

**For discussion on  
27 June 2011**

**Legislative Council Panel on Financial Affairs**

**Proposal to Give a Sum of \$6,000 to Eligible Persons**

**PURPOSE**

This paper briefs Members on the proposed implementation framework of “Scheme \$6,000” (the Scheme) that gives a sum of \$6,000 to each Hong Kong Permanent Identity Card (HKPIC) holder aged 18 or above.

**BACKGROUND**

2. On 2 March 2011, the Financial Secretary announced a number of adjustments to the 2011-12 Budget, including the proposal to give a sum of \$6,000 to each HKPIC holder aged 18 or above so as to leave wealth with the people. At the Special Meeting of the Finance Committee (FC) on 25 March 2011, the Administration submitted a note to inform Members of the preliminary thinking on the implementation details of the proposal and the issues to be addressed.

**THE SCHEME**

**Eligibility Criteria**

3. As announced by the Financial Secretary on 2 March 2011, a person fulfils the eligibility criteria for the Scheme if he/she is aged 18 or above (i.e. the age criterion) **and** holds a valid HKPIC<sup>1</sup> (i.e. the HKPIC criterion). It is estimated that about 6.1 million people aged 18 or above are holders of HKPIC.

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<sup>1</sup> A valid HKPIC refers to a smart HKPIC issued since 23 June 2003. According to the Registration of Persons (Invalidation of Identity Cards) Order 2008 (Chapter 177I), all identity cards issued before that date were declared invalid on 30 November 2008.

4. Holders of non-permanent identity cards comprise different groups of people, such as new arrivals, imported labour, and others who come to Hong Kong for work or study, etc. Extending the proposal to non-permanent identity card holders may not fit in with the objective to leave wealth with the people. If the Scheme only covers some of such non-permanent identity card holders but not the others, such distinction among non-permanent identity card holders may not be justified in law. As for the age criterion, it is relevant that under Hong Kong law, a person attains full age on reaching the age of 18.

5. On the basis of the HKPIC criterion, we need to decide on two further issues. First, we propose that the Scheme should cover persons aged 18 or above who hold a Certificate of Exemption (EC). EC is issued by the Commissioner of Registration under the Registration of Persons Regulations (Chapter 177A) (ROP Regulations), to a person who, by virtue of regulation 25(e) of the Regulations, is not required to be registered under the Registration of Persons Ordinance (Chapter 177) (ROP Ordinance). Specifically, the aged, the blind and the infirm who satisfy a registration officer that compliance with the ROP Ordinance and its regulations will injure their health or the health of others are exempted from the requirement to register or apply for the issue of an identity card or for the renewal of an identity card. An EC holder can be reasonably expected to have obtained a HKPIC but for his/her physical constraint as recognised by the law.

6. Secondly, a person may be eligible for attaining permanent resident status but is in the process of applying for a HKPIC by the eligibility date. We propose that the Scheme should cover any person who is eligible for attaining the Hong Kong permanent resident status on or before the eligibility date, has submitted Verification of Eligibility for Permanent Identity Card application<sup>2</sup> on or before that date, and has the application for HKPIC approved before registration for the Scheme closes.

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<sup>2</sup> Before a person can register for the issue of a HKPIC, he/she has to show that he/she is eligible to do so under the ROP Ordinance and ROP Regulations. Hence, a person needs to apply to the Immigration Department for Verification of Eligibility for Permanent Identity Card before he/she can proceed to apply for a HKPIC.

## **Eligibility Date and Registration**

7. There have been various suggestions for defining the eligibility date, but most comments have suggested that we should set a later date so as to enable more people to become eligible. Such later dates that have been suggested by some Legislative Council Members and members of the public include 31 December 2011 and 31 March 2012. Taking into account such suggestions, and the unique purpose and features of the Scheme, we propose that the eligibility date should be 31 March 2012.

8. At the same time, in order that persons who already fulfil the HKPIC and age criteria need not wait until 31 March 2012 to register and receive payment, we propose to start the registration process for this category of persons as soon as the Scheme commences, as proposed in paragraph 10 below.

