

## Basic Policy on the Protection of Personal Information

April 2, 2004  
Cabinet Decision

Based on the provisions of Article 7, Paragraph 1 of the Law Concerning the Protection of Personal Information (Law No. 57 of 2003, hereafter referred to as the “Law”), the government will formulate the “Basic Policy on the Protection of Personal Information”. This Basic Policy sets forth the basic direction for promoting measures relating to the protection of personal information and actions to be taken by the national government, and describes the direction of actions to be taken by local public entities, Businesses Handling Personal Information and others. In addition, this Basic Policy is for the government to request, prior to the full enforcement of the Law (April 1, 2005), a wide variety of public and private entities to engage in specific practice for the protection of personal information.

### **1. Basic Direction on Promoting Measures for the Protection of Personal Information**

#### **(1) Background of Formulation of Law Concerning Protection of Personal Information**

In recent years, pursuant to the advancement of informatization in the economy and society, a great deal of personal information is being processed with computers and networks by public and private entities. The handling of such personal information is expected to expand even further in the future, and, by its nature, personal information may incur irreparable damage in an individual if it is handled erroneously. As a matter of fact, considerable leakage of customer information from businesses and selling of personal information have occurred frequently, and these issues are becoming a social problem. In light of these issues, the public is feeling increased anxiety regarding privacy, and demands for companies to engage in the protection of personal information, including safety management, are increasing.

Internationally, from the 1970s, the legal structure pertaining to the protection of personal information has been advanced in various Western countries, and, in 1980, the Organization for Economic Cooperation and Development (OECD) Board Recommendation designated the “Guideline on Privacy Protection and International Distribution of Personal Data” from the perspective of seeking harmony of the subject matter in the regulations of the respective countries. Thereafter, consolidation of the legal structure for the protection of personal

information was rapidly promoted in the various countries, and a large majority of the OECD member nations has a legal structure for the protection of personal information targeting both the public sector and private sector. With the globalization of corporate activities getting underway, the consolidation and operation of an internationally consistent legal structure is also required in Japan.

Under these circumstances, after various national debates regarding harmony with various requirements under the Constitution including the protection of personal information and freedom of press, the Law, which was structured from a portion corresponding to the basic law setting forth the basic principle and so on of the protection of personal information via public and private businesses and a portion corresponding to the general law setting forth obligations and the like to be observed by private businesses as the systematic foundation for all people to safely enjoy the convenience of the sophisticated information telecommunications society, was enacted and promulgated in May 2003. Further, in light of the gist of the Law, four (4) related laws including the Law Concerning the Protection of Personal Information Held by Administrative Organs (Law No. 58 of 2003, hereinafter referred to as the “Administrative Organs’ Personal Information Protection Law”) and the Law Concerning the Protection of Personal Information Held by Independent Administrative Corporations (Law No. 59 of 2003, hereinafter referred to as the “Independent Administrative Corporations’ Personal Information Protection Law”), which set forth disciplinary rules for the protection of personal information suitable for the public sector, have also been enacted and promulgated in conjunction with the Law.

## (2) Concept of Spirit and System of Law Concerning the Protection of Personal Information

Article 3 of the Law describes the basic philosophy that personal information is closely related to the personality of the individual and should be treated appropriately under Article 13 of the Constitution which sets forth that all people should be “respected as individuals”, and, regardless of the purpose or mode of such handling, a person handling personal information must sufficiently recognize the nature and significance of such personal information and treat it with particular care. The respective entities concerned must sufficiently build on this basic philosophy and engage in the protection of personal information based on the concept of the system described below.

### ① **Consideration for Protection and Utility of Personal Information**

In an age where the use of personal information is expanding pursuant to the advancement of economic and social informatization, the Law, in accordance with the basic philosophy provided in Article 3 thereunder, aims to protect the rights and benefits of individuals

including the protection of privacy. Meanwhile, the Law is also giving consideration to the fact that the various usage of personal information via information telecommunications technology is realizing an accurate reflection of personal needs in businesses and the provision of prompt services, and that such use is also essential in terms of business activities and from the perspective of the daily lives of citizens.

