	<b>Human Resources Policy Document</b>	
		Effective Date:
	Personal Data Handling & Data Privacy Policy	16 June 2020

## Personal Data Handling & Data Privacy Policy

Title :

Status : ***Revision of Personal Data (Privacy) Policy dated 1 Sept 2010***

Approval Date : **16 June 2020**


Date for Next Review : **June 2022**

Originator : **Charles Caldwell  
Director, Human Resources**



ESF welcomes feedback and suggestions on ESF HR policies. Please scan the QR code or click on the link below to provide your inputs:

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Originator: *Human Resources, ESF Centre*

Originator:  Charles Caldwell Director, Human Resources  Date:	Reviewed by:  SMT  Date:	Approved by :  Functional Director/ Chief Executive  Date:
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## REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
			By	Date	By	Date
A	1 Sep 2005	For review by SMT	Keith Tucker	27Apr 2009	SMT	27Apr 2009
v2.1	1 Sept 2010		Keith Tucker	Aug 2010		
v3.0	27 June 2013	Major revision to policy and PICS.	Charles Caldwell	June 2013	SMT	27 June 2013
v3.1	26 Nov 2013	Consistency in handling of divorced/ separated parents	Charles Caldwell	Nov 2013	SMT	26 Nov 2013
v3.2	16 June 2015	Update to PICS	Charles Caldwell	June 2015	SMT	16 June 2015
v3.3	16 Aug 2016	Update to PICS	Charles Caldwell	Aug 2016	SMT	16 Aug 2016
v3.4	13 Mar 2017	References data retention in Appendix 2 and Treatment of Old Machines Policy	Charles Caldwell	Mar 2017	SMT	14 Mar 2017
v3.5	13 Nov 2018	Addresses GDPR; handling of data breaches; use of cookies.	Charles Caldwell	13 Nov 2018	SMT	13 Nov 2018
V3.6	16 Jun 2020	Addition of "Data Privacy" phrase to policy and title; addition of "Apps"	Charles Caldwell	16 Jun 2020	SMT	16 Jun 2020

## POLICY DOCUMENT ANNUAL REVIEW

This Policy document is subject to a Bi-Annual Review by ESF that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. ESF reserves the right to amend this Policy by notice in circumstances in which it considers such change to be necessary or appropriate.

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## 1. PURPOSE

The English Schools Foundation (ESF) shall comply with the Personal Data (Privacy) Ordinance effective in Hong Kong from December 1996. In doing so, we will ensure compliance by our staff with the strictest standards of security and confidentiality.

The Personal Data Handling & Data Privacy Policy is formulated to protect the privacy of all Data Subjects and outlines internal codes of practice to ensure compliance with the conditions prescribed in the Personal Data (Privacy) Ordinance.

## 2. SCOPE


This Policy applies to all Personal Data handled within ESF and ESL relating to all individual stakeholders (prospective, past and present), namely: -

1. Staff Members;
2. Parent funded Education Assistants and staff employed by Parent Teacher Association
3. Students;
4. Parents/guardians of students;
5. Members of School Councils or other Governing bodies; and,
6. Job applicants.

**Out of scope:** This Policy does not apply to data relating to companies or suppliers, nor does it cover guidance on the personal use of ESF data or resources, such guidance is provided in the Working at ESF Policies. This Policy does not cover monitoring of Staff Members or students; this is outlined in the Employee Monitoring Policy and Student Monitoring Policy respectively.

## 3 DEFINITIONS / ABBREVIATIONS

ESF	-	The English Schools Foundation, as established by the English Schools Foundation Ordinance, and includes all schools which are owned, managed, administered and operated by the English Schools Foundation
ESL	-	ESF Educational Services Limited and includes all schools and other operations which are owned, managed, administered and operated by the ESF Educational Services Limited
Chief Executive	-	Chief Executive Officer of ESF
Senior Managers	-	Members of the Senior Management Team of ESF or the management team of ESL
School Council	-	School Council of the relevant ESF and ESL School
Principal	-	Principal of an ESF School or ESL School or kindergarten.
Director HR	-	Director Human Resources of ESF
Staff Member	-	Any Employee of ESF and/or ESL
Personal Data Privacy Officer	-	HR Manager responsible for Personal Data privacy matters at ESF Centre
PDPO	-	Personal Data (Privacy) Ordinance

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- Personal Data - Any data:
- relating directly or indirectly to a living individual;
  - from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
  - in a form in which access to or processing of the data is practicable.
- Data Subject - Any person who is the subject of any Personal Data collected by ESF and ESL

#### 4. RESPONSIBILITIES

##### 4.1 Data User

ESF and ESL is subject to the Personal Data (Privacy) Ordinance. ESF and ESL shall treat all Personal Data, in all recorded forms, as confidential. It will also take all reasonable and practical steps to ensure adequate security controls are in place when using Personal Data according to the data protection principles.

Staff members of ESF and ESL are responsible for complying with the data protection policies and practices outlined in this policy when disclosing Personal Data.

