

提升雇主、移工個資保護意識

掌握 3 重點

1

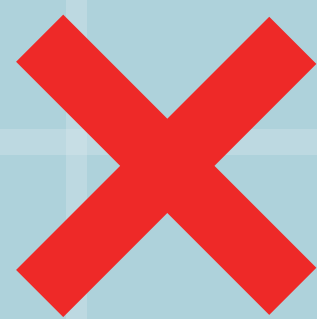
適當的安全措施，防止個人資料被竊取、竄改、毀損或洩漏



某公司產品促銷活動，凡提供3名人員資料者可獲得精美贈品1份，移工M君直接將3名移工友人的個人資料，外洩給該公司，使其得以對該3人進行電話行銷

2

對於個人資料之蒐集、處理或利用應符合個人資料保護法令之管理程序



家庭看護移工透過網路直播照顧阿嬤的生活日常

※肖像也是個資，若未經他人同意即直播拍攝、拍照放在網路平臺傳播，已涉違反個人資料保護法。



3

家事勞工、雇主及其家庭成員，應以口頭或書面約定個人資料之保密義務



知名網紅聘僱的家庭看護工向媒體透露網紅兒子之病況



提醒雇主、移工



- 如有未依法或未符合特定目的蒐集特種個資情形，地方政府得依法裁處罰鍰新臺幣5萬元~50萬，並令限期改正，屆期末改正者，按次處罰
- 若違反個人資料保護法規定，致個資遭不法利用，應負損害賠償責任，新臺幣500~2萬元

如有疑問，可撥打1955專線或逕向所在地地方政府請求協助

提升雇主、移工個資保護意識

【拒絕商業行銷的權益】

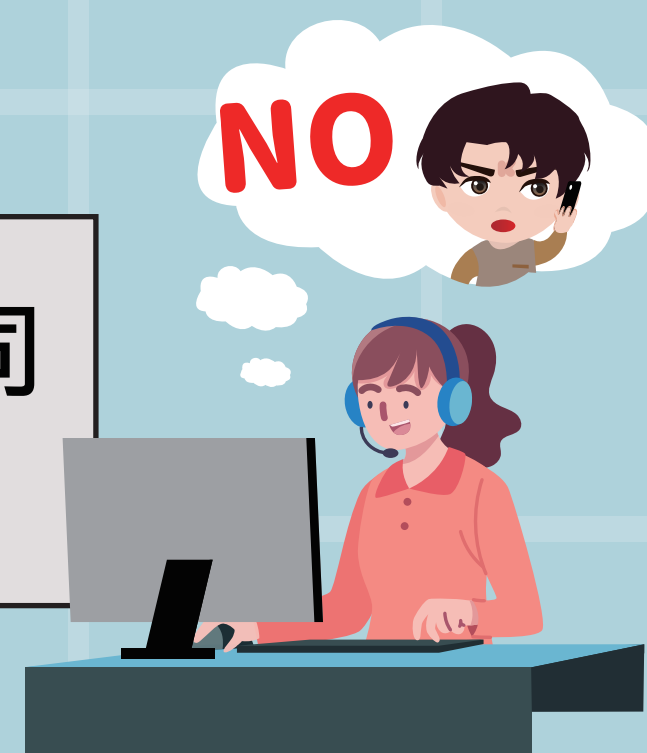
個人資料保護法為保障個人資料免受於非公務機關利用合法蒐集其個人資料行銷打擾，規範非公務機關應遵守：

拒絕商業行銷指引

- 當事人拒絕接受行銷時，即應停止再利用其個資進行行銷。
- 於行銷時提供當事人免費、快速、容易表達的簡便方式以拒絕接受行銷，如免付費電話、免費回郵等。
- 應紀錄當事人拒絕商業行銷之意思表示，並回覆當事人已收到其拒絕行銷的通知，且應停止對該當事人進行商業行銷。

案例

雇主陳君接到仲介公司行銷電話，明確拒絕該公司推銷後，仲介公司即應停止對陳君行銷。



提醒雇主、移工



如仲介公司有違反「拒絕商業行銷指引」時，可撥打1955專線登錄立案，移交當地勞工單位查處。

Enhance employer and foreign worker awareness of personal data protection

Three key points

1

Suitable security measures should be taken to prevent the theft, tampering with, destruction or leaking of personal data



As part of a product promotion a certain company gives a free gift to everyone who provides the data of three other people. As a result, foreign worker M leaks the personal data of three foreign migrant worker friends, resulting in them being targeted by telephone sales promotions.

