

The Act on the Protection of Personal Information Held by Administrative Organs is promulgated as set forth below.

## **Act on the Protection of Personal Information Held by Administrative Organs**

(Act No. 58 of May 30, 2003)

The Act on the Protection of Personal Information Electronically Processed and Held by Administrative Organs (Act No. 95 of 1988) is hereby fully revised.

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### **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to, in view of a remarkable increase in the use of personal information by administrative organs, protect the rights and interests of individuals while ensuring proper and smooth administrative management, as well as understanding the benefits of the proper and effective use of personal information in the creation of new industries and the realization of a vibrant economic society and an enriched quality of life for the Japanese public, along with other values of utilizing personal information, by providing basic standards concerning the handling of personal information, and providing Anonymized Personal Information Held by Administrative Organs (limited to personal information in Anonymized Personal Information Files

handled by Administrative Organs).

(Definitions)

Article 2 (1) The term "Administrative Organ" as used in this Act means the following:

- (i) Organs within the Cabinet (excluding the Cabinet Office) or organs under the jurisdiction of the Cabinet established pursuant to the provisions of laws;
  - (ii) The Cabinet Office, the Imperial Household Agency, and organs prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (where, under these organs, an organ designated by Cabinet Order prescribed in item (iv) is established, that organ is excluded);
  - (iii) Organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) (where, under these organs, an organ designated by the Cabinet Order prescribed in item (v) is established, that organ is excluded.);
  - (iv) Organs set forth in Articles 39 and 55 of the Act for Establishment of the Cabinet Office and in Article 16, paragraph (2) of the Imperial Household Agency Act (Act No. 70 of 1947), and extraordinary organs set forth in Articles 40 and 56 of the Act for Establishment of the Cabinet Office (including the cases where it is applied *mutatis mutandis* pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act), that are designated by Cabinet Order;
  - (v) Facilities and other organs set forth in Article 8-2 of the National Government Organization Act, and extraordinary organs set forth in Article 8-3 of the same Act, that are designated by Cabinet Order;
  - (vi) The Board of Audit.
- (2) The term "Personal Information" as used in this Act means information about a living individual that is classified as any of the following:
- (i) Information by which a specific individual can be identified based on details contained in that information, such as the name, date of birth, and other descriptive details of the individual (meaning any details, excluding Individual Identification Codes, stated, recorded, or otherwise expressed using sound, motion, or other means in a document, drawing, or electronic or magnetic record (meaning a record kept in electronic or magnetic form (an electronic, magnetic, or any other form that cannot be perceived through the human senses alone; the same applies in the succeeding paragraph, item (ii)); the same applies hereinafter), including information that can identify an individual by comparing that information with other information;
  - (ii) Information containing an Individual Identification Code.
- (3) An "Individual Identification Code" as used in this Act means a set of

characters, letters, numbers, symbols, or other codes, as prescribed by Cabinet Order, that fall under either of the following items:

- (i) A set of characters, letters, numbers, symbols or other codes indicating a description of the physical characteristics of an individual, converted into codes in order to be processed by a computer and by which a specific individual can be identified;
  - (ii) A set of characters, letters, numbers, symbols or other codes assigned in relation to the use of services or the purchase of goods by an individual, or indicated or electronically or magnetically recorded on a card or document issued to an individual, each of which is uniquely assigned to each individual to enable identification of that specific user or purchaser, or of a specific recipient of the issued card or document.
- (4) The term "Special Care-required Personal Information" as used in this Act means Personal Information containing statements and other particulars describing the race, creed, social status, medical history, or criminal history of an individual, or the fact that the individual is a victim of a crime, or any other statement designated by Cabinet Order as requiring special care in order to avoid exposing the individual to unfair discrimination, prejudice, or other disadvantages.
- (5) The term "Retained Personal Information" as used in this Act means Personal Information prepared or obtained by an employee of an Administrative Organ in the course of that employee's duties and held by that Administrative Organ for organizational use by its employees; however, this is limited to Personal Information recorded in Administrative Documents (administrative documents prescribed in Article 2, paragraph (2) of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999, hereinafter referred to as the "Administrative Organs Information Disclosure Act"); the same applies hereinafter).
- (6) The term "Personal Information File" as used in this Act means a collection of information including Retained Personal Information, as set forth below:
- (i) A collection of information systematically arranged in such a way that specific Retained Personal Information can be retrieved by a computer for achieving the purpose of certain processes;
  - (ii) Beyond what is listed in the preceding item, a collection of information systematically arranged in such a way that specific Retained Personal Information can be easily retrieved by using a name, date of birth or other description for achieving the purpose of certain processes.
- (7) The term "Relevant Individual" with regard to Personal Information as used in this Act means a specific individual who is identified by Personal Information.
- (8) The term "Anonymized Personal Information" as used in this Act means

Personal Information (excluding information that can be compared with other information and thereby can identify an individual (excluding information that can be easily compared with other information and thereby a specific individual is identifiable), the same applies hereinafter in this paragraph) that has been processed by a measure as specified below in accordance with its classification, so that an individual cannot be identified by that processed information (meaning that no individual can be identified by any descriptions or other elements in the information on that specific individual, or in a case where the information on an individual can be compared with other information, by comparing that information to other information; provided that the other information is not Personal Information containing all or a part of the information related that individual, or other information prescribed in the Rules of the Personal Information Protection Committee); the same applies to Article 44, paragraph (1)) and the processed information cannot be restored to the state of the original Personal Information.

- (i) Personal Information as defined in paragraph (2), item (i): Deleting a part of the descriptions or other details contained in the Personal Information (including replacing descriptions or other details by a means with no regularity that allows restoration of the descriptions or details to their original state);
  - (ii) Personal Information as defined in paragraph (2), item (2): Deleting the whole Individual Identification Code contained in the Personal Information, or replacing the Individual Identification Code with other descriptions or details (including replacing descriptions or other details by a means with no regularity that allows restoration of Individual Identification Codes to their original state).
- (9) The term "Anonymized Personal Information Held by an Administrative Organ" as used in this Act means any Anonymized Personal Information that is generated by processing all or part of Retained Personal Information (excluding information that it is possible to compare with other information and thereby a specific individual is identifiable (this excludes information that can be easily compared with other information and thereby a specific individual is identifiable ), the same applies hereinafter in this paragraph) constituting a Personal Information File, that meets all conditions specified in the following items (if a part of Retained Personal Information contains Non-Disclosure Information prescribed in Article 5 of the Administrative Organs Information Disclosure Act (excluding the information listed in item (i) of the same Article, the same applies hereinafter in this paragraph), the part containing the Non-Disclosure Information is excluded):
- (i) The information does not fall under any of items in Article 11, paragraph (2) of this Act or information that is not designated under paragraph (3) of the

- same Article as an exception to registration in the Personal Information File Register as prescribed in paragraph (1) of the same Article;
- (ii) Information for which the head of an Administrative Organ as prescribed in Article 3 of the Administrative Organs Information Disclosure Act is required by the same Article to take either of the following actions, if that person receives a request to disclose any Administrative Document in which Retained Personal Information constituting a Personal Information File is recorded:
    - (a) Make a decision to disclose all or part of the Retained Personal Information recorded in that Administrative Document
    - (b) Provide an opportunity to submit an opinion under Article 13, paragraph (1) or (2) of the Administrative Organs Information Disclosure Act
  - (iii) The information is Retained Personal Information that constitutes a Personal Information File and can be processed into Anonymized Personal Information by following the criteria set forth in Article 44-10, paragraph (1), to extent that it does not prevent proper and smooth administration by Administrative Organs.
- (10) The term "Anonymized Personal Information File Held by an Administrative Organ" as used in this Act means a collection of information containing Anonymized Personal Information Held by an Administrative Organ, as set forth below:
- (i) A collection of information systematically arranged in such a way that specific Anonymized Personal Information Held by an Administrative Organ can be retrieved by a computer;
  - (ii) Beyond what is listed in the preceding item, a collection of information that Cabinet Order designates as being systematically arranged in such a way that specific Anonymized Personal Information Held by an Administrative Organ can be easily retrieved.
- (11) The term "Business which Handles Anonymized Personal Information Held by an Administrative Organ" as used in this Act means a person that uses an Anonymized Personal Information File Held by Administrative Organs in the course of business, excluding the following persons:
- (i) State organs;
  - (ii) Incorporated Administrative Agencies, etc. (which means incorporated administrative agencies, etc. prescribed in Article 2, paragraph (1) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. (Act No. 59 of 2003; hereinafter referred to as the "IAA Personal Information Protection Act"); the same applies hereinafter);
  - (iii) Local public entities;
  - (iv) Local Incorporated Administrative Agencies (which mean local

incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agencies Act (Act No. 118 of 2003); the same applies hereinafter)

## **Chapter II Handling of Personal Information by Administrative Organs**

(Restriction on the Retention of Personal Information)

- Article 3 (1) An Administrative Organ may retain Personal Information only when retaining the information is necessary for conducting processes under its jurisdiction provided by laws and regulations, and must specify the purpose of use of Personal Information as much as possible when retaining this information.
- (2) An Administrative Organ must not retain Personal Information beyond the extent necessary for the purpose of use specified pursuant to the preceding paragraph (hereinafter referred to as the "Purpose of Use").
- (3) An Administrative Organ must not change the Purpose of Use beyond a reasonable extent from that of the original Purpose of Use.

(Clear Indication of the Purpose of Use)

- Article 4 If an Administrative Organ directly acquires Personal Information on a Relevant Individual that is recorded in a document (including an electronic or magnetic record) from that Relevant Individual, the Administrative Organ must clearly indicate the Purpose of Use to the Relevant Individual in advance, except in the following cases:
- (i) If the acquisition of Personal Information is urgently required for the protection of the life, body, or property of an individual;
- (ii) If clear indication of the Purpose of Use to the Relevant Individual is likely to cause harm to the life, body, property, or other rights or interests of the Relevant Individual or a third party;
- (iii) If clear indication of the Purpose of Use to the Relevant Individual is likely to impede the proper execution of the process or business of state organs, Incorporated Administrative Agencies, etc., local public entities, or Local Incorporated Administrative Agencies;
- (iv) If the Purpose of Use is found to be clear in light of the circumstances of the acquisition.

(Maintaining Accuracy)

- Article 5 The head of an Administrative Organ (for any organ designated by Cabinet Order referred to in Article 2, paragraph (1), items (iv) and (v), the head is designated for each respective organ by Cabinet Order; the same applies hereinafter) must endeavor to maintain Retained Personal Information

(excluding Anonymized Personal Information Held by an Administrative Organ (limited to information constituting a File of Anonymized Personal Information Held by an Administrative Organ; the same applies in paragraph (2) of the following Article) and Deleted Information (as specified in Article 44-2, paragraph (2), item (iii); the same applies in paragraph (2) of the following Article and Article 10, paragraph (2), item (v-3)), the same applies in paragraph (1) of the following Article, Article 8, and Article 12, paragraph (1)) consistent with the past or the present facts within the scope necessary for fulfilling the Purpose of Use.

