

# **MANDATORY PROVIDENT FUND SCHEMES AUTHORITY**

## **Information to Note for Complainants**

### **A. Personal Information Collection Statement for Complaints**

This Personal Information Collection Statement for Complaints (PICS) is made by the Mandatory Provident Fund Schemes Authority (MPFA) in accordance with the Personal Data (Privacy) Ordinance (PDPO). You are advised to read this PICS regarding your rights and obligations in relation to providing your personal data (as defined in the PDPO) and the manner in which the MPFA may use or deal with such data for the purposes specified below.

#### **Use of personal data**

Personal data provided in making a complaint to the MPFA are for the purposes of investigating your complaint, supervising and monitoring compliance of the Mandatory Provident Fund Schemes Ordinance, taking enforcement and disciplinary actions, and exercising the MPFA's and the frontline/industry regulators' statutory functions.

#### **Disclosure or transfer of personal data to third parties**

Your personal data will be used, disclosed or transferred to third parties for purposes related to the complaint, or in accordance with an order of a court, a law or a requirement made under a law, or pursuant to any regulatory or investigatory assistance arrangements between the MPFA and other regulators or law enforcement agents, or where permitted by law. The classes of persons and parties to whom your personal data may be transferred may include:

<b>Complainees</b>	<b>Personal Data May be Transferred To</b>
Employer (MPF)	Your employer, the MPF trustee and service provider concerned, eMPF Platform Company Limited, the system operator <sup>1</sup> of an electronic MPF system and government departments such as the Labour Department.
Employer (ORSO)	Your employer, the ORSO administrator concerned and government departments such as the Labour Department.
MPF trustee	The MPF trustee and service provider concerned, eMPF Platform Company Limited, and the system operator of an electronic MPF system.
The system operator of an electronic MPF system	The system operator of an electronic MPF system, the MPF trustee and service provider concerned.
ORSO administrator	Your employer and the ORSO administrator concerned.
MPF intermediary	The MPF principal and subsidiary intermediaries concerned, the MPF trustee and service provider concerned, eMPF Platform Company Limited, the system operator of an electronic MPF system, the frontline/industry regulators concerned including the Insurance Authority, the Monetary Authority and the Securities and Futures Commission.
Person carrying on regulated activities without MPF Intermediary Registration or holding himself/herself/itself out as carrying on regulated activities without registration or taking or using certain titles	The person being complained against, his/her/its employer/principal/related companies, the MPF trustee and service provider concerned, the ORSO administrator concerned, eMPF Platform Company Limited, the system operator of an electronic MPF system, the industry regulators concerned (including the Insurance Authority, the Monetary Authority and the Securities and Futures Commission), and any of the professional bodies concerned (including the Law Society of Hong Kong, the Hong Kong Bar Association, and the Hong Kong Institute of Certified Public Accountants).

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<sup>1</sup> For definition of the phrase, see section 19I(2) of the Mandatory Provident Fund Schemes Ordinance.

The personal data provided may also be disclosed or transferred to the company or organization(s) with which you have lodged a similar or related complaint, the Mandatory Provident Fund Schemes Appeal Board, relevant courts, panels, tribunals and committees, law enforcement agencies, government departments (such as the Police and the Department of Justice), or regulatory bodies who are authorized to receive information relating to law enforcement, prosecution or review of decisions.

## **Access to personal data**

You are entitled under the PDPO to ascertain whether the MPFA holds personal data relating to you, and to request access to or the correction of any personal data relating to you held by the MPFA, in the manner and subject to the limitations prescribed therein. All enquiries should be directed in writing to the Personal Data Privacy Officer of the Mandatory Provident Fund Schemes Authority at Level 12, Tower 1, The Millennity, 98 How Ming Street, Kwun Tong, Hong Kong.

## **B. Points to Note for Complainants**

### **Provision of requisite personal data to the MPFA**

It is obligatory for you to provide your personal data to the MPFA for the handling of your complaint. If you are unable to provide the requisite personal data or if the data provided is inaccurate or incomplete, the MPFA, the frontline/industry regulator concerned and the law enforcement agencies or government departments or regulatory bodies concerned may be unable to fully investigate your complaint and the conduct or outcome of the investigation and any enforcement or disciplinary action, prosecution or review may be affected.

### **Production or provision of proof of identity to the MPFA**

It is important for you to provide reliable source of identification document (e.g. HKID Card or valid passport) to the MPFA for the verification of your identity and the personal data supplied. You or your authorized person may attend the MPFA in person to produce the original of your identification document; if you choose not to do so, you or your authorized person should provide a copy of the identification document to the MPFA. If you or your authorized person are / is unable to produce or provide relevant documents, the MPFA will not discuss with or disclose to you / your authorized person the case's progress and the outcome of any follow-up actions, and such follow-up actions may also be affected.

### **Disclosure of the complainant's identity to the employer (if applicable)**

If you lodge a complaint against your employer, you must indicate to the MPFA whether you agree to the disclosure of your identity as the complainant to your employer by the MPFA when following up the case and taking enforcement actions. If you do not agree to the disclosure of your identity, the MPFA will still follow up the case, but the follow-up actions or the progress of the case may be affected.

### **Criminal prosecution against non-compliant employers (if applicable)**

As stipulated by the law, if there are MPF scheme-related contraventions that should be brought to criminal prosecution, the MPFA must do so within six months upon receiving the complaint or information, or within six months after the occurrence of the contravention (a time limit applicable to most contraventions). To ensure that the MPFA has sufficient time to conduct investigation, collect evidence, seek legal advice and refer the case to the Police for prosecution, the complainants / their authorized persons must submit all relevant information (such as employment contracts, proof of income, tax returns and recent contribution records) as early as possible, so that the case could be processed and followed up on a timely basis. Otherwise, the MPFA may not be able to bring the case to prosecution within the time limit. Please note that the decision on whether or not to prosecute depends on the circumstances of each case, sufficiency of evidence and whether it is in public interest to prosecute.