## **Implementation Timetable**

9. Following the announcement on 2 March 2011, we have taken time to liaise with various parties and devise the implementation details of the Scheme to ensure compliance with the statutory personal data protection requirements under the Personal Data (Privacy) Ordinance (Chapter 486) (PDPO); meet public expectations of an efficient and orderly disbursement process with minimum hassle; and minimise risks of abuse and fraud. In the interest of time, we have designed the business flow of the registration platforms, kick-started the design and development of computer systems, as well as the necessary security risk and privacy impact assessment. However, there remains preparations that we have to make after obtaining FC's approval before we can start registration. Such preparations include finalising system development, conducting system testing, making logistics arrangements, as well as time for publicity to inform the public of the procedures for registration and other relevant aspects of the Scheme. These preparations will take about seven weeks from the date of FC approval.

10. Assuming FC's approval on 8 July 2011, and allowing seven weeks for pre-launch preparation, the Scheme can commence in late August 2011. As we propose to let elderly persons register first (see paragraph 11

below), we propose to designate a Sunday (tentatively 28 August 2011) as the commencement date for the Scheme so that dedicated efforts can be made to handle registration on that day. Persons who already meet the age and HKPIC criteria on the commencement date of the Scheme may register for the Scheme, and following processing of their registrations, receive payment of \$6,000. We expect to be able to start making payments around 10 weeks after the commencement of the Scheme.

11. We propose that the Scheme will be open for registration from the commencement date until 31 December 2012. However, it is possible that many persons wish to register early. To ensure registration in an orderly and efficient manner, we propose to adopt a batching arrangement during the first ten weeks of registration according to the year of birth of the registrants, starting with the eldest. We also propose to give a bonus of \$200 to persons who fulfil the age and HKPIC criteria on the commencement date of the Scheme but who choose to register for the Scheme after 31 March 2012. This will also achieve some effect of staggering registrations.

12. Persons who do not meet the age and HKPIC criteria on the commencement date of the Scheme but who will do so on the eligibility date may submit forms for registration for \$6,000 under the Scheme. Their registration forms will be processed after the eligibility date.

13. Subject to FC's approval on 8 July 2011, the tentative implementation timetable for the Scheme is summarised as follows –

| <b><i>Persons who meet the age and HKPIC criteria on the commencement date of the Scheme and who choose to receive \$6,000</i></b>                 |  |                    |
|--|--|--------------------|
| Registration period<br>(Under the batching arrangement, the registration period for each batch is two weeks)                                       | Born in or before 1946<br>(Aged 65 or above) | From 28 Aug 2011*  |
|  | Born in 1947-1956<br>(Aged 55-64)            | From 11 Sept 2011* |
|  | Born in 1957-1966<br>(Aged 45-54)            | From 25 Sept 2011* |
|  | Born in 1967-1981<br>(Aged 30-44)            | From 9 Oct 2011*   |
|  | Born in 1982-1993<br>(Aged 18-29)            | From 23 Oct 2011*  |
|  | All  | Until 31 Mar 2012  |
| Payment starts   | Early-Nov 2011*                              |                    |
| <b><i>Persons who meet the age and HKPIC criteria on the commencement date of the Scheme and who choose to receive \$6,000 with bonus</i></b>      |  |                    |
| Registration period  | From 1 Apr 2012 to 31 Dec 2012               |                    |
| Payment starts   | Early May 2012                               |                    |
| <b><i>Persons who do not meet the age and HKPIC criteria on the commencement date of the Scheme but who will do so on the eligibility date</i></b> |  |                    |
| Registration period  | Until 31 Dec 2012                            |                    |
| Payment starts   | Early May 2012                               |                    |

\* Tentative dates on the assumption of obtaining FC's funding approval on 8 July 2011.

### **Need for Registration**

14. There is no way for us to simply pay \$6,000 to each HKPIC holder aged 18 or above without requiring them to go through a process. For persons to receive payment under the Scheme, they must both fulfil the age and HKPIC criteria **and** duly register for the Scheme before registration closes. We need people to register so that they can –

- (a) for the purpose of the Scheme consent to their personal data being used by the Government and her agents;

- (b) opt whether they wish to receive the sum;
- (c) opt whether they wish to receive the sum immediately or to receive the sum plus a bonus (if applicable) on a later date; and
- (d) instruct how they would like to receive the money.

