

粵港澳大灣區（內地、香港）個人信息跨境流動標準合同

備案指南

（適用於香港特別行政區）

Filing Guidelines on the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)

(Applicable to the Hong Kong Special Administrative Region)

為促進數據在粵港澳大灣區內安全有序地流動，創新科技及工業局與國家互聯網信息辦公室於 2023 年 6 月在北京簽署《促進粵港澳大灣區數據跨境流動的合作備忘錄》（《合作備忘錄》），共同推動粵港澳大灣區數據跨境流動的工作。

To foster the safe and orderly cross-boundary flow of data within the Guangdong-Hong Kong-Macao Greater Bay Area, the Innovation, Technology and Industry Bureau and the Cyberspace Administration of China signed the “Memorandum of Understanding on Facilitating Cross-boundary Data Flow within the Guangdong-Hong Kong-Macao Greater Bay Area” (“the Memorandum”) in Beijing in June 2023 to jointly promote cross-boundary data flow within the Guangdong-Hong Kong-Macao Greater Bay Area.

《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》（《大灣區標準合同》）為《合作備忘錄》下有關促進粵港澳大灣區個人信息¹跨境流動的一項便利化措施。

The “Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” (“the GBA Standard Contract”) is a facilitation measure under the Memorandum to promote the cross-boundary flow of personal information¹ within the Guangdong-Hong Kong-Macao Greater Bay Area.

¹ 根據《大灣區標準合同》，粵港澳大灣區境內個人信息處理者處理的個人信息，按照《中華人民共和國個人信息保護法》確定；香港特別行政區內個人信息處理者處理的個人信息，按照香港特別行政區《個人資料（私隱）條例》的“個人資料”確定。

Under the GBA Standard Contract, personal information being processed by personal information processors in the Mainland cities of the Guangdong-Hong Kong-Macao Greater Bay Area, is determined in accordance with the Personal Information Protection Law of the People’s Republic of China; personal information being processed by personal information processors in the Hong Kong Special Administrative Region (“HKSAR”) is determined in accordance with the definition of “personal data” under the Personal Data (Privacy) Ordinance of the HKSAR.

本備案指南乃為協助個人信息處理者及接收方根據《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同實施指引》（《大灣區標準合同實施指引》）履行《大灣區標準合同》下的備案手續而制定。《大灣區標準合同》內的術語的定義適用於本備案指南。

This Filing Guidelines is formulated to provide guidance for personal information processors and recipients to conduct the filing procedures under the GBA Standard Contract according to the “Implementation Guidelines for Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” (hereinafter referred to as “Implementation Guidelines of GBA Standard Contract”). The definition of terms in the GBA Standard Contract shall also apply to this Filing Guidelines.

本備案指南適用於《大灣區標準合同》下的香港合同方，不論香港合同方為《大灣區標準合同》下的個人信息處理者或接收方。

This Filing Guidelines applies to the Hong Kong contracting parties under the GBA Standard Contract, regardless of whether they are the personal information processor or recipient under the GBA Standard Contract.

一、 備案方式及流程

A. Filing Method and Process

香港個人信息處理者²及接收方應在《大灣區標準合同》生效之日起 10 個工作日內，須向政府資訊科技總監辦公室（資科辦）進行備案，備案流程包括文件提交、檢查文件及回覆備案結果、補充或者重新備案等環節。

The personal information processor² and recipient of Hong Kong shall conduct the filing procedures with the Office of the Government Chief Information Officer (“OGCIO”) within 10 working days from the effective date of the GBA Standard Contract. The filing process includes submission of documents,

² 根據《大灣區標準合同》，就內地而言，是指在個人信息處理活動中自主決定處理目的、處理方式的組織、個人；就香港特別行政區而言，亦涵蓋“資料使用者”，即就個人資料而言，指獨自或聯同其他人或與其他人共同控制該資料的收集、持有、處理或使用的人。個人信息處理者為個人信息跨境提供方。Under the GBA Standard Contract, for the Mainland, it refers to an organisation or individual that autonomously determines the purposes and means of personal information processing; for the HKSAR, it also covers a “data user” which, in relation to personal data, means a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data. The personal information processor is the party that transfers personal information across the boundary.

checking of documents and notification of filing results, provision of supplementary information or carrying out the re-filing procedures.

