

Circular

Circular No. 02-08 (CR)

Cold-Calling

When contacting a client, whether existing or potential, by telephone for direct marketing purposes, practitioners should pay attention to the relevant requirements and guidelines on personal data privacy.

Section 34 of the Personal Data (Privacy) Ordinance (Cap. 486) provides that any person who uses personal data on the first occasion for direct marketing must inform the data subject that he/she may request the user to cease to use such data. In the case of the data subject so requesting, the user must cease to use such data.

Estate agency firms should maintain an "Opt-out List" containing the names and telephone numbers of those who have expressly indicated their wishes not to receive any direct marketing calls. The List should be updated regularly and made available to all branches and marketing staff members so as to ensure that no further calls are made to those listed.

When making a cold call, the caller should first identify the name of the company and his name. Next, he should inform the other side of the option of not receiving any further marketing calls from the company. If the other side so wishes, the caller should not carry on the conversation further and should include the name and telephone number on the Opt-out List.

The *Personal Data Privacy: Guidelines on Cold-Calling* issued by the Office of the Privacy Commissioner for Personal Data may be downloaded at its website (<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