



Hong Kong Examinations and Assessment Authority

**APPLICATION GUIDE
ON DATA ACCESS REQUESTS**

FOR EXAMINATION-RELATED 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 Certificate of Education Examination (HKCEE) and Hong Kong Advanced Level Examination (HKALE). 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 recognizes that compliance with the Data Protection Principles is central to the purpose of the Personal Data (Privacy) 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. For examinations the HKEAA administers on behalf of other examination bodies or professional and public organisations, they may provide additional guidelines. For additional information, please enquire at the HKEAA offices at the Southorn Centre and in San Po Kong.

DATA PROTECTION PRINCIPLES

Principle 1 -Purpose and manner of collection of personal data

3. All the information of a personal nature obtained by the HKEAA for the DS is for the purpose of conducting public examinations administered by the HKEAA and the subsequent assessment of examination results. 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 organizations in their processes for admissions purposes,
 - (ii) assisting government/public organizations in respect of their requests for information in granting scholarships,
 - (iii) certifying candidates' examination results in response to legitimate requests,
 - (iv) conducting educational research and analysis in an anonymous format in which the identities of the DS are not traceable,
 - (v) providing information on the examining body to the DS.
4. 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 teacher assessment). The data are assembled to enable the DS to be registered and identified, and marks or other data properly attributed to them throughout the period of processing the examination marks and results as appropriate. The HKEAA is also obliged professionally to process the personal data of the DS, including marks and grades, fairly and lawfully.

Principle 2 - Accuracy and duration of retention of personal data

5. 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.

6. Upon completion of examination processing, hard copies used in the processing of the examinations including entry forms are destroyed. Personal data are erased from the computer record - with the exception of school-based assessment scores, which are retained for two years, and certain data which are retained permanently. The permanent personal data retained may include the DS's personal details such as name, Identity Card number, gender, date of birth, school reference number, as well as subjects entered, the attendance indicator and the final subject/component grades. Other data (with no traceable identities of the DS) may be kept for research purposes.

Principle 3- Use of personal data

7. The HKEAA will only use data for the specific purposes outlined on its application 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 3 under Principle 1, candidates' results are also passed to other users for admissions purposes such as sixth-form admission and tertiary education. All third-party users are only provided with results in the form of grades. Where justified, the HKEAA may release data in the form of marks, mainly for research purposes; but in all such cases this is done in an anonymous format with no traceable identity of the DS.

Principle 4 - Security of personal data

8. The HKEAA recognizes the sensitive and highly confidential nature of much of the 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

9. The information sheets which accompany entry forms contain clear statements about the use to which personal data are put. This Application Guide, which contains a standard application form for data access requests and a sample set of reports containing data provided in response to such requests, is available to the general public for their information and reference and can also be downloaded from the HKEAA web site at www.hkeaa.edu.hk.

Principle 6 - Access to personal data

10. Almost all personal data relating to the tens of thousands of the DS are 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.

11. From 1997 onwards, access to all personal data relating to a DS is available, on payment of the appropriate fee, to anyone who can establish their right to be informed of such data as retained by the HKEAA. 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.

WHEN TO APPLY

12. The personal data of the DS in an examination fall mainly into two categories: personal entry particulars and examination results. Requests for access to personal data are accepted from the time the DS registered for the examination.

13. **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 HKEAA procedures and follow the HKEAA guidelines as stated in the 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 personal particulars changes report if the applicant requests for the report on the application form. For applicants who sat these examinations in 2000 or after, only records of the latest personal particulars are kept by the HKEAA after the issue of certificates and they are shown in the examination results data report.

14. **Data of examination results**

For some examinations, marking and grading are not performed by the HKEAA. If performed by the HKEAA, these processes are considered “relevant processes” under the definition given in Section 55(2) of the Privacy Ordinance, whereby the personal data of the DS are considered for the purpose of determining the results of the examination. In order not to disrupt the assessment process, exemption given in Section 55(1) of the Ordinance would be invoked and the HKEAA would not entertain any data access requests for examination results until the completion of the marking and grading process (i.e. until after the release of examination results or after appeal, if applicable).

15. Each request for data access, upon acceptance, will be responded to within 40 days of the date of receipt of the application by the HKEAA, although the 40-day period does not commence until the HKEAA has received all the information reasonably required about the applicant.



Note: The procedures that are used to process the data of marks and grades are set down prior to the examinations. The data present at the conclusion of the relevant processes are used for assigning grades which are released at the announcement of results. All other data, in what is a very complex process, are only computed and stored temporarily to facilitate the various steps needed to achieve this end. It should be pointed out that all procedures are strictly adhered to and applied equally to all the DS.

HOW TO APPLY

16. Forms on which to apply for a copy of the personal data retained by the HKEAA are available at the HKEAA's offices in Southorn Centre and at San Po Kong. Applicants are not obliged to use the standard application form, but are strongly advised to do so to avoid delay due to insufficient application information. All applications, properly signed by the DS concerned, should be addressed to the Secretary General of the HKEAA for the attention of the HKEAA Data Protection Committee. Applications may be submitted in person or by post to the following HKEAA offices:

Examination	Address to submit application
HKALE HKCEE Test of Advanced Proficiency in Putonghua Test of Proficiency in Putonghua Language Proficiency Assessment for Teachers	School Examinations and Assessment Division Southorn Centre 12 th Floor 130 Hennessy Road Wan Chai Hong Kong
International and Professional Examinations	International and Professional Examinations Division 17 Tseuk Luk Street San Po Kong Kowloon

Only written applications in Chinese or English will be accepted.

17. Since security of data is a requirement of the Privacy Ordinance, applicants must provide convincing evidence of their identity as the data subject, by enclosing with the application a signed (applicants should sign at the bottom of the photocopy of the document) photocopy of one of the following:
- The Admission Form
 - The Results Notice
 - The Hong Kong Identity Card
18. The data available will be those currently kept in the data file of that examination/year by the HKEAA (access to data for international and professional examinations are also subject to the relevant rules and regulations of the examining bodies concerned).



Application Fee

19. The application fee is \$350 and is subject to annual review in October.
20. Payment of the appropriate fee, in cash or by crossed cheque payable to “Hong Kong Examinations and Assessment Authority”, must be made at the time the application is submitted. For applications by post, no cash should be sent and payment must be made by crossed cheques.

WHAT WILL BE PROVIDED

21. Upon acceptance of a data access request, the applicant will be issued, within 40 days of the request, a set of reports containing the personal data of the DS. A sample of these reports is attached.
22. The personal entry particulars will be available from the time the DS registered for the examination until four months after the release of results for that examination. The personal examination results data will be provided only after the release of examination results or appeal results, if applicable.
23. The data provided will be the details of the 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 made between that time and the time the information is supplied.

APPEALS

24. Applicants should note that an application for data access in relation to the Personal Data (Privacy) Ordinance is ***not*** a request for rechecking/remarking of the DS’s results. In response to the data access requests, a set of reports showing the details of the grades will be provided where applicable, but there will be ***no*** review of the marking or grading.

Attachments:

1. Application for Access to Personal Data
2. Sample reports :
 - Personal Entry Particulars
 - Examination Results Data