

**Personal Information Protection Commission's view on effective use of contact tracing App to help deal with Coronavirus disease (COVID-19)
(Provisional translation)**

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Personal Information Protection Commission

While introduction of contact tracing App is proceeding globally as one of the countermeasures of COVID-19, utilizing ICT technologies and data, how to protect and utilize personal information related to these Apps is also being discussed internationally.

Functionalities and the designs of the system of contact tracing Apps are different among each country and region where they are developed, but those are generally to record and store the history of contacts of more than certain level between Apps users (so-called "close contact"), using technologies such as Bluetooth of mobile terminals and to warn close contacts of the said user promptly using such records in the case where Apps users are diagnosed as being infected. It is acknowledged that these apps are effective concerning the countermeasures of COVID-19, in view of persuading the close contacts into the appropriate actions promptly and preventing the further spread. On the other hand, it is also discussed that it is important to consider in terms of protecting personal information and privacy in a proper way.

Currently also in Japan, the introduction of contact tracing Apps is under consideration, as an effort made by public-private partnership of Anti-Covid-19 Tech Team at the Cabinet Secretariat, in order to promptly inform a close contact of possible exposure to the virus and subsequently to enable that person to take appropriate measures such as seeking for advice from public health center. Accordingly, the PPC has decided to publish its opinion representing a view to utilize such Apps, paying attention to the balance between the demands for securing the rights and interests of individuals related to personal information and those for public policy use as a countermeasure for infectious diseases.

The PPC strongly expects that such Apps will be one of the powerful methods for preventing the spread of COVID-19, while fully considering the demands for protection of personal information.

- (1) Appropriate designs and operations of these Apps are required as they are supposed to handle information such as the result of the users' PCR test and the record of his/her activities (the record of his/her contact with others), which could invade users' rights and interests significantly in case of mishandling. The individual decision whether to use these Apps should be made based on voluntary judgements (consents) of the individuals in question, giving them sufficient and concrete information, in order to utilize data through these Apps while ensuring the appropriate protection of users' rights and interests. Moreover, these Apps have a character that they are expected to become effective sufficiently only when they have a larger number of users. Therefore, it is indispensable that the business operators involved in the Apps gain the trust of their users, in cooperation with the central and local governments, by ensuring the transparency of operation of the Apps and implementing proper safeguards in order for them to gain more users and thus to function beneficially.
- (2) Given the preceding examples of the Apps that have been introduced or under consideration in other countries and regions so far, and that are being developed in Japan so far, it is not considered in most cases that information acquired by a business operator involved in an App falls under the category of personal information prescribed by the Act on the Protection of Personal Information (Act No. 57 of 2003; hereinafter referred to as "the Act"). However, even in such cases, it is possible that the information may fall under the category of personal information when they are collated with other information (depending on the relationship with other information) held by the said business operator. Therefore, specific validation for each App and business operator should be made and then, appropriate operations are required in accordance with relevant laws and regulations such as the Act.
- (3) It is important to pay attention to the following points in particular from the viewpoint of compliance with the provisions of the Act when the business operators involved in the Apps are personal information handling business operators. In addition, it is desirable to disclose these points to the public in order to ensure the transparency of Apps' operations and gain the trust of users.
 - (i) Whether or not you specify the utilization purpose of the personal information to be obtained as explicitly as possible and clearly indicate that to the user; obtain the user's consent to acquire special care-required personal information and to provide personal data to a third party.

(e.g.) Role of App in the overall countermeasures for infectious diseases / the fact that personal data is obtained for countermeasure for infectious diseases / the utilization purpose and method for each data item / the third party to whom the data is provided and the reason for it / the utilization purpose and method by a third party

(ii) Whether or not unnecessary data is obtained in relation to the utilization purpose and it is provided to a third party who are not relevant for countermeasures for the infectious diseases.

(iii) Whether or not the obtained data is to be deleted without delay when they have become unnecessary.

(e.g.) Whether or not the storage period of the close contact history data is set to an appropriate length of time from an epidemiological viewpoint, and it is certainly supposed to be deleted after the period has passed.

(iv) Whether or not security control action on data and supervision over employees and trustees are implemented properly.

(v) Whether or not a system to handle inquiries and complaints from users is established.