

Concerning the International Efforts

November 8, 2016
Personal Information Protection Commission

The Personal Information Protection Commission (“the Commission”) on July 29, 2016, decided on “New Initiatives for Ensuring Smooth Cross-Border Personal Data Flows”, in which it is stated that “The Commission will for the moment, while advocating further cooperation with foreign counterparts to boost smooth cross-border transfer of personal information ensuring the protection thereof, facilitate coordination directed toward setting up a bilateral meeting on a regular basis with its counterparts in the United States and the European Union (the Brexit’s effects will need to keep watching) with both of whom the Commission has held certain dialogues hitherto, with putting into perspective the possibilities of establishing a framework to enhance reciprocal and smooth data transfer.” Based upon this, the Commission has been engaging in dialogues with its counterparts of the United States and the European Union.

In connection with this effort, the Commission also on October 14, 2016, developed a Basic Policy on the Protection of Personal Information, which was adopted by the Cabinet on October 28, 2016, stating that “The Commission will make every effort such as participating in an international cooperative framework and building a cooperative relation with the enforcement authorities in other countries in order to establish and maintain an environment where smooth international data flows are kept while ensuring the protection of personal information.”

The United States

A shared recognition has been gained regarding the importance of collaborating closely and holding a regular meeting continuously. In addition, a consensus has been achieved on cooperatively practicing public relations for the APEC Cross Border Privacy Rules (CBPR) system and undertaking promotional activities to encourage the APEC member economies to participate therein together with the respective countries’ stakeholders.

- Uninterruptedly this effort will continue to be devoted to vitalize the APEC CBPR system, a personal data transfer framework, and take other measures while keeping in mind its possible extension to a global arena.

The European Union

While stressing the importance to ensure the protection of personal data and simultaneously promoting its cross-border transfer between Japan and the European Union, a consensus has been achieved on continuing to hold a cooperative dialogue between the two parties toward that goal.

- Uninterruptedly further discussion taking into account the following points will be advanced while putting into perspective close coordination with a global personal data transfer framework.
 - Personal data transfer between Japan and the European Union will be sustained supposing a framework to enable two-way personal data flows on the premise of the amended Act on the Protection of Personal Information (providing for, among others, the establishment of a Personal Information Protection Commission as an independent organization).
 - Also, for the European Union's part, as the EU General Data Protection Regulations (GDPR) adopted this year will be applied after May 2018, close attention needs to be paid to movements toward its implementation.

(Annotation 1) A summary of the APEC Cross-Border Privacy Rule (CBPR) system

- The APEC CBPR system is a scheme to certify a business operator's compliance with the APEC Privacy Framework in the APEC member economies, and an effective mechanism to judge a business operator's level of personal information protection by international standards.
- An APEC economy expresses its wish to participate in the system, and those admitted into participation can register an Accountability Agent (AA). This AA certifies a business operator's compliance with the APEC Privacy Framework based on the business operator's application.

(Annotation 2) A summary of the EU General Data Protection Regulations (GDPR)

- The European Parliament on April 14, 2016, adopted the EU General Data Protection Regulations (GDPR) as a unified data protection rule to be applied within the European Union region by replacing the EU Data Protection Directive from a scheduled implementation date of May 25, 2018.
- As the "Directive" requiring each member state's action for its domestic implementation has been upgraded to the "Regulations" directly applicable to the member states, the integration of the data protection rules will be achieved across the European Union member countries.