The first point about personal data privacy is a key factor. While there are existing systems (e.g. civil service payroll and pension systems, the Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme) that contain the relevant personal data of some HKPIC holders, there is no single system that captures data of all HKPIC holders necessary for establishing eligibility and for disbursing the sum. We would therefore in any event need a new arrangement for HKPIC holders not covered by existing systems. As for those covered by existing systems, the systems are not readily usable for the Scheme either, since the data have been collected and kept for specified purposes and we cannot presume that we can lawfully use such data for the purpose of the Scheme. If we were to use such data for the Scheme, we would need the relevant persons to indicate consent for such data to be used for the Scheme<sup>3</sup>. We therefore need to devise a new platform for people to register for the Scheme.

15. In devising this new platform, we have taken great care to ensure compliance with the statutory requirements under the PDPO. To comply with the Data Protection Principles provided under Schedule 1 of the PDPO concerning the collection of personal data, a Personal Information Collection Statement (PICS) will be printed on the registration forms. The PICS informs the registrants of, among other things, the purpose for which the data provided by the registrants are to be used and to whom the data may be transferred. Registrants will be asked to sign on the forms to acknowledge the PICS, and to give consent to the use of their personal data currently held by the relevant data user for the purpose of the Scheme.

16. Also, we would need to compare registrants' data with their

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<sup>3</sup> According to the Data Protection Principle 3 in Schedule 1 of the PDPO concerning the use of personal data, without prescribed consent of the data subject, personal data should not be used for any purpose other than the purpose for which the data have been collected or a purpose directly related to that purpose.

relevant records held by the Immigration Department (ImmD) to establish their eligibility after receiving the registration forms. This amounts to a “matching procedure” as defined under the PDPO. And according to section 30(1) of the PDPO, the Administration is required to obtain either the consent of the individuals or the Privacy Commissioner before carrying out such a matching procedure. Thus, we will ask the registrants to give their consent by signing on the registration forms. In addition, we have also sought the Privacy Commissioner’s consent because the matching procedure also covers the personal data of persons who are unfit to go through the registration process due to their medical conditions (see paragraph 26 below). Having examined our proposed arrangements, the Privacy Commissioner has on 14 June 2011 given his consent for the matching procedure. The matching procedure will generate two lists, eligible and ineligible registrants. Rejection of registration by an ineligible person is an “adverse action” which, according to section 30(5) of the PDPO, requires the data subject to be notified in writing and allowed at least seven days to show cause why that “adverse action” should not be taken. As such, we will inform unsuccessful registrants of the outcome in accordance with the requirement of the PDPO.

Annex

17. The provisions under the PDPO which are relevant to the implementation of the Scheme are at **Annex** for Members’ reference.

### **Platforms for Registration and Payment**

18. Given the one-off nature of the Scheme and public expectations for minimum hassle and early disbursement, it is important that the platform is as simple and user-friendly as possible, is capable of processing up to 6.1 million cases within a short time in an orderly and effective manner, and is adequate in protecting registrants’ personal data and minimising the risks of fraud or abuse.

#### Registration through Banks

19. Majority of the eligible persons have local bank accounts. The 21 retail banks in Hong Kong operate about 1 200 branches and about 23 million bank accounts. They also have the infrastructure, systems and experience required for handling personal data and providing deposit and

withdrawal services. We therefore propose to engage these banks as the Government's agents and make use of their existing banking network as the primary platform for receiving and processing registration as well as handling payment under the Scheme. The Government will sign a service agreement with the banks. The banks will charge the Government \$15 per successful registration (except for registrations made through e-banking) for the provision of services under the Scheme to recover the administrative costs incurred.

20. Using this platform, an eligible person submits a registration form to a bank with whom the person has a local Hong Kong dollar bank account in his/her sole name, through drop-boxes provided by the banks, by post, or subject to individual banks' readiness, via e-banking. To minimise dispute or scam, joint bank account will not be accepted for receiving the sum under the Scheme. This is in line with the practice of other Government schemes that use bank account for disbursing payment (e.g. CSSA and SSA).

21. Registration forms can be obtained from bank branches, District Offices of Home Affairs Department (HAD), District Social Welfare Offices of Social Welfare Department (SWD), Public Housing Estate Offices, or downloaded from the Internet. As provided under the PDPO, data collected should be adequate but not excessive in relation to the purpose. Thus, we would only require information that is necessary for implementing the Scheme on the registration form. These data include name, HKPIC number, name of the bank concerned, a specified sole-name local bank account number for receiving the payment and a contact telephone number. The registrant must sign and date a declaration printed on the form to confirm the truthfulness and accuracy of the information he/she provides in the form, acknowledge the PICS printed on the form, and give consent to the use of their personal data currently held by the relevant data user for the purpose of the Scheme.

