

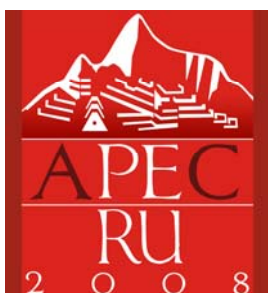


**Asia-Pacific
Economic Cooperation**

2008/SOM1/ECSG/SEM/008

A Japanese Culture of Privacy

Submitted by: Japan



**Technical Assistance Seminar on International
Implementation of the APEC Privacy
Framework
Lima, Peru
19-20 February 2008**

A Japanese Culture of Privacy

Session I: The Asian Culture of Privacy



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APEC ECSG Data Privacy Seminar
Peru, Lima
February 18, 2008

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Topics of A Japanese Culture of Privacy



1. Privacy Conceptions in Japan

- (1) *What is Privacy?*
- (2) *Public Opinion Polls*
- (3) *Court Cases*

2. The Japanese Act and its implementation

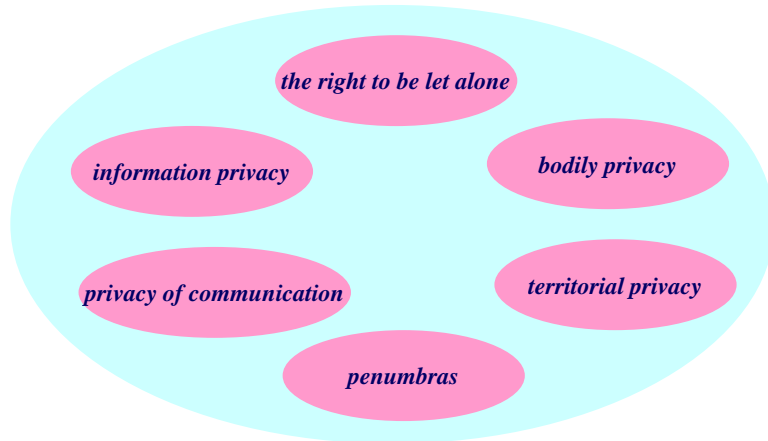
- (1) History of Privacy Laws
- (2) Outline of the Acts on the Protection of Personal Information
- (3) Implementation Status of Act

3. Beyond A Privacy Culture

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1. Privacy Conceptions in Japan

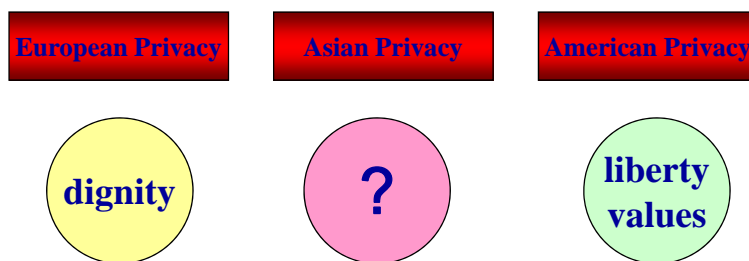
(1) What is Privacy?



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1. Privacy Conceptions in Japan

(1) What is Privacy?



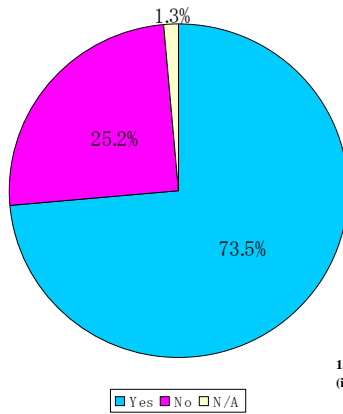
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1. Privacy Conceptions in Japan

(2) Public Opinion Polls



Interest in Personal Information Protection



1811 valid answers
(interviewed in Sep. 2006 by Cabinet Office)

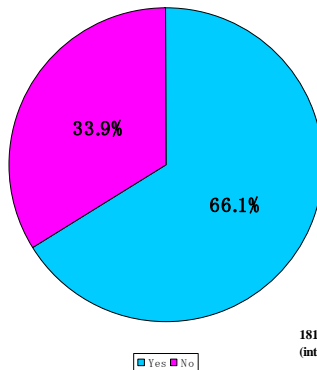
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1. Privacy Conceptions in Japan