(Security Measures)

Article 6 (1) The head of an Administrative Organ must take necessary measures for the prevention of the leaking, loss or damage and for the proper management of Retained Personal Information.

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases where an individual or a business operator entrusted by an Administrative Organ with the handling of Personal Information (excluding information constituting Anonymized Personal Information Held by an Administrative Organization or Deleted Information; the same applies in the following Article and Articles 38, 48, 50, and 51) performs the entrusted duties.

(Employee Obligations)

Article 7 No employee nor former employee of an Administrative Organ that handles Personal Information nor any person engaged in or formerly engaged in the entrusted duties under paragraph (2) of the preceding Article may disclose Personal Information acquired in the course of that employee's work to another person without justifiable grounds, or use this information for an unjust purpose.

(Restrictions on the Use and Provision of Personal Information)

Article 8 (1) The head of an Administrative Organ must not, except as otherwise provided by laws and regulations, personally use or provide another person with Retained Personal Information for purposes other than the Purpose of Use.

(2) Notwithstanding the provisions of the preceding paragraph, the head of an Administrative Organ may, when finding the case to fall under circumstances specified by any of the following items, personally use or provide another person with Retained Personal Information for purposes other than the Purpose of Use; provided, however, that this does not apply if it is found that the use by the head or provision to another person of the Retained Personal Information for purposes other than the Purpose of Use is likely to cause unjust harm to the rights or interests of the Relevant Individual or a third

party:

- (i) If the Retained Personal Information is used or provided with the consent of the Relevant Individual, or if it is provided to the Relevant Individual;
  - (ii) If an Administrative Organ uses Retained Personal Information within the organ only to the extent necessary for executing processes under its jurisdiction provided by laws and regulations, and there are reasonable grounds for the use of that retained personal information;
  - (iii) If the Retained Personal Information is provided to another Administrative Organ, Incorporated Administrative Agency, etc., local public entity or Local Incorporated Administrative Agency in which the person who receives the information uses it only to the extent necessary for executing the processes or business under its jurisdiction provided by laws and regulations, and there are reasonable grounds for the use of that retained personal information;
  - (iv) Beyond the cases listed in the preceding three items, if the Retained Personal Information is provided exclusively for statistical purposes or academic research purposes, provision of the information to other persons is obviously beneficial to the Relevant Individual, or there are other special grounds for providing the Retained Personal Information.
- (3) The provisions of the preceding paragraph do not preclude application of the provisions of other laws and regulations restricting the use or provision of Retained Personal Information.
- (4) The head of an Administrative Organ is to, if finding it particularly necessary for protecting the rights and interests of individuals, allow only particular departments or agencies within the organ to use Retained Personal Information for purposes other than the Purpose of Use.

(Making Requests of Persons who Receive Retained Personal Information)

Article 9 The head of an Administrative Organ is to, if finding it necessary when providing Retained Personal Information pursuant to the provisions of paragraph (2), item (iii) or (iv) of the preceding Article, impose restrictions on the purpose or method of use or any other restrictions considered necessary on a person who receives Retained Personal Information with regard to provided Personal Information, or request the person to take necessary measures to prevent the leaking of and for the proper management of the information.

### **Chapter III Personal Information Files**

(Advance Notification on Retention of a Personal Information File)

Article 10 (1) If an Administrative Organ (excluding the Board of Audit; hereinafter the same applies in this Article, Article 50, Article 51, and Article



51-5 through Article 51-7) intends to retain a Personal Information File, the head of the that Administrative Organ must notify the Minister of Internal Affairs and Communications of the following particulars in advance. The same applies to cases where an Administrative Organ intends to change any particular for which notification has already been given:

- (i) Name of the Personal Information File;
  - (ii) Name of the Administrative Organ and the name of the organizational section in charge of the processes for which the Personal Information File will be used;
  - (iii) Purpose of Use of the Personal Information File;
  - (iv) Particulars recorded in the Personal Information File (hereinafter referred to as the "Recorded Particulars" in this chapter) and the scope of individuals that are recorded in the Personal Information File as Relevant Individuals (limited to those who can be identified through a search without other description about the individual including the name and date of birth; the same applies in item (ix) of the following paragraph) (this scope is hereinafter referred to as the "Scope of Record" in this chapter);
  - (v) The means of collecting the Personal Information recorded in the Personal Information File (hereinafter referred to as the "Recorded Information" in this chapter);
  - (v)-2 If the Recorded Information contains Special Care-required Personal Information, an indication to that effect;
  - (vi) If the Recorded Information will be routinely provided to a party outside the Administrative Organ, the name of that party;
  - (vii) If a part of the Recorded Particulars or the particulars listed in item (v) or the preceding item will not be described in the Personal Information File Register or the Personal Information File will not be listed in the Personal Information File Register pursuant to paragraph (3) of the following Article, an indication to that effect;
  - (viii) The name and address of the organizational section that accepts the request prescribed in Article 12, paragraph (1), Article 27, paragraph (1), or Article 36, paragraph (1);
  - (ix) Where the proviso of Article 27, paragraph (1) or the proviso of Article 36, paragraph (1) applies, an indication to that effect;
  - (x) Other particulars designated by Cabinet Order.
- (2) The provisions of the preceding paragraph do not apply to the Personal Information Files listed in the following items:
- (i) A Personal Information File that contains particulars concerning the security, diplomatic secrets, and other important interests of the State;
  - (ii) A Personal Information File prepared or obtained for criminal investigation, investigation of tax crimes based on the provisions of laws related to tax, or

- instituting or maintaining a legal proceeding;
- (iii) A Personal Information File for employees or former employees of an Administrative Organ, which exclusively contains information concerning their personnel, wages or welfare benefits or any equivalent particulars (including a Personal Information File concerning an employee recruitment examination conducted by the Administrative Organ);
  - (iv) A Personal Information File exclusively used for the purpose of experimental electronic data processing;
  - (v) A Personal Information File, which contains all or part of the Recorded Information contained in the Personal Information File with respect to the notice prescribed in the preceding paragraph, where the Purpose of Use, the Recorded Particulars and the Scope of Record are within the scope of those with respect to that notice
  - (v)-2 A Personal Information File constituting Anonymized Personal Information Held by an Administrative Organ;
  - (v)-3 A Personal Information File that contains Deleted Information in its Recorded Information;
  - (vi) A Personal Information File that contains only Recorded Information that will be deleted within one year;
  - (vii) A Personal Information File containing Recorded Information to be used for sending materials or any goods or money or for making necessary business contacts, which only contain the names, addresses and other necessary details concerning the recipients;
  - (viii) A Personal Information File prepared or obtained by an employee based on that employee's idea for academic research purposes, where the Recorded Information is used solely for those academic research purposes;
  - (ix) A Personal Information File for which the number of Relevant Individuals is less than the number designated by Cabinet Order;
  - (x) A Personal Information File designated by Cabinet Order as being equivalent to any of the Personal Information Files listed in item (iii) through the preceding item inclusive;
  - (xi) A Personal Information File in relation to Article 2, paragraph (6), item (ii).
- (3) The head of an Administrative Organ must, when the Administrative Organ ceases to retain the Personal Information File for which the particulars prescribed in paragraph (1) have been notified or when that Personal Information File comes to fall under item (ix) of the preceding paragraph, notify the Minister of Internal Affairs and Communications to that effect without delay.

(Preparation and Publication of Personal Information File Registers)

Article 11 (1) The head of an Administrative Organ must prepare and publish a

register (hereinafter referred to as the "Personal Information File Register") describing the particulars listed in paragraph (1), items (i) through (vi) inclusive as well as items (viii) and (ix) of the preceding Article and other particulars designated by Cabinet Order with regard to the respective Personal Information Files held by the Administrative Organ.

- (2) The provisions of the preceding paragraph do not apply to the Personal Information Files listed in the following items:
- (i) Personal Information Files listed in paragraph (2), items (i) through (x) inclusive of the preceding Article;
  - (ii) A Personal Information File, which contains all or part of the Recorded Information contained in the Personal Information File in relation to the publication prescribed in the preceding paragraph, where the Purpose of Use, the Recorded Particulars and the Scope of Record are within the scope of those in relation to that publication;
  - (iii) A Personal Information File designated by Cabinet Order as being equivalent to the Personal Information File listed in the preceding item.
- (3) Notwithstanding the provisions of paragraph (1), if the head of an Administrative Organ finds that description of a part of the Recorded Particulars or the particulars listed in paragraph (1), item (v) or (vi) of the preceding Article in the Personal Information File Register or publication of a Personal Information File in the Personal Information File Register is likely to cause considerable impediment to the proper execution of processes in relation to the Purpose of Use due to the nature of those processes, that person may refrain from describing that part of the Recorded Particulars or the particulars in the Personal Information Register, or refrain from publishing a Personal Information File in the Personal Information File Register.

## **Chapter IV Disclosure, Correction and Suspension of Use**

### **Section 1 Disclosure**

(Right to Request Disclosure)

- Article 12 (1) Any person may, pursuant to the provisions of this Act, request that the head of an Administrative Organ disclose Retained Personal Information which the Administrative Organ holds on that person.
- (2) A statutory representative of a minor or an adult ward may make a request for the disclosure (hereinafter referred to as a "Request for Disclosure") provided in the preceding paragraph on behalf of the Relevant Individual.

(Procedures for Requests for Disclosure)

- Article 13 (1) Requests for Disclosure must be made by submitting a document describing the particulars listed in the following items (hereinafter referred to

as a "Written Request for Disclosure") to the head of the Administrative Organ:

- (i) Name and domicile or residence of the person making the Request for Disclosure;
  - (ii) Name of the Administrative Document containing the Retained Personal Information relating to the Request for Disclosure or other particulars sufficient for specifying the Retained Personal Information relating to the Request for Disclosure.
- (2) In the case prescribed in the preceding paragraph, the person making the Request for Disclosure must, pursuant to Cabinet Order provisions, present or submit a document to indicate that person is the Relevant Individual (in the case of a Request for Disclosure made under the provisions of paragraph (2) of the preceding Article, the statutory representative of the Relevant Individual) with regard to Retained Personal Information relating to the Request for Disclosure.
- (3) When the head of an Administrative Organ finds a technical error in a Written Request for Disclosure, that person may, by setting a reasonable period of time, ask the person who made the Request for Disclosure (hereinafter referred to as the "Requester for Disclosure") to amend the request. In this case, the head of the Administrative Organ must endeavor to provide the Requester for Disclosure with information that will be helpful in the amendment.

