

Annex E

May 2014

FACT SHEET

Examples Adapted from the Proposed Advisory Guidelines for the Education, Healthcare and Social Service Sectors; and on Photography

(1) Advisory Guidelines for the Education Sector

Grace takes a language competency test prior to enrolment into school ABC. Before the test results are released, Grace makes an access request to the school for her test results. The school is not required to respond to her access request before the results are released, under the exception 1(b) in the Fifth Schedule.

(2) Advisory Guidelines for the Healthcare Sector

A doctor recommends that his patient consults a specialist. The patient agrees verbally to the recommendation.

The verbal agreement would constitute consent for the doctor to disclose the patient's personal data for the purposes of the referral to the specialist. The doctor should ensure that the patient's personal data is accurate before disclosing it. As good practice, the doctor could document such consent.

(3) Advisory Guidelines for the Social Service Sector

Mdm Koh receives social services from two Voluntary Welfare Organisations ("VWOs"), ABC and XYZ. Social workers at both VWOs wish to organise a case conference to coordinate their services, which would involve disclosure of Mdm Koh's personal data. Both VWOs need to notify Mdm Koh and obtain her consent. Mdm Koh could be deemed to have consented if she voluntarily provided her personal data to either or both VWOs for this purpose.

(4) Advisory Guidelines on Photography

Example 1: Photo-taking by an individual acting as an employee

Eric is an employee of Organisation XYZ. He has been tasked to take photographs at a corporate event and post them on XYZ's webpage. Eric would not be required to comply with the Data Protection Provisions in relation to the photo taking as he would be considered an employee acting in the course of his employment. XYZ would be required to comply (e.g. by clearly stating in its invitation to attendees that



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photographs taken at the function will be for publication on its website, or putting up an obvious notice at the reception or entrance of the event venue to inform attendees that photographs will be taken at the event for publication). As a practical measure, XYZ could also assign Eric to ensure its compliance e.g. by obtaining consent before photographing individuals

Example 2: Posing for photo-taking

Kevin attends Organisation ABC's private function. ABC's photographer informs Kevin that she is taking photographs for publication in the organisation's internal newsletter, and asks Kevin to pose for the photograph. Kevin voluntarily poses. In this case, he would be deemed to have given consent for the photographer take his photograph and publish it in ABC's newsletter.

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