(2) Public Opinion Polls



Knowledge of difference between privacy and personal information



1811 valid answers
(interviewed in Sep. 2006 by Cabinet Office)

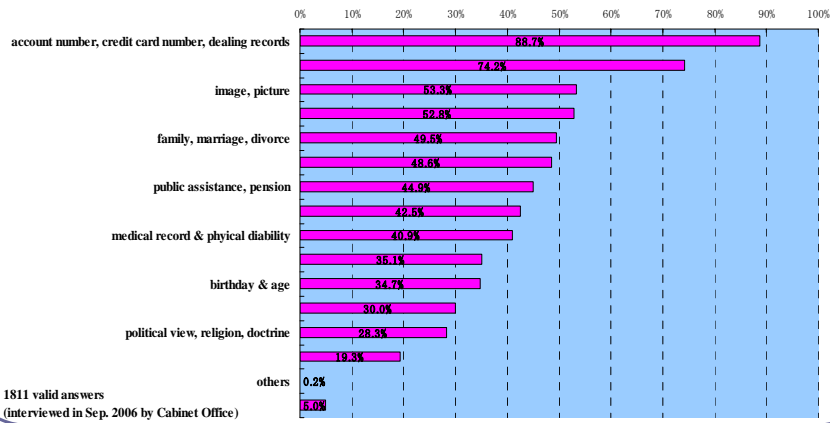
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1. Privacy Conceptions in Japan

(2) Public Opinion Polls



Personal Information which One Does Not Wish to Disclose



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1. Privacy Conceptions in Japan

(3) Court Cases



- **private life**

“The right to privacy is recognized as the legal protection or the right not to be disclosed of private life”

Utage-no-Ato Case (Tokyo District Court, 1964)

- **personal information**

“It is reasonable that one refuses disclosing such information to others with whom one does not connect, and his or her expectation should be legally protected.”

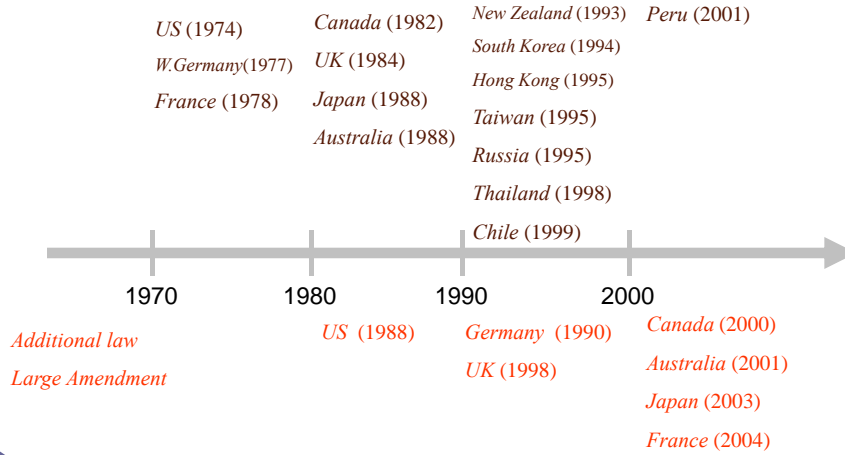
Jiāng Zémín lecture Case (Supreme Court, 2003)



