

The Japanese Data Protection Policy

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1. History of Personal Data Protection Systems in Japan

Local Government Regulations

- Local governments worked quickly to adopt their own personal data protection regulations before the enactment of the OECD guidelines

OECD Privacy Guidelines : 8 OECD Principles

- Start of personal data protection systems management

Administrative Agency Personal Protection Laws

- Establishment of personal data protection laws (national administrative agencies only)

- 'Law relating to protection and management of personal data stored on administrative agency computers' (December 16th, 1988 Law No. 95)

Dealing with the Private Sector

- 'Guidelines for personal data protection in the private sector' - Japan Information Processing Development Corporation (JIPDEC) (1988)
- 'Guidelines relating to the protection and management of personal data on computers in the private sector', (March 4th, 1997, Ministry of International Trade and Industry proclamation, No.98)

Privacy Mark System

- 'Privacy mark system' (effected, April 1st, 1998)
- JIS Q 15001, 'Personal data protection compliance program requirements', (established March 20th, 1999)
- JIS Q 15001, 'Personal data protection management system requirements', (established March 20th, 2006)



2. History of Establishment of Laws Relating to Personal Data Protection (Japan)

July 14th, 1999, Agreement on formation of 'Personal Data Protection Investigation Unit' (Chairman, Masao Horibe, Professor, Chuo University's Faculty of Law)

October 20th, 1999, Announcement of paper 'Regarding Protection of Personal Data' (Central theme, Chairman's plan)

November 19th, Announcement of 'State of Personal Data Protection Systems in Japan', by High-Tech Telecommunications' Society Promotion Committee's Personal Data Protection Investigation Unit (Mid-Term Report)

February 4th, 2000, Formation of 'Personal Data Protection Legislation Specialist Committee', (Committee Chairman, Itsuo Sonobe, Professor at Ritsumeikan University's Graduate School) (Session No.28)

October 11th, 2000, Agreement on 'Fundamentals relating to Personal Data Protection Laws'

Drawing up of proposed legislation in accordance with fundamentals. Submitted as Cabinet Legislation No.90 to the 151st Diet on March 27th, 2001.

April 18th, 2001, Formation of 'Administrative Agency Personal Data Protection Law Research Group' (Chairman, Takashi Mogushi, former Director-General of the Cabinet Legislation Bureau), presided over by the Secretary to the Minister of Internal Affairs and Communications on approval of the Minister.

March 15th, 2002, Submission of Cabinet Legislation Nos. 70-73 to the 154th Diet.

December 13th, 2002, five personal data protection bills rejected by the Lower House Committee of the Cabinet.

March 7th, 2003, five revised personal data protection bills, Cabinet Legislation Nos. 71 – 75, submitted to the 156th Diet.

May 23rd, 2003, five personal data protection bills approved and formally announced on May 30th.



3. Laws relating to Personal Data Protection

Approved on May 23rd, 2003, formally announced and enacted on May 30th.

Regulations in Chapters 4-6, and additional regulations in Articles 2-6 imposing specific responsibilities on companies handling personal data under the Personal Data Protection laws and Administrative Agency Personal Data Protection laws, enacted April 1st, 2005.

■ Act on the Protection of Personal Information

□ (2003 Law No.57)

■ Act on the Protection of Personal Information Held by Administrative Organs

□ (2003 Law No.58)

■ Act on the Protection of Personal Information Held by Administrative Agencies

□ (2003 Law No.59)

■ Act for Establishment of the Information Disclosure and Personal Information Protection Review Board

□ (2003 Law No.60)

