



Hong Kong Examinations and Assessment Authority

**APPLICATION GUIDE
ON DATA ACCESS REQUEST**

**FOR LANGUAGE PROFICIENCY ASSESSMENT FOR TEACHERS
(LPAT) &
HONG KONG DIPLOMA OF SECONDARY EDUCATION EXAMINATION
(HKDSE)**

EXAMINATION-RELATED PERSONAL DATA

**WITH REGARD TO THE DATA PROTECTION PRINCIPLES IN
THE PERSONAL DATA (PRIVACY) ORDINANCE**



INTRODUCTION

1. The Hong Kong Examinations and Assessment Authority (HKEAA) is an independent, self-financing statutory body. The HKEAA is responsible for the administration of the Hong Kong Diploma of Secondary Education Examination (HKDSE) and Language Proficiency Assessment for Teachers (LPAT). The HKEAA also administers a number of other local, overseas and professional examinations. The Data Subjects (DS) in relation to these public examinations are mainly candidates taking part in the examinations, and in some cases, the presenters of the candidates as well.
2. The HKEAA recognises that compliance with the Data Protection Principles is central to the purpose of the Personal Data (Privacy) Ordinance ('the Ordinance'). The following are some guidelines showing the practices of the HKEAA for these examinations with regard to each of the six Data Protection Principles.
3. For examinations the HKEAA administers on behalf of other organisations, there may be additional or another set of examination-specific guidelines regarding personal data privacy. For details, please enquire at the HKEAA office at San Po Kong.

DATA PROTECTION PRINCIPLES

Principle 1 - Purpose and manner of collection of personal data

4. All the information of a personal nature obtained by the HKEAA for the DS is for the purposes of conducting public examinations administered by the HKEAA and the subsequent assessment of performance and handling of examination-related irregularities, if any. Some data may also be used for the following purposes which are stated in the information sheets provided to the DS at registration:
 - (i) assisting tertiary institutions and other government/public organisations in their admission purposes,
 - (ii) assisting government/public organisations in respect of their requests for information in granting scholarships,
 - (iii) confirming with relevant Government authorities the eligibility of candidates for examination fee remission by transferring necessary data of the school candidates concerned to these Government authorities for verification,
 - (iv) certifying candidates' examination results in response to legitimate requests,
 - (v) conducting educational research and/or analysis in an anonymous format in which the identities of the DS are not traceable,
 - (vi) providing information related to the examination concerned to the candidates or applicants, and
 - (vii) processing of any refund or payment in relation to the examination by the Authority's designated banks (or their appointees).
5. The entry data are supplied either by candidates themselves or through their schools or presenters. Assessment data are provided by markers, checkmarkers, examiners and schools (for subject/papers with school-based assessment). Other data (e.g. irregularity cases) are provided by candidates and/or the examination personnel involved. The data



are assembled to enable the DS to be registered and identified, marks or other data to be properly attributed throughout the period of processing the examination marks and results, and irregularity cases to be properly handled, as appropriate. The HKEAA is also obliged professionally to process the personal data of the DS fairly and lawfully.

Principle 2 - Accuracy and duration of retention of personal data

6. The HKEAA has well-established procedures for the DS to verify and to apply for amendments of their personal entry particulars. After the data obtained from the application forms have been captured, processed and checked, hard copies, for example candidates' information checklists or admission forms, are produced for all the DS, and arrangements are made for them to verify the data, in order to ensure the accuracy of the personal entry data. Information on how to request amendments to personal entry particulars is given in information sheets/letters which are provided at various stages of examination processing.
7. For examinations administered and graded by the HKEAA, upon completion of examination processing, data used in the processing of the examinations including entry records, examination scripts, video clips and irregularity reports, if any, are destroyed. The candidates' personal data are erased from the marking records captured in the computer system. After destruction, certain personal data are retained permanently; they include the DS's personal entry particulars such as name, identification document number, gender, date of birth, school reference number, as well as subjects entered, the attendance indicator and the final subject/component results in grades/levels without marks. Other data (with no traceable identities of the DS) may be kept for research purposes.

Principle 3 - Use of personal data

8. The HKEAA will only use data for specifically or directly-related purposes, as outlined on its entry forms and the accompanying explanatory notes. No exception to this rule is permitted without the express permission of the DS involved. As stated in paragraph 4 under Principle 1, candidates' results are also passed to other users for selection purposes such as admission to post-secondary and tertiary institutions.