(Obligation to Disclose Retained Personal Information)

Article 14 When a Request for Disclosure is filed, unless any of the information listed in each of the following items (hereinafter referred to as "Non-Disclosure Information") is recorded in the Retained Personal Information relating to the Request for Disclosure, the head of an Administrative Organ must disclose that Retained Personal Information to the Requester for Disclosure:

- (i) Information that is likely to cause harm to the life, health, livelihood or property of the Requester for Disclosure (if a statutory representative of a minor or an adult ward makes a Request for Disclosure on behalf of the Relevant Individual pursuant to Article 12, paragraph (2), that Relevant Individual; the same applies in the following item and item (iii), paragraph (2) of the following Article, and Article 23, paragraph (1));
- (ii) Information concerning an individual other than the Requester for Disclosure (excluding information concerning the business of an individual who operates that business) by which a specific individual other than the Requester for Disclosure is identifiable from a name, date of birth or other description contained in that information (including cases where it is possible to identify a specific individual other than the Requester for Disclosure through comparing that information with other information) or

which contains an Individual Identification Code of an individual other than the Requester for Disclosure, or where it is not possible to identify a specific individual other than the Requester for Disclosure, but disclosure of the information is likely to cause harm to the rights and interests of an individual other than the Requester for Disclosure; provided, however, that the following information is excluded:

- (a) Information that can be made available to or is scheduled to be made available to the Requester for Disclosure pursuant to the provisions of laws and regulations or by established practice
- (b) Information which is found necessary to be disclosed in order to protect a person's life, health, livelihood or property
- (c) In the cases where an individual is a Public Officer, etc. (national public officers prescribed in Article 2, paragraph (1) of the National Public Officer Act (Act No. 120 of 1947) (excluding officers and employees of agencies engaged in administrative execution prescribed in Article 2, paragraph 4 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) ), officers and employees of Incorporated Administrative Agencies, etc., local public officers prescribed in Article 2 of the Local Public Officer Act (Act No. 261 of 1950), and officers and employees of Local Incorporated Administrative Agencies) and when that information relates to the performance of duties, the portion of that information relating to the job of the Public Officer, etc. and the substance of the performance of duties;
- (iii) Information concerning corporations or other entities (excluding State, Incorporated Administrative Agencies, etc., local public entities and Local Incorporated Administrative Agencies; hereinafter referred to as "Corporations, etc." in this item) or information concerning the business of an individual other than the Requester for Disclosure who operates that business, which corresponds to the following; provided, however, that information which is found necessary to be disclosed in order to protect a person's life, health, livelihood, or property is excluded:
  - (a) Information which when disclosed is likely to cause harm to the rights, competitive position, or other legitimate interests of the Corporation, etc. or that individual
  - (b) Information customarily not disclosed by the Corporation, etc. or the individual, which has been voluntarily provided in response to a request by an Administrative Organ on the condition of non-disclosure, or information for which it is found reasonable to set that condition in light of the nature of the information or the circumstances at the time
- (iv) Information for which there are reasonable grounds for the head of an Administrative Organ to find that disclosure is likely to cause harm to

- national security, cause damage to the relationship of mutual trust with another country or an international organization, or cause a disadvantage in negotiations with another country or an international organization;
- (v) Information for which there are reasonable grounds for the head of an Administrative Organ to find that disclosure is likely to impede prevention, suppression or the investigation of crimes, maintaining prosecutions, the execution of punishment, and other particulars concerning upholding public safety and public order;
  - (vi) Information concerning deliberations, examinations or consultations internally conducted by or mutually conducted between state organs, Incorporated Administrative Agencies, etc., local public entities and Local Incorporated Administrative Agencies, where disclosure is likely to cause unjust harm to the open exchange of opinions or the neutrality of decision making, unreasonably cause confusion among citizens, or unfairly bring advantages or disadvantages to specific individuals;
  - (vii) Information concerning the processes or business conducted by a state organ, an Incorporated Administrative Agency, etc., a local public entity or a Local Incorporated Administrative Agency, where disclosure is likely to have the following risks or is likely to hinder the proper execution of the processes or business due to their nature:
    - (a) Risk of making it difficult to accurately understand facts concerning processes relating to audits, inspections, supervision, examinations, or the imposition or collection of tax, or facilitating illegal or wrongful acts regarding those processes, or making it difficult to detect those acts
    - (b) Risk of causing unjust damage to the property benefit, or the position as an interested party, of the State, an Incorporated Administrative Agency, etc., a local public entity or a Local Incorporated Administrative Agency concerning processes relating to contracts, negotiations or administrative appeals and litigation
    - (c) Risk of causing unjust hindrance to the fair and efficient execution of processes relating to research and study
    - (d) Risk of causing hindrance to maintaining impartial and smooth personnel practices in processes relating to personnel management
    - (e) Risk of causing damage to the legitimate interests arising from corporate management with regard to the business of an Incorporated Administrative Agency, etc., an enterprise managed by a local public entity, or a Local Incorporated Administrative Agency

(Partial Disclosure)

Article 15 (1) In cases where Non-Disclosure Information is included in Retained Personal Information related to a Request for Disclosure, when it is possible to

easily divide and exclude the portion that corresponds to Non-Disclosure Information, the head of an Administrative Organ must disclose to the Requester for Disclosure the portion not related to exclusion.

- (2) In cases where the information set forth in item (ii) of the preceding Article (limited to information that can identify a specific individual other than the Requester for Disclosure) is included in Retained Personal Information related to a Request for Disclosure, and if by excluding the portion of the description, etc. that can identify the specific individual other than the Requester for Disclosure, such as a name, date of birth, or Individual Identification Code from that information, it is found that disclosure of the information is not likely to cause damage to the rights and interests of an individual other than the Requester for Disclosure, the preceding paragraph is applied by deeming the portion other than the excluded portion as not being included in the information prescribed in the same item.

(Discretionary Disclosure)

Article 16 Even in cases where Non-Disclosure Information is included in Retained Personal Information related to a Request for Disclosure, if the head of an Administrative Organ finds it particularly necessary for protecting the rights and interests of individuals, the head may disclose the Retained Personal Information to the Requester for Disclosure.

(Information on the Existence of Retained Personal Information)

Article 17 When Non-Disclosure Information will be disclosed by merely answering whether or not the Retained Personal Information related to a Request for Disclosure exists, the head of an Administrative Organ, without making the existence or non-existence of the Retained Personal Information clear, may refuse the Request for Disclosure.

(Measures on Requests for Disclosure)

Article 18 (1) When disclosing all or a part of Retained Personal Information related to a Request for Disclosure, the head of an Administrative Organ must make a decision to that effect, and notify the Requester for Disclosure of that decision, the Purpose of Use of the Retained Personal Information to be disclosed, and particulars designated by Cabinet Order relating to the implementation of disclosure in writing; provided, however, that this does not apply to the Purpose of Use in cases that fall under Article 4, item (ii) or (iii).  
(2) If the head of an Administrative Organ decides not to disclose any Retained Personal Information upon a Request for Disclosure (including refusing a Request for Disclosure pursuant to the provisions of the preceding Article and when the Retained Personal Information related to a Request for Disclosure is

not held by the Administrative Organ), the head of the Administrative Organ must notify the Requester for Disclosure to that effect in writing.

(Due Date of A Decision to Disclose)

Article 19 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "A Decision to Disclose") must be made within thirty days from the date of a Request for Disclosure; provided, however, that if an amendment is requested pursuant to the provisions of Article 13, paragraph (3), the number of days required for the amendment is not included within that period of time.

(2) Notwithstanding the provisions of the preceding paragraph, when there are justifiable grounds such as difficulties arising from conducting processes, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of the Administrative Organ must notify the Requester for Disclosure in writing of the extended period and the grounds for the extension without delay.

(Exception to the Due Date for A Decision to Disclose)

Article 20 If there is a considerably large amount of Retained Personal Information relating to a Request for Disclosure, and there is a risk that the performance of duties may be considerably hindered by making a Decision to Disclose on all of those requests within sixty days from the date of a Request for Disclosure, notwithstanding the provisions of the preceding Article, it would be sufficient for the head of an Administrative Organ to make a Decision to Disclose for a reasonable portion of the Retained Personal Information for which disclosure has been requested within the relevant period of time, and to make a Decision to Disclose for the remaining Retained Personal Information within a reasonable period of time. In this case, the head of the Administrative Organ must notify the Requester for Disclosure of the following particulars in writing within the period of time prescribed in paragraph (1) of the same Article:

- (i) The application of this Article and the grounds for its application;
- (ii) Due date for making a Decision to Disclose for the remaining Retained Personal Information.

(Transfer of Cases)

Article 21 (1) The head of an Administrative Organ may, when there are justifiable grounds for the head of another Administrative Organ to make a Decision to Disclose, such as when the Retained Personal Information relating to a Request for Disclosure was provided by that Administrative Organ, upon consulting with the head of that Administrative Organ, transfer the case to the



head of that Administrative Organ. In this case, the head of the Administrative Organ who has transferred the case must notify the Requester for Disclosure in writing to the effect that the case was transferred.

- (2) When a case has been transferred pursuant to the provisions of the preceding paragraph, the head of the Administrative Organ who has received the transfer is to make a Decision to Disclose for that Request for Disclosure. In this case, acts prior to transfer by the head of the Administrative Organ who has transferred the case are deemed to be those of the head of the Administrative Organ who has received the transfer.
- (3) In the case referred to in the preceding paragraph, when the head of the Administrative Organ who has received the transfer makes a decision set forth in Article 18, paragraph (1) (hereinafter referred to as a "Decision to Disclose"), the head of that Administrative Organ must implement disclosure. In this case, the head of the Administrative Organ who has transferred the case must cooperate as necessary in the implementation of that disclosure.

(Transfer of Cases to Incorporated Administrative Agencies)

Article 22 (1) When the Retained Personal Information relating to a Request for Disclosure was provided by an Incorporated Administrative Agency, etc., if there are justifiable grounds for other Incorporated Administrative Agencies, etc. to make a Decision to Disclose prescribed in Article 19, paragraph (1) of the IAA Personal Information Protection Act, the head of an Administrative Organ may, upon consulting with those Incorporated Administrative Agencies, etc., transfer the case to those Incorporated Administrative Agencies, etc. In this case, the head of the Administrative Organ who has transferred the case must notify the Requester for Disclosure in writing to the effect that the case was transferred.

- (2) When a case has been transferred pursuant to the provisions of the preceding paragraph, the provisions of the IAA Personal Information Protection Act is applied to the transferred case by deeming the Retained Personal Information to be the Retained Personal Information prescribed in Article 2, paragraph (5) of the IAA Personal Information Protection Act, held by the Incorporated Administrative Agency, etc. which has received the transfer, and deeming the Request for Disclosure prescribed in Article 12, paragraph (2) of the IAA Personal Information Protection Act, submitted to the Incorporated Administrative Agency, etc. which has received the transfer. In this case, the term "Article 13, paragraph (3)" in Article 19, paragraph (1) of the IAA Personal Information Protection Act is deemed to be replaced with "Article 13, paragraph (3) of the Act on the Protection of Personal Information Held by Administrative Organs."
- (3) When a case has been transferred pursuant to the provisions of paragraph (1)

and the Incorporated Administrative Agency, etc. which has received the transfer implements disclosure, the head of the Administrative Organ who has transferred the case must cooperate as necessary in the implementation of disclosure.

