12 October 2026

Mr Michael McGrath
Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection
European Commission

Subject: Submission of an Opinion Requesting Examination of the EU Adequacy Decision for Japan

Dear Commissioner McGrath,

We, the three organisations named below, submit the enclosed Opinion requesting examination of the adequacy decision for Japan (Commission Implementing Decision (EU) 2019/419).

The Opinion was drawn up in Japanese, and the Japanese text is the original. An English translation and a summary in English are enclosed.

For reference, we also enclose English translations of two opinions of the Japan Federation of Bar Associations (JFBA) concerning the Act on the Protection of Personal Information. The JFBA is not a party to this submission.

We would be grateful if the Commission would take the Opinion into account in its monitoring and review of the adequacy decision.

Yours sincerely,

Association for the Protection of Local Autonomy and Local Healthcare
Co-Representatives: YAMAGISHI Ryota, KOJIMA Nobuo

Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren)
President: TAKEDA Tomoo

A group of members of the Study Group on the Role and Structure of Personal Information Protection Authorities
Chair of the Study Group: JITSUHARA Takashi

Contact for correspondence

KOJIMA Nobuo, Attorney at Law
Tokyo Surugadai Law Office
Iwanami Shoten Annex 7F, 2-3-1 Kanda-Jimbocho, Chiyoda-ku,
Tokyo 101-0051, Japan
Email: [redacted]

Enclosures

1. Opinion Requesting Examination of the EU Adequacy Decision for Japan
   (Japanese original and English translation)

2. Summary of the Opinion (English)

3. For reference: opinions of the JFBA

   (a) Opinion Calling for Amendments to the Act on the Protection of Personal Information concerning the Personal Information Protection Commission and Improvements in Its Operation, 20 February 2025 (unofficial English translation)

   (b) Opinion Regarding the Bill for the “Every-Three-Year Review” Amendment of the Act on the Protection of Personal Information, 16 April 2026 (English translation; summary of opinion as published by the JFBA, the remainder an unofficial translation by the submitters)

Copies to: European Parliament; European Data Protection Board (EDPB); European Data Protection Supervisor (EDPS)

Opinion Requesting Examination of the EU Adequacy Decision for Japan

(Commission Implementing Decision (EU) 2019/419)

— Does Japan Continue to Ensure a Level of Personal Data Protection Essentially Equivalent to That in the EU? —

12 October 2026

Association for the Protection of Local Autonomy and Local Healthcare
Co-Representatives: YAMAGISHI Ryota, KOJIMA Nobuo

Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren)
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Personal Information Protection Authorities
Chair of the Study Group: JITSUHARA Takashi

This document is an English translation of the original Japanese text.

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Executive Summary

1 Submitters and Purpose of this Opinion

This Opinion has been prepared by the Association for the Protection of Local Autonomy and Local Healthcare, Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren) and a group of members of the Study Group on the Role and Structure of Personal Information Protection Authorities, with the assistance of persons engaged in practice and research on personal information protection in Japan, and is submitted to the European Commission (for an outline of the submitting organisations, see "About the Submitting Organisations" following Chapter 6).

This Opinion examines the level of protection under the Act on the Protection of Personal Information (APPI) as amended by the Act Partially Amending the Act on the Protection of Personal Information, etc. (Act No. 56 of 2026), which was enacted on 10 July 2026 and promulgated on 17 July 2026 (the APPI as so amended is referred to below as "the Amended Act"), together with the independence of the Personal Information Protection Commission (PPC) and the effectiveness of its supervision. It also takes up the problems surrounding the My Number health insurance card as a concrete example through which to examine the effectiveness of protection and the PPC's response.

In 2019, Japan was granted an adequacy decision under Article 45 of the EU General Data Protection Regulation (GDPR) (Commission Implementing Decision (EU) 2019/419; hereinafter "the 2019 Adequacy Decision"). Personal data transferred from the EU to business operators in Japan are protected by the APPI together with the Supplementary Rules, which impose additional obligations applicable only to data received from the EU.

With certain exceptions, the amendments made by Act No. 56 of 2026 will enter into force on a date to be specified by Cabinet Order within two years of that Act's promulgation; that date has not yet been fixed. Neither the Cabinet Orders nor the Orders of the Personal Information Protection Commission (hereinafter "PPC Orders") to be issued under the delegations in the Amended Act have been published. As regards the Amended Act, this Opinion sets out the concerns arising from the text of the Act and the structure of its delegations. On 16 September and 1 October 2026, the PPC published its basic approach to the development of the Cabinet Orders and PPC Orders; owing to the timing of the preparation of this Opinion, however, we were unable to examine its content sufficiently.

An adequacy decision does not require the level of protection in a third country to be identical to that in the EU, but essentially equivalent (Schrems I, C-362/14, para. 73; Schrems II, C-311/18, para. 94). Accordingly, this Opinion does not address article-by-article differences between the Amended Act and the GDPR as such, but asks whether the protection afforded by the Amended Act and the Supplementary Rules still meets the standard of essential equivalence. The PPC's own Secretary-General has explained that this equivalence must be maintained and that failure to do so would lead to the repeal of the Decision (Annex C-11).

The European Commission periodically reviews adequacy decisions and may suspend, amend or repeal a decision where it finds that the level of protection is no longer ensured (Article 45(3) and (5) GDPR). The report on the first review was published in 2023, and the next review is expected around 2027. We respectfully request the European Commission to take up the issues set out in Chapters 1 to 5 below as items for examination in that review, and to verify whether the level of protection and the effectiveness of the Supplementary Rules on which the 2019 Adequacy Decision was premised are still maintained.

The purpose of this Opinion is to help ensure that personal data transferred from the EU remain protected in the future, through the European Commission requesting explanations and any necessary remedial action from the Government of Japan.

2 Central Thesis of this Opinion

Our concerns can be summarised in the following three points.

First, the PPC, the data protection authority, bears the dual role of protecting personal information and promoting its utilisation, and itself drafted and led the bill that became Act No. 56 of 2026, which expands the use of data. In light of that process, there are serious concerns about the PPC's independence as a supervisory authority. It is also doubtful whether the PPC, as the data protection authority, has played a sufficient role with regard to the problems surrounding the My Number health insurance card. This also raises the question whether the PPC is functioning effectively as a supervisory authority.

Second, the Amended Act substantially expands the use of data without the data subject's[1] consent on the grounds of AI development, the compilation of statistics, etc.,[2] thereby lowering the general level of protection.

Third, the Amended Act leaves the core of protection — the scope of "compilation of statistics, etc.", the scope of cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention", and the content of the technical and organisational measures that business operators must take — **to PPC Orders and guidelines**. The level of protection may thus be determined, and changed, without the involvement of the Diet.

An adequacy decision presupposes the existence and effective functioning of an independent supervisory authority (Article 45(2)(b) GDPR). In light of the Amended Act and the process by which it was drafted, whether the PPC can still be regarded as an independent supervisory

[1] In this Opinion, "data subject" is used for the individual to whom personal information relates (*honnin*). In the statutory text, this term is rendered as "identifiable person" (following the English translation of the APPI published on the Japanese Law Translation database of the Ministry of Justice, which is also used for the provisional translations of provisions of the Amended Act in this Opinion); Commission Implementing Decision (EU) 2019/419 renders it as "principal", which is retained in quotations from that Decision.

[2] "Compilation of statistics, etc." (*tōkei sakusei tō*) is defined in Article 2(13) of the Amended Act as the compilation of statistics or any other act of producing information on the tendencies or characteristics of a large volume of information (excluding information relating to individuals) by extracting information on the elements constituting that information and classifying, comparing or otherwise analysing it, being those of such acts that are prescribed by Order of the Personal Information Protection Commission as being unlikely to harm the rights and interests of individuals (provisional translation by the submitters). The PPC's Institutional Reform Policy of 9 January 2026 states that the term includes "AI development, etc. that can be characterised as the compilation of statistics, etc.", and the Government has cited AI models falling within this definition as an example of what is envisaged; not all AI development is covered, but the development of AI models meeting this definition is envisaged as falling within the special provision (§4.1(1)).

authority in this sense needs to be examined anew. Whether the PPC is functioning effectively as a supervisory authority also needs to be examined.

The protection afforded once the amendments enter into force will depend to a large extent on the PPC Orders, guidelines and other instruments that the PPC is yet to develop. However, given the doubts about the PPC's independence, it is difficult to trust that, in developing such subordinate norms, the PPC will of its own accord strike the balance required to guarantee sufficient protection. The protection afforded under the Amended Act, including the development of the PPC Orders and other instruments, also needs to be examined anew. The extent to which the new safeguards provided for in the Amended Act can be taken into account in the adequacy assessment, while the finalised content of the subordinate legislation has not been made known, is also a matter that requires examination in the next review.

3 Principal Issues and Grounds

This section summarises the principal issues in each chapter and their grounds, as an overview of the main body from Chapter 1 onward. Chapters 1 to 3 address problems of the institutional foundations, Chapter 4 the substantive lowering of the level of protection, and Chapter 5 its manifestation in practice and the response of the supervisory authority to it. For the detailed grounds of each issue and the specific matters we ask the European Commission to examine, please refer to the relevant parts of the main body indicated in brackets.

Chapter 1 Independence of the Supervisory Authority (PPC)

This Opinion does not take issue with the PPC's adopting a policy stance favourable to data utilisation as such. According to the case law of the Court of Justice of the European Union (CJEU), supervisory authorities, as the guardians of fundamental rights, strike a balance for the purpose of protection, and the mere risk that the government could exert influence over that balancing may be enough to impair their independence (C-518/07, para. 36; §1.2).

The APPI builds consideration for the usefulness of personal information not only into the purpose of the Act but into the very mission of the PPC (Articles 1 and 131). "Usefulness" here refers to industrial and socio-economic policy goals, including the creation of new industries, and shares a common basis with the policies promoted by the Government. The PPC has therefore always been in a position susceptible to the influence of government policy. This dual-purpose structure already existed in 2019. Since then, however, the PPC has been positioned as a body responsible for the "planning and drafting of national policy", and has come to draft, in line with the Government's policy directions, amendments to the very Act it applies in its supervision. With the role of planning and drafting added to the dual purpose, a channel has been institutionally established through which the Government's policy directions can steer the PPC's balancing, and the risk of the PPC being drawn into the Government's industrial policy has increased. This is a structure that endangers independence (§1.3(1)(a)–(c)).

Moreover, this positioning does not derive from the statutory provisions defining the affairs under the PPC's jurisdiction. It was first written into the Basic Policy on the Protection of Personal Information (hereinafter "the Basic Policy"), which is drafted by the PPC itself and

adopted by Cabinet decision, in its 2022 revision. A document to which the European Commission referred at the time of the Decision has thus been altered after the Decision in a direction that expands the PPC's role. The PPC Secretariat has likewise cited the Basic Policy and a Cabinet Order as the basis for its drafting of bills (Annex C-14; this was a reply given at the working level). This Opinion asks whether a PPC that undertakes planning and drafting still enjoys guarantees of independence essentially equivalent to those required by Article 52 GDPR (§1.3(1)(c)(d)).

What, then, happened in practice in the present amendment? Two doubts emerge from the deliberations in the review that led to the Amended Act (the so-called "triennial review"). First, while exceptions to the consent requirement were given concrete shape at the "entry" point of AI training, the regulation of profiling, which concerns the "exit" point where a completed model is used to evaluate individuals, was scaled back, and the reasons for this cannot be verified from publicly available materials. This Opinion does not allege that any procedure was omitted; its concern is that the reasons for a decision that set back protection-related issues cannot be ascertained from outside (§1.3(2)(a)). Second, the minister in charge and the Chairperson of the PPC have themselves explained that the PPC finalised the bill "in light of" the Government's data utilisation policy and "adjusting it so as to be consistent with" the Government's development of the data utilisation framework. The extension of the provision of data by administrative organs and the like to the private sector also appears to have been carried out in step with the Government's development of the data utilisation framework, without first putting in place obligations for recipients. At the very least, this raises the doubt whether a "mere risk" of external influence exists (§1.3(2)(b)).

Chapter 2 Redress and Enforcement Not Commensurate with the Expansion of Data Use

This Opinion does not seek administrative fines identical to those under the GDPR. The problem is the asymmetry of substantially expanding data use while failing to strengthen redress and enforcement correspondingly. The newly introduced administrative monetary penalty is limited both in the conduct it covers and in its triggering conditions and, in particular, is ill-suited to capturing abuse in the form of self-use, where data obtained under the special provision are used for a company's own AI development. Recourse to recommendations and orders, which remain available for breaches beyond the reach of the penalty, has also been limited: in the private sector, six recommendations and one order over the last three years. Under Japanese law, individual redress faces many difficulties, and there is neither collective litigation nor a class action covering breaches of the Act on the Protection of Personal Information. A collective injunction and redress scheme to make up for this was not introduced, even though the PPC's own study group had acknowledged its necessity. Nor have statistics been published showing whether individual redress has led business operators to take corrective action, cease use or the like (§2.2, §2.3).

Chapter 3 A Structure in Which the Level of Protection Can Be Changed Without the Involvement of the Diet

This Opinion does not take issue with delegation to subordinate norms as such. The problem is that the very boundaries of whether protection applies, such as the scope of "compilation of statistics, etc.", are left to PPC Orders, and that the Supplementary Rules can likewise be amended by the PPC alone (§3.3(1)(2)). Furthermore, for those parts of the Supplementary Rules that impose obligations exceeding the Act itself, their binding force and the basis for their enforcement under domestic law are, in our view, lacking. This is a point that the European Data Protection Board (EDPB) itself raised in Opinion 28/2018 but was unable to examine owing to time constraints (para. 48; §3.3(3)). This Opinion does not claim that the 2019 Adequacy Decision was wrong. It asks that the reliability of the guarantees provided by the Supplementary Rules be examined now. In addition, the enactment and amendment of the Orders and rules that determine the level of protection, and the drafting of the bill delegating that power to itself, are both carried out by one and the same body whose independence is in doubt (§3.3(4)).

Chapter 4 Substantive Lowering of the Level of Protection

Chapter 4 discusses the concrete lowering of the level of protection under the Amended Act, not from the standpoint of article-by-article identity with the GDPR, but from that of essential equivalence.

At its centre is the special provision for the "compilation of statistics, etc." (§4.1). The Amended Act permits the acquisition and provision of personal information without consent, including non-public special care-required personal information (referred to in the statutory text as "sensitive personal information"), where the purpose is the compilation of statistics, etc., including the development of AI models (§4.1(1)). Statistical purposes under the GDPR imply that the results are not used in support of measures or decisions regarding any particular natural person (Recital 162), whereas the Amended Act contains no provision prohibiting the use of a completed model for the diagnosis or evaluation of individuals. The PPC itself, in paragraph (4) of the Supplementary Rules, has laid down a restriction to the same effect for pseudonymized personal information prepared from personal information originating from the EU. Moreover, in its answers in the Diet, the Government cited the development, using medical data, of AI to "make diagnoses and assessments" as a reason why the special provision is needed, thereby envisaging that models developed under the special provision will be used for the diagnosis of individuals and the like. In light of Recital 162, such use does not fall within statistical purposes under the GDPR. Furthermore, under the GDPR, a statistical purpose merely serves as a ground for regarding further processing as compatible with the original purpose; processing such as disclosure to third parties still requires a legal basis under Article 6 (and, for special categories of data, an exception under Article 9(2) in addition). The special provision must therefore be compared not with statistical purposes under the GDPR, but with the protection afforded under Articles 6 and 9(2) (§4.1(2)).

The special provision permits provision without consent on the basis of the purpose of the compilation of statistics, etc. itself, together with public announcement and a written agreement between the providing and receiving parties. There is neither the balancing of

interests required for legitimate interests under the GDPR (Article 6(1)(f)) nor a right to object equivalent to Article 21(1) (§4.1(6)), nor any provision limiting the period for which the information provided may be retained (§4.1(3)). In addition, while the Act requires that the model created must not constitute information relating to individuals, it is unclear by what technical measures and verification this is to be ensured, given that models are known to be capable of memorising and reproducing training data (§4.1(4)). This Opinion does not conclude that essential equivalence has been lost on the basis of these differences alone, but asks whether the special provision can be regarded as equipped with safeguards equivalent to those of the GDPR. It should also be noted that the EU's Digital Omnibus proposal, in recognising legitimate interests for AI development, retains the balancing of interests and the unconditional right to object, and thus does not justify Japan's special provision (the proposal has not been adopted; §4.1(2)).

Furthermore, the Amended Act did not introduce rights concerning profiling and automated decision-making. Since the special provision encourages the development of models that can be used to evaluate and select individuals, the absence of such rules carries all the more weight. This is a structure that broadens exceptions to consent at the entry point while lacking protection at the exit point (§4.1(5)). As for persons under the age of 16, the Amended Act newly provides for consent to be given by a legal representative on their behalf; however, since consent itself is not required under the special provision, this protection does not function. In light of the particular weight the GDPR gives to the interests of children in the balancing of legitimate interests, the question arises whether the protection of children is sufficient (§4.1(2)).

In addition, the blanket exception for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention" does not require any interest on the part of the business operator or any necessity of the processing, and may extend to processing that would not satisfy the requirements of legitimate interests under the GDPR (§4.2). With regard to biometric data, while acknowledging the progress made by the Amended Act, this Opinion points out deficiencies such as the absence of justification prior to processing, broad exceptions and delegation to subordinate legislation, and non-application to the public sector (§4.3).

Chapter 5 Real-World Manifestation and the Response of the Supervisory Authority: The My Number Health Insurance Card and Vulnerable Persons

The My Number health insurance card is a real-world instance in which the deficiencies identified in the preceding chapters have materialised in a large-scale system, and at the same time a case showing how the supervisory authority actually functions. This Opinion shows that consent to the provision of medical information is coarse-grained and that there is no function for withdrawing consent once given; that medical information is aggregated and held on an individual basis without clear safeguards against use beyond the original purpose; and that protection was not built in at the design stage, with consideration for vulnerable persons added only after the fact (§5.2–§5.4). The PPC had the opportunity to give its opinion on the Government's Priority Policy Program, which set out the abolition of the health insurance card and the sharing of medical information. The PPC, however, confined itself to general points to

note, and within the scope of the published materials we examined, we found no instance in which it expressed a view on these points. This merits examination from the perspective of the effective functioning of the supervisory authority presupposed by an adequacy decision (Article 45(2)(b) GDPR) (§5.5).

4 Requests

In light of the above, we respectfully request that the European Commission, in its next periodic review, take the following steps (details in Chapter 6):

1. Examine anew whether the PPC can still be regarded as an independent supervisory authority within the meaning of Article 45(2)(b) GDPR (including whether it is functioning effectively) (Chapters 1 and 5).
2. Formally take up each of the matters for examination identified in Chapters 1 to 5 as items for examination relating to the maintenance of the 2019 Adequacy Decision.
3. With regard to these issues, request the Government of Japan and the PPC to provide explanations concerning the level of protection after the amendment and the effectiveness of the Supplementary Rules, and to take any necessary remedial action.
4. Assess whether the guarantees provided by the Supplementary Rules still merit trust in view of the doubts regarding the independence of the PPC, which has the power to amend them, and in light of the domestic legal basis for their enforceability (Chapter 3).
5. Where, as a result of such examination, the premises of the 2019 Adequacy Decision are found no longer to be met, consider appropriate measures under Article 45(5) GDPR.

Chapter 1 Independence of the Supervisory Authority (Personal Information Protection Commission)

1.1 Requirements for an Independent Supervisory Authority Presupposed by the 2019 Adequacy Decision

An EU adequacy decision presupposes, as an indispensable condition, that **an independent supervisory authority exists and functions effectively** in the third country.

- **Article 8(3) of the Charter of Fundamental Rights of the European Union (the Charter)** provides that "Compliance with these rules shall be subject to control by an **independent authority**", thereby requiring control by an independent authority as part of the guarantee of the fundamental right. The provision itself refers only to "an independent authority"; it is Article 52(1) GDPR, set out below, that specifies the required standard as "complete independence".
- **Article 52 GDPR** requires that each supervisory authority "act with **complete independence** in performing its tasks and exercising its powers" (paragraph 1), that its members "remain free from external influence, whether direct or indirect, and ... neither seek nor take instructions from anybody" (paragraph 2), and that they "refrain from any action incompatible with their duties" (paragraph 3).
- **Article 45(2)(b) GDPR** expressly lists, among the elements to be taken into account in the adequacy assessment, "**the existence and effective functioning of one or more independent supervisory authorities**". This Chapter addresses independence; effective functioning is discussed in 5.5 of Chapter 5.
- **The Adequacy Referential (WP254 rev.01)**, endorsed by the EDPB, places a "**Competent Independent Supervisory Authority**" first among the elements by which a third-country system "consistent with the European one must be characterized", and states that "[t]he supervisory authority **shall act with complete independence and impartiality in performing its duties and exercising its powers and in doing so shall neither seek nor accept instructions**". It further states that the supervisory authority "should have all the necessary and available powers and missions to ensure compliance with data protection rights", that "[c]onsideration should also be given to the staff and budget of the supervisory authority", and that it "shall also be able, **on its own initiative, to conduct investigations**".
    - To avoid terminological confusion, we note that the term "**essential guarantees**" also appears in the Referential. It denotes a separate concept used for access to personal data by public authorities for law enforcement and national security purposes (the four guarantees derived from WP237: that processing be based on clear, precise and accessible rules; that necessity and proportionality be demonstrated; that processing be subject to independent oversight; and that effective remedies be available). The requirement of an independent supervisory authority is set out in a different chapter, and it is that requirement which this Chapter addresses.

The 2019 Adequacy Decision was likewise premised on the assessment of the PPC as such an "independent supervisory authority". Any weakening of the PPC's independence therefore goes to the very legal foundation of the 2019 Adequacy Decision.

1.2 The Meaning of "Independence" in the Case Law of the CJEU: What This Opinion Claims

Under EU law, the fact that a supervisory authority adopts a policy stance favourable to data utilisation does not in itself mean that it lacks independence. Disagreement to the effect that "the PPC's policy judgments are unsound" is a matter of policy, not of independence.

What this Opinion addresses is independence in the following sense, as established by the Court of Justice of the European Union (CJEU).

- In **Commission v Germany (C-518/07, 2010, Grand Chamber)**, the CJEU determined the meaning of "complete independence" in the second subparagraph of Article 28(1) of Directive 95/46 in the following sequence.
    - **(i) Concept and purpose.** The adjective "complete" "implies a decision-making power independent of any direct or indirect external influence on the supervisory authority" (para. 19). The guarantee of independence is intended to ensure the effectiveness and reliability of supervision, and "was established not to grant a special status to those authorities themselves as well as their agents, but in order to strengthen the protection of individuals and bodies affected by their decisions". It follows that supervisory authorities "must act objectively and impartially" and, "[f]or that purpose, they must remain free from any external influence, including the direct or indirect influence of the State or the Länder, and not of the influence only of the supervised bodies" (para. 25).
    - **(ii) The position of supervisory authorities and their task of balancing.** Supervisory authorities are "the guardians of [the] fundamental rights and freedoms", and their existence in the Member States is considered "an essential component of the protection of individuals with regard to the processing of personal data" (para. 23). "In order to guarantee that protection, the supervisory authorities must ensure a fair balance between, on the one hand, observance of the fundamental right to private life and, on the other hand, the interests requiring free movement of personal data" (para. 24). Ensuring a balance is thus a task imposed on supervisory authorities, but it is imposed **as a means of guaranteeing protection**.
    - **(iii) Consequence: what must be shielded is the balancing itself.** On that basis, the judgment settles the interpretation as follows: independence "precludes not only any influence exercised by the supervised bodies, but also any directions or any other external influence, whether direct or indirect, which could call into question the performance by those authorities of their task consisting of establishing a fair balance between the protection of the right to private life and the free movement of personal data" (para. 30). The judgment

does not deny that supervisory authorities make balancing judgments. **What must be shielded from outside is precisely that balancing.**

- **(iv) The nature of the danger and the standard of proof.** Among the dangers against which independence protects, the judgment cites, alongside the possibility that a government may itself be an interested party in processing (public-private partnerships, public contracts) or may have a specific interest in access to databases for taxation or law enforcement purposes, the possibility that a government "may also tend to favour economic interests in the application of the provisions on the protection of individuals with regard to the processing of personal data by certain companies which are economically important for the Land or region" (para. 35). Of decisive importance is that the judgment held that "the mere risk that the scrutinising authorities [on the government side] could exercise a political influence over the decisions of the supervisory authorities is enough to hinder the latter authorities' independent performance of their tasks", and that, "for the purposes of the role adopted by those authorities as guardians of the right to private life, it is necessary that their decisions, and therefore the authorities themselves, remain above any suspicion of partiality" (para. 36). Accordingly, without any need to prove the actual exercise of influence, the structural existence of such a risk, or the emergence of a suspicion of partiality, may in itself constitute an infringement of independence.

- **Commission v Austria (C-614/10, 2012, Grand Chamber)** held that functional independence, in the sense that the members of the supervisory authority are not bound by instructions, "is, admittedly, an essential condition", but "is not by itself sufficient to protect that supervisory authority from all external influence" (para. 42). It went on to find that the very **structure of personal and organisational links with government bodies** — the service-related link between the managing member and the federal authority employing that member (paras. 45–55), the integration of the authority's office with the departments of the Federal Chancellery (paras. 56–61) and the Federal Chancellor's unconditional right to information (paras. 62–64) — failed to meet the requirement of "complete independence" (conclusion at para. 66). In so holding, the judgment expressly relied on the risk of "prior compliance", including through evaluation for the purposes of promotion, and on the "suspicion of partiality" standard (C-518/07, para. 36) (paras. 51–52).
- **Schrems I (C-362/14, 2015)** described the establishment of independent supervisory authorities, which ensures the effectiveness and reliability of monitoring, as "an essential component of the protection of individuals with regard to the processing of personal data" (para. 41), and established essential equivalence as the standard of adequacy (para. 73). **Schrems II (C-311/18, 2020)** confirmed that standard (para. 94).

In short, the core of independence under EU law lies in **whether the authority performs the balancing required to guarantee protection autonomously from the policy direction of the government as a whole, and whether there is a structural risk of external influence**. In what follows, we examine the PPC against this yardstick.

1.3 Doubts as to Independence in the Present Case

(1) Structural Problem: Coexistence of the Supervisory Function and Involvement in the Promotion of Data Utilisation (the Underlying Condition)

(a) A Dual Purpose Rooted in the Legal Framework

Article 1 of the APPI defines its purpose as "to protect the rights and interests of individuals while ... ensuring due consideration of the value of personal information and the fact that the proper and effective application of personal information contributes to the creation of new industries" and the like.[3] This consideration for usefulness is not confined to the general purpose of the Act. Article 131 of the Act defines the PPC's **duties** themselves as "ensuring the proper handling of personal information ... in order to protect individual rights and interests while ... ensuring due consideration of the value of personal information". This structure of consideration is thus expressly built into the PPC's statutory duties.

It is necessary here to identify the difference from the EU precisely. In the EU too, the right to the protection of personal data is not an absolute right; it "must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality" (Recital 4 GDPR). Attaching value to the usefulness of data is therefore not in itself a point of difference from the EU. Article 51(1) GDPR likewise makes supervisory authorities "responsible for monitoring the application of this Regulation, in order to protect the fundamental rights and freedoms of natural persons in relation to processing and to facilitate the free flow of personal data within the Union". Consideration by a supervisory authority for the free flow of data is not excluded under EU law either.

However, the "**free flow**" referred to in the GDPR is intended to **prevent divergences in the rules of the Member States from hampering the flow of data within the Union, by ensuring a consistent and high level of protection** (Article 1(3); Recitals 13 and 123; C-518/07, paras. 20 and 22). It does not mean that the quantitative expansion of data use, as a matter of industrial policy, is an administrative objective of the supervisory authority.

By contrast, Article 1 of the APPI cites the fact that the proper and effective use of personal information contributes to "**the creation of new industries and the realization of a vibrant economic society and an enriched quality life of the Japanese public**", and builds **consideration for its usefulness** into the very purpose of the Act. This is not the concept of harmonisation aimed at removing regulatory obstacles within an internal market, but a goal of industrial and socio-economic policy.

This difference matters from the standpoint of independence because **one of the interests the PPC is to take into account overlaps with the industrial and socio-economic policies promoted by the Government itself**. When the Government sets the expansion of AI development and data utilisation as policy goals, those policies may be accepted not only as external demands on the PPC, but as giving concrete content to the PPC's own statutory duty of "consideration for usefulness".

[3] Quotations from provisions of the APPI not affected by the 2026 amendment follow the English translation published on the Japanese Law Translation database of the Ministry of Justice (which reflects amendments up to Act No. 37 of 2021), which renders the term *yūyōsei* as "value". In the text of this Opinion, the term is rendered as "usefulness".

Admittedly, taking usefulness into account is not the same as adopting utilisation targets or priorities set by the Government as premises of the PPC's own judgment. Even with respect to the Government's policy goals, it is for the PPC itself to judge, in light of their impact on the rights and interests of individuals, to what extent their realisation should be accepted and on what conditions. **Once the realisation of those goals is treated as a given, however,** the PPC's role shifts from balancing, including as to whether the policy goals are appropriate, to adjusting the design of protection so as to fit the realisation of the goals. **In that case, even without receiving any specific instructions from the Government, the PPC's own balancing may be steered through its acceptance of the Government's judgment as to what should be given priority.**

What this Opinion takes issue with is not the PPC's involvement in policy-making as such. The question is **whether a structure has arisen in which the PPC's own balancing is steered from outside through institutional and operational channels that link the consideration of usefulness to specific government policies on data utilisation**. Below, we examine this question with reference to the change in the PPC's positioning **since the 2019 Adequacy Decision** and to the judgments and coordination in the present amendment.

(b) Response to the Anticipated Objection that "Nothing Has Changed Since 2019"

This dual-purpose structure as such existed at the time of the 2019 Adequacy Decision. A claim that "the structure itself is contrary to independence" therefore cannot, on its own, withstand the response that the European Commission examined it in 2019 and nonetheless found adequacy. This Opinion does not allege a breach of independence on the basis of this static structure alone.

This dual-purpose structure is, however, an **underlying condition** that permanently harbours a risk of external influence (the Commission v Germany standard in 1.2 above). The 2019 Adequacy Decision implicitly presupposed that, even under this underlying condition, the PPC would judge autonomously **as a guardian of fundamental rights** (C-518/07, para. 23) — that is, that its balancing would not be steered from outside by the Government's industrial policy. The question to be asked is whether that premise is still met in light of the change in the PPC's institutional positioning since the 2019 Adequacy Decision and of the actual judgments and coordination in the present amendment.

(c) Change Since the 2019 Adequacy Decision: The PPC's Positioning as a Body Responsible for Planning and Drafting

The PPC was established by the 2015 amendment as an independent administrative commission, consolidating the monitoring and supervisory powers that had until then been dispersed among the competent ministers for each business sector. The PPC's Annual Report for fiscal year 2015 expressly states, as the background to its establishment, that "it was necessary to achieve international consistency in organisational terms" with the EU and others, and describes the PPC as "an independent body" established "because independence from all subjects of monitoring and supervision ... is necessary". Moreover, the Secretary-General of the PPC recently stated expressly at a government meeting that one of the conditions for obtaining an EU adequacy decision is that "a supervisory authority that is independent of politics and the administration enforces the law", and that "[t]here is a background to the

necessity of satisfying the former condition, and there is a history in which the Personal Information Protection Commission was established ..." (Annex C-10). **The relationship between the PPC's establishment as an independent supervisory authority and the requirements of an EU adequacy decision has been explained by the Government itself.**

We examine below, in turn, four documents of different legal character.

- **The provision of the APPI on the affairs under the PPC's jurisdiction (Article 132)**: the scope of the PPC's affairs as laid down by the Diet in statute. The establishment acts of Japanese ministries ordinarily include, among the affairs under their jurisdiction, a provision equivalent to "the planning and drafting of policy".
- **The "Final Report" of the Task Force**: a planning document prepared by the Cabinet Secretariat prior to the 2021 amendment. It is not a legal instrument.
- **The "Basic Policy on the Protection of Personal Information"**: a government policy drafted by the PPC and adopted by Cabinet decision under Article 7 of the Act. It is not subject to a vote of the Diet.
- **The Cabinet Order on the Organisation of the Secretariat of the Personal Information Protection Commission** (hereinafter "the Secretariat Organisation Order"): a Cabinet Order adopted by the Cabinet.

What is at issue is the route by which the PPC came to be positioned as a body responsible for "the planning and drafting of national policy". Under this positioning, the PPC drafts, in line with the Government's policy directions, amendments to the very Act it applies in its supervision. This may become the channel, described in (a) above, through which government policy steers the PPC's balancing. Moreover, this positioning was conferred not through the provision on the affairs under the PPC's jurisdiction laid down by the Diet, but through a planning document, a Basic Policy adopted by Cabinet decision and a Cabinet Order — none of which is deliberated in the Diet. Below, we show in turn that this development is a change that occurred after the 2019 Adequacy Decision (this subsection (c)), and that its basis runs through documents drafted by the PPC itself ((d) below).

The Basic Policy as amended on 12 June 2018, to which the 2019 Adequacy Decision referred, contained no statement positioning the PPC as the "**control tower**" (*shireitō*) of the personal information protection system responsible for "**the planning and drafting of national policy**". The Decision identified, as an element ensuring the level of protection, the statement in that Basic Policy that the PPC "has" the power under Article 6 of the Act to establish binding rules (the Supplementary Rules) that "supplement and go beyond" the rules laid down in the Act and the Cabinet Order (Recital 14).

Subsequently, the planning document of the Cabinet Secretariat, which drafted the 2021 amendment (the consolidation of personal information protection legislation, including the public sector), the "Final Report on the Review of the Personal Information Protection System" (Task Force on the Review of the Personal Information Protection System, December 2020), stated expressly, as a "consequence" of the PPC's sole jurisdiction over the integrated Act and alongside enforcement (i) and authoritative interpretation (ii), that "(iii) planning and drafting concerning the integrated Act (such as institutional review pursuant to

the review clause in the Supplementary Provisions) will be carried out by the Personal Information Protection Commission" (Report, 1-1, point 7; Annex C-6). The attribution of the planning and drafting function to the PPC was thus presented in the Government's own planning document not as an issue for consideration but as a settled consequence.

However, the amending bill adopted by the Cabinet and submitted to the Diet some six weeks after that Report (on 9 February 2021) did not include in Article 132, which defines the affairs under the PPC's jurisdiction, any provision equivalent to "the planning and drafting of policy" of the kind ordinarily found in ministerial establishment acts. No legislative materials explaining why the express statement in the planning document was not reflected in the provision on the affairs under the PPC's jurisdiction can be found in publicly available information. In light of this course of events, it is **difficult to explain the absence of a planning-and-drafting provision as a mere omission that went unnoticed**.

It was only **in the revision of 1 April 2022** that the positioning as a body responsible for planning and drafting was first written into the Basic Policy. Paragraphs 1(1) and 8(1) of the revised Basic Policy newly described the PPC as the "control tower" responsible for "the planning and drafting of national policy" (Annex C-4). The attribution of the planning and drafting function to the PPC was thus settled, without being stated in the statutory provision on the affairs under its jurisdiction, by way of a planning document and then a non-legislative instrument, namely the Basic Policy adopted by Cabinet decision. **The very document to which the European Commission referred as a basis for adequacy has been altered after the Decision in a direction that extends the PPC's role to that of a body responsible for planning and drafting.** This is documentary evidence against the anticipated objection that the structure has not changed since the time of the 2019 Adequacy Decision.

This change, combined with the dual purpose described in (a) above, has serious implications for independence. The PPC has consideration for usefulness as a statutory duty and has from the outset been subject to a structure of judgment that shares a common basis with the Government's industrial and socio-economic policies. The addition of the role of drafting, in line with the Government's policy directions, amendments to the very Act it applies in its supervision has institutionally established a channel through which the Government's policy directions can steer the PPC's balancing. **The risk of the PPC being drawn into the Government's industrial policy has become greater than at the time of the 2019 Adequacy Decision, and this is a structure that endangers independence.**

Positioned in this way as a body responsible for planning and drafting, the PPC itself decided, in the present triennial review, the "Policy on Institutional Reform under the So-called Triennial Review of the Act on the Protection of Personal Information" (hereinafter "the Institutional Reform Policy") and the bill (the Institutional Reform Policy at the 347th meeting of the PPC on 9 January 2026, and the bill at the 352nd meeting on 18 March 2026; see (2)(a) and (b)(i) below). In (d) below we examine the explanation given by the PPC Secretariat of the basis for this drafting function, and in (2) below the problems that emerged in the present deliberations and coordination.

(d) The PPC Secretariat's Explanation of the Basis for the PPC's Drafting Function

As to the basis under domestic law on which the PPC functions as a drafting body — notwithstanding the absence of a planning-and-drafting provision among the affairs under its jurisdiction — the PPC Secretariat, in **a written reply dated 10 September 2026** (issued in the name of the General Coordination Unit, General Affairs Division, of the PPC Secretariat) to an enquiry made by the Study Group on the Role and Structure of Personal Information Protection Authorities as a research project of the Japan Law Foundation (*Nichibenren Hōmu Kenkyū Zaidan*), in the name of the principal investigator (for the relationship between the Study Group and the submitters, see "About the Submitting Organisations"), expressly cited the following three grounds (Annex C-14):

- that Article 7 of the APPI assigns the function of **drafting** the Basic Policy to the PPC, and under it the PPC bears a planning and drafting function within the Government;
- that Article 132, item (i), among the affairs under the PPC's jurisdiction, provides for "matters concerning the formulation and promotion of the Basic Policy", and the Basic Policy as decided by the Cabinet expressly states that the PPC "bears responsibility for the planning and drafting of national policy concerning personal information, etc."; and
- that Article 5, item (iv), of the Cabinet Order on the Organisation of the Secretariat of the Personal Information Protection Commission provides that the preparation of draft laws and regulations is among the Secretariat's functions.

