



Legal Assistance Case No. _____

For Official Use _____

Application Form for Legal Assistance

Please read the Information Notes carefully and refer to the Information Leaflet:
“Legal assistance for civil claims under the Personal Data (Privacy) Ordinance”
before completing this form

Part I: Applicant [data subject] (*i.e. the individual to whom the personal data in question is related*)

Name: (*Mr./Ms./Miss) _____

(As recorded on the identification document)

(Please either produce the original of the identification document in person for verification or provide copy of the identification document with this application)

Address: _____

Telephone: _____

Part II: Prospective Defendant [data user] (*i.e. the party who committed the act or engaged in the practice in question*)

Name: _____

Address: _____

Contact person (if known): _____

Telephone: _____

Part III: Complaint lodged with the Privacy Commissioner for Personal Data (“PCPD”)

Complaint lodged: (Please tick one of the boxes) ☐ Yes ☐ No

PCPD’s file reference no. (if known) _____

Date of complaint to PCPD: _____

Case handling officer (if known) _____

Part IV: Particulars of Claim

(Please provide supporting documents if available and use a separate sheet if the space provided is insufficient)

Background/facts of the infringement on your personal data privacy (see note 3)

Have you contacted the prospective defendant about the infringement on your personal data privacy?

If yes, what is the response from the prospective defendant?

Damage that you have suffered and compensation that you wish to seek (see note 1)

(_____ page(s) of separate sheet on this Part IV is/are attached)

Part V: Other information

Have you applied for or obtained any other form of assistance (e.g. legal aid) for the matters referred to in Part IV above?

☐ Yes ☐ No

(If your answer is “Yes”, please provide particulars of such assistance.)

Has there been any criminal investigation for the matters referred to in Part IV above (if known)?

☐ Yes ☐ No

(If your answer is “Yes”, please provide particulars of such investigation.)

(_____ page(s) of separate sheet on this Part V is/are attached)

(Please check if you have attached all accompanying documents in support of your claim with this Form)

(_____ page(s) of documents is/are sent together with this Form)

I wish to apply for legal assistance from the PCPD under section 66B of the Personal Data (Privacy) Ordinance (“Ordinance”). I understand that the PCPD may need to obtain further information and to make any enquiries with any party that the PCPD considers appropriate for the purpose of my application. I hereby authorise the PCPD to disclose my identity and the nature of my claim in making such enquiries and to obtain any information relevant for processing my application.

Signature of applicant: _____

Date: _____

Part VI: Declaration

I hereby declare that the facts and matters stated in Parts I to V above are true to the best of my knowledge, information and belief unless otherwise stated.

Signature of applicant: _____

Date: _____

(*Please delete as appropriate)

Please be advised that it is voluntary for you to supply to PCPD your personal data. All personal data submitted will only be used for purposes which are directly related to this application and the subsequent legal proceedings (if applicable). You have the right to request access to and correction of your personal data held by PCPD. Request for access or correction should be made in writing to the Data Protection Officer at the address shown in note 6. If considered appropriate, the personal data submitted may be disclosed to parties who will be contacted by PCPD during the handling of this case including your legal representative (if any), the prospective defendant (including, his legal representatives, if any), the courts or other parties concerned. The information provided may also be disclosed to agencies or organizations who are authorised to receive information relating to law enforcement, prosecution or challenge against the PCPD’s decisions.

Information Notes

1) Who can apply for legal assistance?

Under section 66 of the Ordinance, if you suffer damage by reason of a contravention (a) of a requirement under the Ordinance; (b) by a data user; and (c) which relates, whether in whole or in part, to your personal data, you shall be entitled to compensation from that data user for that damage, and such damage may be or include injury to feelings. An application for legal assistance may be made to the PCPD pursuant to section 66B of the Ordinance.

2) How and when to apply?

After filling out this Form (LA001), the staff of PCPD may contact you for additional information through interview in person at the office of the PCPD or in such ways as considered appropriate by the PCPD.

You are required to provide the PCPD with your proof of identity (if you have not provided the same to PCPD before) for verification of your identity. In this regard, you may attend the PCPD to produce your identification document or send a copy of identification document to the PCPD for verification when making the application. If the applicant cannot be identified, the PCPD may not be able to process the application.

You normally have to lodge a complaint against the relevant data user with the PCPD first before applying for legal assistance. The PCPD will ascertain whether the nature of the act complained of falls within the ambit of the Ordinance, and if so, whether the complaint is substantiated based on the information gathered in the course of handling the complaint.

You should therefore provide all relevant information to the PCPD. If assistance is required, you may visit the office of the PCPD or telephone the PCPD. Your application may be refused if you fail or refuse to provide information or cooperate with the PCPD in connection with your application.

You should note that engaging in legal proceedings is time-consuming and would inevitably involve mental and physical strain. The pressure on the preparation of the evidence and the court procedures would be tremendous. Before you consider whether to apply for legal assistance to commence legal proceedings, you should also consider the chance that your action may not succeed and whether the defendant has sufficient assets to pay you if you do win the case. The outcome of the case (including compensation, if any) may not fully meet your expectation.

3) What information must be provided to the PCPD for making an application?

In order to enable the PCPD to process your application, you must provide details of the personal data concerned and the act or practice that is complained of, e.g. how and when was your personal data collected, processed, used, retained or handled. Please also explain the reasons why you consider your rights under the Ordinance have been infringed.

You must also state by whom the act was done or the practice was engaged in, i.e. the data user, and provide the details as prescribed in this Form. Please note that it is essential to specify and provide adequate information for identifying and locating the prospective defendant/ data user. Otherwise, the PCPD may not be able to process the application.

Please ensure all accompanying documents you consider relevant are sent together with your application.

4) What factors will be considered in deciding an application?

The PCPD may grant an application for legal assistance as it thinks fit to do so. For the factors that the PCPD will consider in exercising the discretion, please refer to Information Leaflet: “Legal assistance for civil claims under the Personal Data (Privacy) Ordinance”.

5) How long does it take to process an application?

Normally, you will be informed of the result of the application in writing within 3 months after you have submitted all relevant information for the application. If a decision on your application cannot be made within three months, you will be kept informed of the position.

6) Where is the PCPD’s office?

The address of the PCPD is at Room 1303, 13/F, Dah Sing Financial Centre, 248 Queen's Road East, Wanchai, Hong Kong, and the office hours are: Monday - Friday 8:45 a.m.- 5:40p.m., Saturday, Sunday and Public Holidays: closed.

Hotline: 2827 2827

Fax: 2877 7026

Website: www.pcpd.org.hk