The concept of this Law with respect to the protection and utility of personal information must also be given due consideration upon the handling of actual personal information, and expending all possible means for the protection of personal information will improve the reliability of society with regard to the use of personal information, and this will also realize a healthy sophisticated information telecommunications society in which each and every citizen will be able to enjoy the benefits thereof.

## ② **Autonomous Engagement of Businesses and Liaison of Entities**

In a sophisticated information telecommunications society, regardless of the business type or category, large amounts and various types of information is being widely used via information telecommunications technology in all business sectors. Thus, the Law sets forth the basic rules common in the handling of personal information mainly targeting those that handle personal information for business, and expects those handling personal information to take all necessary measures in autonomously protecting personal information in accordance with the actual conditions in their respective business sectors. Further, with respect to such autonomous engagement of businesses, the support of national administrative organs and the like is important, and the Law sets forth measures to be taken by the national government for supporting businesses and handling complaints. In addition, although the ministries and agencies exercising jurisdiction over these businesses (hereinafter referred to as “Ministries and Agencies”) are adopting a scheme prescribing authority and responsibility regarding the handling of personal information in the respective business areas, in order for these multi-layered measures for protecting personal information to realize effectiveness in a consistent manner, it is important that businesses, local public entities, national administrative organs and the like mutually cooperate and secure coordination among themselves.

## (3) **International Cooperation**

As international efforts in protecting personal information, so-called 8 Principles\* are described in the OECD Privacy Guideline of 1980, and these Principles have become the foundation of international efforts and engagements in the respective countries after the formulation thereof. Although the details for enforcement of the 8 Principles in the respective countries is entrusted to each country in the OECD Privacy Guideline, the provision under

Chapter 4 of the Law regarding obligations of Business Handling Personal Information has materialized the 8 Principles in light of the actual conditions of Japan, and it is important that the effectiveness thereof is secured with the efforts based on the Law and Basic Policy in the future.

Further, upon promoting the engagement of protecting personal information based on the rules of the Law or the Basic Policy, it is important to seek international cooperation in consideration of international efforts promoted by OECD, Asia-Pacific Economic Cooperation (APEC), European Union (EU) and others, as well as to seek the international understanding of our legal system.

\*8 Principles: (1) Collection Limitation Principle, (2) Data Quality Principle, (3) Purpose Specification Principle, (4) Use Limitation Principle, (5) Security Safeguards Principle, (6) Openness Principle, (7) Individual Participation Principle and (8) Accountability Principle under the Guidelines governing the Protection of Privacy and Transborder Flows of Personal Data.

## **2. Matters Regarding Measures to be taken by the National Government for the Protection of Personal Information**

### **(1) Promotion of Protection of Personal Information held by Administrative Organs**

With respect to the protection of personal information held by national administrative organs, in order to appropriately put into effect the Administrative Organs' Personal Information Protection Law, the Ministry of Public Management, Home Affairs, Posts and Telecommunications, which is in a position to secure the integrity of the operation and conformity of the Law, will ① formulate guidelines and the like relating to the appropriate management of personal information held by the respective administrative organs, ② seek dissemination of the Law by distributing brochures and implementing briefing sessions to the respective administrative organs and the public, and ③ provide information to citizens, such as by announcing the outline of the status of implementation, and secure the transparency of the operation of the system.

Further, the respective administrative organs will ① provide stipulations and the like relating to the appropriate management of personal information in accordance with the actual conditions of handling personal information that it holds with reference to guidelines and the like formulated by the Ministry of Public Management, Home Affairs, Posts and Telecommunications, ② offer training and development to its personnel, ③ develop an appropriate information security system, and ④ provide information on measures to be taken for developing a management system, establishing an information desk for the citizens, and seeking the appropriate management of personal information.

