

# **Consultation Document**

## **Disclosure of Teachers' Registration Information**

### **Purpose**

1.1 This paper aims to collect the public's views on whether it is appropriate for the Education Bureau (EDB) to disclose teachers' registration information.

### **The Existing Mechanism**

2.1 According to the existing Education Ordinance (Cap 279), any person who teaches in a school has to be a teacher with registration. There are two types of teacher with registration, namely registered teacher (RT) and permitted teacher (PT). When the EDB handles teacher registration applications, teachers are required to provide their personal information. An applicant who holds teacher training qualifications, such as a teacher's certificate, a bachelor's degree in education or a post-graduate diploma in education, may apply for registration as an RT with the EDB. The registration of an RT must be initiated by the applicant himself/herself. Once the application is approved, the registration is valid for life. If the applicant holds only relevant academic qualifications, such as a bachelor's degree, but without teacher training qualifications, he/she may only apply to the EDB for registration as a PT through the school in which he/she is employed. The permit will lapse automatically upon cessation of his/her employment with the school specified therein, and his/her teacher registration will become invalid. Any person who contravenes the Education Ordinance by employing or permitting an unregistered person to teach in a school shall be guilty of an offence and be liable on conviction to a fine and imprisonment.

2.2 Currently, the EDB ensures compliance of schools with the teacher registration requirements through the following measures:

- (i) The School Administration Guide and relevant circulars are issued by the EDB to clearly set out the points a school should note regarding the appointment of teachers and the procedures of teacher registration, including a reminder to schools to request candidates to declare all criminal conviction records and check their proof of teacher registration.
- (ii) To assure the quality of education and safeguard students' well-being by preventing unsuitable and improper persons from becoming teachers, the EDB issues a letter to schools annually as a reminder of matters related to teacher registration.
- (iii) When recruiting teachers, with the consent of the candidates, schools may check with the EDB their teacher registration information. The EDB will normally give

a reply to schools within two or three working days.

- (iv) The EDB has an e-Services Portal. Schools are required to create an account on the e-Services Portal for each newly-appointed teacher. The system will automatically check the registration status of the teachers concerned. In case of irregularities, the system will prompt the school to contact the EDB for follow-up action.
- (v) The EDB will verify the teacher data on the e-Services Portal against the teacher registration information on a quarterly basis. If irregularities are spotted, the EDB will follow up with the school concerned immediately.
- (vi) Aided schools are required to submit, after appointment of a teacher, to the EDB an appointment form that contains the teacher's registration information. The EDB will disburse salary to the teacher concerned upon verification of his/her teacher registration information.

2.3 To safeguard students' interests and well-being, the EDB and schools have all along been implementing the above effective measures to ensure that each teacher has obtained the registration status and that unsuitable and improper persons are prevented from becoming teachers. The EDB attaches great importance to the professional conduct of teachers. We may cancel the teacher registration of any person who has committed a serious offence or serious misconduct. A teacher whose registration is cancelled cannot teach in any schools, including tutorial schools.

## **Initial Analysis**

3.1 Teachers' registration information involves teachers' personal data. When considering disclosure of teachers' registration information, the EDB is required to refer to the Personal Data (Privacy) Ordinance (Cap 486). According to Data Protection Principle 3 of the Ordinance, personal data shall not, without the express consent given voluntarily by the data subject, be used for a new purpose other than the one for which the personal data was originally collected. Besides, a series of measures (please see paragraph 2.2 above) are already in place to prevent unsuitable or improper persons from becoming teachers in order to safeguard the well-being of students and the public. Hence, the EDB will reject any request from the public for the list of teachers with registration or the registration information of individual teachers without the prior consent of the data subject or exemptions provided under the Personal Data (Privacy) Ordinance. Nevertheless, some opined<sup>1</sup> that the EDB should

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<sup>1</sup> In August 2014, the Ombudsman initiated a direct investigation into the EDB's practice of not disclosing the list of teachers with registration. The findings of the investigation were released in March 2015. The Ombudsman is of the view that the EDB is acting in accordance with the law in refusing to disclose the list of teachers with registration for public inspection. Nevertheless, the Ombudsman recommended that the EDB should review its current practice and adopt a more accommodating approach to disclose registration information of individual teachers to those whose vital interests are affected. The Ombudsman also recommended that public consultation should be conducted to assess public expectations on the disclosure of the list of teachers with registration.

make public the list of teachers with registration, while certain educational bodies expressed their worries and objections to such disclosure.