(Granting a Third Party an Opportunity to Submit a Written Opinion)

- Article 23 (1) When information concerning a person other than the State, an Incorporated Administrative Agency, etc., a local public entity, a Local Incorporated Administrative Agency and a Requester for Disclosure (hereinafter referred to as a "Third Party" in this Article, Article 43, paragraph (2) and Article 44, paragraph (1)) is included in the Retained Personal Information relating to a Request for Disclosure, the head of an Administrative Organ, when making a Decision to Disclose, may, pursuant to Cabinet Order provisions, notify the Third Party of the content of the information concerning that Third Party, and other particulars designated by Cabinet Order, and may grant an opportunity to submit a written opinion.
- (2) In the cases that fall under any of the following items, before making a Decision to Disclose, the head of an Administrative Organ must, pursuant to Cabinet Order provisions, notify the Third Party in writing of the content of the information concerning the Third Party relating to a Request for Disclosure and other particulars designated by Cabinet Order, and must grant that Third Party an opportunity to submit a written opinion; provided, however, that this does not apply to cases where the Third Party's location is unknown:
- (i) When Retained Personal Information containing information concerning a Third Party is to be disclosed, and when it is found that the information concerning the Third Party falls under the information prescribed in Article 14, item (ii), (b) or in the proviso of item (iii) of the same Article;
  - (ii) When the Retained Personal Information containing information concerning a Third Party is to be disclosed pursuant to the provisions of Article 16.
- (3) In cases where the Third Party who was granted an opportunity to submit a written opinion pursuant to the provisions of the preceding two paragraphs submits a written opinion manifesting the intention to oppose disclosure of the information concerning the Third Party, the head of the Administrative Organ, when making a Decision to Disclose, must place at least two weeks between the day of the Decision to Disclose and the day that disclosure will be implemented. In this case, upon making the Decision to Disclose the head of the Administrative Organ must immediately notify the Third Party who submitted that written opinion (referred to as a "Written Opposition Opinion" in Article 43) in writing to the effect that the Decision to Disclose was made and the grounds for its decision, and the date of implementation of disclosure.

(Implementing Disclosure)

- Article 24 (1) The disclosure of Retained Personal Information is implemented through inspection or by the delivery of copies if the Retained Personal Information is contained in the form of documents or drawings, and if it is contained in the form of Electronic or Magnetic Records, by means designated by the relevant Administrative Organ, which take into consideration factors such as the type of the record and the state of technology utilized; provided, however, that when disclosure of Retained Personal Information is to be implemented through inspection, if the head of the Administrative Organ finds that inspection of the original material is likely to hinder the preservation of the documents or pictures containing the Retained Personal Information, or for other justifiable grounds, a copy of the documents or drawings may be provided for inspection instead.
- (2) The Administrative Organ must make its rules on the means of disclosure for Electronic or Magnetic Records based on the preceding paragraph available for public inspection.
- (3) A person who obtains Retained Personal Information based upon a Decision to Disclose, pursuant to Cabinet Order provisions, must indicate the person's desired means of implementation of disclosure and other particulars designated by Cabinet Order to the head of the Administrative Organ who has made the Decision to Disclose.
- (4) The indication provided in provisions of the preceding paragraph must be made within thirty days from the date of the notice prescribed in Article 18, paragraph (1); provided, however, that this does not apply if there are justifiable grounds for being unable to make the indication within that period of time.

(Coordination with Disclosure Implemented by Other Laws and Regulations)

- Article 25 (1) In cases where, pursuant to the provisions of other laws and regulations, Retained Personal Information related to a Request for Disclosure is to be disclosed to the Requester for Disclosure by the same means as those prescribed in the main clause of paragraph (1) of the preceding Article (if the period of time for disclosure is provided for, limited to within that period of time), notwithstanding the main clause of the same paragraph, the head of the Administrative Organ does not disclose the Retained Personal Information by that same means; provided, however, that this does not apply when there are provisions in other laws and regulations to the effect that disclosure is not implemented in certain cases.
- (2) When the means of disclosure designated by the provisions of other laws and regulations is public inspection, the preceding paragraph applies by deeming

that public inspection to be the same as that set forth in the main clause of paragraph (1) of the preceding Article.

(Fees)

Article 26 (1) A person who makes a Request for Disclosure must, pursuant to the Cabinet Order provisions, pay a fee of an amount within actual costs, specified by Cabinet Order.

(2) When setting the amount of the fee set forth in the preceding paragraph, consideration must be given to making the amount as affordable as possible.

## **Section 2 Corrections**

(Right to Request Corrections)

Article 27 (1) Any person who thinks that the content of Retained Personal Information (limited to those listed in the following items; the same applies in Article 36, paragraph (1)) for which that person is the Relevant Individual is untrue may, pursuant to the provisions of this Act, make a request for correction (including addition or deletion; the same applies hereinafter) of the Retained Personal Information to the head of the Administrative Organ holding the Retained Personal Information; provided, however, that this does not apply if a special procedure for correction of the Retained Personal Information is prescribed by another law or an order based on another law:

(i) Retained Personal Information disclosed based on a Decision to Disclose;

(ii) Retained Personal Information that was disclosed based on the Decision to Disclose prescribed in Article 21, paragraph (3) of the IAA Personal Information Protection Act in cases where the case had been transferred pursuant to Article 22, paragraph (1);

(iii) Retained Personal Information relating to a Decision to Disclose, which was disclosed pursuant to the provisions of other laws and regulations under Article 25, paragraph (1).

(2) A statutory representative of a minor or an adult ward may make a request for correction (hereinafter referred to as a "Request for Correction") as prescribed in the preceding paragraph on behalf of the Relevant Individual.

(3) A Request for Correction must be made within ninety days from the date of disclosure of the Retained Personal Information.

(Procedures for Requests for Correction)

Article 28 (1) A Request for Correction must be made by submitting a document describing the particulars listed in the following items (hereinafter referred to as the "Written Request for Correction") to the head of the Administrative Organ:

- (i) Name and domicile or residence of the person making the Request for Correction;
  - (ii) Date of disclosure of the Retained Personal Information relating to the Request for Correction and/or other particulars sufficient for specifying the Retained Personal Information;
  - (iii) An outline of the Request for Correction and the grounds therefor.
- (2) In a case as described in the preceding paragraph, the person making the Request for Correction must, pursuant to Cabinet Order provisions, present or submit a document to indicate the person is the Relevant Individual (in the case of a Request for Correction made under the provisions of paragraph (2) of the preceding Article, the statutory representative of the Relevant Individual) with regard to the Retained Personal Information relating to the Request for Correction.
- (3) When the head of an Administrative Organ finds that there is a deficiency in the format of the Written Request for Correction, the head may, by setting a reasonable period of time, ask the person who made the Request for Correction (hereinafter referred to as the "Requester for Correction") to amend the request.

(Obligation to Correct Retained Personal Information)

Article 29 If a Request for Correction is filed and the head of an Administrative Organ finds grounds in relation to that Request for Correction, that head must correct the Retained Personal Information relating to the Request for Correction within the scope necessary for achieving the Purpose of Use of the Retained Personal Information.

(Measures Concerning Requests for Corrections)

- Article 30 (1) When correcting Retained Personal Information relating to a Request for Correction, the head of an Administrative Organ must make a decision to that effect, and notify the Requester for Correction of the decision in writing.
- (2) When not correcting the Retained Personal Information relating to a Request for Correction, the head of an Administrative Organ must make a decision to that effect, and notify the Requester for Correction of the decision in writing.

(Due Date for Decisions on Corrections)

Article 31 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "Decisions on Corrections") must be made within thirty days from the date of a Request for Correction; provided, however, that if an amendment is requested pursuant to the provisions of Article 28, paragraph (3), the number of days required for that amendment is not included within this period of time.

(2) Notwithstanding the provisions of the preceding paragraph, when there are justifiable grounds such as difficulties arising from conducting processes, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of an Administrative Organ must without delay notify the Requester for Correction in writing of the extended period and the grounds for the extension.

(Exceptions to the Due Date for Decisions on Corrections)

Article 32 If the head of an Administrative Organ finds that Decisions on Corrections would require a particularly long period of time, notwithstanding the provisions of the preceding Article, it is sufficient for that head to make Decisions on Corrections, etc. within a reasonable period of time. In this case, the head of an Administrative Organ must notify the Requester for Correction in writing of the following particulars within the period of time prescribed in paragraph (1) of the same Article:

- (i) The application of this Article and the grounds for its application;
- (ii) Due date for making Decisions on Corrections.

(Transfer of Cases)

Article 33 (1) The head of an Administrative Organ may, when there are justifiable grounds for the head of another Administrative Organ making Decisions on Corrections, such as when the Retained Personal Information relating to a Request for Correction was disclosed pursuant to Article 21, paragraph (3), upon consulting with the head of that Administrative Organ, transfer the case to the head of that Administrative Organ. In this case, the head of the Administrative Organ who has transferred the case must give the Requester for Correction a notification in writing to the effect that the case was transferred.

(2) If a case has been transferred pursuant to the provisions of the preceding paragraph, the head of the Administrative Organ who has received the transfer is to make Decisions on Corrections through that Request for Correction. In this case, acts prior to transfer of a case by the head of the Administrative Organ who has transferred the case are deemed to be those of the head of the Administrative Organ who has received the transfer.

(3) In the case referred to in the preceding paragraph, when the head of the Administrative Organ who has received the transfer of a case makes a decision set forth in Article 30, paragraph (1) (hereinafter referred to as a "Decision to Make a Correction"), the head of that Administrative Organ which has transferred the case must implement the correction based on that Decision to Make a Correction.

