

A New Privacy Law in Japan

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US Approach to Privacy (1)

Privacy is a basic constitutional and human right in the US

Seen in Consumer Bill of Rights announced by Obama administration in 2012

- Individual Control: consumer control how their data is used
- Transparency: clear information about company privacy practices
- Respect for Context: Use consistent with original purpose
- Security: responsible handling of data
- Access and Accuracy: right to access and correct data
- Focused collection: reasonable limits on data retained
- Accountability: company policies clear and enforceable

US Approach to Privacy (2)

Recognition in US of the importance of data to economic growth and that “sharing” information creates value for companies and users

Privacy is not “absolute;” it is “situational”

Privacy for health records different from online music purchases

“Codes of conduct” for each sector developed through multistakeholder process

Privacy should be left to the market - companies that do not honor privacy will lose customers trust and fail

US Approach to Privacy (3)

What about bad practices and bad companies?

Federal Trade Commission (FTC) is designated to “oversee” the market and use its power to protect consumers against “unfair trade practices,” of which privacy abuse is one element

FTC is an agency with the authority, the budget and the personnel to protect privacy - but it also has the responsibility to promote commerce and competition. Both functions are necessary in an Internet Economy.

FTC has taken aggressive actions to enforce privacy

- Fined Google 22.5 million dollars for using “cookies” without permission

New Japan Framework for Privacy

Abe government will revise Personal Information Privacy Law to promote greater utilization of data in areas like healthcare and education and get economic benefits of Big Data and Internet of Things

Government will reference 2013 OECD Principles:

collection limitation, data quality, purpose specification, use limitation, security safeguards, openness principle, individual participation, accountability

Global companies have three concerns:

- 1) Role of “third party body” (power, budget, personnel) and hearing process
- 2) Definition and implementation of guidelines in areas such as consumer consent, data transfer restrictions, data protection technologies
- 3) Lack of transparency and participation by multistakeholder community in the process to date

Keio Multistakeholder Forum on Privacy

- Convened on March 10, 2014 by Keio Internet Project for the Internet & Society (KIPIS)
- Keynote address by Deputy CIO Haruki Mukai
- Discussion by 6-member Expert Panel, including speakers from Keio University, InfoCom, Yahoo Japan, Kyoto University, Google and Microsoft
- Statements by 8-member Multistakeholder Group, including two attorneys, a woman working in small business, two NPO representatives, an international business consultant, a university graduate student and a software engineer
- Major message: need for more transparency in government decision making process and support for a “Japan” approach to privacy that balances market principles with interests of society
- Next Steps: KIPIS will reconvene this group and others in May 2014