(2) Index for Seeking the Uniform Operation of System as Whole Government

① **Liaison between Cabinet Office and Various Ministries and Agencies for Individual Cases**

When an individual case such as the leakage of personal information in a grand scale occurs, the Ministries and Agencies will endeavor to collect necessary information in securing the appropriate handling of personal information in the respective business sectors, and promptly examine the measures and the like to be taken based on the provision of Chapter 4 of the Law in consideration of the expansion of damages and social influence of such individual case.

Moreover, the Cabinet Office shall, while utilizing the Liaison Conference of Government Ministries Responsible for Protection of Personal Information (c.f. appendix), obtain the cooperation of the Ministries and Agencies on the provision of information and the like and accumulate/organize case examples for handling the issues, provide necessary information to the Ministries and Agencies, and contribute to the enhancement of measures for protecting personal information.

② **Liaison Method of Competent Minister for Cases of Co-jurisdiction**

When a Business Handling Personal Information is engaged in multiple businesses or when the personal information it handles contains information related to employment management, there may be cases where several Competent Ministers will exercise jurisdiction over a specific case. In such a case, the Ministries and Agencies exercising co-jurisdiction will seek sufficient liaison among themselves to exercise authority from the perspective of lightening the burden of businesses and securing the operation of a consistent system among the Ministries and Agencies.

Incidentally, when there is an emergency to prevent the expansion of damages caused by leakage of information, and the effectiveness of the legal system will be hindered if authority is jointly exercised, the Ministries and Agencies shall independently, promptly and actively handle the emergency in accordance with the provision of Article 13 of the Enforcement Order on the Law Concerning the Protection of Personal Information (Government Ordinance No. 507 of 2003, hereinafter referred to as the “Ordinance”).

③ **Designation of Competent Minister for Cases when Jurisdiction is Unclear**

As a result of the creation of multiple businesses, there may be cases where the Competent Minister exercising jurisdiction over the business of the Business Handling Personal Information cannot be specified immediately. Thus, Article 36 of the Law provides that the Prime Minister may designate the Competent Minister. In the foregoing case, the Cabinet Office will

specify the Competent Minister upon referring with the ministries or agencies closely linked with the business concerned in light of the mandate affairs of the Ministries and Agencies, or, when necessary, designate the Competent Minister by utilizing the Liaison Conference of the Government Ministries Concerned.

**④ Clarification of Contact Person at Ministries and Agencies; Training and Development of Officials**

The Ministries and Agencies will reinforce the liaison and adjustment with other government ministries and local public entities, and clarify the information desk for the Law in order to answer any inquiries from citizens. This information desk will reply to the inquiries from departments and agencies within the government ministries and seek the diffusion of knowledge to officials through training and the like.

**⑤ Reporting and Announcement to Cabinet Office on Status of Law Enforcement**

Under the provision of Article 53, Paragraph 1 of the Law, related administrative organs shall report to the Cabinet Office, as the condition on the enforcement of the Law on an annual basis, the status of implementing the provisions under Chapter 4 of the Law such as on the collection of reports and provision of advice, status on the formulation and enforcement of guidelines and the like in the areas of businesses and so on, and the status of efforts of handling complaints by Approved Personal Information Protection Organizations.

The Cabinet Office shall summarize the reports from the related administrative organs, announce the outline thereof, and report this to the Social Policy Council.

**(3) Policy on Promotion of Protection of Personal Information Classified by Business Area**

**① Actions to be Taken in Business Areas under the Jurisdiction of Ministries and Agencies**

With respect to the protection of personal information, voluntary efforts have been promoted in the past based on guidelines for each business sector in consideration of the actual state regarding the likes of the nature or method of using personal information handled by businesses.

Such voluntary efforts are expected to continue even after the enforcement of the Law for observing the rules set forth under the Law and to improve the effectiveness on the protection of personal information, and such efforts must be respected as well as promoted. Thus, the Ministries and Agencies shall urgently examine the formulation and reexamination of guidelines or the like in accordance with the actual state of the respective business sectors in consideration

of the fact that rules of the Law relating to the handling of personal information are the requisite minimum common in the respective business sectors, and provide support through the provision of information or advice for the formulation of guidelines to be voluntarily conducted by business organizations and the like.