##### 4.2 Data Subjects

Data Subjects are responsible for ensuring that they keep the ESF and ESL updated with changes to their Personal Data.

##### 4.3 Director HR and Personal Data Privacy Officer

The Director HR, with assistance from the Personal Data Privacy Officer, is responsible for communicating, monitoring and implementing the policy across ESF and ESL.

The Personal Data Privacy Officer is responsible for ensuring that a Personal Information Collection Statement inclusive of a Privacy Policy Statement is incorporated into all ESF and ESL's data collection forms, whether hard copy, electronic or on-line.


#### 5. PRINCIPLES

Personal Data collected, held and used by ESF and ESL may be recorded, kept and processed electronically by ESF and ESL on computers, online portals, apps and systems and/or in hard copy form.

##### Data Protection Principles

All Personal Data, in whatever form it is recorded, shall be treated as confidential. Reasonable and practical steps shall be taken by ESF and ESL to ensure adequate security controls are in place for the use of Personal Data according to the following data protection principles:

- (a) In collecting Personal Data, ESF and ESL shall make clear to the Data Subjects the purpose of such collection: a Personal Information Collection Statement (Appendix I) shall be printed on all data collection forms;

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- (b) Personal Data shall only be used for the purposes for which it was designed to be used at the time of collection, or for directly related purposes, unless consent to use such Personal Data for other purposes has been given by the Data Subject;
- (c) ESF and ESL shall make every attempt to keep Personal Data accurate and up-to-date;
- (d) Personal Data kept on paper, tape or disks shall be stored in a secure location when not in use;
- (e) Personal Data which is on ESF and ESL databases or online portals shall be kept secure with adequate security measures (see paragraph 7); and
- (f) Subject to legal and organisational requirements affecting specific data, Personal Data will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed. **Refer to Appendix 2 for Data Retention Guidelines.**

## 6. PROCEDURE

### 6.1 Requests for Data Access, Correction or Withdrawal

All Data Subjects have the right to:


- (a) obtain a copy of their Personal Data held by ESF or ESL;
- (b) require ESF or ESL to correct or update any Personal Data which is inaccurate; and,
- (c) be informed of the kind of Personal Data held by ESF or ESL through obtaining a copy of this Policy.
- (d) request for personal data to be withdrawn from ESF, in accordance with Hong Kong law.

All requests for access to data or correction or withdrawal of data must be either made in writing in either English or Chinese and be addressed to the Personal Data Privacy Officer/s or if available, submit by electronic means through the online systems provided by ESF and ESL.

Upon receipt of a written data access/correction/withdrawal request from a Data Subject, the Personal Data Privacy Officer/s shall comply with the request within 40 days.

The Personal Data Privacy Officer/s may reject any data access/correction/withdrawal request on any of the grounds set out in the Personal Data (Privacy) Ordinance, including (but not limited to) where:

- (a) the request is not in writing in the Chinese or English language;
- (b) ESF or ESL is not supplied with such information as it may reasonably require to locate the Personal Data to which the request relates;
- (c) the request follows 2 or more similar requests made by-

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- i. the individual who is the Data Subject in respect of the Personal Data to which the request relates;
- ii. one or more relevant persons on behalf of that individual; or
- iii. any combination of that individual and those relevant persons, and it is unreasonable in all the circumstances for ESF or ESL to comply with;
- iv. The withdrawal request is not mandated by HK law.

If a data/access correction/withdrawal request is to be rejected, the Personal Data Privacy Officer/s shall give reasons in writing to the person making the request within 40 days of receiving the written request.

The Personal Data Privacy Officer/s shall keep and maintain a log book of requests and refusals which will be kept for at least four years.

ESF and ESL shall levy an administration charge for the processing of any data access requested. Such charge shall be notified to a Data Subject prior to the processing of the data access request.

## 6.2 Hong Kong Identity Card (“HKID”) Numbers or HKID Copies


ESF and ESL abides by certain restrictions when it collects, holds or uses HKID card numbers and/or copies of HKID cards of Data Subjects.

The general principle is that ESF and ESL will usually first consider whether there are alternatives to collecting HKID card numbers/ copies from Data Subjects, such as using another personal identifier of the Data Subject’s choice (eg a passport number or copy).

