

**Paper for Legislative Council
Panel on Home Affairs**

The Office of the Privacy Commissioner for Personal Data - Guidelines governing the conduct of overseas duty visits

Background

At the meeting of the Panel on Home Affairs held on 9 December 2005, the Privacy Commissioner for Personal Data (“the Commissioner”) was asked to provide the Panel with information regarding the guidelines governing the conduct of overseas duty visits by the Commissioner. This paper sets out the requisite information on overseas duty visits pertinent to the internal guidelines of the Office of the Privacy Commissioner for Personal Data (“PCO”) which set out the normal procedures for effecting an overseas duty trip.

Internal guidelines

2. To enable staff members to develop job competencies to meet organizational goals and standards, the Privacy Commissioner may approve applications for overseas duty visits by staff members. In submitting an application for approval, the relevant staff member shall provide information regarding the purpose of the trip, the likely benefit achieved and the financial implication.

3. In deciding whether to approve an application, the Commissioner will consider a number of factors which he may deem relevant in the particular circumstances of each case, including but not limited to the following:-

- (a) Sufficient available funds under the approved vote

In the first place, it is necessary to ensure that the expenses to be incurred for the proposed visit is within the approved vote on overseas duty visit. Even when there are sufficient funds available, consideration should be given to the frequency of the duty visits

and that the number of officers participating in the trip are necessarily kept to a minimum.

(b) Operations of the PCO not affected

Approval for overseas duty visit is subject to the exigencies of the PCO. It is pertinent to ensure that the remaining workforce should be able to cope with the work vacancy left by the officer during the period of his overseas duty visit.

(c) Benefit to the PCO

To ensure the most effective utilization of the public funds, the nature of the proposed overseas duty visit should be relevant to the officer's duties and bring benefits to the officer and the PCO directly.

4. Following the approval, the officer should abide by the internal guidelines on overseas subsistence for his passage arrangement.

Commissioner's own duty visit

5. The criteria laid down under paragraphs 3(a) to (c) above in approving overseas duty visits apply equally to the Commissioner's own overseas duty visits. As an additional safeguard, the Commissioner is required to inform the Secretary for Home Affairs (SHA) of his overseas duty visits pursuant to the Memorandum of Administrative Arrangements entered into between the Home Affairs Bureau and the Commissioner. This puts the SHA on notice of the Commissioner's overseas duty visits arrangement so that the SHA may make such enquiries as he deems appropriate.

Office of the Privacy Commissioner for Personal Data
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