This is not an inference constructed by this Opinion from various documents, but **an explanation given by the PPC Secretariat**. It should be noted, however, that the reply was given by the PPC **Secretariat** at the working level and does not represent **a decision of the PPC as a collegiate body** composed of the Chairperson and the Commissioners.

The words "under it" in the PPC Secretariat's reply are understood to position the function of drafting the Basic Policy under Article 7 as part of the basis for the planning and drafting function within the Government. It is not unequivocally clear from the wording of the reply, however, whether "under it" refers to a direct conferral of the planning and drafting function by Article 7 itself, or to a structure of grounds mediated by Article 132, item (i), and the Basic Policy adopted by Cabinet decision.

Under either reading, the following points remain unchanged. Article 132, item (i), and Article 7(3) themselves provide only for **the preparation of the draft** of the Basic Policy and for its **formulation and promotion**; they do not expressly provide for the planning and drafting of legislation. It is the Basic Policy (as revised on 1 April 2022) — drafted by the PPC itself and adopted by Cabinet decision — that contains the wording positioning the PPC as the body responsible for planning and drafting. On top of that, the Secretariat Organisation Order, which is a Cabinet Order and neither a statute nor a PPC Order, lays down the preparation of draft laws and regulations as an affair of the Secretariat. In other words, the function of drafting bills that deregulate the very Act the PPC supervises is constructed, **in the absence of any provision on the affairs under its jurisdiction expressly providing for the planning and drafting of legislation**, through the Basic Policy, a Cabinet-decision document drafted by the PPC itself, and through a Cabinet Order likewise not deliberated in the Diet —

a structure that may be characterised as self-authorising. This structure of grounds corresponds to the post-Decision change in positioning described in (c) above. In other words, the structure described in (c) above, which endangers independence, has been formed through documents not deliberated in the Diet, beginning with the Basic Policy drafted by the PPC itself.

This point shares a common root with the structural problem addressed in Chapter 3, namely that the core of the level of protection can be changed by PPC Orders and the Supplementary Rules without control by the Diet. The same kind of structure appears here as well: **both the power to change the level of protection and the wording conferring that power on the PPC itself have been positioned by way of non-legislative instruments drafted by the PPC itself.**

That said, it is the Cabinet that submits bills to the Diet, and it may be argued that a body within the Government can draft amendments to legislation under its jurisdiction, or that the "Government" referred to in the triennial review clause (Article 10 of the Supplementary Provisions of Act No. 44 of 2020) includes the PPC. However, **whether the explanation of the domestic legal basis is correct and whether mechanisms guaranteeing independent judgment are maintained are separate questions** (1.2 above). We ask the European Commission to examine whether, under the structure of grounds explained by the PPC Secretariat, institutional guarantees essentially equivalent to the complete independence required by Article 52 GDPR of an independent supervisory authority are maintained even where the PPC undertakes planning and drafting (item 2 of 1.4 below). Moreover, the doubts concerning the present judgments and coordination examined in (2) below do not depend on whether this explanation is correct.

(2) Two Doubts Emerging from the Deliberations in the Triennial Review

The PPC led the deliberations in the triennial review from November 2023. Below, we examine two doubts that emerged in those deliberations. **In (a), we ask whether the reasons for the PPC's internal balancing can be verified from publicly available materials. In (b), we ask whether the PPC's independent balancing was secured in its coordination with government policy. As to this second doubt, (i) examines the link between the Government's data utilisation policy and the PPC's drafting of the bill, and (ii) examines a concrete legislative outcome, namely the extension of the provision of data by administrative organs and the like, and the safeguards after receipt.** The concern raised in (a) does not presuppose that the external influence discussed in (b) is established.

(a) Consent Exception for the Compilation of Statistics, etc. Made Concrete, While Deliberation on Profiling Receded: Relaxation at the Entry Point and Shelving at the Exit Point (June 2024 to January 2026)

The interim summary of the triennial review listed profiling — "processing that analyses information on the behaviour, interests, etc. of the data subject" — as an issue for continued consideration, without specifying the content of any regulation. In the public consultation, many submissions called for some form of regulation, ranging beyond the strengthening of data subjects' rights to the prohibition of certain types of profiling and the regulation of the

inference of special care-required personal information. Subsequently, an exception dispensing with the data subject's consent for the compilation of statistics, etc. was added to the matters under consideration, and the treatment of the two issues diverged.

To understand the relationship between them, it is necessary to distinguish two stages in the development and use of AI. The first is the stage at which the personal information of many people is used to train a model; this Opinion calls it the "entry point". The second is the stage at which the completed model is applied to a specific individual to predict, evaluate or select that person; we call it the "exit point". Those whose data are used for training at the entry point and those who are evaluated at the exit point are not necessarily the same people. The special provision for the compilation of statistics, etc. concerns the entry point, whereas the use of the results of profiling to evaluate or select specific individuals concerns the exit point.

The special provision for the compilation of statistics, etc. rests on the premise that general-purpose analytical results have no direct effect on the rights and interests of individuals. The models developed under it, however, may be used to predict, evaluate or select future customers, applicants, patients and others (4.1 below). **Widening the entry point for AI training without consent promotes the development of models that can be used to evaluate and select individuals.** All the more important, therefore, are restrictions on use and the guarantee of data subjects' rights at the exit point, where models are applied to individuals (4.1(5) below).

In the event, however, while the consent exception was institutionalised, the regulation of profiling was postponed and ultimately ceased to be listed even as an item for continued consideration. It is conceivable that different issues reach different stages of maturity, but in light of the relationship between the entry and exit points described above, **it is necessary to verify the reasons for the judgment — that is, how the risks associated with applying models to individuals, and the need for regulation, were assessed when the consent exception was given priority.** Below, we examine this change in priorities and the extent to which the reasons for it are set out in publicly available materials.

The change in the issues under consideration was as follows.

- **"Interim Summary" (26 June 2024, 292nd meeting)**: The "Interim Summary of the Deliberations under the So-called Triennial Review of the Act on the Protection of Personal Information", decided on 26 June and published the following day, defined profiling in Part 2, section 4 ("Other") as "processing that analyses information on the behaviour, interests, etc. of the data subject" and expressly identified it as an issue for continued consideration. The public consultation on the Interim Summary, held from 27 June to 29 July, received a total of 2,448 submissions from 1,731 organisations, business operators or individuals, and profiling was mentioned in 95 places. Submissions calling for stronger regulation included a general prohibition, the introduction of rules equivalent to Articles 21 and 22 and Article 15(1)(h) GDPR, regulating the "inference" of special care-required personal information as "acquisition", and a prohibition of targeted advertising directed at children.
- **"Perspectives for Enriching the Deliberations" (16 October 2024, 304th meeting)**: In the "Perspectives for Enriching the Deliberations under the So-called Triennial

Review of the Act on the Protection of Personal Information", decided on 16 October, profiling was treated, in item 1(6) of Reference 4 ("Examples of perspectives in re-examining the fundamental premises of the current system"), as one example of the question whether "categorical restrictions on purposes of use or stronger involvement of the data subject" are needed with respect to business activities that may have a considerable impact on data subjects. Whereas the Interim Summary had singled out profiling and expressly stated that it would "continue to be considered", here it was merely given as an example of a perspective for re-examining the system in general. **Its positioning can be assessed as having receded, from an express statement that it would continue to be considered as a separate issue to an example of a perspective for deliberation.** At the same time, **a consent exception for statistical use, absent from the Interim Summary, appeared for the first time in the PPC's own policy for the review.** Item 2 of the same Reference asked whether, for statistical use and the like, "a mechanism for ensuring appropriate use through the involvement of the data subject is required", and item 3 cited cases in which the purpose of use at the recipient is limited to general-purpose analysis as a candidate category for which a prohibition on third-party provision would not be necessary. While deliberation on the regulation of the exit point receded, an exception dispensing with the data subject's consent at the entry point was newly added to the items under consideration. Hearings by the Secretariat (with 11 experts and 17 organisations, including business and consumer organisations) were then held in November and December, and a summary was reported to the PPC on 17 December.

- **"On the Future Course of Deliberations" (22 January 2025, 312th meeting)**: The document "On the Future Course of Deliberations under the 'Deliberations under the So-called Triennial Review of the Act on the Protection of Personal Information'", decided on 22 January, addressed, under the heading "Rules on the involvement of the data subject in the handling of personal data, etc.", the direction of dispensing with the data subject's consent for AI development and the like that can be characterised as the compilation of statistics, etc., using the presence or absence of a direct impact on the rights and interests of individuals as the criterion, and designated it an "issue to be additionally considered (in the short term)". The regulation of profiling, by contrast, **was not included in the "reorganisation of institutional issues" and was limited to "points to be taken into account going forward".**
- **From 5 February (314th meeting) to 5 March 2025 (316th meeting)**: The document of 5 February, "On the (Draft) Approach to the Institutional Issues of the Act on the Protection of Personal Information (Rules on the Involvement of the Data Subject in the Handling of Personal Data, etc.)", stated expressly that the compilation of statistics, etc. includes AI development and the like, and gave concrete shape to the direction of permitting third-party provision without the data subject's consent and the acquisition of publicly available special care-required personal information, subject to conditions of public announcement, a written agreement and a prohibition on use for other purposes and on onward provision to third parties. That draft and a separate part on rules according to risk (19 February, 315th meeting) were both adopted as

proposed, and on 5 March a consolidated published version incorporating additional items was presented. **As far as this Opinion has been able to ascertain, the word "profiling" does not appear once in these documents.** It should be noted that the document of 5 February proposed, for persons under the age of 16, reading references to the data subject as references to the legal representative and a right to request cessation of use, etc. regardless of whether there has been any unlawful conduct, and these were enacted in the Amended Act (Articles 35(9) and 40-2). It is not the case that the strengthening of protection was abandoned across the board.

- **"Summary of Opinions Received" (16 April 2025, 320th meeting) and "On the Review" (24 April 2025)**: The "Summary of Opinions Received on 'On the Future Course of Deliberations under the "Deliberations under the So-called Triennial Review of the Act on the Protection of Personal Information"'", reported on 16 April, refers to profiling 18 times. None of these references, however, appears in "2. Additional issues to be considered in the short term", which was developed into institutional proposals; they are distributed as one in the general remarks, three in "3. Reorganised institutional issues" and fourteen in "4. Other". In the material "On the So-called Triennial Review of the Act on the Protection of Personal Information", submitted by the PPC Secretariat to the Government's Study Group on the Data Utilisation Framework and Systems on 24 April, profiling was likewise not included in the list of institutional issues.
- **"Institutional Reform Policy" (9 January 2026, 347th meeting)**: The "Policy on Institutional Reform under the So-called Triennial Review of the Act on the Protection of Personal Information", decided on 9 January, **expressly set out the policy of dispensing with the data subject's consent** for the provision of personal data, etc. to third parties and for the acquisition of publicly available special care-required personal information, subject to conditions including assurance that the data will be used only for the production of statistical information, etc. (including AI development and the like that can be characterised as the compilation of statistics, etc.) (Part 2, section 1, notes 2 and 3). The regulation of profiling, on the other hand, was neither taken up as a matter for amendment nor listed as an item for continued consideration. The only two matters that "5. Other" stated would continue to be considered were the rationalisation of reporting of leaks, etc. and matters relating to a collective injunction scheme and a collective redress scheme.

The positioning of the regulation of profiling as a "point to be taken into account going forward" in the document of 22 January 2025 **drew comments from submitters questioning the reasonableness of that postponement**. The summary of opinions reported on 16 April includes a comment that the basic direction of affirming the involvement of the data subject where there is a direct impact, and the postponement of profiling, "may appear to be contradictory". Another recorded comment, citing the fact that the PPC itself had named the risks arising from the spread of profiling as part of the background to the review in September of the previous year, stated that discussing only the expansion of consent exceptions without discussing profiling and the like "lacks rationality".

Furthermore, **a proposal making protection at the exit point a condition was also made from a standpoint in favour of deregulating statistical use.** A submission dated 25 February 2025, relying on Recommendation No. R (97) 18 of the Committee of Ministers of the Council of Europe and citing the PPC's own Supplementary Rules as a model for the statutory wording, proposed that the use of outputs in support of measures or decisions regarding particular individuals — that is, "**use in support of measures or decisions**" — be prohibited by statute (for details of the Recommendation, see 4.1 below). The published summary of opinions recorded this conclusion in two places but referred neither to the Recommendation nor to the Supplementary Rules, so that the grounds for the proposal and the domestic precedent were omitted from the summary. It was this summary that was reported to the PPC, and no provision to that effect was included in the Amended Act.

No substantive response to these comments can be found in the published minutes of the PPC. At the 320th meeting, the Secretariat, citing the fact that the submissions were twice as long as the previous round and the constraints of time, omitted any detailed explanation of individual submissions, and no Commissioner referred to profiling. In the surrounding deliberations as well, the word appears at the 312th meeting only once, when the Secretariat read out the items for continued consideration, and was not taken up in the discussion; it does not appear at all in the minutes of the 314th, 315th, 316th and 320th meetings. **From the publicly available materials examined in this Opinion, one can trace how the issue receded, but one cannot ascertain the reasons for postponing the regulation of profiling, the reasons for not adopting restrictions on use at the exit point, or how these comments were considered.**

The full texts of each document and of the submissions have been published, and public consultations and hearings were carried out. This Opinion does not allege that any required procedure was missing or that the Commissioners could not have been aware of the submissions. What we take issue with is that **even with the publication of the materials and the submissions, it is not possible to verify how the conflicting demands were weighed against each other and how this conclusion was reached**. Moreover, the shift of October 2024 preceded the Government's planning documents discussed in (b)(i) below, and we do not treat this course of events in itself as evidence of external influence by the Government.

This opacity of the decision-making process requires examination from the standpoint of independence, under a structure in which the PPC itself reconciles protection and utilisation. Where conflicting demands are reconciled within a single body and the reasons for setting back protection-related issues cannot be ascertained from outside, a suspicion remains that its judgment as a guardian of fundamental rights may be tilted towards the promotion of utilisation.[4] The CJEU regards the guarantee of independence as intended to ensure the effectiveness and reliability of supervision and requires supervisory authorities to act objectively and impartially (C-518/07, para. 25), and, in discussing the dangers of

[4] UGA Katsuya, former Justice of the Supreme Court of Japan, has pointed out that, where a single organisation is responsible for conflicting policy objectives, the reconciliation of interests risks becoming invisible from outside, and has stressed, with regard to the protection and utilisation of personal information as well, the importance of having different bodies responsible for each and of making the process of reconciliation visible. For bibliographic details and the source, see Annex B-7; for the original excerpt and English translation, see Annex C-16. This Opinion refers to this expert view only as a supplement; its assessment of independence is based on the public materials and CJEU case law cited in the text.

supervision by the government, stressed the need for their decisions, and the authorities themselves, to remain above any suspicion of partiality (para. 36). This Opinion does not conclude that there has been a breach of independence on the basis of opacity or asymmetry of outcome alone. **We present the receding of the protection-related issue, together with the impossibility of verifying the reasons from outside, as concrete circumstances warranting examination of whether the PPC is judging objectively and impartially as a guardian of fundamental rights.** It also needs to be examined whether these judgments were formed collegially, through substantive deliberation by the Chairperson and the Commissioners on the explanations and proposals of the Secretariat.

(b) Independent Balancing in the Coordination with Government Policy

(i) The Process of Coordination with the Government's Data Utilisation Policy (April 2025 to April 2026)

In (1)(c) and (d) above, we described the PPC's positioning as a body responsible for planning and drafting and the structure of its grounds. Here we examine **how the Government's policy directions and the PPC's decisions were linked and coordinated** in the drafting of the present bill.

As a preliminary point, **after 16 April 2025 (320th meeting), the next public meeting of the PPC itself at which the institutional design under the triennial review was on the agenda was on 9 January 2026 (347th meeting).** The PPC met many times in between, but none of those meetings deliberated on the institutional design under the triennial review. During this period, however, **the Secretariat of the Personal Information Protection Commission itself submitted Material 7, "On the So-called Triennial Review of the Act on the Protection of Personal Information", to the Cabinet Secretariat's "Study Group on the Data Utilisation Framework and Systems" of the Council for Digital Administrative and Fiscal Reform on 24 April 2025**, explaining the course of deliberations, the reorganisation of institutional issues and the main opinions received. In other words, **even during a period in which the PPC itself did not have the institutional design under the triennial review on its agenda, its Secretariat was directly presenting the state of deliberations to the Government's study group.**

On 13 June 2025, the Government's Council for Digital Administrative and Fiscal Reform adopted the "Basic Policy on the Data Utilisation Framework" (hereinafter "the Data Utilisation Basic Policy"; adopted by Cabinet decision on the same day as part of the Priority Policy Program for Realizing Digital Society). The Data Utilisation Basic Policy cited the compilation of statistics, etc., including AI development, as an example of "handling for which no direct impact on the rights and interests of individuals is envisaged" and set out the concrete consideration of "**approaches to the involvement of the data subject not confined to consent**"; it stated expressly, with regard to the bill amending the APPI, that "**the aim is to reach conclusions at an early date and submit it**"; and it positioned the APPI as "**rules serving as the foundation underpinning the promotion of data utilisation**", stating that it "needs to be updated in parallel" with the development of the data utilisation framework. On 24 December of the same year, "On the Future Course of Digital Administrative and Fiscal Reform", submitted to the 12th meeting of the same Council, described the review of the

APPI as something that would "contribute to facilitating appropriate data utilisation" by developing the framework for third-party provision and the like for the "compilation of statistics, etc.", including AI development and the like. The PPC decided its "Institutional Reform Policy" **16 days later** (9 January 2026). In other words, the direction, content and timing of the amendment of the Act administered by the independent supervisory authority had been framed within the Government's overall data utilisation agenda before the PPC's own decision.

At its 352nd meeting on 18 March 2026, the PPC deliberated on the standard set of materials for a Cabinet-sponsored bill (the so-called "five-item set": outline, bill, statement of reasons, comparative table of old and new provisions, and reference provisions) and decided on the bill itself. The bill was adopted by Cabinet decision on 7 April of the same year. In other words, the PPC **itself planned, drafted and decided a bill extending the exceptions for acquisition, use and third-party provision without the data subject's consent under the very Act it supervises.**

In the minutes of the 352nd meeting, this decision on the bill is described as preceding "coordination with the parties concerned, review by the ruling parties, etc. towards the request for a Cabinet decision". The Chairperson also stated that the bill had been "adjusted so as to be consistent with" the development of the data utilisation framework under consideration at the Cabinet Secretariat's Council for Digital Administrative and Fiscal Reform. **The PPC's drafting of the bill involved coordination with the Government's development of the data utilisation framework, and was positioned within a process leading on to coordination with the parties concerned and review by the ruling parties towards the request for a Cabinet decision.**

The minister in charge has also explained that the decision was taken in light of government policy. In the plenary session of the House of Councillors, the minister answered that "[i]n light of the various Cabinet decisions, including the Basic Policy on the Data Utilisation Framework of June 2025 (Reiwa 7), [the PPC] decided on the Institutional Reform Policy this January" (12 June 2026; Annex C-7, item 8).

This is not merely a course of events in which government policy and the PPC's decisions happened to follow one another in time. The minister in charge and the Chairperson of the PPC themselves have explained that the Institutional Reform Policy was decided in light of government policy and that coordination was carried out to ensure consistency with the Government's development of the data utilisation framework. The question is whether the PPC's independent judgment was secured under this coordination with government policy. Article 133 of the APPI provides that "[a] chairperson and commissioners of the Commission exercise their official authority independently". In light of this provision, it is necessary to examine **how guarantees protecting the PPC's balancing from being steered from outside were secured, also in relation to the intra-governmental coordination and review by the ruling parties that accompanied the drafting of the bill**.

As noted in 1.2(iv) above, Commission v Germany held that the mere risk that the government side could exercise a political influence over the decisions of the supervisory

authority is enough to hinder its independent performance of its tasks (C-518/07, para. 36). **In the present case, where concrete coordination with government policy can be identified, the doubt arises whether at least the risk referred to in that judgment exists.**

There is also a press report that the PPC's institutional design was changed in line with the wishes of industry and of the digital policy division of the ruling party (Asahi Shimbun, 12 April 2026; title and source in Annex B-7, original excerpt and English translation in Annex C-15). However, the claims in this Opinion do not rely on that report; as set out above, they are based on the course of deliberations itself, as ascertainable from the PPC's own public materials and minutes.

(ii) The Extension of Provision by Administrative Organs and the Like, and Safeguards After Receipt

In the private sector, the Amended Act created a special provision permitting the provision of personal information, etc. to third parties without the data subject's consent for the "compilation of statistics, etc.", which may include AI development (Article 30-2(5)). In parallel, the existing Article 69(2)(iv), which permits administrative organs and the like to provide retained personal information for purposes other than the original purpose, was also amended to extend "the production of statistics" to "the compilation of statistics, etc.", thereby widening provision by administrative organs and the like to private business operators. **However, the obligations imposed on recipient business operators in respect of information provided under the private-sector special provision — continued public announcement, and prohibitions on handling beyond the necessary scope and on onward provision (Article 30-2(6) and (9) to (11)) — were not imposed on business operators receiving information from administrative organs and the like under Article 69(2)(iv).** Nor does the administrative monetary penalty linked to breaches of obligations specific to the special provision apply to recipients through this route (2.3(1) below).

The Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology (hereinafter "the Digital Administration Promotion Act"), among others, amended at the same time as the APPI, established an accreditation scheme for business activities utilising data held by national administrative organs and the like, and laid down by statute a mechanism enabling accredited operators of such businesses to request administrative organs and the like to provide the data they need. Data containing personal information may also be covered, but its provision is subject to requirements including that it does not violate the APPI or other laws and regulations (Articles 27(6) and 29(1) and (2) of that Act; Annex B-4). The amendment of Article 69(2)(iv) of the APPI is considered to have been made in step with the amendment of the Digital Administration Promotion Act.

The Data Utilisation Basic Policy, which preceded the amendment, stated that "appropriate ex post rules" accompanying data utilisation would be "developed in an integrated manner" with the review of the APPI, aiming at an amending bill "balanced as a whole". This statement is not a commitment specific to provision by administrative organs and the like, but that Policy also promotes use by the private sector of data held by the administration, and the government

meeting material of December dealt with the national data provision scheme and the amendment of the APPI on the same page (Annex C-8).

The Secretary-General of the PPC acknowledged this extension of provision in the Diet, and explained that appropriate protection would be ensured because the prohibition of provision where it may unduly harm the rights and interests of the data subject or a third party (proviso to Article 69(2)) and the provision enabling requests to recipients for measures such as restricting the purpose or method of use (Article 70) apply (21 May 2026; Annex C-7, item 10).

However, a request for measures under Article 70 is made "when it is found necessary", which differs from the uniform recipient obligations of the Article 30-2 type. Moreover, the general rules continue to apply to personal information after receipt.

One possible reason for this imbalance is that, because Article 69(2)(iv) was an existing provision, it may have been difficult simply to attach to it the recipient obligations laid down for the new private-to-private special provision. **This is a working hypothesis, not a cause established from the legislative history**; but if it is correct, there was also the option of deferring the extension until the design of safeguards was in place.

What is at issue in this example is how the PPC's drafting of the amendment to the APPI, which it itself supervises, in step with the scheme for providing administration-held data to accredited business operators, steered its balancing. Where the expansion of the provision of administration-held data to the private sector was set as a government policy goal, was the PPC not placed in a position in which it accepted that goal as a given premise for drafting the bill and could not judge independently, including as to the option of deferring the extension until safeguards after receipt were in place? Together with the reasons for judging that the existing rules in Articles 69 and 70 were sufficient, it is necessary to examine the decision-making process to determine whether the PPC was able to choose autonomously the scope and timing of the expansion of provision under coordination with the Government's development of the data utilisation framework (1.2(iii), 1.3(1)(a) and (c) and (2)(b)(i) above).

1.4 Matters for Examination

1. We ask the European Commission to examine, in light of the recent process of deliberating the amendment of the Act, whether the PPC possesses the substance of control by an independent authority required as a fundamental right by Article 8(3) of the Charter, and functions with the "complete independence" required by Article 52 GDPR — in particular, in light of **the "mere risk" of external influence standard and the "above any suspicion of partiality" standard established in Commission v Germany (C-518/07, para. 36)**.
2. In light of the fact that, as set out in 1.3(1)(c) and (d) above, the PPC has since the 2019 Adequacy Decision been positioned as a body responsible for planning and drafting and an explanation of the basis for that function has now been given, we ask the Commission to examine **whether institutional guarantees essentially equivalent to those applicable to an independent supervisory authority are maintained even where the PPC undertakes planning and drafting**. In particular, in light of the

course of events whereby the Cabinet Secretariat Task Force's Final Report of December 2020 stated expressly that the attribution of planning and drafting to the PPC was a "consequence", while the 2021 amendment did not provide for it in Article 132, and of the new positioning introduced by the revision of the Basic Policy in 2022, we ask the Commission to assess **whether, under the explanation of grounds given by the PPC Secretariat (the function of drafting and formulating and promoting the Basic Policy under Articles 7 and 132(i) of the Act, the Basic Policy drafted by the PPC itself and adopted by Cabinet decision, and the jurisdiction over the preparation of draft laws and regulations under Article 5(iv) of the Secretariat Organisation Order), essential equivalence is ensured with the tasks of supervisory authorities set out in Articles 51 and 57 GDPR and the complete independence required by Article 52**. It should be noted that this explanation was given by the Secretariat at the working level and does not represent a decision of the PPC as a collegiate body composed of the Chairperson and the Commissioners.

3. We ask the Commission to assess whether the course of deliberations described in 1.3(2)(a) above — the receding of an issue that would have strengthened protection (the regulation of profiling), the concretisation of issues expanding exceptions to the principle of consent, and the fact that **a condition of protection proposed from a standpoint in favour of relaxing the rules (a statutory prohibition of "use in support of measures or decisions") was summarised without its legal grounds, was not taken up at the meetings and was not reflected in the Amended Act** — is consistent with the PPC performing, **as a guardian of fundamental rights, the balancing required to guarantee protection (C-518/07, paras. 23–25) objectively and impartially**, in particular in light of the standard of remaining "above any suspicion of partiality" required by para. 36. We also ask the Commission to examine whether the judgments of the PPC as a body are in substance formed collegially by the Chairperson and the Commissioners.

4. We ask the Commission to assess whether the process of coordination described in 1.3(2)(b)(i) above — the Government's planning documents preceding the PPC's Institutional Reform Policy, the minister in charge answering that the Policy was decided "in light of" them, and the explanation at the 352nd meeting that the bill had been "adjusted so as to be consistent with" the Government's development of the data utilisation framework and would proceed to the request for a Cabinet decision after coordination with the parties concerned and review by the ruling parties — indicates a **risk of external influence** by the Government's overall AI and data utilisation policy (ibid., paras. 30 and 35–36). In particular, we ask the Commission to examine whether, in a context in which the extension of provision by administrative organs and the like described in 1.3(2)(b)(ii) above and the scheme under the Digital Administration Promotion Act for requests for provision by accredited business operators were put in place at the same time, the PPC was able to judge autonomously, without treating the expansion of provision as a given premise and including the option of deferring the extension until safeguards after receipt were in place. We also ask the Commission to ascertain the reasons for judging that the existing rules in Articles 69 and 70 were

sufficient, and the process of coordination between the drafting of the bill and the Government's development of the data utilisation framework.

Chapter 2 Redress and Enforcement Not Commensurate with the Expansion of Data Use

2.1 Why This Is a Matter for the Adequacy Assessment

An adequacy decision presupposes that data subjects have **effective and enforceable rights** and have access to **effective administrative and judicial redress**.

- **Article 45(2)(a) GDPR** requires the adequacy assessment to take account of "effective and enforceable data subject rights and effective administrative and judicial redress for the data subjects whose personal data are being transferred". **Schrems II (C-311/18)** likewise attaches importance to the existence of effective redress as an essential element supporting the essential equivalence of the level of protection. The judgment held that "legislation not providing for any possibility for an individual to pursue legal remedies in order to have access to personal data relating to him or her, or to obtain the rectification or erasure of such data, does not respect the essence of the fundamental right to effective judicial protection, as enshrined in Article 47 of the Charter" (para. 187), found that a mechanism not providing "guarantees essentially equivalent to those required by Article 47 of the Charter" was insufficient (para. 197), and, on that ground among others, **declared the Privacy Shield Decision invalid** (para. 199). A deficiency in redress is thus of a kind capable of invalidating an adequacy-type decision.
- The GDPR secures this effectiveness through a **multi-layered enforcement system** combining (i) administrative fines imposed by supervisory authorities (Article 83), (ii) the data subject's right to compensation (Article 82), and (iii) representation of data subjects and actions by bodies, organisations or associations (Article 80).
- Whether the redress and enforcement system of a third country, taken as a whole, possesses essentially equivalent effectiveness and deterrent force is therefore of essential importance for the maintenance of adequacy.

2.2 What This Opinion Claims

Essential equivalence does not require identity of sanctions.

What this Opinion takes issue with is the asymmetry of the system as a whole: the 2026 amendment substantially expands the scope of data use on the one hand, while on the other it does not strengthen the means of redress and enforcement correspondingly and, indeed, **limits them precisely where strengthening is most needed**.

2.3 The Structure of the Present Case

Following the course of deliberations in the triennial review (all based on the PPC's public minutes, meeting materials and Institutional Reform Policy), one can confirm that, although concrete options for strengthening redress and enforcement were considered, the

administrative monetary penalty was introduced with a limited reach, and a collective injunction and redress scheme was not introduced, despite its necessity having been shown.

(1) The Administrative Monetary Penalty: Introduced, but with a Limited Reach in Relation to the Expansion of Use

In the course of deliberations, breaches relating to acquisition, use, third-party provision and security control measures were said to be capable of becoming subject to the administrative monetary penalty. As to the amount, while taking "the full amount of the pecuniary benefit" as the basis, amounts exceeding that benefit and a 1.5-fold surcharge for repeated violations were also discussed. The Amended Act, however, limited the conduct subject to the penalty to the following: unlawful third-party provision; use of information acquired by wrongful means; breach of the prohibitions on handling beyond the announced purpose and on onward provision of information acquired under the special provision for the compilation of statistics, etc.; and provision to, and use at the request of, persons anticipated to engage in unlawful acts or unjust discriminatory treatment (Article 148-3). The amount is, in principle, an amount equivalent to the money or other pecuniary benefit obtained in consideration of the violation or of ceasing it, and a 1.5-fold surcharge is provided for repeated violations (Article 148-5).

Moreover, even where there is a violation, a business operator that had exercised due care to prevent it is excluded from the scope of the penalty. Nor can the penalty be imposed where the number of data subjects concerned is one thousand or fewer, or in cases prescribed by Cabinet Order as having little impact on rights and interests (Article 148-3).

The following confirms the reach of the penalty in relation to the exceptions and special provisions newly established by the Amended Act.

First, the Amended Act introduced an exception for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention". Articles 18(3)(vii), 20(2)(vii) and 27(1)(viii) permit, without the data subject's consent, use for purposes other than the original purpose, acquisition of special care-required personal information and third-party provision in "cases where it is evident that [the handling] is unavoidably necessary for the performance of a contract with the identifiable person, or cases prescribed by Order of the Personal Information Protection Commission as cases where, in light of the circumstances of acquisition ..., **it is evident that the handling does not harm the rights and interests of the identifiable person because it is not contrary to the identifiable person's intention**" (provisional translation by the submitters; 4.2 below). Of the violations that go beyond the scope of this exception, third-party provision may be subject to the penalty, whereas use for other purposes and acquisition of special care-required personal information are not, in themselves, covered.

Second, the Amended Act introduced the special provision for the "compilation of statistics, etc.", and at the same time made breach of the prohibitions on handling beyond the announced purpose and on onward provision of information acquired under that special provision subject to the penalty (Article 148-3(1)(iv) and (v)).

Even where such violations occur, however, imposing the penalty requires that the business operator has obtained money or other pecuniary benefit "**in consideration of**" the violating

conduct or of ceasing it. Where, for example, a business operator uses information acquired or received under the special provision for training or improving its own AI models, beyond what is necessary for the announced compilation of statistics, etc., benefits such as improved model performance or reduced development costs alone do not amount to obtaining money or other pecuniary benefit in consideration of that handling. Accordingly, even if the conduct falls within item (iv) of Article 148-3(1), the penalty cannot be imposed unless the receipt of consideration is separately established. **Where the benefit of a violation is absorbed into the business operator's own development results, this consideration requirement marks the limit of the deterrence that the penalty can provide.**

Third, in provision by administrative organs and the like to private business operators, there is a gap at the stage of imposing obligations specific to the special provision. The provision of retained personal information by administrative organs and the like falls outside the special provisions for the compilation of statistics, etc., such as Article 30-2, and is governed by Article 69. The Amended Act changed "the production of statistics" in Article 69(2)(iv) to "the compilation of statistics, etc.", which may include AI development, and thereby widened the range within which heads of administrative organs and the like may provide retained personal information. However, no mechanism has been established that uniformly imposes on private business operators receiving information under this provision restrictions of the Article 30-2 type on handling for other purposes and onward provision (1.3(2)(b)(ii) above). Since Article 148-3(1)(iv) and (v) cover breaches of obligations specific to those special provisions, **the penalty under those two items does not extend to the handling by recipients on whom those obligations are not imposed.**

On this route, too, the prohibition of provision under the proviso to Article 69(2), requests for measures such as restrictions on use under Article 70, and the general rules applicable to recipients remain. However, Article 70 is a mechanism under which the provider requests measures where it considers them necessary, and does not uniformly impose obligations specific to the special provision on recipients. Where administrative organs and the like receive information obtained under the private-sector special provision, Article 72-3 lays down restrictions on handling and provision; the widened provision by administrative organs and the like, by contrast, is accompanied neither by corresponding rules after receipt nor by the penalty.

Moreover, as regards collecting the penalty from foreign business operators that hold no property in Japan, a government witness (the Secretary-General of the PPC) has also acknowledged practical difficulties, while stating that this is common to all situations requiring monetary enforcement against foreign business operators, not limited to this Bill (21 May 2026, House of Representatives Special Committee on Regional Revitalisation, Children's Policy and the Formation of a Digital Society). Since the special provision for the compilation of statistics, etc. also permits provision without consent to persons in foreign countries, the deterrent force of the penalty must be assessed with the actual possibility of collection in mind (4.1 below).

As the foregoing shows, **while the new exceptions and special provisions expand handling without the data subject's consent, there is handling that goes beyond their limits and to**

which the penalty does not extend. Under the exception for cases "not contrary to the data subject's intention", use for other purposes and acquisition of special care-required personal information beyond the limits of the exception fall outside the conduct covered. Under the special provision for the compilation of statistics, etc., even though handling beyond the announced purpose is covered, the penalty does not reach self-use for which no consideration is obtained. In provision by administrative organs and the like, the special mechanism that would restrict handling after receipt and impose the penalty for its breach has not itself been established.

For breaches to which the penalty does not extend, correction through recommendations and orders under Article 148 remains available. However, over the three fiscal years from FY2023 to FY2025, while the number of reports of leaks, etc. processed in the private sector reached 12,120, 19,056 and 17,139 respectively, there were only 3, 1 and 2 recommendations and 0, 0 and 1 orders. The response has centred on guidance and advice, which have no legally binding force (333, 395 and 455 instances) (Annual Reports FY2023 and FY2024, Appendix Table 1(1); Annual Report FY2025, Appendix Table 2(1)).

The minister in charge explained the reason for limiting the scheme by saying that, since an administrative monetary penalty system was being introduced for the first time under the Act on the Protection of Personal Information, "we had no choice but to start small at first" (12 May 2026, the same Committee). What should be assessed in light of Article 45(2)(a) GDPR, however, is not the possibility of future strengthening but **whether this scheme, which will be implemented together with the expansion of the exceptions to use, possesses effective protection and deterrent force commensurate with the expanded use**.

(2) Collective Injunction and Redress Scheme: Not Introduced, Despite Its Necessity Having Been Shown

The significance of this scheme in Japan becomes clear when compared with EU law. Under EU law, a data subject may mandate a not-for-profit body meeting certain conditions to lodge a complaint with a supervisory authority and to exercise the right to a judicial remedy on his or her behalf. Member States may also provide that such a body may lodge complaints and bring proceedings independently of a data subject's mandate (Article 80 GDPR). Furthermore, the Representative Actions Directive (Directive (EU) 2020/1828) lists the GDPR in its Annex I and requires Member States to ensure that qualified entities designated by them can bring representative actions seeking injunctive measures and redress measures, such as compensation, for the protection of the collective interests of consumers harmed by infringements of the GDPR by traders (Articles 2(1), 7(1) and (4) and 24(1) of, and point 56 of Annex I to, that Directive; applicable from 25 June 2023). EU law thus institutionalises, in addition to the exercise of rights by individuals, collective and representative redress through certain organisations.

