

A NEW PERSPECTIVE OF THE PERSONAL INFORMATION PROTECTION SYSTEM IN JAPAN

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Outline

1. Case Law of Privacy in Japan
2. Personal Information Protection Act and Number Use Act
3. Specific Personal Information Protection Commission
4. Policy Outline of Institutional Revision for Utilization of Personal Data

1. Case Law of Privacy in Japan

- The right of privacy recognized by the District Court **in 1964**.
- Freedom of Information Ordinances and Protection of Personal Information Ordinances enacted by local governments since the **1980s** have led to an increasing number of court decisions.

Keyword list in databases of Japanese case law (March 8, 2014)

	<i>Westlaw Japan</i>	<i>TKC database</i>
<i>Privacy</i>	2,783	2,404
<i>Privacy and Supreme Court</i>	113	118
<i>Privacy and Personal Information</i>	626	608
<i>Personal Information</i>	1,484	1,211
<i>Personal Information and Supreme Court</i>	31	55

2. Personal Information Protection Act and Number Use Act

General Law

May 30, 2003	Act on the Protection of Personal Information <i>(Personal Information Protection Act)</i>	Public (Policy Private)
	Act on the Protection of Personal Information Held by Administrative Organs	Public
	Act on the Protection of Personal Information Held by Independent Administrative Agencies, etc.	Public



Institutional Revision (on going)

June 2014	Publication of policy outline	
June-July 2014	Public comment	Public
January 2015 -	Submission of Bills to the Diet	Private
After passing Bills	Establishment of a Data Protection Authority	

2. Personal Information Protection Act and Number Use Act

Special Law

May 31, 2013

Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure

(Number Use Act)

