告的詳細內容，請參閱監管局網頁 www.eaa.org.hk

The PDPO has been effective since December 1996. In order to remind the trade to comply with the PDPO, the EAA has issued several practice circulars in relation to the protection of personal data, as well as guidelines on data security. To ensure practitioners have taken on board the relevant guidelines and knowledge, the EAA consolidates and updates those practice circulars and guidelines and issue the new one.

EAA Chairman of the Practice and Examination Committee Mr William Leung Wing-cheung, said that as estate agency practitioners need to collect and handle clients' personal data in the course of their work, in order to protect clients' personal data, it is of the utmost importance that they understand the PDPO and the importance of protecting personal data.

The practice circular can be viewed on the EAA website: www.eaa.org.hk

相關持續專業進修講座

Related Continuing Professional Development seminar

執業通告生效後，監管局舉行相關的持續專業進修講座，向前線地產代理講解通告的內容，並派發「私隱政策聲明」及「收集個人資料聲明」範例供從業員參考。

在2011年10月10日舉行的講座，合共有逾170名地產代理出席參加。監管局邀請了個人資料私隱專員公署的代表聯同監管局人員，向參加者詳細講

After issuing the new practice circular on the protection of personal data, the EAA held Continuing Professional Development seminars on the subject to explain the circular's content to frontline practitioners. Samples of the "Privacy Policy Statement" and the "Personal Information Collection Statement" were also distributed for practitioners' reference.

Some 170 estate agency practitioners attended the seminar held on 10 October 2011, during which



監管局舉行《保障個人資料新指引》講座。
The EAA held a seminar on the new practice circular about the protection of personal data.

解新執業通告及《私隱條例》的相關內容，提醒他們在收集、使用、處理客戶個人資料及進行直接促銷時，必須遵守通告及《私隱條例》的指引。

講座的内容綱要、在講座上派發的「私隱政策聲明」及「收集個人資料聲明」範例，可在監管局網站內以下位置下載：

持續專業進修計劃 > 持續專業進修活動精選影片重溫

「問與答」 Questions and Answers

監管局就「保障個人資料」執業通告準備了十題「問與答」供業界參考，持牌人可到監管局網頁瀏覽「問與答」：

規管 > 執業通告 > 保障個人資料的執業通告 - 問與答

representatives from the Office of the Privacy Commissioner for Personal Data and the EAA explained the details of the circular and the Personal Data (Privacy) Ordinance (PDPO). Practitioners were reminded to comply with the circular and the PDPO in the course of collecting, using, handling clients' personal data and conducting direct marketing.

The gist of the seminar (available in Chinese only) and samples of the "Privacy Policy Statement" and the "Personal Information Collection Statement" (in both English and Chinese) distributed at the seminar have been uploaded to the EAA website for practitioners' reference. The materials can be found on the EAA website at:

CPD Scheme > CPD Seminars Highlights (please switch to the Chinese version of the web page by clicking the language selection button on the top of the page)

EAA has prepared 10 "Questions and Answers" on the practice circular on "Protection of Personal Data" for the trade's reference. Licensees may visit the EAA website (Compliance > Practice Circulars > Practice Circular on Protection of Personal Data - Questions and Answers) for the "Questions and Answers".



從業員被裁定違反私隱條例

Practitioner convicted of privacy contravention

一位買家數年前透過一間地產代理公司完成一項樓宇交易，其後該公司的一名從業員多次向他致電促銷。買家曾要求從業員停止致電促銷，但該名從業員並無理會。買家向私隱專員公署投訴，個案最後被轉介至警方作出檢控。法庭於2011年11月30日裁定該從業員及其公司違反《個人資料(私隱)條例》，分別被判罰款2000元及2500元，成為首宗僱員因違反《個人資料(私隱)條例》被定罪個案。

A purchaser completed a property transaction through an estate agency company several years ago. Subsequently a practitioner of the agency kept giving the purchaser promotional calls. The purchaser requested the practitioner to stop the direct sales calls but the practitioner ignored the request. The purchaser filed a complaint with the Office of the Privacy Commissioner for Personal Data and the case was referred to the Police for prosecution. On 30 November 2011, the Court convicted both the practitioner and the estate agency company for breaching the Personal Data (Privacy) Ordinance, and imposed on them fines of \$2,000 and \$2,500 respectively. This is the first case that an employee has been convicted of breaching the PDPO.

第二期內地與香港地產代理資格互認計劃

The second phase of the scheme of mutual recognition of professional qualifications for estate agents in the Mainland and Hong Kong

監管局行政總裁余呂杏茜女士於2011年10月到訪北京，與中國房地產估價師與房地產經紀人學會(中房學)副會長兼秘書長柴強博士會面，商討第一年互認計劃的跟進工作，以及就第二年的安排進行初步會談。

雙方基本上同意，2012年香港及內地的參加者名額應根據2010年達成的協議制定，並研究課程安排可否更為緊湊，由三天縮短為兩天。培訓課程及考試訂於2012年舉行，有關詳情將於稍後公佈，有興趣參加的持牌人，請留意監管局網站公布。

EAA Chief Executive Officer Mrs Rosanna Ure visited Beijing in October 2011 to meet Dr Chai Qiang, the Deputy President and Secretary of the China Institute of Real Estate Appraisers and Agents (CIREA). In the meeting they discussed follow-up actions to be taken after the first year of the mutual recognition scheme. They also discussed the implementation details for the second year of the scheme.

In principle, the EAA and the CIREA agreed that the participant quota for both sides in 2012 should be set according to the agreement signed in 2010. There was also a tentative discussion on whether future training course could be made more compact, by reducing the duration from three to two days. The details of the 2012 training course and examination would be announced in due course. Licensees who are interested in attending the course could keep this matter in view by visiting the EAA website.



余呂杏茜女士在北京期間，應邀出席了中房學2011年年會的開幕式，並且擔任演講嘉賓。
While in Beijing, Mrs Rosanna Ure attended the opening ceremony of the 2011 Annual Conference of the CIREA as one of the guest speakers.