

New Initiatives for Ensuring Smooth Cross-Border Personal Data Flows

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Personal Information Protection Commission

As an enormous amount of trans-border data flows including personal information have been increasingly arising accompanied with the globalization of economic and social activities and the development of information and communications technologies, the Organization for Economic Cooperation and Development (OECD), the Asia-Pacific Economic Cooperation (APEC) and other international organizations have been building up international frameworks aimed at information exchange and cross-border enforcement cooperation. Also, in Japan, the Personal Information Protection Commission (the “Commission”) has been established and recognized as an official member of such international enforcement cooperative frameworks as the Global Privacy Enforcement Network (GPEN) and the Asia Pacific Privacy Authorities (APPA) forum.

With these international movements in mind, the Commission will, anticipating the upcoming revision of the “Basic Policy on the Protection of Personal Information” (the “Basic Policy”) based upon the Act on the Protection of Personal Information, bolster its international initiatives by incorporating into the revised Basic Policy currently being drafted an official statement to the effect that “the Commission will actively drive forward such efforts as participating in international collaborative frameworks and establishing cooperative relations with other enforcement authorities so as to improve an environment where smooth international data flows would be expedited while ensuring the protection of personal information.”

Specifically, the Commission will for the present launch the new initiatives along the following course of action.

- 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.