By contrast, under Japanese law, individual redress faces many difficulties. Requests by the data subject do not extend to the cessation of the unlawful conduct as a whole or to the prevention of similar harm that may arise for others, and where the harm is small in value and widespread, claimants tend to abandon litigation owing to the burden of costs and proof (see the Study Group Report and the public consultation below). Moreover, Japan has no class

action mechanism under which some of the injured persons bring proceedings on behalf of all of them and the judgment also takes effect for injured persons who do not participate in the proceedings. Nor is there any general scheme under which organisations may seek injunctions or redress concerning the handling of personal information on behalf of data subjects or for the benefit of a large number of data subjects. What exists is a limited collective litigation scheme in the consumer field. Injunctions by qualified consumer organisations are limited to unfair solicitation, contract terms, representations and the like in breach of the Consumer Contract Act, the Act against Unjustifiable Premiums and Misleading Representations, the Act on Specified Commercial Transactions and the Food Labeling Act (Article 12 of the Consumer Contract Act; Article 34 of the Act against Unjustifiable Premiums and Misleading Representations; Articles 58-18 to 58-24 of the Act on Specified Commercial Transactions; Article 11 of the Food Labeling Act). The PPC Secretariat itself has confirmed that the current Act on the Protection of Personal Information contains no provision on injunctions by qualified consumer organisations. Redress through specified qualified consumer organisations is likewise limited to monetary claims relating to consumer contracts (Article 3(1) of the Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Damage Incurred by Consumers). Damages for mental distress are covered under certain conditions (Article 3(2)(vi) of that Act), and claims for such damages arising from leaks, etc. of personal data are considered not to be covered as a matter of course (Material 1, 280th meeting of the PPC, pp. 15–16 and p. 23). Accordingly, judicial redress for breaches of the Act on the Protection of Personal Information is left, except in the limited cases reached by the existing consumer collective litigation scheme, to individual claims by data subjects, which face many difficulties. In the triennial review, a collective injunction and redress scheme was considered as a means of filling this gap. The course of that consideration was as follows.

- Collective redress was considered from the outset of the triennial review as **one of the main issues for protecting the rights and interests of individuals more substantively**. Material 1, presented by the PPC Secretariat at the 280th meeting of the PPC on 10 April 2024, is one of three materials subtitled "Approaches to more substantive protection of the rights and interests of individuals". It devoted 13 pages (pp. 12–24) to a "collective litigation scheme", examining injunctions and redress separately. The examination proceeded in the order of complaints from individuals and mediation, the exercise of the PPC's supervisory powers, the existing consumer collective litigation scheme, and redress for small-value, mass damage.
- Subsequently, the study group meetings held from July to December 2024 organised the issues in the direction of considering the grant of a right of injunction to qualified consumer organisations and the introduction of a redress scheme through specified qualified consumer organisations, on the grounds that **requests for cessation of use and claims for damages by individuals alone have limits in preventing similar harm, and that the PPC's human resources are also limited**. The Study Group Report of 25 December 2024 pointed out that requests by the data subject cannot seek the cessation of the unlawful conduct as a whole or the prevention of similar harm that may arise for others, and that in many cases claimants are compelled to abandon their

claims owing to litigation costs and the like. It concluded that it is important to diversify the means of obtaining redress and to create an environment in which redress can be obtained more reliably (Report, p. 30; Annex C-5).

- This concern was also expressed concretely in the public consultation. The "Summary of Opinions Received" reported to the 320th meeting of the PPC on 16 April 2025 records the following concrete submissions calling for introduction:
    - (i) a right of injunction to prevent harm to an unspecified large number of persons where the PPC's enforcement does not reach;
    - (ii) a redress scheme to remedy the current situation in which individuals, facing small-value, mass damage that is also difficult to prove, are in practice unable to sue and are left to "suffer in silence"; and
    - (iii) that, if the rules on consent are relaxed, sanctions such as administrative monetary penalties, injunctions and redress should be created or strengthened at the same time.

  The Summary also includes cautious and opposing views, and opinion was not unanimous. The fact that submissions calling for introduction were made repeatedly nevertheless shows that this scheme was not an abstract option but a real issue for addressing the inadequacy of individual redress.

- In the Institutional Reform Policy of 9 January 2026, however, it was decided that "the institutional introduction [of a collective injunction and redress scheme] will be shelved in the present review". The reasons given were the need to clarify the relationship with the consumer collective litigation scheme and the immaturity of cooperative relationships among stakeholders.

- As to this shelving, there is a press report that, while business associations were not agreeing to amendment of the Act, the PPC indicated a policy of shelving collective litigation and scaling down the administrative monetary penalty (Asahi Shimbun, 12 April 2026; see 1.3(2)(b)(i) above; title and source in Annex B-7, original excerpt and English translation in Annex C-15, excerpt (iii)). The claims in this Opinion, however, do not rely on that report but on the course of events ascertainable from the PPC's public materials described above.

Means of collective redress such as the representation of data subjects and actions by bodies, organisations or associations envisaged by Article 80 GDPR were thus not introduced — even though the study group itself had acknowledged the limits both of individual redress and of the PPC's enforcement capacity and had concretely considered means of compensating for them.

(3) The Effectiveness of Individual Redress Cannot Be Measured in Terms of Outcomes

In addition, there is little material showing to what extent existing individual redress actually functions. From the PPC's annual reports, surveys on the status of enforcement and published materials of its Inquiry Line for Act on Protection of Personal Information (hereinafter "the

Inquiry Line"), one can ascertain the numbers of consultations and complaints received, applications for mediation, and exercises of supervisory powers (in fiscal year 2025, in the private sector: 19 requests for reports and 148 on-site inspections (both including those conducted by the ministries to which the powers have been delegated), 455 instances of guidance and advice, 2 recommendations and 1 order), and the like.

The same applies to the material in which the PPC Secretariat itself examined whether a collective litigation scheme is needed (Material 1, 280th meeting of the PPC, 10 April 2024). What it shows is limited to figures at the entry stage, such as the fact that, of 7,466 complaints received by the Inquiry Line (private sector) in fiscal year 2022, 23 applications for mediation were accepted (p. 12 of that Material). What outcomes that mediation produced is not shown.

The annual report for fiscal year 2025 states a "mediation resolution rate" of 92.3% for mediation by the Inquiry Line (private sector) (Appendix Table 8; Annex C-1). However, the rate covers only the 13 cases, out of 8,073 complaints, in which an application for mediation was accepted. Moreover, the resolution rate is defined as "the proportion of cases brought to a resolution acceptable to both the complainant and the business operator, etc.", and does not show whether the business operator took corrective action, ceased use, deleted data or paid compensation. The text of the report, too, describes a concrete outcome for only one of the 13 cases, by way of example.

Thus, **the number of cases in which, after an individual approached the PPC, the business operator actually took corrective action, ceased use, deleted data or paid compensation** — that is, an indicator measuring the effectiveness of individual redress in terms of ex post outcomes — cannot be ascertained from these published materials. It is not possible to verify, in terms of outcomes, whether effective redress (Article 45(2)(a)) is functioning in practice.

(4) Structural Asymmetry: The Link with the Central Thesis

Taken together, the 2026 amendment has the following asymmetric structure.

- **Expansion of use**: acquisition, use and third-party provision without the data subject's consent are expanded through the following two routes (Chapters 3 and 4).
    - The exception for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention": the data subject's consent is dispensed with, in cases prescribed by PPC Order, for use for purposes other than the original purpose, acquisition of special care-required personal information and third-party provision (Articles 18(3)(vii), 20(2)(vii) and 27(1)(viii); 4.2).
    - The special provision for the "compilation of statistics, etc.": acquisition and provision without the data subject's consent are permitted for the compilation of statistics, etc., which may include AI development. The route of provision by administrative organs and the like is also widened (4.1).
- **Limitation of enforcement and redress**: the new administrative monetary penalty does not extend to breaches of the general rules being relaxed (Articles 18 and 20(2)); the part linked to breaches of obligations specific to the special provision does not

capture abuse in the form of self-use, owing to triggering conditions such as the obtaining of money or other pecuniary benefit as consideration; and it is not linked to breaches of recipient obligations of the Article 30-2 type on the route of provision by administrative organs and the like. Collective redress was shelved, and the effectiveness of individual redress cannot be verified in terms of outcomes.

Enforcement is, by its very nature, the last guarantee that turns protection on paper into reality. As stated in Chapter 3, the level of protection itself can be changed by PPC Orders, and, as stated in Chapter 1, there are doubts as to the independence of the PPC; in these circumstances, even the enforcement and redress that should underpin that changeable protection are limited. **This asymmetry with the expansion of use raises serious questions as to whether the essential equivalence of redress presupposed by the 2019 Adequacy Decision is maintained.**

2.4 Matters for Examination

1. We ask the European Commission to examine whether the Amended Act possesses deterrent force essentially equivalent to that of Article 83 GDPR, given that the new administrative monetary penalty is not a sanction for violations in general but is **limited both in the categories of conduct covered (the exhaustive list in the items of Article 148-3(1) and in Article 148-3(2)) and in its triggering conditions (the obtaining of money or other pecuniary benefit as consideration for the violation, the number of data subjects concerned exceeding one thousand, and the "due care" defence)**. We ask the Commission to note in particular: (i) that **"use for purposes other than the original purpose" (Article 18) and "acquisition of special care-required personal information without consent" (Article 20(2)), the very forms of use expanded by the present amendment, are excluded**; (ii) that, even for breaches of obligations specific to the special provision for the compilation of statistics, etc. (Article 148-3(1)(iv) and (v)), abuse in the form of self-use, where information is used beyond the announced content for a company's own AI development, is understood not to constitute the obtaining of money or other pecuniary benefit "in consideration of" the violation and therefore lacks a basis for calculating the penalty; (iii) the Government's own characterisation of the scheme as a "small start"; (iv) the limits of enforcement against foreign business operators with no property in Japan (Government answer); and (v) that the penalty under items (iv) and (v), which covers breaches of obligations of the Article 30-2 type, does not extend to recipients of provision by administrative organs and the like (1.3(2)(b)(ii) and 2.3(1) above).
2. In light of the fact that a collective injunction and redress scheme was not introduced, we ask the Commission to assess whether, through individual redress and enforcement by the PPC alone, the means are secured for EU data subjects to obtain **effective redress** (Article 45(2)(a)) in Japan. In doing so, we ask the Commission to bear in mind that the PPC's own study group acknowledged the limits both of claims by individuals and of the PPC's enforcement capacity (2.3(2)).

3. We ask the Commission to ascertain whether, apart from the resolution rate limited to applications for mediation (2.3(3)), **statistics or indicators exist that allow verification, in terms of outcomes,** of whether redress such as correction, cessation of use or compensation obtained by individuals is functioning in practice. If none exist, we ask the Commission to consider how the fulfilment of the requirement of effective redress (Article 45(2)(a)) is to be assessed.

Chapter 3　A Structure in Which the Level of Protection Can Be Changed Without the Involvement of the Diet

3.1　Why This Is a Matter for the Adequacy Assessment

An adequacy decision presupposes not only that the level of protection in the third country is equivalent at a given point in time, but also that the protection is **legally stable and foreseeable, and that the guarantees on which the EU relied are maintained**.

- **Article 45(2)(a) GDPR** requires the adequacy assessment to take account of "the rule of law" and relevant legislation, "as well as the **implementation** of such legislation". That limitations on fundamental rights must be "provided for by law" and be sufficiently clear and foreseeable is required by Article 52(1) of the Charter and by the "quality of law" doctrine of the CJEU and the ECtHR (Schrems II, C-311/18, para. 176, requires that the legislation entailing the interference with data protection itself "lay down **clear and precise rules** governing the scope and application of the measure in question and imposing minimum safeguards").
- **The 2019 Adequacy Decision was built on the incorporation of the Supplementary Rules as "binding and enforceable" guarantees bridging the gap with the EU standard.** The degree to which those guarantees are stable — who can alter them, and by what procedure — is therefore of essential importance for the maintenance of adequacy.

3.2　What This Opinion Claims

EU law also uses delegated and implementing acts, and Member States entrust supervisory authorities with a certain role in rule-making. Delegation of technical and detailed matters is not, in itself, inconsistent with the level of protection.

What this Opinion takes issue with is the **combination** of the following four points:

1. that what is delegated is not technical detail, but **the very core criteria that determine whether protection applies**;
2. that the body responsible for those judgments (the PPC) is subject to doubts as to its independence (Chapter 1) and structurally has incentives to side with the expansion of data utilisation (Chapter 1, 1.3(1));
3. that the guarantees on which the EU relied as a premise of adequacy (the Supplementary Rules) are a public notice of the PPC that **can be altered by the PPC alone, without the involvement of the Diet**; and
4. that, furthermore, for those parts of the Supplementary Rules that impose obligations **exceeding** the Act itself, the domestic legal basis on which they would bind and be enforced against private parties is, in our view, lacking (3.3(3) below).

3.3 The Structure of the Present Case

(1) The Core Criteria of Protection Are Left to PPC Orders

The Amended Act delegates to PPC Orders the very criteria that determine the scope of protection.

- **The scope of the "compilation of statistics, etc."**: Article 30-2 of the Amended Act permits use for purposes other than the original purpose and third-party provision without the data subject's consent for the purpose of the "compilation of statistics, etc.", but the scope of the "compilation of statistics, etc." is defined by Article 2(13) as that which "is prescribed by Order of the Personal Information Protection Commission **as being unlikely to harm** the rights and interests of individuals", and is thus left to PPC Orders.
- **The scope of cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention"**: Articles 18(3)(vii), 20(2)(vii) and 27(1)(viii) of the Amended Act each leave to PPC Orders the specific scope of "cases where it is evident that the handling does not harm the rights and interests of the identifiable person because it is not contrary to the identifiable person's intention" (see 4.2 of Chapter 4).

In each case, this is a structure in which the PPC determines by its Orders **the very boundaries of protection** — whether the handling is "unlikely to harm", or "does not harm the rights and interests because it is not contrary to the intention". In other words, how far the exceptions to the principle of consent extend is determined not by the wording of the statute enacted by the Diet, but by the content of PPC Orders.

(2) The Mutability of the Supplementary Rules Themselves

In addition, the Supplementary Rules — the core guarantee of the 2019 Adequacy Decision — are themselves **rules that the PPC can adopt and amend by public notice**, and **their content can be altered by the PPC alone, without the involvement of the Diet**.

The involvement of the EU envisaged by the 2019 Adequacy Decision with respect to such amendments consists of continuous monitoring and periodic review by the European Commission, and the power to suspend, amend or repeal the Decision under Article 45(5) (Article 3 of the Implementing Decision). Recital 177 of the Decision states that "the Japanese authorities are expected to inform the Commission of material developments relevant to this Decision", but it does not require notification, consultation or consent prior to an amendment. In fact, the 2023 amendment of the Supplementary Rules was made following points raised by the European Commission in the first review and after consultations between EU and Japanese officials at the working level (4.1(2) below). Accordingly, whether the Supplementary Rules still provide sufficient guarantees in light of the level of protection after the 2026 amendment is likewise a matter that should be confirmed in the European Commission's review.

(3) Lack of a Domestic Legal Basis for the Binding Force of the Supplementary Rules Themselves

In addition to their mutability ((2) above), there are also points requiring confirmation as to **the legal strength itself** of the guarantees provided by the Supplementary Rules.

The Supplementary Rules are neither a statute, nor a Cabinet Order, nor a PPC Order, which the PPC has the power to enact, but a public notice of the PPC (PPC Public Notice No. 4 of 2018). A public notice is a form of official announcement and does not in itself constitute a basis for binding effect on private parties. The effect of imposing obligations on private parties arises only where there is a delegation by statute (including delegation through a Cabinet Order or PPC Order). The Supplementary Rules explain in their introductory part that they are "legally binding rules", that they "are binding on a business handling personal information that receives personal data transferred from the EU based on an adequacy decision", and that, in case of non-compliance, "the Personal Information Protection Commission has the power to adopt measures pursuant to Article 148 of the Act". The 2019 Adequacy Decision relies on this explanation that they are "binding and enforceable". Whether that explanation holds therefore depends on whether a statutory delegation extends to the obligations laid down in the Supplementary Rules.

What is at issue are those parts of the Supplementary Rules that do not merely interpret or specify the provisions of the Act itself, but impose obligations that genuinely **exceed** the Act. A typical example is the part requiring that personal data transferred from the EU concerning sex life, sexual orientation or trade union membership be treated as special care-required personal information, even though they are not included in the definition in Article 2(3) of the Act (an exhaustive list together with designation by Cabinet Order). Two questions arise as to the binding force of this part, and in our view a domestic legal basis is lacking in respect of both.

- **The enforcement requirement: can breaches be enforced under Article 148 of the Act?** Recommendations and orders under Article 148 of the Act require a breach of **provisions of the statute** (the provisions of Sections 2 to 4 of Chapter IV listed in that Article as amended). To the extent that the Supplementary Rules merely interpret or specify provisions of the Act itself, the arrangement of enforcing a breach of them as a breach of the provisions of the Act can function. A breach of an obligation exceeding the Act itself, however, can hardly be called a breach of a provision of the statute. Enforcement of that part under Article 148 of the Act is therefore considered to lack authorisation under domestic law.
- **The legal basis: does the statute authorise the PPC to lay down additional obligations?** In their introductory part, the Supplementary Rules list the provisions of the Act on which they are based and state that "[i]n particular, Article 6 of the Act provides for the power to take necessary legislative and other action with a view to ensure the enhanced protection of personal information ... through stricter rules that supplement and go beyond those laid down in the Act and the Cabinet Order", and that the PPC therefore "has the power to establish pursuant to Article 6 of the Act stricter regulations" (the Basic Policy referred to in 1.3(1)(c) above states to the same effect).

Article 6 of the Act, however, addresses "**the government**" and merely provides that it "is to take necessary **legislative** and other measures" so that special measures for protection are in place. The Article contains no reference to the PPC and no language of rules that "supplement and go beyond". The natural reading of the Article is thus as a provision requiring the Government to achieve additional protection primarily through **legislation**, and it is difficult, from the standpoint of the principle of statutory reservation and of the clarity of delegation, to construe it as authorising the PPC to impose on private parties, in a form other than statute, obligations exceeding the Act itself.

- Of the other provisions cited by the Supplementary Rules as their basis, those capable of forming a chain of delegation are Article 28(1) of the Act and Article 15 of the Enforcement Rules for the Act on the Protection of Personal Information (hereinafter "the Enforcement Rules"). Article 28(1) of the Act provides for foreign countries with a level of protection equivalent to that of Japan to be prescribed by PPC Order, and Article 15(1) of the Enforcement Rules, implementing that provision, provides that the PPC is to designate foreign countries meeting the requirements set out in its items. The designation of the EU Member States and others (PPC Public Notice No. 1 of 2019) is a public notice based on that delegation. Paragraph (2) of the same Article allows the PPC, when designating a foreign country, to attach conditions such as limiting the scope of personal data that may be provided without the data subject's consent to a third party in that country. All of these, however, concern provision from Japan to the foreign country concerned; they do not go so far as to entrust the PPC with imposing on business operators obligations exceeding the Act itself with respect to the handling in Japan of personal data received from the EU.

Importantly, this latter question is **one that the EDPB itself raised in the adequacy procedure but that was left unexamined**. In its opinion on the draft adequacy decision (Opinion 28/2018, adopted on 5 December 2018), the EDPB pointed out, with regard to Article 6 of the Act, that "[a]lthough the government is clearly identified in this Article of the APPI as competent to take such legal action, it does not refer directly to the PPC as the competent body to adopt specific rules", and stated expressly that "**[d]ue to time constraints, the EDPB was unable to gather, review and examine existing evidence on this point**" (para. 48). The EDPB then merely "takes note of the repeated commitments and reassurances of the European Commission and of the Japanese authorities regarding the binding and enforceable nature of the Supplementary Rules", and, stating that "their legal value is **an essential element** of the EU – Japan adequacy", invited the European Commission "**to continuously monitor** their binding nature and effective application in Japan" (para. 49). With regard to the PPC Guidelines, which likewise take the form of public notices, the EDPB, in response to the PPC's explanation that they are followed by business operators in practice, used by the PPC for enforcement and used by courts, stated that "these elements do not constitute sufficient evidence that the Guidelines are legally binding norms" (para. 52). This

attitude, which distinguishes the **assertion** of binding force from **legal evidence** of binding force, should equally apply to the examination of the Supplementary Rules.

In other words, the question of the structure of authorisation under domestic law raised in this subsection was not substantively examined and resolved on the EU side at the time of the Decision, but was left open through reliance on the Japanese side's assurances and referral to future continuous monitoring. What this Opinion provides is precisely domestic legal information on this very point — which the EDPB itself regarded as "an essential element" and for which it envisaged continuous monitoring.

This problem, moreover, **gains in importance as a result of the 2026 amendment**. The more the exceptions in the Act itself are expanded by the amendment (Chapter 4), the more the protection of EU-origin data depends on those parts of the Supplementary Rules that "go beyond" the Act itself — precisely the parts that lack a basis for enforcement. The special provision for the compilation of statistics, etc. discussed in 4.1 of Chapter 4 is a typical example. The Act itself lacks the restriction on use at the exit point contained in the GDPR concept of statistical purposes. Compensating for this with respect to EU-origin data would require imposing obligations exceeding the Act itself through the Supplementary Rules, which would fall within the part that lacks a basis for enforcement.

We do not claim that the judgment in the 2019 Adequacy Decision incorporating the Supplementary Rules as guarantees was wrong.

The mutability described in (2) above and the problem of binding force described in this subsection stand in the following relationship. Even if the Supplementary Rules were to have full binding force under domestic law, the fact that they can be altered by the PPC alone without the involvement of the Diet would still be a problem. If they lack binding force, the guarantees lack effectiveness to that extent. **In either case, the reliability of the guarantees promised by the Supplementary Rules requires verification at the present time.**

(4) The Link with Chapter 1: A Structure in Which the PPC Drafted the Delegation to Itself

Points (1) to (3) above reveal their seriousness only when combined with Chapter 1 (the independence of the PPC).

- It is the PPC that enacts and amends the rules that determine the level of protection (PPC Orders and the Supplementary Rules).
- It was also the PPC that drafted the amending bill providing for delegation to those rules (Articles 18(3)(vii), 20(2)(vii), 27(1)(viii) and others) (Chapter 1, 1.3(2)(b)(i)). And, as seen in Chapter 1, 1.3(1)(c) and (d), the PPC's planning and drafting function lacks an express basis in the provision on the affairs under its jurisdiction and is positioned in the "Basic Policy" (Article 7(3) of the Act), **of which the PPC itself prepares the draft and which is adopted by Cabinet decision**.
- In other words, there is a double structure in which **the PPC holds both the power to change the level of protection through rules and the drafting of the bill that entrusts that power to itself**.

Thus, the power capable of lowering the level of protection is concentrated, both in the enactment of rules and in the drafting of bills, in one and the same body whose independence is in doubt (Chapter 1). This combination gives rise to a question going to the root of adequacy: whether the guarantees promised by the Supplementary Rules **still merit trust today**.

3.4 Matters for Examination

1. We ask the European Commission to examine whether the structure in which **the core criteria of protection** — the scope of the exceptions to the principle of consent (the scope of the "compilation of statistics, etc." and the scope of cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention") — are left not to a statute enacted by the Diet but to PPC Orders is consistent with the premises of the 2019 Adequacy Decision from the standpoint of the rule of law, legal certainty and foreseeability required by Article 45(2)(a) GDPR. In particular, the Order defining the scope of the "compilation of statistics, etc." will determine the very level of protection of the special provision through its choices as to whether to require technical safeguards at the training stage of AI models, and whether to impose a restriction on use at the exit point (non-use for measures or decisions regarding particular individuals) on the outputs.
2. We ask the Commission to confirm whether the Supplementary Rules, the core guarantee of the 2019 Adequacy Decision, still provide sufficient guarantees in light of the level of protection after the 2026 amendment. We also ask the Commission to examine the extent to which the Supplementary Rules have been made known, the state of compliance with them, and the record of supervision.
3. With regard to those parts of the Supplementary Rules that impose obligations exceeding the Act itself — such as extending, for EU-origin data, the scope of special care-required personal information beyond the definition in Article 2 of the Act — we ask the Commission to request explanations from the Government of Japan and the PPC as to **whether breaches of those excess parts are in fact enforceable as breaches of provisions of the statute (Article 148)** — that is, whether, from the standpoint of the principle of statutory reservation and of the clarity of delegation, there is a sufficient domestic legal basis for imposing on private parties, by means of the Supplementary Rules, which are neither a statute nor a PPC Order, obligations exceeding the Act itself (we also ask the Commission to consider that Article 6 of the Act, relied upon as the basis, addresses "the government" and calls for "legislative measures"). If the Supplementary Rules lack binding force under domestic law, this would substantively undermine the protection promised by the 2019 Adequacy Decision, and verification is needed **precisely for the protection of EU data subjects**. This confirmation is to be understood as the **fulfilment** of the EDPB's statement in Opinion 28/2018 that it was unable, owing to time constraints, to examine the point, while noting that Article 6 of the Act does not designate the PPC as the competent body (para. 48), and of its invitation to the European Commission to monitor continuously the binding nature and effective application in Japan of the

Supplementary Rules, whose legal value it described as "an essential element" of adequacy (para. 49).

4. We ask the Commission to assess whether, under a structure in which the power to enact and amend the rules that determine the level of protection and the drafting of the "Basic Policy" that defines where that power lies are both concentrated in the PPC, whose independence is in doubt (together with Chapter 1), the guarantees provided by the Supplementary Rules still merit trust.

Chapter 4 Substantive Lowering of the Level of Protection

> **Positioning of this Chapter (premise)**: What follows are the concrete respects in which the 2026 amendment lowers, or leaves unchanged, the general level of protection. Each section does not seek **article-by-article identity** with the GDPR, but asks whether the Amended Act maintains **essential equivalence** and — since the same legal system applies to EU-origin data — what repercussions may arise for their protection.

This Chapter deals in turn with the special provision for the "compilation of statistics, etc./AI development" (4.1), the blanket exception for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention" (4.2), and biometric data (4.3).

4.1 The Special Provision for the "Compilation of Statistics, etc./AI Development"

(1) The Content of the Special Provision and the Structure of this Section

The content of the special provision

The Amended Act created a special provision dispensing with the data subject's consent for the handling of personal information for the purpose of the "compilation of statistics, etc." (Article 30-2). The "compilation of statistics, etc." is defined as follows (Article 2(13)):

> the compilation of statistics or any other act of producing information on the tendencies or characteristics of a large volume of information (excluding information relating to individuals) by extracting information on the elements constituting that information and classifying, comparing or otherwise analysing it, being those of such acts that are prescribed by Order of the Personal Information Protection Commission as being unlikely to harm the rights and interests of individuals (provisional translation by the submitters)

What is covered is limited to acts whose outputs do not constitute information relating to individuals and which are prescribed by PPC Order as being unlikely to harm rights and interests. The Institutional Reform Policy stated that the compilation of statistics, etc. "includes AI development, etc. that can be characterised as the compilation of statistics, etc." (Institutional Reform Policy of 9 January 2026, Part 2, section 1, note 2). The Government cited, as an example of what is specifically envisaged, "AI models that fall under the definition mentioned earlier" (12 May 2026, House of Representatives Special Committee on Regional Revitalisation, Children's Policy and the Formation of a Digital Society, government witness SAWAKI; Annex C-7, item 1). Not all AI development is covered, but the development of AI models meeting this definition is envisaged as falling within the special provision.

The special provision covers two routes by which business operators obtain data.

- **The route of acquisition by the business operator itself**: Article 30-2(1) permits the acquisition of publicly available special care-required personal information without the data subject's consent, subject to requirements such as public announcement, where the purpose is the compilation of statistics, etc. or provision under paragraph (5) of that Article.
- **The route of receipt from other business operators**: paragraph (5) of the same Article permits provision to a third party without the data subject's consent where the recipient handles the personal information solely for the compilation of statistics, etc., subject to conditions including public announcement by the provider and the recipient and a written agreement. Recipients include persons in foreign countries who have established systems conforming to standards for continuously taking equivalent measures.

While the route of acquisition by the business operator itself is limited to publicly available information, the route of receipt has no such limitation. Non-public special care-required personal information may also be provided, and the data subject's consent is not required for its acquisition by the recipient either, by virtue of Article 20(2)(viii). A government witness (the Secretary-General of the PPC) stated that AI development may require non-public special care-required personal information, or that it may be technically difficult to delete such information completely in advance, and gave as examples audio recordings from emergency medical settings, call recordings from health-consultation call centres, and X-ray and CT images bearing patients' names (24 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc., government witness SAWAKI Kiyoshi; Annex C-7, item 2). Although transparency is provided through public announcement, medical histories and the like that the data subject has not made public may be provided to third parties without individual notice to, or consent from, the data subject.

The Government positions the compilation of statistics, etc. as handling from which correspondence with specific individuals is excluded and for which no direct impact on the rights and interests of individuals is envisaged, and relies on this as the ground for dispensing with the data subject's consent (Data Utilisation Basic Policy, decided by the Council for Digital Administrative and Fiscal Reform on 13 June 2025, 3(4)(iv)).

Article 30-2(4) and (9) prohibit, except in cases based on laws and regulations and other such cases, handling beyond the scope necessary for the compilation of statistics, etc. or the provision as announced.

Structure of this section

As discussed below, under the GDPR statistical use is understood to include not using the results of processing for statistical purposes for the diagnosis or evaluation of individuals. On that basis, this section examines the following stages and items in turn:

- (2) differences from statistical use under the GDPR;
- (3) the handling of personal information in the compilation of statistics, etc.;
- (4) the processing in the compilation of statistics, etc.;

- (5) the application of the results of processing to individuals;
- (6) the data subject's objection to AI training without consent.

(2) Differences from Statistical Purposes Under the GDPR

Statistical purposes under the GDPR

When considering processing for statistical purposes under the GDPR, two stages must be distinguished. The first is whether processing for a statistical purpose different from the original purpose is permitted under the principle of purpose limitation (compatibility of purposes). The second is whether individual processing operations, such as acquisition and disclosure, can be carried out lawfully (lawfulness of processing). A statistical purpose resolves the question at the first stage, but does not by itself satisfy the requirements of the second. Moreover, the GDPR includes in the very meaning of statistical purposes a restriction on use: the results are not to be used for measures or decisions regarding individuals.

First stage: compatibility of purposes

Under the GDPR, further processing for statistical purposes is, in accordance with Article 89(1), not considered to be incompatible with the initial purposes (Article 5(1)(b)). Appropriate safeguards, including technical and organisational measures ensuring data minimisation, are, however, required (Article 89(1)).

Second stage: lawfulness of processing

A statistical purpose does not, however, by itself also provide a legal basis under Article 6. The EDPB and the EDPS state that the question of compatibility of purposes should not be confused with the principle of lawfulness (EDPB-EDPS Joint Opinion 2/2026, para. 32). With regard to scientific research purposes, which, like statistical purposes, benefit from the presumption of compatibility under Article 5(1)(b), the EDPB states that, where personal data are disclosed to another controller, both the disclosing and the receiving controller need a legal basis under Article 6(1), and, for special categories of personal data, an exception under Article 9(2) in addition (EDPB Guidelines 1/2026 (version for public consultation), para. 26 and fn. 40; that statistical purposes also benefit from the presumption: fn. 31). Where legitimate interests (Article 6(1)(f)) are relied upon, a balancing of interests is required, and the data subject may object to the processing (Article 21(1); on Article 21(6) concerning processing for statistical purposes, see (6) below).

Accordingly, even for statistical purposes, processing such as acquisition and disclosure requires a legal basis under Article 6 and, where special categories of personal data are concerned, must in addition fall within an exception under Article 9(2). Article 9(2)(j) permits processing necessary for statistical purposes on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. In this case too, the safeguards of Article 89(1) are required.

The meaning of statistical purposes: restriction on the use of results

On that basis, Recital 162 GDPR includes in the meaning of statistical purposes not only that the result of processing for statistical purposes "is not personal data, but aggregate data", but also that "**this result or the personal data are not used in support of measures or decisions regarding any particular natural person**". The exception grounded in statistical purposes is inseparable from not using the results for measures or decisions regarding individuals. Processing that uses the results for measures or decisions regarding individuals does not fall within statistical purposes in the first place.

Difference (1): conditions for acquisition and provision without consent

The special provision in the Amended Act shares with the GDPR the feature of permitting use for other purposes on the ground of the compilation of statistics, etc. The Amended Act goes further, however, in permitting the provision of personal information to third parties without the data subject's consent, subject to conditions such as public announcement and a written agreement, and in permitting the acquisition and provision of special care-required personal information, including non-public information ((1) above).

In other words, the Amended Act treats the purpose of the compilation of statistics, etc., subject to conditions such as public announcement and a written agreement, as the very ground for permitting provision to third parties without the data subject's consent. It must be examined whether these conditions and the prohibition of handling for other purposes (Article 30-2(4) and (9)) can be assessed as ensuring protection essentially equivalent to that under Article 6 and Article 9(2)(j) GDPR. Safeguards such as data minimisation are examined in (3) below.

Difference (2): absence of a restriction on the use of outputs

What the definition in the Amended Act requires is that the information produced does not constitute information relating to individuals. The requirement in Article 30-2(5) that "all of the purposes are purposes of the compilation of statistics, etc.", and the prohibitions on handling for other purposes in paragraphs (4) and (9), are likewise no more than provisions limiting the handling of the personal information and the like that has been provided. **There is no statutory provision prohibiting the use of a completed model for measures or decisions regarding particular individuals.** Accordingly, if a model is created that learns trends in a disease from the data of many patients and has no correspondence with individual patients, that model can be used to diagnose other patients. There is room for the intended use to be taken into account when the Order limits the development covered, but that is not the same as application to individuals being excluded as a matter of law.

Three further points should be noted with regard to this absence.

- **The PPC itself has already adopted this condition in the Supplementary Rules.** After pseudonymized personal information was introduced by the 2020 amendment, the European Commission pointed out in the first review that the Act contained no express limitation to the effect that pseudonymized personal information may be processed only for statistical purposes (SWD(2023) 75 final, p. 17). As a result of consultations between the European Commission and the PPC, paragraph (4) of the Supplementary Rules, as amended in March 2023, limits the use of pseudonymized

personal information produced from personal information received on the basis of the adequacy decision to statistical purposes, and provides that the results "shall not be used in support of measures or decisions regarding any particular individual" (COM(2023) 275 final, p. 4; for the PPC's own account, Material 2-1 of the 226th meeting of the Personal Information Protection Commission (14 December 2022), pp. 1–2). The European Commission considered that, in view of this amendment, its adequacy finding was not called into question (SWD(2023) 75 final, p. 5).

- **A statutory restriction of this kind was also proposed during the deliberations.** A submission dated 25 February 2025, made from a standpoint in favour of deregulation, called for a prohibition of use in support of measures or decisions on the basis of principles 4.1 and 4.2 of Recommendation No. R (97) 18 of the Committee of Ministers of the Council of Europe and its Explanatory Memorandum, and cited the Supplementary Rules as a model for the statutory wording. The proposal was not reflected in the Amended Act (for the course of events, see 1.3(2)(a) above).
- **The Government has explained the development of models used for the diagnosis and assessment of individuals as a situation in which the special provision would be used.** At the same Special Committee of the House of Councillors on 24 June 2026, asked by committee member ISOZAKI Tetsuji about the legislative facts justifying dispensing with the data subject's consent for special care-required personal information, Minister of State MATSUMOTO Hisashi cited the need for Japanese medical data "if we want to develop something that uses AI to make diagnoses and assessments", and answered that "we considered it necessary to provide an exception to the consent requirement on this occasion" (Annex C-7, item 9). In light of Recital 162, such use does not fall within statistical purposes under the GDPR. It cannot, however, be inferred from this answer that the development of every kind of model — for recruitment, credit, advertising and so on — is covered.

That said, it cannot be concluded from this difference alone that essential equivalence has been lost. The question is by what mechanism equivalent protection is ensured where the development of models to be used for measures or decisions regarding individuals is made subject to a consent exception. The general rules apply to the personal information handled when a model is used for diagnosis or evaluation, but that is not the same as a restriction on the use of statistical results. This point is examined in (5) below, together with the relationship between the "entry point" of AI training and the "exit point" of evaluating, selecting and the like in relation to individuals described in 1.3(2)(a) of Chapter 1.

Relationship with the Digital Omnibus proposal

It might be objected that the EU itself is widening the entry point on the ground of AI development. On 19 November 2025, the European Commission published a proposal for a package amendment of the GDPR and other instruments (the so-called Digital Omnibus, COM(2025) 837 final), which proposes a new Article 88c confirming that the processing of personal data for the development and operation of AI systems and AI models may be carried out on the basis of legitimate interests (Article 6(1)(f)). If adopted, AI development in the EU

too could be justified outside statistical purposes, without the restriction on use at the exit point in Recital 162.

The proposal, however, retains two safeguards inherent in processing based on legitimate interests: a balancing test against the rights and interests of the data subject prior to the processing (Article 6(1)(f)), and an unconditional right to object, exercisable at any time after the processing begins and without having to give reasons. Japan's special provision requires neither. The proposal therefore provides no basis for regarding Japan's special provision, which lacks a restriction on use at the exit point, as essentially equivalent to the GDPR (see 4.2 below). As of September 2026, the proposal is still under deliberation in the ordinary legislative procedure in the European Parliament and the Council and has not been adopted (the European Parliament is deliberating at committee stage, and the Council has not adopted a negotiating mandate). The standard for assessing essential equivalence is the GDPR as currently in force.

Children's personal information

Article 6(1)(f) GDPR makes specific reference, in the balancing of interests for processing based on legitimate interests, to the case where the data subject is a child. In Meta, the CJEU stated that, as regards the processing at issue, "it appears doubtful whether ... the 'product improvement' objective, given the scale of that processing and its significant impact on the user, as well as the fact that the user cannot reasonably expect those data to be processed ..., may override the interests and fundamental rights of such a user, particularly in the case where that user is a child" (C-252/21, para. 123; the final assessment was left to the referring court). This holding does not prohibit product improvement or AI development using children's data in general, but indicates that children's interests must be given particular weight in the balancing.