Principle 4 - Security of personal data

9. The HKEAA recognises the sensitive and highly confidential nature of much of the personal data which it handles and maintains a high level of security in its work. The HKEAA has well-established guidelines and procedures for maintaining security of all personal data, both on hard copies and in computer-readable form.

Principle 5 - Information to be generally available

10. The Application Guide and the information sheets accompanying entry forms contain clear statements about the HKEAA's personal data policies and practices, including the use to which personal data are put. This Application Guide, together with the Data Access Request (DAR) Form specified by the Privacy Commissioner for Personal Data (PCPD), is available to the general public for their information and reference and can also



be downloaded from the HKEAA web site at <http://www.hkeaa.edu.hk>. The DAR Form of PCPD can be downloaded from:

<http://www.pcpd.org.hk/english/publications/files/Dforme.pdf> (English version)

<http://www.pcpd.org.hk/chinese/publications/files/Dformc.pdf> (Chinese version)

Principle 6 - Access to personal data

11. Personal data relating to the DS are normally kept in computer-readable form. Some of the data are personal details collected at the time of entry for an examination and other data are added to the record as the examinations take place so that a final record of marks and grades is gradually assembled for each DS. From each record, appropriate data are selected and published when results of the examination are announced to schools and candidates concerned.
12. From 1997 onwards, access to all personal data relating to a DS is available to anyone who can establish their right to be informed of such data as retained by the HKEAA. The DS is required to pay the appropriate fees at the time of application, which are charged on a cost recovery basis. The procedures for applications are listed below in this Guide. Information on how to request amendments to personal entry particulars is given in information sheets/letters which are provided at various stages of examination processing.

COPYRIGHT STATEMENT

13. As stipulated in the respective Examination Regulations, all examination scripts submitted by candidates (including portfolios and audio/video recordings for speaking and practical examinations) and all works submitted to the Authority under the SBA and ApL subjects (including coursework and audio/video recordings) are the properties of HKEAA. While the DAR report(s) is provided to the DS solely for the purposes of the Ordinance, HKEAA retains all intellectual property rights (including copyright) of the examination scripts and DAR reports. HKEAA also reserves all rights of action against any copyright infringement or unauthorised dealings.

WHEN TO APPLY

14. The personal data of the DS in an examination fall mainly into three categories: personal entry particulars, examination results and irregularity reports. Requests for access to personal data are accepted from the time the DS registered for the examination.
15. **Data of personal entry particulars (including subjects entered)**

Requests for access to personal entry particulars are accepted after registration for that examination. (*Note: requests for amendments of personal entry particulars, including subjects entered, should be in accordance with the procedures and guidelines as advised by the HKEAA or as stated in the relevant information sheets provided to the DS, and may be subject to a supplementary fee.*) For applicants who sat the HKALE and the HKCEE before 2000, records of amendments to personal particulars after the issue of the certificates are kept by the HKEAA and will be reported to the applicant in a separate



report on personal particulars changes if the applicant requests such report on the DAR Form. For applicants who sat these examinations, including the HKDSE, in 2000 or after, only records of the latest personal particulars of the DS are kept by the HKEAA after the issue of certificates.

16. Data of examination results and irregularity reports

For examinations administered and graded by the HKEAA, when they are undergoing marking, grading and/or rechecking and remarking, such processes are considered 'relevant processes' under Section 55(2) of the Ordinance, whereby the personal data of the DS are considered for the purpose of determining the results of the examination or any adjustment of those results. In order not to disrupt such processes, exemption given in Section 55(1) of the Ordinance would be invoked and any data access requests for personal data in examination results undergoing such relevant processes will only be complied with after the completion of such relevant processes.

17. Requests for access to examination scripts and irregularity reports of the year must be made before the destruction dates (LPAT see paragraph 25; HKDSE see paragraph 31). Each request for data access, upon acceptance, will normally be responded to within 40 calendar days of the date of receipt of the application by the HKEAA. In case a DS has applied for rechecking and remarking or appeal review in respect of the rechecking and remarking, the request for data access will be responded to within 40 calendar days of the date of the release of results (in respect of rechecking, remarking or appeal review).

