

PERSONAL DATA

個人資料

Personal Data (Privacy) Ordinance

Data Access Request Form for Criminal Conviction Data

(Read this Form and the accompanying Notes carefully before completing the Form.)

To: Commissioner of Police (for the attention of Formation Data Administrator)

1. Capacity of the Requestor

This data access request is made in my capacity as (tick one):

☐ the data subject

☐ a relevant person¹ of the data subject, in proof of which I enclose the following²:

2. The Data Subject

This is a data access request under section 18(1) of the Personal Data (Privacy) Ordinance (“the Ordinance”) concerning the personal data of the following individual (hereinafter referred as “the data subject”):

Name in English: (Surname) _____ (Given name) _____

Name in Chinese: (Surname) _____ (Given name) _____

Chinese Commercial Code (if any) _____

Hong Kong Identity Card/ valid Travel Document Number: _____

3. The Requested Criminal Conviction Data

I hereby request the Hong Kong Police:

(a) pursuant to section 18(1)(a) of the Ordinance, to inform me whether your department holds the Requested Data³

(b) pursuant to section 18(1)(b) of the Ordinance, if your department holds any of the Requested Data, to supply me with a copy of such Data that your department holds

Completion of this part is not obligatory but completion will assist in locating any relevant data.

Date of Conviction _____

Offence(s) charged _____

Court appeared _____

4. Further Information

I understand that before complying with my request, your department may require me to provide⁴:

- (a) proof of identity;
- (b) where I am making this request as a relevant person, proof of the identity of the data subject and further information (if any) of my status as a relevant person;
- (c) such further information (whether on a form issued by your department or otherwise) as may be reasonable for your department to locate the Requested Data.

5. The Data Subject agrees:

- (a) to pay the fee⁵ HK\$132.00.
- (b) to have his fingerprints taken by the Hong Kong Police Force in connection with this application, if required, and the fingerprints will be retained by the Hong Kong Police Force⁶.
- (c) that details of any criminal convictions recorded against him, including the conviction regarded as “spent” pursuant to the provisions of the Rehabilitation of Offenders Ordinance, Cap.297, Laws of Hong Kong, can be disclosed by your department in reply to this request.

6. Time for Compliance or Refusal

Please note that under section 19(1) and 19(1A) of the Ordinance, your department should comply with my data access request **within 40 days after your receiving this request**. If your department is unable or has valid ground to refuse to comply with the request, in accordance with section 19(2) or 21(1) of the Ordinance, your department is required to give me notification of such matter within the same **40-day** period. **Failure to do so may constitute an offence under section 64A of the Ordinance.**

7. Use of Personal Data

Except with the express consent of the individual concerned, the personal data provided in this Form will be used for the purpose of processing of the data access request and for directly related purposes only.

Name of Requester: (Surname) _____ (Given name) _____

Correspondence address: _____

Telephone number: _____

Signature of Requester: _____

Signature of Data Subject (if Data Subject is not Requester): _____

Date: _____

NOTES

1. Under section 2(1) of the Ordinance, a “relevant person”, in relation to an individual, means: (a) where the individual is a minor, a person who has parental responsibility over the minor; (b) where the individual is incapable of managing his own affairs, a person appointed by a court to manage those affairs; or (c) where the individual is mentally incapacitated within the meaning of section 2 of the Mental Health Ordinance (Cap. 136), (i) a person appointed under section 44A, 59O or 59Q of that Ordinance to be the guardian of that individual or (ii) if the guardianship of that individual is vested in, or the functions of the appointed guardian are to be performed by, the Director of Social Welfare or any other person under section 44B(2A) or (2B) or 59T(1) or (2) of that Ordinance, the Director of Social Welfare or that other person. **All Criminal Conviction Data access requests shall be made in person unless exempted with a valid ground by the Officer-in-charge of the Criminal Conviction Data (CCD) Office. The data subject shall be present at the CCD office with the “relevant person” in the first instance.**
2. Fill in here details of any documentary proof of “relevant person” status, e.g. copy birth certificate, copy court order, written authorization etc., which you will provide with the Data Access Request Form.
3. Under section 19(1A) of the Ordinance, in case the Hong Kong Police do not hold any criminal conviction data against the data subject, only a **verbal reply** will be given.
4. Failure to provide the additional information as required may result in the data access request being refused, or not being complied with to the desired extent.
5. According to section 28 of the Ordinance, a fee may be charged for compliance with a data access request under section 18(1)(a) or (b), which fee must not be excessive. Compliance with a data access request may be refused unless and until any such fee has been paid.
6. All documents relating to this data access request, including the fingerprints, will be normally retained by the Police for one year. Thereafter, they will be destroyed.
7. Where the Form or these Notes contain a summary of the relevant requirements of the Personal Data (Privacy) Ordinance, the summary is provided for reference only. For the complete and definitive statement of the relevant provisions of the Ordinance, please refer to the Ordinance itself.