**② Actions to be Taken in Individual Business Areas Particularly Requiring Appropriate Handling of Personal Information**

With respect to business sectors that must secure the strict enforcement on the appropriate handling of personal information in light of the nature or usage method thereof, the Ministries and Agencies shall urgently examine particular measures to be taken in the respective sectors (pharmaceutical, finance/credit, information telecommunications, etc.) for protecting personal information, and reach a certain conclusion by the full enforcement of the Law.

**(4) Policy on Publicity/Enlightenment and Provision of Information**

Since the Law imposes various obligations relating to the handling of personal information, regardless of the business sector or purpose of use, against businesses using personal information and is adopting a scheme where the individual, who is the principal of the personal information, is to be involved in the handling of personal information by businesses such as by personally seeking the disclosure, correction, suspension of use and the like against Businesses Handling Personal Information, it is extremely important to thoroughly disseminate the legal system to businesses and the public for realizing the effective protection of personal information.

Therefore, the Cabinet Office and Ministries and Agencies shall engage in publicity and enlightenment activities through various mediums such as via the internet, posting of posters, distribution of brochures, holding of briefing sessions and so on such that sufficient information is provided to businesses and the public. Thereupon, detailed responses shall be made while giving consideration to the selection of such mediums in light of the fact that there will be differences among generations, business sectors and so on regarding the interest in the handling of personal information.

**3. Basic Items Regarding Measures to be taken by Local Public Entities for the Protection of Personal Information**

**(1) Promotion of Protection of Personal Information Possessed by Local Public Entities**

Regarding the protective measures of personal information held by local public entities, in consideration of the purport provided in Article 11, Paragraph 1 of the Law, it is necessary to urgently engage in the formulation of bylaws relating to the protection of personal information.

Further, with respect to organizations that have previously formulated such bylaws, such organizations are required to conduct necessary reexaminations.

Upon formulating or reexamining bylaws, it is required that the subject matter of the Law and the Administrative Organs' Personal Information Protection Law be observed, and, in particular, it is necessary to give due care to the ideal way of subject agencies in consideration of the nature of affairs with reference to the Administrative Organs' Personal Information Protection Law, reinforcement of the scheme on the principal's involvement such as for the disclosure, correction, suspension of use and so on of one's personal information, development of appropriate aid measures for the likes of complaint processing and administrative protest system, development of protective measures of personal information pertaining to external consignment, examination of penalties for the leakage or the like of personal information, reexamination of the so-called "Online Prohibition Clause", and so on.

(2) Support such as Publicity/Enlightenment to Citizens and Businesses

① **Method of Providing Support such as Publicity/Enlightenment to Citizens and Businesses**

Upon promoting the protection of personal information, local public entities assuming administration close to citizens and businesses play an important role, and the Law provides that necessary measures for supporting citizens and businesses and mediation on complaint processing must be taken in accordance with the actual state within the district.

In particular, for the smooth enforcement of the Law, each local public entity is required to actively engage in publicity activities for disseminating the philosophy of protecting personal information and the specific scheme to the citizens and others, and to appropriately respond to consultations from businesses in order to promote the proactive engagement of businesses within the district.

Further, regarding the rules between the business handling personal information and the principal, such rules are being examined by local public entities in parallel with, or in precedence to, the enactment of the Law, and, in some districts, such rules are already being enforced through the formulation of bylaws. Such engagement of local public entities will also be important hereafter as a measure according to the characteristic of the district, but the operation thereof must give consideration to the conformity with the Law and guidelines and the like of Ministries and Agencies. Moreover, regarding measures to be taken by local public entities in accordance with the actual condition thereof, it is important that care is given to the coordination with other local public entities in consideration of the fact that activities of businesses may expand over a wide area such as throughout the nation, and, in particular, it is important that sufficient explanation is made on the characteristic of the district of such local public entities and the



subject matter of the bylaws and regulations and seek an understanding thereof when imposing new obligations to businesses and the like.

