
Note 1

Terms of Prior Consent

The following are the terms of prior consent specified by the Mandatory Provident Fund Schemes Authority pursuant to section 206(2B) of the Mandatory Provident Fund Schemes (General) Regulation (the Regulation):

I. Where the sender of notices or other documents is an approved trustee:

(a) **Means of consent:** The consent can be given in writing or verbally ^{Note 2}.

If the consent is given verbally, the sender should keep a proper audio record of the giving of consent until the consent is revoked or deemed to be revoked by the recipient. The sender should ensure that the terms of prior consent should be clearly and properly communicated to the recipient.

(b) **Duration of availability of the notices or other documents on a website:** Any notices or documents made available on a website or by any other electronic means in accordance with the consent will be available on that website or by that other electronic means for a minimum of 12 months after the recipient has been notified of its availability. However, in respect of notices or documents which are required to be given annually, such notices or documents made available on a website or by any other electronic means in accordance with the consent will be available on that website or by that other electronic means for a minimum of 24 months after the recipient has been notified of their availability.

These terms about the retention period will cease to apply if the recipient ceases to be a member / a participating employer of *[the sender to insert the name of the registered scheme]*. The sender shall, upon request, send the notices or documents (which should otherwise be retained on that website or by that electronic means) to the recipient by other means permitted by law at no additional cost to the recipient.

- (c) **Alternative method of giving notices or other documents:** When the sender becomes aware that a notice or other document or any part of it cannot be successfully given to the recipient through the means consented to, the sender shall on its own initiative give the notice or document to the recipient by other means permitted by law at no additional cost to the recipient.
- (d) **Revocation:** The consent may be revoked^{Note 2} by the recipient at any time by giving not less than 14 days' prior notice to the sender by delivery, post or other additional means specified by the sender (e.g. through the sender's website or call centre), and the revocation will take effect upon the expiry of the notice period. The consent is also deemed to be revoked by the recipient
- (i) when the sender becomes aware that the notices, documents or the notification of availability of the notices or documents cannot be successfully given to the recipient through the means to which the consent applies and the sender, within a period of 60 days after becoming so aware, cannot obtain the recipient's updated contact details for the means to which the consent applies; or
 - (ii) where the sender has notice of the death or mental incapacitation of the recipient.

Upon the revocation or deemed revocation of the consent, the sender shall give notices or other documents to the recipient by other means permitted by law at no additional cost to the recipient.

- (e) **Sender's contact details:** The terms of consent should include the contact details of the sender in so far as they are necessary for the purposes of giving notices or other documents under the consent, handling matters arising from or related to the consent, and other directly related purposes.
- (f) **Recipient's contact details:** The terms of consent should include the contact details of the recipient in so far as they are necessary for the purposes of giving notices or other documents by the permitted means specified in paragraph I(i)(vi) under the consent, handling matters arising from or related to the consent, and other directly related purposes.

- (g) **Changes:** The recipient may update his/her/its contact details ^{Note 2} at any time by giving not less than 14 days' prior notice to the sender by delivery, post or other additional means specified by the sender (e.g. through the sender's website or call centre).
- (h) **Confirmation of changes:** The sender will give a confirmation notice by means permitted by law to the recipient within 14 days after the recipient has given or revoked consent or has changed his/her/its contact details.
- (i) **Other terms:** The terms of consent should include the following information:
- (i) the name of the sender;
 - (ii) the name of the recipient;
 - (iii) whether the recipient is a participating employer or a member (or a prospective participating employer or a prospective member) of a registered scheme;
 - (iv) the name of the registered scheme of which the recipient is a member or a participating employer;
 - (v) the notices or documents to which the consent applies ^{Note 3} ;
 - (vi) the permitted means of giving notices or other documents under section 206(2)(a), (b) or (ba) of the Regulation to which the consent applies ^{Note 4} ;
and
 - (vii) the date of the consent given by the recipient.

II. Where the sender of the notices or other documents is a person other than an approved trustee:

- (a) The consent may be revoked by the recipient at any time by means specified by the sender.
- (b) The sender must provide a hard copy of the notice or document on the request of the recipient.

Explanatory Notes

These notes do not form part of the specified terms of prior consent but are guidance issued under section 6H of the Mandatory Provident Fund Schemes Ordinance.

1. The sender may provide to the recipient appropriate information for administration purposes and should take appropriate steps to ensure compliance with other relevant legal requirements (e.g. providing a Personal Information Collection Statement (PICS) for compliance with the Personal Data (Privacy) Ordinance (Cap 486)).
2. The consent, the revocation and the change of contact details should be obtained from the recipient in a manner that assures their authenticity and a record should be retained and provided to the recipient upon request.
3. The sender should indicate the notices or documents to which the consent applies. If the sender indicates that the consent applies to all notices and documents (as determined by the sender), the sender should clearly communicate to the recipient from time to time the notices or documents that will be given to the recipient under section 206(2)(a), (b) or (ba) of the Regulation.
4. The sender may offer one or more of the means permitted under section 206(2)(a), (b) or (ba) of the Regulation. If more than one means is offered, the sender may allow the recipient to choose.