Where ESF and ESL is required or permitted under “*The Code of Practice on the Identity Card Number and other Personal Identifiers – Compliance Guide for Data Users*” issued by the Officer of the Privacy Commissioner (the “**Code**”) to collect a copy of a HKID number or a HKID card number from a Data Subject, ESF and ESL shall take reasonable steps to ensure that,

(a) in relation to HKID card numbers:

- i. ESF and ESL’s method of collecting HKID card numbers ensures that they are truly the HKID card numbers of the individuals providing them (for example, the HKID card number collected from a Data Subject should be checked against the actual HKID card to ensure that the correct HKID card number is obtained),
- ii. ESF and ESL only uses the HKID card numbers for the purposes permitted by the Code,
- iii. the HKID card numbers collected are not publicly displayed or disclosed, and
- iv. HKID card numbers are not kept longer than is necessary to fulfil the purpose for which they were collected,

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(b) in relation to copies of HKID card:

- i. ESF and ESL’s method in collecting copies of HKID cards ensures that they are truly copies of the HKID card of the individuals providing them (for example, the copy of the HKID card should be checked against the actual HKID card to ensure that the correct copy of the HKID card is obtained),
- ii. ESF and ESL only uses the copies of HKID card for the purposes permitted by the Code,
- iii. adequate security safeguards are in place for holding/ transmitting the copies of HKID cards and that such copies are treated as confidential documents, and
- iv. copies of the HKID cards should be marked “copy” (or the Chinese equivalent term) across the image of the HKID card. Where a copy of the HKID card is obtained in the presence of the Data Subject, it should be marked “copy” (or the Chinese equivalent term) in his or her presence.

### **6.3 Access to Personal Data of Others**

Staff Members and other ESF and ESL stakeholders may have access to personal information of others while engaged in any activities related to ESF and ESL. They shall make every effort to treat such information as confidential, and familiarise themselves and comply with the personal data policies (including this Policy) of ESF and ESL.

Staff Members or other ESF/ESL stakeholders may not retrieve or read an e-mail that was not sent to them unless authorised by the Director HR/Principal or by the e-mail recipient.


In situations where parents of a student/s are divorced or separated, ESF will continue to send both parents information about their child/children (for example, schools activities and students report,) unless otherwise prohibited under Hong Kong law. ESF reserves the right, where it considers appropriate, to contact the father, mother and guardians of the student to provide general information about the student.

### **6.4 Disclose of Personal Data to Certain Third Parties**

Staff members’ data (for example names, pictures, email, experience and/or teaching qualifications) may be made available to relevant ESF and ESL stakeholders at the discretion of the school’s Principal or Department Head. (For example, on the school web site or announcements of appointments in newsletters or emails.)

ESF and ESL may also disclose certain Personal Data to third parties, such as agencies (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF and ESL to undertake certain academic, pastoral and administrative functions. This includes transferring data between ESF and ESL.



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## 6.5 Other Third Parties

Other than those parties set out in paragraph 6.4 above, ESF and ESL will not disclose any Personal Data to any external bodies or organisations unless:

- (a) such disclosure is expressly provided for under the Personal Information Collection Statement under which the Personal Data was collected;
- (b) the Data Subject has given permission for ESF to disclose such Personal Data; and/or
- (c) ESF and ESL are required or permitted to do so by law.

## 6.6 Direct Marketing Materials to Staff Members, Parents and Students

### 1. Direct Marketing Definition:


- a. The PDPO defines direct marketing as, *“The offering, or advertising of the availability, of goods, facilities or services or the solicitation of donations or contributions for charitable, cultural, philanthropic, recreational, political or other purposes through marketing means.”*
- b. As such, the following methods can constitute direct marketing, *“Sending information or goods, addresses to specific persons by name, by mail, fax, electronic mail or other means of communication or making telephone calls to specific persons.”*

### 2. How This Affects ESF/ESL: The following groups of activities are considered an extension of curriculum and not part of direct marketing or sending of promotional materials,

- a. Promoting activities related to the curriculum (for example, activities paid for via “Termly Costs”) including field trips, camps, Horizon week activities etc.
- b. School materials or activities that are mandatory, such as school uniforms, laptops etc.
- c. Materials related to extra-curricular activities and clubs that are an extension of the curriculum. Regardless of whether or not they are offered by staff or third party agencies provided the activities primarily take place on the school campus and the extra-curricular activities are viewed as valued added to students.
- d. School Concerts and Shows are considered an extension of curriculum unless a fee is paid or donation sought.

Principals / department heads / school leaders and/or individuals involved in communications should seek guidance from ESF HR if they are uncertain whether or not a communication constitutes direct marketing.

### 3. Subject to Parents’ Consent through an Opt In mechanism, ESF or ESL may use personal data (such as name and contact details) to send communications that

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may be considered to be direct marketing that are relevant to parents and students. To obtain consent to use information in this way, the Section 6 “Opt-In” statement should be used. The following includes (but is not limited to) the classes of services, products, programmes and activities of ESF, ESL or selected third party service providers:

- (a) materials related to programmes, courses, seminars, lectures, conferences, events and activities not considered to be an extension of curriculum;
- (b) materials related to promoting admissions;
- (c) materials related to on campus services (for example catering, sport facilities and PTA);
- (d) materials related to support, donations (including monetary donations) and contributions including benefits in kind;
- (e) materials related to educational services and products of business partners (sent to parents by ESF or ESL) not considered to be an extension of curriculum.

By making a request to not receive promotional materials, within 30 days ESF or ESL will cease sending all promotional materials to any of the parent and the parent’s family, contact details held in ESF or ESL database.

