

Outline of the amended Personal Information Protection Act

February, 2016
Personal Information Protection Commission
Japan

Back ground of amendment of Personal Information Protection Act

Personal Information Protection Act (PIPA) came into force (2005)

Circumstance has been changed

1. Increasing the possibility of using personal data due to development of Information Technology

Demand for clarifying the definition of “personal information”

2. Evolution of Big Data

Demand for the appropriate use of “Big Data” while protecting personal information

3. Globalization

Demand for making rules about cross-border data transfer

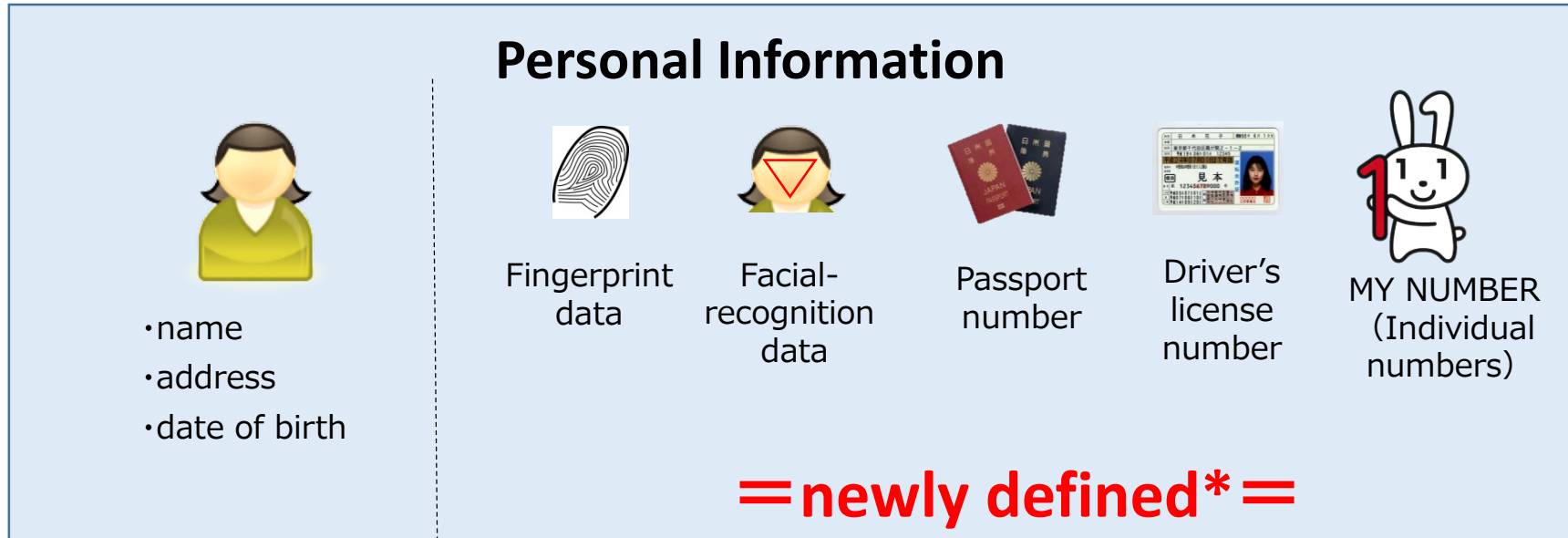
Outline of the amendment of the Personal Information Protection Act

1. Clearer definition of “Personal Information”
2. Rules for utilizing Personal Data
3. Establishment of Personal Information Protection Commission(PPC)
4. Globalization
5. Others

1. Clearer definition of “Personal Information”

- Define in detail what “ Personal Information” is, so as to remove any gray areas

Personal Information



•name
•address
•date of birth

Fingerprint data

Facial-recognition data

Passport number

Driver's license number

MY NUMBER (Individual numbers)

= newly defined* =

*Other information will be determined as personal information by Cabinet Order.

