

Compulsory ID Check on Accessing Construction Sites

Mr. Chan was a construction worker who was recently assigned to a new construction site. The site entrance was kept under surveillance by security guards appointed by the site management. A notice at the entrance required all workers entering the site to present their valid IDs to the guards; failure to obey the requirements would be denied access.

"Those guards bother us with document checks. Isn't that discrimination against us, or violation of my personal data?" Chan discontented this measure.

The guards explained that the site management just would like to make sure those workers entering the site have legal documents. Guards neither were not required to register workers' personal data, nor did they have the name list of the workers. Nevertheless, Chan still irritated the requirements. He accompanied his fellow colleagues to the Office for Personal Data Protection to lodge their complaints.

After listening to Chan and his colleagues' complaints, the officer of the Office for Personal Data Protection explained, "the Personal Data Protection Act is a legal system on the processing and protection of personal data. The Act does not forbid people from collecting or processing personal data, but requires that all data must be collected and processed in a legal manner. Moreover, it is stipulated by law that the Act shall apply to the processing of personal data wholly or partly by automatic means, and to the processing other than automatic means of personal data which form part of manual filing systems or which are intended to form part of manual filing systems". In other words, in terms of Mr. Chan's case, workers' documents were checked without involving computerization or registering their personal data which was not against the Personal Data Protection Act.

"Yet, you should pay attention on certain aspects," the officer remarked, " Even though the Act is not applied to this case, everyone must abide by the laws and respect others' privacy. Should anyone infringe on workers' privacy, by, for example, secretly jotting down a worker's ID number for other purposes, workers can take legal actions through different channels."

The officer also stated that the site manager had his legitimate rights and interests to register the personal data of those entering the site. However, whenever personal data were registered, the Personal Data Protection Act would be applied .”

“That sounds reasonable. The site manager also has his legitimate rights.” Mr. Chan agreed, "Furthermore, the document check would help prevent those workers without legal documents from entering the site." Chan's colleagues also consented, saying that they would support the policy of the site management.

(The text is provided by the Office for Personal Data Protection. The cases presented here are based on social reality and past real-life cases. Any enquiries about personal data protection can be referred to the Office for Personal Data Protection by phone at 28716006.)