

Data Protection Principles

1. Principle 1—purpose and manner of collection of personal data
 - (1) Personal data shall not be collected unless—
 - (a) the data is collected for a lawful purpose directly related to a function or activity of the data user who is to use the data;
 - (b) subject to paragraph (c), the collection of the data is necessary for or directly related to that purpose; and
 - (c) the data is adequate but not excessive in relation to that purpose.
 - (2) Personal data shall be collected by means which are—
 - (a) lawful; and
 - (b) fair in the circumstances of the case.
 - (3) Where the person from whom personal data is or is to be collected is the data subject, all practicable steps shall be taken to ensure that— (Amended 18 of 2012 s. 40)
 - (a) he is explicitly or implicitly informed, on or before collecting the data, of—
 - (i) whether it is obligatory or voluntary for him to supply the data; and
 - (ii) where it is obligatory for him to supply the data, the consequences for him if he fails to supply the data; and
 - (b) he is explicitly informed—
 - (i) on or before collecting the data, of—
 - (A) the purpose (in general or specific terms) for which the data is to be used; and
 - (B) the classes of persons to whom the data may be transferred; and
 - (ii) on or before first use of the data for the purpose for which it was collected, of— (Amended 18 of 2012 s. 40)
 - (A) his rights to request access to and to request the correction of the data; and
 - (B) the name or job title, and address, of the individual who is to handle any such request made to the data user, (Replaced 18 of 2012 s. 40)

unless to comply with the provisions of this subsection would be likely to prejudice the purpose for which the data was collected and that purpose is specified in Part 8 of this Ordinance as a purpose in relation to which personal data is exempt from the provisions of data protection principle 6.

(Amended 18 of 2012 s. 40; E.R. 1 of 2013)

保障資料原則

1. 第1原則——收集個人資料的目的及方式

(1) 除非 ——

- (a) 個人資料是為了直接與將會使用該資料的資料使用者的職能或活動有關的合法目的而收集；
- (b) 在符合(c)段的規定下，資料的收集對該目的是必需的或直接與該目的有；及
- (c) 就該目的而言，資料屬足夠但不超乎適度，否則不得收集資料。

(2) 個人資料須以 ——

- (a) 合法；及
- (b) 在有關個案的所有情況下屬公平，
的方法收集。

(3) 凡從或將會從某人收集個人資料，而該人是資料當事人，須採取所有切實可行的步驟，以確保 ——

- (a) 他在收集該資料之時或之前，以明確或暗喻方式而獲告知 ——（由2012年第18號第2條修訂）
 - (i) 他有責任提供該資料抑或是可自願提供該資料；及
 - (ii) （如他有責任提供該資料）他若不提供該資料便會承受的後果；及
- (b) 他 ——
 - (i) 在該資料被收集之時或之前，獲明確告知 ——（由2012年第18號第2條修訂）
 - (A) 該資料將會用於甚麼目的（須一般地或具體地說明該等目的）；及
 - (B) 該資料可能移轉予甚麼類別的人；及
 - (ii) 在該資料首次用於它們被收集的目的之時或之前，獲明確告知 ——（由2012年第18號第2條修訂）
 - (A) 他要求查閱該資料及要求改正該資料的權利；
 - (B) 處理向有關資料使用者提出的該等要求的個人的姓名（或職銜）及其地址，（由2012年第18號第40條代替）

但在以下情況屬例外：該資料是為了在本條例第8部中指明為個人資料就其而獲豁免而不受第6保障資料原則的條文所管限的目的而收集，而遵守本款條文相當可能會損害該目的。

（由2012年第18號第2條修訂；編輯修訂——2013年第1號編輯修訂紀錄）