**② Mutual Liaison among Departments and Agencies of Local Public Entities**

In relation to the enforcement of the Law, the local public entities are required to enforce broad and diverse measures from the protection of personal information that it holds, support to businesses in the district, mediation of complaint processing, as well as exercising authority of the Competent Minister pursuant to the provision of Article 51 of the Law and Article 11 of the Ordinance. Such diverse measures in the local public entities are anticipated to cross over a considerable number of departments and agencies such as jurisdictional departments and agencies of bylaws relating to the protection of personal information, those assuming the role of handling complaints from citizens, and those assuming the promotion and support of business and companies. Nevertheless, in order to secure the effectiveness of protecting the citizens' rights and benefits relating to personal information, it is necessary that the related departments and agencies mutually seek sufficient coordination such that broad measures may be integrally and comprehensively taken.

In addition, from the perspective of conveniencing the consultation from businesses or consultation or complaints or the like from citizens, it is desired that the division of roles and information desk among the related departments and agencies be clarified and announced while securing the coordination system.

**(3) Method of Liaison of National Government and Local Public Entities**

With respect to the authority of the Competent Minister for the likes of collecting reports from Businesses Handling Personal Information, Article 51 of the Law and Article 11, Paragraph 1 of the Ordinance set forth that local public entities shall process the official work thereof. Meanwhile, in a case when businesses are engaged in business activities across districts of local public entities, it is considered that it would be difficult for local public entities to sufficiently comprehend the business activities of such businesses. Thus, local public entities and Ministries and Agencies shall utilize the respective information desks under the Basic Policy and seek sufficient coordination, and, local public entities shall request the Ministries and Agencies for cooperation in the provision of necessary information and the like, and the Ministries and Agencies shall exercise its rights under Article 11, Paragraph 3 of the Ordinance as necessary.

Further, also with respect to the official work on the publicity, enlightenment, complaint procedures and so on regarding the legal system, it is important that the national government and local public entities mutually cooperate so as to prevent confusion among the citizens and businesses. Thus, the Cabinet Office, Ministries and Agencies and the National Consumer

Information Center shall seek to provide information such as publicity materials and complaint handling manuals, as well as accumulate and share the knowledge obtained from individual cases of consultation through the respective information desks.

#### **4. Basic Matters Regarding Measures to be taken by Independent Administrative Corporations for the Protection of Personal Information**

With respect to the protection of personal information held by independent administrative corporations, in order to appropriately put into effect the Independent Administrative Corporations' Personal Information Protection Law, the Ministry of Public Management, Home Affairs, Posts and Telecommunications, which is in a position to secure the integrity of the operation and conformity of the Law, will ① formulate guidelines and the like relating to the appropriate management of personal information held by the independent administrative corporations, ② seek publicity of the Law by distributing brochures and implementing briefing sessions to the respective administrative organs, independent administrative corporations and the public, and ③ provide information to citizens, such as by announcing the outline of the status of implementation, and secure the transparency of the operation of the system.

Further, the respective administrative organs will offer necessary guidance, advice and supervision to independent administrative corporations while giving sufficient consideration to the autonomy in the business operations thereof.

The individual administrative corporations will ① provide stipulations and the like relating to the appropriate management of personal information in accordance with the actual conditions of handling personal information that it holds with reference to guidelines and the like formulated by the Ministry of Public Management, Home Affairs, Posts and Telecommunications, ② offer training and development to its personnel, ③ develop an appropriate information security system, and ④ provide information on measures to be taken for developing a management system, establishing an information desk for the citizens, and seeking the appropriate management of personal information.

#### **5. Basic Matters Regarding Measures to be taken by Local Independent Administrative Corporations for the Protection of Personal Information**

With respect to the protection of personal information in local independent administrative corporations, local public entities are required to take necessary measures under Article 11, Paragraph 2 of the Law. In light of this, each local public entity is required to engage

in taking appropriate protective measures of personal information by developing prescribed provisions in personal information protection bylaws to be formulated by the respective organizations in accordance with the nature and line of business of the local independent administrative corporations to be established.