By contrast, the special provision in the Amended Act also extends to the personal information of persons under the age of 16. For the personal information of persons under 16, the Amended Act newly provides for references to "the identifiable person" in the provisions on consent and the like to be read as references to "the legal representative of the identifiable person" (Article 40-2(1)); but since consent itself is not required under the special provision (Article 30-2(1) and (5)), this protection does not function. The obligation on business operators to endeavour to give priority consideration to the best interests of minors (Article 58-3(1)) also extends to handling under the special provision, but balancing of the child's interests for each processing operation is not a requirement of the special provision.

(3) The Handling of Personal Information in the Compilation of Statistics, etc.: Purpose Limitation, Data Minimisation and Storage Limitation

Basic principles of the GDPR

Under the GDPR, the basic principles of purpose limitation, data minimisation and storage limitation apply even to processing for statistical purposes (Article 5(1)). Longer storage is permitted only where the safeguards of Article 89(1) are implemented (Article 5(1)(e)).

The APPI

Even before the amendment, the APPI contained no provision directly laying down data minimisation. It merely prohibits handling beyond the scope necessary to achieve the specified purpose of use (Article 18(1)), and that purpose of use is specified by the business operator itself. As regards the storage period, Article 22 merely provides that businesses handling personal information "must endeavor to ... delete the personal data without delay if they no longer require it"; there is no provision uniformly limiting the storage period of personal data, which is largely left to the discretion of business operators. The special provision for the compilation of statistics, etc. in the Amended Act likewise lays down no data minimisation measures, such as the deletion of identifiers, and no limitation on the storage period, apart from prohibiting handling beyond the scope necessary for the compilation of statistics, etc. as announced (Article 30-2(4) and (9)).

Problems raised by the special provision for the compilation of statistics, etc.

The development of AI models covered by the special provision has an economic rationale for holding large volumes of data over long periods and using them continuously, and may therefore create incentives to accumulate and retain for long periods personal information capable of record linkage.

Data minimisation: provision of data with identifiers, and record linkage

Of this concern, the provision of data in a form capable of record linkage has been confirmed by the Government's answers in the Diet deliberations to be not merely a possibility but an operation envisaged by the scheme. Asked why the special provision does not require anonymisation or pseudonymisation, the minister in charge answered that account had been taken of the fact that, when developing AI using vast amounts of data, "the need for record linkage" may arise, and of the "technical difficulty" of whether it is truly 100% possible to comprehensively delete names and other information, and that "**we are not requiring anonymisation or pseudonymisation to be made mandatory across the board**" (24 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc., Minister of State MATSUMOTO Hisashi. At the same committee on 17 June, the same minister also answered, on the premise that the provision of unnecessary names and the like is not permitted and that what can be deleted should be deleted, that "it is not necessary, on that account, to uniformly anonymise or pseudonymise [the data]"). In other words, the provision of data retaining identifiers such as names, and record linkage across multiple databases (the linking of different datasets at the level of individuals), are envisaged by the Government itself as operations under the special provision.

Under the GDPR, even for processing for statistical purposes, appropriate safeguards ensuring respect for the principle of data minimisation — which may include pseudonymisation — are expressly required (Article 89(1); Article 5(1)(c)). The Amended Act, by contrast, lays down neither an obligation to delete identifiers, nor an obligation to pseudonymise, nor any restriction on record linkage (the linking of databases).

The minister at the same time repeatedly stated that the provision of unnecessary names and the like is not permitted, and that deletion to the extent possible and the use of privacy-

enhancing technologies (PETs) would be set out in "guidelines, etc.". These, however, are not laid down as statutory obligations.

Purpose limitation and storage limitation: changes of purpose and retention periods

Article 30-2(4) and (9) of the Amended Act prohibit handling beyond the scope necessary for the compilation of statistics, etc. as announced. The content of that compilation, however, is determined and announced by the business operator itself and can be changed after the prescribed announcement (paragraphs (3) and (7) of that Article). The announcement must be maintained for as long as the business operator handles information obtained under the special provision (including copies and processed versions) (paragraphs (2) and (6) of that Article). On the other hand, no upper limit on the period of handling, and no obligation to erase data after the compilation of statistics, etc. has been completed, are laid down. Although the obligation to endeavour under Article 22 applies, there is scope for effectively indefinite retention by updating and continuing the purpose.

Interim conclusion

Organised according to the three GDPR principles, the position is as follows:

- **Purpose limitation**: the "content of the compilation of statistics, etc.", which defines the scope of handling, is determined by the business operator itself and can be changed after announcement.
- **Data minimisation**: deletion of identifiers, pseudonymisation and restrictions on record linkage are not required by statute. The Government envisages the provision of data with identifiers and record linkage. Mitigating measures are left to guidelines and the like.
- **Storage limitation**: as before, erasure remains an obligation to endeavour (Article 22). The special provision likewise contains no upper limit on the period of handling and no obligation to erase after completion.

As a result, data with identifiers acquired or provided without consent may, after record linkage, be retained for long periods through the updating of purposes. The existing weakness of lacking storage limitation is amplified by the new special provision for the compilation of statistics, etc., in the direction of inviting larger-scale and longer-term accumulation. The matters for examination on these points are set out in items 3 and 4 of (7) below.

(4) Problems Relating to Processing in the Compilation of Statistics, etc.: Verifying That Models Do Not Constitute Information Relating to Individuals

The compilation of statistics, etc. is "any other act of producing information on the tendencies or characteristics of a large volume of information (excluding information relating to individuals) ..., being those of such acts that are prescribed by Order of the Personal Information Protection Commission as being unlikely to harm the rights and interests of individuals" (Article 2(13); (1) above). The outputs of the special provision for the compilation of statistics, etc. are therefore required not to constitute information relating to individuals.

The Government explains that, since processing to the point where the output does not constitute information relating to individuals is mandatory, the risk of re-identification and the like from the models developed is extremely low (answer of 12 May cited above). **That the law requires this result, however, is a different matter from whether each individual model actually meets that requirement.** Academic research has shown that large language models memorise training data and can reproduce it under certain conditions (Carlini et al., 2021; 2023).

EDPB Opinion 28/2024 likewise rejects treating models trained on personal data as anonymous as a matter of course, and requires a case-by-case assessment. Both the likelihood of directly extracting personal data used for training from the model and the likelihood of obtaining such data through queries must be insignificant, taking into account the means reasonably likely to be used (paras. 34, 43 and 45). Technical measures such as differential privacy, and testing against membership inference, reproduction of training data, model inversion and the like, are cited as elements of that assessment (paras. 52 and 55).

"Information relating to individuals" under the Amended Act and "personal data" under the GDPR are not identical concepts, but the mere fact that a model takes the form of mathematical parameters does not prove that the information of the individuals used for training cannot be extracted. To ensure the statutory requirement effectively, it is necessary to make clear what technical measures and verification are required.

(5) Application to Individuals: Profiling and Automated Decision-Making

This subsection distinguishes profiling, as prediction or evaluation by automated processing of personal data, from decisions made automatically concerning individuals. The two may overlap, but decisions are not always based on profiling.

The rules of the Amended Act and of the GDPR

With the development of AI models and embedding models, inferences, classifications and predictions about individuals have become easy. In the triennial review, the regulation of profiling was considered. In the public consultation, submissions calling for stronger rules, including the introduction of rules equivalent to Articles 21 and 22 GDPR and others, were made repeatedly. The Amended Act, however, introduced no provision regulating profiling (for the course of events, see 1.3(2)(a) of Chapter 1). Nor was the special provision for the compilation of statistics, etc. accompanied by the restriction on use — that outputs are not used for measures or decisions regarding particular individuals — which under the GDPR is inseparable from processing for statistical purposes ((2) above).

The GDPR guarantees rights to information and access with respect to the processing of personal data (Articles 13 to 15), and allows objection to processing, including profiling, under prescribed conditions (Article 21). Furthermore, it provides a right in principle not to be subject to a decision based solely on automated processing which produces legal effects or similarly significantly affects the data subject (Article 22(1)). Paragraph (2) of that Article allows exceptions, but even then prescribed safeguards are required.

The reach of the rules as confirmed by the Government's answers

Asked how profiling is regulated, a government witness (the Secretary-General of the PPC) stated that the basis of regulation is the prohibition of inappropriate use (Article 19 of the Act), and explained that, in relation to AI, this covers cases where a person creates and publishes an AI model using personal information while foreseeing that it is an AI model "likely to induce unlawful discrimination", and cases where personal information is input into and used with an AI model "in order to engage in unlawful discriminatory treatment"; the witness answered that the Article regulates "that which can be categorised as clearly illegal or improper", and that the regulation of profiling as such is "a matter to be considered, as necessary, in the course of an ad hoc review" (17 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc., government witness SAWAKI Kiyoshi).

The Amended Act contains general rules such as the specification and notification of the purpose of use, the prohibition of inappropriate use, and disclosure and cessation of use. These, however, do not guarantee a right to object to profiling, or a right not to be subject to decisions based solely on automated processing that produce significant effects.

The scope of our claim: combination with the special provision for the compilation of statistics, etc.

This subsection does not claim, as an independent violation, merely that Japan lacks a provision identical to Article 22 GDPR. The problem is that, without establishing rights concerning profiling and automated decision-making, the special provision for the compilation of statistics, etc. was created on the ground that there is no direct impact on individuals, while the use of outputs for judgments concerning individuals is not restricted by law either ((2) above).

Those whose information is used for training under the special provision for the compilation of statistics, etc. are not asked for consent to its provision and the like. Those who become subject to prediction or evaluation by the completed model, on the other hand, are covered by the general rules, but have no rights equivalent to the prescribed right to object under Article 21 GDPR or the protection against automated decision-making under Article 22. There are also limits to the mechanisms by which data subjects whose information is used for training can object to that use ((6) below). While a consent exception is created at the entry point, both a restriction on the use of outputs and specific rights against evaluations and decisions concerning individuals are lacking at the exit point.

The creation of the consent exception at the entry point and the shelving of the restriction on use at the exit point and of provisions regulating profiling proceeded in parallel in the deliberations under the triennial review. The course of events is as described in 1.3(2)(a) of Chapter 1.

(6) The Data Subject's Objection to AI Training Without Consent

Under the special provision for the compilation of statistics, etc., personal information may be acquired and provided without the data subject's consent and used for training AI models. What should be compared here is whether the data subject can object, on grounds relating to his or her particular situation, to **specific use for training** that is lawfully planned or ongoing.

The Amended Act establishes no such right to object with respect to use under the special provision.

Article 21(1) GDPR provides a right for the data subject to object, on grounds relating to his or her particular situation, to processing based on the performance of a task in the public interest and the like under Article 6(1)(e) or on legitimate interests under Article 6(1)(f). A controller receiving an objection can no longer process the personal data unless it demonstrates compelling legitimate grounds, or the like, which override the interests and rights of the data subject. Article 21(6) also allows objection to processing for statistical purposes. Processing necessary for the performance of a task carried out for reasons of public interest is, however, excepted, and where the conditions of Article 89(2) are met, the right may be restricted by Union or Member State law. AI development included in the "compilation of statistics, etc." under the Amended Act does not always fall within statistical purposes under the GDPR ((2) above). Objection may arise not only after training, but also at the stage at which a plan to use the personal data held for specific training has taken concrete shape.

The Amended Act also provides, in addition to requests for cessation of use and erasure in response to unlawful handling (Article 35(1)), for requests where the business operator no longer needs to use the data or where there is a risk of harm to the rights or legitimate interests of the data subject (paragraph (5) of that Article). It is therefore not the case that no request can be made with respect to lawful processing. These requests, however, differ in their requirements and in the structure of the assessment from the mechanism of Article 21(1) GDPR, under which, without any need for the data to have ceased to be needed or for any risk of harm to the data subject's rights or legitimate interests, a controller receiving an objection based on the data subject's particular situation must cease processing the personal data unless it demonstrates compelling legitimate grounds, or the like, which override the interests and rights of the data subject.

For data subjects under the age of 16, a right to request cessation of use and the like that does not require any violation of the Act has been newly established (Article 35(9)), and it may extend to use for training by a person who has received information under the special provision. The scope of its exceptions, however, is left to PPC Orders and Cabinet Orders (items (viii) and (xii) of that paragraph).[5]

The Government's answers and the choice made in the Amended Act

In the Diet deliberations, it was asked whether, if personal information could be acquired without the data subject's consent under the special provision for the compilation of statistics, etc., requests for cessation of use and erasure not conditional on any violation of the Act should be made possible. A government witness (the Secretary-General of the PPC) answered that the special provision is a scheme in which the involvement of the data subject is "not

[5] Whether cessation of the provision itself under the special provision for the compilation of statistics, etc. can be requested is also at issue. Provision under Article 30-2(5), however, may fall within item (ii) of Article 35(9), which lays down an exception for "cases where the personal data the business holds is handled based on laws and regulations". Even if it does not, it is considered that in many cases cessation of provision cannot be requested at the provider, because item (i) (acquisition with the consent of the legal representative) or item (viii) of that paragraph applies. This Opinion does not go further into this point.

indispensable in relation to the risk", and that "[g]ranting the data subject an unconditional right to request cessation of use, etc. would, in relation to the purpose of this system, amount to a kind of contradiction, and so it is difficult to institutionalise such a thing" (21 May 2026, House of Representatives Special Committee on Regional Revitalisation, Children's Policy and the Formation of a Digital Society). What this answer rejected was an **unconditional right to request**; it cannot be read as rejecting even a conditional right to object of the Article 21 GDPR type. Yet the Amended Act did not establish any right to object specific to the special provision either.

The Data Utilisation Basic Policy (1.3(2)(b)(i) above) had set out the consideration of "**approaches to the involvement of the data subject not confined to consent**" for handling such as the compilation of statistics, etc., including AI development. The Amended Act created a system of public announcement, but did not establish a right for the data subject to object to specific use for training. The involvement of the data subject in the form of a right was, as noted above, expressly rejected as "contradicting the purpose of the system". What was conceived as "involvement of the data subject not confined to consent" has ended up **not as involvement in place of consent, but as the absence of involvement**. The difference to be addressed here is that, while the scope in which consent is dispensed with has been widened, there is no mechanism by which the data subject can object to the use in light of his or her particular circumstances.

(7) Matters for Examination

1. We ask the European Commission to assess whether, for this special provision permitting third-party provision of personal information without consent and the acquisition and provision without consent of special care-required personal information, including non-public information, public announcement, a written agreement, the prohibition of handling for other purposes and the like ensure protection essentially equivalent to that required under Articles 6, 9 and 89 GDPR. With regard to the personal information of persons under 16, in light of the fact that, as a result of the reading-in under Article 40-2, even the consent of the legal representative is not required, we ask the Commission to ascertain how protection equivalent to the consideration of children's interests required by Article 6(1)(f) GDPR for processing based on legitimate interests is ensured.
2. With regard to the development of AI models covered by the "compilation of statistics, etc.", we ask the Commission to request the Government of Japan and the PPC to explain the extent to which the use of completed models for the diagnosis or evaluation of, or other measures or decisions regarding, particular individuals is permitted, and its legal basis. In light also of the Government's answer envisaging AI for diagnosis and assessment, we ask the Commission to clarify the differences from the concept of statistical purposes under the GDPR and to assess whether essentially equivalent protection is ensured under the special provision.
3. We ask the Commission to ascertain whether the purposes of the "compilation of statistics, etc." and "AI development" are sufficiently limited in relation to the principle of purpose limitation, whether there is scope for effectively indefinite

retention through the updating and continuation of purposes, and whether mechanisms exist to prevent personal data from being acquired, used and retained beyond what is necessary for the development of AI models.

4. We ask the Commission to examine whether the operation envisaged by the scheme, which envisages the provision of data with identifiers and record linkage (the Government's answers cited in (3) above) while laying down no obligation to delete identifiers, no obligation to pseudonymise and no restriction on record linkage, provides protection essentially equivalent to the appropriate safeguards required by Article 89(1) GDPR for processing for statistical purposes. We also ask the Commission to reassess whether the Amended Act provides protection essentially equivalent to the principles of data minimisation and storage limitation.
5. We ask the Commission to request an explanation of the technical measures and verification methods for ensuring that models do not constitute information relating to individuals, distinguishing between statutory obligations, interpretation through guidelines and voluntary recommendations. With reference also to EDPB Opinion 28/2024, we ask the Commission to ascertain whether there is a mechanism for assessing the risks of extraction, reproduction and the like on a case-by-case basis and for requiring corrective action where the requirement is not met.
6. We ask the Commission to examine whether, while use without consent for the compilation of statistics, etc., including AI development, is expanded, the protection of data subjects' rights against inferences, classifications, predictions and evaluations concerning individuals is ensured — in particular, whether an effective system is ensured whereby, where the use of AI models affects the treatment of individuals, the data subject can know of the processing, seek an explanation, object and seek redress.
7. Where personal information acquired or provided without the data subject's consent under the special provision for the compilation of statistics, etc. is used for AI training, we ask the Commission to ascertain whether there is a mechanism by which the data subject can object, on grounds relating to his or her particular situation, to specific planned or ongoing use. We ask the Commission, after also identifying the cases in which requests under the existing Article 35(5) are allowed and their limits, to examine whether essentially equivalent protection is ensured in light of the requirements and exceptions of Article 21(1) and (6) GDPR.

4.2 The Blanket Exception for Cases Where the Handling "Does Not Harm the Rights and Interests of the Data Subject Because It Is Not Contrary to the Data Subject's Intention", and Lawful Basis

The content of the Amended Act

Articles 18(3)(vii), 20(2)(vii) and 27(1)(viii) of the Amended Act permit, without the data subject's consent, use for purposes other than the original purpose, acquisition of special care-required personal information and third-party provision in "cases where it is evident that [the handling] is unavoidably necessary for the performance of a contract with the identifiable person, or cases prescribed by Order of the Personal Information Protection Commission as

cases where, in light of the circumstances of acquisition ..., **it is evident that the handling does not harm the rights and interests of the identifiable person because it is not contrary to the identifiable person's intention**" (provisional translation by the submitters). Their specific scope is left to PPC Orders (see Chapter 3).

Structural difference from the GDPR

Points (b) to (e) of Article 6(1) GDPR are legal bases each tied to a specific situation: the performance of a contract, a legal obligation, the protection of vital interests, or a task in the public interest. For processing by ordinary private business operators, with which this Opinion is concerned, the basis mainly at issue for processing not based on consent (point (a)) is the legitimate interests of the controller or a third party (point (f)). Processing under point (f) requires, in addition to the existence of a legitimate interest, the necessity of the processing and a balancing against the interests or fundamental rights and freedoms of the data subject. There is no legal hierarchy among points (a) to (f).

Articles 20(2)(vii) and 27(1)(viii) of the Amended Act make an exception to consent for "cases where it is evident that [the handling] is unavoidably necessary for the performance of a contract with the identifiable person, or cases prescribed by Order of the Personal Information Protection Commission as cases where, in light of the circumstances of acquisition of the sensitive personal information [personal data], it is evident that the handling does not harm the rights and interests of the identifiable person because it is not contrary to the identifiable person's intention". The first limb, concerning the performance of a contract, is close to Article 6(1)(b) GDPR and is not dealt with here. The problem lies in the second limb. Article 18(3)(vii) (use for other purposes) is also not dealt with here, since under the GDPR it is a matter of compatibility under Article 6(4).

The requirement laid down by statute for the second limb is that, in light of the circumstances of acquisition, it is evident that the handling is not contrary to the data subject's intention and does not harm the data subject's rights and interests. It focuses exclusively on circumstances on the data subject's side; neither the existence of an interest of the business operator or others, nor the necessity of the processing for that interest, is a requirement.

The second limb can therefore be described as envisaging processing that has no basis under points (b) to (e) of Article 6(1) GDPR and does not satisfy the requirements of point (f) either — processing that under the GDPR would require the data subject's consent — and as substituting for the requirement of consent the fact that it is evident that the processing is not contrary to the data subject's intention and does not harm the data subject's rights and interests. For the acquisition of special care-required personal information, the gap is even greater, because under the GDPR the processing of special categories of personal data must fall within an exception under Article 9(2) (such as explicit consent) in addition to Article 6.

This structural difference is not removed by the EU's own recent legislative developments either. As stated in 4.1 above, even the new Article 88c proposed by the European Commission in the Digital Omnibus (a provision allowing processing based on legitimate interests for the development and operation of AI) requires the balancing test under Article

6(1)(f) and the data subject's unconditional right to object. It differs in structure from the second limb of the exception, which requires neither (on objection, see 4.1(6)).

Matters for examination

- We ask the European Commission to examine whether the PPC Orders specifying the scope of the three provisions would recognise broad exceptions to consent for use for other purposes, third-party provision and the acquisition of special care-required personal information (see Chapter 3).
- In light of the fact that this exception, which requires neither the existence of an interest of the business operator or others nor the necessity of the processing and focuses solely on circumstances on the data subject's side, may extend to processing that does not satisfy the requirements of Article 6(1)(f) GDPR (and, for special categories of data, processing that does not fall within an exception under Article 9(2)), we ask the Commission to examine whether essentially equivalent protection is ensured.

4.3 The Effectiveness of the Protection of Biometric Data

Relationship between the terms

This section uses the following four concepts of the Amended Act and the GDPR.

- **Biometric data (GDPR)**: a concept under Article 4(14) GDPR, meaning personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or fingerprint data. When processed for the purpose of uniquely identifying a natural person, they are special categories of personal data, the processing of which is prohibited in principle (Article 9(1)). The Amended Act has no single defined term corresponding to this.
- **Individual identification code (Amended Act)**: a code into which a feature of part of the body, such as facial features, has been converted for use by computer, which can identify a specific individual and which is prescribed by Cabinet Order (Article 2(2)(i)). Information containing such a code is personal information.
- **Specified biometric personal information (Amended Act; newly introduced)**: personal information containing, among the above individual identification codes, a code converted from bodily features prescribed by Cabinet Order as features which can easily be acquired without the data subject noticing (Article 16(5)). It is only a subset of biometric data.
- **Special care-required personal information (Amended Act)**: personal information, including medical history and the like, the acquisition of which in principle requires the data subject's consent (Articles 2(3) and 20(2); referred to in the statutory text as "sensitive personal information"). It occupies a position corresponding to special categories of personal data under the GDPR, but biometric data are not included in it (see the first point under "Structural differences from the GDPR" below).

The content of the Amended Act

The Amended Act introduced the concept of "specified biometric personal information" (Article 16(5)) and new rules on its handling (Article 21-2, the proviso to Article 27(2), Article 35(7) and (8), and others). Specified biometric personal information means personal information containing an individual identification code converted from information relating to features of part of the body which can be acquired by means not requiring special technology or substantial cost and which is prescribed by Cabinet Order as information whose acquisition the data subject cannot easily recognise (Article 16(5)). When handling specified biometric personal information, a business operator must notify the data subject in advance of the fact of handling, the purpose of use, the procedure for requests and the like, or put them into a state in which the data subject can easily know them (Article 21-2). Third-party provision by opt-out is excluded (proviso to Article 27(2)). The data subject can request cessation of use and the like, and cessation of third-party provision, of specified biometric personal information by which he or she is identified (limited to that contained in retained personal data), without the handling having to be unlawful (Article 35(7) and (8)). These are important advances against facial identification and tracking of movements without the knowledge of the data subject.

On the other hand, the Amended Act did not bring specified biometric personal information within the rules on consent to acquisition under Article 20(2). This was a choice made after consideration in the legislative process. The PPC's ex ante regulatory impact assessment (April 2026; Annex B-5) states that, having considered a general obligation to obtain consent at the time of acquisition, "taking into account also the nature of the risks of facial feature data and the like, the actual state of and needs for utilisation by business operators, the operational burden and so on, it was decided not to adopt that means". The Amended Act chose to secure the involvement of the data subject not through consent at the time of acquisition, but through notice and ex post requests for cessation.

Structural differences from the GDPR

First, the Amended Act does not treat biometric data as a special category of data. "Biometric data" within the meaning of Article 4(14) GDPR, when processed for the purpose of unique identification, may not in principle be processed under Article 9(1), unless an exception under paragraph (2) of that Article applies. What corresponds to this in the Amended Act is special care-required personal information, the acquisition of which in principle requires the data subject's consent (Article 20(2)). Biometric data as such, however, are not included in the definition of special care-required personal information (Article 2(3) of the Act; Article 2 of the Cabinet Order to Enforce the Act on the Protection of Personal Information (hereinafter "the Cabinet Order")). The 2026 amendment did not add biometric data to special care-required personal information either. The Amended Act established rules for a certain degree of involvement of the data subject — notice and requests for cessation — for specified biometric personal information, but their scope is limited to what the Cabinet Order designates under the requirements of ease of acquisition and difficulty of recognition by the data subject (the Cabinet Order provisions concerned have not yet been made, and the definitive scope is not yet known), and covers only a subset of biometric data. Biometric data that do not constitute specified biometric personal information are subject only to the rules applicable to ordinary personal information.

Second, as a result of the difference in legal status described in the first point, concrete differences arise when biometric data are handled. The Amended Act does not require justification prior to the processing of biometric data, that is, a substantive basis permitting the processing itself. Under the GDPR, before processing biometric data for the purpose of unique identification, a controller must, in addition to specifying the purpose (Article 5(1)(b)) and providing information to the data subject (Articles 13 and 14), have a legal basis under Article 6 and fall within an exception under Article 9(2). Where private operators use video surveillance with biometric identification functions, explicit consent is required in most cases (EDPB Guidelines 3/2019, para. 77). Under the Amended Act, whether or not the data constitute specified biometric personal information, the handling of biometric data is not prohibited, and specification of the purpose of use and notification or public announcement (Articles 17 and 21) suffice. These, including the notice added for specified biometric personal information (Article 21-2), are procedural requirements corresponding to specification of purpose and provision of information under the GDPR, and do not require a basis permitting the processing itself. The necessity of biometric identification, the existence of less intrusive alternatives and a balancing against the rights and interests of the data subject are not statutory requirements. The same applies to third-party provision. Biometric data can be provided with the data subject's consent and, even without consent, under the items of Article 27(1) (including cases where it is evident that provision is unavoidably necessary for the performance of a contract, as well as cases prescribed by PPC Order; item (viii) of that paragraph) or under the special provision for the compilation of statistics, etc. (Article 30-2(5)). For specified biometric personal information, provision by opt-out has been excluded, but the requirements for other provision are the same as for ordinary personal data. Under the GDPR, by contrast, disclosure to another controller is also a form of processing that requires a legal basis under Article 6 and an exception under Article 9(2), and where it is based on consent, the consent must be explicit (Article 9(2)(a)).

This difference leads to a paradoxical result. The Amended Act does not require the data subject's consent for the creation or acquisition of codes. However, where a business operator voluntarily obtains consent "in advance" and then creates or acquires a code, that code falls outside the scope of requests for cessation not requiring unlawfulness, under Article 35(7)(i) and (ii). Consent thus functions not as a basis permitting the processing, but solely as a ground on which the data subject loses the special right to request cessation. Nor does the Amended Act contain any provision, like Article 7(3) GDPR, laying down the withdrawal of consent and its effects. According to the wording, therefore, even if the data subject later withdraws consent, the right to request cessation is not restored. Under the GDPR, consent can be withdrawn at any time, and, where there is no other legal ground, the right to erasure under Article 17(1)(b) may arise. The right to object under Article 21(2) applies to processing for direct marketing purposes irrespective of the legal basis. Under the GDPR, justification prior to processing and ex post remedies are not alternatives, whereas the Amended Act makes them alternatives and places data subjects who have consented outside the special remedy.

Third, the Amended Act provides broad exceptions and delegations for transparency and requests for cessation, on which it places the centre of gravity of the data subject's involvement.

- Notice is not required where it is likely to harm the rights and interests of the data subject or a third party, the rights or legitimate interests of the business operator, or the like (Article 21-2(2)). Recital 64 of the 2019 Adequacy Decision presupposed that similar exceptions relating to notification of the purpose of use and the like apply, according to the interpretation in the PPC Guidelines, only "in very specific situations", such as the fight against fraud. There are, however, as yet no guidelines setting out such an interpretation for the exceptions to the notice obligation. The question is whether the exceptions may be interpreted in a manner convenient to business operators and thus applied widely, and whether the PPC can monitor and correct such practice.
- In place of the explicit consent that would be required in many cases under the GDPR, the Amended Act has adopted a method of securing the data subject's involvement through notice and ex post requests for cessation. For this method to function, data subjects must be able to know which business operators handle their specified biometric personal information and to reach the point of contact for requests for cessation. A "state in which the data subject can easily know", however, does not guarantee discovery by passers-by and others who do not know in advance of facilities carrying out facial identification. Nor does the Amended Act provide any mechanism by which the operators, locations, purposes of use and points of contact for requests can be searched across the board. Even under the GDPR, the EDPB recommends, for video surveillance in general, the use of technical means such as publishing the locations of cameras on map applications or websites so that data subjects can identify the source of recording and exercise their rights (EDPB Guidelines 3/2019, para. 118). Under the Amended Act, which places the centre of gravity of the data subject's involvement on notice, the need is all the greater.
- The exceptions to requests for cessation extend, besides cases necessary for the protection of a person's life, body or property (Article 35(7)(iv)), to cases left to PPC Orders and Cabinet Orders (items (ix) and (x) of that paragraph). Where cessation is difficult, alternative measures suffice (proviso to paragraph (8) of that Article).
- As a transitional measure, where notice or consent given before the date of entry into force is "equivalent" to the notice under Article 21-2(1) or the consent under Article 35(7)(i) and (ii), notice or consent is deemed to have been given (Article 4(1) and (2) of the Supplementary Provisions). No criteria for assessing "equivalent" have been given, and neither explicitness nor revocability is required of deemed consent. The new protection may thus not extend to existing facial identification operations that meet the requirements.

Fourth, the Amended Act contains neither prior assessment nor provisions for the public sector. Articles 35(3) and 36 GDPR require, for large-scale processing of special categories of personal data and systematic monitoring of a publicly accessible area on a large scale, an

impact assessment before processing begins and prior consultation with the supervisory authority where a high risk remains. The Amended Act has no equivalent scheme. Moreover, the new rules on specified biometric personal information (Article 21-2, Article 35(7) and others) are placed only in Chapter IV, which covers private business operators, with no corresponding provisions in Chapter V, which covers administrative organs and the like. In the EU, processing by public bodies is in principle also subject to the GDPR, and for processing for law enforcement purposes, Directive (EU) 2016/680 limits the processing of biometric data for the purpose of unique identification to cases where it is strictly necessary (Article 10) and requires a prior impact assessment where the processing is likely to result in a high risk (Article 27). The 2019 Adequacy Decision covers transfers to business operators, but EU-origin data held by business operators may be provided to administrative organs and the like (Article 27(1)(i) and (iv)). This point should also be examined from the standpoint of safeguards against interference by public authorities.

Relationship with the premises of the 2019 Adequacy Decision

Recital 66 of the 2019 Adequacy Decision states that, "[a]ccording to section 2.3 point (8) of the PPC Guidelines, the sub-categories of 'medical history' detailed in Article 2(ii) and (iii) of the Cabinet Order are interpreted as covering genetic and biometric data". Recital 69 regarded as an additional safeguard the fact that special care-required personal information cannot in principle be acquired without the prior consent of the individual concerned.

In the General Rules Guidelines as in force at the time of the Decision (as partially amended on 23 January 2019), however, sections 2-3(8) and 2-3(9), which correspond to Article 2(ii) and (iii) of the Cabinet Order, list only the results of health check-ups, genetic testing and the like, and information relating to health guidance, medical treatment and dispensing. For genetic data there is a corresponding entry, namely the results of genetic testing, but there is no entry in either section corresponding to biometric data, facial recognition data or facial feature data. Codes converted from faces and the like were explained in section 2-2 of the same Guidelines as individual identification codes and placed in a category separate from special care-required personal information. The PPC Q&A published at the time (Q1-11 and Q1-12) likewise treat facial recognition data as ordinary personal information, requiring no more than specification of the purpose of use and notification or public announcement and the like (Annex B-5; for translated excerpts, Annexes C-12 and C-13).

Accordingly, the understanding that the "biometric data" referred to in Recital 66 include facial feature templates for unique identification cannot be confirmed from the published Japanese legislation and PPC interpretative materials. If such data were included from the outset, the question arises why the 2026 amendment did not bring them within the rules on consent to acquisition under Article 20(2). If they were not included, the assessment of protection equivalent to Article 9 GDPR in the 2019 Adequacy Decision itself needs to be re-examined.

The scope of our claim

This Opinion does not deny that the strengthening of transparency, the exclusion of opt-out provision and the introduction of a right to request cessation not requiring unlawfulness under

the Amended Act are important advances. The new rules, however, do not require justification prior to processing; leave the scope of application and the exceptions to transparency and remedies largely to Cabinet Orders and PPC Orders; allow existing operations to be placed outside the protection by transitional measures; and do not cover the public sector. These new provisions alone cannot be assessed as ensuring protection of biometric data essentially equivalent to that under the GDPR.

Matters for examination

- We ask the European Commission to ascertain, by reference to the English translations, replies to enquiries and other explanatory materials used at the time, the basis on which Recital 66 of the 2019 Adequacy Decision assessed "biometric data" as included in special care-required personal information. We also ask the Commission to examine whether the fact that the 2026 amendment did not bring specified biometric personal information within the rules on consent to acquisition under Article 20(2) is consistent with the assessment in that Decision.
- We ask the Commission to examine whether, including the scope of application to be determined by Cabinet Order and the exceptions under Articles 21-2 and 35, justification prior to processing equivalent to Articles 6 and 9 GDPR, impact assessment and prior consultation equivalent to Articles 35 and 36 GDPR, and effective mechanisms for transparency and requests for cessation are ensured. We also ask the Commission to clarify the extent to which, by virtue of Article 4 of the Supplementary Provisions, the new protection will not extend to existing facial identification operations.
- We ask the Commission to ascertain whether, for biometric identification by administrative organs and the like, protection equivalent to the new rules on specified biometric personal information in Chapter IV exists. In particular, we ask the Commission to examine whether, for EU-origin data provided by business operators to administrative organs and the like, control of necessity, impact assessment and redress for data subjects equivalent to those under the GDPR or Directive (EU) 2016/680 are ensured.

Chapter 5 Real-World Manifestation and the Response of the Supervisory Authority: The My Number Health Insurance Card and Vulnerable Persons

5.1 Positioning of this Chapter

The integration of the My Number card and the health insurance card (the so-called "My Number health insurance card") addressed in this Chapter mainly concerns the processing of data within Japan, and does not in itself directly affect the protection of EU-origin data.

This Opinion nevertheless takes it up for two reasons.

First, it is **a real-world instance in which the deficiencies identified in the preceding chapters as features of the legal structure — the quality of consent (4.2 of Chapter 4), the handling of sensitive information and the absence of protection at the design stage — have concretely materialised in an actual large-scale system**. These deficiencies are not specific to a particular scheme but systemic, inherent in one and the same body of personal information protection law. Since the same legal system applies to EU-origin data, the deficiencies that appear here also have implications for assessing the protection of EU-origin data.

Second, this scheme is also **a case showing how the supervisory authority actually functions**. An adequacy decision presupposes not only the existence of an independent supervisory authority but also its effective functioning (Article 45(2)(b) GDPR; 1.1 of Chapter 1). The EDPB's Adequacy Referential (WP254 rev.01) likewise states that data protection rules are only effective if they are enforceable and followed in practice, and that it is necessary to consider not only the content of the applicable rules but also the system in place to ensure their effectiveness. The role that the PPC played in the introduction of a large-scale scheme handling medical information (special categories of data) aggregated on an individual basis provides a clue for assessing the functioning of the very authority that supervises EU-origin data (5.5).

It may also be noted that Japan is the only G7 country that is integrating an identity card with the health insurance card.

5.2 Granularity and Withdrawal of Consent (Articles 7 and 9 GDPR)

With the My Number health insurance card, the patient's consent to the provision of medical information to the medical institution is obtained at the reception desk of medical institutions and pharmacies, after identity verification (by facial recognition or PIN). According to the sample screens published by the Digital Agency and the operational manuals of the Ministry of Health, Labour and Welfare, consent is given by choosing "consent / do not consent" for each of the items "**past medical treatment and medication information (excluding surgical information)**", "**past surgical information**" and "**specific health check-up information**", and it is possible to refuse consent item by item (source: Digital Agency website; Annex C-2). Since 7 October 2024, however, a screen asking "Do you consent to the

provision of past medical information, etc.?" has been displayed before these item-by-item screens. Its options are "Consent to all" and "Consent individually"; if the former is chosen, the item-by-item screens are skipped. Refusal of consent can be selected only on the item-by-item screens displayed after the latter is chosen (Administrative Notice of the Medical and Long-Term Care Coordination Policy Division, Health Insurance Bureau, Ministry of Health, Labour and Welfare, 7 October 2024; Annex C-2).

This Opinion therefore does not claim that "no option to refuse consent is given" or that "consent is uniformly steered". The problem lies in the **granularity (specificity)** of consent.

- Consent is sought in units of **broad categories**, such as "past medical treatment and medication information (excluding surgical information)", within which finer control is not possible. As the separation of surgical information as an independent consent item shows, a technical mechanism for separating categories does exist in the system; yet within the category of medical treatment and medication information, it is not possible to exclude and withhold only information relating to specific clinical departments (for example, psychiatry or obstetrics and gynaecology) or specific conditions, and once consent is given, the whole of that category — including highly sensitive information — becomes subject to provision.