22. After receiving the registration forms, banks will compile personal data of the registrants and send the data to the Government for eligibility checking. Eligible registrants will receive payment through their specified local bank accounts. Unsuccessful registrants will be notified of the outcome and be given at least seven days to show cause.



### Registration through the Hongkong Post

23. We need to provide an alternative for those who do not have a local bank account in their sole name. We propose to engage the Hongkong Post as the Government's agent and administer a parallel route for registration and payment. The Hongkong Post has over 120 post offices and the experience in receiving registration and handling payment. As the Hongkong Post is operated under trading fund, it will charge the Government for recovery of the costs incurred.

24. The operation flow for registration through the Hongkong Post largely mirrors that for using banks except that successful registrants will receive order cheques instead of payment through bank accounts. People who register through the Hongkong Post will submit a different registration form through drop-boxes in all the post offices or by post. Data required on this form include name, HKPIC number, a specified post office (chosen by the registrants from a list of 56 post offices) for the collection of the order cheque, and a contact telephone number and correspondence address (if available). Similar to people using the bank platform, registrants need to sign and date the declaration printed on the form. These registration forms can be obtained from post offices, HAD District Offices, District Social Welfare Offices, Public Housing Estate Offices, or downloaded from the Internet.

25. The Hongkong Post will compile personal data of the registrants based on the forms received, and send the data to the Government for eligibility checking. Eligible registrants will be informed to collect order cheques in person within a designated period at the specified post offices. The name and HKPIC number of the successful registrants will be checked against those printed on the cheque for verification of identity at the time of collection. The cheques can be encashed in person at any branches of the Standard Chartered Bank, the Government's cheque printing agent. Similar to registrations using the bank platform, unsuccessful registrants will be notified of the outcome and be given at least seven days to show cause.

## Arrangements for Persons with Special Needs

26. We also need to make special arrangements for persons who are unfit to go through the registration process due to their medical conditions (unfit persons). Most if not all of such persons should already be covered by the following existing arrangements –

- (a) mentally incapacitated persons as defined in the Mental Health Ordinance (Chapter 136) in the guardianship of legal guardians; and
- (b) people who rely on an appointee system<sup>4</sup> to receive CSSA or SSA payments.

For these unfit persons, we propose that payment should be made to the guardians or appointees for the benefit of the unfit persons. This is similar to the current arrangements under the guardianship and appointee systems.

27. There may be cases of persons who are similarly unfit but are not covered by the above schemes. Some of them may wish to use the above guardianship or appointee systems for receiving the sum under the Scheme. As for other individuals, their circumstances can be so varied that we do not think a standard scheme can cater for all of them. If such cases arise, we propose to consider accepting registration by and payment to agents, subject to, among other things –

- (a) production of medical proof of the conditions of the unfit persons and proof of relationship with the proposed agent;
- (b) undertaking to receive the payment on behalf of the unfit persons and spending such payment so received for the benefit of the latter; and

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<sup>4</sup> For eligible CSSA and SSA applicants who have been medically certified to be unfit to make a statement for their application, an appointee will be appointed by SWD after going through an assessment process conducted by SWD. The appointee is entrusted with certain responsibilities, including receiving CSSA/SAA payments on behalf of the unfit person and spending such payments so received for the benefit of the latter.

- (c) indemnity for the Government against claims from other parties.

### Alternatives Considered

28. Paragraphs 14 to 27 above discuss why we need to devise new platforms for registration and payment. We have considered the option that in parallel with the general platforms using the banks and post offices, we make use of some existing systems, particularly system for disbursing SSA payments to about 500 000 recipients of Old Age Allowance (OAA) and 125 000 recipients of Disability Allowance (DA) aged 18 or above. This arrangement has the advantage of reducing the caseload for the general platforms.