2

The collection, processing or use of personal data must be in accordance with the management procedures detailed in the Personal Data Protection Act.



A live-in foreign care worker directly streams online her day taking care of a senior.

※Portraits are also personal data, and as such live streaming or photographing another person without their permission and posting that to an online platform is a violation of the Personal Data Protection Act.



3

Family-based workers, employers and other family members should acknowledge, verbally or in writing, their obligation to keep personal data confidential.



A care worker hired by a well known internet celebrity provides details on the medical condition of his/her employer's son to the media.



A reminder for employers and labor brokers

- In a situation where specific personal information is collected in violation of the law or without a designated objective, the local government will fine those responsible NT\$50,000 to NT\$500,000 and order improvements be made within a fixed time period. Failure to make the required improvements will result in a second fine, then a third fine etc.
- Individuals who violate the Personal Data Protection Act leading to the illegal use of such data are liable for damages and face a fine of NT\$500,000 to NT\$2 million.



If you have any questions call the 1955 hotline or seek the assistance of the local government in the area where you work.

Enhance employer and foreign worker awareness of personal data protection

【The right to reject commercial marketing】

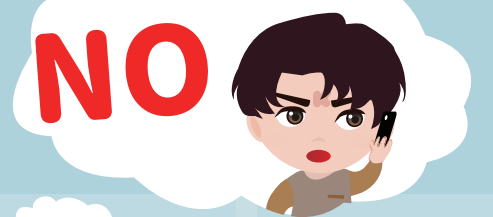
The Personal Data Protection Act contains provisions to prevent non-government organizations using or legally collecting personal data for marketing purposes:

Rejecting Commercial Marketing Guidance

- When an individual rejects commercial marketing the marketing organization must immediately stop using that person's personal data for marketing purposes.
- The individual targeted must be given a free, quick and easy way to indicate his/her rejection of the marketing, including but not limited to a toll free telephone number or free postage.
- Marketing organizations are required to record an individual's rejection of marketing, reply to indicate said notification has been received and immediately stop marketing to the person in question.

Example

Employer Mr. Chen receives a marketing call from a labor brokerage in which he clearly rejects marketing from the company, which immediately stops trying to sell to him.



A reminder for employers and labor brokers



If a labor brokerage violates the “Rejecting Commercial Marketing Guidance” call the 1955 hotline to register the case, which will then be investigated by the local labor authorities.

Meningkatkan Kesadaran Majikan dan Pekerja Migran Akan Perlindungan Data Pribadi

3 Poin Penting

1

Langkah-langkah pengamanan yang tepat dalam mencegah pencurian, pengubahan, penghancuran atau pembocoran data pribadi



Sebuah perusahaan menggelar promosi produknya, dengan memberikan data dari 3 orang rekan maka Anda bisa mendapatkan 1 hadiah menarik, Pekerja Migran M langsung memberikan data pribadi dari 3 orang rekan sesama pekerja migran, membocorkan sehingga perusahaan tersebut dapat melakukan pemasaran melalui telepon kepada ketiga orang tersebut.

2

Pengumpulan, pemrosesan atau penggunaan data pribadi harus mematuhi prosedur manajemen UU Perlindungan Data Pribadi



Pekerja migran sektor rumah tangga melakukan siaran langsung kehidupan sehari-harinya bersama nenek yang dirawatnya di media sosial.
 ✖ Potret juga adalah data pribadi, jika tanpa melalui persetujuan dari orang bersangkutan mengunggah, melakukan siaran langsung di platform media sosial, maka hal ini telah melanggar UU Perlindungan Data Pribadi.



3

Pekerja rumah tangga, majikan dan anggota keluarga lainnya harus mendapat persetujuan secara lisan maupun tulisan untuk kerahasiaan data pribadi



Pekerja perawat rumah tangga yang dipekerjakan oleh seorang selebriti internet terkenal membocorkan kondisi medis putra dari selebriti internet tersebut ke media.



