Hong Kong Examinations and Assessment Authority

APPLICATION GUIDE
ON DATA ACCESS REQUESTS
FOR 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 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 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 offices at Southorn Centre and in San Po Kong, the contacts of which are given under paragraph 19 below.

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 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 related to the examination concerned to the candidates or applicants.

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). 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 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, hard copies used in the processing of the examinations including entry forms and examination scripts are destroyed and candidates’ personal data are erased from the marking records captured in the computer system (with the exception of school-based assessment scores of HKCEE and HKALE, which are retained for two years). The destruction will commence 7 calendar days after the release of appeal review results in respect of the rechecking and remarking process. After this date, certain personal data are retained permanently; they include the DS’s personal entry particulars 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 results. Other data (with no traceable identities of the DS) may be kept for research purposes.

8. Dates for destruction of 2010 examination scripts

<table>
<thead>
<tr>
<th>Examination</th>
<th>Scripts destruction date *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language Proficiency Assessment for Teachers</td>
<td>5 August 2010</td>
</tr>
<tr>
<td>HKALE</td>
<td>31 August 2010</td>
</tr>
<tr>
<td>HKCEE</td>
<td>6 October 2010</td>
</tr>
<tr>
<td>Test of Proficiency in Putonghua</td>
<td>5 November 2010</td>
</tr>
</tbody>
</table>

* Deadline for application of appeal review of marking of scripts will be 10 calendar days after the scripts are made available to the DS.

**Principle 3 - Use of personal data**

9. 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 admissions purposes such as sixth-form admission and tertiary education.
Principle 4 - Security of personal data

10. The HKEAA recognizes 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

11. 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 website at www.hkeaa.edu.hk. The DAR Form of PCPD can be downloaded from:

Principle 6 - Access to personal data

12. 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.

13. 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

14. As stipulated in the respective Examination Regulations, all examination scripts submitted by candidates, including the practical work in the practical examinations, 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 unauthorized dealings.
WHEN TO APPLY

15. 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.

16. **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 in 2000 or after, only records of the latest personal particulars of the DS are kept by the HKEAA after the issue of certificates.

17. **Data of examination results**

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.

18. Requests for access to examination scripts of the year must be made before the scripts destruction dates (see paragraph 8 above). Each request for data access, upon acceptance, will be responded to within 40 calendar days of the date of receipt of the application by the HKEAA.

HOW TO APPLY

19. The DAR Form for requesting personal data retained by the HKEAA is available from the PCPD website at www.pcpd.org.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:
Application Guide on Data Access Requests

<table>
<thead>
<tr>
<th>Examination</th>
<th>Address to submit applications</th>
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</thead>
<tbody>
<tr>
<td>HKALE</td>
<td>School Examinations and Assessment Division</td>
</tr>
<tr>
<td>HKCEE</td>
<td>12th Floor, Southorn Centre</td>
</tr>
<tr>
<td>Test of Advanced Proficiency in Putonghua</td>
<td>130 Hennessy Road</td>
</tr>
<tr>
<td>Test of Proficiency in Putonghua</td>
<td>Wan Chai</td>
</tr>
<tr>
<td>Language Proficiency Assessment for Teachers</td>
<td>Hong Kong</td>
</tr>
<tr>
<td>International and Professional Examinations</td>
<td>International and Professional Examinations Division</td>
</tr>
<tr>
<td></td>
<td>3rd Floor, HKEAA</td>
</tr>
<tr>
<td></td>
<td>17 Tseuk Luk Street</td>
</tr>
<tr>
<td></td>
<td>San Po Kong</td>
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<td></td>
<td>Kowloon</td>
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Only written applications in Chinese or English will be accepted.

20. 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” in the Form.

Application Fee

21. The application fee is subject to the prevailing rate set by the HKEAA or the examination body concerned on a cost recovery basis, and is subject to annual review in October each year. For 2010, irrespective of the number of paper(s) in each subject, the application fee is $385 for the first subject and $100 each for the second and subsequent subject(s).

22. For subjects / papers which involve special form of scripts e.g. Visual Arts drawings in HKALE and HKCEE, an additional charge, in addition to the application fee, will be set. Applicants will be advised of the total application fee before their applications are processed.

23. For subjects / papers which involve recording of the oral examination proceedings e.g. Language Proficiency Assessment for Teachers (LPAT) * and the Test of Proficiency in Putonghua (TPP), in obtaining a copy of the recording, the following charging schedule applies:

<table>
<thead>
<tr>
<th>Examination</th>
<th>Fee</th>
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<tbody>
<tr>
<td>LPAT (Putonghua)</td>
<td>$500</td>
</tr>
<tr>
<td>LPAT (English Language) #</td>
<td>$1,500</td>
</tr>
<tr>
<td>TPP</td>
<td>$500</td>
</tr>
</tbody>
</table>

(Note: The above fee will be imposed in addition to the subject application fee.)

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

# The video clip for LPAT (English Language) includes both individual presentation and group discussion.
24. Full payment of the application fee, either in cash, by EPS 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.

25. For applicants with financial difficulties, HKEAA may consider waiving all or part of the application fee on a case by case basis, subject to their provision of supporting documents provided at the time of application.

WHAT WILL BE PROVIDED

26. Upon acceptance of a valid data access request, the applicant will be issued, within 40 calendar days of the request, a hardcopy of the requested personal data of the DS (Note: No softcopy will be provided).

27. The personal entry particulars will be available from the time the DS registered for the examination.

28. 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.

29. With regard to personal examination results data, the DS will be provided with a copy of his/her examination scripts, including multiple-choice answer sheets and oral exam score sheets, upon application as specified in the DAR Form before the script destruction date (see paragraph 8). For the paper-based marked scripts, the full set of scripts with markers’ marks and/or comments, if any, will be given. For the onscreen-marked papers, the 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.

30. For examinations administered by the HKEAA on behalf of other organisations, the access to personal examination results data will be subject to the procedures and guidelines of the examination body concerned.

REMARKING AND RECHECKING

31. 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.

Attachment:

- Data Access Request Form (English and Chinese versions)