29. On the other hand, such an arrangement has its downside. The parallel arrangement may create confusion for elderly persons (whether they are OAA and DA recipients or not). Moreover, the facilitation that could be provided to OAA and DA recipients is in fact rather limited. Due to privacy concerns, we would still need them to fill out and submit a form to us (giving consent for use of their data kept for OAA or DA), just like the general public who register through banks or the Hongkong Post. On balance, we have concluded against introducing special arrangement for the OAA and DA recipients.

### **PUBLICITY**

30. With some 6.1 million eligible persons, we need to inform the public of the key features of the Scheme so as to ensure the Scheme (especially the registration process) will be conducted in an orderly and effective manner. Given the extensive interest of the public in the implementation details of the Scheme, we will upload some frequently asked questions on the Government's proposal to Government website for reference. When doing so, we will make it clear that the proposal will be subject to FC's approval. After obtaining FC's approval, we will launch large scale publicity campaign to inform the public of the registration process and relevant aspects of the Scheme. We will also set up a website for the Scheme as well as a dedicated hotline to answer public enquiries.

## FINANCIAL IMPLICATIONS

31. We propose to create a commitment of \$37,975.3 million, with breakdown as follows –

|  | (\$ million) |
|--|--------------|
| (a) Paying \$6,000 to eligible persons <sup>5</sup>  | 29,280.0     |
| (b) Paying \$6,200 to eligible persons who choose to receive the sum with bonus <sup>6</sup> | 7,564.0      |
| (c) Service charges payable to banks <sup>7</sup>  | 81.4         |
| (d) Service charges payable to the Hongkong Post <sup>8</sup>                                | 9.4          |
| (e) Setting up / upgrading of computer systems <sup>9</sup>                                  | 14.8         |
| (f) Expenses for publicity, enquiries and miscellaneous items <sup>10</sup>                  | 25.7         |
|  | Sub-total    |
|  | 36,975.3     |
| (g) Contingency  | 1,000.0      |
|  | Total        |
|  | 37,975.3     |

To administer and operate the Scheme (including handing of special cases and appeals), additional staff will be required in the relevant Bureau and Departments including the Financial Services and the Treasury Bureau, the Treasury and ImmD. The estimated cost is around \$75.8 million. We

<sup>5</sup> Assuming 80% of the eligible persons choose to receive \$6,000.

<sup>6</sup> Assuming 20% of the eligible persons choose to receive \$6,200.

<sup>7</sup> The service charges are paid to banks for their services for processing registration forms, processing payment transactions through bank accounts and provision of extra staff and counter services for encashment of order cheques.

<sup>8</sup> The charges are paid to the Hongkong Post for their services including processing of registrations and counter services for collection of order cheques, assuming that a total of 300 000 successful registration made through the Hongkong Post.

<sup>9</sup> The Treasury and ImmD have to upgrade and modify computer systems, and procure new ones in support of the implementation of the Scheme.

<sup>10</sup> This item includes expenses for general publicity, handling of enquiries and such other miscellaneous items as printing and delivery of registration forms.

will seek additional funding for the relevant Heads of Expenditure in accordance with the established mechanism.

32. The actual cash flow will depend on the number of eligible persons who choose to receive the sum with bonus. For planning and budgetary purpose, the estimated cash flow is as follows –

| <b>Financial Year</b> | <b>(\$ billion)</b> |
|-----------------------|---------------------|
| 2011-12               | 30.38               |
| 2012-13               | 7.60                |
| Total                 | <hr/> 37.98         |

### **ADVICE SOUGHT**

33. We welcome Members' views on the proposed implementation framework of the Scheme. With the benefit of Members' views, we will seek funding approval from FC on 8 July 2011.

