

**PRIVACY AND PERSONAL  
INFORMATION  
PROTECTION IN JAPAN:  
PAST, PRESENT AND  
FUTURE**

**Almaden Institute on Privacy  
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# **I . The Progress of an Information Society and Recognition of Privacy Issues**

# Privacy Issues in Japan

- **1961**    **The first privacy lawsuit**
- **1964**    **The Tokyo District Court for the plaintiff--the right of privacy is defined as “a legal guarantee or right that one’s private life will not be unreasonably disclosed to the public”**
- **1970s**    **Computer-related privacy issues**
- **1980s**    **Network-related privacy issues**

# Local Government Ordinances

- **1975**    **The Ordinance for Computer Systems of *Kunitachi City, Tokyo* contains the protection of personal secrecy--the first privacy ordinance in Japan**
- **As of April 1, 2002**    **Number of ordinances--2,196 ordinances out of about 3,290 local entities(about 66%)**

# **The Personal Data Protection at the National Level**

- **1982** “Protection of Privacy in the Processing of Personal Data” by the Research Committee on the Protection of Privacy, the Administrative Management Agency
- **1986** “How Protective Measures for Personal Data in National Agencies Should be Taken” by the Research Committee, the Management and Coordination Agency

# **The Personal Data Protection for National Agencies Act 1988**

- **1988 The Act for the Protection of Computer-Processed Personal Data held by the Administrative Organs was enacted.**
- **(1999 The Act for the Disclosure of Information held by Administrative Organs was enacted.)**

