

Personal Information Protection Policy of Japan

- Aim and Basic Structure -

December 2018
Personal Information Protection Commission

The Aim of the Act on the Protection of Personal Information (APPI) About the Personal Information Protection Commission (PPC)

Article 1 (Purpose)

This Act aims to protect an individual's rights and interests while considering the utility of personal information including that the proper and effective application of personal information contributes to the creation of new industries and the realization of a vibrant economic society and an enriched quality of life for the people of Japan; by setting forth the overall vision for the proper handling of personal information, creating a governmental basic policy with regard to this, and establishing other matters to serve as a basis for measures to protect personal information, as well as by clarifying the responsibilities etc. of the central and local governments and establishing obligations etc. that a personal information handling business operator shall fulfill, in light of the significantly expanded utilization of personal information as our advanced information- and communication-based society evolves.

Article 3 (Overall Vision)

Personal information, considering it should be carefully handled under the vision of respecting the personality of an individual, shall be made subject to proper handling.

Article 60 (Duties)

The Commission is to assume the duties of pursuing ensuring the proper handling of personal information (an omission) in order to protect an individual's rights and interests while considering the utility of personal information including that the proper and effective application of personal information contributes to the creation of new industries and the realization of a vibrant economic society and an enriched quality of life for the people of Japan.

Article 62 (Independence on Exercising the Authority)

A chairperson and commissioners of the Commission are to exercise their official authority independently.

Key Rules of APPI

(Obligation of a Personal Information Handling Business Operator /a Principal's Right)

※The articles noted in blue are related to the amended APPI, which is put into full effect in 2017.

1. Personal Information

Definition : Personal Information, individual identification code, Special care-required personal information

2. Proper Acquisition and Utilization Purpose

Specifying a Utilization Purpose(§15), Restriction due to a Utilization Purpose(§16), Proper Acquisition(§17) , Notification etc. of a Utilization Purpose when Acquiring(§18) , Assurance etc. about the Accuracy of Data Contents(§19)

3. Control

Security Control Action (§20) , Supervision over Employees(§21) , Supervision over a Trustee(§22)

4. Third Party Provision etc.

Restriction on Third Party Provision (§23) , Restriction on Provision to a Third Party in a Foreign Country (§24) , Keeping etc. of a Record on a Third-Party Provision (§25) , Confirmation etc. when Receiving a Third Party Provision (§26) , Public Disclosure etc. on Matters relating to Retained Personal Data (§27) , Anonymously Processed Information (§36-39)

