



## **Insurance Authority's Code on Access to Information**

### **Introduction**

The principal function of the Insurance Authority (“IA”) is to regulate and supervise the insurance industry for the promotion of the general stability of the insurance industry and for the protection of existing and potential policy holders. To this end, IA recognizes the need for the public to be well informed about IA and its work.

This Code defines the scope of information that will be provided to the public, sets out how the information will be made available either routinely or in response to a request, and lays down procedures governing its prompt release.

The Code authorizes and requires IA staff, routinely or on request, to provide information unless there are specific reasons for not doing so. These reasons are set out in Part 2 and will normally be cited if a request for information is refused.

Requests for information will be handled as promptly and helpfully as possible, and if necessary members of the public will be asked to clarify their requests or directed to the most appropriate government bureau(x) / department(s) or other non-government bodies. Procedures will be kept as simple as possible.

The Code also sets out procedures for review or complaint if any person considers that the Code has not been properly applied.

## **Part 1**

### **Scope**

1.1 This Code applies to all IA staff.

### **Courts, tribunals and inquiries**

1.2 The existing legal rules governing disclosure of information in the context of proceedings before courts, tribunals and inquiries are not affected by the Code.

## **Provision of Information**

### **Information to be published or made available routinely**

1.3 IA will publish, or make available for inspection at its office and/or its website, the following –

(a) information on IA, including:

- (i) its organization; and
- (ii) its functions.

(b) public registers established under relevant legislation;

(c) publications, including its annual reports, booklets, press releases; and

(d) the procedures for access to the information.

### **Information to be provided on request**

1.4 IA will, on request, provide additional information relating to its policies, functions, decisions and other matters falling within its area of responsibility, except those requests for information in the areas listed in Part 2, which may be refused.

### **Legal obligations and restrictions**

1.5 The Code is administrative in nature and does not affect statutory rights of access to information. Correspondingly, the Code does not affect legal restrictions on access to information whether these are statutory prohibitions, or obligations arising under common

law or agreements which apply to IA. If there is any inconsistency between the Code and a statutory provision, or between the Code and an obligation arising under common law / agreements which apply to IA, the latter shall prevail.

- 1.6 In particular, the release of information under the Code is subject to the restrictions set out in various Ordinances, including section 53A of the Insurance Ordinance (Cap. 41) (“IO”), section 41 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (“MPFSO”), section 49 of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615) (“AMLO”), and section 173 of the Financial Institutions (Resolution) Ordinance (Cap. 628) (“FIRO”).

## **Procedures**

### **Access to Information Officer**

- 1.7 IA will designate an Access to Information Officer (“AI Officer”) who will be responsible for promoting and overseeing the application of the Code.

### **Requests for information**

- 1.8 Requests for information may be made orally or in writing.
- 1.9 Oral requests will usually suffice where the information sought can be provided readily and simply, for example by oral replies or provision of leaflets or standard forms. IA staff may, however, ask for an oral request to be confirmed in writing where necessary and appropriate.
- 1.10 Written requests may be made by letter, e-mail or the application form at the Appendix, and should be addressed to IA’s AI Officer.
- 1.11 Requests for access to and/or correction of an individual’s personal data under the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”) will be dealt with separately pursuant to the requirements of the PDPO and is outside the scope of this Code. The relevant procedures are available at IA’s website: ([https://www.ia.org.hk/en/privacy/privacy\\_statement.html](https://www.ia.org.hk/en/privacy/privacy_statement.html)).

### **Responses to requests for information**

- 1.12 Responses to requests for information will be given as promptly as possible.
- 1.13 Where a request, whether written or oral, cannot adequately be met by an oral reply or provision of a standard leaflet, form, etc., the information may be given by –

- (a) providing a copy of the relevant record or part thereof;
- (b) providing a transcript of the relevant record or part thereof; or
- (c) providing a summary of the relevant record or part thereof.

So far as possible, information will be provided in the form in which it exists. Where disclosure of certain information in a record must be refused, access will normally be provided to the remaining part of the record.

1.14 The Code does not oblige IA to –

- (a) acquire information not in its possession;
- (b) create a record which does not exist;
- (c) provide on request information which is already published, either free or at a charge;  
or
- (d) provide information available through an existing charged service.

Where there is a request for information not in IA's possession or for a record which does not exist, the applicant for information will, where possible, be directed to an appropriate alternate source.