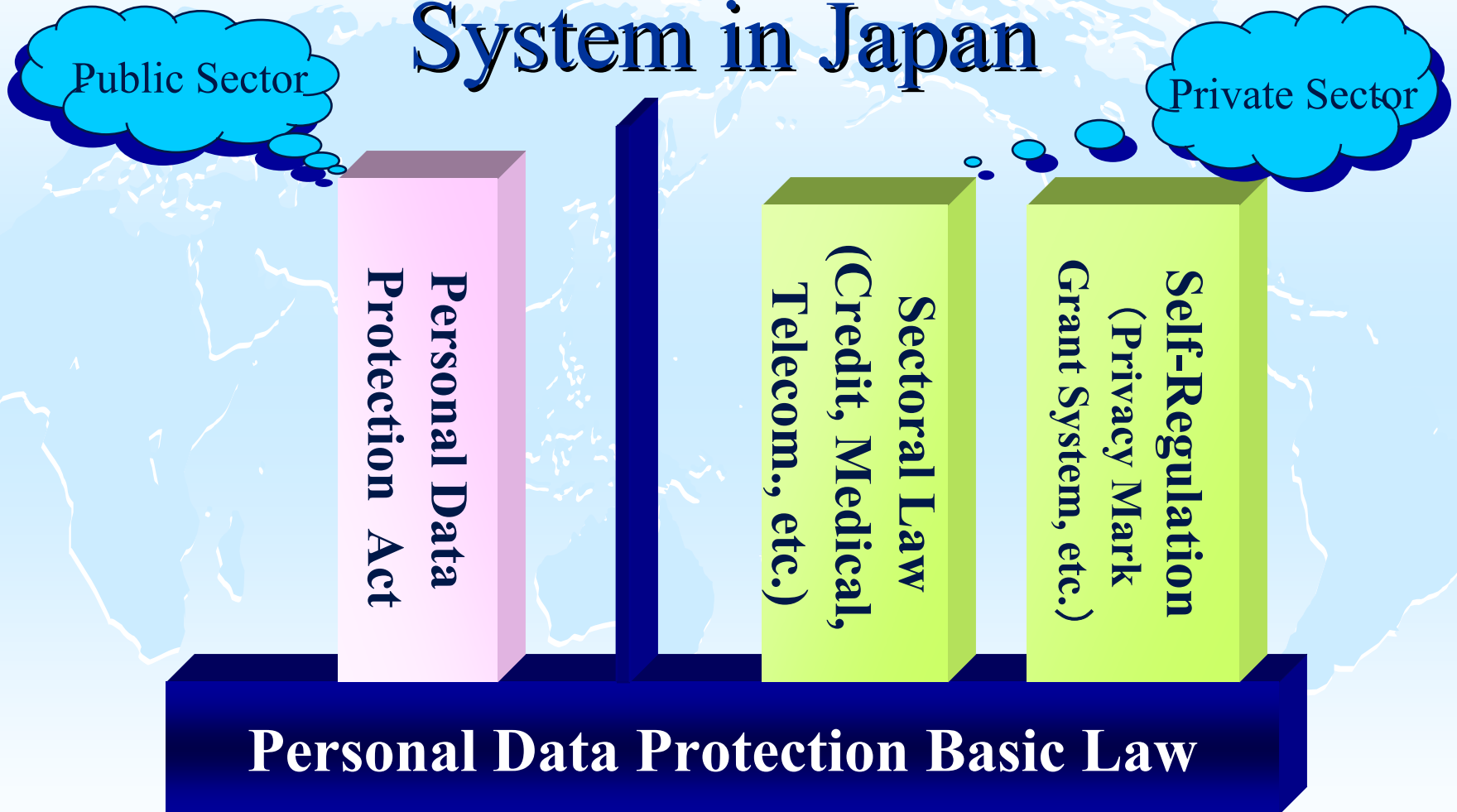


## **II. Personal Data Protection Issues in Recent Years**

# **Working Party on Personal Data Protection (1999)**

- **Working Party was set up under the Advanced Information and Telecommunications Society Promotion Headquarters (headed by Prime Minister) in July, 1999.**
- **Private Plan of the Chairperson on Personal Data Protection Systems in Japan was made on October 20, 1999.**

# Personal Data Protection System in Japan



# **Outline of Proposed Fundamental Legislation for Personal Information Protection (October 11, 2000)**

- **1. Purpose, 2. Basic Principles**
- **3. Obligations etc. of PID User**
- **4. Measures and Policies by National Government, 5. Measures by Local Government, 6. Penal Provisions**
- **7. Others**

# **Outline of the Personal Information Protection Bill 2001 (Cabinet Decision, 3/27/01)(1)**

- **Chap.1 General Provisions(ss. 1&2)**
- **Chap.2 Basic Principles(ss. 3-8)**
- **Chap.3 Responsibilities of the State and  
Local Governments(ss.9-11)**
- **Chap.4 Measures for the Protection of  
Personal Information(ss.12-19)**

# Outline of the Personal Information Protection Bill 2001(2)

- **Chap.5 Duties of Entities Handling Personal Information(ss.20-54)**
- **Chap.6 Miscellaneous Provisions(ss.55-60)**
- **Chap.7 Penal Provisions(ss.60-64)**
- **Additional Provisions(ss.1-8)**

# Other Bills concerning Personal Data Protection (1)

- **A Bill for the Protection of Personal Data Held by Administrative Organs – replacing the Act for the Protection of Computer-Processed Personal Data Held by Administrative Organs (Law No. 95, 1988)**
- **A Bill for the Protection of Personal Data Held by Independent Administrative Institutions, etc.**

# Other Bills concerning Personal Data Protection (2)

- **A Bill for the Establishment of the Information Disclosure and Personal Information Protection Review Board**
- **A Bill to Arrange the Related Acts by Enforcing the Act for the Protection of Personal Data Held by Administrative Organs**
- **These four Bills approved by Cabinet and submitted to the Diet on March 15, 2002**

# **Ruling Coalition Parties' Proposal (December 6, 2002)**

- **Personal Information Protection Bill**
  - **Five Basic Principles should be abolished**
  - **Definitions of news media should be clarified**
- **Administrative Organs' Personal Data Protection Bill**
  - **Penal Provision should be added for stealing personal data, etc.**

# Revised Bills

- **Revised Bills for Personal Information Protection were decided by Cabinet and introduced to the Diet on March 7, 2003**
- **The First Bill: Personal Information Protection Bill was revised**
- **The Second Bill: Administrative Organs' Personal Data Protection Bill was revised**



# **III. Personal Data Protection Systems in the Near Future**

# Chapter 1. General Provisions(ss.1-3)

- **Purpose(s.1)** Necessity to protect the rights and interests of individuals while taking into consideration the usefulness of personal information
- **Definitions(s.2)** “personal information”, “personal information database”, “entity handling personal information”, “personal data”, “personal data held”, “data subject”
- **Basic Idea(s.3)** Personal information shall be handled fairly

