



Upon receiving notifications of use of your personal data

e.g. A company informs you on a Personal Information Collection Statement or service application form, "We intend to use your name, email and postal addresses for marketing [a specified class of] products/services. Please tick the appropriate box to indicate your wish."

You are a customer/direct marketing target of the company before 1 April

You are a customer/direct marketing target of the company on or after 1 April

You have no prior contact with the company



Ask yourself:

- Have you ever received its direct marketing messages for that class of products/services but made no effort to opt out?



New provisions apply:

- The company must obtain your consent before using your personal data for direct marketing

Yes

The company may continue direct marketing to you the same class of products/services without the need to seek your consent.

No

The company should seek your consent before sending you any direct marketing messages

Can't remember

- You may choose not to respond to the notification
- Or you may ask the company not to use your personal data for direct marketing. If this request is not complied with, the company commits an offence.

To receive direct marketing messages, you may respond indicating consent or "no objection".



To reject direct marketing messages, you do not need to respond. Non-response does not constitute consent.



How best to respond to direct marketing notifications and messages?

The new provisions of 2012 Personal Data (Privacy) (Amendment) Ordinance, which took effect on 1 April 2013, require organisations to inform you and obtain your consent before using your personal data for direct marketing.

IT IS YOUR CHOICE TO ACCEPT DIRECT MARKETING YOU CAN OPT OUT ANYTIME

According to the Ordinance, even if you have consented to receiving direct marketing messages or have not replied to any direct marketing notifications, you can opt out from direct marketing messages anytime. An organisation which fails to comply with your request commits a criminal offence.

Tip: Make your opt-out request in writing and keep a copy to serve as evidence for future possible investigation of non-compliance.



Upon receiving direct marketing calls, letters or email

e.g. "We are currently promoting product A and as a loyal customer you may make purchases at a discount."

You are a customer/direct marketing target of the company before 1 April

You are a customer/direct marketing target of the company on or after 1 April

You have no prior contact with the company

If you do not wish to receive the direct marketing messages in future, you may opt out

You have been receiving such messages and do not mind to continue receiving them



You should know

If the class of the products/services presently marketed is different from that marketed before, the company should obtain your consent afresh before marketing that class of products/services to you; otherwise it commits an offence.



Ask yourself:

- Have you replied to any notifications and consented to the use of your personal data for direct marketing this class of products/services?
- If yes, you may not mind to continue receiving such messages.
 - If not, the company may have contravened the Ordinance.



You may:

- Ask the company to explain how it got hold of your personal data
- Tell the company, "You may have contravened the Ordinance as you have not sought and obtained my consent before sending me the direct marketing messages."

TO FILE A COMPLAINT, YOU MUST KEEP ALL RELATED RECORDS AS EVIDENCE

* Direct marketing messages without addressing your name (e.g. calls to phone numbers randomly generated), are not subject to the Ordinance. To opt out from unsolicited email, facsimiles or calls without addressing to specific persons by name, please contact the Office of the Communications Authority.

If the direct marketing message is targeted at the company you work in and you receive the message in your official capacity, it is not considered as direct marketing under the Ordinance.