### **Target response times**

- 1.15 Where possible, information will be made available within ten days<sup>1</sup> of receiving a request. If that is not possible, the applicant will be so advised by an interim reply within ten days of receiving the request. The target response time will then be 21 days from receipt of the request (“respond period”).
- 1.16 If a request is to be refused, the applicant will be so informed within the timeframe set out in paragraph 1.15.
- 1.17 Responses may be deferred beyond 21 days only in exceptional circumstances, which should be explained to the applicant. Any deferral should not normally exceed a further 30 days from the expiry of the respond period.
- 1.18 These targets may be extended if necessary to accommodate the third party procedures set out in paragraphs 1.19 and 1.20, or where the applicant fails to pay any charges levied in accordance with paragraph 1.21.

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<sup>1</sup> Whenever the term “days” is used in the Code, this means “working days”.

## **Third Party Information**

### **Procedures and timeframe**

- 1.19 Where information requested is held for, or was provided by, a third party under an explicit or implicit understanding that it would not be further disclosed, and where such information is disclosable under the Code, IA may so advise the third party and invite him to consent to, or make representations against disclosure. The third party will be asked to respond within 30 days from IA's request or such reasonable longer period as may be agreed by the IA.
- 1.20 On receipt of consent in writing from the third party, the information may be disclosed.

### **Charges**

- 1.21 Processing requests for information incurs resources and IA may therefore require payment for this service. Any charges levied will reflect the cost of providing the information, and the information will not be released until the requisite payment has been made.

### **Review**

- 1.22 Any person who considers that IA has failed to comply with any provision of the Code may ask IA to review the situation. The target response times set out in paragraphs 1.15 to 1.18 also apply to requests for review.
- 1.23 Any person who considers that IA has failed to properly apply any provision of the Code may also complain to the Ombudsman. The Ombudsman's address is –

30/F, China Merchants Tower  
Shun Tak Centre  
168-200 Connaught Road Central  
Hong Kong  
Telephone: (852) 2629 0555  
Fax: (852) 2882 8149

## **Part 2**

### **Information which may be refused**

- 2.1 IA may refuse to disclose information, or may refuse to confirm the existence or non-existence of information which is the subject of request, for the reasons set out below, which will normally be cited if a request is refused.
- 2.2 References in this Part to “harm” and “prejudice” include both actual harm and prejudice and the risk or reasonable expectation of harm and prejudice.

#### **Legal restrictions**

- 2.3 Information whose disclosure would constitute –
- (a) a contravention of any law which applies in Hong Kong (including but not limited to section 53A of the IO, section 41 of the MPFSO, section 49 of the AMLO, and section 173 of the FIRO on preservation of secrecy and the PDPO on the use (including transfer) of personal data); or
  - (b) a breach of any obligation arising under common law or under any agreements which apply to IA / international agreements which apply to Hong Kong.
- 2.4 Paragraph 2.3 is the overriding restriction in considering the release of information under the Code.

#### **Law enforcement and legal proceedings**

- 2.5 IA may refuse to disclose information, or may refuse to confirm the existence or non-existence of information if –
- (a) information whose disclosure would harm or prejudice the administration of justice, including the conduct of any trial and the enforcement or administration of the law.
  - (b) information whose disclosure would harm or prejudice the conduct or impartial adjudication of legal proceedings, or any proceedings conducted or likely to be conducted by a tribunal or inquiry, whether or not such inquiry is public or the disclosure of the information has been or may be considered in any such proceedings.
  - (c) information which relates to proceedings which have been completed, terminated or stayed, or which relates to investigations which resulted in or may have resulted in proceedings, whether any such proceedings are criminal or civil.

- (d) information which would be privileged from production in legal proceedings on the ground of legal professional privilege or public interest immunity.
- (e) information whose disclosure would harm or prejudice the prevention, investigation and detection of crime and offences, or the apprehension or prosecution of offenders.

### **Regulation and supervision of the insurance industry**

- 2.6 Information whose disclosure would harm or prejudice the general stability of the insurance industry, or the ability of IA to perform its statutory functions in particular those to regulate and supervise the insurance industry.

### **Management and operation of IA**

- 2.7 IA may refuse to disclose information, or may refuse to confirm the existence or non-existence of information if –
- (a) information whose disclosure would harm or prejudice negotiations, commercial or contractual activities.
  - (b) information whose disclosure would harm or prejudice the competitive or financial position or the property interests of IA.
  - (c) information whose disclosure would harm or prejudice the proper and efficient conduct of the operations of IA.
  - (d) information which could only be made available by unreasonable diversion of IA's resources.

### **Internal discussion and advice**

- 2.8 Information whose disclosure would inhibit the frankness and candour of discussion within IA, and advice given to IA. Such information may include –
- (a) papers for and records of discussion at any internal IA meeting, or at any meeting of IA's advisory committees or functional committees; and
  - (b) opinions, advice, recommendations, consultations and deliberations by IA staff or agents, consultants or advisers to IA.

