

Global Strategy of the Personal Information Protection Commission

29 March 2023

In recent years, the importance of the smooth cross-border transfer of data, including personal information has further increased due to the growth of data flow with the development of the digital society, particularly the globalization of economic and social activities, and the advancement of information and communication technologies. Under these circumstances, the Government of Japan advocated the concept of “Data Free Flow with Trust (DFFT)” in 2019, and the entire government is now promoting DFFT in 2023, especially in view of Japan’s G7 presidency in 2023.

In the field of personal information protection, each country is moving to establish its own legislation on the protection of personal information around the world. In this regard, understanding the global trend of legislation, strengthening cooperation with foreign authorities in line with the globalization of business activities, engaging in further discussions with international organizations to address risks such as data localization and unlimited government access, and supporting the use of Privacy Enhancing Technologies are required.

In Japan, the Act on the Protection of Personal Information (APPI) was amended by the enactment of the Act on the Arrangement of Related Laws for the Formation of a Digital Society (Act No.37 of 2021). As a result, the APPI, the Act on the Protection of Personal Information Held by Administrative Organs, and the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc., were consolidated into the APPI as one single law. This legislative development requires the Personal Information Protection Commission of Japan (PPC Japan) to ensure proper handling of personal information by the public sector.

In addition to our recent efforts to promote DFFT, the PPC Japan has been working to analyze global trends in the development of personal information protection legislation in various countries, and to strengthen cooperation with overseas authorities. Against the background described above, this document outlines the strategy on global initiatives to be led by the PPC Japan.

1. Developing an international environment for the safe and smooth cross-border transfer of personal information with a view to promoting DFFT

The PPC Japan will engage in the discussions in the international dialogues related to DFFT so as to ensure that the personal information is properly protected. In particular, as Japan hosts the G7 meetings in 2023, the PPC Japan will continue to consult intensively and closely with countries and regions that share fundamental values, such as the US, Europe, the G7, the OECD member states, as well as strengthen cooperation with Asian-Pacific nations, and work towards establishing global standards that contribute to DFFT. In addition, the PPC Japan will work to create an international environment in which different legal systems and international frameworks can coexist and be interoperable with regard to the cross-border transfer of personal information from the perspective that exclusive approach should not be adopted but rather the diversity of different personal information protection laws should be embraced. The PPC Japan will also seek to understand the needs of business operators and create an international environment where there are multiple tools available for cross-border transfers that businesses can choose from, depending on the nature and scale of their business.

To materialize the concept of DFFT, the PPC Japan will not only continue to promote DFFT in international forums such as the G7, the Global Privacy Assembly (GPA), the Asia Pacific Privacy Authorities (APPA), but also, with a view to supporting cross-border activities by business operators, the PPC Japan will work to

- host the meeting of Roundtable of G7 Data Protection and Privacy Authorities with the aim of delivering the message to the world toward developing the international environment to ensure interoperability among cross-border transfer tools of personal data with a view to promoting DFFT, and developing an action plan for further promoting DFFT.
- promote the international corporate certification system with a focus on increasing participation in the Global CBPR (Cross Border Privacy Rules) Forum, and introduce global model contract clauses.
- further develop the arrangements for the mutually smooth cross-border transfer of personal data (mutual recognition arrangements) with countries and regions that have established a personal information protection system recognized to have equivalent standards to that in Japan. In particular, the PPC Japan will seek to expand the scope of the adequacy decisions by the EU and the UK to the public sector and academic research.

- engage in the dialogues at the international forums such as the OECD to address the risks threatening DFFT, including unlimited government access and data localization, and to work towards forming the global standards.
- participate in dialogues to ensure the protection of personal information in international trade negotiations.

2. Understanding international trends and disseminating information

The PPC Japan will work to build and develop networks with data protection authorities and experts in the field of data protection, and to cooperate with them in exchanging relevant information and opinions to respond to issues such as technical innovations and social challenges. The PPC Japan will also make policies by incorporating such information and opinions, taking into account of global trends. Specifically, the PPC Japan will work to

- actively participate in international forums such as the GPA, the APPA as well as meetings organized by private organizations.
- actively present the PPC Japan's efforts and initiatives at international forums, and begin preparations to host an international conference that will help understand the global trends and deepen the cooperation with other countries.
- disseminate the information widely and make it available to businesses that operate internationally, in particular the information about foreign legislation on the protection of personal information in line with the needs for the business.

3. Strengthening cooperation in cross-border enforcement

Due to the increase in cross-border business activities and the cross-border transfer of data including personal information, it is expected that there would be enforcement cases that cannot be dealt with by one country alone. Therefore, the PPC will promote and strengthen cooperative relationships with foreign authorities so that cooperation from foreign authorities for individual enforcement cases can be obtained as necessary. Specifically, the PPC Japan will work to

- participate in international frameworks for data protection and enforcement authorities, as well as develop close cooperative relationships with foreign enforcement authorities

that the PPC Japan needed to collaborate with strategically.

- consider the conclusion of arrangements for bilateral enforcement cooperation (MOC: Memorandum of Cooperation) with foreign enforcement authorities.