(Transfer of Cases to an Incorporated Administrative Agency)

- Article 34 (1) When there are justifiable grounds for an Incorporated Administrative Agency making Decisions on Corrections as prescribed in Article 31, paragraph (1) of the IAA Personal Information Protection Act, such as when the Retained Personal Information relating to a Request for Correction corresponds to those listed in Article 27, paragraph (1), item (ii), the head of an Administrative Organ may, upon consulting with that Incorporated Administrative Agency, etc., transfer the case to that Incorporated Administrative Agency, etc. In this case, the head of the Administrative Organ who has transferred the case must give the Requester for Correction a notification in writing to the effect that the case was transferred.
- (2) If a case has been transferred pursuant to the provisions of the preceding paragraph, the provisions of the Administrative Organs Personal Information Protection Act are applied to the transferred case by deeming the Retained Personal Information to be the Retained Personal Information prescribed in Article 2, paragraph (5), of the IAA Personal Information Protection Act, held by the Incorporated Administrative Agency, etc. which has received the transfer, and deeming the Request for Correction to be a Request for Correction prescribed in Article 27, paragraph (2) of the IAA Personal Information Protection Act, submitted to the Incorporated Administrative Agency, etc. which has received the transfer. In this case, the term "Article 28, paragraph (3)" in Article 31, paragraph (1) of the IAA Personal Information Protection Act is deemed to be replaced with "Article 28, paragraph (3) of the Act on the Protection of Personal Information Held by Administrative Organs."
- (3) When a case has been transferred pursuant to the provisions of paragraph (1) and the Incorporated Administrative Agency, etc. which has received the transfer makes the Decision to Make a Correction prescribed in Article 33, paragraph (3) of the IAA Personal Information Protection Act, the head of the Administrative Organ who has transferred the case must implement the correction based on that Decision to Make a Correction.

(Notices to Any Party to which Retained Personal Information is Provided)

Article 35 If the head of an Administrative Organ has implemented a correction of Retained Personal Information based on a Decision to Make a Correction (including the Decision to Make a Correction under paragraph (3) of the preceding Article), if that person finds it necessary, that person must give a notification to that effect in writing without delay to any party to which the Retained Personal Information is provided.

### **Section 3 Suspension of Use**

(Right to Request Suspension of Use)

Article 36 (1) Any person who thinks that Retained Personal Information for which that person is the Relevant Individual falls under any of the following items may, pursuant to the provisions of this Act, make a request for the measures specified in the respective items to the head of the Administrative Organ holding the Retained Personal Information; provided, however, that this does not apply where a special procedure for suspension of use, deletion, or suspension of provision (hereinafter referred to as "Suspension of Use") of the Retained Personal Information is prescribed by another law or an order based on that law:

(i) If the Administrative Organ holding the Retained Personal Information has not obtained the information lawfully, retains the information in violation of Article 3, paragraph (2), or uses the information in violation of Article 8, paragraph (1) or (2): Suspension of use or deletion of the Retained Personal Information;

(ii) If the Retained Personal Information is provided in violation of Article 8, paragraph (1) or (2): Suspension of provision of the Retained Personal Information.

(2) A statutory representative of a minor or an adult ward may make the request for Suspension of Use (hereinafter referred to as the "Request for Suspension of Use") prescribed in the preceding paragraph on behalf of the Relevant Individual.

(3) A Request for Suspension of Use must be made within ninety days from the date of disclosure of the Retained Personal Information.

(Procedures for Requests for Suspension of Use)

Article 37 (1) A Request for Suspension of Use must be made by submitting a document describing the particulars listed in the following items (hereinafter referred to as a "Written Request for Suspension of Use") to the head of the Administrative Organ:

(i) Name and domicile or residence of the person making the Request for Suspension of Use;

(ii) Date of disclosure of the Retained Personal Information relating to the Request for Suspension of Use and/or other particulars sufficient for specifying that Retained Personal Information;

(iii) An outline of the Request for Suspension of Use and the grounds therefor.

(2) In the case prescribed in the preceding paragraph, the person making the Request for Suspension of Use must, pursuant to Cabinet Order provisions, present or submit a document to indicate that that person is the Relevant Individual (in the case of a Request for Suspension of Use made under the provisions of paragraph (2) of the preceding Article, the statutory



representative of the Relevant Individual) with regard to the Retained Personal Information relating to the Request for Suspension of Use.

- (3) When the head of an Administrative Organ finds that there is a deficiency in the format of the Written Request for Suspension of Use, that head may, by setting a reasonable period of time, ask the person having made the Request for Suspension of Use (hereinafter referred to as the "Requester for Suspension of Use") to amend that request.

(Obligation for Suspension of Use of Retained Personal Information)

Article 38 When a Request for Suspension of Use is filed, if the head of an Administrative Organ finds grounds for the Request for Suspension of Use, that head must implement Suspension of Use of the Retained Personal Information relating to the Request for Suspension of Use within the scope necessary for ensuring the proper handling of Personal Information in the Administrative Organ; provided, however, that this does not apply where it is found that the Suspension of Use of the Retained Personal Information is likely to hinder the proper execution of the processes relating to the Purpose of Use of the Retained Personal Information due to the nature of those processes.

(Measures on Requests for Suspension of Use)

- Article 39 (1) When implementing Suspension of Use of the Retained Personal Information relating to a Request for Suspension of Use, the head of an Administrative Organ must make a decision to that effect, and give the Requester for Suspension of Use a notification to that effect in writing.
- (2) When not implementing Suspension of Use of the Retained Personal Information relating to a Request for Suspension of Use, the head of an Administrative Organ must make a decision to that effect, and give the Requester for Suspension of Use a notification to that effect in writing.

(Due Date for Decisions on Suspension of Use)

- Article 40 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "Decision on Suspension of Use") must be made within thirty days from the date of a Request for Suspension of Use; provided, however, that in cases where an amendment is requested pursuant to the provisions of Article 37, paragraph (3), the number of days required for the amendment is not included within that period of time.
- (2) Notwithstanding the provisions of the preceding paragraph, when there are justifiable grounds such as difficulties arising from conducting processes, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of the Administrative Organ must without delay notify the Requester for Suspension

of Use in writing of the extended period and the grounds for the extension.

(Exception to the Due Date for Decisions on Suspension of Use)

Article 41 If the head of an Administrative Organ finds that a Decision on Suspension of Use would require a particularly long period of time, notwithstanding the provisions of the preceding Article, it is sufficient for that head to make a Decision on Suspension of Use within a reasonable period of time. In this case, the head of the Administrative Organ must notify the Requester for Suspension of Use in writing of the following particulars within the period of time prescribed in paragraph (1) of the same Article:

- (i) The application of this Article and the grounds for its application;
- (ii) Due date for making a Decision on Suspension of Use.

#### **Section 4 Appeal for Review**

(Exclusion from Application of Provisions Concerning Review Proceedings by Review Officers)

Article 42 (1) The provisions of the following parts--Articles 9, 17, and 24;

Chapter II, Sections 3 and 4; and Article 50, paragraph (2)--of the Administrative Complaint Review Act (Act No. 68 of 2014) do not apply to an appeal for review of any inaction related to a Decision on Disclosure, Decision on Correction, Decision on Suspension of Use, or Request for Disclosure, Request for Correction, or Request for Suspension of Use.

(2) When applying the provisions in Chapter II of the Administrative Complaint Review Act to an appeal for review of any inaction related to a Decision on Disclosure, Decision on Correction, Decision on Suspension of Use, or Request for Disclosure, Request for Correction, or Request for Suspension of Use, the wording in respective parts of the Administrative Complaint Review Act is deemed to be replaced with the following wording: the wording "a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (referred to as a 'review officer')" in Article 11, paragraph (2), is replaced with the wording "an administrative agency (including an administrative agency that takes over the appeal for review pursuant to the provisions in Article 14, hereinafter referred to as a 'reviewing agency') to which an appeal for review has been filed pursuant to the provisions in Article 4 (including a Cabinet Order issued pursuant to Article 44, paragraph (2) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003)"; the term "review officer" in Article 13, paragraphs (1) and (2), is replaced with the term "reviewing agency"; the wording "has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer" in Article 25, paragraph (7), is replaced

with "has been filed"; the wording "Administrative Complaint Review Board, etc." in Article 44 is replaced with the wording "Information Disclosure and Personal Information Protection Review Board (or a review board specified by another law if the head of the Board of Audit is the reviewing agency, the same applies in Article 50, paragraph (1), item (iv))"; in the same Article, the wording "has received a report to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in cases where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph)" is replaced with the wording of "has received a report to its consultation from the Administrative Complaint Review Board, etc."; and the wording of "the review officer's written opinion or the written report from the Administrative Complaint Review Board, etc. or the Council, etc." in Article 50, paragraph (1), item (iv), is replaced with the wording "the Information Disclosure and Personal Information Protection Review Board."

(Consultation with Review Boards)

- Article 43 (1) When an appeal for review is filed for any inaction related to a Decision on Disclosure, a Decision on Correction, a Decision on Suspension of Use, or a Request for Disclosure, Request for Correction, or Request for Suspension of Use, the head of the Administrative Organ who is expected to make a determination on that appeal for review must, except in the cases that fall under any of the following items, consult the Information Disclosure and Personal Information Protection Review Board (when the head of the Administrative Organ who is expected to make a determination on the appeal is the head of the Board of Audit, a review board separately provided for by a law):
- (i) If the appeal for review is unlawful and is to be dismissed;
  - (ii) If the whole appeal for review is upheld and it is determined that all of the Retained Personal Information relating to the appeal is to be disclosed, unless a Written Opposition Opinion has been submitted for the disclosure of the Retained Personal Information;
  - (iii) If it is determined that the whole appeal for review is accepted and corrections to the Retained Personal Information relating to it are to be made;
  - (iv) If it is determined that the whole appeal for review is accepted and the use of the Retained Personal Information relating to it is to be suspended
- (2) The head of an Administrative Organ who has made a consultation pursuant

to the provisions of the preceding paragraph must notify the following persons to the effect that the consultation was made:

- (i) The appellant, and the intervenor (meaning an intervenor as described in Article 13, paragraph (4), of the Administrative Complaint Review Act; the same applies in this paragraph and the following Article, paragraph (1), item (ii));
- (ii) The Requester for Disclosure, Requester for Correction, or Requester for Suspension of Use (except when that person is the appellant or an intervenor);
- (iii) The Third Party who has submitted a Written Opposition Opinion regarding disclosure of Retained Personal Information relating to the appeal for review (excluding the cases in which the Third Party is the appellant or an intervenor).

(Procedures In Cases Where an Appeal for Review from a Third Party is Dismissed)

Article 44 (1) The provisions of Article 23, paragraph (3) apply mutatis mutandis to the cases in which the determination falls under any of the following items:

- (i) A determination to dismiss without prejudice or dismiss with prejudice on the merits an appeal for review from a Third Party against a Decision on Disclosure;
  - (ii) A determination altering a Decision on Disclosure relating to an appeal for review (excluding a determination to disclose the whole part of the Retained Personal Information relating to a Request for Disclosure) to the effect of disclosing the Retained Personal Information relating to that appeal for review (limited to the case in which an intervenor who is a Third Party has manifested an intention to oppose the disclosure of the information concerning the Third Party).
- (2) With regard to an appeal for review of any inaction related to a Decision on Disclosure, Decision on Correction, Decision on Suspension of Use, or a Request for Disclosure, Request for Correction, or Suspension of Use, the special provisions prescribed in Article 4 of the Administrative Complaint Review Act may be established pursuant to Cabinet Order provisions.

