



有關保障個人資料的執業通告

鑑於《2012年個人資料(私隱)(修訂)條例》(下稱「該條例」)已經實施，監管局更新了一份相關的執業通告(編號13-05(CR))，通告已於2013年7月15日生效。

該條例加強了對個人資料私隱的保障，當中包括引入了一套針對直接促銷的新規管機制。執業通告載列了持牌人在使用個人資料作直接促銷時須注意的事項，提醒持牌人在使用客戶的個人資料前，必須採取指明行動並向客戶取得所需的同意。例如，持牌人必須提供若干訂明資訊及回應途徑，讓客戶表達他們選擇同意或表示「不反對」其個人資料被用作直接促銷。

通告同時提醒持牌人，不可在未得所屬的地產代理公司同意的情況下，披露從該公司獲得的客戶個人資料。持牌人如未能遵從上述指引，可能違反該條例及會被監管局紀律處分。

相關的「私隱政策聲明」和「收集個人資料聲明」範例已經更新，並已上載到監管局網頁供持牌人參考。另外，監管局準備了一套「問與答」以幫助業界了解執業通告及該條例的有關要求。持牌人可於監管局的網頁閱覽新通告及相關資訊：[規管 > 執業通告](#)

New Practice Circular on the protection of personal data

In view of the implementation of the Personal Data (Privacy) (Amendment) Ordinance 2012 (“the Ordinance”), the EAA has updated a relevant Practice Circular (No.13-05(CR)) on the subject, which has already taken effect on 15 July 2013.

The Ordinance enhanced the protection of privacy rights in relation to personal data and introduced, among other changes, a new regulatory regime on direct marketing. The Practice Circular sets out matters which licensees must pay attention to when using personal data for the purpose of direct marketing and 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.

The Circular also reminds licensees that they should not disclose any personal data of their clients obtained from their estate agency company without the company’s consent. If a licensee fails to comply with the above requirements, he may commit an offence under the Ordinance and may also be subject to disciplinary action by the EAA.

Samples of the “Privacy Policy Statement” and “Personal Information Collection Statement” have already been updated and uploaded to the EAA’s website for licensees’ reference. In addition, the EAA also prepared a set of “Questions and Answers” to enhance the trade’s understanding of the Practice Circular and relevant requirements of the Ordinance. Licensees may read the new Circular and the relevant resources at the EAA’s website: [Compliance > Practice Circulars](#)