

Intellectual Property Department (IPD)
Statement of Privacy Policies and Practices
for Employment-related Personal Data

Privacy Policies

We respect the protection of personal data and are committed to fully implementing and complying with the data protection principles and all relevant provisions of the Personal Data (Privacy) Ordinance and codes of practice issued by the Privacy Commissioner for Personal Data.

Kinds of Personal Data Held

2. IPD holds employment-related personal data in relation to two broad categories of serving and former civil servants, as follows:

- **Officers posted to IPD**, i.e. general grades staff, including records of personal and family particulars, education and qualifications, employment history, salary and allowances, terms and conditions of service, housing, medical records, leave and passages, training, investments, outside employment, appraisal reports, promotion board assessments, conduct and discipline, retirement and pension.
- **Officers whose Head of Grade is the Director of Intellectual Property**, i.e. Intellectual Property Examiner and Legal Officer grades staff, including records of personal and family particulars, education and qualifications, employment history, salary and allowances, terms and conditions of service, housing, medical records, leave and passages, training, investments, outside employment, appraisal reports, promotion board assessments, conduct and discipline, retirement and pension.

3. IPD also holds personal data of persons other than civil servants, including non-civil service contract staff employed by IPD, applicants for posts in IPD, persons appointed to the Copyright Tribunal, interns, summer students, trainee solicitors on attachment with IPD and service contract staff, etc.

Purposes for Keeping Personal Data

4. Personal data of serving and former civil servants and non-civil service contract staff employed by IPD are held for a range of employment-related purposes including appointments, integrity checking, postings and transfers, offer/renewal/extension of agreement, incremental credit, training and career development, revision of terms or conditions of service, performance assessment, vacation/sick leave administration, acting appointment, promotion, discipline, continuation in or removal from office, MPF contributions, pensions, retirement benefits and provision of testimonials, etc. Some personal particulars may be published in Government publications.

5. Personal data of persons other than civil servants and non-civil service contract staff are held mainly for the purposes of recruitment, short-term training attachment, delivery of service contract and, in respect of the Copyright Tribunal, for providing secretarial and administrative support to the Tribunal.

Practices

6. The Departmental Secretary is responsible for monitoring and supervising compliance with the Personal Data (Privacy) Ordinance and relevant codes of practice within IPD.

7. The following are maintained to ensure compliance with the Ordinance:

- A Central Register of requests made under the Ordinance.
 - A Data Protection Log Book, as provided for under section 27 of the Ordinance.
 - CSB Guidelines for Users of Employment-related Personal Data in the Civil Service, which is a procedural manual on compliance with the Ordinance by all civil servants who have responsibility for the management of personal data system or dealing with requests for access to or correction of personal data.
 - Access request forms for access to/correction of personal data held by IPD.
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Retention Period of Personal Data

8. The retention periods for the various types of personal data are listed at *Annex A* (for civil servants), *Annex B* (for non-civil service contract staff) and *Annex C* (for interns, summer students, trainee solicitors, service contract staff and members of the Copyright Tribunal). The data will be destroyed after the expiry of the respective retention periods and will no longer be kept.

Data Access or Correction Requests

9. Data access or correction requests may be made by letter or on a request form obtainable from the Personnel Registry of the Administration Unit. Requests should be addressed to the Departmental Secretary.

Charges

10. In accordance with relevant guidelines, a charge will be imposed to cover the cost of photocopying personal data at the rate of \$1.50 per photocopy or as otherwise provided for or approved by the Secretary for Financial Services and the Treasury.

Data Subject	Type of Personal Data	Retention Period
Serving officer and former civil servant	Evaluative Data	
	Staff report files)	
	Promotion board assessment sheets)	
	In-service appointment board assessment sheets)	
	Career development interview records)	
	Disciplinary records)	
	Documents relating to renewal of agreement, extension of service/agreement or revision of terms)	
	Other evaluative personal data)	
	Staff Complaints	
	(a) cases not substantiated)	
	(b) cases that are substantiated)	
	Sexual Harassment Complaints	
	(a) complaints not upheld)	
	(b) complaint upheld but there are insufficient grounds to take disciplinary action)	