#### **Chapter IV-2 Provision of Anonymized Personal Information Held by Administrative Organs**

(Preparation and Provision of Anonymized Personal Information Held by Administrative Organs)

Article 44-2 (1) The head of an Administrative Organ may prepare and provide Anonymized Personal Information Held by the Administrative Organ (limited

to information constituting Anonymized Personal Information Files Held by the Administrative Organ; the same applies hereinafter in this Chapter and the following Chapter) pursuant to the provisions of this Chapter.

- (2) The head of an Administrative Organ must not, except as otherwise provided by laws and regulations, personally use or provide another person with Anonymized Personal Information Held by the Administrative Organ or Deleted Information (both limited to information constituting Retained Personal Information) for any other purposes than the Purpose of Use.
- (3) "Deleted Information" in the preceding paragraph means a description or the like or an Individual Identification Code, deleted from Retained Personal Information (excluding information that can be compared with other information thereby making a specific individual is identifiable (excluding information that can be easily compared with other information, thereby making a specific individual identifiable); the same applies hereinafter in this Chapter) used to prepare Anonymized Personal Information Held by the Administrative Organ.

(Registration of Particulars Relating to the Solicitation of a Proposal in the Personal Information File Register)

Article 44-3 If the head of an Administrative Organ finds that a Personal Information File held by the organ falls under all of the items in Article 2, paragraph (9), the following particulars regarding that Personal Information File is registered in the Personal Information File Register. In applying the provisions in Article 11, paragraph (1) to that Personal Information File in this case, the term "item (ix)" in the same paragraph is deemed to be replaced with the wording "item (ix) and each item in Article 44-3."

- (i) The indication that the Personal Information File is the subject of proposals solicited under Article 44-5, paragraph (1);
- (ii) The name and address of the organization receiving a proposal under Article 44-5, paragraph (1);
- (iii) If the Personal Information File falls under Article 2, paragraph (9), item (ii) (limited to the part relating to (b) in the same item), the indication that an opportunity is provided to submit an opinion pursuant to Article 13, paragraph (1) or (2) of the Administrative Organs Information Disclosure Act as applied mutatis mutandis in Article 44-8, paragraph (1).

(Solicitation of Proposals)

Article 44-4 Under the Rules of the Personal Information Protection Committee, the head of an Administrative Organ is to be periodically solicit proposals as specified in paragraph (1) of the following Article, for use of a Personal Information File it holds (limited to those for which particulars listed in item

(i) of the preceding Article are registered in the Personal Information File Register; the same applies hereinafter in this Chapter).

(Proposal of Business to Be Conducted Using Anonymized Personal Information Held by an Administrative Organ)

Article 44-5 (1) In response to a solicitation under the preceding Article, if a person intends to become a Business which Handles Anonymized Personal Information Held by an Administrative Organ and thereby will use Anonymized Personal Information Held by an Administrative Organ that is prepared by processing Retained Personal Information constituting a Personal Information File, the person may submit a proposal concerning that business to the head of the Administrative Organ.

(2) The proposal in the preceding paragraph must be made by submitting to the head of the Administrative Organ a written document stating all of the following particulars according to the Rules of the Personal Information Protection Committee:

(i) The name and address of the person submitting the proposal, and the name of the representative if the person is a corporation or any other organization;

(ii) The name of the Personal Information File relating to the proposal;

(iii) The number of Relevant Individuals related to Anonymized Personal Information Held by Administrative Organs relating to the proposal;

(iv) Beyond what is listed in the preceding items, particulars sufficient to identify the method of processing, as prescribed in Article 44-10, paragraph (1), to be used for preparing Anonymized Personal Information Held by Administrative Organs relating to the proposal;

(v) The purpose of use and the method of use of the Personal Information Held by an Administrative Organ relating to the proposal and the description of the business in which the Anonymized Personal Information Held by the Administrative Organ is to be used;

(vi) The period during which the Anonymized Personal Information Held by Administrative Organs relating to the proposal is to be used for the business specified in the preceding item;

(vii) Measures to be taken for preventing leaks and for other proper management of the Anonymized Personal Information Held by Administrative Organs relating to the proposal;

(viii) Beyond what is listed in each of the preceding items, particulars prescribed in the Rules of the Personal Information Protection Committee.

(3) The documents specified in the preceding paragraph must be accompanied by the documents listed below and other documents specified by the Rules of the Personal Information Protection Committee:

(i) A written pledge that the person making the proposal in paragraph (1) does

not fall under any of the items of the following Article;

- (ii) A document demonstrating that the business specified in item (v) of the preceding paragraph contributes to the creation of new industry, or the realization of a vibrant economic society, or an enriched quality of life for the Japanese public.

(Grounds for Disqualification)

Article 44-6 A person falling under any of the following items is not qualified to make a proposal in paragraph (1) of the preceding Article:

- (i) a minor, adult ward, or person under curatorship;
- (ii) a person who received an order of commencement of bankruptcy proceedings and has not had rights restored;
- (iii) a person who has been sentenced to imprisonment or a heavier punishment or sentenced under the provisions of the Act on the Protection of Personal Information (Act No. 57 of 2003) or the IAA Personal Information Protection Act and for whom two years have not yet passed since the date on which the person finished serving the sentence or was not subject to its enforcement;
- (iv) a person whose contract to use the Personal Information Held by an Administrative Organ was canceled under Article 44-14, where two years have not yet passed since the date of the cancellation;
- (v) a person whose contract to use Anonymized Personal Information of an Independent Administrative Agency or the like specified in Article 2, paragraph (9), of the IAA Personal Information Protection Act (limited to information constituting Anonymized Personal Information Files of an Independent Administrative Agency or the like as provided for in paragraph (10) of the same Article) was canceled under Article 44-14 of the same Act, where two years have not yet passed since the date of the cancellation;
- (vi) a person who is a corporation or any other organization and any of its officers falls under either of the condition stipulated in each of the preceding items.

(Examination of Proposals)

Article 44-7 (1) If a proposal is submitted under Article 44-5, paragraph (1), the head of the Administrative Organ must examine it to confirm whether it meets the following criteria:

- (i) The person making the proposal in Article 44-5, paragraph (1) does not fall under any of the items in the preceding Article;
- (ii) The number of Relevant Individuals in relation to the Anonymized Personal Information Held by an Administrative Organ relating to the proposal, under Article 44-5, paragraph (2), item (iii), is more than the number specified in the Rules of the Personal Information Protection Committee from the

- viewpoint of effective use of the Anonymized Personal Information Held by an Administrative Organ, and is less than or equal to the number of Relevant Individuals related to the Retained Personal Information constituting the Personal Information File relating to the proposal;
- (iii) The processing method specified under Article 44-5, paragraph (2), items (iii) and (iv) conforms to the criteria prescribed in Article 44-10, paragraph (1);
  - (iv) The business specified under Article 44-5, paragraph (2), item (v) contributes to the creation of new industry, or the realization of a vibrant economic society, or an enriched quality of life for the Japanese public;
  - (v) The period specified under Article 44-5, paragraph (2), item (vi) does not exceed the period specified by the Rules of the Personal Information Protection Committee from the viewpoint of effective use of Anonymized Personal Information Held by an Administrative Organ;
  - (vi) The purpose of use and the method of use of the Anonymized Personal Information Held by an Administrative Organ, under Article 44-5, paragraph (2), item (v), and the measures described under item (vii) of the same paragraph are appropriate for protecting the rights and interests of Relevant Individuals related to the Anonymized Personal Information Held by an Administrative Organ;
  - (vii) Beyond what is listed in each of the preceding items, the proposal conforms to the criteria prescribed in the Rules of the Personal Information Protection Committee.
- (2) If the head of the Administrative Organ finds that the proposal prescribed in Article 44-5, paragraph (1) conforms to the criteria listed in the items of the preceding paragraph as a result of the examination pursuant to the provisions of the preceding paragraph, the head of the Administrative Organ, under the Rules of the Personal Information Protection Committee, must notify the proposal submitter of the following particulars:
- (i) Information that the head of the Administrative Organ may conclude a contract with that person for the use of the Anonymized Personal Information Held by the Administrative Organ pursuant to the provisions in Article 44-9;
  - (ii) Beyond what is listed in the preceding item, particulars prescribed in the Rules of the Personal Information Protection Committee.
- (3) When the head of the Administrative Organ determines that the proposal prescribed in Article 44-5, paragraph (1) does not completely conform to any of the criteria listed in the items of paragraph (1) as a result of the examination pursuant to the provisions of paragraph (1), that head, under the Rules of the Personal Information Protection Committee, is to so notify the submitter, attaching the grounds for the determination.



(Granting a Third Party an Opportunity to Submit a Written Opinion)

Article 44-8 (1) When a proposal relating to a Personal Information File is submitted under Article 44-5, paragraph (1), and if particulars prescribed in Article 44-3, item (iii) are registered in the Personal Information File Register for that Personal Information File, the provisions of Article 13, paragraphs (1) and (2) of the Administrative Organs Information Disclosure Act apply mutatis mutandis, by deeming that proposal to be a request, under Article 3 of that Act, for disclosure of an Administrative Document in which Retained Personal Information constituting Personal Information Files relating to that proposal is recorded, and by deeming the notice under paragraph (2) of the preceding Article to be a decision to disclose all or part of that Administrative Document. In this case, the wording "the head of an Administrative Organ" in paragraph (1) of the same Article is deemed to be replaced with the wording "the head of an Administrative Organ (meaning the head of an Administrative Organ prescribed in Article 5 of the Act on the Protection of Personal Information Held by Administrative Organs; the same applies in the following paragraph)"; and any other necessary technical replacement of wording is specified by Cabinet Order.

(2) Where a Third Party as described in Article 13, paragraph (1) of the Administrative Organs Information Disclosure Act (which is applied mutatis mutandis in the preceding paragraph) is given an opportunity to submit an opinion under paragraph (1) or (2) of the same Article, and that Third Party submits a Written Opposition Opinion expressing an intention to oppose the creation of the Anonymized Personal Information Held by the Administrative Organ relating to the proposal prescribed in Article 44-5, paragraph (1), the provisions of this Chapter applies by deeming part of the Personal Information File relating to that proposal (specifically, the part from which Retained Personal Information related to the Third Party who is the Relevant Individual is excluded) to be a Personal Information File relating to the proposal.

(Conclusion of a Contract for the Use of Anonymized Personal Information Held by an Administrative Organ)

Article 44-9 Under the Rules of the Personal Information Protection Committee, a person who received a notice prescribed in Article 44-7, paragraph (2) may conclude a contract with the head of an Administrative Organ for the use of the Anonymized Personal Information Held by an Administrative Organ.