Mengingatkan Pemberi Kerja dan Pekerja Migran



- Jika terdapat pengumpulan data pribadi yang tidak sesuai dengan peraturan atau memiliki tujuan tertentu, maka pemerintah daerah dapat mengenakan sanksi denda sebesar NT\$50.000 – NT\$500.000, dan meminta untuk melakukan perbaikan dalam waktu yang ditentukan, bagi mereka yang tidak melakukan perbaikan dalam masa waktu yang ditentukan maka akan dikenakan sanksi.
- Jika melanggar ketentuan hukum perlindungan data pribadi, menggunakan informasi pribadi secara ilegal, maka harus bertanggung jawab atas kerugian sebesar NT\$500 – NT\$20.000.

Jika ada pertanyaan, silakan menghubungi Saluran Khusus 1955 atau menghubungi pemerintah daerah setempat untuk mendapatkan bantuan

Meningkatkan Kesadaran Majikan dan Pekerja Migran Akan Perlindungan Data Pribadi

【Hak untuk menolak pemasaran komersial】

Untuk melindungi data pribadi yang dikumpulkan secara sah oleh lembaga non-publik tidak digunakan untuk tujuan pemasaran, Undang-undang perlindungan data pribadi mewajibkan lembaga non publik untuk mematuhi:

Hak untuk menolak pemasaran komersial

- Saat pihak bersangkutan menolak menerima pemasaran, maka harus segera menghentikan penggunaan data pribadi orang tersebut untuk pemasaran.
- Saat melakukan pemasaran, memberikan pihak bersangkutan secara gratis, cepat dan mudah untuk menyatakan penolakan mereka menerima pemasaran, seperti panggilan telepon bebas pulsa, gratis ongkos kirim dan lainnya.
- Harus mencatat maksud yang disampaikan pihak yang menolak pemasaran bersangkutan, dan memberikan tanggapan atas pemberitahuan penolakan pemasaran dari pihak yang bersangkutan, serta harus menghentikan pemasaran komersial kepada pihak bersangkutan

Contoh kasus

Pemberi kerja Chen menerima pemasaran via telepon dari perusahaan agensi, setelah dengan jelas menolak pemasaran dari perusahaan tersebut, maka perusahaan agensi harus segera menghentikan pemasaran kepada pemberi kerja Chen

NO



Mengingatkan Pemberi Kerja dan Pekerja Migran



Jika perusahaan agensi melanggar “Pedoman Penolakan Pemasaran Komersial”, Anda dapat menghubungi Saluran Khusus 1955 untuk mengajukan kasus yang kemudian akan dilimpahkan ke unit tenaga kerja setempat untuk penyelidikan dan penanganannya.

Nâng cao nhận thức về bảo vệ dữ liệu cá nhân của chủ thuê và lao động nhập cư

Nắm vững **3** điểm chính

1

Sử dụng biện pháp bảo mật phù hợp nhằm ngăn chặn dữ liệu cá nhân bị đánh cắp, giả mạo, hư hỏng hoặc rò rỉ.



A công ty tổ chức hoạt động quảng bá sản phẩm, nếu cung cấp thông tin của 3 người là có thể nhận được một món quà tinh tế, lao động nhập cư anh M đã trực tiếp chuyển dữ liệu cá nhân của 3 người bạn cho công ty A, tạo cho họ cơ hội tiếp thị sản phẩm qua điện thoại với 3 người đó.

2

Việc thu thập, xử lý hoặc sử dụng dữ liệu cá nhân phải tuân theo quy trình quản lý của Luật bảo vệ dữ liệu cá nhân.



Khán hộ công gia đình Livestream cuộc sống thường ngày của bà cụ -người mà cô ấy chăm sóc.

※ Hình ảnh cũng thuộc dữ liệu cá nhân, nếu livestream, ghi hình, chụp ảnh rồi đăng lên nền tảng Internet mà không có sự đồng ý của người khác thì đó là hành vi vi phạm Luật bảo vệ dữ liệu cá nhân.



3

Người lao động làm việc tại gia đình, chủ thuê và thành viên gia đình của chủ nên thỏa thuận bằng miệng hoặc bằng văn bản về nghĩa vụ bảo mật dữ liệu cá nhân.



Khán hộ công gia đình được một người nổi tiếng trên mạng tuyển dụng, đã tiết lộ với giới truyền thông về căn bệnh của người con trai của người nổi tiếng trên mạng.