Article 4(11) and Article 7 GDPR require consent to be "**specific**", and Article 9 affords special protection to data concerning health as a special category. Whether a mechanism that lumps together medical information of differing sensitivity and allows consent or refusal only by category is consistent with the standard of "specific" consent required for special categories of data merits examination.

The very fact that such coarse-grained consent is considered sufficient for medical information, a special category of data, also reflects that Japan's APPI — including the exception, discussed in 4.2 of Chapter 4, for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention" — does not position consent as a finely tuned protective requirement.

Moreover, ordinary reception using facial-recognition card readers and the like has no function for withdrawing consent once given. The Ministry of Health, Labour and Welfare's technical guide states that, for home-visit medical care and the like, provided through regular visits under planned medical management, a function for withdrawing consent is added because consent to viewing, once obtained, continues until the end of that home-visit care, while expressly stating that this function has not been introduced in online eligibility confirmation using existing facial-recognition card readers and the like (Annex B-5). Article 7(3) GDPR provides that the data subject has the right to withdraw consent at any time and that it shall be as easy to withdraw as to give consent.

5.3 Aggregated Holding and Secondary Use of Medical Information (Article 9 GDPR)

In the "Online Eligibility Confirmation System" that supports eligibility confirmation by the My Number health insurance card, medical information is aggregated on an individual basis through the following mechanisms (sources: Ministry of Health, Labour and Welfare, "On

Online Eligibility Confirmation, etc." (Material 2-1, 108th meeting of the Medical Insurance Subcommittee of the Social Security Council, 8 November 2017; hereinafter "the 2017 Material"), pp. 2 and 20; the same Ministry, "Provision of Medical Treatment Information Including Surgical Information in Online Eligibility Confirmation" (March 2025; hereinafter "the 2025 Material"), PDF pp. 3 and 8; Health Insurance Claims Review & Reimbursement Services, "Intermediate Servers for Medical Insurers, etc."; Annex B-5).

- **Linking of numbers**: the insured person's number changes each time the person changes insurer. Its history is managed centrally, linked to the Individual Number (My Number), on the intermediate server for medical insurers and the like operated by Japan Healthcare Payment & Digital Transformation Services[6] and the All-Japan Federation of National Health Insurance Organizations. The axis linking information across insurers is this Individual Number (2017 Material, pp. 2 and 20).
- **Aggregation of medical information**: on this basis, medication, treatment and surgical information extracted from electronic health insurance claims (electronic data of medical fee statements) (in principle for the past five years) and specific health check-up information are managed on an individual basis by means of individual-level insured person numbers.
- **Viewing**: medical institutions and pharmacies view this information after identity verification with the My Number health insurance card, and data subjects can also view it through Mynaportal. Identity verification at the reception desk uses the card's electronic certificate, not the Individual Number itself (2025 Material, PDF p. 3).

The Government itself stated that central management of the history of insured person numbers would make "data analysis transcending the vertical divisions of the system" possible (2017 Material, p. 5). In other words, medical information is not left dispersed among individual medical institutions to be consulted at the time of viewing, but is aggregated and managed on an individual basis, starting from the health insurance claims data.

Article 9 GDPR treats data concerning health as a special category of data whose processing is prohibited in principle and permitted only under limited exceptions. The aggregated holding described above is for the purpose of providing medical care at the time of consultation, and could in itself correspond, under the GDPR too, to the exception in Article 9(2)(h) (the provision of health care and the like). This Opinion does not take issue with the holding as such. The problem is what protection special-category data aggregated on an individual basis, in a form capable of building detailed profiles of an individual's health condition and history of consultations, receive against use and linkage beyond the original purpose of health care, under the special provision for the compilation of statistics, etc., including AI development, discussed in Chapter 4 (4.1), operations envisaging record linkage (the Government's answers in 4.1(3)), and the absence of rules on profiling (4.1(5)). How the exceptions in the Amended Act and the rules of the medical insurance legislation apply to these aggregated data is not

[6] Japan Healthcare Payment & Digital Transformation Services (医療情報基盤・診療報酬審査支払機構; the English name given on the organisation's website, www.hpdx.or.jp) is the corporation which, under the Act Partially Amending the Medical Care Act, etc. (Act No. 87 of 2025), changed its name on 1 October 2026 from the Social Insurance Medical Fee Payment Fund (社会保険診療報酬支払基金; English name: Health Insurance Claims Review & Reimbursement Services). As the materials cited in this Opinion predate the change of name, the former name is used in the citation of sources.

clear from publicly available materials, and requires examination from the standpoint of the level of protection of special-category data.

5.4 Absence of Protection at the Design Stage (Article 25 GDPR)

The most structural problem is the absence of protection at the design stage.

Article 25 GDPR imposes an obligation to build data protection into systems processing personal data from the design stage (data protection by design) and an obligation to make the most protective settings the default unless the user changes them (by default). By contrast, the Amended Act has no provision corresponding to an obligation of data protection at the design stage. At the same time, there have been cases in which necessary consideration was not given to data protection in the design of major institutional changes, and protective measures were taken after the fact, once problems had arisen.

This structure of "**dealing with problems after the fact rather than building protection into the design**" is evident in the course of events concerning vulnerable persons. The My Number health insurance card was introduced without building into its design, at the design stage, consideration for persons such as elderly people with dementia who find it difficult to manage authentication information (PINs) autonomously. As a result, problems arose in which PINs had to be entrusted to carers and others, or facilities had to manage cards and PINs.

The responses were taken **after the fact and at the operational level**: the introduction of the "facial-recognition My Number card", which does not require a PIN (from December 2023; its use for Mynaportal and the like is restricted), the preparation of management manuals for welfare facilities, and substitution by paper "eligibility certificates", among other measures (Annexes B-5 and C-9). The Government explains that, as a result, identity can be verified by facial recognition or visually at the reception desk of medical institutions, so that there is no need to entrust PINs to facilities, and that the risks associated with entrustment have been reduced. This, however, is only the Government's explanation, and shows no more than that institutional options have been put in place.

Yet this very course of events shows the heart of the issue: **protection was not built in at the design stage, but added as an operational measure after the problems had come to light.** In fact, it has been pointed out that concerns remain, such as the burden of card management in facilities, the risks of loss and misuse, and operational difficulties where facial recognition is difficult. The by design / by default approach requires that such risks be prevented at the stage of institutional design — for example, by making access limited to the minimum necessary for the purpose the default — rather than being left to self-protection by users or to ex post operational responses. The absence of such a design-stage obligation in the Amended Act underlies the structure that makes the protection of vulnerable persons dependent on ex post responses.

5.5 The Response of the Supervisory Authority: Effective Functioning (Article 45(2)(b) GDPR)

Under the GDPR, a supervisory authority has the task of advising, in accordance with Member State law, the national parliament, the government and other institutions and bodies on legislative and administrative measures relating to processing (Article 57(1)(c)). Member States must consult the supervisory authority during the preparation of a proposal for a legislative measure to be adopted by a national parliament, or of a regulatory measure based on such a legislative measure, which relates to processing (Article 36(4)). For schemes involving significant data protection issues, the supervisory authority is thus expected to express its views at the design stage.

In Japan, too, the PPC had a formal opportunity to express its views on this scheme. The Government seeks the PPC's opinion, pursuant to statute, on the draft Priority Policy Program for Realizing Digital Society (Article 39(4) of the Basic Act on Forming a Digital Society [Article 37(4) at the time of the 2023 opinion]; Article 8(4) of the Basic Act on the Advancement of Public and Private Sector Data Utilization). The 2023 draft Program expressly stated, with regard to the My Number card and the health insurance card, that "the integration will be accelerated and the health insurance card will be abolished in autumn 2024 (Reiwa 6)"; it also positioned the Online Eligibility Confirmation System as "the infrastructure for sharing medical information", and stated that receiving medical treatment with the My Number card would make it possible to receive "better medical care based on their health and medical information". The PPC's opinion in response (1 June 2023) stated that, in promoting the dissemination and use of the My Number card, "it is essential ... to take the measures necessary to ensure the proper handling of Individual Numbers and other specific personal information, etc.", and confined itself to general points to note, such as ensuring the transparency of measures and using PIA (privacy impact assessment) methods. Concrete situations that could arise — such as how the data subject's consent is to be obtained when medical information is shared, and how persons unable to manage the card and PIN themselves are to be treated once the health insurance card is abolished — were not raised. This opinion was compiled at the same PPC meeting (its 244th meeting, held on 31 May 2023) at which the policy for responding to mislinking incidents involving the My Number card's use as a health insurance card was deliberated (Annex C-17). The opinions from 2024 to 2026 are to the same effect, and refer neither to the health insurance card nor to medical information.

It is not the case that the PPC never expresses views on the handling of medical information. With regard to incidents in which insurers linked health insurance card information to another person's Individual Number,[7] the PPC conducted an investigation and stated that it was

[7] These were cases in which insurers such as health insurance societies, when linking health insurance card information to Individual Numbers, linked another person's Individual Number owing to insufficient identity verification, input errors, deficiencies in the search conditions used in queries to the Basic Resident Registration Network, and the like. As a result, in addition to the data subject's health insurance card information, special care-required personal information such as medical expense notification information and medication information was viewed, or became viewable, by third parties through Mynaportal and the like (PPC, "Administrative Response under the My Number Act and the APPI to the Mislinking Incidents concerning Health Insurance Card Information and Disability Certificate Information", Material 1-2, 263rd PPC

necessary to put in place mechanisms for detecting erroneous registrations after linkage and to carry out ex post checks (6 December 2023). It has also issued alerts concerning the provision of health insurance claims data and the like by local governments (25 December 2024 and 19 August 2026).

However, within the scope of the PPC's published materials and the Diet minutes that we examined,[8] we found no instance in which the PPC expressed a view on the points identified in 5.2 to 5.4 — the granularity and withdrawal of consent, safeguards against the use of medical information aggregated on an individual basis beyond its original purpose, and consideration at the design stage for vulnerable persons. When asked in the Diet about a mechanism enabling data subjects to check how their own medical information is used, the Secretary-General of the PPC answered that he was "unable to answer regarding policies specific to medical information" (24 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc.; Annex C-7).

In particular, the consent at the reception desk discussed in 5.2 is consent to provision under the APPI, and thus concerns the application of the very Act that the PPC itself administers. That the PPC, despite having a formal opportunity to express its views, did not address the central protection issues of a large-scale scheme that aggregates special-category data on an individual basis merits examination, alongside the independence discussed in Chapter 1, from the perspective of whether the PPC is functioning effectively as a supervisory authority (Article 45(2)(b)).

5.6 Matters for Examination

1. **(Articles 7 and 9)** We ask the European Commission to examine whether the fact that consent to the provision of medical information under the My Number health insurance card is sought in units of broad categories such as "past medical treatment and medication information (excluding surgical information)", and that it is not possible to exclude and withhold only sensitive information relating to specific clinical departments or conditions (coarse granularity), is consistent with the standard of "specific" consent required for special categories of data. We also ask the Commission to examine whether a means of withdrawing consent once given is secured (Article 7(3)). We further ask the Commission to examine whether similarly coarse-grained consent could also come to be treated as sufficient in the handling of EU-origin data.
2. **(Article 9)** We ask the Commission to assess whether, for medical information (special categories of data) aggregated and held on an individual basis in the Online Eligibility Confirmation System, protection is substantively ensured against use and

meeting, 6 December 2023). In 2023, such mislinking was discovered in one place after another and was widely reported in the press and elsewhere.

[8] The scope of our examination was as follows: the published minutes and summaries of proceedings of the PPC's meetings (from the 84th meeting on 9 January 2019 to the 369th meeting on 16 September 2026); the PPC's annual reports for FY2019 to FY2025; its press releases, alerts and results of public consultations; the PPC's opinions on the Priority Policy Program (2023 to 2026); the review materials for the Full Assessment Reports (under the Specific Personal Information Protection Assessment) concerning the intermediate server for medical insurers and the like; and the Diet minutes (January 2019 to September 2026; all statements by speakers whose titles include the PPC). Non-public parts of meetings and consultations within the Government cannot be ascertained from published materials.

linkage beyond the original purpose of providing health care (including under the special provision for the compilation of statistics, etc. (including AI development) in the Amended Act).

3. **(Article 25)** We ask the Commission to examine whether, at the design stage of digitalisation policies, protective measures for persons who have difficulty making autonomous decisions owing to cognitive decline and the like are **built into the institutional design, or left to ex post, operational responses after problems have come to light**. We ask the Commission to assess whether the absence in the Amended Act of an obligation of data protection at the design stage (by design / by default) makes the protection of vulnerable persons dependent on ex post responses.
4. **(Article 45(2)(b))** We ask the Commission to examine whether the fact that the PPC did not express views on the issues in items 1 to 3 above, despite its formal opportunity to do so through its opinion on the Priority Policy Program, is consistent with the effective functioning of an independent supervisory authority.

Chapter 6 Conclusions and Requests

The examination in this Opinion may be summarised as follows. The 2026 amendment expands the use of data without the data subject's consent on the grounds of AI development, the compilation of statistics, etc., and lowers the general level of protection (Chapter 4). The core of that level of protection is determined, and may be changed, by PPC Orders and the Supplementary Rules, without the involvement of the Diet (Chapter 3). Redress and enforcement have not been strengthened commensurately with the expansion of data use, and the newly introduced administrative monetary penalty is limited both in the categories of conduct covered and in its triggering conditions (Chapter 2). And there are doubts as to the independence of the PPC, which is responsible for these rules (Chapter 1). The protection afforded once the amendments enter into force will depend to a large extent on PPC Orders, guidelines and other instruments yet to be developed; however, in light of the Amended Act and the process by which it was drafted, it is difficult to trust that, in developing such subordinate norms, the PPC will of its own accord strike the balance required to guarantee sufficient protection. The My Number health insurance card discussed in Chapter 5 is an example of these deficiencies materialising in an actual system, and at the same time casts doubt on whether the PPC is functioning effectively as a supervisory authority. For these reasons, we consider that, including as regards the development of the PPC Orders and other instruments, it needs to be examined anew whether personal data transferred from the EU continue to receive essentially equivalent protection. Moreover, the problem is not confined to whether the level of protection will be maintained by such instruments: whether the PPC can still be regarded as the independent supervisory authority presupposed by an adequacy decision, and also whether it is functioning effectively as a supervisory authority (Article 45(2)(b)), need to be examined anew.

We therefore respectfully request that the European Commission, in its next periodic review under Article 45(3) GDPR, take the following steps:

1. Examine anew whether the PPC can still be regarded as an independent supervisory authority within the meaning of Article 45(2)(b) GDPR (including whether it is functioning effectively) (Chapters 1 and 5).
2. Formally take up each of the "matters for examination" in Chapters 1 to 5 as items for examination relating to the maintenance of the 2019 Adequacy Decision.
3. With regard to each issue, request the Government of Japan and the PPC to provide explanations concerning the level of protection after the amendment and the effectiveness of the Supplementary Rules, and to take any necessary remedial action. In particular, ask the Government of Japan to confirm whether, with regard to the PPC's drafting of a bill amending the very Act it supervises, institutional guarantees as an independent supervisory authority are maintained under the grounds explained by the PPC Secretariat (Chapter 1, 1.4, item 2), and the domestic legal basis for enforcing those parts of the Supplementary Rules that impose obligations exceeding the Act itself (Chapter 3, 3.4, item 3).

4. Assess, taking Chapters 1 to 3 together, whether the guarantees provided by the Supplementary Rules still merit trust in view of the doubts regarding the independence of the PPC, which has the power to amend them.
5. Where, as a result of such examination, the premises of the 2019 Adequacy Decision are found no longer to be met, consider appropriate measures under Article 45(5).

The purpose of this Opinion is to provide the domestic legal information necessary for the European Commission to examine, in its next periodic review, the Japanese system after the 2026 amendment.

About the Submitting Organisations

The three organisations that submit this Opinion are outlined below.

Association for the Protection of Local Autonomy and Local Healthcare (Co-Representatives: YAMAGISHI Ryota, KOJIMA Nobuo)

The Association is a body formed by lawyers from across Japan in order to secure local self-government that responds appropriately to the needs of residents and a system of community healthcare that supports people's healthy lives. Its main concern is the effect on local self-government and community healthcare of problems in the management of personal information, beginning with the My Number health insurance card. It has so far held four symposia on the My Number health insurance card.

[URL: https://www.jichi-iryo.org]

Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren) (President: TAKEDA Tomoo)

Hodanren is a body of physicians and dentists formed in 1969. It is composed of 51 prefectural associations of insurance practitioners (physicians and dentists registered to provide services under the health insurance system; *hokeni kyōkai* and *hokeni-kai*), with approximately 105,000 members. Its objectives are to safeguard insurance practitioners' medical practices, livelihoods and rights, to improve medical care for the public and to strengthen healthcare coverage. In addition to advising on insurance claims work, providing information on revisions of the medical fee schedule, operating a mutual aid scheme and holding study meetings, it conveys the voices of the medical field to the administration and the Diet. As part of these activities, it has investigated troubles in the medical field caused by the My Number health insurance card and has issued statements concerning the amendment of the Act on the Protection of Personal Information.

[URL: https://hodanren.doc-net.or.jp]

A group of members of the Study Group on the Role and Structure of Personal Information Protection Authorities (Chair of the Study Group: JITSUHARA Takashi)

The Study Group on the Role and Structure of Personal Information Protection Authorities is a study group whose main concern is researching and ascertaining the present state of the Personal Information Protection Commission, and whose members are academics and lawyers. It has conducted literature surveys and requests for disclosure of information, as well as interview surveys at independent bodies in Japan and at the personal information protection supervisory authorities of Germany, France and Canada. The Study Group received a research grant from the Japan Law Foundation (*Nichibenren Hōmu Kenkyū Zaidan*), a public interest incorporated foundation, and has conducted the research project "Research on the Substantive Requirements that the Personal Information Protection Commission Should Satisfy as an Independent Administrative Commission" (Research No. 173; October 2023 to September 2026; principal investigator: JITSUHARA Takashi, Professor, Nanzan University, School of Law).

The submitters of this Opinion are four of the members of the Study Group (the Chair, JITSUHARA Takashi, and three others). Neither the Study Group nor the Japan Law Foundation is a submitter of this Opinion. The written reply of the PPC Secretariat dated 10 September 2026, set out in Annex C-14, was given in response to the request for an interview that the Study Group sent, in the name of the principal investigator, on 6 July 2026 as part of the above research project.

Annex A Table of Correspondence with GDPR Provisions

GDPR	Protection principle / right	Position under the Amended Act	Relevant part of this Opinion
Articles 5 and 89	Purpose limitation, data minimisation, storage limitation; safeguards for processing for statistical purposes	Provision of data with identifiers and record linkage envisaged by the scheme (Government answers) / scope for effectively indefinite retention	4.1(3)
Recital 162 and Article 89	Definition of statistical purposes — outputs as aggregate data, and non-use for measures or decisions regarding any particular natural person (restriction on use at the exit point)	The definition of the "compilation of statistics, etc." is framed solely by the requirement that the outputs not constitute information relating to individuals and lacks an exit restriction / the exit restriction in paragraph (4) of the Supplementary Rules is limited to the pseudonymized personal information route	4.1
Article 6	Exhaustive list of legal bases (lawful basis)	Blanket exception for cases where the handling "does not harm the rights and interests of the data subject because it is not contrary to the data subject's intention" (no balancing of interests) — even the EU's Digital Omnibus proposal (new Article 88c; not adopted) retains the balancing of interests and the unconditional right to object	4.1, 4.2
Article 6(1)(f)	Consideration of children's interests in the balancing of legitimate interests ("in particular where the data subject is a child")	Even the consent of the legal representative newly introduced for persons under 16 (Article 40-2 of the Act) is not required under the special provision for the compilation of statistics, etc., and the requirements of the special provision include no balancing of children's interests (Article 58-3 of the Act is an obligation to endeavour)	4.1
Article 7 and Article 4(11)	Conditions for consent (specific, etc.); withdrawal of consent (Article 7(3))	Consent to medical information is given by broad category (coarse	5.2

GDPR	Protection principle / right	Position under the Amended Act	Relevant part of this Opinion
		granularity). Ordinary reception has no function for withdrawing consent	
Article 9	Special categories of data	Provision without consent of non-public special care-required personal information (Government answer) / safeguards against secondary use of medical information aggregated and held on an individual basis / gaps in the rules on biometric data	4.1, 4.3, 5.2, 5.3
Articles 13–15, 21 and 22	Rights concerning profiling and automated decision-making	No corresponding provisions — only ex post enforcement against clearly unlawful or improper cases (Article 19 of the Act), according to the Government's answer (asymmetric with the expansion of use)	4.1(5)
Article 21(1) and (6); Article 89(2)	Conditional right to object to processing based on a task in the public interest or legitimate interests; extends in principle to processing for statistical purposes, subject to exceptions and restrictions laid down by law	Requests for cessation of use and the like under Article 35 of the Act remain, but there is no right to object specific to the special provision; the Government answered that a new unconditional right to request cessation of use and the like would contradict the purpose of the scheme	4.1(6)
Articles 25 and 32	Data protection by design and by default; security of processing	No obligation of protection at the design stage (ex post responses) / whether technical safeguards at the AI training stage will be required remains unknown pending the PPC Orders	4.1, 5.4
Article 45(2)(a)	Rule of law, effective redress, foreseeability	Level of protection changeable by PPC Orders; absence of an enforcement basis for the parts of the Supplementary Rules that "go beyond" the Act / limitation of redress and enforcement	Chapters 2 and 3
Article 45(2)(b) (see also	Effective functioning of the	Although its opinion was	5.5

GDPR	Protection principle / right	Position under the Amended Act	Relevant part of this Opinion
Articles 36(4) and 57(1)(c))	independent supervisory authority	sought, pursuant to statute, on the Government's Priority Policy Program setting out the abolition of the health insurance card and the sharing of medical information, the PPC's opinion was confined to general points to note and did not address the obtaining of consent, the aggregation and secondary use of medical information, or consideration for vulnerable persons (within the scope of published materials)	
Article 52	Complete independence of the supervisory authority	Doubts as to the independence of the PPC (self-drafting; course of deliberations)	Chapter 1
Articles 80, 82 and 83	Collective redress, compensation, administrative fines	Limitation of the administrative monetary penalty (in both categories of conduct and triggering conditions) / collective litigation shelved	Chapter 2
Article 45(5)	Suspension, amendment or repeal where protection is inadequate	(Measures requested of the Commission)	Chapter 6

Annex B Table of Authorities

B-1 EU Law: Charter and Legislation

Source	Type	Referred to in	URL (last accessed: 2026-09-27)
Charter of Fundamental Rights of the EU, Art. 8, Art. 52(1)	Primary law	General; Chapter 1	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT
GDPR (Regulation (EU) 2016/679), Arts. 1, 5–9, 13–15, 21, 22, 25, 32, 35, 36, 40, 42, 45, 51, 52, 57, 58, 80, 82, 83, 89, recitals 4, 13, 123, 162	Secondary law	Annex A; general	https://eur-lex.europa.eu/eli/reg/2016/679/oj
Regulation (EU) 2024/1689 (AI Act)	Secondary law	Chapter 4	https://eur-lex.europa.eu/eli/reg/2024/1689/oj
Directive (EU) 2016/680 (Law Enforcement Directive), Arts. 10, 27	Secondary law	4.3	https://eur-lex.europa.eu/eli/dir/2016/680/oj
Directive (EU) 2020/1828 (Representative Actions Directive), Arts. 2(1), 7(1), 7(4), 24(1), Annex I point (56)	Secondary law	2.3(2)	https://eur-lex.europa.eu/eli/dir/2020/1828/oj

B-2 CJEU Case Law

Case	CELEX	Paragraphs cited	URL (last accessed: 2026-09-17)
Commission v Germany, C-518/07	62007CJ0518	paras. 19, 20, 22, 23, 24, 25, 30, 35, 36, 42	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007CJ0518
Commission v Austria, C-614/10	62010CJ0614	paras. 39, 42, 45–66	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0614
Schrems I, C-362/14	62014CJ0362	paras. 41, 73	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62014CJ0362
Schrems II, C-311/18	62018CJ0311	paras. 94, 105, 176, 187, 197, 199	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CEL

Case	CELEX	Paragraphs cited	URL (last accessed: 2026-09-17)
			EX:62018CJ0311
Meta Platforms and Others (General terms of use of a social network), C-252/21	62021CJ0252	para. 123	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0252

B-3 Documents of the Commission and the EDPB (not attached)

Source	Issued by	Date	URL (last accessed)
Commission Implementing Decision (EU) 2019/419 (adequacy decision for Japan) / the Supplementary Rules annexed thereto. Current version: partially amended December 2023 (published by the PPC; the special rule on pseudonymized personal information in paragraph (4) was added by the amendment of 15 March 2023 [in force 1 April; PPC Materials 3-1 and 3-2 of the same date]; the December amendment was a technical amendment, such as replacing "the Minister of Health, Labour and Welfare" with "the competent minister"). **Legal form: PPC Public Notice No. 4 of 2018** (paragraph 2 of PPC Public Notice No. 5 of 2019 states expressly that "the Supplementary Rules (PPC Public Notice No. 4 of 2018) are partially amended as follows"; PPC press release attaching that Notice [2020-01-31] https://www.ppc.go.jp/files/pdf/houdouhappyou.pdf). The PDF published by the PPC is a consolidated version that does not state the notice number	European Commission	2019-01-23 (OJ L 76, 19.3.2019)	Implementing Decision: https://eur-lex.europa.eu/eli/dec_impl/2019/419/oj / **Supplementary Rules, current version (Japanese)**: https://www.ppc.go.jp/files/pdf/Supplementary_Rules_jp.pdf / **(English)**: https://www.ppc.go.jp/files/pdf/Supplementary_Rules_en.pdfNote: `Supplementary_Rules.pdf` (without `_jp`) on the PPC website is the former version of April 2022, which lacks the special rule on pseudonymized personal information in paragraph (4).
Report on the first review of the functioning of the adequacy decision for Japan, COM(2023) 275 final	European Commission	2023-04-03	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023DC0275 /

Source	Issued by	Date	URL (last accessed)
			Commission webpage https://commission.europa.eu/document/c2b3071f-b4fb-4bca-8575-d314bb49f195_en (last accessed: 2026-09-17)
Commission Staff Working Document accompanying the report on the first review of the functioning of the adequacy decision for Japan, SWD(2023) 75 final	European Commission	2023-04-03	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023SC0075
EDPB Opinion 28/2018 regarding the European Commission Draft Implementing Decision on the adequate protection of personal data in Japan (paras. 13, 48–49, 52)	EDPB	2018-12-05	**Primary citation (official)**: https://www.edpb.europa.eu/sites/default/files/files/file1/2018-12-05-opinion_2018-28_art.70_japan_adequacy_en.pdf (last accessed: 2026-09-26)
EDPB Opinion 28/2024 on certain data protection aspects related to the processing of personal data in the context of AI models (paras. 34, 43, 52, 55)	EDPB	2024-12-17	**Primary citation (official)**: https://www.edpb.europa.eu/system/files/2024-12/edpb_opinion_202428_ai-models_en.pdf (last accessed: 2026-07-04)
Adequacy Referential (WP254 rev.01)	Article 29 Working Party / endorsed by the EDPB	2018-02-06	https://ec.europa.eu/newsroom/article29/redirection/document/57550 (last accessed: 2026-09-17; reachability confirmed by direct PDF download)
EDPB Guidelines 3/2019 on processing of personal data through video devices (Version 2.0, adopted 29 January 2020; the version history includes Version 2.1 (2020-02-26, correction of errors); paras. 74, 76, 77, 80, 82, 118)	EDPB	2020-01-29	https://www.edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201903_video_devices_en_0.pdf (last accessed: 2026-09-17)
EDPB-EDPS Joint Opinion 2/2026 on the Proposal for a Regulation as regards the simplification of the digital legislative framework (Digital Omnibus) (para. 32)	EDPB / EDPS	2026-02-10	https://www.edpb.europa.eu/documents/legislative-opinion/edpb-edps-joint-opinion-22026-on-the-proposal-for-a-regulation-as_en
EDPB Guidelines 1/2026 on processing of personal data for scientific research purposes (**version for**	EDPB	2026-04-15	https://www.edpb.europa.eu/system/files/2026-05/edpb_guidelines_202601

Source	Issued by	Date	URL (last accessed)
public consultation; consultation from 2026-04-16 to 06-25; paras. 19–26, fns. 31, 40)			_scientificresearch_en.pdf
Digital Omnibus Regulation Proposal, COM(2025) 837 final (package amendment including a new Article 88c GDPR; not adopted as of September 2026. Legislative progress: European Parliament Legislative Train https://www.europarl.europa.eu/legislative-train/theme-a-new-plan-for-europe-s-sustainable-prosperity-and-competitiveness/file-digital-package [last accessed: 2026-09-26])	European Commission	2025-11-19	Proposal page: https://digital-strategy.ec.europa.eu/en/library/digital-omnibus-regulation-proposal / **EUR-Lex permanent link (CELEX 52025PC0837)**: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025PC0837

B-4 Japanese Law (Japanese original and English translation on the Japanese Law Translation database)

Law / provision	Original (e-Gov Laws and Regulations Search)	English translation (Japanese Law Translation database, Ministry of Justice)	Remarks
Act on the Protection of Personal Information (as amended): Art. 1; Art. 2(3) and (13); Art. 6 (legislative measures by the government); Art. 16(5) (definition of specified biometric personal information); Art. 18(3)(vii), Art. 20(2)(vii) and (viii), Art. 27(1)(viii); Art. 19 (prohibition of inappropriate use); Art. 21-2; Art. 30-2; Art. 35 (cessation of use, etc.); Art. 58-3; Art. 69(2)(iv), Art. 70 and Art. 72-3 (administrative organs, etc.); Art. 131 (duties of the PPC); Art. 132 (affairs under its jurisdiction); Art. 133 (independence in the exercise of authority); Art. 148 (recommendations and orders); Art. 7(3); Art. 28(1) (restriction on provision to	https://laws.e-gov.go.jp/law/415AC0000000057 (permanent URL of the current Act on the Protection of Personal Information [Act No. 57 of 2003]; once the Amended Act enters into force, the same URL is expected to reflect the amended provisions)	https://www.japaneselawtranslation.go.jp/en/laws/view/4241 (last accessed: 2026-09-27; reflects amendments up to Act No. 37 of 2021)	Provisions not reflected in the English translation (specified biometric personal information, Art. 58-3, etc.) are quoted in the text and notes in provisional translations by the submitters.

Law / provision	Original (e-Gov Laws and Regulations Search)	English translation (Japanese Law Translation database, Ministry of Justice)	Remarks
third parties in foreign countries)			
Act No. 44 of 2020, Supplementary Provisions, Art. 10	https://laws.e-gov.go.jp/law/415AC0000000057?hit_toc=Sp%255B10%255D (the `hit_toc` parameter displays the page for the Supplementary Provisions of the 2020 amending Act alone, a screen separate from the page for the APPI itself)	(Not available in the JLT database; translation by the submitters where none is available)	For the replacement of the subject, see Chapter 1
Cabinet Order to Enforce the Act on the Protection of Personal Information (Cabinet Order No. 507 of 2003), Art. 2 (designation of special care-required personal information by Cabinet Order; in particular items (ii) and (iii))	https://laws.e-gov.go.jp/law/415CO0000000507	(Translation by the submitters where none is available)	4.3 (sub-categories of "medical history" referred to in Recital 66 of the 2019 Adequacy Decision)
Enforcement Rules for the Act on the Protection of Personal Information (Order of the Personal Information Protection Commission No. 3 of 2016), Art. 15 (designation of, and conditions for, foreign countries with an equivalent level)	https://laws.e-gov.go.jp/law/428M6002000000003 (provision checked in the current version on 2026-09-22)	(Translation by the submitters where none is available)	3.3(3) (chain of delegation)
Foreign Countries, etc. Recognised as Having Systems for the Protection of Personal Information at a Level Equivalent to Japan in Protecting the Rights and Interests of Individuals (PPC Public Notice No. 1 of 2019; last amended 18 April 2023)	https://www.ppc.go.jp/files/pdf/h31kokuji1_rev2023April18.pdf	(Translation by the submitters where none is available)	3.3(3). Paragraph 2 designates, on the basis of Art. 15(1) of the Enforcement Rules, the States provided for in the Agreement on the European Economic Area and the United Kingdom; paragraph 3 attaches conditions under paragraph (2) of that Article (that recipients be subject to the rules of the GDPR or the UK GDPR, and review at least every four years)
Act Partially Amending the Act on the Protection of Personal Information, etc.	https://laws.e-gov.go.jp/law/508AC0000000056	(Translation by the submitters where none is available)	Executive Summary 1 (the date of entry into force is a date to be designated by

Law / provision	Original (e-Gov Laws and Regulations Search)	English translation (Japanese Law Translation database, Ministry of Justice)	Remarks
(Act No. 56 of 2026), Supplementary Provisions, Art. 1 (dates of entry into force)			Cabinet Order within two years of promulgation, not yet fixed)
Basic Act on Forming a Digital Society (Act No. 35 of 2021), Art. 39(4) (hearing the opinions of the PPC and others in preparing the draft Priority Policy Program; Art. 37(4) in 2023)	https://laws.e-gov.go.jp/law/503AC0000000035 (text checked against the current version, 2026-09-30)	https://www.japaneselawtranslation.go.jp/en/laws/view/5161 (last accessed: 2026-10-08)	5.5 (basis of the opinion on the Priority Policy Program)
Basic Act on the Advancement of Public and Private Sector Data Utilization (Act No. 103 of 2016), Art. 8(4) (hearing the opinions of the PPC and others in preparing the draft Basic Plan on the Advancement of Public and Private Sector Data Utilisation)	https://laws.e-gov.go.jp/law/428AC1000000103 (text checked against the current version, 2026-09-30)	https://www.japaneselawtranslation.go.jp/en/laws/view/5068 (last accessed: 2026-10-08)	5.5 (basis of the opinion on the Priority Policy Program)
Act on the Organization for Medical Information Infrastructure and Medical Fee Review and Payment (provisional translation; Act No. 129 of 1948; retitled on 1 October 2026 from the Social Insurance Medical Fee Payment Fund Act by the Act Partially Amending the Medical Care Act, etc. (Act No. 87 of 2025)), Arts. 1 and 2	https://laws.e-gov.go.jp/law/323AC0000000129 (text checked against the version in force from 1 October 2026, 2026-09-30)	(Translation by the submitters where none is available)	Note to 5.3 (change of name)
Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology (Digital Administration Promotion Act; Act No. 151 of 2002) (as amended): Arts. 26–34, in particular Art. 27(6) and Art. 29	Text of the amending bill / Legislative progress (promulgated on 2026-07-17 as Act No. 57 of 2026) / e-Gov Laws and Regulations Search	https://www.japaneselawtranslation.go.jp/en/laws/view/4960 (last accessed: 2026-10-08; reflects amendments up to Act No. 46 of 2024; provisions amended in 2026 are provisional translations by the submitters)	1.3(2)(b)(ii) (requests for provision by accredited operators of businesses utilising data held by national administrative organs and the like; consultation with the PPC where personal information is included; requirement of conformity with the APPI and other laws); 2.3(1) (no provision applying mutatis mutandis the recipient obligations of the Article

Law / provision	Original (e-Gov Laws and Regulations Search)	English translation (Japanese Law Translation database, Ministry of Justice)	Remarks
			30-2 type)
Bill to Amend the Act on the Protection of Personal Information (with comparative table of old and new provisions)	Bill: https://www.ppc.go.jp/files/pdf/260407_houritsuan.pdf / comparative table: https://www.ppc.go.jp/files/pdf/260407_sinkyutaisyohyou.pdf (Cabinet decision of 2026-04-07)	(Not available in the JLT database; quotations are provisional translations by the submitters)	Corresponds to the text decided at the 352nd meeting of the PPC (2026-03-18). Primary source for the date of the Cabinet decision (2026-04-07) in 1.3(2)(b)(i)
Consumer Contract Act (Act No. 61 of 2000), Art. 12 (right of qualified consumer organisations to seek injunctions)	https://laws.e-gov.go.jp/law/412AC0000000061 (text checked against the current version, 2026-10-07)	https://www.japaneselawtranslation.go.jp/en/laws/view/4624 (last accessed: 2026-10-07)	2.3(2). Article numbers follow the current law (e-Gov); the JLT translation may be of a pre-amendment version
Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962), Art. 34 (right of qualified consumer organisations to seek injunctions)	https://laws.e-gov.go.jp/law/337AC0000000134 (text checked against the current version, 2026-10-07)	https://www.japaneselawtranslation.go.jp/en/laws/view/5012 (last accessed: 2026-10-07)	2.3(2). Article numbers follow the current law (e-Gov); the JLT translation may be of a pre-amendment version
Act on Specified Commercial Transactions (Act No. 57 of 1976), Arts. 58-18 to 58-24 (right of qualified consumer organisations to seek injunctions)	https://laws.e-gov.go.jp/law/351AC0000000057 (text checked against the current version, 2026-10-07)	https://www.japaneselawtranslation.go.jp/en/laws/view/4646 (last accessed: 2026-10-07)	2.3(2). Article numbers follow the current law (e-Gov); the JLT translation may be of a pre-amendment version
Food Labeling Act (Act No. 70 of 2013), Art. 11 (right of qualified consumer organisations to seek injunctions)	https://laws.e-gov.go.jp/law/425AC0000000070 (text checked against the current version, 2026-10-07)	https://www.japaneselawtranslation.go.jp/en/laws/view/3649 (last accessed: 2026-10-07)	2.3(2). Article numbers follow the current law (e-Gov); the JLT translation may be of a pre-amendment version
Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Damage Incurred by Consumers (Act No. 96 of 2013), Art. 3(1) and (2)(vi) (claims covered by an action for a declaratory judgment on common obligations; conditions for damages for mental distress)	https://laws.e-gov.go.jp/law/425AC0000000096 (text checked against the current version, 2026-10-07)	https://www.japaneselawtranslation.go.jp/en/laws/view/4626 (last accessed: 2026-10-07)	2.3(2). Article numbers follow the current law (e-Gov); the JLT translation may be of a pre-amendment version

