



JAPAN LEGAL UPDATE

Privacy

Japan's Personal Information Protection Commission Publishes Rules for Handling Personal Data Transferred from EU to Japan

Following the agreement between Japan and the European Union regarding personal data protection in July 2018 (please see the [August 2018 issue](#)), the European Commission decided to officially launch the procedure for adoption of its adequacy decision for Japan on September 5, 2018.

Accordingly, Japan's Personal Information Protection Commission published the "Supplementary Rules for Handling Personal Data Transferred from the EU to Japan in accordance with the Adequacy Decision" ("Rules") on August 24, 2018. The Rules establish additional regulations in connection with the handling of personal data provided from the European Union based on the adequacy decision and supplement the provisions of Japan's Personal Information Protection Act.

The Rules' purpose is to make the standards of the legal regulations regarding protection of personal data in Japan equal to those in the European Union. The Rules will come into effect on the date on which the European Commission's adequacy decision for Japan comes into force.

The following is an outline of the Rules:

Special Care-Required Personal Information. If a personal information handling business operator ("PIHBO") receives personal data from the European Union in accordance with the adequacy decision, the PIHBO must handle the data as special care-required personal information if the data includes information regarding a labor union, sex life, or sexual orientation.

Retained Personal Data. If a PIHBO receives personal data from the European Union in accordance with the adequacy decision, the PIHBO must handle the data as retained personal data, and the principal can demand that the PIHBO disclose, correct, or delete the data, regardless of the length of the retention period.

Specification of Utilization Purpose/Limitation of Use. If a PIHBO receives personal data from the European Union in accordance with the adequacy decision or a PIHBO receives personal data from another PIHBO, the PIHBO must confirm and record the process by which the personal data was acquired (including the specified utilization purpose) and handle the personal data within the scope of the specified utilization purpose.

Restrictions on Provision to Third Parties in Foreign Countries. If a PIHBO provides personal data received from the European Union in accordance with the adequacy decision to a third party in a foreign country, the PIHBO must provide information regarding the third party to the principal so that the principal can determine whether to consent to such provision of the personal data. The PIHBO also must acquire the advance consent of the principal.

Anonymously Processed Information. Personal data received from the European Union in accordance with the adequacy decision will be deemed to be anonymously processed information only when a PIHBO deletes the information regarding the methods used to anonymize the data and makes it impossible to re-

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identify the specific individual to whom the original data relates.

Once the European Commission adopts the adequacy decision for Japan, Japanese business operators will be able to receive personal data from the European Union in accordance with the adequacy decision. Since the Rules apply to such personal data, businesses that expect to handle personal data should familiarize themselves with the Rules in advance.

Intellectual Property

Enforcement Date of the Amendment to the Unfair Competition Prevention Act Announced

On September 12, 2018, the Cabinet Order to Specify an Enforcement Date of the Act of Partial Revision of the Unfair Competition Prevention Act, Etc. was promulgated. The Amendment to the Unfair Competition Prevention Act (excluding certain provisions) will come into force on July 1, 2019. For details, please see the [April 2018 issue](#) of this newsletter.

Financial Institutions

Legislative Council Adopts Outline for the Amendments to the Civil Execution Act

On October 4, 2018, the Legislative Council adopted the Outline for the Amendments to the Civil Execution Act ("Outline") and submitted it to the Minister of Justice. As with the Interim Proposal (please see the [November 2017 issue](#) of this newsletter), the Outline recommends the introduction of a system in which, upon petition by a creditor, a court can obtain certain information from financial institutions regarding the existence of a debtor's deposit or savings accounts and other items necessary to petition the attachment of those accounts. According to media reports, the Ministry of Justice aims to prepare a bill for the amendments based on the Outline and to submit the bill to the Diet soon. Progress of this situation should be monitored.

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