



Circular

Circular No. 09-10 (CR)

- Estate agents should take information security measures to protect data privacy.
- Estate agents should make reference to the minimum requirement set out in the Information Security and Privacy Protection Policy, which is available at <http://www.eaa.org.hk/publications/ispppgea.pdf>, and formulate their own policy according to the particular risks of exposure under their operating environment and the resources available at their disposal.
- Estate agents should put in place the necessary safeguards to manage the services provided by external contractors, who should observe at least the same requirements set out in the Policy.

Information Security and Privacy Protection

Information security has become a major issue of concern following a spate of incidents involving leakage of personal data. As a general practice, service providers should ensure data security in the provision of service to their clients.

Responding to the Government's call to tighten information security and privacy protection in the estate agency sector, the Estate Agents Authority has commissioned a consultancy study to assess the security risks faced by estate agents, having regard to the characteristics of the environment under which estate agents operate their businesses and making reference to the nature and sensitivity of the data held by them. Based on this assessment, an information security and privacy protection policy (the "Policy") has been formulated for the estate agency trade for their reference. The Policy specifies the minimum requirement on information security and privacy protection and focuses on the following areas:

- controlling and regulating the right to access data;
- information system integrity;
- regulating and monitoring the use of data and information; and
- staff training and awareness.

These areas of security concerns cover such things as the control of access rights of estate agency staff, the use of proper security software, such as anti-virus programs, and the outsourcing of IT services. Practitioners should, in particular, put in place the necessary safeguards to manage the services provided by external contractors, who should observe at least the same requirements set out in the Policy.

To facilitate compliance, the Authority has prepared a set of guidelines (the “Guidelines”) for small agencies, and another set for medium and large agencies. The Policy and the Guidelines can be found on the Authority’s website at <http://www.eaa.org.hk/publications/ispppgea.pdf>. Practitioners should note that the Policy only specifies the minimum requirements and that they should formulate their own policy and implement security measures according to the particular risks of exposure under their operating environment and the resources available at their disposal.

If a practitioner is found to have failed to put in place measures to safeguard information security and such failure results in a leak of his client’s personal data, he may have breached the Personal Data (Privacy) Ordinance (Cap. 486). He may also have breached the Code of Ethics in failing to refrain from activities which may infringe the law and in failing to protect his client’s interests. In addition, pursuant to Section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, the management of an estate agency shall establish proper procedures or systems to supervise and manage its estate agency business. Failure to put in place proper security measures to safeguard information security may be seen as not having established a proper system to manage a business and may therefore amount to a breach of Section 15, giving rise to disciplinary action by the Authority.

This Circular supersedes Circular No. 08-02 (CR).

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Holders of Statements of Particulars of Business
 should bring this Circular to the attention of all staff
 engaged in estate agency work