



## Circular

Circular No. 02-03 (CR)

### Personal Data (Privacy) Ordinance (3)

According to a recent survey by the Privacy Commissioner for Personal Data, some estate agents are found not to have complied with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) in respect of direct marketing and the transfer of personal data. Practitioners are urged to note the following :

#### Use of personal data in direct marketing

Section 34 of the Personal Data (Privacy) Ordinance provides that in using personal data in direct marketing whether by telephone, mail, fax or e-mail, a data user shall:

1. inform the data subject that he may request the data user to cease using his personal data; and
2. cease to use such personal data if so requested by the data subject.

#### Transfer of personal data

The Data Protection Principles provide, inter alia, that all practicable steps should be taken to ensure that the person providing the data shall be informed, on or before collecting the data, of the purpose for which the data are to be used and the classes of persons to whom the data may be transferred. In transferring personal data to third parties, it must also be ensured that the data are accurate and not excessive for the purpose of transfer (e.g., copy of Identity Card should not be transferred).

Practitioners should also note that their clients are entitled to have access to and correct their personal data. The period of retaining clients' personal data should not be longer than is necessary for the purpose of carrying out the agency appointment.

Enquiries may be made to the Privacy Commissioner for Personal Data (Hotline: 2827 2827; Website: [www.pco.org.hk](http://www.pco.org.hk) ).

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This Circular should be made available for the  
information of all staff engaged in estate agency work