



The EAA Updates Practice Circular on Protection of Personal Data

(10 July 2013) In view of the implementation of the enhanced regulations on the protection of personal data earlier this year, the Estate Agents Authority (“EAA”) has updated a relevant Practice Circular on the subject, which was endorsed by the EAA’s Practice and Examination Committee at its meeting today. The updated Circular will take effect on 15 July 2013.

The Personal Data (Privacy) (Amendment) Ordinance 2012 (“the Ordinance”) has enhanced the protection of privacy rights in relation to personal data and introduced, among other changes, a new regulatory regime on direct marketing. In this regard, the EAA’s new Practice Circular (No. 13-05 (CR)) sets out matters which estate agents must pay attention to when using personal data for the purpose of direct marketing. Estate agents are reminded that they must take specified actions and obtain the necessary consent from their clients before using their personal data. For example, they must provide certain prescribed information and a response channel for their clients to communicate their consent or indication of “no objection” to the intended use of their personal data in direct marketing. Failing to do so may commit an offence under the Ordinance.

The Circular also reminds estate agents that they should not disclose any personal data of their clients obtained from their estate agency company without the company’s consent. It may also be an offence under the Ordinance if estate agents fail to comply with the above.

Mr William Leung Wing-cheung, Chairman of the Practice and Examination Committee of the EAA, said that estate agents should review



and update their practice on direct marketing. “Estate agents often collect, use and handle clients’ personal data and may use personal data for the purpose of direct marketing; they should ensure compliance with the relevant requirements in the Ordinance.”

EAA Acting Chief Executive Officer Ms Ruby Hon said that to assist the trade in understanding the requirements of the Ordinance and the Circular, the EAA would hold seminars on the subject. Samples of the “Privacy Policy Statement” and “Personal Information Collection Statement” will also be updated and available at the EAA’s website, together with the new Circular, for licensees’ reference on 15 July.

Ms Hon added that if a licensee is found to have breached the guidelines stipulated in the Circular, he may be subject to disciplinary action by the EAA. The management of the related estate agency company may also be held accountable for failing to supervise their staff properly.

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