**7.0 SECURITY**

1. All staff, students and stakeholders (prospective, past and present) who deal, in any way, with personal data have a responsibility to take all possible precautions to protect data against unauthorised loss, destruction or disclosure. This includes all manual and electronic documents, external drive or any other media containing personal data. Data should only be held in accordance with the Data Protection Principles as laid out in Section 5. Staff members are expected to be extremely cautious and prudent with the use of any device that allows the physical transport of data (i.e. USB devices, external drives, etc).
2. Care must be taken to ensure that personal data is kept securely and away from people not entitled to see it. Care must also be taken when sending and receiving personal data. A shredder must be used to dispose of unwanted material.
3. Personal Data should not be taken off school campus or ESF/ESL offices. No person is permitted to remove any personal data manually or electronically (even with the intention of processing the data elsewhere), unless such action is authorised by a Senior Manager or Principal. In the case of authorisation being granted, the individual will have responsibility to take all possible precautions to protect data against unauthorised loss, destruction or disclosure, with special caution around the use of portable devices such as USB devices, external drives, etc.
4. All computer equipment or media to be sold or scrapped will have all personal data completely destroyed, by reformatting, over writing or degaussing. **(See Treatment of Old Machine Policy Section 5 for more specific detail.)** This


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also extends to personal computers, such as laptops or computers at home, where authorisation has been granted by the Senior Manager or Principal for work to be carried out offsite.


5. In the event of leaving ESF/ESL, all notes, memoranda, records, test and examination results, price or cost information, lists of students, suppliers or customers, and staff members, correspondence, documents, computer, peripheral device, and other discs and tapes, data listings, codes and other documents and material whatsoever (whether made or created by the individual or otherwise) relating to the business and affairs of ESF and ESL (and any copies of the same) shall be and remain the property of ESF or ESL and shall be handed over to ESF and ESL, or irrevocably deleted from any computer and/or word processing system in the person's possession or under the person's control.
6. Regarding the security on computer network, ESF and ESL have implemented physical, electronic and managerial measures to secure and safeguard Personal Data stored on ESF and ESL databases and online portals. ESF and ESL utilise the 128 bit Secure Socket Layer (SSL) protocol which is an industry standard for encryption of data over the internet. All data (including Personal Data) will be automatically converted into codes before dispatching over the internet.
7. ESF and ESL servers are protected by dual firewalls that operate 24 hours, 7 days per week. Anti-virus software is installed on the servers and the software is updated regularly to combat against newly identified security threats.
8. Those who have access to such databases or online portals must log in using their unique username and password. Users should keep the username and password secret and confidential. As good practice, users should change the password regularly. If a user thinks that his/her password is compromised, he/she should inform ESF and ESL immediately. ESF and ESL will require users to update their password once every year.
9. When a user accesses our online systems, their visit to the site may be recorded for analysis of the number of visitors and general usage patterns, including the total access time, the operating system and browser of the machine used and the location of the access. The information collected is anonymous non-identifying aggregate data, containing no Personal Data.

## 8.0 DATA BREACHES

1. The following is a general guideline for handling leakage or breaching of personal data in ESF's possession.
  - a. **Definition:** A data breach is defined as an incident in which sensitive, confidential or otherwise protected data has been accessed and/or disclosed in an unauthorized, or even accidental, fashion.
  - b. All data breach incidents should be reported immediately to the Principal or Department Head and the personal data privacy officer/s in ESF HR along with the Director Communications to manage any communications with media, if necessary.

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- c. Depending on the scope / nature of the incident, a task force should be formed to handle the incident. Refer to the Crisis Management Plan if necessary.
- d. In general, the following steps should be carried out:
  - i. Identify the type of data involved and the scope. If possible, define or obtain a list of all the data involved.
  - ii. Identify the channels / media through which the data breach occurred.
  - iii. If the data breach is ongoing, take immediate steps to block the leakage (for example, if the leakage is on social media, try contacting the social media company to bring down the thread that contains the personal data).
  - iv. Report the case to the Personal Data Privacy Officer/s in ESF HR. If the breach involves a criminal offense then the incident should be reported to the police. One party (either School or ESF HR [whichever is practical given the incident scope] should be the single point of contact for the police.)
  - v. Determine whether notification to the Data Subjects affected is required.
  - vi. Determine the cause of the incident and long-term actions to prevent a similar incident occurring again.
  - vii. File a Data Breach Incident Report to the Personal Data Officer/s in ESF HR. (A blank copy can be found in Appendix 3.)
  - viii. The Personal Data Officer should ensure all the actions listed in the Incident Report are carried out.

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## 9.0 USE OF COOKIES

From time to time ESF/ESL, PTAs or third parties as defined in Section 6.4, may use cookies on web sites. When ESF staff members use cookies, the following statement needs to be appended to the web site as a pop-up. The pop-up is positioned at the bottom of the web site page until the user clicks “Continue.” The statement below should link to the “About ESF” tab on the main ESF web site.