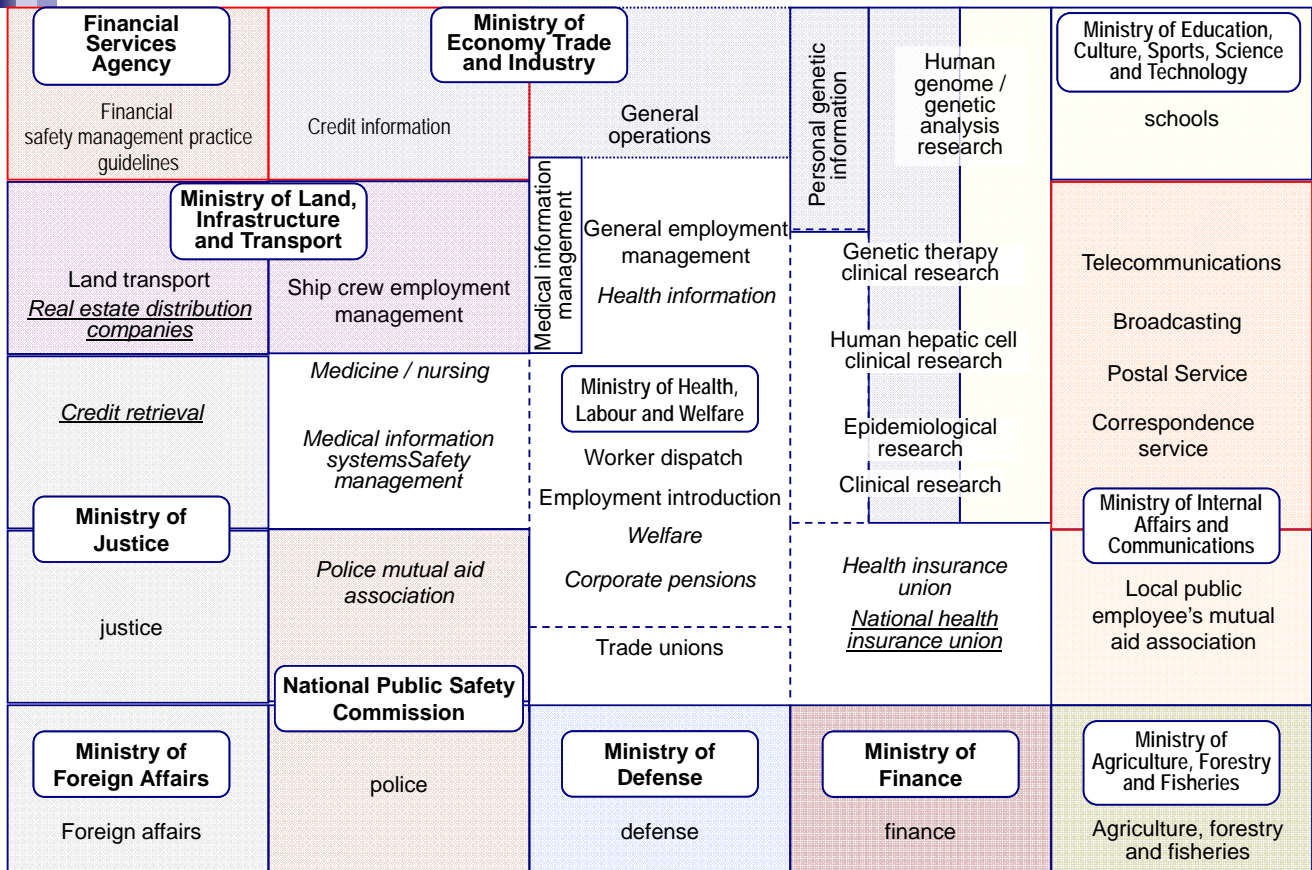
■ Act on Preparation of Relevant Acts Accompanying Effectuation of the Act on the Protection of Personal Information Held by Administrative

□ (2003 Law No.61)