**6. Basic Matters Regarding Measures to be taken by Businesses Handling Personal Information for the Protection of Personal Information**

**(1) Matters Regarding Businesses Handling Personal Information**

In addition to observing the provisions of the Law, Businesses Handling Personal Information are expected to voluntarily engage in the protection of personal information in accordance with the guidelines and the like of the Ministries and Agencies as provided in Section 2-(3)-①, and businesses are demanded to actively engage in the development of a system toward the full enforcement of the Law. Upon the examination of guidelines and the like by the Ministries and Agencies and engagement by the various businesses, it is considered that the following points are particularly important.

**① External Clarification of Measures to be taken by Businesses**

Through the formulation and announcement of a statement (so-called privacy policy, privacy statement, etc.) relating to the concept or policy on the protection of personal information by the business, in order to secure the social reliability on business activities, it is important that businesses make a declaration that personal information will not be used for any objective other than the intended purpose and that complaints will be processed appropriately, observe related laws and ordinances, and externally explain in advance, and in an easy-to-understand manner, regarding the various procedures relating to the handling of personal information such as the notification and announcement of the purpose of use as well as the disclosure of personal information.

Further, in the event a case such as the leakage of personal information occurs in the business, it is important that the fact relevance and the like be announced as much as possible from the perspective of preventing secondary damage and avoiding the occurrence of similar cases.

**② Securement of System for Assuming Responsibility**

From the perspective of appropriately positioning the protection of personal information in business operation, with respect to the safety management of personal information, it is important to develop a scheme for securing the system for assuming responsibility inside the business such as by devising preventive measures of unauthorized external access, establishing an

administrator for protecting personal information, and devising measures for the access administration and prevention of unauthorized export by inside persons.

Moreover, upon consigning the handling of personal information to an outside source, it is important to secure an effective supervisory system, including cases of sub-consignment, by clearly setting for the respective responsibilities of the consigner and consignee in the consignment agreement such that protective measures for preventing the leakage of personal information are secured by the consignee.

### ③ **Enlightenment of Employees**

In order to secure the appropriate protection of personal information to be handled such as by preventing the leakage thereof, it is important for businesses to fully enforce the expressed intent of employees' recognition on the protection of personal information by seeking the enlightenment of employees, through the implementation of training and development, who will actually handle personal information in their duties.

## (2) **Matters Regarding Approved Personal Information Protection Organizations**

### ① **Promotion of Approval at Ministries and Agencies**

During its complaint processing, Approved Personal Information Protection Organizations are expected to supplement the efforts of the Businesses Handling Personal Information and seek the voluntary and actual resolution of the problem, as well as play an extremely role in the proactive engagement among the private sector such as by supporting the businesses' efforts in the protection of personal information through the formulation of guidelines and the like in the respective business sectors, and it is necessary that this scheme is sufficiently leveraged.

Thus, by supporting the business organizations through provision of information and advice and offering consultation in response to the request of such business organizations, the Ministries and Agencies shall promote the approval of Approved Personal Information Protection Organizations.

### ② **Formulation and Review of Guidelines (Personal Information Protection Policy)**

With respect to the engagement of each business sector in relation to the protection of personal information, guidelines formulated by business organizations, together with the guidelines formulated by the Ministries and Agencies, have played an important role from the past in promoting the engagement of businesses. Thus, it is desired that these business organizations continue the formulation/review and announcement of guidelines (Personal

Information Protection Policy) and the like and endeavor to provide necessary guidance to businesses. Thereupon, in accordance with the needs of business organizations, the Ministries and Agencies shall provide necessary support pursuant to Section 2-(3)-①.