*Welcome and please be advised that ESF uses cookies. By accessing an ESF, ESL or PTA web site and other online ESF services, such as ESF’s mobile app, users agree that ESF can store and access cookies, IP addresses and use other methods in order to collect website usage data, and improve user’s online experience. By continuing to access this web site, users agree to the use of cookies, which is handled in accordance to the ESF Data Privacy Policy. Information collected via cookies is handled in accordance with the ESF Personal Data Handling & Data Privacy Policy and its related Personal Information Collection Statements (“PICS”). A copy of the PICS can be found on the ESF web site (<http://www.esf.edu.hk/>).*

Any information collected via cookies is retained in accordance to the Guidelines for Data Retention found in Appendix 2.

## 10.0 COMPLIANCE

This policy is in compliance with the Personal Data (Privacy) Ordinance, the new provisions of 2012 personal data (Privacy) (Amendment) Ordinance and the guidance note on direct marketing from the Office of the Privacy Commissioner for Personal Data, Hong Kong.

Any matters concerning the implementation of this Policy in a particular school/organisation should be raised with the Principal or Senior Managers with a view to reaching a mutually workable solution. Any matters of non compliance should be raised with the Director, Human Resources, ESF Centre.


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## Appendix I

### PERSONAL INFORMATION COLLECTION STATEMENTS


#### Statement 1 – Job Application Forms (for when candidates applying for employment)

1. Job applicants shall supply the English Schools Foundation ("**ESF**") and ESF Educational Services Ltd ("ESL") with required personal data, for the purpose of assessing the suitability of the applicants for a role. Such information may also be used to negotiate with and make offers to selected candidates. If appropriate, information may also be used for subsequent employment related matters and may form part of your employee records.
2. Personal data supplied by a job applicant will be handled by ESF and ESL staff and will be treated in strict confidence.
3. ESF (including ESF schools) and ESL may disclose some of the data to third parties such as agencies, (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF or ESL to undertake some of its academic and administrative functions.
4. Other than the parties set out in paragraph 3 set out above, ESF and ESL will not disclose any personal data to any external bodies or organisations unless:
  - (a) such disclosure is expressly provided for under this Statement;
  - (b) the job applicant has given permission for ESF and ESL to disclose such personal data; and/or
  - (c) ESF and ESL are required or permitted to do so by law.
  - (d) Personal data may be stored in the ESF and ESL database systems, online portals (including Gateway and apps) and, where the application is successful, such personal data will form part of the applicant's official employment records will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed.
5. In the case of an unsuccessful application, such personal data will be destroyed within 24 months following rejection of the application.
6. Failure by the job applicant to provide the level of personal data requested by ESF or ESL, may influence the processing and outcome of a job application.
7. Job Applicants may submit a signed written request to the Personal Data Privacy Officer to access or correct Personal Data held by ESF or ESL. ESF or ESL may levy a charge for accessing the information.

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**Statement 2 – Employment Related Forms** (for when candidates have been appointed)

1. Throughout the course of employment with the English Schools Foundation ("**ESF**") or ESF Educational Services Ltd ("ESL"), staff members may be required to provide ESF or ESL with certain personal data for various human resource, academic, pastoral or administrative management purposes such as, but not limited to:
  - (a) recording remuneration and eligibility to benefits and payments;
  - (b) assessing job transfers and training needs;
  - (c) providing job references;
  - (d) managing performance;
  - (e) staff planning and promotion and career development;
  - (f) medical checks, sick leave and other medical claims;
  - (g) tax returns;
  - (h) conducting disciplinary proceedings; and
  - (i) review of employment decisions.
  
2. Personal data supplied by a staff member will be handled by ESF or ESL staff and will be treated in strict confidence.
  
3. Staff members' experience and/or teaching qualifications may be made available to relevant ESF and ESL stakeholders at the discretion of the school's Principal or Department Head. (For example, on the school web site or announcements of appointments in newsletters or emails.) Staff members' photo and name may also appear in ESF or ESL publications, websites (including but not limited to social media sites) used by ESF or ESL for organizational purposes.
  
4. ESF or ESL will use staff members personal data (such as your name and contact details) to send communications that are relevant to staff members, including but not limited to newsletters, programmes, courses, seminars, lectures, conferences, events and activities of ESF or ESL.
  
5. ESF and ESL may also disclose some of the data to third parties such as agencies, (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF or ESL to undertake some of its academic, pastoral and administrative functions. This includes transferring data between ESF and ESL.
  
6. Other than those parties set out above, ESF or ESL will not disclose any personal data of staff members to any external bodies or organisations unless:
  - (a) such disclosure is expressly provided for under this Statement;
  - (b) the staff member has given permission for ESF or ESL to disclose such personal data; and/or
  - (c) ESF or ESL is required or permitted to do so by law.
  