Xin nhắc nhở chủ thuê và người lao động nhập cư



- Nếu có trường hợp thông tin cá nhân đặc biệt được thu thập không theo quy định của pháp luật hoặc không phù hợp với mục đích cụ thể, chính quyền địa phương có thể phạt tiền từ 50.000-500.000 Đài tệ theo quy định của pháp luật, đồng thời sẽ yêu cầu cải thiện trong thời gian nhất định, đến lúc đó vẫn không sửa chữa thì sẽ phạt theo số lần.
- Nếu vi phạm quy định của Luật bảo vệ thông tin cá nhân và hành vi này khiến cho thông tin cá nhân bị sử dụng bất hợp pháp, sẽ phải chịu trách nhiệm bồi thường thiệt hại từ 500-20.000 Đài tệ.

Nếu có thắc mắc, bạn có thể gọi tới đường dây nóng 1955 hoặc liên hệ chính quyền địa phương để được hỗ trợ.

Nâng cao nhận thức về bảo vệ dữ liệu cá nhân của chủ thuê và lao động nhập cư

【Quyền từ chối tiếp thị thương mại】

Để bảo vệ dữ liệu cá nhân khỏi bị các cơ quan ngoài công lập sử dụng để thu thập dữ liệu cá nhân một cách hợp pháp cho mục đích tiếp thị, Luật bảo vệ dữ liệu cá nhân quy định các cơ quan ngoài công lập phải tuân thủ:

Hướng dẫn Từ chối Tiếp thị Thương mại

- Khi đối phương từ chối chấp nhận tiếp thị, nên ngừng tiếp tục sử dụng thông tin cá nhân của người đó để tiếp thị.
- Khi tiếp thị, cung cấp cho đối phương phương pháp miễn phí, nhanh chóng và dễ dàng để bày tỏ sự từ chối chấp nhận tiếp thị, chẳng hạn như cuộc gọi miễn phí, miễn bưu phí v.v.
- Ý định từ chối tiếp thị thương mại của đối phương phải được ghi lại và phải trả lời với đối phương rằng, đã nhận được thông báo từ chối tiếp thị, và nên dừng lại việc tiếp thị thương mại với đối phương.

Ví dụ

Sau khi chủ thuê họ Trần nhận được cuộc gọi tiếp thị từ một công ty môi giới và đã từ chối rõ ràng sự tiếp thị của công ty, thì công ty môi giới nên ngừng ngay việc tiếp thị với chủ thuê họ Trần.

NO



Xin nhắc nhở chủ thuê và người lao động nhập cư



Nếu công ty môi giới vi phạm “Hướng dẫn Từ chối Tiếp thị Thương mại”, bạn có thể gọi tới đường dây nóng 1955 để lập hồ sơ vụ việc, sau đó sẽ được chuyển cho cơ quan lao động địa phương điều tra, xử lý.

สร้างการตระหนักรู้เรื่องการคุ้มครองข้อมูลส่วนบุคคลให้แก่นายจ้างและแรงงาน

หลักสำคัญ 3 ประการ

1

มีมาตรการรักษาความปลอดภัยที่เหมาะสม
ป้องกันไม่ให้ข้อมูลส่วนบุคคลถูกขโมย แก้ไข ทำลายหรือรั่วไหล



บริษัทแห่งหนึ่งจัดโปรโมชั่นลดราคาสินค้า เพียงกรอกข้อมูลของบุคคลอื่น 3 คน
จะได้รับของรางวัลพิเศษ 1 ชิ้น นายเอ็มแรงงานต่างชาติ
จึงกรอกข้อมูลของเพื่อนแรงงานต่างชาติ 3 คนให้บริษัทดังกล่าว
ทางบริษัทจึงโทรศัพท์ไปขายสินค้าให้ 3 คนนั้น

2

การเก็บรวบรวม ประมวลผล หรือการใช้ข้อมูลส่วนบุคคลจะต้อง
ดำเนินการตามขั้นตอนของกฎหมายคุ้มครองข้อมูลส่วนบุคคล