WHAT WILL BE PROVIDED

18. Upon acceptance of a valid data access request, the applicant will be issued, within 40 calendar days of the request, a black-and-white hardcopy of the requested personal data of the DS (Note: No softcopy will be provided, except for video clips). As mentioned in paragraph 17, the counting of 40 calendar days is subject to whether the DS has further applied for rechecking, remarking or appeal review.
19. The personal entry particulars will be available from the time the DS registered for the examination.
20. The personal examination results data provided will include the requested personal data of the DS held by the HKEAA at the time the request is received, although the HKEAA may take account of any amendment or deletion that would in any event be made between that time and the time the information is supplied.
21. With regard to personal examination results data, the DS will be provided with the relevant marking records, a copy of his/her examination scripts, including multiple-choice answer sheets and speaking examination score sheets, upon application as specified in the DAR Form before the destruction date (see paragraph 25). For paper-based marked scripts, a full set of the clean scripts with marking records and a copy of the relevant pages with marking symbols such as ticks, crosses or comments, if any, will be given. For onscreen-marked papers, a full set of the original scripts (scanned images), the marks awarded and a copy of markers' comments and/or annotations, if any, will be



provided before the destruction of scripts. Candidates who did not produce their admission form/valid identification documents at the examination centre and did not come to the HKEAA office to have their identities verified after the examination, resulting in their examination results being marked as 'absent', will only be given a copy of the clean scripts without any marking records. Candidates who have been disqualified from the examination will be given a copy of the clean scripts with marking records but without the final marks.

22. For subjects adopting onscreen marking, markers mark scripts at the assessment centres via a secure intranet. Marks are input in score boxes and depending on the marking requirements, markers may or may not put any ticks, crosses or comments on the scripts. Pages without marking symbols or comments are not personal data and will not be included in the set of marked scripts in the DAR documents.
23. For irregularity reports, the records of an examination irregularity related to the DS or a complaint lodged by the DS, and the subsequent investigation and handling of the case by the HKEAA will be provided. The destruction schedule of the irregularity reports is the same as that of the examination scripts (LPAT see paragraph 25; HKDSE see paragraph 31).

RECHECKING AND REMARKING

24. Applicants should note that an application for data access pursuant to the Ordinance is ***not*** a request for rechecking/remarking of the DS's results. Applicants who wish to request rechecking/remarking of examination results should refer to the rechecking/remarking procedures as may be applicable to the relevant examination.

DETAILS APPLICABLE TO LPAT

25. The 2020 LPAT examination scripts and irregularity reports will be destroyed on 30 September 2020*

* The deadline of application for copies of the examination scripts and irregularity reports will fall on the working day prior to the scripts destruction date, i.e. **29 September 2020**. Applications for appeal review of marking of scripts shall be made **within 10 calendar days** after the scripts are made available to the DS.

Application Fee

26. The application fee is subject to the prevailing rate set by the HKEAA on a cost recovery basis, and is subject to annual review each year. For 2020, the following charging schedule for LPAT applies:



			Before destruction of scripts	After destruction of scripts
Personal entry particulars	Each application		\$198	\$198
Marking Records and Examination Scripts (including personal entry particulars)	Each application (including one subject)		\$400 (marking records and examination scripts will be provided)	\$198 (only final subject / component results in grades/levels will be provided without marks – see paragraph 7)
	Each additional subject		\$104	\$62
	Video clips	Each application (including one subject)	LPAT (PTH) *	---
LPAT (ENG) #			---	
Irregularity reports	First application (including one case)		\$198	---
	Each additional application (including one case)		\$62	---

* For LPAT (PTH), the video clip includes individual performance only.

For LPAT (ENG), the video clip includes only the individual presentation / response and the group discussion that the DS took part in.

Note: For personal data related to the Classroom Language Assessment (CLA) of LPAT, applicants should approach the Education Bureau.

27. For subjects/papers which involve special forms of scripts, an additional charge, in addition to the application fee for examination scripts, will be set. Requests for personal data other than those listed in paragraph 26 will be provided at cost to be determined on a case by case basis. Applicants will be advised of the total application fee before their applications are processed.
28. Full payment of the application fee, by EPS, Octopus, credit card or crossed cheque, must be made at the time of application. Otherwise, the application will be deemed incomplete and will not be processed by the Authority. Crossed cheques must be made payable to the 'Hong Kong Examinations and Assessment Authority'. No cash should be sent by post.

How to Apply

29. The DAR Form for requesting personal data retained by the HKEAA is available from the PCPD website at www.pcpd.org.hk. For requests on personal data relating to LPAT, applicants need to complete an additional supplementary form which can be obtained from the HKEAA website at www.hkeaa.edu.hk. All applications, properly signed by the DS concerned, should be addressed to the Secretary General of the HKEAA. Applications may be submitted in person or by post to the following HKEAA offices:

School Examinations and Assessment Division
12th Floor, Southorn Centre
130 Hennessy Road, Wan Chai, Hong Kong
(Enquiry hotline: 3628 8860)

Only written applications in Chinese or English will be accepted.



