

**Concerning the Future Direction of Commission Rules  
Under Article 24 of the Act on the Protection of Personal Information (APPI)**

1. Background

The Personal Information Protection Commission (PPC), in response to the sharply increasing flow of cross-border personal data, has been working on improving an environment to ensure their smooth transfer. In this work, the PPC has been engaging in successive dialogues with the Directorate-General for Justice and Consumers of the European Commission with a view to establishing a framework to pursue two-way smooth transfer of personal information between Japan and the European Union, in the course of which the respective personal data protection systems have been understood progressively. Based on these conditions, the PPC will move forward with the following ideas as a pivot point for discussion as to establishing commission rules on the foreign-country designation provision under Article 24 of the APPI.

2. Future Direction of the Commission Rules

Discussion will be advanced toward incorporating the following notions (1) to (5) into the commission rules as judgmental standards to apply when designating a specific foreign country.

- (1) There are statutory provisions or codes equivalent to those relating to the obligations of personal information handling business operators defined under the APPI, and the policies, procedures and systems to enforce compliance with these rules can be recognized;
- (2) There is an independent personal data protection authority, and the authority has ensured necessary enforcement policies, procedures and systems;
- (3) The necessity for a foreign country designation can be recognized as Japan's national interests;
- (4) Mutual understanding, collaboration and cooperation are possible; and,
- (5) Establishing a framework to pursue mutual smooth transfer of personal information is possible while seeking the protection thereof

3. Rulemaking Arrangements for a Specific Foreign Country's Designation

As regards designating a specific foreign country, discussion will be initiated toward providing for such a country in an enforceable notification to be issued pursuant to the abovementioned commission rules.