✕ ภาพถ่ายบุคคลหรือภาพวิดีโอถือเป็นข้อมูลส่วนบุคคล
หากถ่ายทอดสดหรือถ่ายภาพของผู้อื่น
แล้วโพสต์ลงบนแพลตฟอร์มอินเทอร์เน็ตโดยไม่ได้รับอนุญาต
ถือเป็นการละเมิดกฎหมายคุ้มครองข้อมูลส่วนบุคคล



3

แรงงานในครัวเรือน นายจ้างและสมาชิกในครอบครัว
ต้องตกลงด้วยวาจาหรือทำเป็นลายลักษณ์อักษรว่าจะเก็บ
รักษาความลับและข้อมูลส่วนบุคคลของผู้อื่น



ผู้นุบาลในครัวเรือนที่เน็ตไอดอลชื่อดังว่าจ้าง
เปิดเผยข้อมูลอาการป่วยของลูกชายของเน็ตไอดอลต่อสื่อ



เตือนนายจ้างและแรงงานต่างชาติ



- กรณีมีการเก็บข้อมูลส่วนบุคคลที่ไม่ถูกต้องตามกฎหมายหรือไม่สอดคล้องกับวัตถุประสงค์ที่ระบุไว้
เทศบาลท้องถิ่นสามารถลงโทษด้วยการปรับตั้งแต่ 50,000- 500,000 เหรียญได้ทันที
พร้อมสั่งให้แก้ไขภายในเวลาที่กำหนด หากไม่มีการแก้ไขสามารถสั่งปรับซ้ำได้อีก
- กรณีฝ่าฝืนกฎหมายคุ้มครองข้อมูลส่วนบุคคลและมีผลให้ข้อมูลส่วนบุคคลถูกนำไปใช้ในทางผิดกฎหมาย
ต้องรับผิดชอบด้วยการชดเชยค่าเสียหายตั้งแต่ 500-20,000 เหรียญได้ทันที

หากมีข้อสงสัยสามารถโทรขอความช่วยเหลือจากสายด่วน 1955 หรือเทศบาลท้องถิ่นได้

สร้างการตระหนักรู้เรื่องการคุ้มครองข้อมูลส่วนบุคคลให้แก่นายจ้างและแรงงาน

【สิทธิประโยชน์ในการปฏิเสธการเสนอขาย】

กฎหมายคุ้มครองข้อมูลส่วนบุคคลเป็นกฎหมายที่บัญญัติขึ้นเพื่อป้องกันมิให้หน่วยงานที่ไม่ใช่ภาครัฐใช้วิธีที่ถูกกฎหมายมาเก็บข้อมูลส่วนบุคคลเพื่อนำไปใช้ในการเสนอขายสินค้าหรือบริการ และกำหนดให้หน่วยงานที่ไม่ใช่ภาครัฐต้องถือปฏิบัติอย่างเคร่งครัด :

แนวปฏิบัติในการปฏิเสธการเสนอขาย

- เมื่อเจ้าตัวปฏิเสธการเสนอขาย หน่วยงานที่ไม่ใช่ภาครัฐควรหยุดใช้ข้อมูลส่วนบุคคลของเขาเพื่อเสนอขายอีก
- ปฏิเสธการเสนอขายด้วยวิธีง่ายๆที่ไม่มีค่าใช้จ่าย รวดเร็วและเข้าใจง่าย
อาทิ ใช้บริการโทรศัพท์หรือการตอบกลับทางจดหมายที่ไม่ต้องเสียค่าแถม
- ต้องมีการบันทึกการปฏิเสธการเสนอขายและตอบกลับว่าได้รับการปฏิเสธการเสนอขายแล้ว
นอกจากนี้ยังต้องยุติการเสนอขายให้แก่บุคคลผู้นั้นด้วย

กรณีตัวอย่าง

นายจ้างแช่เงินได้รับโทรศัพท์จากบริษัทจัดหางานโปรโมทการบริการ
หลังจากนายจ้างรายนี้ปฏิเสธที่จะใช้บริการ
บริษัทจัดหางานต้องยุติการเสนอบริการให้แก่นายจ้างในทันที



เตือนนายจ้างและแรงงานต่างชาติ



หากบริษัทจัดหางานฝ่าฝืนแนวปฏิบัติในการปฏิเสธการเสนอขาย สามารถโทรแจ้งสายด่วน 1955 เพื่อส่งต่อให้กองแรงงานในท้องถิ่นดำเนินการตรวจสอบและจัดการปัญหาต่อไป

Pagpapatatag ng Kaalaman ng mga Employer at Migranteng Manggagawa Ukol sa Proteksyon ng Personal na Impormasyon

Alamin ang 3 na Key Points

1

Mga angkop na hakbang upang maprotektahan at maiwasang manakaw, mabago, masira, o ma-leak ang personal na impormasyon.