(Preparation of Anonymized Personal Information Held by an Administrative Organ)

Article 44-10 (1) When the head of an Administrative Organ prepares

Anonymized Personal Information Held by an Administrative Organ, the Retained Personal Information used for the preparation must be processed by means necessary for making it impossible to identify a specific individual using the processed information and to restore the processed information to the original state, following the criteria of the Rules of the Personal Information Protection Committee.

- (2) The provisions in the preceding paragraph apply mutatis mutandis if a person entrusted by an Administrative Organ conducts the preparation of the Anonymized Personal Information Held by an Administrative Organ.

(Registration of Particulars Relating to Anonymized Personal Information Held by an Administrative Organ in the Personal Information File Register)

Article 44-11 If the head of an Administrative Organ has prepared the Anonymized Personal Information Held by an Administrative Organ, the following particulars are to be registered in the Personal Information File Register for a Personal Information File that contains Retained Personal Information that was used to prepare the Anonymized Personal Information Held by an Administrative Organ. In applying Article 11, paragraph (1) to the Personal Information File in this case, which is to be read by replacing some words prescribed in Article 44-3, the wording "and each item in Article 44-3" in the same paragraph is deemed to be replaced with the wording "each item in Article 44-3 and each item in Article 44-11.":

- (i) Particulars to describe the outline of Anonymized Personal Information Held by an Administrative Organ, as specified by the Rules of the Personal Information Protection Committee;
- (ii) The name and address of the organization receiving a proposal under paragraph (1) of the following Article;
- (iii) The period during which a proposal under paragraph (1) of the following Article may be submitted.

(Proposal of Business to Be Conducted Using Prepared Anonymized Personal Information Held by an Administrative Organ)

Article 44-12 (1) If a person intends to become a Business which Handles Anonymized Personal Information Held by an Administrative Organ and thereby use Person-Identifiably-Processed Information Held by an Administrative Organ for which particulars described in item (1) of the preceding Article are registered in the Personal Information File Register under the provisions in the same Article, the person may submit a proposal concerning that business to the head of the Administrative Organ. If a person has concluded a contract for the use of Anonymized Personal Information Held by the Administrative Organ under Article 44-9 for that Anonymized Personal

Information Held by an Administrative Organ and intends to change the business for which the person will use that information, the provisions in this paragraph also apply to a proposal for that change.

- (2) The provisions in Article 44-5, paragraphs (2) and (3), Article 44-6, Article 44-7 and Article 44-9 apply mutatis mutandis to the proposal prescribed in the preceding paragraph. In this case, the wording in respective provisions is to be replaced with the following wording: the wording of "the following particulars" in Article 44-5, paragraph (2) is to be replaced with the wording of "particulars prescribed in item (i), and items (iv) through (viii)"; the wording of "Beyond what is listed in the preceding items, particulars" in item (iv) of the same paragraph is to be replaced with the wording "particulars" and the wording of "identify the processing method as prescribed in the provisions in Article 44-10, paragraph (1) which is to be used for preparing the Anonymized Personal Information of Administrative Organs in relation to" is to be replaced with the wording of "identify"; the wording of "in each of the preceding items" in item (viii) of the same paragraph is to be replaced with the wording of "in item (i) and item (iv) through item (viii)"; the wording of "the following criteria" in Article 44-7, paragraph (1) is to be replaced with the wording of "the criteria prescribed in item (i), and items (iv) through (vii)"; the wording of "each of the preceding items" in item (vii) of the same paragraph is to be replaced with the wording of "item (i) and the three preceding items"; the wording of "the items of the preceding paragraph" in paragraph (2) of the same Article is to be replaced with the wording of "item (i) and items (iv) through (vii) of the preceding paragraph"; the wording of "any of the criteria listed in the items of paragraph (1)" in paragraph (3) of the same Article is to be replaced with the wording of "any of the criteria listed in item (i) and items (iv) through (vii) of paragraph (1)".

(Fees)

- Article 44-13 (1) Pursuant to Cabinet Order provisions, the person who concludes a contract for the use of Anonymized Personal Information Held by an Administrative Organ under Article 44-9 must pay a fee in the amount determined by Cabinet Order considering actual costs.
- (2) Pursuant to Cabinet Order provisions, the person who concludes a contract for the use of Anonymized Personal Information Held by an Administrative Organ under Article 44-9 (which is applied mutatis mutandis in paragraph (2) of the preceding Article) must pay a fee in an amount determined by Cabinet Order, taking into consideration the fee determined by the Cabinet Order in the preceding paragraph.

(Cancellation of a Contract for the Use of Anonymized Personal Information

Held by an Administrative Organ)

Article 44-14 If a person who has concluded a contract for the use of Anonymized Personal Information Held by an Administrative Organ under Article 44-9 (including the case where it is applied mutatis mutandis pursuant to Article 44-12, paragraph (2)) falls under any of the following items, the head of the Administrative Organ may cancel the contract:

- (i) The contract has been concluded by fraudulent means or other unfair means;
- (ii) The person falls under any of the items of Article 44-6 (including cases to which any of these items is applied mutatis mutandis under Article 44-12, paragraph (2));
- (iii) A material breach of any provisions in the contract was committed.

(Security Control Measures)

Article 44-15 (1) The head of an Administrative Organ must take necessary measures for proper management of the Anonymized Personal Information Held by that Administrative Organ, descriptions and other elements deleted from the Retained Personal Information used for the preparation of the Anonymized Personal Information Held by the Administrative Organ, and Individual Identification Codes, and the method of processing performed under Article 44-10, paragraph (1) (hereinafter referred to as "Anonymized Personal Information and Other Related Information Held by an Administrative Organ" in this Article and the following Article), under the criteria of the Rules of the Personal Information Protection Committee as necessary for preventing leaks of Anonymized Personal Information and Other Related Information Held by an Administrative Organ.

(2) The provisions in the preceding paragraph apply mutatis mutandis if an Administrative Organ entrusts a person to handle its Anonymized Personal Information and Other Related Information, and that person performs those entrusted activities.

(Obligation of Employees)

Article 44-16 No employee or former employee of an Administrative Organ handling Anonymized Personal Information Held by that Administrative Organ and Other Related Information, or person engaged in or formerly engaged in the entrusted duties under paragraph (2) of the preceding Article must not disclose Anonymized Personal Information and Other Related Information Held by the Administrative Organ acquired in the course of that person's work to another person without justifiable grounds, or use that information for an unjust purpose.

## Chapter V Miscellaneous Provisions

### (Exclusion from Application)

Article 45 (1) The provisions of Chapter IV do not apply to Retained Personal Information relating to a judgment in a criminal case or juvenile case, a disposition executed by a public prosecutor, public prosecutor's assistant officer, or judicial police official, execution of a punishment or protective measure, post-incarceration rehabilitation services, or pardon (limited to Retained Personal Information relating to a person who received that judgment or measure, a person towards whom the punishment or protective measure was executed, a person who applied for post-incarceration rehabilitation services, or a person who filed a petition for pardon).

(2) Of the Retained Personal Information (limited to information recorded in Administrative Documents that exclusively contain the Non-Disclosure Information prescribed in Article 5 of the Administrative Organs Information Disclosure Act), information that has yet to be classified or otherwise put in order and from which it is extremely difficult to retrieve specific Retained Personal Information due to the existence of a very large amount of information relating to the same Purpose of Use is deemed as not being held by the Administrative Organ with respect to application of the provisions of Chapter IV (excluding Section 4).

### (Delegation of Authority or Processes)

Article 46 The head of an Administrative Organ may delegate the authority or processes prescribed in Chapter II through the preceding Chapter (excluding Article 10 and Section 4 of Chapter IV) to any employee(s) of the Administrative Organ, pursuant to Cabinet Order provisions (in the case of an organ established under the jurisdiction of the Cabinet and in the case of the Board of Audit, an order of those organs).

### (Provision of Information to a Person who Intends to Make a Request for Disclosure)

Article 47 (1) In order to allow a person who intends to make a Request for Disclosure, Request for Correction or Request for Suspension of Use (hereinafter referred to as the "Request for Disclosure, Correction or Suspension of Use, etc." in this paragraph) to make the Request for Disclosure, etc. easily and appropriately, the head of an Administrative Organ is to provide information that contributes to specifying the Retained Personal Information held by the Administrative Organ and take other adequate measures in consideration of convenience for the person who intends to make the Request for Disclosure, Correction or Suspension of Use, etc.

(2) The Minister of Internal Affairs and Communications is to establish comprehensive information centers for ensuring the smooth implementation of this Act (excluding the preceding Chapter; the same applies in Article 49, paragraph (1), Article 50, and Article 51).

(Processing of Complaints on the Handling of Personal Information by Administrative Organs)

Article 48 The head of an Administrative Organ must endeavor to properly and expeditiously process any complaints on the handling of Personal Information in that Administrative Organ.

(Public Announcement of the Status of Enforcement)

Article 49 (1) The Minister of Internal Affairs and Communications may collect reports on the status of enforcement of this Act from the heads of Administrative Organs.

(2) Each year the Minister of Internal Affairs and Communications is to compile the reports set forth in the preceding paragraph and make a summary of those reports public.

(Requests for Submission of Materials and Explanations)

Article 50 Beyond what is prescribed in paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications may, if that person finds it necessary do so in order to achieve the purpose of this Act, request the head of an Administrative Organ for submission of materials and explanations on the implementation status of processes concerning the handling of Personal Information in the Administrative Organ.

(Statement of Opinions)

Article 51 The Minister of Internal Affairs and Communications may state opinions to the head of an Administrative Organ concerning the handling of Personal Information in the Administrative Organ, if the minister finds it necessary to do so in order to achieve the purpose of this Act.

(Provision of Information to a Person Who Intends to Make a Proposal Pursuant to Article 44-5, Paragraph (1), and Other Provisions)

Article 51-2 (1) In order to allow a person who intends to make a proposal pursuant to Article 44-5, paragraph (1), or Article 44-12, paragraph (1), to make the proposal easily and appropriately, the head of an Administrative Organ is to provide information that contributes to that proposal and take other adequate measures in consideration of convenience for the person who intends to make that proposal.

(2) The Personal Information Protection Committee is to establish comprehensive information centers for ensuring the smooth implementation of the provisions of the preceding Chapter.

(Processing of Complaints about Handling of Anonymized Personal Information Held by an Administrative Organ)

Article 51-3 The head of an Administrative Organ must endeavor to properly and expeditiously process any complaints on the handling of the Anonymized Personal Information Held by that Administrative Organ.

(Requests for Reports)

Article 51-4 The Personal Information Protection Committee may collect reports on the status of enforcement of the provisions in the preceding Chapter from the heads of Administrative Organs.

(Requests for Submission of Materials and On-Site Inspections)

Article 51-5 Beyond what is prescribed in the preceding Article, the Personal Information Protection Committee may, if it finds it necessary for achieving the purpose of the preceding Chapter, request the head of an Administrative Organ of submission of materials and explanations on the state of implementation concerning the handling of Anonymized Personal Information Held by the Administrative Organ, or may have its employees conduct on-site inspections.