5. Principal's Involvement (except for 1,2,and 3)

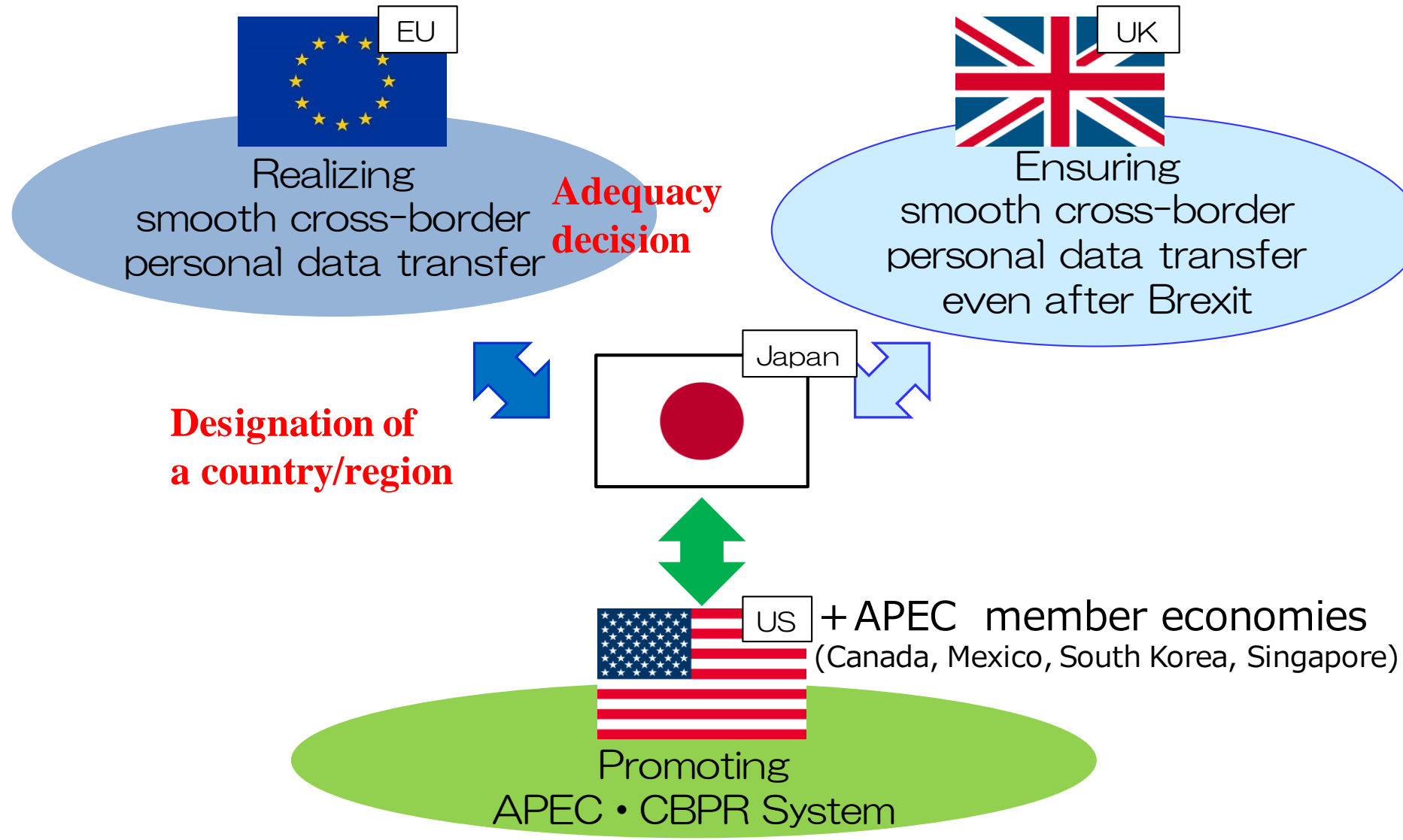
Disclosure (§28) , Correction, addition or deletion(§29) , utilization cease or deletion(§30) , Explanation of Reason (§31)

6. Personal Information Handling Business Operator's Dealing with a Complaint (§35)

Comparison of Characteristic Issues between Japan and EU

	EU GDPR	Japan APPI
Right to erasure	<p>The right is guaranteed in the case where</p> <ul style="list-style-type: none"> ● the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed. ● there is no other legal ground for the processing. ● the personal data have been unlawfully processed. 	<p>The right is guaranteed in the case where</p> <ul style="list-style-type: none"> ● retained personal data is handled in violation of the restriction due to a utilization purpose. ● retained personal data has been acquired in violation of proper acquisition.
Right to data portability	<p>The right is guaranteed. (However, it shall applied to the case where the processing is carried out by “automated means” and is based on the data subject’s “consent” or “a contract”. It shall not apply to personal data processed in pursuit of legitimate interests etc.)</p>	<p>The right of request for disclosure. (A personal information handling business operator has no obligation to provide the retained data in a format easy to transmit.)</p>
Regulation on profiling (Right to object to automated individual decision-making)	<p>Analysis activities themselves are allowed. The right not to be subject to a decision based solely on automated processing, including profiling is guaranteed.</p>	<p>Analysis activities themselves are allowed. A principal’s involvement is ensured through restriction and specification of a utilization purpose.</p>
Extraterritorial application	<p>The representative shall be designated in one of the Member States where the data subjects, whose personal data are processed in relation to the offering of goods or services to them, or whose behavior is monitored, are. The obligation is not applied to the case where processing is occasional or carried out by a public authority or body, etc.</p>	<p>It applies to a personal information handling business operator in a foreign country who in relation to supplying goods or services to the data subjects in Japan has acquired personal information. (A personal information handling business operator does not need to designate the representative.)</p>

Our Commitments to Improve the Environment for Cross-Border Personal Data Utilization



Scheme to Certify a business operator's compliance with the APEC Privacy Framework in the APEC member economies (Cross Border Privacy Rules (CBPR) System)