(1) 文件提交 Submission of Documents

香港個人信息處理者或接收方（申請人）須以郵遞或親身方式向資料辦遞交以下文件進行備案：

The personal information processor or recipient of Hong Kong (applicant) shall submit the following documents to OGCIO by post or in person for filing:

- 法定代表人身份證明文件影印本
Photocopy of Identity proof of the legal representatives
- 大灣區標準合同（繁體或簡體中文版）（範本見《大灣區標準合同實施指引》附件1）
GBA Standard Contract (Traditional or Simplified Chinese version) (see Template at Annex I of Implementation Guidelines of GBA Standard Contract)
- 承諾書（範本見《大灣區標準合同實施指引》附件2）
Undertaking (see Template at Annex II of Implementation Guidelines of GBA Standard Contract)

相關文件要求見下文第(2)項。

Please refer to Point (2) below for requirements of the corresponding documents.

香港個人信息處理者或接收方（申請人）須以郵遞或親身方式遞交上述文件，並請在信封上標明「粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案文件」。

「粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案文件」

致：香港特別行政區政府 政府資訊科技總監辦公室

地址：九龍長沙灣東京街西3號庫務大樓12樓

The personal information processor or recipient of Hong Kong (applicant) shall submit the aforesaid documents by post or in person and mark “Filing Documents for the Standard Contract for the Cross-boundary Flow of Personal Information

in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” on the envelope.

“Filing Documents for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)”

**To: Office of the Government Chief Information Officer,
Hong Kong Special Administrative Region Government**

**Address: 12/F, Treasury Building, No. 3 Tonkin Street West,
Cheung Sha Wan, Kowloon**

(2) 備案文件要求 Requirements of Filing Documents

	文件名稱	Document
1	已填妥及簽署的《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案表格	Completed “Form for Filing the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)”, with signature or company chop
2	法定代表人身份證明文件 2.1 適用於組織： ● 商業登記證或公司註冊證明書的書面形式核證副本（加蓋公司印章） ● 獲授權代表該公司的授權人證明書核證副本（加蓋公司印章）	Identity proof of the legal representatives 2.1 Applicable to organisation: ● Certified true copy of the business registration certificate or the certificate of incorporation (stamped with company chop) ● Certified true copy of the documentary proof of the authorised representative of the company (stamped with company chop)

	文件名稱	Document
	2.2 適用於個人： <ul style="list-style-type: none"> ● 申請人的身分證明文件的書面形式核證副本 ● 商業登記證或公司註冊證明書的書面形式核證副本（加蓋公司印章）或位於香港地址三個月內有效證明的書面形式核證副本 	2.2 Applicable to individual: <ul style="list-style-type: none"> ● Certified true copy of the applicant's identity proof ● Certified true copy of the business registration certificate or the certificate of incorporation (stamped with company chop) OR certified true copy of a valid address proof issued within the last 3 months
3	已簽署的粵港澳大灣區（內地、香港）個人信息跨境流動標準合同原件 （繁體或簡體中文版）	Signed original copy of the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong) (Traditional or Simplified Chinese version)
4	已簽署或加蓋公司印章的承諾書原件	Original copy of the undertaking with signature or company chop

（3）檢查文件及回覆備案結果 Document Check and Notification of Filing Results

● 個人信息處理者的申請

Application by the personal information processor

資料辦將在收到備案文件後的 10 個工作日內通知個人信息處理者其備案結果。

Upon the receipt of filing documents, OGCIO will notify the personal information processor of the filing result within 10 working days.

- 通過備案的，資料辦向申請人發放備案編號；
For a “Pass” filing result, OGCIO will issue a filing reference no. to the applicant;
- 不通過備案的，申請人將收到備案未成功通知及原因，要求補充完善文件的，申請人應當補充完善文件並於 10 個工作日內再次提交。

Otherwise, OGCIO will notify the applicant of the “Not Pass” result with reasons. The applicant shall provide the supplementary documents upon request within 10 working days for re-filing.

● 接收方的申請

Application by the recipient

資料辦將在收到備案文件後的 10 個工作日內檢查文件是否完備妥當，然後向接收方發出確認收妥備案文件通知。

Upon the receipt and checking the completeness of filing documents, OGCIO will issue acknowledgement to the recipient within 10 working days.

二、 注意事項

B. Points to Note

- (1) 跨境提供個人信息的目的、範圍、種類、方式、或者接收方處理個人信息的用途、方式發生變化，延長保存期限，以及發生影響或者可能影響個人信息權益其他情況的，個人信息處理者應當重新開展個人信息保護影響評估，補充或者重新訂立大灣區標準合同，並履行相應備案手續。

If there are any changes to the cross-boundary transfers of personal information in terms of the purpose, scope, categories, means, or the recipient’s use and means of personal information processing, or the retention period is extended, or there are any other circumstances that affect or may affect the rights and interests in relation to personal information, the personal information processor shall conduct a personal information protection impact assessment afresh, enter into a supplemental agreement or a new GBA Standard Contract, and conduct the corresponding filing procedures.