7. Personal data may be stored in the ESF and ESL database systems, online portals or apps and will form part of the staff member's official employment records. Such data will

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be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed.

8. Staff members may submit a signed written request to the Personal Data Privacy Officer to access or to correct personal data held by ESF and ESL. ESF or ESL shall levy a charge for accessing the information.


### **Statement 3: ADMISSIONS FORM Personal Information Collection Statement**

(This statement used for when parents apply for child's admission to school.)

Please take a moment to read the following Personal Information Collection Statement.

1. The personal data collected from applicants and/or their parents/guardians pursuant to this application form will be used by the English Schools Foundation ("ESF") and ESF Educational Services Ltd. ("ESL") for various purposes including but not limited to:
  - (a) assessing the suitability of applicants for places in ESF or ESL schools;
  - (b) processing applications for admission;
  - (c) verification of the applicant's examination results, academic records and other information;
  - (d) school administration and operation after admission;
  - (e) statistical and research purposes;
  - (f) other school related purposes;
  - (g) alumni activities.
2. Personal data of applicants and their parents/guardians collected pursuant to this application form will be handled by relevant ESF or ESL staff members and will be kept confidential.
3. ESF or ESL may disclose some of the data to third parties such as agencies (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF or ESL to undertake some of its academic, pastoral and administrative functions. This includes transferring data between ESF and ESL.
4. Apart from the parties listed above, ESF or ESL will not disclose any personal data to any external bodies or organisations unless:
  - (a) such disclosure is expressly provided for under this Statement;
  - (b) permitted to do so by the applicant or his/her parent/guardian; and/or
  - (c) permitted or required by law.
5. Personal data may be stored in the ESF or ESL database systems, online portals, apps (and where the application is successful, such personal data will form part of the applicant's official student records. Such data will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed.



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6. In the case of an unsuccessful application, personal data will be destroyed within 24 months following rejection of the application.
7. In schools where there are Parent Teacher Associations (PTA), ESF or ESL may provide such personal data to the relevant PTA for inclusion in the PTA directory. If an applicant or his/her parents/guardians do not wish for such data to be included in the PTA directory, please inform the relevant ESF or ESL school accordingly.
8. ESF or ESL may place student's photo, name or school work in ESF or ESL website or publications.
9. In the event where a student already has a sibling in an ESF or ESL school, the school records of such sibling may be updated according to the data provided on the new student's application form where relevant.
10. Failure to provide the requested data may result in ESF or ESL being unable to process the application and influence the outcome of the application.
11. Applicants or their parents/guardians may submit a signed, written request to the Principal of the relevant school to access or to correct personal data held by ESF or ESL. ESF or ESL shall levy a charge for accessing the information.
12. Please refer to the ESF Personal Data Handling & Data Privacy Policy, which is available upon request, for more information.


#### **STATEMENT 4: Personal Information Collection Statement**

##### **(SCHOOL ENROLMENT FORM)**


(Child admitted to school. This statement used on form for enrolment into school.)

Please take a moment to read the following Personal Information Collection Statement.

1. The personal data collected from students and/or their parents/guardians pursuant to this enrolment form will be used by the English Schools Foundation ("ESF") and ESF Educational Services Ltd. ("ESL") for various purposes including but not limited to:
  - (a) enrolment and admission of the student to the relevant ESF or ESL school;
  - (b) school administration and operation;
  - (c) academic and pastoral purposes;
  - (d) statistical and research purposes and
  - (e) alumni activities.
  - (f) other school related purposes.
2. Personal data of students and their parents/guardians collected pursuant to this enrolment form (and other forms requesting other information from time to time) will be handled by relevant ESF or ESL staff members and will be kept confidential. Such data will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed.

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3. ESF or ESL may disclose some of the data to third parties such as agencies (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF or ESL to undertake some of its academic, pastoral and administrative functions. This includes transferring data between ESF and ESL.
4. Apart from the parties listed above, ESF or ESL will not disclose any personal data to any external bodies or organisations unless:
  - (a) such disclosure is expressly provided for under this Statement;
  - (b) permitted to do so by the student or his/her parent/guardian; and/or
  - (c) permitted or required by law.
5. Personal data may be stored in the ESF or ESL database systems, online portals and apps and any such personal data provided will form part of the student's official student records.
6. Where there is a Parent Teacher Associations (PTA), ESF or ESL may provide certain data to the relevant PTA for inclusion in the PTA directory. If you do not wish your details to be included in the PTA directory, please inform the relevant ESF or ESL school accordingly.
7. ESF or ESL may place student's photos, name or school work, activities and accomplishments in ESF or ESL publications, websites (including but not limited to social media sites) used by ESF or ESL for organizational purposes.
8. In the event where a student already has a sibling in an ESF or ESL school, the school records of such sibling will be updated according to the data provided on the new student's enrolment form where relevant. The 'Contact Priority' indicated on the enrolment form will be applied on a family-basis and cannot differ for siblings in the same family.
9. Failure to provide the data requested may result in ESF or ESL being unable to process the enrolment and may result in the placement for the student being revoked by ESF or ESL.
10. Students or their parents/guardians may submit a signed, written request to the Principal of the relevant school to access or to correct personal data held by ESF or ESL. ESF or ESL shall levy a charge for accessing the information.
11. Please refer to the ESF Personal Data Handling & Data Privacy Policy, which is available upon request, for more information.