## **7. Matters Regarding the Smooth Processing of Complaints on Handling of Personal Information**

Discontent and dissatisfaction of principals relating to the use/provision or disclosure/non-disclosure of personal information will most likely be resolved not through litigation, but with the system of complaint processing from the perspective of promptness and economical efficiency depending on the nature of the case. In order to realize the effective protection of the public's rights and benefits through complaint processing, the Law is adopting a multi-layered scheme in which Approved Personal Information Protection Organizations and local public entities are involved in the complaint processing on the basis of the Business Handling Personal Information to personally resolve the complaints through its efforts. In order for this scheme to function smoothly, it is necessary for the related agencies to appropriately engage in their respective division of roles and to secure close liaison among themselves.

### **(1) Method of Engagement by Businesses**

With respect to complaint processing, the Law foremost clarifies the appropriate and prompt processing under the responsibility of the Businesses Handling Personal Information. In order to fulfill such responsibility, as the development of necessary systems, businesses are required to establish an information desk for receiving complaints and formulate procedures for processing complaints.

### **(2) Method of Engagement by Approved Personal Information Protection Organizations**

It is expected that the complaint processing by Approved Personal Information Protection Organizations will play an important role in supplementing the engagements to be made by the respective businesses and to efficiently and effectively realize the public's benefit.

Thus, Approved Personal Information Protection Organizations are required to efficiently and promptly respond to various complaints from the individual, who is the principal of the personal information, and to develop a system including the cultivation and procurement of personnel so as to fulfill the expectations of the public from the position as a fair and honest third party.

### **(3) Method of Engagement by Local public entities**

Regarding mediation and the like on the processing of complaints assumed by local public entities, when issues between parties cannot be resolved, such mediation is required as a scheme of complaint processing, regardless of the business sector, for fulfilling the role of mediation, advice, guidance, provision of information and so on for complaint processing.

Upon local public entities engaging in the mediation or the like of complaint processing, an easy-to-understand and citizen-friendly response to the public is required. Thereupon, since considerable portions corresponding to complaints relating to personal information will most likely be based on consumers' lives and resulting as a result of businesses using the personal information of consumers, and, from the position of consultors, since it is not only difficult but also inconvenient to consult by only retrieving the issue of personal information from complaints relating to consumers' lives, a scheme that uses existing Consumer Affairs Centers and consumer consultation services as the information desk of complaints relating to personal information and secures effective coordination of the departments and agencies concerned, which promote and support the businesses and companies based on the above, is required from the perspective of the convenience of consultors.

Further, if it is difficult to immediately adopt the foregoing scheme such as when local public entities have established a separate information desk for handling complaints based on bylaws or the like, in particular, it is necessary to sufficiently secure the scheme of clarifying the division of roles of the information desk and related departments and agencies, seek dissemination thereof, and to transfer the complaints made to the Consumer Affairs Center or the like.

#### (4) Engagement in National Consumer Information Center and Ministries and Agencies

##### ① Engagement by National Consumer Information Center

In order for the complaints made to the respective local public entities or the Approved Personal Information Protection Organizations to be processed smoothly without causing any confusion to citizens and businesses, it is important to urgently promote the acquisition of expert knowledge relating to the protection of personal information by consultants of the Consumer Affairs Center or the like, and to accumulate and utilize the knowledge in the respective consultant agencies.

Thus, the National Consumer Information Center will engage in the handling of complaints relating to personal information, and, while coordinating with various consultant agencies such as the Consumer Affairs Center, support the reinforcement of the information desk by cultivating consultants having expert knowledge through the implementation of training or the like and creating and distributing manuals pertaining to the handling of complaints. Further, upon

making such efforts, as necessary, the National Consumer Information Center will implement the above with the cooperation of Approved Personal Information Protection Organizations and the like, and seek to distribute manuals to Approved Personal Information Protection Organizations and participate in the training or the like of their personnel.

Moreover, the National Consumer Information Center shall accumulate and share the knowledge obtained from individual cases of consultation in the respective consultant agencies by summarizing and analyzing the case examples of complaints and consultations related to personal information, and creating materials pertaining to case examples of handling such issues.

