



中華人民共和國香港特別行政區政府總部教育局
Education Bureau
Government Secretariat, The Government of the Hong Kong Special Administrative Region
The People's Republic of China

本局檔號 Our Ref. : EDB(ADMS)SFAA 40/1/1(3)

電話 Telephone : 3540 7427

來函檔號 Your Ref. :

傳真 Fax Line : 2116 0615

Clerk to Panel on Education
Legislative Council Secretariat

22 April 2010

**Meeting of the Legislative Council Panel on Education
held on 18 March 2010**

At the meeting of the Legislative Council Panel on Education held on 18 March 2010, the Administration was requested to provide written information on the views of the Department of Justice (DoJ) and the Office of the Privacy Commissioner for Personal Data (PCPD) concerning the protection of privacy of information provided by applicants to the Student Financial Assistance Agency (SFAA) after the implementation of the Integrated Student Financial Assistance System (ISFAST).

Upon implementation of ISFAST, application information would be collected on a household basis, i.e. a family that wishes to apply for assistance under more than one financial assistance scheme or in respect of more than one family member would fill in and submit one application form. Data provided by the applicant would be used to process all applications therein, and SFAA would, where appropriate, conduct matching of data provided by the applicant in the application form with that concerning the same applicant collected by other relevant government departments.

DoJ advised that SFAA, as the data collector/user, would need to comply with the requirements of relevant data protection principles (DPP) of Schedule 1 to the Personal Data (Privacy) Ordinance. Specifically, SFAA will have to ensure that the data collected is adequate and not excessive; take all practicable steps to ensure that the data subject is explicitly informed on or before collecting the data of the purpose for which the data are to be used and that personal data collected are protected against any unauthorised or accidental

access. SFAA has to comply with these statutory requirements at present. Upon the implementation of the household-based application system supported by ISFAST, SFAA will put in place appropriate administrative measures to ensure that each applicant is clearly aware and agrees that the data in his/her application form would be used to support the applications by his/her family members under the same and other assistance schemes. As the functions of ISFAST would include conducting computer data matching with relevant government departments, SFAA will have to comply with the provisions relating to the carrying out of a matching procedure, including obtaining the prescribed consent of the data subject before such procedure is to be carried out. In fact, SFAA has been conducting computer data matching with relevant government departments with the consent of the data subjects and the Privacy Commissioner. SFAA will have to uphold the same approach after implementation of ISFAST.

PCPD suggested that SFAA should consider incorporating certain personal data protection requirements in the service agreement with the IT contractor responsible for developing ISFAST to guard against any wrongful act or practice affecting the privacy of personal data. PCPD also supported SFAA's plan to conduct a Privacy Impact Assessment before ISFAST commences operation. It has also suggested that SFAA incorporate an audit requirement as a provision in a Code of Practice that governs the operation of ISFAST. The Code of Practice should set out the ground rules on the collection, use of and access to personal data and the conduct of a privacy compliance audit, which is a systematic verification of compliance with privacy policies, data protection principles or other regulatory requirements with respect to information handling and privacy. The result of any privacy compliance audit should be reported to SFAA management to see if any improvement is required. SFAA will actively and carefully consider these recommendations of PCPD.

If there is further question, please feel free to contact me.

Yours sincerely,



(Miss Kathy Chan)
for Secretary for Education

c.c. Controller, Student Financial Assistance Agency