Public

Private

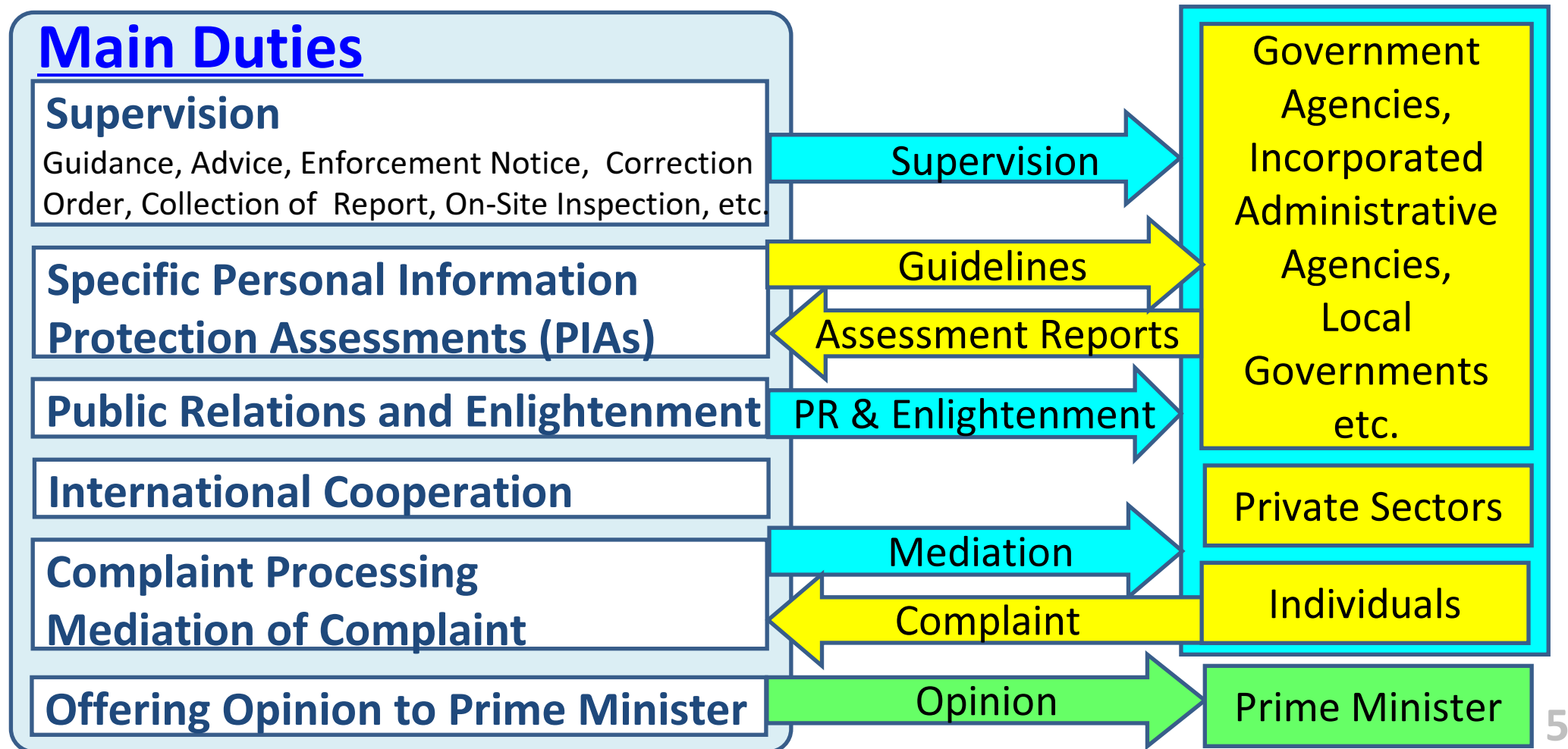
Introduction of the Number System

- assigning a unique 12-digit Individual Number to each citizen
- using Numbers in administrative procedures related to **social security**, **taxation**, and **disaster management**
- ✓ January 1, 2014 : Establishment of the Specific Personal Information Protection Commission
- ❑ October 2015 : Notification of Numbers
- ❑ January 2016 : Use of Numbers

3. Specific Personal Information Protection Commission

Mission

To take necessary measures in order to ensure the proper handling of Individual Numbers and other Specific Personal Information while taking into account its utility.



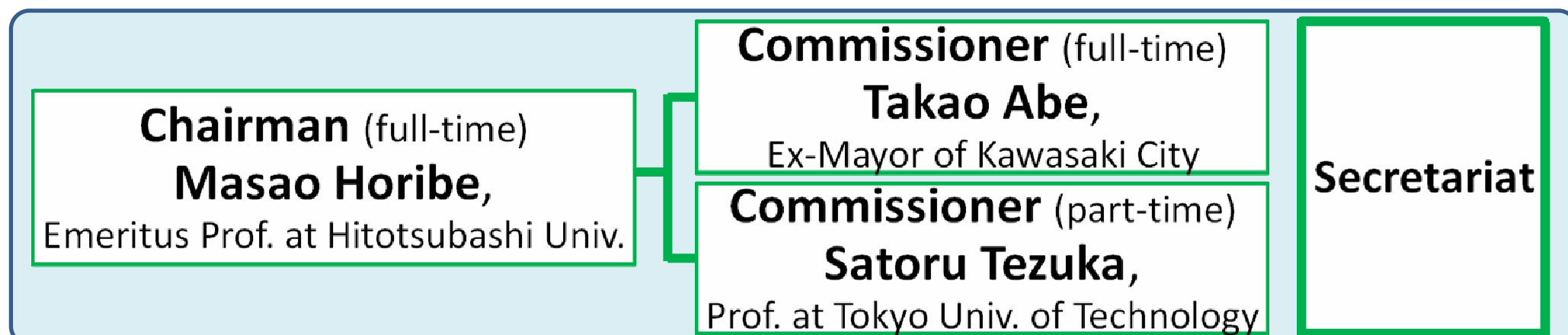
3. Specific Personal Information Protection Commission

Structure

■ Chairperson and 6 Commissioners*

- experts on personal information protection; information processing; social security/tax system; and private sector practices, or nominated by major organizations on local government
- exercise their authority independently
- appointed by the Prime Minister after the consent of the Diet
- period of 5 years

■ Secretariat: 40 officials (as of April 2014)



* Number of Commissioners: 2 during 2014; 4 during 2015, due to the transitional measures 6

Data

Purpose

- Clarifying the scope of personal information so that businesses do not hesitate to utilize it
- Preventing violation of individual rights and interests
- Operating flexibly to make swift action for the development of technology and the change of individual's subjective view of privacy by applying self-regulation framework in the private sector
- Ensuring the effective enforcement of **an independent data protection authority** to balance utilization and protection of personal data
- Designing Japanese personal data protection system towards **international harmonization**

Data Protection Authority (DPA)

- The DPA will be established by expanding the functions of the Specific Personal Information Protection Commission.
- For private sector, the DPA will advise, make a report, recommend, order the business operators and authorize self-regulation rules.

International harmonization

- The transfer of personal data to a third country will be prescribed.
- The DPA will cooperate with foreign DPAs **for cross-border enforcement.**
- The DPA will supervise authorized organizations for a framework for smooth cross-border transfer of personal data.