



EU-JAPAN CENTRE FOR INDUSTRIAL COOPERATION

日欧産業協力センター

Seminar Report

Data Protection Reform in the EU and Japan – challenges and solutions

Tokyo, 21 April 2016

The EU-Japan Centre for Industrial Cooperation organised a seminar on the Data Protection Reform on 21 April, 2016 in Tokyo (programme annexed) with the support of the Delegation of the European Union to Japan and the Japan External Trade Organization (JETRO). The Seminar attracted more than 180 participants, reflecting a timely organisation and strong interests in the subject.

Today, cross-border data transfers, including of personal data, are increasing as a result of globalisation, the expansion of cross-border business activities and digitalisation. Therefore, having effective data protection frameworks are instrumental in building trust, crucial for innovation and, ultimately, for economic growth.

In this respect, both Japan and the EU see important developments. In Japan, the amended Act on the Protection of Personal Information was promulgated in September 2015. As for the EU, the General Data Protection Regulation (GDPR) had been politically agreed by the co-legislators at the end of 2015. And it was formally adopted just one week before the seminar.

During the seminar, Mr. Kazunori Yamamoto of the Personal Information Protection Commission (PPC) explained outline of the amended Personal Information Protection Act of Japan. The PPC itself was established on 1 January 2016 by the amendment of the Act. On the reason why the Act was amended, Mr. Yamamoto cited the change of circumstances such as the development of information technology and evolution of “big data” processing. As for the content of amendment, Mr. Yamamoto referred to the clearer definition of personal information, newly introduced definition of “sensitive personal information” and setting rules for utilisation of “de-identified (de-personalised)” information, among others.

Mr. Bruno Gencarelli of the European Commission explained the data protection reform

package of the EU which consists of the GDPR and a directive for the police and criminal justice cooperation. GDPR will replace a directive of 1995 which was transposed into national law with different interpretation.

According to Mr. Gencarelli, GDPR has three objectives, i.e. providing rules fit for the digital single market, putting individuals in control of their data and a modern data protection governance with stronger national data protection agencies and an independent European Data Protection Board. GDPR will introduce a severe sanction against breach, which is either 2% or 4 % of global turnover of the offender, depending on the gravity of violation. Mr. Gencarelli justified strict sanction to make new framework credible and dissuasive.

Mr. Gencarelli indicated that the reform package would appear in the official journal of the EU in May (which actually did on 4 May, setting the starting date for GDPR application on 25 May 2018).

As for the difference between the EU and Japan, Mr. Gencarelli pointed that the principles of data protection were the same although protection systems may be different. Mr. Yamamoto thinks that the new EU regulations require more discipline and self-governing attitude of corporations, which is a characteristic common to Japanese law.

For EU-Japan cooperation in this field, both Mr. Gencarelli and Mr. Yamamoto emphasised the importance of deepening bilateral dialogue. In addition, Mr. Gencarelli said that he would work for facilitating data transfer between EU and Japan while Mr. Yamamoto clarified that it was their goal to accomplish a smooth and appropriate data transfer, and make them used in full.

Prepared by Toshiro Fukura, Manager, Policy Analysis and Seminars

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Programme

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| 16:00-16:05 | Welcome remarks by the EU-Japan Centre for Industrial Cooperation |
| 16:05-16:25 | Presentation from Japan
Mr. Kazunori Yamamoto, Director, Secretariat, Personal Information Protection Commission (PPC) |
| 16:25-17:05 | Presentation from the EU
Mr. Bruno Gencarelli, Head of Unit, Data Protection Unit, Directorate-General Justice and Consumers, European Commission |
| 17:05-17:30 | Q&A |
| 17:30-19:00 | Networking Reception |