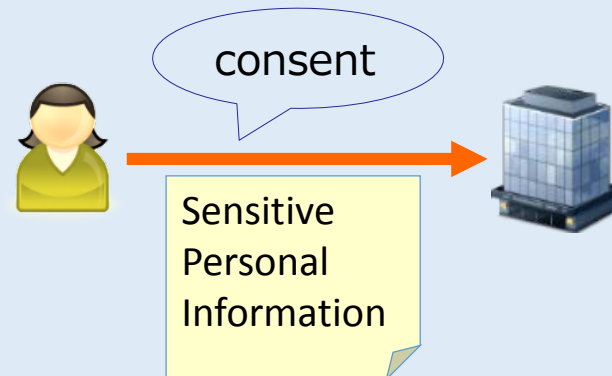
1. Clearer definition of “Personal Information”

● Newly Defined Sensitive Personal Information

Sensitive Information is

- race,
- religion,
- medical history
- personal information which has potential to bring about unjustifiable discrimination or prejudice

Require prior consent in obtaining Sensitive Personal Information



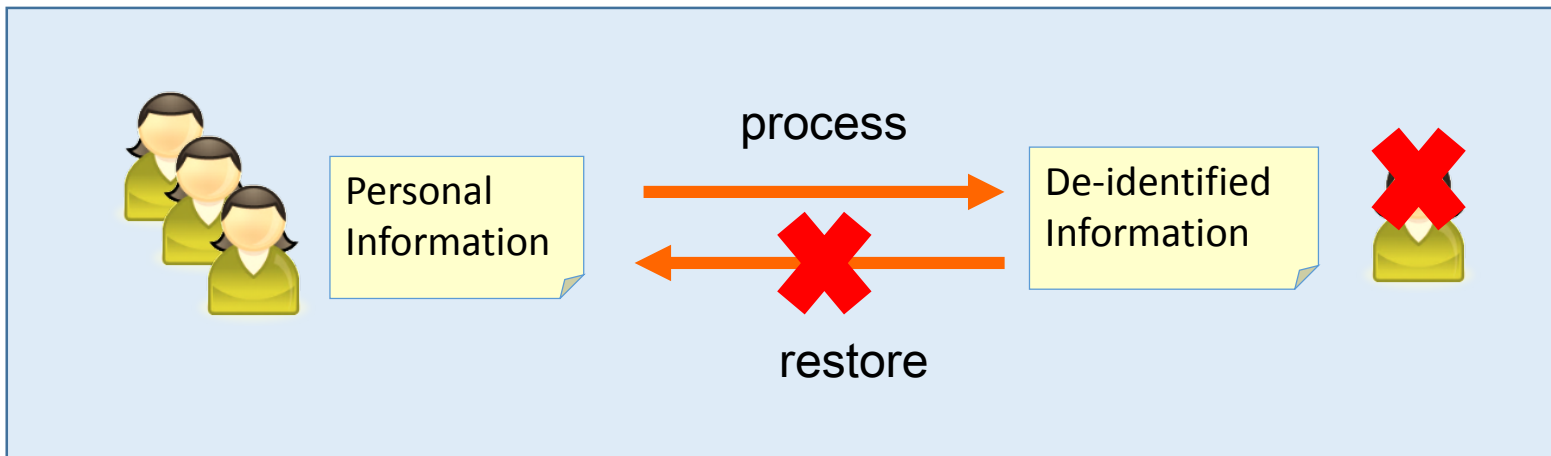
2. Rules for utilizing Personal Data

● Set rules for utilization of De-identified Information