- (2) 個人信息處理者及接收方應當對所提交文件的真實性負責，提交虛假文件的，按照備案不通過處理，並依法追究相應法律責任。

Personal information processors and recipients shall be responsible for the authenticity of the documents submitted. If false documents are submitted, the filing will be classified as “Not Pass” and the applicant shall be subject to legal consequences in accordance with the laws.

- (3) 為確保有效及迅速的郵遞服務，寄件人需確保所寄的郵遞品已繳付適當郵資。任何未就其繳付適當郵資的郵遞品將不會被派遞至本辦公室，並將由香港郵政根據《郵政署條例》作出處理。

For effective and timely delivery of mail, all senders are required to ensure that their posted mail items are affixed with sufficient postage. Mail items bearing insufficient postage will not reach this office and will be handled by the Hongkong Post in accordance with the Post Office Ordinance.

三、查詢

C. Enquiry

如有查詢，請電郵至：

For enquiries, please email to:

gbascc@ogcio.gov.hk

申請編號： _____
Application Serial no.: _____
(由內部填寫
For internal use)

《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案表格
Form for Filing the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)

(甲) 法人團體資料（以法人團體名義申請）

(A) Particulars of the Body Corporate (for application by a body corporate)

		香港合約方 Hong Kong	內地合約方 Mainland
(1)	機構角色： Role of the organisation: ^	<input type="checkbox"/> 個人信息處理者 Personal information processor <input type="checkbox"/> 接收方 Recipient	\
(2)	機構名稱： Name of the organisation:		
	(英文) (English)		
	(中文) (Chinese)		
(3)	公司註冊號碼／ 商業登記號碼： Company registration no. / Business registration no: ^	<input type="checkbox"/> 公司註冊號碼： Company registration no.: _____ <input type="checkbox"/> 商業登記號碼： Business registration no: _____	\

《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案表格

Form for Filing the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)

		香港合約方 Hong Kong	內地合約方 Mainland
(4)	機構地址： Organisation address:		
(5)	獲授權代表人姓名： Name of the authorised representative: ^	<input type="checkbox"/> 先生 Mr <input type="checkbox"/> 小姐 Miss <input type="checkbox"/> 太太 Mrs <input type="checkbox"/> 女士 Ms	
	(英文) (English)		
	(中文) (Chinese)		
(6)	獲授權代表人身份證明文件： Identity proof of the authorised representative:	<input type="checkbox"/> 香港身份證號碼： Hong Kong Identity Card no.: <hr/> <input type="checkbox"/> 護照號碼： Passport no: <hr/>	
(7)	獲授權代表人職位： Title of the authorised representative:		
(8)	聯絡人名稱： Name of the contact person: ^	<input type="checkbox"/> 先生 Mr <input type="checkbox"/> 小姐 Miss <input type="checkbox"/> 太太 Mrs <input type="checkbox"/> 女士 Ms	
	(英文) (English)		
	(中文) (Chinese)		
(9)	聯絡人職位： Title of the contact person:		

《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案表格
Form for Filing the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)

		香港合約方 Hong Kong	內地合約方 Mainland
(10)	電話號碼： Phone No.:	(852) _____	/
(11)	電郵地址： Email Address:		/
(12)	香港通訊地址： Correspondence Address in Hong Kong:		/

^ 請勾選合適選項 *Please tick the appropriate item*

(乙) 申請人資料（以個人或獨資機構經辦人名義申請）

(B) Particulars of the Applicant (for application by an individual or a sole proprietor)

		香港合約方 Hong Kong	內地合約方 Mainland
(1)	申請人／機構角色： Role of the applicant / organisation: ^	<input type="checkbox"/> 個人信息處理者 Personal information processor <input type="checkbox"/> 接收方 Recipient	/
(2)	申請人／機構名稱： Name of the applicant / organisation: ^	<input type="checkbox"/> 先生 Mr <input type="checkbox"/> 小姐 Miss <input type="checkbox"/> 太太 Mrs <input type="checkbox"/> 女士 Ms <input type="checkbox"/> 機構 Organisation	<input type="checkbox"/> 先生 Mr <input type="checkbox"/> 小姐 Miss <input type="checkbox"/> 太太 Mrs <input type="checkbox"/> 女士 Ms <input type="checkbox"/> 機構 Organisation
	（英文） （English）		
	（中文） （Chinese）		
(3)	申請人身分證明文件： Identity proof of the applicant:	<input type="checkbox"/> 香港身份證號碼： Hong Kong Identity Card no.: _____	/
		<input type="checkbox"/> 護照號碼： Passport no: _____	
(4)	申請人／機構地址： Address of the applicant / organisation:		/
(5)	商業登記號碼： Business registration no.: （適用於獨資機構 applicable where		/