**Financial Services and the Treasury Bureau**  
**June 2011**

**Provisions under the Personal Data (Privacy) Ordinance (Chapter 486)  
relevant to “Scheme \$6,000”**

**Section 30 – Matching procedure not to be carried out except with consent of data subject, etc.**

- (1) A data user shall not carry out, whether in whole or in part, a matching procedure –
  - (a) unless and until each individual who is a data subject of the personal data the subject of that procedure has given his prescribed consent to the procedure being carried out;
  - (b) unless and until the Commissioner has consented under section 32 to the procedure being carried out;
  - (c) unless the procedure –
    - (i) belongs to a class of matching procedures specified in a notice under subsection (2); and
    - (ii) is carried out in accordance with the conditions, if any, specified in the notice;or
  - (d) unless it is required or permitted under any provision of any Ordinance specified in Schedule 4.
- (2) For the purposes of this section, the Commissioner may, by notice in the Gazette, specify-
  - (a) a class of matching procedures;
  - (b) subject to subsection (3), the conditions, if any, subject to which a matching procedure belonging to that class shall be carried out.
- (3) The Commissioner shall, before specifying any conditions in a notice under subsection (2), consult with –
  - (a) such bodies representative of data users to which the conditions will apply (whether in whole or in part); and
  - (b) such other interested persons,as he thinks fit.
- (4) It is hereby declared that a notice under subsection (2) is subsidiary legislation.
- (5) Subject to subsection (6), a data user shall not take adverse action against an individual in consequence (whether in whole or in part) of the carrying out of a matching procedure –
  - (a) unless the data user has served a notice in writing on the individual –
    - (i) specifying the adverse action it proposes to take and the reasons therefor; and
    - (ii) stating that the individual has 7 days after the receipt of the notice within which to show cause why that action should not be taken; and

(b) until the expiration of those 7 days.

(6) Subsection (5) shall not operate to prevent a data user from taking adverse action against an individual if compliance with the requirements of that subsection would prejudice any investigation into the commission of an offence or the possible commission of an offence.

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## **Schedule 1 – 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 are 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 are 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 are or are to be collected is the data subject, all practicable steps shall be taken to ensure that-

- (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 are 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 they were collected, of –
  - (A) his rights to request access to and to request the correction of the data; and
  - (B) the name and address of the individual to whom any such request may be made,

unless to comply with the provisions of this subsection would be likely to prejudice the purpose for which the data were collected and that purpose is specified in Part VIII of this

Ordinance as a purpose in relation to which personal data are exempt from the provisions of data protection principle 6.

## **2. Principle 2 – accuracy and duration of retention of personal data**

(1) All practicable steps shall be taken to ensure that-

- (a) personal data are accurate having regard to the purpose (including any directly related purpose) for which the personal data are or are to be used;
- (b) where there are reasonable grounds for believing that personal data are inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used –
  - (i) the data are not used for that purpose unless and until those grounds cease to be applicable to the data, whether by the rectification of the data or otherwise; or
  - (ii) the data are erased;
- (c) where it is practicable in all the circumstances of the case to know that –
  - (i) personal data disclosed on or after the appointed day to a third party are materially inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used by the third party; and
  - (ii) that data were inaccurate at the time of such disclosure, that the third party –
    - (A) is informed that the data are inaccurate; and
    - (B) is provided with such particulars as will enable the third party to rectify the data having regard to that purpose.

(2) Personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data are or are to be used.

## **3. Principle 3 – use of personal data**

Personal data shall not, without the prescribed consent of the data subject, be used for any purpose other than –

- (a) the purpose for which the data were to be used at the time of the collection of the data; or
- (b) a purpose directly related to the purpose referred to in paragraph (a).

## **4. Principle 4 – security of personal data**

All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user are protected against unauthorized or accidental access, processing, erasure or other use having particular regard to –



- (a) the kind of data and the harm that could result if any of those things should occur;
- (b) the physical location where the data are stored;
- (c) any security measures incorporated (whether by automated means or otherwise) into any equipment in which the data are stored;
- (d) any measures taken for ensuring the integrity, prudence and competence of persons having access to the data; and
- (e) any measures taken for ensuring the secure transmission of the data.

**5. Principle 5 – information to be generally available**

All practicable steps shall be taken to ensure that a person can –

- (a) ascertain a data user's policies and practices in relation to personal data;
- (b) be informed of the kind of personal data held by a data user;
- (c) be informed of the main purposes for which personal data held by a data user are or are to be used.

**6. Principle 6-access to personal data**

A data subject shall be entitled to –

- (a) ascertain whether a data user holds personal data of which he is the data subject;
- (b) request access to personal data –
  - (i) within a reasonable time;
  - (ii) at a fee, if any, that is not excessive;
  - (iii) in a reasonable manner; and
  - (iv) in a form that is intelligible;
- (c) be given reasons if a request referred to in paragraph (b) is refused;
- (d) object to a refusal referred to in paragraph (c);
- (e) request the correction of personal data;
- (f) be given reasons if a request referred to in paragraph (e) is refused; and
- (g) object to a refusal referred to in paragraph (f).

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