B-5　Public Materials Available Only in Japanese (★ = translated excerpt attached in Annex C)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
Basic Policy on the Protection of Personal Information, as amended 12 June 2018 (個人情報の保護に関する基本方針（平成 30 年 6 月 12 日変更）)	Cabinet decision	2018-06-12	https://warp.ndl.go.jp/web/20201001094017/https://www.ppc.go.jp/files/pdf/300612_personal_basicpolicy.pdf (archived by the National Diet Library's WARP; the original page was moved from the Cabinet Office and deleted, so the permanent archive is the primary citation)	★ 1.3(1)(c)
Basic Policy on the Protection of Personal Information, as amended 1 April 2022 (個人情報の保護に関する基本方針（令和 4 年 4 月 1 日変更）)	Cabinet decision	2022-04-01	https://www.ppc.go.jp/files/pdf/20220401_personal_basicpolicy.pdf	★ 1.3(1)(c) (introduction of "control tower" and "planning and drafting")
Guidelines for the Act on the Protection of Personal Information (Volume on General Rules), as amended 23 January 2019 (個人情報の保護に関する法律についてのガイドライン（通則編）): 2-2 (individual identification codes), 2-3(8)(9) (special care-required personal information)	PPC	2019-01-23	https://warp.ndl.go.jp/20190201/20190201001009/https://www.ppc.go.jp/files/pdf/190123_guidelines01.pdf (archived by the National Diet Library's WARP as at 1 February 2019; webpage: https://warp.ndl.go.jp/web/20190201091009/https://www.ppc.go.jp/personal/legal/)	★ 4.3 "Relationship with the premises of the 2019 Adequacy Decision" (state of interpretation at the time of the Decision; translated excerpt: C-12)
Q&A on the "Guidelines on the Act on the Protection of Personal Information" and "Response to Cases of Leakage of Personal Data, etc." (16 February 2017, updated 25 December	PPC	2018-12-25	https://warp.ndl.go.jp/20190201/20190201001009/https://www.ppc.go.jp/files/pdf/181225_APPI_QA.pdf (as above)	★ 4.3 "Relationship with the premises of the 2019 Adequacy Decision" (treats facial recognition data as ordinary personal information and personal data; translated excerpt: C-13)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
2018): Q1-11 and Q1-12 (facial images and facial recognition data for crime-prevention and commercial purposes) (「個人情報の保護に関する法律についてのガイドライン」及び「個人データの漏えい等の事案が発生した場合等の対応について」に関するＱ＆Ａ)				
Public Consultation on the Draft Amendment of the Supplementary Rules, PPC Material 2-1 (「個人情報の保護に関する法律に係るEU及び英国域内から十分性認定により移転を受けた個人データの取扱いに関する補完的ルール」の改正（案）に関する意見募集について（第226回個人情報保護委員会資料2-1）)	PPC	2022-12-14	https://www.ppc.go.jp/files/pdf/221214_shiryou-2-1.pdf (last accessed: 2026-09-27)	3.3(2), 4.1(2) (pp. 1–2: repeated consultations between EU and Japanese officials at the working level after the first joint review, and agreement on establishing Supplementary Rules on pseudonymized personal information)
Regulatory Impact Assessment: Introduction of Rules on the Handling of Specified Biometric Personal Information (規制の事前評価書「特定生体個人情報の取扱いに係る規律の導入」)	PPC Secretariat	April 2026 (time of assessment)	https://www.ppc.go.jp/files/pdf/r8tokuteiseitai.pdf	4.3 "The content of the Amended Act" (statement that a general obligation to obtain consent at the time of acquisition was considered but not adopted, "taking into account ... the actual state of and needs for utilisation by business operators, the operational burden and so on", and that the notice under Art. 21-2 is intended to ensure the effectiveness of the

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
				right to request under Art. 35(7))
Summary of Proceedings, 2nd Meeting of the Study Group on the Data Utilisation Framework and Systems (第 2 回データ利活用制度・システム検討会 議事概要)	Cabinet Secretariat (Secretariat of the Council for Digital Administrative and Fiscal Reform) and Digital Agency	2025-01-21	https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/pdf/data2_giji.pdf / webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/data2/data2.html	★ 1.3(1)(c) (statement by the Secretary-General of the PPC, SAWAKI: the condition for an adequacy decision is a supervisory authority independent of politics and the administration, and the PPC was established against the background of satisfying that condition; → Annex C-10)
Annual Report of the Personal Information Protection Commission, FY2015 (個人情報保護委員会 平成 27 年度年次報告)	PPC	2016-05-24	https://www.ppc.go.jp/files/pdf/280524_annual_report_h27.pdf / webpage https://www.ppc.go.jp/aboutus/report/	★ 1.3(1)(c) (background to establishment: "international consistency in organisational terms" with independent supervisory authorities in the EU and elsewhere; "an independent body"; → Annex C-10)
Final Report on the Review of the Personal Information Protection System (個人情報保護制度の見直しに関する最終報告)	Task Force on the Review of the Personal Information Protection System (Cabinet Secretariat)	2020-12	https://warp.ndl.go.jp/20210823/20210812130059/http://www.cas.go.jp/jp/seisaku/kojinjyoho_hogo/pdf/r0212saisyuhoukoku.pdf (last accessed: 2026-07-02; permanent archive by the National Diet Library's WARP, the original page having been deleted from cas.go.jp; the cover bears an internal date, so a direct PDF link is possible)	★ 1.3(1)(c) (inconsistency between the express attribution of planning and drafting and its omission from Art. 132)
Basic Policy on the Data Utilisation Framework (データ	Decision of the Council for Digital Administrative and Fiscal Reform	2025-06-13	https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/pdf/data_houshin_honbun.pdf /	★ 1.3(2), 4.1(6) ("involvement of the data subject not confined to consent",

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
利活用制度の在り方に関する基本方針)	(adopted by Cabinet decision on the same day as part of the Priority Policy Program for Realizing Digital Society)		webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/index.html	p. 10; "integrated development of ex post rules", p. 10; "reach conclusions at an early date and submit it", p. 10; "foundation underpinning the promotion of data utilisation", p. 21)
On the Future Course of Digital Administrative and Fiscal Reform (デジタル行財政改革の今後の取組方針について) (Material 2, 12th Meeting of the Council for Digital Administrative and Fiscal Reform)	Submitted by the Minister for Digital Administrative and Fiscal Reform (meeting material)	2025-12-24	https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/kaigi12/kaigi12_siryou2.pdf (last accessed: 2026-09-17; archive.org copy http://web.archive.org/web/20260514074747/https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/kaigi12/kaigi12_siryou2.pdf ; for the publication status, see also Figs. C-8b and C-8c in Annex C) / webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/kaigi12/gijishidai12.html	★ 1.3(2)(b), 2.3(1) (the statement on p. 9 on "putting in place ex post measures" — presenting the national data provision scheme and the amendment of the APPI on the same page as a single set of institutional arrangements)
Materials for the 280th PPC Meeting, Material 1: Triennial Review — More Substantive Protection of Individuals' Rights and Interests (II) (第280回個人情報保護委員会資料1「個人情報保護法 いわゆる3年ごと見直し規定に基づく検討（個人の権利利益のより実質的な保護の在り方②）」)	PPC Secretariat	2024-04-10	https://www.ppc.go.jp/files/pdf/240410_shiryou-1.pdf	Chapter 2, 2.3(2) and (3). One of several materials on the same subject. Collective litigation (injunctions and redress) is examined at pp. 12–24; p. 12 gives the numbers of complaints and applications for mediation in fiscal year 2022
Interim Summary of the Deliberations under the So-called Triennial Review of	PPC	2024-06	https://www.ppc.go.jp/files/pdf/chukanseiri_honbun_r6.pdf	Chapters 3 and 4

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
the APPI (個人情報保護法 いわゆる 3 年ごと見直しに係る検討の中間整理)				
Study Group Report (いわゆる 3 年ごと見直しに関する検討会報告書)	PPC	2024-12-25	https://www.ppc.go.jp/files/pdf/minaoshi_kentokaihoukokusho_r6.pdf	★ Chapters 2 and 4
Policy on Institutional Reform under the So-called Triennial Review of the APPI (個人情報保護法 いわゆる 3 年ごと見直しの制度改正方針)	PPC	2026-01-09	https://www.ppc.go.jp/files/pdf/01-1_seidokaiseihousin.pdf	Chapters 3 and 4
Minutes of the 347th and 352nd meetings of the Personal Information Protection Commission (個人情報保護委員会 第 347 回・第 352 回 議事録)	PPC	347th: 9 January 2026 / 352nd: 18 March 2026	Minutes: 347th https://www.ppc.go.jp/files/pdf/260109_gijiroku.pdf / 352nd https://www.ppc.go.jp/files/pdf/260318_gijiroku.pdf / Summaries of proceedings: 347th https://www.ppc.go.jp/files/pdf/260109_gaiyou.pdf / 352nd https://www.ppc.go.jp/files/pdf/260318_gaiyou.pdf / Meeting pages: 347th https://www.ppc.go.jp/aboutus/minutes/2025/20260109/ / 352nd https://www.ppc.go.jp/aboutus/minutes/2025/20260318/	★ 1.3(2)(b)(i) (decision on the bill and the coordination process), 1.4, Chapter 3
Stakeholder comments on the proposed consent exemption for "AI development, etc. that can be characterised as the compilation of statistics, etc." (「統計作成等であると整理できる AI 開発等」の同意不要化に	(Individual submitters)	Submitted to the PPC on 2025-03-05	https://www.ppc.go.jp/files/pdf/250305_shiryou-1-3.pdf	Chapters 2 and 4

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
対する有識者・関係団体意見)				
Minutes of the 221st Diet: House of Representatives Special Committee on Regional Revitalisation, Children's Policy and the Formation of a Digital Society (12 and 21 May 2026) / House of Councillors plenary session (12 June 2026) / House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc. (17 and 24 June 2026) (第 221 回国会会議録)	House of Representatives / House of Councillors	May–June 2026	12 May 2026 https://kokkai.ndl.go.jp/#/detail?minId=122105367X00620260512&current=3 / 21 May 2026 https://kokkai.ndl.go.jp/#/detail?minId=122105367X00820260521&current=1 / 12 June 2026 https://kokkai.ndl.go.jp/txt/122115254X02120260612/30 (issueID 122115254X02120260612, speechOrder 30) / **17 June 2026** https://kokkai.ndl.go.jp/txt/122115385X00520260617 (issueID 122115385X00520260617; the quotation in item 7 of C-7 is speechOrder 123 https://kokkai.ndl.go.jp/txt/122115385X00520260617/123 , and the 17 June quotation in item 3 is speechOrder 134 https://kokkai.ndl.go.jp/txt/122115385X00520260617/134) / **24 June 2026** https://kokkai.ndl.go.jp/txt/122115385X00720260624 (issueID 122115385X00720260624; the quotations in item 3 of C-7 are speechOrder 31 (answer to committee member KISHI Makiko) https://kokkai.ndl.go.jp/txt/122115385X00720260624/31 and speechOrder 155 (answer to committee member IHA Yoichi) https://kokkai.ndl.go.j	★ 1.3(2), Chapter 2, 4.1, 5.5 (Government answers: development of AI models envisaged; provision of non-public special care-required personal information; record linkage; "small start"; limits of enforcement abroad; ex post handling of profiling; granting a right to request cessation of use would contradict the purpose of the scheme; acknowledgement that the Basic Policy preceded the Institutional Reform Policy; answer that policies specific to medical information cannot be addressed)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
			p/txt/122115385X00720260624/155 ; the quotation in 5.5 is speechOrder 116 (answer to committee member IWAMOTO Mana) https://kokkai.ndl.go.jp/txt/122115385X00720260624/116)	
Annual Report FY2025 / Enforcement Status Survey of the Personal Information Protection Commission (個人情報保護委員会 令和 7 年度年次報告／施行状況調査)	PPC	July 2026 (according to the text of the PPC webpage)	https://www.ppc.go.jp/files/pdf/080707_annual_report.pdf (last accessed: 2026-10-05; webpage https://www.ppc.go.jp/aboutus/report/annual_report_2025/)	★ Chapter 2 (limitations of outcome statistics on individual redress); 2.3(1) (Appendix Table 2(1): numbers of reports of leaks, etc., recommendations, orders, and guidance and advice)
Annual Report FY2024 of the Personal Information Protection Commission (個人情報保護委員会 令和 6 年度年次報告)	PPC	June 2025 (according to the text of the PPC webpage)	https://www.ppc.go.jp/files/pdf/070610_annual_report.pdf (last accessed: 2026-10-05; webpage https://www.ppc.go.jp/aboutus/report/annual_report_2024/)	2.3(1) (Appendix Table 1(1): numbers of reports of leaks, etc., recommendations, orders, and guidance and advice)
Annual Report FY2023 of the Personal Information Protection Commission (個人情報保護委員会 令和 5 年度年次報告)	PPC	June 2024 (according to the PDF file name and its modification date)	https://www.ppc.go.jp/files/pdf/060611_annual_report.pdf (last accessed: 2026-10-07; webpage https://www.ppc.go.jp/aboutus/report/annual_report_2023/)	2.3(1) (Appendix Table 1(1): numbers of reports of leaks, etc., recommendations, orders, and guidance and advice)
Consent screens for the My Number health insurance card (Digital Agency website) (マイナ保険証の同意取得画面)	Digital Agency	Retrieved: 2026-07-07 (date of the archive.org snapshot)	Primary: archive.org https://web.archive.org/web/20260707164952/https://www.digital.go.jp/policies/mynumber/insurance-card (snapshot of the Digital Agency page) / Reference: https://www.mhlw.go.jp/stf/index_16745.html (explanatory page of the Ministry of Health, Labour and	★ 5.2 (granularity of consent)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
			Welfare)	
Setup Manual for the Use of Medical Treatment Information on Eligibility Confirmation Terminals (資格確認端末における診療情報の利用設定手順書)	Director-General for Policy Planning (Information Policy), Ministry of Health, Labour and Welfare	Revised January 2025 (first edition: February 2024)	https://www.mhlw.go.jp/content/10200000/001243479.pdf (last accessed: 2026-09-18)	5.2 (supplementing Annex C-2; p. 5 shows the wording of the separate consent screens for "surgical information" and "medical treatment/medication information")
Provision of Medical Treatment Information Including Surgical Information in Online Eligibility Confirmation [for medical institutions and pharmacies] (オンライン資格確認における手術情報を含む診療情報の提供【医療機関・薬局の方々へ】)	Director-General for Policy Planning (Information Policy), Ministry of Health, Labour and Welfare	March 2025 (v1.2; first edition: April 2023)	https://www.mhlw.go.jp/content/10200000/000992343.pdf (last accessed: 2026-09-19; webpage https://www.mhlw.go.jp/stf/newpage_08280.html)	5.3 (PDF p. 3, structural diagram: the Online Eligibility Confirmation System holds individual-level insured person numbers and medication, treatment and surgical information; identity verification at the reception desk uses the electronic certificate, "not the My Number"; PDF p. 8: display of the past five years' information extracted from electronic health insurance claims)
On Online Eligibility Confirmation, etc. (Material 2-1, 108th Meeting of the Medical Insurance Subcommittee, Social Security Council) (オンライン資格確認等について（第 108 回社会保障審議会医療保険部会 資料 2－1）)	Health Insurance Bureau, Ministry of Health, Labour and Welfare	8 November 2017	https://www.mhlw.go.jp/file/05-Shingikai-12601000-Seisakutoukatsukan-Sanjikanshitsu_Shakaihoshoutantou/0000183858.pdf (last accessed: 2026-09-19)	5.3 (p. 2: the insured person's number changes when the person changes insurer, but the Health Insurance Claims Review & Reimbursement Services and the All-Japan Federation of National Health Insurance Organizations manage the history centrally and link it; p. 20: the intermediate server manages information on an individual basis by insurer code and insured person branch

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
				number "in correspondence with the My Number"; p. 5: "data analysis transcending the vertical divisions of the system becomes possible"; note that p. 13 describes a stage "under consideration")
Intermediate Servers for Medical Insurers, etc. (医療保険者等向け中間サーバー関係)	Health Insurance Claims Review & Reimbursement Services	Last updated: 1 August 2023 (as stated on the page)	https://www.ssk.or.jp/datahealth/s_z_02.html (last accessed: 2026-09-19)	5.3 (establishment and operation of the intermediate servers and the like, on commission from insurers and jointly with the All-Japan Federation of National Health Insurance Organizations)
On Promoting the Use of the My Number Health Insurance Card, etc. (Material 1, 175th Meeting of the Medical Insurance Subcommittee, Social Security Council, 29 February 2024), p. 20 "Improving the consent screens of facial-recognition card readers" (マイナ保険証の利用促進等について)	Health Insurance Bureau, Ministry of Health, Labour and Welfare	29 February 2024	https://www.mhlw.go.jp/content/12401000/001217026.pdf (last accessed: 2026-09-18)	5.2 (supplementing Annex C-2; shows a "current" diagram indicating that, at the time of the proposed improvement, consent screens for surgery, medical treatment/medication, health check-ups and electronic prescriptions appeared four times in succession)
On Promoting the Use of the My Number Health Insurance Card, etc. (**Material 2**, 183rd Meeting of the Medical Insurance Subcommittee, Social Security Council, 30 September 2024), p. 13 "Improving the consent screens of facial-recognition card readers" (マイナ保険証の利用促進等について)	Health Insurance Bureau, Ministry of Health, Labour and Welfare	30 September 2024	https://www.mhlw.go.jp/content/12401000/001318621.pdf (last accessed: 2026-09-18; some notices circulated through medical organisations wrongly refer to this slide as "Material 1", but in the Ministry's primary source it is Material 2)	5.2 (supplementing Annex C-2; states that a bulk-consent screen was scheduled for release from 7 October of that year)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
Notice on Upcoming Screen Changes to the Facial-Recognition Card Reader (bulk consent to the provision of medical information, etc.; skipping of the screen confirming provision of ceiling-amount information) (顔認証付きカードリーダーの画面変更予定について（医療情報等の提供の包括同意・限度額情報の提供確認画面のスキップ）（周知）)	Medical and Long-Term Care Coordination Policy Division, Health Insurance Bureau, Ministry of Health, Labour and Welfare (administrative notice)	7 October 2024	Notice circulated by the Japan Pharmaceutical Association (Nichiyakugyōhatsu No. 254, addressed to the officers in charge of prefectural pharmaceutical associations; the Ministry's administrative notice is attached): https://www.hiroyaku.or.jp/wp-content/uploads/2025/06/20241008kaoninnsyoutukika-dori-danogamennhennkouyotei.pdf (last accessed: 2026-09-18; since no publication page by the Ministry could be found, the notice circulated by the Japan Pharmaceutical Association is used)	5.2 (supplementing Annex C-2; confirmation that the bulk-consent options "Consent to all / Consent individually" were actually released from 7 October 2024)
Technical Guide for System Vendors on the Introduction of the Online Eligibility Confirmation System for Home-Visit Care, etc. [medical institutions, pharmacies and home-visit nursing stations] (訪問診療等におけるオンライン資格確認等システムの導入に関するシステムベンダ向け技術解説書)	Health Insurance Bureau, Ministry of Health, Labour and Welfare	December 2025	https://www.mhlw.go.jp/content/10200000/001024239.pdf (last accessed: 2026-09-26)	5.2 (p. 28 of the text [PDF p. 33]: the function of withdrawing consent is a "function not introduced" in online eligibility confirmation using existing facial-recognition card readers and the like, and is added for home-visit care and the like)
Manual on the Acquisition and Management of My Number Cards for Welfare Facilities and Support Organisations (Ver. 2) (福祉施設・	Digital Agency, Ministry of Internal Affairs and Communications and Ministry of Health, Labour and Welfare (jointly)	December 2023 (Ver. 2 revision; "12 December 2023" at the end of the main text)	Main text https://www.soumu.go.jp/main_content/000920144.pdf / Materials https://www.mhlw.go.jp/content/12201000/0	★ 5.4 (joint material of the three ministries setting out operational responses concerning card management in facilities, the facial-recognition card and

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
支援団体の方向けマイナンバーカード取得・管理マニュアル（Ver.2）)			01330918.pdf / webpage https://www.mhlw.go.jp/stf/newpage_08277.html (last accessed: 2026-09-17)	eligibility certificates; → Annex C-9)
On the Smooth Acquisition of My Number Cards and Their Management at Welfare Facilities, etc. (マイナンバーカードの円滑な取得及び福祉施設等における管理について)	My Number System Support Office, Resident System Division, Local Administration Bureau, Ministry of Internal Affairs and Communications	2024-05-31	https://www.mhlw.go.jp/content/12602000/001279524.pdf (last accessed: 2026-09-17)	★ 5.4 ("for persons who are anxious about setting a PIN owing to dementia and the like ... a facial-recognition My Number card that does not require setting a PIN has been introduced" — recognition of the problem and the ex post response set out in the same document; → Annex C-9)
Priority Policy Program for Realizing Digital Society (Cabinet decision of 9 June 2023; the draft submitted to the PPC for its opinion is Material 1-1, Attachment 2, 244th PPC meeting) (デジタル社会の実現に向けた重点計画)	Cabinet decision (Digital Agency)	2023-05-31 (PPC material) / 2023-06-09 (Cabinet decision)	https://www.ppc.go.jp/files/pdf/230531_shiryou-1-1-besshi-2.pdf (last accessed: 2026-09-30)	★ 5.5 ("the integration will be accelerated and the health insurance card will be abolished in autumn 2024 (Reiwa 6)"; the Online Eligibility Confirmation System as "the infrastructure for sharing medical information"; "better medical care based on their health and medical information". → Annex C-17)
Opinion Based on Article 37(4) of the Basic Act on Forming a Digital Society and Article 8(4) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (Reply) (PPC No. 1901) (デジタル社会形成基本法第 37 条第 4 項及び官民データ活用推進	PPC	2023-06-01 (compiled at the 244th meeting, 2023-05-31)	https://www.ppc.go.jp/files/pdf/230531_shiryou-1-2-sankou.pdf (last accessed: 2026-09-30)	★ 5.5 (opinion confined to general points to note: "it is essential ... to take the measures necessary to ensure the proper handling of Individual Numbers and other specific personal information, etc." → Annex C-17)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
基本法第８条第４項の規定に基づく意見について（回答）				
Opinions of the PPC on the Priority Policy Program (replies): PPC No. 1524 (2024-06-19, 291st meeting) / PPC No. 1234 (2025-06-04, 324th meeting) / PPC No. 1483 (2026-07-10; compiled at the 360th meeting, 2026-06-17) (重点計画に関する個人情報保護委員会の意見（回答）	PPC	2024-06-19 / 2025-06-04 / 2026-07-10	2024: https://www.ppc.go.jp/files/pdf/240619_shiryou-1-2-sankou.pdf / 2025: https://www.ppc.go.jp/files/pdf/250604_shiryou-1-2-sankou.pdf / 2026: https://www.ppc.go.jp/files/pdf/260617_shiryou-1-2-sankou.pdf (last accessed: 2026-09-30)	5.5 (no reference to the health insurance card or to medical information)
Response Policy (Draft) of the PPC regarding Various Incidents concerning the My Number Card, etc. (Material 3, 244th PPC meeting) (マイナンバーカード等に係る各種事案に対する個人情報保護委員会の対応方針（案）	PPC	2023-05-31	https://www.ppc.go.jp/files/pdf/230531_shiryou-3.pdf (last accessed: 2026-09-30)	★ 5.5 (at the same meeting at which the opinion on the Priority Policy Program was compiled, the policy for responding to mislinking in the use of the My Number card as a health insurance card was deliberated. → Annex C-17)
Administrative Response under the My Number Act and the APPI to the Mislinking Incidents concerning Health Insurance Card Information and Disability Certificate Information (Material 1-2, 263rd PPC meeting) (健康保険証情報及び障害者手帳情報に関する紐付け誤り事案に対する行政手続における特定の個人を識別するための番号の利用等	PPC	2023-12-06 (263rd meeting)	https://www.ppc.go.jp/files/pdf/231206_shiryou-1-2.pdf (last accessed: 2026-09-30)	5.5 and note (the mislinking incidents and their causes; need for mechanisms to detect erroneous registrations after linkage, etc.)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
に関する法律及び個人情報の保護に関する法律に基づく行政上の対応について)				
Alerts on the Use of Retained Personal Information such as Health Insurance Claims Data (for local governments) / (on the use and provision of anonymously processed information of administrative organs, etc.) (レセプトデータ等の保有個人情報の利活用に関する注意喚起（地方公共団体向け）／同（行政機関等匿名加工情報の利用・提供について）)	PPC	2024-12-25 / 2026-08-19	2024: https://www.ppc.go.jp/files/pdf/241225_alert_receipt_lg.pdf / 2026: https://www.ppc.go.jp/files/pdf/260819_alert_receipt.pdf (last accessed: 2026-09-30)	5.5 (examples of the PPC expressing views on the handling of medical data)
Results of the Public Consultation on the "Interim Summary of the Deliberations under the So-called Triennial Review of the APPI" (「個人情報保護法 いわゆる 3 年ごと見直しに係る検討の中間整理」に関する意見募集結果)	PPC	2024-09-04 (consultation period 2024-06-27 to 07-29)	https://www.ppc.go.jp/files/pdf/240904_shiryou-1-1.pdf (last accessed: 2026-09-26)	★ 1.3(2)(a) (**1,731 submitters, 2,448 submissions in total; 95 references to profiling.** Source of the four submissions cited)
Future Course of the "Deliberations under the So-called Triennial Review of the APPI" (「個人情報保護法 いわゆる 3 年ごと見直しに係る検討」の今後の検討の進め方)	PPC	2024-09-04	https://www.ppc.go.jp/files/pdf/20240905_kentohkai_shiryou-3.pdf	★ 1.3(2)(a) (on profiling, "an update of the regulation is needed")
Perspectives for Enriching the Deliberations under	PPC	2024-10-16	https://www.ppc.go.jp/files/pdf/241016_shir	★ 1.3(2)(a) (**the document in which**

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
the So-called Triennial Review of the APPI (Material 1-1, 304th meeting) (個人情報保護法のいわゆる 3 年ごと見直しの検討の充実に向けた視点)			you-1-1.pdf	**the change in positioning occurred**; item (6) / Sections 2 and 3)
Summary of the Hearings on the "Perspectives for Enriching the Deliberations" (「検討の充実に向けた視点」に関するヒアリングの概要について)	PPC	2024-12-17	https://www.ppc.go.jp/files/pdf/241217_shiryou-1-1.pdf / summary of the Secretariat hearings https://www.ppc.go.jp/files/pdf/241217_sankoushiryou-1-1.pdf (last accessed: 2026-09-26)	1.3(2)(a)
On the Future Course of Deliberations under the "Deliberations under the So-called Triennial Review of the APPI" (Material 1-1, 312th meeting) / summary of proceedings and minutes of that meeting (「個人情報保護法 いわゆる 3 年ごと見直しに係る検討」の今後の検討の進め方について)	PPC	2025-01-22 (312th meeting)	https://www.ppc.go.jp/files/pdf/250122_shiryou-1-1.pdf / minutes https://www.ppc.go.jp/files/pdf/250122_gijiroku.pdf / summary https://www.ppc.go.jp/files/pdf/250122_gaiyou.pdf (last accessed: 2026-09-26)	★ 1.3(2)(a) ("4. Points to be taken into account going forward", (5); the only reference in the minutes is a single reading-out by the Secretariat)
On the (Draft) Approach to the Institutional Issues of the APPI (Rules on the Involvement of the Data Subject in the Handling of Personal Data, etc.) (Material 1, 314th meeting) / minutes of that meeting (個人情報保護法の制度的課題に対する考え方（案）について（個人データ等の取扱い	PPC	2025-02-05 (314th meeting)	https://www.ppc.go.jp/files/pdf/250205_shiryou-1.pdf / minutes https://www.ppc.go.jp/files/pdf/250205_gijiroku.pdf (last accessed: 2026-09-26)	★ 1.3(2)(a), 4.1 (note 1: "including AI development, etc. that can be characterised as the compilation of statistics, etc."; **no reference to profiling**)

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
における本人関与に係る規律の在り方）)				
Same (Rules Appropriately Addressing Risks Arising from the Diversification of Modes of Handling Personal Data, etc.) (Material 1, 315th meeting) / minutes of that meeting (同（個人データ等の取扱いの態様の多様化等に伴うリスクに適切に対応した規律の在り方）)	PPC	2025-02-19 (315th meeting)	https://www.ppc.go.jp/files/pdf/250219_shiryou-1.pdf / minutes https://www.ppc.go.jp/files/pdf/250219_gijiroku.pdf (last accessed: 2026-09-26)	1.3(2)(a) (**no reference to profiling**)
On the Approach to the Institutional Issues of the APPI (published version) / Materials 1-1 and 1-2, 316th meeting / minutes of that meeting (個人情報保護法の制度的課題に対する考え方について)	PPC	2025-03-05 (316th meeting)	https://www.ppc.go.jp/files/pdf/250305_shiryou-1-1.pdf / likewise-1-2.pdf / published version https://www.ppc.go.jp/files/pdf/seidotekikadainitaisurukangaekatanitsuite_250305.pdf / minutes https://www.ppc.go.jp/files/pdf/250305_gijiroku.pdf (last accessed: 2026-09-26)	1.3(2)(a) (**no reference to profiling**)
Summary of Opinions Received on "On the Future Course of Deliberations" (Material 2, 320th meeting) / minutes of that meeting (「今後の検討の進め方について」に対して寄せられた意見の概要)	PPC	2025-04-16 (320th meeting; an updated version of the summary dated 2026-01-09 also exists)	https://www.ppc.go.jp/files/pdf/250416_shiryou-2.pdf / updated version of 2026-01-09 https://www.ppc.go.jp/files/pdf/01-3_ikennogaiyou.pdf (last accessed: 2026-09-26) / minutes https://www.ppc.go.jp/files/pdf/250416_gijiroku.pdf	★ 1.3(2)(a), 4.1 (18 references to profiling, but none in "2. Additional issues to be considered in the short term"; the Secretariat "omitted a detailed explanation of individual submissions"); 2.3(2) (submissions calling for a collective injunction and redress scheme)
[Note on versions] The "Opinions Received" and the	—	—	—	—

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
"Summary of Opinions" were published on 5 March 2025 (i) and 16 April 2025 (ii) and **have since been updated cumulatively** (the version updated on 9 January 2026 is the latest). The version at each point in time was published as a material for the relevant PPC meeting. The archive.org copies of the version reported at the 320th meeting (2025-04-16) and of the latest version (updated 2026-01-09), on which this Opinion relies, are as follows: Material 2 of the 320th meeting https://web.archive.org/web/20250426043351/https://www.ppc.go.jp/files/pdf/250416_shiryou-2.pdf / Summary of Opinions (updated 2026-01-09) https://web.archive.org/web/20260109152332/https://www.ppc.go.jp/files/pdf/01-3_ikennogaiyou.pdf / Opinions Received (likewise) https://web.archive.org/web/20260415113325/https://www.ppc.go.jp/files/pdf/260126_minaoshi_kongonosusumekatanitaishiteyoseraretaiken.pdf				
Opinions Received on "On the Future Course of Deliberations" (full text; updated 9 January 2026) (「今後の検討の進め方」	PPC	Updated 2026-01-09	https://www.ppc.go.jp/files/pdf/260126_minaoshi_kongonosusumekatanitaishiteyoseraretaiken.pdf (last accessed: 2026-09-26)	**★ 1.3(2)(a), 4.1 (source of the submission of 2025-02-25 calling for a statutory prohibition of "use in support of measures or decisions" and for**

Title (Japanese original title)	Issued by	Date	URL (last accessed)	Referred to in
に対して寄せられた意見)				**reference to the Supplementary Rules; indispensable, since neither its content nor its grounds can be traced from the summary alone)**
On the So-called Triennial Review of the APPI (Material 7) (Material submitted by the PPC Secretariat to the Cabinet Secretariat study group) (個人情報保護法のいわゆる 3 年ごと見直しについて（資料 7）)	**PPC Secretariat** (submitted to the Cabinet Secretariat's "Study Group on the Data Utilisation Framework and Systems" of the Council for Digital Administrative and Fiscal Reform)	2025-04-24	https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/data10/data10_siryou7.pdf / webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/data10/data10.html (last accessed: 2026-09-26)	★ 1.3(2)(b)(i) **(primary source for the direct submission of material by the Secretariat to a government study group during a period in which the PPC itself did not have the triennial review on its agenda)** / 1.3(2)(a) **(no reference to profiling** in the list of institutional issues presented to the Government by the Secretariat; also states that the summary of opinions was published in two instalments, on 5 March (i) and 16 April (ii))
Summary of Proceedings, 347th Meeting of the Personal Information Protection Commission (個人情報保護委員会 第 347 回 議事概要)	PPC	2026-01-09 (347th meeting)	https://www.ppc.go.jp/files/pdf/260109_gaiyou.pdf (last accessed: 2026-09-26)	1.3(2)(b)(i) (the meeting at which the Institutional Reform Policy was decided)

B-6 Academic Sources

Source	Venue	Referred to in
Carlini et al., "Extracting Training Data from Large Language Models"	USENIX Security 2021	Chapter 4 (memorisation)
Carlini et al., "Quantifying Memorization Across Neural Language Models"	ICLR 2023	Chapter 4 (memorisation)

B-7　Press Reports and Expert Views (Reference Materials)

Source	Publisher / date and time of publication	URL / original material	Referred to in / translated excerpt
"Data Use Advances, Collective Litigation Dropped: 'Closed-Door Policymaking' on the APPI Amendment Bill" (進むデータ活用、消えた団体訴訟　個情法改正案「密室の政策形成」; English title translated by the submitters)	Asahi Shimbun / 12 April 2026, 17:00	Article URL / Archived PDF (6 pages)	1.3(2)(b)(i), 2.3(2) / Annex C-15 (excerpt from pp. 2–4 of the archived PDF with English translation). Reference material for confirming the content of the report referred to in the text
"Interview with UGA Katsuya, Former Justice of the Supreme Court: Issues Raised by the APPI Amendment and the 'Statistical Processing Exception'" (宇賀克也・元最高裁判事に聞く　改正個情法と『統計例外』の課題は; English title translated by the submitters)	Asahi Shimbun / 2 September 2026, 06:00	Article URL / Archived PDF (7 pages)	footnote to 1.3(2)(a) / Annex C-16 (excerpt from p. 6 of the archived PDF with English translation). Expert view supplementing the assessment in the text

Annex C　Translated Excerpts of Cited Materials

For each cited material, this Annex sets out the submission metadata, the location of the excerpt, the original Japanese text (verbatim), an English translation by the submitters (unofficial) and, where available, a capture of the source (Fig.). Notes by the submitters are marked as such. In the translated excerpts, "the Commission" (Japanese: 委員会) means the Personal Information Protection Commission (PPC), not the European Commission.

C-1　Limitations of Outcome Statistics on Individual Redress (→ Chapter 2)

- **Submission metadata**: Annual Report FY2025 / Enforcement Status Survey of the Personal Information Protection Commission / PPC / July 2026 (according to the text of the PPC webpage) / direct PDF URL: https://www.ppc.go.jp/files/pdf/080707_annual_report.pdf (retrieved and checked on 2026-10-05) / webpage (list of annual reports): https://www.ppc.go.jp/aboutus/report/
- **Excerpt (i)**: text, p. 29, "Section 1 Receipt of Consultations", 1 "Matters under the Act on the Protection of Personal Information", (2) "Responses to individual business operators"
    - Original (verbatim): 「個人情報保護法相談ダイヤルに事業者における個人情報、仮名加工情報及び匿名加工情報の取扱いに関する苦情が寄せられ、相談者と事業者との間で自主的に当該苦情を解決することが難しい事案である場合には、必要に応じてあっせんの申出を受け付け、委員会が相談者と事業者との間に立って、双方から可能な限り納得を得て当該苦情を解決につなげることができるよう、あっせんを行うほか、苦情を処理する事業者に対して、助言、情報提供等を行っている。13 件のあっせんの申出を受け付けた（付表８）。具体的な事案としては、申出者が事業者に個人情報保護法第 33 条第 1 項に基づき保有個人データの開示を請求するため、当該事業者が個人情報保護法第 37 条第１項及び個人情報の保護に関する法律施行令（平成 15 年政令第 507 号）第 12 条第 2 号に基づき定めているはずである「開示の請求に際して提出すべき書面の様式」を送付するよう求めたものの、当該事業者が対応しないという申出について、委員会から当該事業者に対して、個人情報保護法第 32 条第 1 項第 3 号の保有個人データに関する事項の公表等の規定を説明した結果、当該事業者から委員会に対して、申出者に当該書面の様式を送付した旨の回答がなされたものがあった。」
    - English translation (unofficial translation by the submitters): "Where the Inquiry Line for Act on Protection of Personal Information receives a complaint concerning a business operator's handling of personal information,

pseudonymized personal information or anonymized personal information, and the case is one in which it is difficult for the complainant and the business operator to resolve the complaint on their own, the Commission accepts an application for mediation as necessary and, standing between the complainant and the business operator, conducts mediation so as to resolve the complaint in a manner acceptable, as far as possible, to both parties, in addition to providing advice, information, etc. to the business operator handling the complaint. Thirteen applications for mediation were accepted (Appendix Table 8). Among the specific cases was one in which the applicant, in order to request disclosure of retained personal data from a business operator under Article 33, paragraph (1) of the Act, had asked the business operator to send 'the form of the document to be submitted when making a request for disclosure', which the business operator is supposed to have prescribed under Article 37, paragraph (1) of the Act and Article 12, item (ii) of the Cabinet Order to Enforce the Act on the Protection of Personal Information (Cabinet Order No. 507 of 2003), but the business operator had not responded; as a result of the Commission explaining to the business operator the provisions on publication, etc. of matters concerning retained personal data under Article 32, paragraph (1), item (iii) of the Act, the business operator reported back to the Commission that it had sent the form to the applicant."

