

Handling of personal data
for preventing the spread of Novel-Coronavirus (COVID-19) disease
(Provisional translation)

April 2, 2020

(Partial amendment, May 15, 2020)

Personal Information Protection Commission

We would like to show the relevant provisions of the Act on the Protection of Personal Information (Act No. 57 of 2003; hereinafter referred to as “the Act”), given the increasing opportunities to handle personal information for the purpose of preventing the spread of Novel-Coronavirus (COVID-19) disease.

In principle, a personal information handling business operator (hereinafter referred to as “the PIHBO”) is prohibited to utilize personal data for the purpose which is different from the utilization purpose originally notified to a principal, or to provide it to a third party without obtaining the consent of a principal. However, in cases based on laws and regulations (Article 16 (3) (i) and Article 23 (1) (i) of the Act), or in the following cases, as exceptions, it is permitted to utilize it for the purposes other than the original intent or to provide it to a third party without obtaining a principal’s consent. For preventing the spread of Novel-Coronavirus (COVID-19), it is possible to deal with cases including the application of these exceptions.

- 1) In cases where a request for providing information is made by a central government organization etc. for the performance of the affairs prescribed by laws and regulations under the jurisdiction of the organization, where the lack of cooperation by the PIHBO is likely to interfere with the appropriate performance of the said affairs, and where obtaining the consent of a principal is likely to interfere with the performance of the said affairs, the PIHBO can utilize personal data for the purposes other than the original intent or provide it to the organization etc. at its own discretion without the consent of a principal. (Article 16 (3) (iv) and Article 23 (1) (iv) of the Act)
- 2) In cases where it is necessary to protect a human life, body or fortune, or where there is a special need to enhance public hygiene, when it is difficult to obtain a principal’s consent, the PIHBO can utilize personal data for the purposes other than the original intent or provide it to a third party including central government organizations without obtaining a principal’s consent. (Article 16 (3) (ii) and (iii), Article 23 (1) (ii) and (iii) of the Act)

It is requested to deal with the applicability to the above provisions in accordance with individual specific cases, the categories of personal data provided, the utilization

purpose and security control actions etc.

For your reference, attached to this document is frequently asked questions to the PPC's Inquiry Line for Act on Protection of Personal Information received from business operators regarding Novel-Coronavirus (COVID-19) disease.

Further, it is requested to refer to “Guidelines on the Act on the Protection of Personal Information (Volume on General Rules)” (https://www.ppc.go.jp/files/pdf/190123_guidelines01.pdf) and Q & A (https://www.ppc.go.jp/files/pdf/1911_APPI_QA.pdf). * Only available in Japanese.

If you want to consult with us individually, please contact Inquiry Line for Act on Protection of Personal Information (03-6457-9849: Answers to general questions regarding the Act, etc.) or PPC Business Support Desk (03-6457-9771: Inquiries regarding proper and effective utilization of personal information and anonymously processed information etc. at the new business model, etc.).

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(ANNEX)

Q1. There is an employee who has closely contacted with a person infected with Novel-Coronavirus (COVID-19). What are the precaution points when making internal announcements?

(Answer)

In the case pointed out, the provision of personal data within the same business operator does not correspond to "third-party provision", therefore the principal's consent is not required when sharing personal data within the company.

Also, even if it exceeds the scope of utilization purpose originally specified, when it is necessary to prevent secondary infection within the business operator or to continue business activities, obtaining the principal's consent is not required.

Q2. Our employee is infected with Novel-Coronavirus (COVID-19), so we are considering to inform of the fact including the personal data of the said employee our business partners which are believed to have contacted with the said employee. Is it allowed to do it, though it is difficult to obtain the principal's consent?

(Answer)

When you provide the business partner with the personal data of the employee, even if it exceeds the scope of utilization purpose originally specified, the principal's consent is not required in order to prevent secondary infection, to continue business activities at the business partner, or to enhance public hygiene.

Q3. Our employee is infected with Novel-Coronavirus (COVID-19), and we were requested to provide the record of employee's activities while at work for an active epidemiological investigation (Note) by the public health center of the jurisdiction. Is it allowed to do it, when it is difficult to obtain the principal's consent?

(Note) An investigation conducted by the public health center of prefectural governments etc. based on Article 15 (1) of the Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases, when it is deemed necessary for the purpose of preventing the outbreak of an Infectious Disease or clarifying the status of outbreaks, progress and the causes of outbreaks.

(Answer)

If the public health center has requested the business operator to provide the record of the activities while at work of the employee who has been infected with the Novel-Coronavirus (COVID-19) in order to conduct an active epidemiological investigation in accordance with Article 15 (1) of the Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infectious Diseases, the principal's consent is not required to provide the information.

(Added on May 15, 2020)