## ② **Engagement in Ministries and Agencies**

The Cabinet Office and the Ministries and Agencies shall coordinate with local public entities, the National Consumer Information Center, Approved Personal Information Protection Organizations and others to receive and collect information on malicious businesses from agencies or the like handling complaints at the information desk provided in Section 2-(2)-④ from the perspective of securing the appropriate handling of personal information in the jurisdictional areas, and, as necessary, provide information for the handling of issues by the Ministries and Agencies.

Further, the Cabinet Office will collect and organize information relating to the information desk or the like of the Ministries and Agencies and local public entities handling complaints, and provide the same via Internet.

## **8. Other Important Matters Regarding Promotion of Measures on the Protection of Personal Information**

### (1) **Promotion of Information Collection and Survey Research**

The mode of collecting, using or otherwise handling personal information may change significantly depending on the development of telecommunications technology, creation of business in a new area and so on, and the Basic Policy and measures to be taken thereunder need to be reviewed in accordance with such changes or trends of international personal information protection systems. Thus, the Cabinet Office and National Consumer Information Center shall cooperate with the Ministries and Agencies and conduct information collection and survey research regarding trends of using new technologies and personal information and trends on the operation of systems in various foreign countries.

### (2) **Role of Social Policy Council**

Upon reviewing the Basic Policy in accordance with changes in the economic or social

circumstances, the Cabinet Office shall listen to the opinion of the Social Policy Council, examine the enforcement status of the Law three (3) years after the full enforcement of the Law, and take necessary measures based on the results thereof. In order to realize the above, the Cabinet Office shall report on the enforcement status of the Law to the Social Policy Council based on Section 2-(2)-⑤, and said Council will follow up on such enforcement status of the Law.



(Reference)

Re: Holding of Liaison Conference of Government Ministries Responsible for  
Protection of Personal Information

June 13, 2003

Arranged by Government Ministries Concerned

1. Liaison Conference of Government Ministries Responsible for Protection of Personal Information (hereinafter referred to as the "Liaison Conference") will be held for the government to comprehensively and uniformly promote the protection of personal information under the close liaison among the government ministries concerned.
2. The Liaison Conference will be headed by the Vice-Minister for the Cabinet Office, and consist of following officials of the government ministries concerned; provided, however, that the Vice-Minister for the Cabinet Office may add constituent members when he/she acknowledges the necessity thereof.

Constituent Members:

Cabinet Councilor

Minister's Secretariat for Cabinet Office

Director of Quality-of-Life Policy Bureau of Cabinet Office

Director-General of the Planning and Coordination Bureau, Financial Services Agency

Director-General of the Secretariat, Defense Agency (DA)

Director-General of the National Police Agency (NPA)

Director of the Administrative Management Bureau, the Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT)

Director-General for Policy Planning of the MPHPT (in charge of e-governance and e-municipalities, etc.)

Director-General of the Telecommunications Bureau of the MPHPT

Director, Minister's Secretariat of the Ministry of Justice

Director, Minister's Secretariat of the Ministry of Foreign Affairs (MOFA)

Deputy of Vice Minister, Minister's Secretariat of the Ministry of Finance (MOF)

Director, Minister's Secretariat, the Ministry of Education, Culture, Sports, Science and Technology (MEXT)

Director-General for Policy Planning and Evaluation of the Ministry of Health, Labour and

Welfare (MHLW) (in charge of social security)

Director, Minister's Secretariat, the Ministry of Agriculture, Forestry and Fisheries (MAFF)

Director, Commerce and Information Policy Bureau, Ministry of Economy, Trade and Industry (METI)

Director-General, Policy Bureau, Ministry of Land, Infrastructure and Transport (MLIT)

Director, Minister's Secretariat of the Ministry of the Environment (MOE)

3. An Executive Board shall be established as per the Appendix under the Liaison Conference for the close liaison, information exchange, consultation and so on with respect to the promotion of the protection of personal information.

4. General affairs of the Liaison Conference will be processed in the Quality-of-Life Policy Bureau of the Cabinet Office.

5. The Vice-Minister for the Cabinet Office will decide matters necessary in relation to the operation of the Liaison Conference other than those set forth in each of the foregoing paragraphs.