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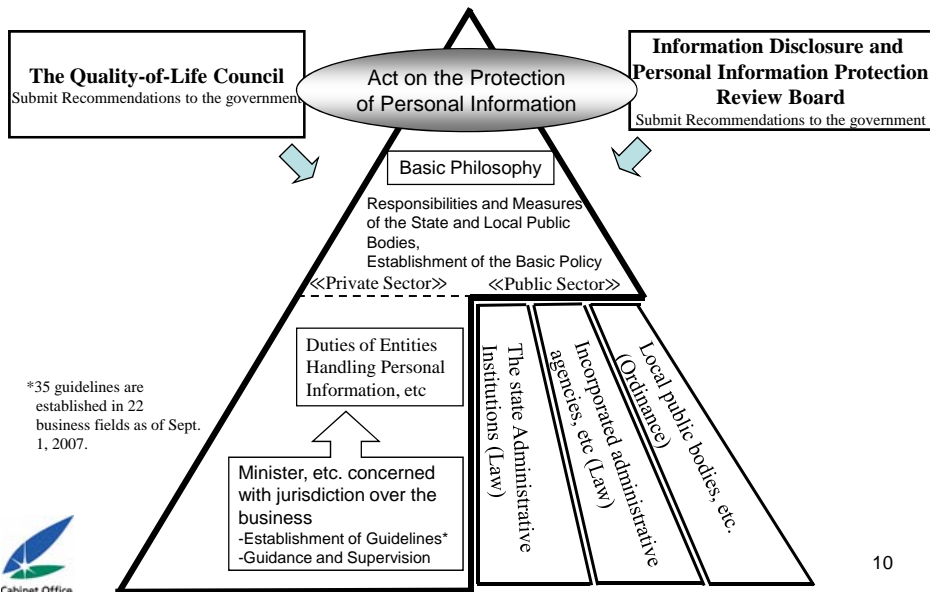
2. Japanese Act and its Implementation

(1) History of Privacy Laws



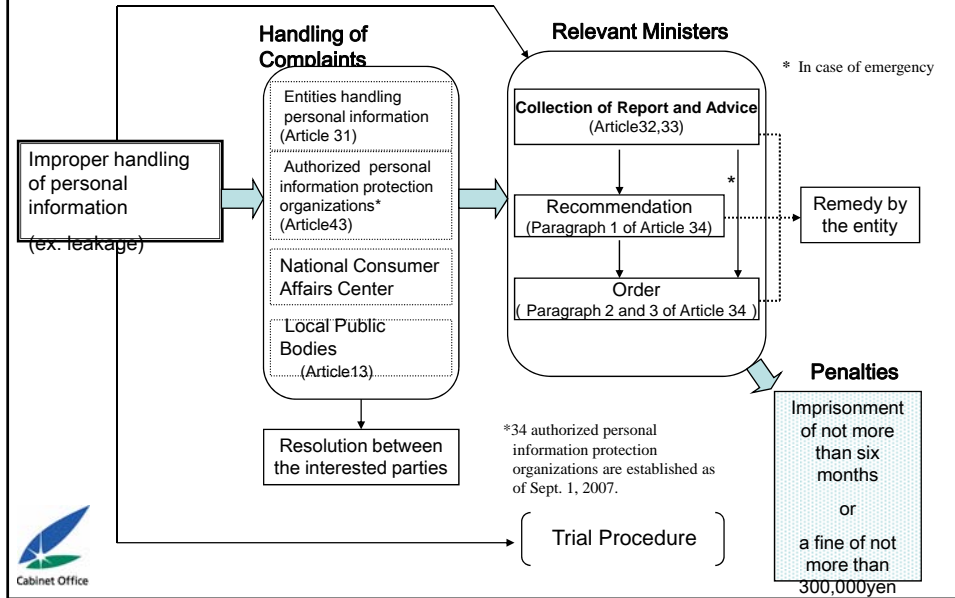
(2) Outline of the Act on the Protection of Personal Information

Scheme of the System - Multi-layer Measures & Relevant Sectoral Minister System



(2) Outline of the Act: Mechanism of Ensuring Effectiveness

- Autonomous approach; mechanism to encourage the business entities to protect personal information



2. Japanese Act and its Implementation

(3) Implementation Status of Act



• **893 cases of leakage*** made public by entities in FY 2006.

*Including "loss" or "damage" besides "leakage."

cf.) **1556 cases in FY2005.**

• **Many cases relatively small as to number of persons affected by leakage.****

** Referred as "number of leakage-affected persons"

Table Number of Leakage-affected Persons (FY 2006)

	Fiscal 2006	
	Number of Cases	Percentage of Total
500 or less	683	76.5%
501 to 5,000	109	12.2%
5,001 to 50,000	60	6.7%
50,001 or more	36	4.0%
Unknown	5	0.6%
Total	893	100.0%

2. Japanese Act and its Implementation

(3) Implementation Status of Act



A123456(01)

PrivacyMark

JIPDEC

(Japan Information Processing
Development Corporation)



PD Mark

Kanagawa Prefecture

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3. Beyond A Privacy Culture