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## **STATEMENT 5: GENERAL Personal Information Collection Statement**


**Instructions** – use this General PICS Statement (in italics) on any form that collects personal data:

*The information submitted on this form is being collected in accordance with the ESF Personal Data Handling & Data Privacy Policy and its related Personal Information Collection Statements (“PICS”). A copy of the PICS can be found on the ESF web site (<https://www.esf.edu.hk/privacy/>). Statement to be attached to ESF Web Site, in support of the general Statement 5:*

### **Personal Information Collection Statement**

Please take a moment to read the following Personal Information Collection Statement.

1. From time to time it is necessary for students (or their parents/guardians) and staff members to supply the English Schools Foundation (“**ESF**”) or ESF Educational Services Ltd (“**ESL**”), with certain personal data for school administrative, academic, pastoral purposes and alumni activities.
2. Personal data of staff members, students and their parents/guardians will be handled by relevant ESF or ESL staff members and will be kept confidential. Such data will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed.
3. Staff members’ experience and/or teaching qualifications may be made available to relevant ESF and ESL stakeholders at the discretion of the school’s Principal or Department Head. (For example, on school web sites [including but not limited to social media sites] or announcements of appointments in newsletters or emails.
4. ESF or ESL may also disclose some of the data to third parties such as agencies (including the Hong Kong government), service providers and contractors (whether within or outside Hong Kong) appointed by ESF or ESL to undertake some of its academic, pastoral and administrative and alumni functions. This includes transferring data between ESF and ESL.
5. ESF or ESL may use personal data (such as name and contact details) to send communications that are relevant to parents and students, including but not limited to newsletters, programmes, courses, seminars, lectures, conferences, events and extra-curricular activities and clubs of ESF, ESL or selected third party service providers. ESF or ESL will provide an opportunity for data subjects to opt-in to receiving materials which may have a direct marketing component.
6. Apart from the parties listed above, ESF or ESL will not disclose any personal data to any external bodies or organisations unless:
  - (a) such disclosure is expressly provided for under this Statement;
  - (b) permitted to do so by the student or his/her parent/guardian; and/or
  - (c) permitted or required by law.

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7. Personal data may be stored in the ESF or ESL database systems, online portals and apps and any such personal data provided will form part of the staff member or the student's official records (as relevant) at ESF or ESL.
8. In schools where there are Parent Teacher Associations (PTA), ESF or ESL may provide such data to the relevant PTA for inclusion in the PTA directory and other PTA activities. If you do not wish your details to be included in the PTA directory, please inform the relevant ESF or ESL school accordingly.
9. ESF or ESL may place staff members' and student's photos, name or school work, activities and accomplishments in ESF or ESL publications, websites (including but not limited to social media sites) used by ESF or ESL for organizational purposes.
10. Failure to provide the data requested may result in ESF or ESL being unable to proceed with the purpose for which such data was requested.
11. Data subjects may submit a signed, written request to the Principal of the relevant school to access or to correct personal data held by ESF or ESL. ESF or ESL shall levy a charge for accessing the information.


Please refer to the ESF Personal Data Handling & Data Privacy Policy, which is available upon request, for more information.

**STATEMENT 6: Statement of Consent To Receive Direct Marketing/Promotional Materials Through Use of Personal Data**

**Instructions** – use this statement (in italics) when conducting opting-in communications.

*From time to time ESF, ESL or PTA of your child/children's school may use the parent or guardian's personal data (such as your name and contact details) to send information related to school/PTA activities, products or services that are relevant to parents and students and could be viewed as direct marketing under recent Hong Kong legislation. For example, this could include (but is not limited to) information relating to extra-curricular activities, school shows/concerts/fairs, after school clubs or the sale of items in PTA shops. We are required by law to give you the opportunity not to receive this information. As such, please click the box below to indicate your consent, or otherwise, to receive such information. Please keep in mind that by opting out of receiving this information, you or your son or daughter may miss important information related to school activities that may affect his or her participation in the school community.*

- Yes, I wish to receive communications from ESF, ESL and the PTA which may have a direct marketing component. I understand this will include information of the type identified above.*
- No, I do not wish to receive communications from ESF, ESL and the PTA of the type referred above.*

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*Please remember that by clicking “no”, you or your son or daughter may miss receiving information related to school activities that may affect his or her participation in the school community.*

**STATEMENT 7: Where Security / CCTV Cameras Are in Use**

Use Statement 7 as a Personal Information Collection Statement at school entrances and on school premises where security / CCTV cameras are in use and where photographs / videos of school activities are being taken.