De-identified information is information

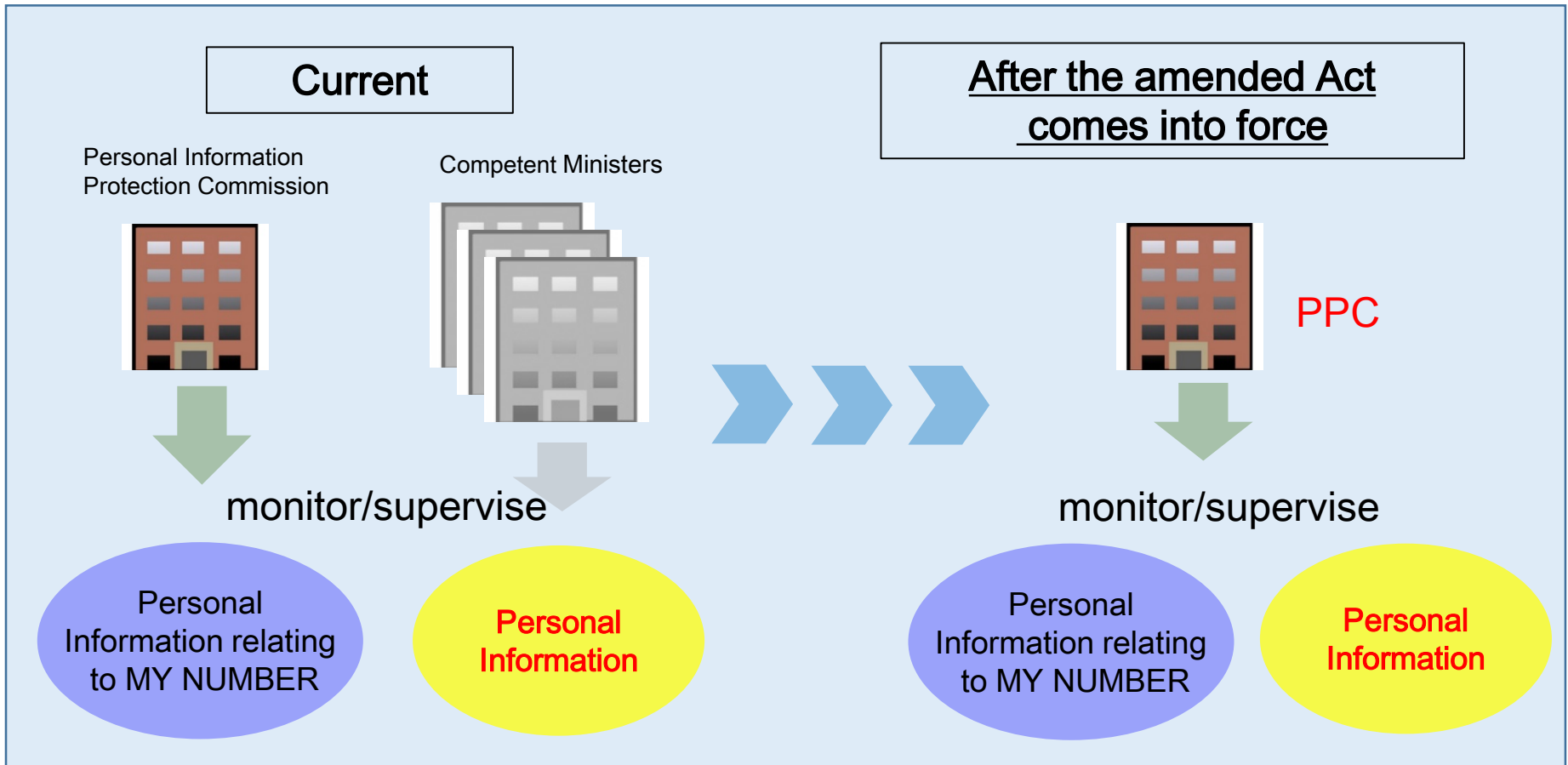
- ① processed to be unidentifiable to said person
- ② prohibited from restoring said personal information

*both conditions should be met



3. Establishment of Personal Information Protection Commission (PPC)

- PPC is an independent comprehensive supervising authority of personal information protection, while personal information protection is now under the supervision of the relevant competent Ministers according to the business field.



