

Is there a system for the protection of personal information?

There are no comprehensive laws and regulations. The following laws and regulations are representatives of those applicable to individual sectors.

- Electronic Communications Privacy Act of 1986 ("ECPA")
 - URL : <https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1285>
 - Enforcement status: Enacted on October 21, 1986
 - Target organization: Public sectors (including local governments) and private sectors where personal data is saved in "electronic storage"¹
 - Target information: "electronic communications" (the transmission of symbols, signals, texts, images, sounds, data, or information of any nature transmitted wholly or partially by wire or electronic systems.)

- Gramm Leach Bliley Act ("GLBA")
 - URL : <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/gramm-leach-bliley-act>
 - Enforcement status: Enacted on November 12, 1999
 - Target organization: Private financial institutions that are "significantly engaged" in the financial services
 - Target information: Non-Public Personal Information" (any information collected from customers through financial services)

¹ The term "electronic storage" means the temporary, intermediate preservation of communications incident to electronic transmission and the preservation of such communications by an electronic communication service for backup protection purposes.

	<ul style="list-style-type: none"> ■ URL : https://www.cdc.gov/phlp/publications/topic/hipaa.html - Enforcement status: Enacted on August 21, 1996 - Target organization: Public institutions (including local governments) and private institutions <p>Target information: Protected Health Information (information related to health status, provision of medical care, and payment of medical expenses that can be linked to an individual)</p>
Information that could serve as an indicator regarding the system for the protection of personal information	<p>EU Adequacy Decision²: Not Obtained</p> <p>APEC's CBPR System³: Participated on July 25, 2012</p>
Obligations of business operators and other entities or rights of an individual responding to the Eight Principles of the OECD Privacy Guidelines ⁴	<p>In the case of economies participating in the APEC CBPR system, because predictability regarding the risks associated with the provision of personal data to third parties in foreign countries is considered to be secured to a certain degree in private sector, it is not necessary to provide information on this item.</p>

²The country or region that has obtained the EU Adequacy Decision is those that have been determined by the European Commission to have an adequate level of data protection based on the GDPR or its predecessor, the Data Protection Directive,, which are the systems for the protection of personal information in the EU (EU Member States and Iceland, Norway and Liechtenstein, which are part of the European Economic Area) where Personal Information Protection Commission Japan designates as foreign countries or regions with a system of protection for personal information that is deemed to have a similar level of protection to Japan. In this sense, the fact that a country or region which has obtained the EU's Adequacy Decision constitutes "information that could serve as an indicator regarding the system for the protection of personal information".

³The prerequisites for participation in the APEC's CBPR system are that laws and regulations complying with the APEC Privacy Framework are prepared, and that the enforcement agency has the authority to investigate and correct complaints and problems that cannot be resolved by the CBPR-certified business operators or accountability agents. Therefore, economies participating in the APEC CBPR system, like Japan, are considered to have enforcement agencies to enforce laws and regulations complying with the APEC Privacy Framework and can be expected to protect personal information in a manner generally equivalent to that of Japan. In this sense, the fact that economies participating in APEC's CBPR system constitutes "information that could serve as an indicator regarding the system for the protection of personal information." Note that the APEC CBPR system targets the private sectors.

⁴The Eight Principles of the OECD Privacy Guidelines serve as the basic principles to be referred to in international efforts to protect personal information as well as in OECD member countries and are used as the de facto global standard when countries develop their personal information protection systems.

	<p>With respect to the public sectors, the obligations of public sectors or rights of an individual that correspond to the Eight Principles of the OECD Privacy Guidelines are as follows:</p> <table border="1" data-bbox="788 359 1870 754"> <tr> <td data-bbox="788 359 1265 406">①Collection Limitation Principle</td> <td data-bbox="1265 359 1870 406">Partially provided in HIPAA.</td> </tr> <tr> <td data-bbox="788 406 1265 454">②Data Quality Principle</td> <td data-bbox="1265 406 1870 454">The relevant provision cannot be found.</td> </tr> <tr> <td data-bbox="788 454 1265 502">③Purpose Specification Principle</td> <td data-bbox="1265 454 1870 502">The relevant provision cannot be found.</td> </tr> <tr> <td data-bbox="788 502 1265 550">④Use Limitation Principle</td> <td data-bbox="1265 502 1870 550">Partially provided in ECPA or HIPAA.</td> </tr> <tr> <td data-bbox="788 550 1265 598">⑤Security Safeguards Principle</td> <td data-bbox="1265 550 1870 598">Partially provided in HIPAA.</td> </tr> <tr> <td data-bbox="788 598 1265 646">⑥Openness Principle</td> <td data-bbox="1265 598 1870 646">The relevant provision cannot be found.</td> </tr> <tr> <td data-bbox="788 646 1265 694">⑦Individual Participation Principle</td> <td data-bbox="1265 646 1870 694">Partially provided in HIPAA.</td> </tr> <tr> <td data-bbox="788 694 1265 754">⑧Accountability Principle</td> <td data-bbox="1265 694 1870 754">The relevant provision cannot be found.</td> </tr> </table>	①Collection Limitation Principle	Partially provided in HIPAA.	②Data Quality Principle	The relevant provision cannot be found.	③Purpose Specification Principle	The relevant provision cannot be found.	④Use Limitation Principle	Partially provided in ECPA or HIPAA.	⑤Security Safeguards Principle	Partially provided in HIPAA.	⑥Openness Principle	The relevant provision cannot be found.	⑦Individual Participation Principle	Partially provided in HIPAA.	⑧Accountability Principle	The relevant provision cannot be found.
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Other systems that may have a significant impact on the rights and interests of an individual	<ul style="list-style-type: none"> ■ Systems related to the obligation to preserve personal information within the region, which may have a significant impact on the rights and interests of an individual. NA ■ Systems that impose obligations on business operators to cooperate with the information collection activities by the government, which may have a significant impact on the rights and interests of an individual. NA 																

【Notes】

The above reference information is based on the outcome of the "**Study on systems for protection of personal information in foreign countries**" conducted by Personal Information Protection Commission Japan, and is based solely on information as of October 2021, when the study was conducted. There may be changes in the contents of information to be provided to an individual by business operators which provide such individual's personal data to a third party in foreign countries, due to the changes in the systems for the protection of personal information in those countries after October 2021.

(Updated on January 25, 2022)