**Statement 7:**

*This area is monitored by CCTV cameras (or equivalent) and pictures and/or videos might be taken of school activities. Images and information is collected in accordance with the ESF Personal Data Handling & Data Privacy Policy and its related Personal Information Collection Statements (“PICS”). A copy of the PICS can be found on the ESF web site (<https://www.esf.edu.hk/privacy/>).*

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## Appendix 2: Guidelines for Data Retention

The following guidelines are in place for Data Retention. In general, data will be kept by ESF indefinitely, however, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed. The following guidelines are provided for schools and departments to use when considering data retention.

### 1. Recruitment Related Data:

- a. **Successful Applicants** – Applicant data forms part of the employment record and guidelines for data retention of employment records are to be followed.
- b. **Unsuccessful Applicants** – In the event of an unsuccessful application, personal data will be destroyed within 24 months following rejection of the application. This also applies to existing staff members who unsuccessfully apply for an internal post.

### 2. Employment Related Data:

- a. During the course of employment, personal data will be kept by ESF indefinitely. After a staff member has left the organisation, personal data will be kept for seven years after which, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed with the exception of specific issues outlined below and where feasible, ESF should retain the last known contact details of a staff member, dates of employment and their HK ID Card details.
- b. **Sensitive Issues:** Any data relating to Child Protection, Grievances and Disciplinary Issues (involving a Final Warning or Summary Dismissal) are to be retained indefinitely. After seven years these may be sent and retained centrally at ESFC until the retention of the data is no longer required.


### 3. Admissions Related Data:

- a. **Successful Admissions** – Applicant data forms part of the student record and guidelines for data retention of student records are to be followed.
- b. **Unsuccessful Admissions** – In the event of an unsuccessful application, personal data will be destroyed within 24 months following rejection of the application.

### 4. Student Enrolment Data:


- a. Personal data of students and their parents/guardians collected pursuant to enrolment forms (and other forms requesting other information from time to time) will constitute a student's and family's record. After a student has left ESF, personal data will be kept for seven years after which, if the data is no longer required for the purposes for which it was collected/used, the data may be destroyed with the exception of:
  - **Personal Data and Last Transcript:** Where feasible, schools should retain the last known contact details of a student and parent/s, HK ID Card and final transcript.
  - **Sensitive Issues:** Any data relating to Child Protection is to be retained indefinitely. After seven years data may be sent and retained centrally at ESFC until the retention of the data is no longer required.

## Appendix 3: Data Breach Incident Report

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### **Data Breach Incident Report**

<b>I. SCHOOL/DEPARTMENT</b>	
School/Department	
<b>II. INFORMATION OF THE BREACH</b>	
<i>General information related to the data breach</i>	
Description of the breach	
Date and time of the breach (if known)	
Date and time of discovering the breach	
Nature of the breach (e.g. leakage, loss or, unauthorised use of personal data, etc.)	
Cause of the breach (if known)	
<b>Impact of the breach</b>	
Types of data subjects affected (e.g. staff, student, etc.)	
Estimated number of data subjects affected (Please state the respective number for each type of data subjects)	
Types of personal data affected (e.g. name, date of birth, Hong Kong Identity Card number, address, telephone number, etc.)	
Medium holding the affected personal data (e.g. folders, USB, hard disk, etc.)	
<b>III. DATA BREACH NOTIFICATION TO REGULATORY BODIES</b>	
Are regulatory bodies such as the Hong Kong Police Force	

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<p>or the Privacy Commissioner for Personal Data notified or required to be notified of the data breach?</p> <p>If yes, please provide the date and details of each notification given/planned.</p>	
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**IV. ACTIONS TAKEN / WILL BE TAKEN TO CONTAIN THE BREACH**

<p>Brief description of actions <u>taken</u> to contain the breach</p>	
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<p>If applicable, please evaluate the effectiveness of the above-mentioned actions taken.</p>	
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<p>Brief description of actions that <u>will be taken</u> to contain the breach</p>	
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**V. RISK OF HARM**

<p>Please assess here the potential harm to data subjects caused by the data breach and the extent of it.</p>	
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<p>Please assess here the potential harm to the organisation caused by the data breach and the extent of it (i.e. reputational, monetary, security etc.).</p>	
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**VI. DATA BREACH NOTIFICATIONS TO DATA SUBJECTS AFFECTED**


<p>Dates and details of the data breach notifications issued to data subjects affected by the breach</p>	
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<p>If no data breach notification is issued/will be issued, please state here the consideration.</p>	
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**VII. INVESTIGATION RESULTS**

<p>Cause(s) of the breach</p>	
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<b>VIII. POST INCIDENT REVIEW (To be completed by the Personal Data Privacy Officer)</b>	
Recommended improvement measures and the respective implementation date	
Date to assess the effectiveness of the above-mentioned improvement measures	

Name of Staff	Signature	Date
Principal	Signature	Date
Personal Data Privacy Officer	Signature	Date