

To: Chief Electoral Officer

(Fax No.: 2205 2395) / (e-mail address: cmls@reo.gov.hk)

**Undertaking on the Use of Electors' Information**

**2020 Legislative Council General Election**

Date of election: 6 September 2020

I hereby undertake:

- (1) to use the information in the "Candidate Mailing Label System" and the mailing labels of registered electors\* solely for the purpose related to the electioneering activities for the 2020 Legislative Council General Election;
- (2) when sending out election mail to electors by email, to address each elector by an individual e-mail, to enter the e-mail addresses of electors into the "bcc" column or use other proven means to send out the e-mails in such a way that each recipient will not be able to view the e-mail addresses of other electors;
- (3) to make every endeavour to prevent any disclosure of electors' personal data including e-mail addresses to unauthorised persons and, in the event of inadvertent disclosure of electors' personal data, to prevent any misuse of the relevant information by third parties, including but not limited to informing the third parties that they are in possession of electors' personal data obtained for the purpose of compiling a register of electors and requiring them to delete the relevant information immediately;
- (4) to duly destroy the "Candidate Mailing Label System" in the USB flash drives, all unused mailing labels and electors' personal data copied from the aforesaid system (if any) **within 2 weeks** after the 2020 Legislative Council General Election, **AND** return the duly completed reply slip on the confirmation of the proper destruction of the above materials/information to the Registration and Electoral Office ("REO") **on or before 21 September 2020**; and
- (5) if I fail to return the relevant reply slip on the confirmation of destruction of the above materials/information to the REO within 2 weeks after the election, the aforementioned materials/information should be regarded as lost. Since the electors' information contained in the relevant materials/information will be exposed to the risk of unauthorised or accidental access, processing, erasure, loss or use, I shall follow the recommendation of the "Guidance on Data Breach Handling and the Giving of Breach Notifications" which was issued by Office of the Privacy Commissioner for Personal Data, Hong Kong ("PCPD") to report the incident to the PCPD and the relevant law enforcement agencies (e.g. the Hong Kong Police Force) so as to protect the personal data privacy and the interests of the data subjects concerned.

I understand that:

- (1) it is an offence for any person to reproduce or permit another person to reproduce in any form, use or permit another person to use, or impart to any other person, the electors' information in the above "Candidate Mailing Label System" USB flash drives and/or mailing labels for any purposes other than the purpose related to the 2020 Legislative Council General Election. Any person who commits the said offence is liable to a fine of HK\$5,000 and to imprisonment for 6 months#;
- (2) according to section 64 of Personal Data (Privacy) Ordinance (Cap. 486), a person commits an offence if the person discloses any personal data of a data subject which was obtained from a data user without the data user's consent, (a) with an intent to obtain gain in money or other property, whether for the benefit of the person or another person; or (b) with an intent to cause loss in money or other property to the data subject; or (c) the disclosure causes psychological harm to the data subject. Such person is liable on conviction to a fine of \$1,000,000 and to imprisonment for 5 years;
- (3) the Electoral Affairs Commission and the Government of the Hong Kong Special Administrative Region (including the REO) ("the Government") shall not be responsible for any disclosure, intentional or inadvertent, of electors' personal data to unauthorised persons, or for any use of electors' personal data for non-electioneering activities by the candidate(s). The candidate(s) shall be fully responsible for any disclosure of electors' personal data to unauthorised persons or any use of electors' personal data for non-electioneering activities, and shall indemnify and keep indemnified the Electoral Affairs Commission and the Government against all legal liabilities, costs, expenses, legal actions, legal proceedings, claims, demands, losses and damages arising out of or in connection with such disclosure or use; and
- (4) if I fail to return the relevant reply slip on the confirmation of destruction of the above materials/information to the REO within 2 weeks after the election, the REO will regard the aforementioned materials/information as lost and report the incident to the PCPD.

Signature of Candidate/Election Agent\* : \_\_\_\_\_

Name of Candidate/ Election Agent(BLOCK LETTERS) : \_\_\_\_\_

Name of the first Candidate on the Candidate List  
(in case of Geographical Constituency or District Council (second)  
Functional Constituency)(BLOCK LETTERS) : \_\_\_\_\_

Name of Geographical Constituency / Functional Constituency\* : \_\_\_\_\_

Date : \_\_\_\_\_

\* Please delete as appropriate.

# See sections 21(3) and 22(3) of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) and sections 41(3) and 42(3) of the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B).

To: Chief Electoral Officer

## **Acknowledgement of Receipt**

I acknowledge receipt of the following item(s) from the Registration and Electoral Office:

1. \* “Candidate Mailing Label System” USB flash drives and its User Guide;
2. \* A set of mailing labels of registered electors as specified in Notice for Collection of Electors’ Information submitted by the Candidate/the Election Agent on \_\_\_\_\_ (Date) (excluding electors who have provided their e-mail addresses (except those in custody of the Correctional Services Department), and those who have requested no receipt of election mail).

I have inspected the seal(s) on the package(s) and found it/them intact. I have also read and understood the “Supplementary Note on Undertaking on the Use of Electors’ Information”.

Signature of Candidate/Election Agent\* : \_\_\_\_\_

Name of Candidate/ Election Agent\* (BLOCK LETTERS) : \_\_\_\_\_

Name of Geographical Constituency / Functional Constituency\* : \_\_\_\_\_

Date : \_\_\_\_\_

\* Please delete as appropriate.