  - Note by the submitters: **Of the 13 applications for mediation, this single example is the only one for which a concrete outcome is stated.**

- **Excerpt (ii)**: Appendix Table 8, "Number of cases received by the Inquiry Line for Act on Protection of Personal Information (private sector)", p. 60
  - Original (verbatim) of the passages quoted: 「苦情の合計のうち、あっせん申出受付の件数は 13 件（26 件）。あっせん解決率（※２）は 92.3%」; note (※２): 「あっせん申出受付のうち、相談者と事業者等の双方から納得を得て解決につなげた件数の割合。」
  - Description of the table by the submitters: "The table's column headings consist of 'category', 'number of cases ', 'breakdown by consulting party (business operator / individual / other)' and the 'top five subject matters of inquiry' (for complaints: purpose of use, third-party provision, disclosure, etc., security control measures, and reporting of leaks, etc.). The complaints row states: 'Of the total complaints, the number of applications for mediation accepted was 13 (26). The mediation resolution rate (*2) was 92.3%'; note (*2) defines this rate as 'the proportion, among the applications for mediation accepted, of cases brought to a resolution acceptable to both the complainant and the business operator, etc.' (figures in parentheses are for the previous fiscal year). For the 8,073 total complaints, **apart from this mediation resolution rate, there is no item showing the outcome, nor any breakdown of the measures taken by business operators (correction, cessation of use, erasure, compensation, etc.)**."

- **Capture of the source**:
  - **Fig. C-1a**: the relevant passage on p. 29 of the text (13 applications for mediation; one example) marked.

② 個人情報保護法相談ダイヤル（公的部門）

3,637 件の相談を受け付けた（付表９）。

相談内容としては、「保有個人情報の利用及び提供の制限」に関する相談が多く寄せられた。具体的には、「本人の同意を得ていないにもかかわらず、町役場が外部に保有個人情報を提供したこと」等、地方公共団体が本人の同意を得ることなく保有個人情報を利用又は提供したことに対して不満を訴える個人からの相談が多かった。当該相談に対しては、「行政機関の長等は、原則として、法令に基づく場合を除き、利用目的以外の目的のために保有個人情報を利用又は提供することが禁止されていること」、「個人情報保護法第 69 条第２項各号（第１号を除く。）が定める例外規定に基づき保有個人情報を利用又は提供する場合には、本人の同意を得ることが必須ではないこと」等、個人情報保護法第 69 条の規定等を説明し、相談内容に応じて適切な助言を行った。

また、「保有個人情報の開示等」に関する相談も多く寄せられた。具体的には、「住民から審査請求の審査過程や審理に関する書類を対象文書とした保有個人情報の開示請求を受けているが、これらの書類を開示しなければならないのか」等、保有個人情報の開示請求に係る手続等を問う地方公共団体からの質問が多かった。当該質問に対しては、「開示請求の対象は、自己を本人とする保有個人情報であること」、「開示請求に係る保有個人情報に不開示情報が含まれている場合を除き、当該保有個人情報を開示しなければならないこと」等、個人情報保護法の各種規定等に基づき、質問内容に応じて適切な回答を行った。

（２）個別の事業者への対応

個人情報保護法相談ダイヤルに事業者における個人情報、仮名加工情報及び匿名加工情報の取扱いに関する苦情が寄せられ、相談者と事業者との間で自主的に当該苦情を解決することが難しい事案である場合には、必要に応じてあっせんの申出を受け付け、委員会が相談者と事業者との間に立って、双方から可能な限り納得を得て当該苦情を解決につなげることができるよう、あっせんを行うほか、苦情を処理する事業者に対して、助言、情報提供等を行っている。

13 件のあっせんの申出を受け付けた（付表８）。

具体的な事案としては、申出者が事業者に個人情報保護法第 33 条第１項に基づき保有個人データの開示を請求するため、当該事業者が個人情報保護法第 37 条第１項及び個人情報の保護に関する法律施行令（平成 15 年政令第 507 号）第 12 条第２号に基づき定めているはずである「開示の請求に際して提出すべき書面の様式」を送付するよう求めたものの、当該事業者が対応しないという申出について、委員会から当該事業者に対して、個人情報保護法第 32 条第１項第３号の保有個人データに関する事項の公表等の規定を説明した結果、当該事業者から委員会に対して、申出者に当該書面の様式を送付した旨の回答がなされたものがあった。

（３）個人情報保護法相談ダイヤルの受付状況（四半期別）の公表

個人情報保護法相談ダイヤルの受付状況について国民に対してより詳しく情報提供するとともに、事業者及び行政機関等における個人情報の適正な取扱い、相談者と事業者又は行政機関等との間の自主的な苦情の解決に資するよう、四半期ごとに「個人情報保護法相談ダイヤルの受付状況」を取りまとめた上で公表した。

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- **Fig. C-1b**: Appendix Table 8 (p. 60), whole table. The whole table is shown so that the statement of the mediation resolution rate, the definition in note (*2), and the absence of any other item corresponding to "outcome" can be seen.

8　個人情報保護法相談ダイヤル（民間部門）における受付件数

（期間：令和７年４月１日～令和８年３月 31 日、単位：件）

分類	件数 ＜割合＞	相談主体別			問合せ内容上位５項目（※５） （１件の問合せで複数の項目に該当する場合を含む。）				
		事業者	個人	その他（※４）					
苦情（※１）	8, 073 (7, 358) ＜40. 6%＞	78 (48)	7, 979 (7, 298)	16 (12)	利用目的 2, 702 (2, 296)	第三者提供 2, 529 (2, 381)	開示等 1, 322 (1, 057)	安全管理措置 1, 019 (563)	漏えい等の報告等 952 (973)
	苦情の合計のうち、あっせん申出受付の件数は 13 件（26 件）。あっせん解決率（※２）は 92. 3%								
質問	10, 641 (12, 173) ＜53. 5%＞	8, 927 (10, 064)	738 (917)	976 (1, 192)	漏えい等の報告等 3, 220 (2, 689)	第三者提供 3, 175 (3, 944)	定義 1, 777 (2, 097)	利用目的 1, 745 (2, 053)	安全管理措置 976 (861)
その他（※３）	1, 173 (1, 337) ＜5. 9%＞	116 (164)	1, 041 (1, 149)	16 (24)	委員会 2 (2)	第三者提供 2 (0)	開示等 1 (1)	監督 1 (0)	－ － (－)
総件数	19, 887 (20, 868) ＜100%＞	9, 121 (10, 276)	9, 758 (9, 364)	1, 008 (1, 228)	第三者提供 5, 706 (6, 325)	利用目的 4, 447 (4, 354)	漏えい等の報告等 4, 172 (3, 664)	定義 2, 076 (2, 288)	安全管理措置 1, 995 (1, 425)

（※１）事業者における個人情報の不適正な取扱い等に関する情報提供を含む。
（※２）あっせん申出受付のうち、相談者と事業者等の双方から納得を得て解決につなげた件数の割合。
（※３）個人情報保護制度に関する要望、個人情報保護法以外の問合せ等をいう。
（※４）行政機関、地方公共団体、弁護士その他からの相談をいう。
（※５）上段は問合せ内容の項目、下段は当該項目に関する問合せ件数を示す。
（注）（　）内は前年度の実績。

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- **Relevance to the argument**: Statistics showing whether complaint handling and mediation have led to redress are limited, so the effectiveness of redress cannot be verified externally. The text of the annual report states only the number of applications for mediation (13) and a single example. The only outcome indicator shown in Appendix Table 8 is the "mediation resolution rate" for the 13 applications for mediation (the proportion of cases brought to a resolution acceptable to both parties); there is no category showing the outcome of complaints as a whole or a breakdown of the measures taken by business operators (correction, cessation of use, erasure,

compensation, etc.). We confirmed this from the report's own text and the structure of its statistical table.

C-2 Consent Screens for the My Number Health Insurance Card (→ 5.2)

- **Submission metadata (primary)**: "Use of the My Number Card as a Health Insurance Card | Digital Agency" (page title) / Digital Agency / retrieved: 2026-07-07 (date of the archive.org snapshot) / webpage URL (primary): archive.org https://web.archive.org/web/20260707164952/https://www.digital.go.jp/policies/mynumber/insurance-card (archive.org is the primary citation because the UI changes) / reference: https://www.mhlw.go.jp/stf/index_16745.html (explanatory page of the Ministry of Health, Labour and Welfare)
- **Submission metadata (supplementary)**:
  - (1) "Setup Manual for the Use of Medical Treatment Information on Eligibility Confirmation Terminals" (Director-General for Policy Planning (Information Policy), Ministry of Health, Labour and Welfare, revised January 2025 [first edition: February 2024]), p. 5. PDF: https://www.mhlw.go.jp/content/10200000/001243479.pdf
  - (2) "On Promoting the Use of the My Number Health Insurance Card, etc." (Health Insurance Bureau, Ministry of Health, Labour and Welfare, Material 1, 175th Meeting of the Medical Insurance Subcommittee, Social Security Council, 29 February 2024), p. 20 "Improving the consent screens of facial-recognition card readers". PDF: https://www.mhlw.go.jp/content/12401000/001217026.pdf
  - (3) "On Promoting the Use of the My Number Health Insurance Card, etc." (Health Insurance Bureau, Ministry of Health, Labour and Welfare, **Material 2**, 183rd Meeting of the Medical Insurance Subcommittee, Social Security Council, 30 September 2024), p. 13 "Improving the consent screens of facial-recognition card readers" (an updated version under the same heading as (2); some notices circulated through medical organisations refer to it as "Material 1", but in the Ministry's primary source it is Material 2). PDF: https://www.mhlw.go.jp/content/12401000/001318621.pdf
  - (4) Notice on Upcoming Screen Changes to the Facial-Recognition Card Reader (bulk consent to the provision of medical information, etc.; skipping of the screen confirming provision of ceiling-amount information) (Medical and Long-Term Care Coordination Policy Division, Health Insurance Bureau, Ministry of Health, Labour and Welfare, administrative notice of 7 October 2024). Since no publication page by the Ministry could be found, the notice as forwarded by the Japan Pharmaceutical Association (addressed to the officers in charge of prefectural pharmaceutical associations, Nichiyakugyōhatsu No. 254) is used: https://www.hiroyaku.or.jp/wp-content/uploads/2025/06/20241008kaoninnsyoutukika-dori-danogamennhennkouyotei.pdf (last accessed: 2026-09-18)

    - (1) is a primary source showing that "surgical information" is a consent item on a screen separate from "medical treatment and medication information"; (2), (3) and (4) are primary sources showing that a bulk-consent option, "Consent to all / Consent individually", was added from 7 October 2024, and that before then consent screens for surgery, medical treatment/medication, health check-ups and electronic prescriptions appeared four times in succession (reference materials supplementing the understanding of the argument; the primary citation remains the Digital Agency page).
- **Excerpt**: section "How to use at medical institutions and pharmacies", step 3 "Obtaining consent" (Digital Agency page)
    - Original (verbatim): 「同意取得　医師・薬剤師に提供する情報（過去の診療・薬剤情報、特定健診情報など）を選んでください。　3-1. 過去の診療・薬剤情報　過去の診療、処方された薬の情報を医師・薬剤師に提供します。　3-2. 特定健診情報　メタボ健診（40 から 74 歳）や高齢者健診（75 歳以上）の結果を提供します。」
    - English translation (unofficial translation by the submitters): "Obtaining consent — Please select the information to be provided to the physician/pharmacist (past medical treatment and medication information, specific health check-up information, etc.). 3-1. Past medical treatment and medication information — Provides information on past medical treatment and prescribed medication to the physician/pharmacist. 3-2. Specific health check-up information — Provides the results of metabolic syndrome check-ups (ages 40–74) or elderly health check-ups (age 75 and over)." (Screen wording in supplementary material (1): "Do you consent to providing this institution with your past surgical information? / Do you consent to providing this institution with your past medical treatment and medication information other than surgical information?")
    - Note by the submitters: The Digital Agency page itself does not mention "surgical information", but supplementary material (1), p. 5, confirms that the actual screens include a separate consent screen asking "Do you consent to providing this institution with your past surgical information?". The units of consent are therefore divided into several categories — "past medical treatment and medication information (excluding surgical information)", "past surgical information" and "specific health check-up information" — but the core of the coarse granularity, namely that **the category of medical treatment and medication information cannot internally be separated by clinical department or condition**, remains.
- **Capture of the source**:

- **Fig. C-2a**: archive.org copy of the Digital Agency page (2026-07-07). Top: Wayback Machine banner (URL and date of capture framed in red); bottom: the section of step 3 "Obtaining consent" (the two items 3-1 and 3-2).



3. 同意取得

医師・薬剤師に提供する情報（過去の診療・薬剤情報、特定健診情報など）を選んでください。

- 3-1. 過去の診療・薬剤情報

過去の診療、処方された薬の情報を医師・薬剤師に提供します。



- 3-2. 特定健診情報

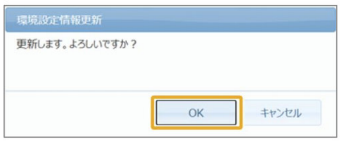
メタボ健診（40から74歳）や高齢者健診（75歳以上）の結果を提供します。



- **Fig. C-2b**: supplementary material (1) (setup manual), p. 5, with the two screen images [surgical information] and [medical treatment/medication information] framed in red.

2．環境設定情報を更新する

4 確認メッセージが表示されます。
「OK」をクリックします。



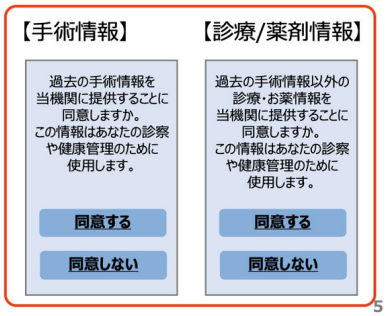
5 登録完了メッセージが表示されます。
「OK」をクリックします。
ここまでで診療情報の利用設定は完了です。

※設定した内容を反映するために、システムからログアウトし、ログインし直してください。

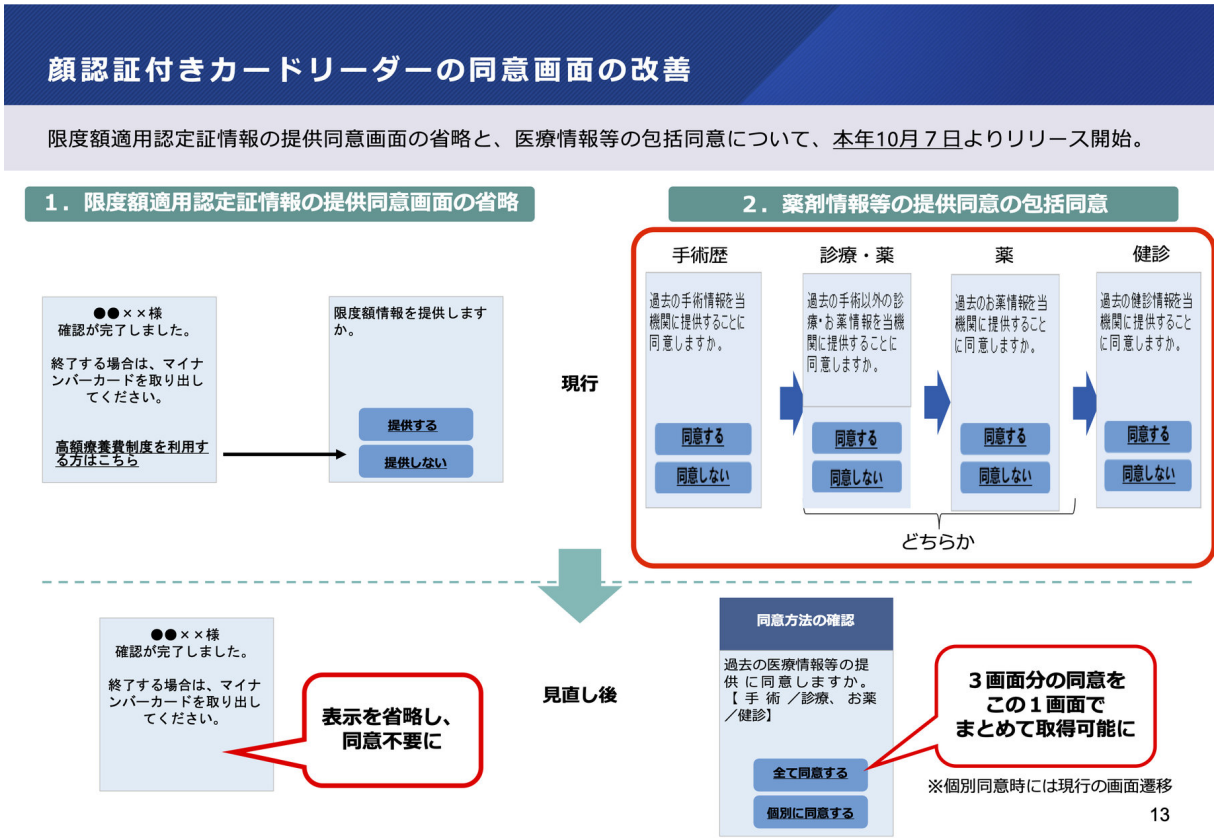


6 利用設定が完了した場合、顔認証付きカードリーダーに「診療/薬剤情報」及び「手術情報」の閲覧同意画面が表示されます。

※患者のみなさまからの同意取得後、既に薬剤情報又は特定健診情報を閲覧されている医療機関・薬局のみなさまは、ご利用されている各種閲覧端末から診療情報が閲覧できるようになります。



- **Fig. C-2c**: supplementary material (3) (Material 2 of the 183rd meeting), p. 13, with the "current" four-screen transition diagram on the slide "Improving the consent screens of facial-recognition card readers" framed in red.



- **Relevance to the argument**: The units of consent are divided into **several bundled categories**, such as "past medical treatment and medication information (excluding surgical information)" and "specific health check-up information", rather than consent for each individual diagnosis, prescribed medicine or test item (i.e. the granularity of consent is coarse). The very separation of surgical information shows that a technical mechanism for subdividing categories exists in the system, which highlights the fact that the largest category, medical treatment and medication information, is nevertheless not subdivided internally.

C-3 Minutes and Materials Concerning the PPC's Planning and Drafting Power (→ 1.3(2)(b)(i), 1.4, Chapter 3)

- **Submission metadata (minutes)**: Minutes of the 347th (9 January 2026) and 352nd (18 March 2026) meetings of the Personal Information Protection Commission / PPC / direct PDF URLs: 347th https://www.ppc.go.jp/files/pdf/260109_gijiroku.pdf / 352nd https://www.ppc.go.jp/files/pdf/260318_gijiroku.pdf / summaries of proceedings: 347th https://www.ppc.go.jp/files/pdf/260109_gaiyou.pdf / 352nd https://www.ppc.go.jp/files/pdf/260318_gaiyou.pdf / meeting pages: 347th https://www.ppc.go.jp/aboutus/minutes/2025/20260109/ / 352nd https://www.ppc.go.jp/aboutus/minutes/2025/20260318/

- **Submission metadata (Secretariat materials / texts approved)**: (1) 347th meeting: Material 1-1, "Policy on Institutional Reform under the So-called Triennial Review of the APPI (draft)" / PPC (Secretariat) / 2026-01-09 / meeting page https://www.ppc.go.jp/aboutus/minutes/2025/20260109/ / direct PDF URL https://www.ppc.go.jp/files/pdf/260109_shiryou-1-1.pdf (2) 352nd meeting: agenda item (1), "So-called Triennial Review of the APPI (on the Bill Partially Amending the Act on the Protection of Personal Information, etc.)" / meeting page https://www.ppc.go.jp/aboutus/minutes/2025/20260318/ / the bill itself is presumed to have been distributed as Material 1, but since it was treated as non-public before the Cabinet decision (2026-04-07), it does not appear among the materials posted on the page of the 352nd meeting
- **Excerpt**: minutes of the 352nd meeting, pp. 3–4, agenda item 1 (decision on the bill), statement by Chairperson TEZUKA
    - Original (verbatim): 〔事務局の法案説明後〕「○手塚委員長　ありがとうございました。ただいまの説明について、御質問、御意見はいかがでしょうか。　よろしいですか。　それでは、私から一言、総括としてお話しさせていただきたいと思います。〔中略、法案の経緯・調整過程の総括〕　それでは、本法律案について、必要な手続を取り進めることとしてよろしいでしょうか。　御異議がないようですので、そのように取り扱うこととします。　事務局においては、法律案の今国会への提出に向けて、所要の手続を進めてください。　また、本議題の資料、議事録及び議事概要の取扱いについてお諮りいたします。議事録及び議事概要については、先ほどの事務局からの説明のとおり、閣議決定前の段階であることから、閣議決定後に公表することとし、また、資料については、別途法案関係資料を公表することとしてよろしいでしょうか。　では、御異議がないようですので、そのように取り扱うことといたします。」
    - English translation (unofficial translation by the submitters): "[After the Secretariat's explanation of the bill] Chairperson TEZUKA: Thank you. Are there any questions or comments on the explanation just given? Is that all right? Let me then say a few words myself, by way of summary. [omission: summary of the background and coordination process of the bill] Shall we then proceed with the necessary procedures concerning this Bill? As there appear to be no objections, we shall proceed accordingly. The Secretariat is requested to proceed with the necessary steps toward submitting the Bill to the current session of the Diet. I would also like to seek your approval on the handling of the materials, minutes and summary for this agenda item. As explained earlier by the Secretariat, since we are at a stage prior to the Cabinet decision, the minutes and summary will be published after the Cabinet decision, and as for the materials, bill-related materials will be published separately — is that

acceptable? As there appear to be no objections, we shall proceed accordingly."

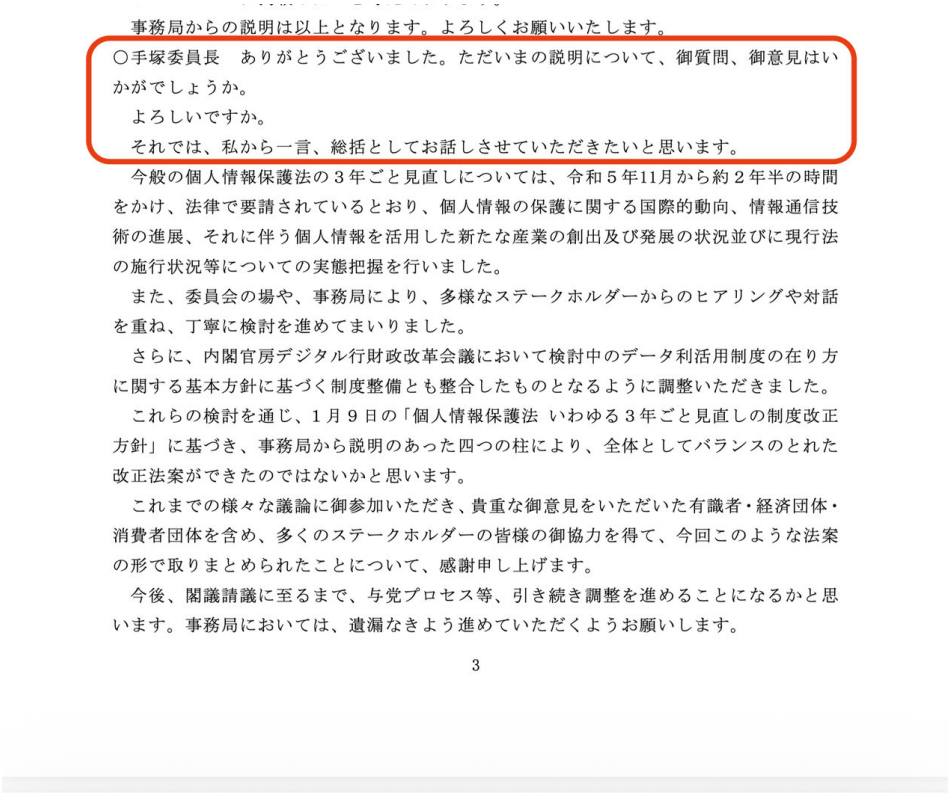
- Note by the submitters: **According to the minutes, not a single question or comment from the Commissioners is recorded, and the decision was taken without objection after the Chairperson's own summary.** In the same procedure, it was also decided that the minutes and summary for this agenda item would not be published until after the Cabinet decision, and that, as regards the materials, separate materials relating to the bill would be published.

- **Capture of the source**:

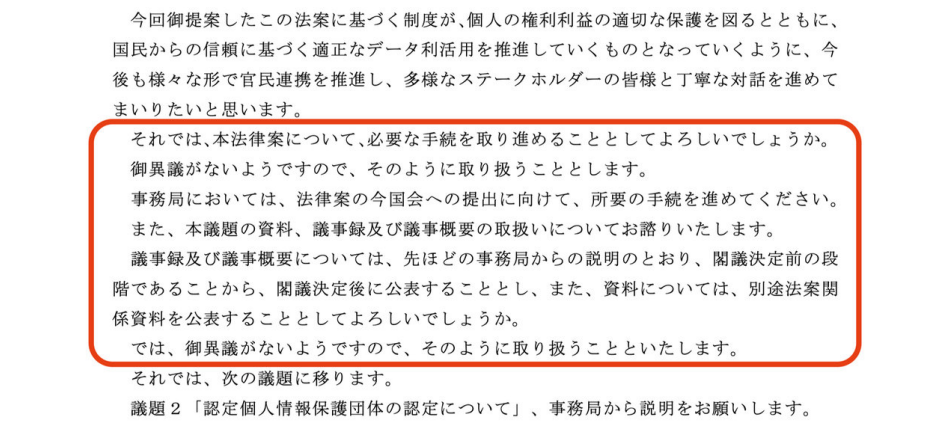
- **Fig. C-3a**: page of the 352nd meeting (webpage). The heading, date (18 March 2026), the link line for agenda item (1) and the link line for the minutes are framed in red.



- **Fig. C-3b**: minutes, pp. 3–4, with the Chairperson's call for questions (p. 3) and the decision on the bill and the decision on non-publication (p. 4) framed in red.



事務局からの説明は以上となります。よろしくお願いいたします。
○手塚委員長　ありがとうございました。ただいまの説明について、御質問、御意見はいかがでしょうか。
よろしいですか。
それでは、私から一言、総括としてお話しさせていただきたいと思います。
今般の個人情報保護法の３年ごと見直しについては、令和５年11月から約２年半の時間をかけ、法律で要請されているとおり、個人情報の保護に関する国際的動向、情報通信技術の進展、それに伴う個人情報を活用した新たな産業の創出及び発展の状況並びに現行法の施行状況等についての実態把握を行いました。
また、委員会の場や、事務局により、多様なステークホルダーからのヒアリングや対話を重ね、丁寧に検討を進めてまいりました。
さらに、内閣官房デジタル行財政改革会議において検討中のデータ利活用制度の在り方に関する基本方針に基づく制度整備とも整合したものとなるように調整いただきました。
これらの検討を通じ、１月９日の「個人情報保護法 いわゆる３年ごと見直しの制度改正方針」に基づき、事務局から説明のあった四つの柱により、全体としてバランスのとれた改正法案ができたのではないかと思います。
これまでの様々な議論に御参加いただき、貴重な御意見をいただいた有識者・経済団体・消費者団体を含め、多くのステークホルダーの皆様の御協力を得て、今回このような法案の形で取りまとめられたことについて、感謝申し上げます。
今後、閣議請議に至るまで、与党プロセス等、引き続き調整を進めることになるかと思います。事務局においては、遺漏なきよう進めていただくようお願いします。
3



今回御提案したこの法案に基づく制度が、個人の権利利益の適切な保護を図るとともに、国民からの信頼に基づく適正なデータ利活用を推進していくものとなっていくように、今後も様々な形で官民連携を推進し、多様なステークホルダーの皆様と丁寧な対話を進めてまいりたいと思います。
それでは、本法律案について、必要な手続を取り進めることとしてよろしいでしょうか。
御異議がないようですので、そのように取り扱うこととします。
事務局においては、法律案の今国会への提出に向けて、所要の手続を進めてください。
また、本議題の資料、議事録及び議事概要の取扱いについてお諮りいたします。
議事録及び議事概要については、先ほどの事務局からの説明のとおり、閣議決定前の段階であることから、閣議決定後に公表することとし、また、資料については、別途法案関係資料を公表することとしてよろしいでしょうか。
では、御異議がないようですので、そのように取り扱うことといたします。
それでは、次の議題に移ります。
議題２「認定個人情報保護団体の認定について」、事務局から説明をお願いします。

- **Relevance to the argument**: 1.3(2)(b)(i) — material supporting the course of events whereby the PPC itself decided the amending bill for the Act it supervises and linked it to the Government's policy-making and coordination process. The assessment of independence is made together with the examination of government policy and the coordination process in the text (no unlawfulness under domestic law is alleged). The minutes record not a single question or comment from the Commissioners on the content of the bill itself, and the decision was taken without objection after the Chairperson's summary. At the same meeting, it was also decided that the minutes and

summary for this agenda item would not be published until after the Cabinet decision, and that, as regards the materials, separate materials relating to the bill would be published. This Opinion does not thereby assess that there was no substantive examination (since the possibility of exchanges not recorded in the minutes cannot be excluded).

C-4 Comparison of Old and New Versions of the Basic Policy (Introduction of "Control Tower" and "Planning and Drafting") (→ 1.3(1)(c))

- **Submission metadata**: Basic Policy on the Protection of Personal Information / Cabinet decision / as amended 12 June 2018 (preamble and relevant item) and as amended 1 April 2022 (item 1(1) and item 8) / direct PDF URLs: 2018 version https://warp.ndl.go.jp/web/20201001094017/https://www.ppc.go.jp/files/pdf/300612_personal_basicpolicy.pdf (National Diet Library WARP archive) / 2022 version https://www.ppc.go.jp/files/pdf/20220401_personal_basicpolicy.pdf / webpages: 2018 version https://warp.ndl.go.jp/web/20201001091750/https://www.ppc.go.jp/personalinfo/legal/ (WARP archive) / 2022 version https://www.ppc.go.jp/personalinfo/legal/
- **Excerpt (i)**: "planning and drafting" — 2022 version, 1(1) "Circumstances surrounding personal information, etc." (p. 2 of 17 of the PDF) / no corresponding statement in the 2018 version
    - Original (verbatim; 2022 version): 「…このような状況を踏まえ、令和２年６月５日に個人情報の保護に関する法律等の一部を改正する法律（令和２年法律第 44 号。以下「令和２年改正法」という。）、そして、令和３年５月 12 日にデジタル社会の形成を図るための関係法律の整備に関する法律（令和３年法律第 37 号。以下「令和３年改正法」という。）が成立した。両法律により、従前複数の法令等で規律されてきた個人情報等の適正な取扱いに関する制度が法に統合・一本化され、高い独立性と政治的中立性を有する機関である個人情報保護委員会が法を所管することとなった。個人情報保護委員会に専門的知見や経験を集中・蓄積させ、個人情報等に関する国の政策の企画立案を担うとともに、個人情報取扱事業者、仮名加工情報取扱事業者、匿名加工情報取扱事業者、個人関連情報取扱事業者（以下「個人情報取扱事業者等」という。）及び認定個人情報保護団体に加え、令和４年４月より行政機関及び独立行政法人等、令和５年４月より地方公共団体の機関及び地方独立行政法人を一元的に監視・監督し、分野横断的かつ迅速・適切に法を執行するための体制が整備されることとなる。」
    - English translation (unofficial translation by the submitters): "...In light of this situation, the Act Partially Amending the Act on the Protection of Personal

Information, etc. (Act No. 44 of 2020; hereinafter the 'Reiwa 2 Amendment Act') was enacted on 5 June 2020, and the Act on Arrangement of Relevant Acts for the Formation of a Digital Society (Act No. 37 of 2021; hereinafter the 'Reiwa 3 Amendment Act') was enacted on 12 May 2021. Through these two Acts, the systems concerning the proper handling of personal information, etc., which had until then been governed by multiple laws, regulations, etc., were integrated and unified into the Act, and the Personal Information Protection Commission, a body with a high degree of independence and political neutrality, came to administer the Act. With expertise and experience concentrated and accumulated in the Personal Information Protection Commission, [the Commission] is to be responsible for the planning and drafting of national policy concerning personal information, etc., and, in addition to businesses handling personal information, businesses handling pseudonymized personal information, businesses handling anonymized personal information and businesses handling information related to personal information [*kojin kanren jōhō*: information relating to a living individual that is neither personal information, pseudonymised personal information nor anonymised personal information; Article 2(7) APPI] (hereinafter collectively 'businesses handling personal information, etc.') and accredited personal information protection organisations, is to uniformly monitor and supervise — from April 2022, administrative organs and incorporated administrative agencies, etc., and from April 2023, local government organs and local incorporated administrative agencies — with a structure being put in place for it to enforce the Act promptly and appropriately across sectors."

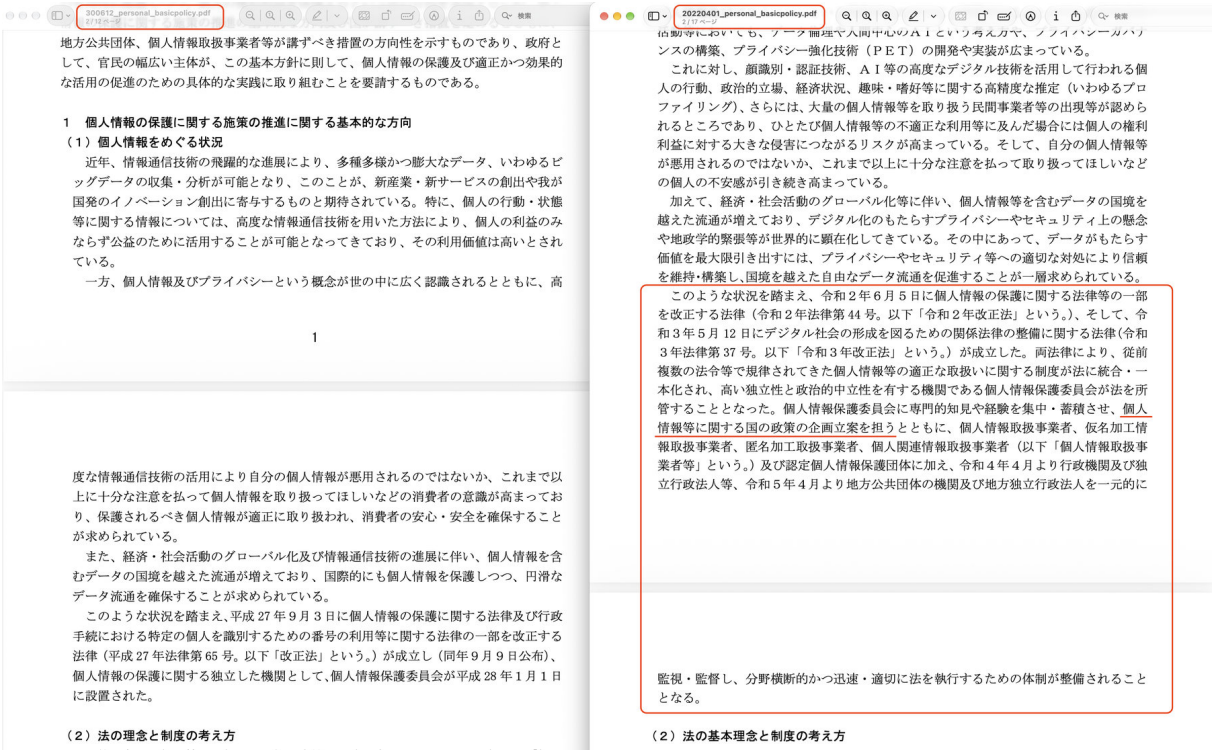
    - Note by the submitters: There is no equivalent statement in the corresponding part of the 2018 version.

