

Date: Mon, 19 Jun 2006 16:35:39 +0800
From: "Office of the Privacy Commissioner for Personal Data, Hong Kong"
<pc@pco.org.hk>
Subject: Reply to Enquiry- [omitted by CH] (Confidential)
To: socholz@ust.hk

Date : 19 June, 2006

Dear Sir,

We refer to your email of 15 June, 2006. We would like to take this opportunity to make it clear that this Office is an independent statutory body established to oversee and enforce the compliance with the Personal Data (Privacy) Ordinance ("the Ordinance"). Thus, this Office is not in a position to give advice in specific cases as this would be in conflict with our investigation role. Our advice in responding to inquiries made to this Office is therefore provided in general terms having regard to the relevant provisions of the Ordinance.

Of relevance to the use of personal data is Data Protection Principle ("DPP") 3 in Schedule 1 of the Ordinance. DPP3 stipulates that unless with the prescribed consent of the data subject, personal data shall not be used (including disclosed and transferred) for any purpose other than the purpose for which the data were to be used when collected or a directly related purpose.

Therefore, if the purpose of disclosing your medical information to your employer by the insurance company is consistent with or directly related to the original purpose for which the data were collected, then such disclosure may not contravene the Ordinance. If contrary is the case, then the insurance company has to obtain your prescribed consent prior to such disclosure.

You may like to ascertain with the insurance company concerned in relation to their compliance with the requirements of the Ordinance.

You may visit our website at <http://www.pco.org.hk> for the full version of the Ordinance.

The above comments are given without prejudice to the carrying out by the Privacy Commissioner for Personal Data of any of his functions or exercising of any of his powers under the Ordinance.

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