4. Globalization

● Set 3 permissible types of transfer of personal data to a third party in a foreign state

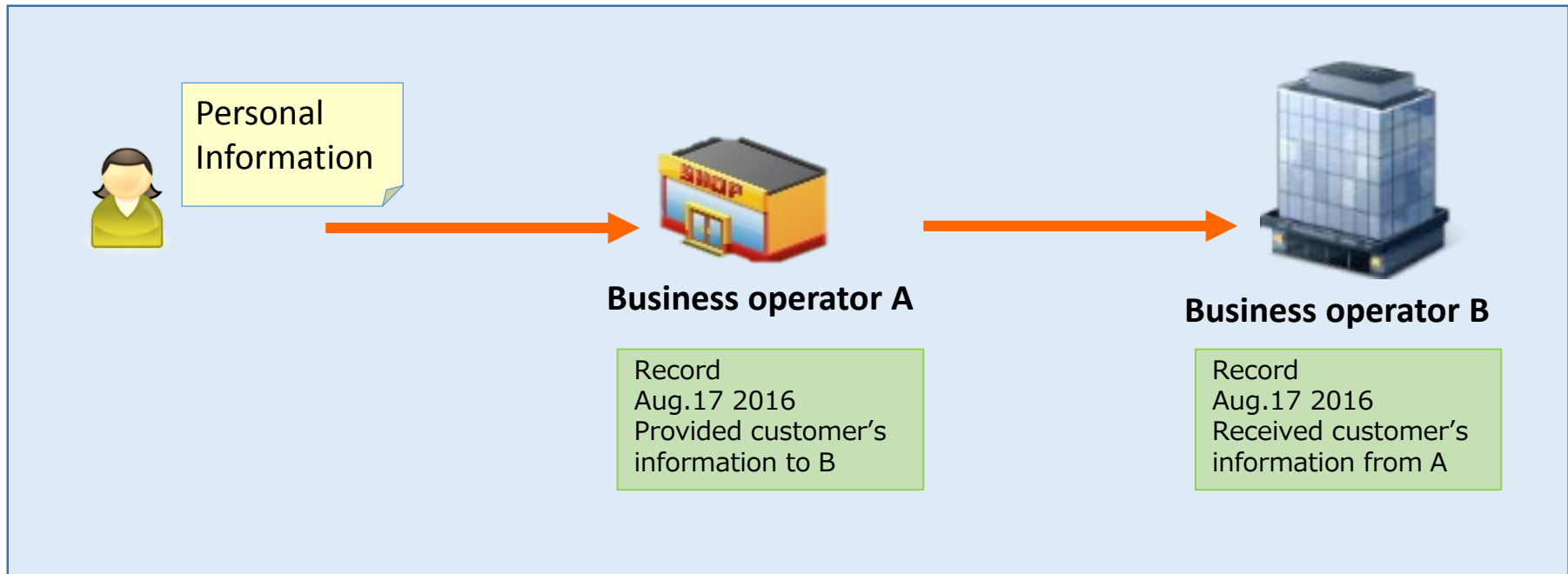
- ① Obtaining prior consent to do so
- ② The third party is in a state where regulation on personal information protection is considered to be equivalent to that of Japan.
- ③ The third party maintains an internal personal information protection system consistent with standards set by the PPC.

● Set rules of the extraterritorial application of the Act

● Cooperation by the PPC in cross-border enforcement

5. Others

- Enable the PPC to trace when and who provides/receives Personal Information in order to avoid improper use of Personal Information.



5. Others

- Introduce criminal penalties for improper use of Personal Information databases, such as data theft or providing information to third parties etc., for wrongful gain.
- Apply to small business operators handling 5,000 or less items of Personal Information, which are not subject to the current act.



Milestone

- January 1, 2014 Established the **Specific Personal Information Protection Commission**
- September 9, 2015 Promulgated the **amended Act on the Protection of Personal Information**
- January 1, 2016 Establish the **Personal Information Protection Commission**
- 2017(TBD) The amended Act fully comes into force