《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案表格
Form for Filing the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)

		香港合約方 Hong Kong	內地合約方 Mainland
	applicant is a sole proprietor)		/
(6)	電話號碼： Phone No.:	(852) _____	/
(7)	電郵地址： Email Address:		/
(8)	香港通訊地址： Correspondence Address in Hong Kong:		/

^ 請勾選合適選項 *Please tick the appropriate item*

(丙) 聲明

(C) Declaration

<input type="checkbox"/>	<p>本人／機構完全明白並會遵守與《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》（大灣區標準合同）相關的備案條件，而且知道不得再向粵港澳大灣區以外的組織或者個人提供跨境流動的個人信息。本人／機構聲明，本表格（包括一併呈交及其後補交的其他相關文件）所載的資料均為真實、正確及完整。本人／機構須遵守所有適用於香港的法例及法規。</p> <p>I / My organisation fully understand and will observe the relevant filing conditions for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong) (the GBA Standard Contract), and I / my organisation also understand that the personal information across the boundary shall not be given to any organisation or individual beyond the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong). I / My organisation declare that the information provided in this application form (including all the related documents submitted together with the application / other documents subsequently submitted) is true, accurate and complete. I / My organisation shall comply with the laws in Hong Kong.</p>
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請勾選合適選項 Please tick the appropriate item

公司蓋章：

Company chop:

(適用於獨資機構／法人團體名義申請

Applicable where applicant is a sole proprietor or a body corporate)

申請人／機構獲授權代表人簽署：

Signature of the applicant / authorised representative of the applying organisation:

日期 Date (dd/mm/yyyy) :

(丁) 所需文件清單

(D) Checklist of Supporting Documents

需提交以下證明文件：

The following supporting documents are required for submission:

- 商業登記證或公司註冊證明書的書面形式核證副本（加蓋公司印章）（如以獨資經營人／法人團體名義申請）
Certified true copy of the business registration certificate or certificate of incorporation (with company chop) (if the applicant is a sole proprietor / body corporate)
- 獲授權代表該公司的授權人證明書核證副本（加蓋公司印章）（如以法人團體名義申請）
Certified true copy of the documentary proof of the authorised representative to represent the company (with company chop) (if the applicant is a body corporate)
- 申請人的身分證明文件的書面形式核證副本（如以個人／獨資經營人名義申請）
Certified true copy of the applicant's identity proof (if the applicant is an individual or a sole proprietor)
- 三個月內發出的有效香港地址證明的書面形式核證副本（如以個人名義申請）
Certified true copy of a valid address proof issued within the last 3 months (if the applicant is an individual or a sole proprietor)
- 已簽署的粵港澳大灣區（內地、香港）個人信息跨境流動標準合同原件
Signed original copy of the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)
- 已簽署或加蓋公司印章的承諾書原件（如以獨資經營人／法人團體名義申請）
Original copy of the undertaking with signature or company chop (if the applicant is a sole proprietor / body corporate)
- 已簽署或加蓋公司印章的本表格原件
Original copy of this form with signature or company chop

申請者／機構須知 Notes to Applicant / Organisation:

填寫本表格前，請先參閱《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案指南》。

Please read the Notes on Filing for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong) before completing this form.

遞交辦法 Submission Method:

請以郵遞或親身方式遞交，並請在信封上標明「粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案文件」。

致：政府資訊科技總監辦公室

地址：九龍長沙灣東京街西3號庫務大樓12樓

「粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案文件」

Please submit above by post or in person, and mark “Filing Documents for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)” on the envelope.

To: Office of the Government Chief Information Officer

Address: 12/F, Treasury Building, No. 3 Tonkin Street West, Cheung Sha Wan, Kowloon
“Filing Documents for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong)”

收集個人資料聲明 Declaration for Collection of Personal Information:

本表格內提供的個人資料會用作《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》備案之用。申請者有權要求查閱政府資訊科技總監辦公室所持有申請者的個人資料。

The personal information provided in this form will be used for the Filing Process for the Standard Contract for the Cross-boundary Flow of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland, Hong Kong). Applicants have a right to request access to their personal information held by the Office of the Government Chief Information Officer.