Ang isang kumpanyang may aktibidad kung saan ang pagbahagi ng impormasyon ng 3 empleyado ay may kapalit na isang katangi-tanging regalo. Si M, isang migranteng manggagawa, ay nagbahagi ng impormasyon ng kanyang 3 kaibigang migranteng manggagawa at nang dahil dito ay natatawagan sila ng kumpanya upang makapag-promote sa telepono.

2

Ang pagkalap, pagproseso, o paggamit ng personal na impormasyon ay dapat sumunod sa pamamaraan na nakasaad sa Personal Information Protection Act.



Ang isang migranteng manggagawa na nangangalaga ng pamilya ay ibino-broadcast ang kanyang pang-araw-araw na pangangalaga ng isang lola.

※ Ang mga larawan ay personal na impormasyon. Kung ikaw ay nag-broadcast ng live at kumuha ng litrato nang walang pahintulot at ibinahagi ito sa Internet, ito ay isang paglabag sa Personal Information Protection Act.



3

Ang mga domestic workers, employers, at mga miyembro ng pamilya ay dapat magkasundo nang pasalita o nakasulat ukol sa mga obligasyong kalakip ng pagiging kumpidensyal ng personal na impormasyon.



Ang domestic worker ng isang sikat na Internet celebrity ay ibinahagi sa media ang sakit ng anak ng celebrity na ito.



Paalala sa mga Employer at Migranteng Manggagawa

- Kung ang pagkolekta ng mga personal na impormasyon ay hindi naisagawa alinsunod sa batas o sa partikular na layunin, ang mga lokal na pamahalaan ay maaaring magpataw ng multa mula NT\$50,000~NT\$500,000 at ipag-utos na magsagawa ng kinakailangang pagbago. Sa oras na hindi nakumpleto ang mga pagbabago sa loob ng nakatakdang oras ay maaaring mapatawan muli ng multa ayon sa kaso.
- Kung ang Personal Information Protection Act ay nalabag at ang mga personal na impormasyon ay iligal na nagamit, dapat managot at magbayad ng NT\$20,000 hanggang NT\$5,000,000.



Para sa anumang katanungan ay mangyaring tumawag sa 1955 hotline o humingi ng tulong sa mga lokal na pamahalaan.

Pagpapatatag ng Kaalaman ng mga Employer at Migranteng Manggagawa Ukol sa Proteksyon ng Personal na Impormasyon

【Karapatang Tumanggi sa mga Komersyal na Marketing】

Upang maprotektahan ang mga personal na impormasyon at masigurong hindi ito magamit ng mga ahensyang hindi kasama ng gobyerno, nakasaad sa Personal Information Protection Act na dapat sumunod ang mga non-government agencies ay dapat

Alituntunin sa Pagtanggi sa Komersyal na Marketing

- Sa oras na tumanggi ang isang tao, dapat na itigil ang paggamit ng kanyang personal na impormasyon.
- Magbigay ng libre, mabilis, at madaliang paraan upang makatanggi ang mga tao, tulad ng toll-free number, libreng pagbalik ng sulat, atbp.
- Ang pagtanggi ng isang indibidwal sa marketing ay dapat na itala at dapat na sagutin ito ng kumpirmasyon sa pagtanggap ng kaynang pagtanggi at ang pagtigil sa pagbigay sa kanya ng mga komersyal na marketing.

NO

Halimbawa

Nakatanggap si Chen Jun ng tawag mula sa isang ahensya at malinaw nitong tinanggihan ang pagtanggap ng mga marketing sa hinaharap. Ang ahensya ay dapat na itigil ang marketing kay Chen Jun.



Paalala sa mga Employer at Migranteng Manggagawa



Kung ang isang ahensya ay lumabag sa mga 「Alituntunin sa Pagtanggi sa Komersyal na Marketing」, maaari itong iulat sa 1955 hotline upang ipaimbestiga sa mga lokal na labor unit.