### **Staff employment and public appointments**

- 2.9 Information which would harm or prejudice the management of IA staff or the appointments to statutory / advisory boards / committees.

### **Improper gain or advantage**

2.10 Information whose disclosure could lead to improper gain or advantage.

### **Research, statistics and analysis**

2.11 IA may refuse to disclose information, or may refuse to confirm the existence or non-existence of information if –

- (a) information relating to incomplete analysis, research or statistics, where disclosure could be misleading or deprive IA or any other person of priority of publication or commercial value.
- (b) information held only for preparing statistics or carrying out research, and which relates to individuals, companies or products which will not be identified in reports of that research, or in published statistics.

### **Third party information**

2.12 Information held for, or provided by, a third party under an explicit or implicit understanding that it would not be further disclosed. Such information may be disclosed only with the third party's consent in writing.

### **Business affairs**

2.13 Information including commercial, financial, scientific or technical confidences, trade secrets or intellectual property, whose disclosure would harm the competitive or financial position of any person.

### **Premature requests**

2.14 Information which will soon be published, or whose disclosure would be premature in relation to a planned announcement or publication.

### **External affairs**

2.15 Information which is received in confidence from, and conveyed in confidence to, e.g. any government departments, international organizations or regulators, whether in or outside Hong Kong.



## Application for Access to Information

### 申請索取資料表格

(This form can be completed either in English or Chinese. Please read the notes on overleaf before writing.)

(這份表格可用英文或中文填寫，填寫前請細閱表格背面的備註。)

#### Applicant's Particulars 申請人資料

Name 名稱	* Mr 先生 Ms 女士
Correspondence Address 通訊地址	
Tel. No. 電話號碼	E-mail address ( <i>Optional</i> ) 電郵地址 (可選擇是否提供) (Correspondence will be sent to the e-mail address provided) (通訊將會發送到閣下提供的電郵地址)

\* Please delete as appropriate 請刪去不適用者

#### Information Requested 索取的資料

<p>To: Access to Information Officer, Insurance Authority 19th Floor, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong (Fax No.: 3753 4119) (Email address: aio@ia.org.hk)</p> <p>致: 香港黃竹坑香葉道 41 號 19 樓 保險業監管局公開資料主任 (傳真號碼: 3753 4119) (電郵地址: aio@ia.org.hk)</p>
<p>Details of information requested, e.g. the type of information requested, date or period to which the information relates. Please be as specific as possible. It will help us understand clearly the information you are seeking. Please use a separate sheet if necessary.</p> <p>所需資料詳情，例如資料種類、資料日期或所涉及的期間。請盡量具體說明詳情，以便我們清楚知道你所需要的資料。如有需要，請另頁書寫。</p>

Signature 簽署 \_\_\_\_\_

Date 日期 \_\_\_\_\_

## Notes 備註

1. A charge reflecting the cost of reproducing the records concerned may be levied. We will advise you in advance of any such charge. If a charge is payable, information will not be released until the requisite payment has been made.

本局可能會按照複印紀錄所需的成本收取費用，並會預先告知你所需繳付的費用。如需收費，則本局在收到有關費用後，才會向你發放所索取的資料。

2. You may be asked to provide additional information to help us process your application. We may not be able to process your application if you do not provide sufficient information.

你或需提供更多資料，以協助我們處理你的申請。如你未能提供足夠資料，本局可能無法處理你的申請。

3. The information provided will be used for processing your application for access to information. If it needs to be disclosed to a relevant third party in order to process your application (e.g. it is necessary to obtain the third party's consent to release the information you are seeking), we will seek your prior consent for the disclosure.

你所提供的資料，將用於處理你的索取資料申請。如本局為處理你的申請而須向有關第三方披露你所提供的資料(例如，本局須取得該第三方的同意才可發放你所索取的資料)，本局會先取得你的同意。

4. For correction of or access to personal data contained in this application, please contact the Insurance Authority's Personal Data Privacy Officer whose contact details are as follows:

如欲更改或索取載列在本表格的個人資料，請與本局的個人資料私隱主任聯絡。個人資料私隱主任的聯絡資料如下：

The Data Privacy Officer  
Insurance Authority  
19/F, 41 Heung Yip Road  
Wong Chuk Hang  
Hong Kong  
(Fax No.: 3753 4119)

個人資料私隱主任  
保險業監管局  
香港黃竹坑香葉道 41 號 19 樓  
(傳真號碼：3753 4119)