# (Chapter 2. Basic Principles Abolished)

- **Restriction by the Purpose of Use(s.4)**
- **Proper Acquisition(s.5)**
- **Maintenance of Accuracy(s.6)**
- **Maintenance of Security(s.7)**
- **Maintenance of Transparency(s.8)**

# **Chapter 2. Responsibilities of the State and Local Governments (ss.4-6)**

- **Responsibilities of the State(s.4)**
- **Responsibilities of Local Governments(s.5)**
- **Legal Measures, etc.(s.6)**

# Chapter 3. Measures for the Protection of Personal Information(ss.7-14)

- Subchapter 1. Basic Policy for the Protection of Personal Information(s.7)
- Subchapter 2. Measures of the State(ss.8-10)
- Subchapter 3. Measures of Local Governments(ss.11-13)
- Subchapter 4. Cooperation Between the State and Local Governments(s.14)

# Chapter 4. Duties of Entities Handling Personal Information(1)

- Subchapter 1. Duties of Entities Handling Personal Information(ss.15-36)
  - Specification of the Purpose of Use(s.15)
  - Restriction by the Purpose of Use(s.16)
  - Proper Acquisition(s.17)
  - Notice of the Purpose of Use at the Time of Acquisition(s.18)
  - Maintenance of the Accuracy of Data(s.19)
  - Security Control Measures(s.20)

# Chapter 4. Duties of Entities

## Handling Personal

## Information(2)

- Supervision of Employees(s.21)
- Supervision of Trustees(s.22)
- Restriction of Supply to Third Parties(s.23)
- Announcement of Matters Concerning  
Personal Data Held(s.24)
- Disclosure(s.25)
- Corrections(s.26)
- Stopping the Use(s.27)
- Explanation of Reasons(s.28)

# Chapter 4. Duties of Entities

## Handling Personal

### Information(3)

- Procedures to Meet Disclosure Requests(s.29)  
Charges(s.30)

Handling of Complaints by Entities Handling  
Personal Information(s.31)

Collection of Reports(s.32)

Advice(s.33)

Recommendations and Orders(s.34)

Duty of Paying Attention(s.35)

Competent Ministers(s.36)

# Chapter 4. Duties of Entities Handling Personal Information(4)

- Subchapter 2. Promotion of the Protection of Personal Information(ss.37-49)  
Certification(s.37)  
Grounds for Disqualification(s.38)  
Certification Standard(s.39)  
Notice of Discontinuation(s.40)  
Target Entities(s.41)  
Handling of Complaints(s.42)

# Chapter 4. Duties of Entities

## Handling Personal

## Information(5)

- **Personal Information Protection Guidelines(s.43)**
- Prohibition of Use Other Than for Intended Purpose(s.44)**
- Restriction of Use of Name(s.45)**
- Collection of Reports(s.46)**
- Orders(s.47)**
- Revocation of Certification(s.48)**
- Competent Ministers(s.49)**

# Chapter 5. Miscellaneous Provisions(ss.50-55)

- **Exemption from Application(s.50) of Chapter 4, ex. Broadcasting institutions, newspaper, news agencies and other reporting organs(including individuals) and writers; universities and other research organs; religious bodies; political bodies**
- **“Reporting” means to report facts(including opinions or views on the facts) to many people**
- **Business Handled by Local Governments(s.51)  
Delegation of Authority or Business(s.52)  
Publication of the Status of Implementation(s.53)  
Communication and Cooperation(s.54)  
Delegation to Cabinet Orders(s.55)**

# Chapter 6. Penal Provisions (ss.56-59)

- For example; A person who disobeys orders issued under Paragraph 2 or 3 of Section 34 {Recommendations and Orders} shall be liable to imprisonment of not more than six months or to a fine not more than 300,000 yen {about \$2,500} (s.56)

# Implementation and Enforcement

- The Prime Minister shall prepare a draft of the Basic Policy, hearing the opinion of the Quality of Life Council, and seek a Cabinet decision(s.7, para.3)
- The roles of the Prime Minister, each Competent Minister, the Quality of Life Council and its Secretariat(Cabinet Office) are important.
- Local Governments, Certified Organizations, Courts, etc.