(Guidance and Advice)

Article 51-6 The Personal Information Protection Committee may, if it finds it necessary for smooth application of the provisions in the preceding Chapter, give necessary guidance and advice to the head of Administrative Organ concerning the Administrative Organ's handling of Anonymized Personal Information it holds.

(Recommendations)

Article 51-7 The Personal Information Protection Committee may, if it finds it necessary for smooth application of the provisions in the preceding Chapter, give recommendations to the head of an Administrative Organ concerning the organ's handling of Anonymized Personal Information it holds.

(Restriction on the Exercise of Authority by the Personal Information Protection Committee)

Article 51-8 In light of the purpose of the provisions of Article 43, paragraph (1) of the Act on the Protection of Personal Information, the Personal Information

Protection Committee must not exercise its authority over an act by the head of an Administrative Organ to provide Anonymized Personal Information Held by an Administrative Organ to the persons listed under Article 76, paragraph (1) of the same Act (limited to the case where the Anonymized Personal Information Held by an Administrative Organ is handled for the purpose specified in each of the items in paragraph (1)).

(Delegation to Cabinet Orders)

Article 52 Any other particulars necessary for implementation of this Act, beyond those prescribed in this Act, is prescribed by Cabinet Order.

## **Chapter VI Penal Provisions**

Article 53 An employee or former employee of an Administrative Organ or a person engaged in or formerly engaged in the entrusted duties under Article 6, paragraph (2) or Article 44-15, paragraph (2) who provides another person with a Personal Information File (including a Personal Information File of which content has been reproduced or processed in whole or in part) relating to Article 2, paragraph (6), item (i) containing individuals' confidential information without justifiable grounds is subject to imprisonment with work for not more than two years or to a fine of not more than 1,000,000 yen.

Article 54 A person prescribed in the preceding Article who, for illicit personal gains or gains for a third party, provides another person with or appropriates Retained Personal Information that person acquired in relation to work, is subject to imprisonment with work for not more than one year or to a fine of not more than 500,000 yen.

Article 55 An employee of an Administrative Organ who, by abusing that authority, collects documents, drawings or Electronic or Magnetic Records containing confidential information on individuals for exclusive use for a purpose other than that employee's duties, is subject to imprisonment for not more than one year or to a fine of not more than 500,000 yen.

Article 56 The provisions of the preceding three Articles also apply to persons who commit the offenses outlined in these Articles outside Japan.

Article 57 A person who has received the disclosure of Retained Personal Information based on a Decision on Disclosure by deception or other wrongful means is subject to a fine of not more than 100,000 yen.



## **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into force as of the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures)

Article 2 (1) When applying the provisions of Article 10, paragraph (1) of the Act on the Protection of Personal Information Held by Administrative Organs after this amendment to Personal Information Files already owned by Administrative Organs at the time of the enforcement of this Act, the wording "intends to retain" in the same paragraph is to be replaced with the wording "has already retained," and the phrase "in advance" in the same paragraph is to be replaced with the phrase "without delay after the enforcement of this Act."

(2) Prior laws continue to govern any request made prior to the enforcement of this Act pursuant to Article 13, paragraph (1) or (2) of the Act on the Protection of Personal Information Electronically Processed and Held by Administrative Organs prior to amendment.

(3) Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act, and to acts committed after the enforcement of this Act in cases where the preceding paragraph stipulates that prior laws continue to apply.

(4) Beyond the provisions of the preceding three paragraphs, any transitional measures necessary to enforce this Act are specified by Cabinet Order.

## **Supplementary Provisions [Act No. 119 of July 16, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Local Independent Administrative Agency Act (Act No. 118 of 2003); provided, however, that the provisions set forth in the following items come into effect as of the date specified for each respective item:

(i) Omitted;

(ii) Provisions in Article 24: the later of the enforcement date of the Act on the Protection of Personal Information Held by Administrative Organs or the date of enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 6 Beyond these Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are stipulated by Cabinet Order.

**Supplementary Provisions [Act No. 102 of October 21, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the enforcement date of the Postal Service Privatization Act.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 117 Prior laws continue to govern the application of penal provisions to the following acts: acts committed before the enforcement of this Act; acts that are committed after the enforcement of this Act in cases where these Supplementary Provisions stipulate that prior laws remain applicable; acts that are committed prior to the lapse of the provisions in Article 38-8 (limited to the part relating to items (ii) and (iii)) of the former Postal Money Order Act that are deemed to remain effective after the enforcement of this Act under Article 9, paragraph 1 of these Supplementary Provisions; acts that are committed prior to the lapse of the provisions in Article 70 (limited to the part relating to items (ii) and (iii)) of the former Postal Money Order Act that are deemed to remain effective after the enforcement of this Act under Article 13, paragraph (1) of these Supplementary Provisions; acts that are committed prior to the lapse of the provisions in Article 8 (limited to the part relating to item (ii)) of the former Act on the Entrustment of Postal Transfer Deposit and Contribution that are deemed to remain effective after the enforcement of this Act under Article 27, paragraph (1) of these Supplementary Provisions; acts that are committed prior to the lapse of the provisions in Article 70 (limited to the part relating to item (ii)) of the former Public Corporation Act that are deemed to remain effective after the enforcement of this Act pursuant to Article 39, paragraph (2) of these Supplementary Provisions; acts that are committed prior to the lapse of the provisions in Articles 71 and 72 (limited to the part relating to item (xv)) of the former Public Corporation Act that are deemed to remain effective after the enforcement of this Act under Article 42, paragraph (1) of these Supplementary Provisions; and acts that are committed prior to the specified date relating to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in the cases where the provisions of Article 2, paragraph (2) of the Supplementary Provisions are applicable.

**Supplementary Provisions [Act No. 42 of June 27, 2012] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2013.

## **Supplementary Provisions [Act No. 67 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for the Partial Revision of the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014, hereinafter referred to as the "General Rules Revising Act"); provided, however, that the provisions set forth in the following items come into effect as of the date specified for each respective item:

(i) Provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Effect of Dispositions)

Article 28 Dispositions, procedures, and any other acts taken or to be taken under individual governing laws (including orders issued thereunder) that were in effect before this Act comes into effect and that have corresponding provisions in individual laws that are in effect after the revision by this Act (including orders issued thereunder; hereinafter referred to as "revised laws" in this Article), are deemed to be dispositions, procedures, and other acts taken or to be taken under the corresponding provisions of the revised laws, unless otherwise stipulated in any law (including a Cabinet Order issued under that law).

(Transitional Measures Concerning the Application of Penal Provisions)

Article 29 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act in cases where these Supplementary Provisions stipulate that prior penal provisions remain effective.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 30 Beyond the provisions of Article 3 through the preceding Article of these Supplementary Provisions, any transitional measures necessary for enforcing this Act (including transitional measures relating to penal provisions) are specified by Cabinet Order (or by the Rules of the National Personnel Authority for particulars governed by the National Personnel Authority).

## **Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the enforcement date of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Principle of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior laws continue to govern administrative appeals on dispositions or other acts or inactions of administrative agencies regarding dispositions or other acts of administrative agencies made before this Act comes into effect or to inactions of administrative agencies based on applications made before this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of an action with regard to particulars for which an action may be filed only after a determination, decision or any other act is made by an administrative agency in relation to an administrative appeal pursuant to the provisions of laws amended by the provisions of this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been entered (if this administrative appeal may be entered only after a determination, decision or any other act is made by an administrative agency in relation to another administrative appeal, including particulars for which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been entered).

(2) Prior laws continue to govern the filing of an action for revocation of a disposition or any other act against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions of this Act (including cases where prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after a determination on an appeal for review is made pursuant to the provisions of laws as amended by the provisions of this Act.

(3) Prior laws continue to govern an action for revocation of a determination, decision or any other act made by an administrative agency in relation to an administrative appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act and to acts committed after the enforcement of this Act in cases where Article 5 and the two preceding Articles of these Supplementary Provisions stipulate that prior laws continue to apply.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 10 Beyond the provisions of Article 5 through the preceding Article of these Supplementary Provisions, any transitional measures necessary for enforcing this Act (including transitional measures relating to penal provisions) are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 51 of May 27, 2016] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation; provided, however, that the provisions of Articles 3 and 4 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measures upon Partial Revision of the Act on the Protection of Personal Information Held by Administrative Organs)

Article 2 If the Administrative Organ prescribed in Article 2, paragraph (1) of the Act on the Protection of Personal Information Held by Administrative Organs, which is revised pursuant to the provisions of Article 1 (hereinafter referred to as the "Revised Administrative Organization Private Information Protection Act" in this Article), has already held any Personal Information File prescribed in paragraph 6 of the same Article at the time of the enforcement of this Act, and the Recorded Information in that Personal Information File as prescribed in Article 10, paragraph (1), item (v) of the Revised Administrative Organization Private Information Protection Act contains Special Care-required Personal Information as prescribed in Article 2, paragraph (4) of the Revised Administrative Organization Private Information Protection Act, the provisions of Article 10, paragraph (1) of the Revised Administrative Organization Private Information Protection Act is applied by replacing the wording "intends to retain" in the same paragraph with the wording "has already retained," and replacing the wording "in advance" in the same paragraph with the wording "without delay after the enforcement of the Act Concerning Establishment of Related Acts that Contribute to the Creation of New Industries and the Realization of a Vibrant Economic Society and Enriched Quality of Life for the Japanese public by Appropriately and Effectively Utilizing the Personal Information Possessed by Administrative Organs (Act No. 51 of 2016)."

(Delegation to Cabinet Orders)

Article 3 Beyond what the preceding Article provides, any transitional measures necessary for enforcing this Act is specified by Cabinet Order.

(Measures for Promoting the Integrated Use of Personal Information)

Article 4 (1) Within two years from the promulgation of this Act, the government is to take measures to promote the integrated use of Personal Information in fields which will enhance the public interest and the lives of the Japanese public by the integrated use of Personal Information prescribed in Article 2, paragraph (1) of the Act on the Protection of Personal Information (Act No. 57 of 2003) possessed by personal information handling business operators prescribed in Article 2, paragraph (5) of the same Act, state organs prescribed in item (i) of the same paragraph, local governments prescribed in item (ii) of the same paragraph, incorporated administrative agencies, etc., prescribed in item (iii) of the same paragraph, and local incorporated administrative agencies prescribed in item (iv) of the same paragraph.

(2) When applying the provisions of the preceding paragraph during the period until the Act Partially Amending the Act on the Protection of Personal Information and the Act Concerning Use of Numbers to Identify Specific Individuals in Administrative Procedures (Act No. 65 of 2015) is enforced, the wording "Article 2, paragraph (5)" in the same paragraph is deemed to be replaced with the wording "Article 2, paragraph (3)."