3.2 The EDB has conducted an initial assessment of the different views and identified the following benefits and problems pertaining to the proposed disclosure of teachers' registration information:

Benefits

- (i) May provide a convenient and efficient tool for parents and schools to check the registration status of teachers.
- (ii) May increase the transparency of teachers' registration information.
- (iii) May enable the public to play a part in monitoring and reporting doubtful cases.

Problems

- (i) The list of teachers with registration to be made public by the EDB in the future will only contain the information of teachers who agree to disclose their registration information **but will not** be a complete list of teachers with registration (please see paragraph 3.3 below for details).
- (ii) Since the information available for public access will not be comprehensive, it may not serve the expected purpose of public scrutiny.
- (iii) As regards PTs, the disclosure of the list of teachers with registration will indirectly disclose their employment status. The EDB may be alleged to be infringing unnecessarily on their privacy.

3.3 Making public the list of teachers with registration is a complex issue involving constraints. According to the Personal Data (Privacy) Ordinance, disclosing such a list involves the disclosure of personal data, so the EDB should seek prior consent from all teachers with registration (including RTs and PTs). In view of such circumstantial limitations, attention should be drawn to the following two important points:

- (i) Although the EDB may seek the consent to disclosing teacher registration information from all serving teachers, it may not be able to consult all those RTs who have resigned or retired due to lack of latest contact information. In other words, the list available for public access may only include serving teachers of kindergartens, primary and secondary schools and will exclude some non-serving RTs.
- (ii) Not all of the serving teachers will agree to the disclosure of their registration information. Teachers who are unwilling to disclose their teacher registration information will not be covered by the list.

3.4 Recognising parents' concerns over the vital interests of their children as well as teachers' concerns over their personal data and privacy, the EDB has to strike a balance between the public's right to know and the privacy of teachers with registration in its

deliberations on disclosing the list of teachers with registration. In this connection, the EDB has to widely consult different stakeholders (including parents and the sector) with a view to enhancing the transparency of teachers' registration information in a lawful, reasonable and fair manner.

### **Advice Sought**

4.1 The proposed disclosure of the list of teachers with registration to the public under the existing teacher registration and monitoring mechanism is only one of the means to enhance the transparency of teachers' registration information. In parallel, the EDB is actively considering refinements to the existing mechanism so as to facilitate public access to information. The items under review include:

- (i) Revising the Guidance Notes for teacher registration application by including "disclosing to the public that the applicant has been registered as a teacher" as one of the purposes of personal data use so that future disclosure of information of newly registered teachers will be allowed under the Personal Data (Privacy) Ordinance.
- (ii) At present, upon obtaining consent of the candidates, schools may submit an application form to the EDB for verifying the candidates' teacher registration status. The EDB normally responds in two or three working days. The EDB plans to enhance the e-Services Portal so that schools may, with the consent of the candidates, instantly check the candidates' teacher registration status on the e-Services Portal.

4.2 We now invite the public to give their views on disclosing the list of teachers with registration, for example, to indicate whether it is necessary to disclose the list of all teachers with registration in Hong Kong for public scrutiny. Subject to the provisions of the Personal Data (Privacy) Ordinance (please see paragraph 3.1 above), the list of teachers with registration to be disclosed should only cover teachers who are willing to disclose their registration information. Therefore, it will not be a complete list of all teachers with registration in Hong Kong. With this constraint, the EDB would like to know whether the public consider it necessary or appropriate to disclose the list of teachers with registration. At present, for certain professions like medical practitioners, the relevant registration ordinances require that the registration list should provide such information as name, accredited qualification and year of obtaining the accredited qualification. If it is decided that the list of teachers with registration should be disclosed in the future, the EDB plans to include the name of teacher, registration number and registration category (i.e. RT or PT) in the list and we would like to know how the public find this arrangement.

4.3 We look forward to gathering your views on disclosing the teachers' registration information. Please forward your views to us through any one of the following means on or before **7 September 2015**:

Mail : Teacher Registration Team, Education Bureau  
2/F, Trade and Industry Tower, 3 Concorde Road, Kowloon

Fax : 2520 0065

Email : trt@edb.gov.hk

4.4 It is optional for any member of the public to supply his/her personal data when offering views on this consultation document. Any personal data thus collected will only be used for the purpose of this consultation exercise.

4.5 The EDB may, as appropriate, reproduce, quote, summarise or publish any written comments received, in whole or in part, in any form and for any purpose without seeking prior permission of the contributing parties.

Education Bureau  
8 July 2015