4 Overall Outline of Personal Data Protection Laws in Japan

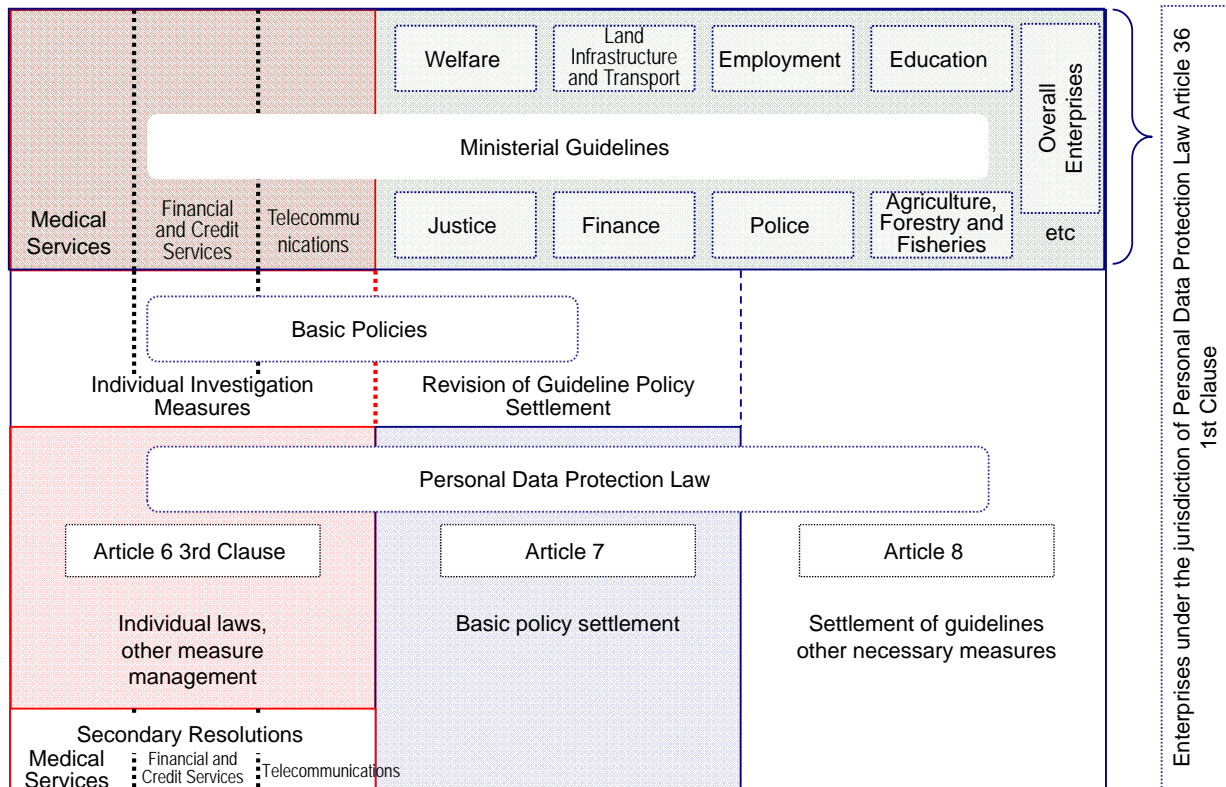
Basic Policy	Basic Policy (basic policy on personal data protection approved by the Cabinet)
Personal Data Protection Laws	Basic laws and laws relating to the private sector (laws and ordinances regarding the protection of personal data)
Administrative Agency Personal Data Protection Laws	Laws relating to administrative agencies in the public sector. (laws and ordinances concerning administrative agency personal data protection)
Individual Laws	<p>Protection of personal data by following regulations with the aim of personal data protection under each individual law (existing laws such as 'The Dispatch Industry Law' and 'Employment Security Law')</p> <p>Laws with regard to legal liability concerning leakage and misuse of personal data. ('Unfair Competition Prevention Law')</p> <p>Privacy protection obligation regulations from a professional standing. ('Public Servant Law', various industrial laws)</p>
Personal Data Protection Regulations	Local government personal data protection regulations.
Guidelines	<p>Guidelines for each Ministry in accordance with Article 8 of the Personal Data Protection Law.</p> <p>JIS Q 15001 'Personal Data Protection Management System, Requirements'</p> <p>Standards and guidelines in accordance with laws (guidelines adhering to 'The Industry Standardisation Law' and 'Provider Limited Liability Law')</p> <p>Administrative agencies setting guidelines for themselves (safety management and use of telecommunications technology)</p> <p>Setting guidelines for private organisations and the private sector (business world guidelines)</p>

5. Areas for Establishing Ministerial Guidelines Relating to Personal Data Protection Laws



Italics = communication / Underline = notification

6. Ministerial Guideline Policy Decisions / Basis of Revisions



7. Recent Topics – Basic Principles for Handling Life-Logs and the National ID Plan

- The Ministry of Internal Affairs and Communications (MIC) Study Committee
 - (1) `Street View` services offered by search engine providers
 - (2) Copyright infringement issues of music distribution over the Net
 - (3) `Life-log` services
 - (4) The amendment of the guidelines concerning personal information protection in the field of telecommunication industries
 - (5) CGM(Consumer Generated Media)
 - (6) Security measures for the protection of personal information
 - (7) Behavioural Targeting Advertising
 - which makes use of not only 'life-logs', but also of 'Deep Packet Inspection' (DPI) technology
 - (8) Smart-Phone Privacy and Security



8. Self-Regulation Principles (Life-logs)

1

Promotion of public relations, diffusion and enlightenment activities

2

Ensure transparency

3

Ensure the opportunity to access

4

Ensure the proper acquisition of object information

5

Ensure appropriate security measures

6

Establish a division which receives complaints