30. Since security of data is a requirement of the Privacy Ordinance, applicants must provide convincing evidence of their identity as the data subject. Please observe the requirements stipulated in ‘Part II: Data Subject - Particulars of the data subject making this data access request’ of the Form.

DETAILS APPLICABLE TO HKDSE

31. The 2020 HKDSE examination scripts and irregularity reports will be destroyed on 9 September 2020*

* The deadline of application for copies of the examination scripts and irregularity reports will fall on the working day prior to the scripts destruction date, i.e. **8 September 2020**. Applications for appeal review of marking of scripts shall be made **within 10 calendar days** after the scripts are made available to the DS.

Application Fee

32. The application fee is subject to the prevailing rate set by the HKEAA on a cost recovery basis, and is subject to annual review each year. For 2020, the following charging schedule for HKDSE applies:

			Before destruction of scripts	After destruction of scripts
Personal entry particulars		Each application	\$198	\$198
Marking Records and Examination Scripts (including personal entry particulars)		Each application (including one subject)	\$400 (marking records and examination scripts will be provided)	\$198 (only final subject / component results in grades/levels will be provided without marks – see paragraph 7)
		Each additional subject	\$104	\$62
	Video clips	Each application (including one subject)	HKDSE (CHI/ENG)* \$990	---
	Visual Arts – Art Marking / Design	Each application	\$150	---
Irregularity reports		First application (including one case)	\$198	---
		Each additional application (including one case)	\$62	---
Fee for registered mail (if collect by mail)		Two subjects or below	\$29.5	---
		Three subjects or above	\$43.5	---
		Visual Arts Drawing papers	\$23	---

* For HKDSE (CHI & ENG), the video clip includes only the individual presentation / response and the group discussion that the DS took part in.

Note: The above fees are not applicable to examination scripts of the HKDSE Category C (Other Languages) subjects as they are marked and graded by Cambridge Assessment International Education (Cambridge International). Applicants may apply for a copy of the examination scripts via the HKEAA during the rechecking/remarking application period for Category C subjects.



33. For subjects/papers which involve special forms of scripts, an extra charge, in addition to the application fee for examination scripts, will be set. For Visual Arts drawings, a colour copy of the drawing will be issued upon payment of an additional charge. Requests for personal data other than those listed in paragraph 32 will be provided at cost to be determined on a case by case basis. Applicants will be advised of the total application fee before their applications are processed.
34. Full payment of the application fee, either online by credit card or at convenience stores (applicable to e-form applications for copies of examination scripts before scripts destruction date specified in paragraph 31), and by EPS, Octopus, credit card or crossed cheque (applicable to hardcopy applications for personal data after scripts destruction date specified in paragraph 31), must be made at the time of application. Otherwise, the application will be deemed incomplete and will not be processed by the Authority. Crossed cheques must be made payable to the 'Hong Kong Examinations and Assessment Authority'. No cash should be sent by post.

How to Apply

35. Requests on personal data which include copies of examination scripts should be submitted before the script destruction date specified in paragraph 31, using the e-form provided via the HKDSE Online Services at www.hkdse.hkeaa.edu.hk. For requests on personal data other than examination scripts, applicants should complete the DAR form for requesting personal data retained by the HKEAA (available from the PCPD website at www.pcpd.org.hk) and a supplementary hardcopy form (available from the HKEAA website at www.hkeaa.edu.hk). Except for applications for copies of examination scripts via e-form, all hardcopy applications should be properly signed by the DS concerned and addressed to the Secretary General of the HKEAA. Applications may be submitted in person or by post to the following HKEAA office:

School Examinations and Assessment Division
12th Floor, Southorn Centre
130 Hennessy Road, Wan Chai, Hong Kong
(Enquiry hotline: 3628 8860)

Only written /relevant e-form applications in Chinese or English will be accepted.

36. Since security of data is a requirement of the Privacy Ordinance, applicants must provide convincing evidence of their identity as the data subject. Please observe the requirements stipulated in 'Part II: Data Subject - Particulars of the data subject making this data access request' of the Form.

Attachment:

- Data Access Request Form (English and Chinese versions)
- Supplementary Form (English and Chinese versions)