**Retention Period
for Employment-Related Personal Data
of Non-Civil Service Contract (NCSC) Staff**

Data Subject	Type of Personal Data	Retention Period		
		Successful applicants	Waitlisted applicants	Unsuccessful applicants
Applicant for appointment	<p>Factual Data Application forms/application letter for employment (e.g. GF 340)</p> <p>Evaluative Data Examination score sheets Employer's reference Personal reference Recruitment board assessment sheet Medical examination reports</p>	File on personal file/staff report file as appropriate.	12 months after expiry of waiting list or 12 months after resolution of any claim/complaint, whichever is the later.	12 months after rejection of the application or 12 months after resolution of any claim/complaint, whichever is the later.
Serving NCSC staff	<p>Factual Data Personal files Leave records Personal particular forms MPF employment records Records on payment of MPF relevant income Long service payment/severance payment records Training records</p> <p>Records of information included in the MPF remittance statement</p> <p>Documents relating to claims for employees' compensation</p> <p>Evaluative Data Staff report files Disciplinary records</p> <p>Staff Complaints</p> <p>(a) cases not substantiated</p> <p>(b) cases that are substantiated</p>	<p>12 months after the staff has left the service or 12 months after resolution of any claim/complaint, whichever is the later.</p> <p>7 years after the date of the remittance statement disregarding whether the staff has left the service or not.</p> <p>7 years after the staff has left the service or 12 months after resolution of any claim/appeal/complaint, whichever is the later.</p> <p>12 months after the staff has left the service or 12 months after resolution of any claim/complaint, whichever is the later.</p> <p>3 years after completion of investigation or 3 years after completion of any follow-up action, or 1 year after the staff has left the service subject to resolution of any appeal/further complaint, whichever is the later.</p> <p>7 years after completion of any follow-up action, or 1 year after the staff has left the service subject to resolution of any appeal/further complaint, whichever is the earlier.</p>		

		Retention Period
	Sexual Harassment Complaints (a) complaints not upheld (b) complaint upheld but there are insufficient grounds to take disciplinary action Performance appraisal Other evaluative personal data) 3 years after completion of investigation or 3 years after completion of any follow-up action, or 1 year after the staff has left the service subject to resolution of any appeal/further complaint, whichever is the earlier.))) 7 years after completion of any follow-up action, or 1 year after the staff has left the service subject to resolution of any appeal/further complaint, whichever is the earlier.)))) 12 months after the staff has left the service or 12 months after resolution of any claim/complaint, whichever is the later.
Former NCSC staff	Evaluative Data Testimonial/reference) 2 years after staff has left the service

**Retention Period
for Personal Data
of Interns/Summer Students/Trainee Solicitors/
Service Contract Staff/Members of the Copyright Tribunal**

Data Subject	Type of Personal Data	Retention Period	
		Successful applicants	Unsuccessful applicants
Applicant for training attachment	Factual Data Application forms/application letter for training attachment)) Evaluative Data Employer's reference) Personal reference)	12 months after the data subject has completed the attachment.	12 months after rejection of the application.
Interns/summer students/trainee solicitors/service contract staff	Factual Data Personal particulars) Training records) Service record) Joining declaration) Evaluative Data Complaints (a) cases not substantiated)) (b) cases that are substantiated)) Sexual Harassment Complaints (a) complaints not upheld)) (b) complaint upheld but there are insufficient grounds to take disciplinary action)))	12 months after the data subject has left IPD. 3 years after completion of investigation or 3 years after completion of any follow-up action, or 1 year after the data subject has left IPD subject to resolution of any appeal/further complaint, whichever is the later. 7 years after completion of any follow-up action, or 1 year after the data subject has left IPD subject to resolution of any appeal/further complaint, whichever is the earlier. 3 years after completion of investigation or 3 years after completion of any follow-up action, or 1 year after the data subject has left IPD subject to resolution of any appeal/further complaint, whichever is the earlier. 7 years after completion of any follow-up action, or 1 year after the data subject has left IPD subject to resolution of any appeal/further complaint, whichever is the earlier.	
Interns/summer students/trainee solicitors	Evaluative Data Testimonial/reference)	2 years after the data subject has left IPD.	

Data Subject	Type of Personal Data	Retention Period
Copyright Tribunal members	Factual Data Personal particulars) 12 months after the data subject ceases to be a member of the Tribunal.