



## **ACCJ Comments for the Personal Information Protection Commission Public Hearing**

The ACCJ believes the approach to put users' privacy and security at the center of their regulatory guidance aligned to global data protection and privacy practices is important. At a time when an increasing number of bad actors are working towards undermining privacy and security e.g., by breaking certain kinds of encryption, we encourage the PPC to continue with its principles-led risk based approach, and ensure that the APPI remains interoperable with global standards.

With the need for interoperability in mind, it would be helpful for the PPC to provide more guidance with clear, actionable and measurable outcomes based on practical use cases that enable industry to implement or enhance the existing APPI without necessarily having to add more powers, introduce new laws etc. For instance, businesses sometimes face the challenge by the lack of consistency among user organizations for personal data protection, and we hope the PPC's guidance will be beneficial for encouraging user organizations to take consistent, reasonable, and appropriate actions. We also recommend that the PPC's guidance considers and explains the benefit that individuals and society can gain by data flow and utilization and shows the way to protect privacy while returning the benefit to individuals and society. This would include testing and proving that some of the assumptions in the APPI are capable of achieving effective results. We also encourage the assessment of effective regulation instead of relying on penalties or fines. Moreover, we recommend the PPC to consider the global effects of regulation and how APPI can also be more effective on a multi stakeholder basis to achieve privacy outcomes that ensure interoperability with global regulations.

We think it is prudent in the current market and economic conditions to take stock of the cybersecurity measures and best practices that are already in place. Many global organizations already invest in security in order to adhere to global standards, and some have industry-specific obligations. We therefore recommended that any PPC guidance permit organizations to leverage widely recognized cybersecurity standards. The PPC can also use the guidance to give positive incentives for Japanese businesses as well as global organizations to invest more in cybersecurity to earn trust in the course of handling personal data in Japan. Recently, the unwanted leakage of personal data is increasing in relation to the growing tension in the international situation. We believe enhancing the

ability to advance cybersecurity while leveraging existing standards is necessary in line with the need to advance national security.

In this respect, a detailed consultation study with industry, civil society, and a wide range of stakeholders for insights into the specific privacy and security challenges would go a long way towards informed policy and regulatory changes. At the same time, the PPC can keep to a principles led and risk-based approach.

As the PPC further deepens these discussions, the ACCJ is happy to further coordinate and appreciates the opportunity to engage throughout the process.