- **Excerpt (ii)**: "control tower" — 2022 version, item 8(1) (last page) / no corresponding statement in the 2018 version
    - Original (verbatim; 2022 version): 「個人情報保護委員会においては、個人情報保護制度の司令塔として、基本的な方針を示すとともに、個別の政策や事業活動等の企画立案や実施等において、総合調整や監視・監督等の役割を果たすことが求められており、安全・安心なデジタル社会の構築に貢献するためにも、その実効性を確保するための体制強化を進めるものとする。」
    - English translation (unofficial translation by the submitters): "The Personal Information Protection Commission is expected, as the control tower (*shireitō*) for the personal information protection system, to present basic policies and to play a role in overall coordination, monitoring and supervision, etc., in the planning and drafting, implementation, etc. of individual policies, business activities, etc., and, with a view to contributing to the building of a safe and

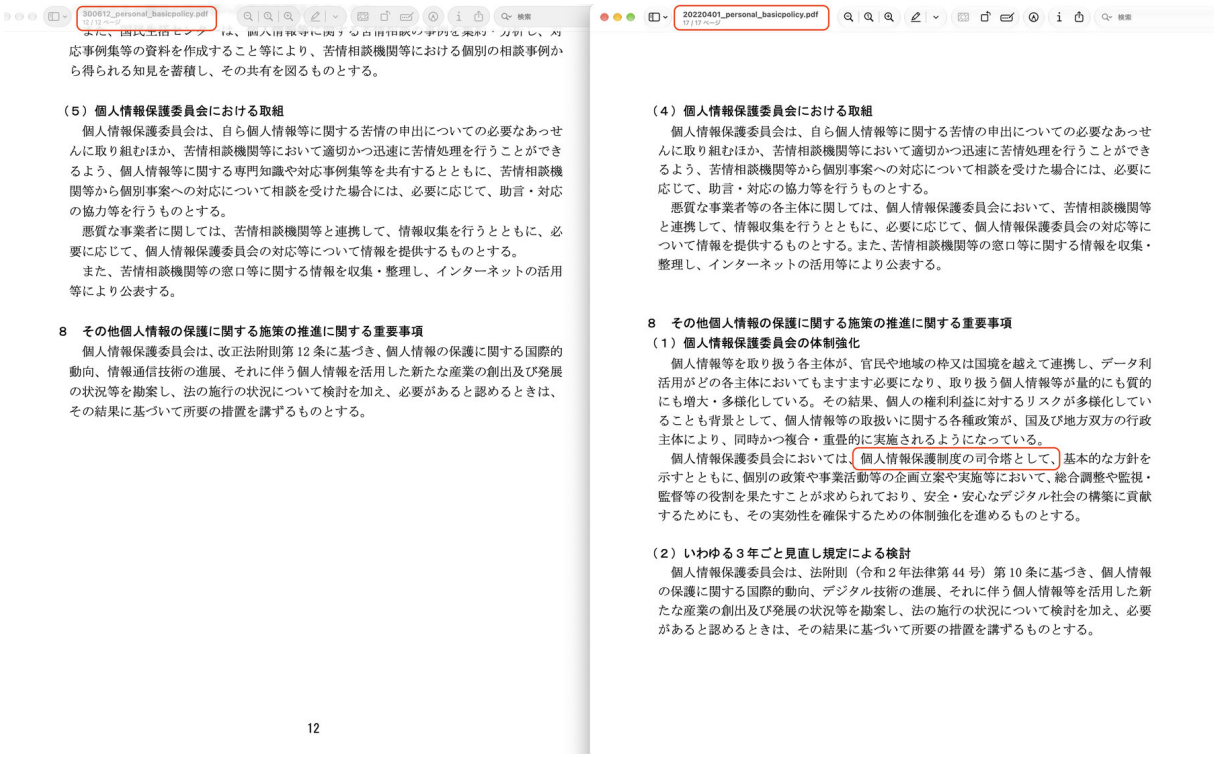
secure digital society, is to strengthen its institutional structure so as to secure the effectiveness thereof."

- Note by the submitters: Item 8 of the 2018 version [p. 12] contains only the provision on review under Article 12 of the Supplementary Provisions of the 2015 amending Act, and the word "control tower" does not appear.

- **Capture of the source** (screenshots showing the PDFs of the 2018 and 2022 versions side by side; the file names and page numbers are displayed at the top of the viewer, so that the source can be checked):
  - **Fig. C-4a**: left, the 2018 version PDF (`300612_personal_basicpolicy.pdf`), p. 2 of 12, "(2) Principles of the Act and the approach of the system" (no corresponding statement) / right, the 2022 version PDF (`20220401_personal_basicpolicy.pdf`), p. 2 of 17, "(2) Basic principles of the Act and the approach of the system", with the paragraph containing "planning and drafting" framed in red.



- **Fig. C-4b**: left, the 2018 version PDF, p. 12 of 12, "8. Other important matters concerning the promotion of measures for the protection of personal information" (no corresponding statement) / right, the 2022 version PDF, p. 17 of 17, "8(1) Strengthening of the institutional structure of the Personal Information Protection Commission", with the phrase "as the control tower for the personal information protection system" framed in red.



300612_personal_basicpolicy.pdf

また、個人情報等に関する苦情相談の事例を集約・分析し、対応事例集等の資料を作成すること等により、苦情相談機関等における個別の相談事例から得られる知見を蓄積し、その共有を図るものとする。

（５）個人情報保護委員会における取組

個人情報保護委員会は、自ら個人情報等に関する苦情の申出についての必要なあっせんに取り組むほか、苦情相談機関等において適切かつ迅速に苦情処理を行うことができるよう、個人情報等に関する専門知識や対応事例集等を共有するとともに、苦情相談機関等から個別事案への対応について相談を受けた場合には、必要に応じて、助言・対応の協力等を行うものとする。

悪質な事業者に関しては、苦情相談機関等と連携して、情報収集を行うとともに、必要に応じて、個人情報保護委員会の対応等について情報を提供するものとする。

また、苦情相談機関等の窓口等に関する情報を収集・整理し、インターネットの活用等により公表する。

８　その他個人情報の保護に関する施策の推進に関する重要事項

個人情報保護委員会は、改正法附則第 12 条に基づき、個人情報の保護に関する国際的動向、情報通信技術の進展、それに伴う個人情報を活用した新たな産業の創出及び発展の状況等を勘案し、法の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

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20220401_personal_basicpolicy.pdf

（４）個人情報保護委員会における取組

個人情報保護委員会は、自ら個人情報等に関する苦情の申出についての必要なあっせんに取り組むほか、苦情相談機関等において適切かつ迅速に苦情処理を行うことができるよう、苦情相談機関等から個別事案への対応について相談を受けた場合には、必要に応じて、助言・対応の協力等を行うものとする。

悪質な事業者等の各主体に関しては、個人情報保護委員会において、苦情相談機関等と連携して、情報収集を行うとともに、必要に応じて、個人情報保護委員会の対応等について情報を提供するものとする。また、苦情相談機関等の窓口等に関する情報を収集・整理し、インターネットの活用等により公表する。

８　その他個人情報の保護に関する施策の推進に関する重要事項

（１）個人情報保護委員会の体制強化

個人情報等を取り扱う各主体が、官民や地域の枠又は国境を越えて連携し、データ利活用がどの各主体においてもますます必要になり、取り扱う個人情報等が量的にも質的にも増大・多様化している。その結果、個人の権利利益に対するリスクが多様化していることも背景として、個人情報等の取扱いに関する各種政策が、国及び地方双方の行政主体により、同時かつ複合・重畳的に実施されるようになっている。

個人情報保護委員会においては、個人情報保護制度の司令塔として、基本的な方針を示すとともに、個別の政策や事業活動等の企画立案や実施等において、総合調整や監視・監督等の役割を果たすことが求められており、安全・安心なデジタル社会の構築に貢献するためにも、その実効性を確保するための体制強化を進めるものとする。

（２）いわゆる３年ごと見直し規定による検討

個人情報保護委員会は、法附則（令和２年法律第 44 号）第 10 条に基づき、個人情報の保護に関する国際的動向、デジタル技術の進展、それに伴う個人情報等を活用した新たな産業の創出及び発展の状況等を勘案し、法の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

- **Relevance to the argument**: Neither "control tower" nor "planning and drafting" appears in the 2018 version to which the European Commission referred at the time of the 2019 Adequacy Decision; both appear for the first time in the 2022 version (i.e. the very document to which the European Commission referred was altered after the Decision in a direction extending the PPC's role to that of a body responsible for planning and drafting).

C-5　Statements in the Study Group Report on Redress, the Administrative Monetary Penalty and Collective Litigation (→ Chapter 2)

- **Submission metadata**: Study Group Report on the So-called Triennial Review of the APPI / PPC / 2024-12-25 / theme page "On the Triennial Review" https://www.ppc.go.jp/personalinfo/3nengotominaoshi/ (the theme page is the primary citation, the report being a final version cited for its content) / direct PDF URL: https://www.ppc.go.jp/files/pdf/minaoshi_kentokaihoukokusho_r6.pdf
- **Excerpt (i) (method of calculating the administrative monetary penalty, p. 23)**:
  - Original (verbatim): 「そこで、上記国内他法令も考慮し、違反事業者が違反行為又は違反行為により取得した個人情報の利用に関して得た財産的利益の全額を課徴金額とすることが考えられる。さらに、違反行

為をより実効的に抑止する観点から、当該財産的利益の全額を上回る金額を課徴金額とすることも考えられる。」

- English translation (unofficial translation by the submitters): "Therefore, taking into account also the other domestic laws and regulations mentioned above, it is conceivable that the amount of the administrative monetary penalty could be set at the full amount of the pecuniary benefit obtained by the violating business operator in connection with the violation or with the use of personal information acquired through the violation. Furthermore, from the standpoint of more effectively deterring violations, it is also conceivable that the amount of the administrative monetary penalty could exceed the full amount of that pecuniary benefit."
- Note by the submitters: With regard to breaches of the obligation to take security control measures, p. 24 of the Report states that "it is also conceivable to calculate the amount of the administrative monetary penalty by multiplying the sales amount by a certain 'calculation rate'".

- **Excerpt (ii) (surcharge for repeated violations, p. 26)**:
  - Original (verbatim): 「課徴金納付命令の対象行為に係る事件についての報告徴収又は立入検査（法第 146 条第 1 項）が行われた日等から遡って 10 年以内に課徴金納付命令を受けたことがある者に対しては、通常の場合の課徴金額の 1.5 倍の課徴金額を賦課することとすることが考えられる。」
  - English translation (unofficial translation by the submitters): "It is conceivable that a person who has, within the ten years preceding the date, etc. of the request for reports or the on-site inspection (Article 146, paragraph (1) of the Act) concerning the case relating to the conduct subject to an order for payment of an administrative monetary penalty, already been subject to such an order, should be made subject to an administrative monetary penalty of 1.5 times the amount that would otherwise apply."
- **Excerpt (iii) (the case for collective injunctions and redress, p. 30)**:
  - Original (verbatim): 「現行法の下において、違法な個人情報の取扱いが行われた場合、本人は、個人情報取扱事業者に対して、自らの個人情報については利用停止等請求（法第 35 条）、損害賠償請求（民法第 709 条等）をすることは可能である。しかし、これらの請求は、違法行為全体の停止や他の個人情報について同様の違法行為を実施することの予防まで請求できるものではなく、不特定多数の個人に生じ得る同種の（回復困難な）被害の発生まで防止できるものではない。また、訴訟費用等を理由に請求を断念せざるを得ない場合も多い。また、委員会は、指導・助言（法第 147 条）及び勧告・命令（法第 148 条）と

いった権限を適切に行使し、不特定多数の個人に生じ得る同種の被害の発生を防止することは可能である。しかし、委員会の体制面や人的資源等にも限界はあり、必ずしも全ての違反行為に迅速かつ網羅的に対応できるとは限らない。こうした既存の本人の権利行使による対応や委員会の権限行使による対応の限界を踏まえると、個人情報の違法な取扱いが行われている場合に、適切に権利救済を受ける手段を多様化し、より確実に救済を受けられる環境を整えていくことは重要であると考えられる。」

- English translation (unofficial translation by the submitters): "Under the current Act, where the unlawful handling of personal information has occurred, the data subject may make a request for cessation of use, etc. (Article 35 of the Act) or a claim for damages (Article 709, etc. of the Civil Code) against the business operator with respect to his or her own personal information. However, these claims do not extend to seeking the cessation of the unlawful conduct as a whole, or the prevention of similar unlawful conduct being carried out with respect to other personal information, and cannot prevent the occurrence of similar (and hard-to-remedy) harm that may arise for an unspecified large number of individuals. In many cases, moreover, claimants are compelled to abandon such claims owing to litigation costs, etc. The Commission, for its part, can prevent the occurrence of similar harm to an unspecified large number of individuals by appropriately exercising its powers such as guidance and advice (Article 147 of the Act) and recommendation and order (Article 148 of the Act). However, there are limits to the Commission's institutional structure, human resources, etc., and it cannot necessarily respond promptly and comprehensively to every instance of unlawful conduct. In light of the limitations of these existing means of response — through the exercise of rights by the data subject and through the exercise of the Commission's powers — it is considered important, where the unlawful handling of personal information is occurring, to diversify the means by which appropriate redress can be obtained, and to put in place an environment in which redress can be more reliably secured."

- **Capture of the source**:

- **Fig. C-5a**: theme page "Background to the So-called Triennial Review (Relating to the 2026 Amended Act on the Protection of Personal Information)", with the link line for the report, "Study Group Report on the So-called Triennial Review of the Act on the Protection of Personal Information (25 December 2024) (PDF: 2359KB)", framed in red.



- **Fig. C-5b**: Report, p. 23, with the paragraphs on setting the penalty at the full amount of the pecuniary benefit and at an amount exceeding it framed in red.

要件が不明確である点に懸念がある。「個人の権利利益が侵害される具体的なおそれ」が生じた場合の具体例を示す必要がある。

- 「個人の権利利益が侵害される具体的なおそれ」等の要件を課した場合、当該要件はむしろ委員会の権限を狭めるものであり、当該要件の導入によって事業者側の懸念が増すということはないのではないか。委員会としては、法令違反だけではなく、実質的に「個人の権利利益が侵害される具体的なおそれ」が生じているか否かという点まで考慮する必要があることとなり、委員会側にとってかなり厳しい要件というべき。
- 「具体的なおそれ」ということになると、結果責任よりも少し踏み込んでいることになるが、そもそもの考え方が不明瞭である。

以上の対象行為に係る議論を十分に踏まえ、仮に課徴金制度を導入する場合には、基本となる考え方を明らかにした上で、対象となる、あるいは対象とならない具体例等について充実した形で示していくこと等が考えられる。

（２）算定方法

ア　違法な第三者提供等関連

違反事業者は、違反行為又は違反行為により取得した個人情報（すなわち違法行為がなければ取得し得なかった個人情報）から直接的に違法な収益を得ており、違反事業者が得る経済的利得そのものが違法な収益であるといえる。

また、国内他法令の課徴金制度において、違反行為の対価等の全額を課徴金額としている例として、独占禁止法（第７条の２第１項第４号、第７条の９第１項第３号）、公認会計士法（第 31 条の２第１項第２号）及び金融商品取引法（第 172 条の 12 第１項）がある。

そこで、上記国内他法令も考慮し、違反事業者が違反行為又は違反行為により取得した個人情報の利用に関して得た財産的利益の全額を課徴金額とすることが考えられる[2]。さらに、違反行為をより実効的に抑止する観点から、当該財産的利益の全額を上回る金額を課徴金額とすることも考えられる。

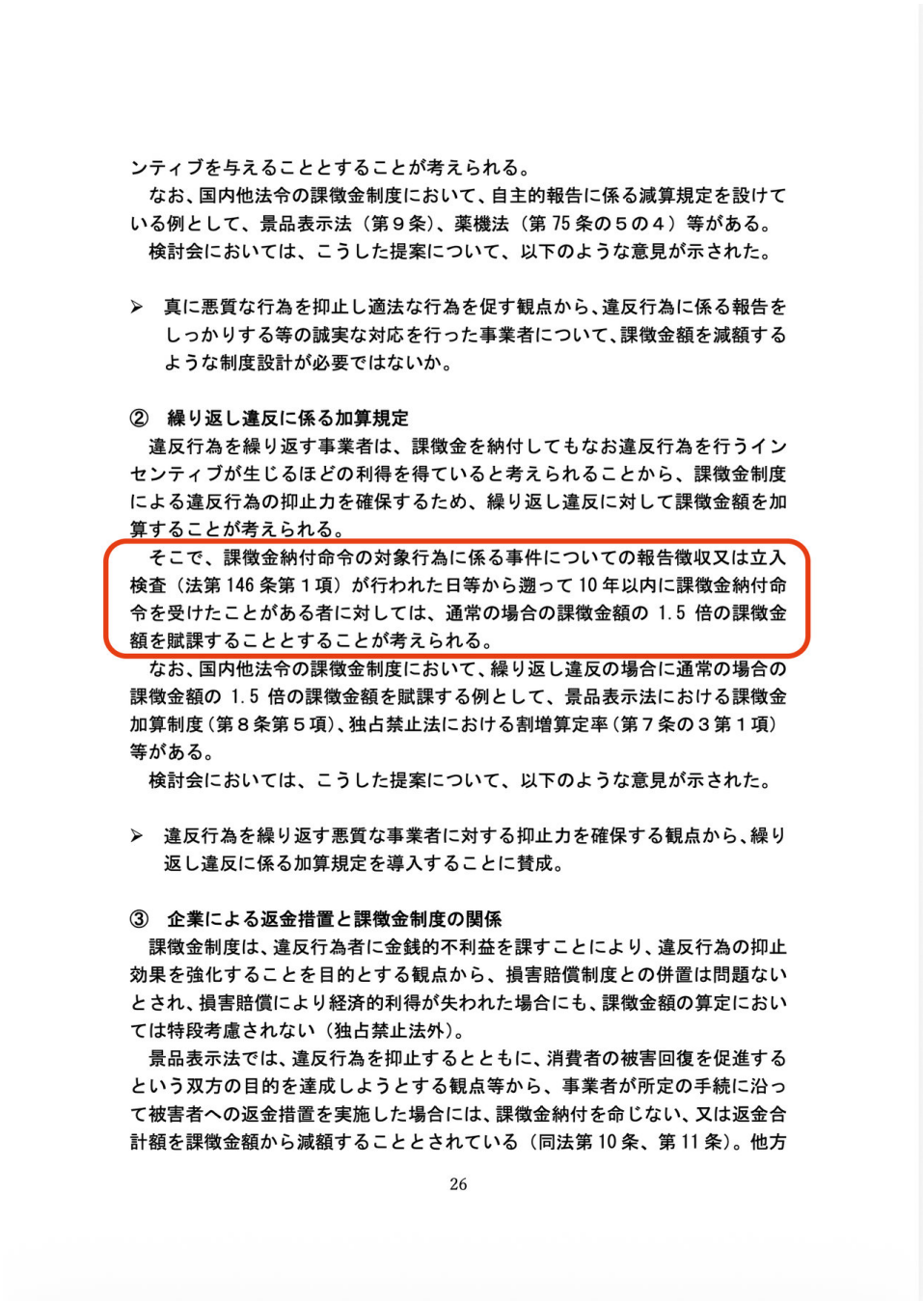
なお、独占禁止法第７条の２第３項、景品表示法第８条第４項等を参考に、課徴金額の算定基礎に係る推計規定を導入することも考えられる。

検討会においては、こうした提案について、以下のような意見が示された。

[2] ここにいう「財産的利益」とは、違反行為等の対価として得た額全体のことであり、当該額（＝売上額）には、国内他法令の課徴金制度において違反行為の対価等の全額を課徴金額としている例と同様、当該違反行為等のために支出した費用相当額も含まれ得ることとなる。

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- **Fig. C-5c**: Report, p. 26, with the paragraph on the 1.5-fold surcharge for repeated violations framed in red.



ンティブを与えることとすることが考えられる。
なお、国内他法令の課徴金制度において、自主的報告に係る減算規定を設けている例として、景品表示法（第９条）、薬機法（第 75 条の５の４）等がある。
検討会においては、こうした提案について、以下のような意見が示された。

➢ 真に悪質な行為を抑止し適法な行為を促す観点から、違反行為に係る報告をしっかりする等の誠実な対応を行った事業者について、課徴金額を減額するような制度設計が必要ではないか。

② 繰り返し違反に係る加算規定

違反行為を繰り返す事業者は、課徴金を納付してもなお違反行為を行うインセンティブが生じるほどの利得を得ていると考えられることから、課徴金制度による違反行為の抑止力を確保するため、繰り返し違反に対して課徴金額を加算することが考えられる。

そこで、課徴金納付命令の対象行為に係る事件についての報告徴収又は立入検査（法第 146 条第１項）が行われた日等から遡って 10 年以内に課徴金納付命令を受けたことがある者に対しては、通常の場合の課徴金額の 1.5 倍の課徴金額を賦課することとすることが考えられる。

なお、国内他法令の課徴金制度において、繰り返し違反の場合に通常の場合の課徴金額の 1.5 倍の課徴金額を賦課する例として、景品表示法における課徴金加算制度（第８条第５項）、独占禁止法における割増算定率（第７条の３第１項）等がある。
検討会においては、こうした提案について、以下のような意見が示された。

➢ 違反行為を繰り返す悪質な事業者に対する抑止力を確保する観点から、繰り返し違反に係る加算規定を導入することに賛成。

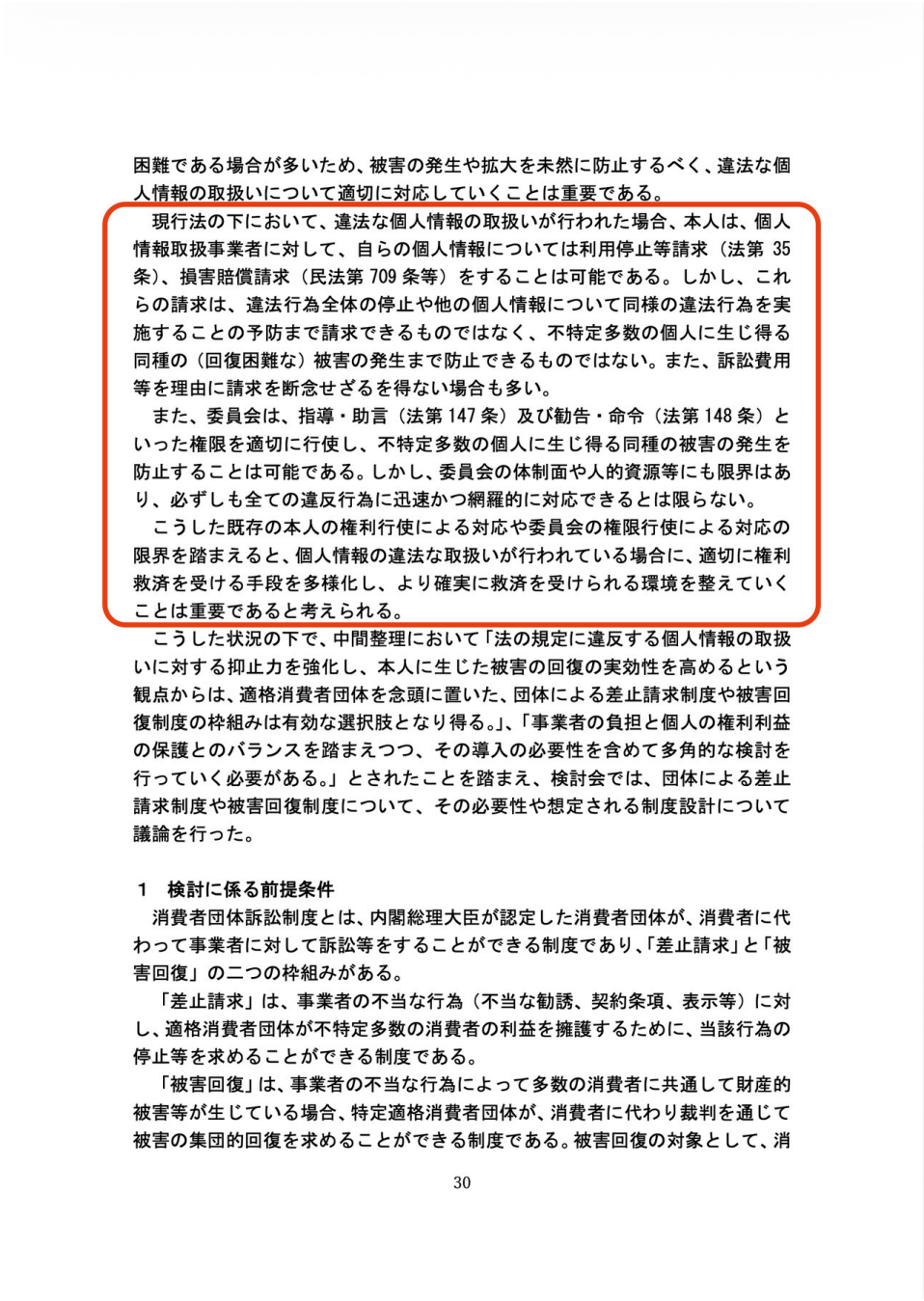
③ 企業による返金措置と課徴金制度の関係

課徴金制度は、違反行為者に金銭的不利益を課すことにより、違反行為の抑止効果を強化することを目的とする観点から、損害賠償制度との併置は問題ないとされ、損害賠償により経済的利得が失われた場合にも、課徴金額の算定においては特段考慮されない（独占禁止法外）。

景品表示法では、違反行為を抑止するとともに、消費者の被害回復を促進するという双方の目的を達成しようとする観点等から、事業者が所定の手続に沿って被害者への返金措置を実施した場合には、課徴金納付を命じない、又は返金合計額を課徴金額から減額することとされている（同法第 10 条、第 11 条）。他方

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- **Fig. C-5d**: Report, p. 30, with the case for collective injunctions and redress (the full text of excerpt (iii) above) framed in red.



困難である場合が多いため、被害の発生や拡大を未然に防止するべく、違法な個人情報の取扱いについて適切に対応していくことは重要である。

現行法の下において、違法な個人情報の取扱いが行われた場合、本人は、個人情報取扱事業者に対して、自らの個人情報については利用停止等請求（法第 35 条）、損害賠償請求（民法第 709 条等）をすることは可能である。しかし、これらの請求は、違法行為全体の停止や他の個人情報について同様の違法行為を実施することの予防まで請求できるものではなく、不特定多数の個人に生じ得る同種の（回復困難な）被害の発生まで防止できるものではない。また、訴訟費用等を理由に請求を断念せざるを得ない場合も多い。

また、委員会は、指導・助言（法第 147 条）及び勧告・命令（法第 148 条）といった権限を適切に行使し、不特定多数の個人に生じ得る同種の被害の発生を防止することは可能である。しかし、委員会の体制面や人的資源等にも限界はあり、必ずしも全ての違反行為に迅速かつ網羅的に対応できるとは限らない。

こうした既存の本人の権利行使による対応や委員会の権限行使による対応の限界を踏まえると、個人情報の違法な取扱いが行われている場合に、適切に権利救済を受ける手段を多様化し、より確実に救済を受けられる環境を整えていくことは重要であると考えられる。

こうした状況の下で、中間整理において「法の規定に違反する個人情報の取扱いに対する抑止力を強化し、本人に生じた被害の回復の実効性を高めるという観点からは、適格消費者団体を念頭に置いた、団体による差止請求制度や被害回復制度の枠組みは有効な選択肢となり得る。」、「事業者の負担と個人の権利利益の保護とのバランスを踏まえつつ、その導入の必要性を含めて多角的な検討を行っていく必要がある。」とされたことを踏まえ、検討会では、団体による差止請求制度や被害回復制度について、その必要性や想定される制度設計について議論を行った。

1　検討に係る前提条件

消費者団体訴訟制度とは、内閣総理大臣が認定した消費者団体が、消費者に代わって事業者に対して訴訟等をすることができる制度であり、「差止請求」と「被害回復」の二つの枠組みがある。

「差止請求」は、事業者の不当な行為（不当な勧誘、契約条項、表示等）に対し、適格消費者団体が不特定多数の消費者の利益を擁護するために、当該行為の停止等を求めることができる制度である。

「被害回復」は、事業者の不当な行為によって多数の消費者に共通して財産的被害等が生じている場合、特定適格消費者団体が、消費者に代わり裁判を通じて被害の集団的回復を求めることができる制度である。被害回復の対象として、消

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- **Relevance to the argument**: This item does not in itself prove the fact of "shelving" (that is a separate argument, based on the express statement in the Institutional Reform Policy [2026-01-09, listed in Annex B-5] that "the institutional introduction will be shelved in the present review"). What this item shows is the fact that, **at the stage of the Study Group Report (2024-12-25), more far-reaching options — penalty amounts exceeding the full amount of the pecuniary benefit, a 1.5-fold surcharge for repeated violations, and the grant of a right of injunction to qualified consumer organisations — were concretely on the table**. However, **as regards the administrative monetary penalty, the Report organised these as issues by stating**

that they were "conceivable"; it did not recommend their introduction (categories 1 to 4 of covered conduct were likewise presented as "conceivable", and each category is immediately followed by the views of Study Group members pointing out the breadth and unclarity of its scope [Report, pp. 16–17]). Accordingly, 2.3(1) of the text does not rely on the difference between the options at this stage and the final form as such (its argument on the penalty is whether the triggering conditions in the final form capture the use expanded by the present amendment). By contrast, with regard to a collective injunction and redress scheme, the Report positively argued its necessity (excerpt (iii)) while the Institutional Reform Policy shelved its introduction; this item supports the "before" side of the before-and-after comparison in 2.3(2) of the text.

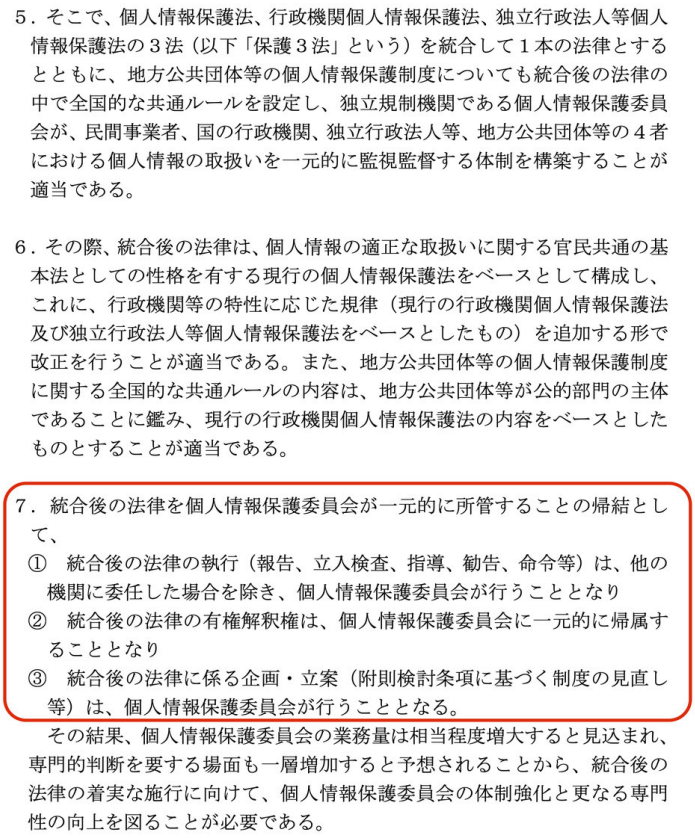
C-6 Statement in the Task Force's Final Report That "Planning and Drafting" Is a Consequence (→ 1.3(1)(c), 1.4)

- **Submission metadata**: Final Report on the Review of the Personal Information Protection System / Task Force on the Review of the Personal Information Protection System (Cabinet Secretariat) / December 2020 / webpage URL: https://warp.ndl.go.jp/web/20210812220059/http://www.cas.go.jp/jp/seisaku/kojinjyoho_hogo/ / direct PDF URL: https://warp.ndl.go.jp/20210823/20210812130059/http://www.cas.go.jp/jp/seisaku/kojinjyoho_hogo/pdf/r0212saisyuhoukoku.pdf (both permanent archives of the National Diet Library's WARP; last accessed: 2026-07-02)
- **Excerpt**: 1-1 "Form of the Act and jurisdiction over the Act", point 7 (text, p. 6)
  - Original (verbatim): 「７．統合後の法律を個人情報保護委員会が一元的に所管することの帰結として、①　統合後の法律の執行（報告、立入検査、指導、勧告、命令等）は、他の機関に委任した場合を除き、個人情報保護委員会が行うこととなり　②　統合後の法律の有権解釈権は、個人情報保護委員会に一元的に帰属することとなり　③　統合後の法律に係る企画・立案（附則検討条項に基づく制度の見直し等）は、個人情報保護委員会が行うこととなる。」
  - English translation (unofficial translation by the submitters): "7. As a consequence of the Personal Information Protection Commission having sole jurisdiction over the integrated Act, (i) enforcement of the integrated Act (reporting, on-site inspections, guidance, recommendations, orders, etc.) will be carried out by the Personal Information Protection Commission, except where delegated to another body; (ii) the authoritative power to interpret the integrated Act will belong solely to the Personal Information Protection Commission; and (iii) planning and drafting concerning the integrated Act (such as institutional review pursuant to the review clause in the Supplementary Provisions) will be carried out by the Personal Information Protection Commission."
- **Capture of the source**:

- **Fig. C-6a**: webpage (WARP copy, section on decisions and the like), with the link line for the report marked.



- **Fig. C-6b**: the relevant passage on p. 6 of the report (full text of point 7) marked.



5．そこで、個人情報保護法、行政機関個人情報保護法、独立行政法人等個人情報保護法の３法（以下「保護３法」という）を統合して１本の法律とするとともに、地方公共団体等の個人情報保護制度についても統合後の法律の中で全国的な共通ルールを設定し、独立規制機関である個人情報保護委員会が、民間事業者、国の行政機関、独立行政法人等、地方公共団体等の４者における個人情報の取扱いを一元的に監視監督する体制を構築することが適当である。

6．その際、統合後の法律は、個人情報の適正な取扱いに関する官民共通の基本法としての性格を有する現行の個人情報保護法をベースとして構成し、これに、行政機関等の特性に応じた規律（現行の行政機関個人情報保護法及び独立行政法人等個人情報保護法をベースとしたもの）を追加する形で改正を行うことが適当である。また、地方公共団体等の個人情報保護制度に関する全国的な共通ルールの内容は、地方公共団体等が公的部門の主体であることに鑑み、現行の行政機関個人情報保護法の内容をベースとしたものとすることが適当である。

7．統合後の法律を個人情報保護委員会が一元的に所管することの帰結として、
① 統合後の法律の執行（報告、立入検査、指導、勧告、命令等）は、他の機関に委任した場合を除き、個人情報保護委員会が行うこととなり
② 統合後の法律の有権解釈権は、個人情報保護委員会に一元的に帰属することとなり
③ 統合後の法律に係る企画・立案（附則検討条項に基づく制度の見直し等）は、個人情報保護委員会が行うこととなる。

その結果、個人情報保護委員会の業務量は相当程度増大すると見込まれ、専門的判断を要する場面も一層増加すると予想されることから、統合後の法律の着実な施行に向けて、個人情報保護委員会の体制強化と更なる専門性の向上を図ることが必要である。

6

- **Relevance to the argument**: The drafting document for the 2021 amendment expressly stated the attribution of planning and drafting to the PPC as a "consequence", yet the amending bill adopted by the Cabinet some six weeks later (9 February 2021) did not provide for it in Article 132 (documentary support for the proposition that the omission did not go unnoticed; the **reason** for the omission is not asserted). The listing in parallel of (i) enforcement, (ii) authoritative interpretation and (iii) planning and drafting as "consequences of jurisdiction" supports the argument in 1.3(1)(c), in that it shows the course of events by which the PPC came to be positioned as a body responsible for planning and drafting.

C-7 Government Answers in the Diet Deliberations (→ 4.1 and 5.5)

Sources: For 12 May and 21 May, the wording of the quotations and the speakers were checked against the minutes of the House of Representatives; for 12 June, 17 June and 24 June, against the minutes of the House of Councillors.

- **Submission metadata**: Minutes of the 221st Diet: House of Representatives Special Committee on Regional Revitalisation, Children's Policy and the Formation of a Digital Society (12 and 21 May 2026) / House of Councillors plenary session (12 June 2026) / House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc. (17 and 24 June 2026) / Diet minutes search system URLs: 12 May 2026 https://kokkai.ndl.go.jp/#/detail?minId=122105367X00620260512&current=3 / 21 May 2026 https://kokkai.ndl.go.jp/#/detail?minId=122105367X00820260521&current=1 / 12 June 2026 https://kokkai.ndl.go.jp/txt/122115254X02120260612/30 (issueID 122115254X02120260612, speechOrder 30) / 17 June 2026 https://kokkai.ndl.go.jp/txt/122115385X00520260617/123 (issueID 122115385X00520260617, speechOrder 123 = the answer on profiling in item 7 below) and https://kokkai.ndl.go.jp/txt/122115385X00520260617/134 (same issueID, speechOrder 134 = the 17 June answer in item 3 below) / 24 June 2026 https://kokkai.ndl.go.jp/txt/122115385X00720260624/31 (issueID 122115385X00720260624, speechOrder 31 = the answer to committee member KISHI Makiko in item 3 below) and https://kokkai.ndl.go.jp/txt/122115385X00720260624/155 (same issueID, speechOrder 155 = the answer to committee member IHA Yoichi in item 3 below).
- **Additional source (item 9 below)**: 24 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc., answer by Minister of State MATSUMOTO Hisashi to a question by committee member ISOZAKI Tetsuji. https://kokkai.ndl.go.jp/txt/122115385X00720260624/62 (issueID 122115385X00720260624, speechOrder 62).
- **Additional source (item 11 below)**: 24 June 2026, House of Councillors Special Committee on the Formation of a Digital Society and the Utilisation of Artificial Intelligence, etc., answer by government witness SAWAKI Kiyoshi (Secretary-General of the PPC) to a question by committee member IWAMOTO Mana. https://kokkai.ndl.go.jp/txt/122115385X00720260624/116 (issueID 122115385X00720260624, speechOrder 116).
- **Excerpts** (for each item: the subject, speaker and context; the English translation (unofficial translation by the submitters); and the original Japanese wording of the quotations (verbatim)):
    1. **AI model development envisaged** (12 May; answer by government witness SAWAKI [Secretary-General of the PPC]). English translation: "As the specific object, we envisage AI models that are statistical information from

which correspondence with specific individuals has been excluded and that fall under the definition mentioned earlier." / "...the risk of re-identification, etc. being carried out is extremely low." (The latter explanation, that the risk of re-identification from the models developed is "extremely low", is set out in 4.1 as the Government's position.) Original: 「具体的な対象といたしましては、特定の個人との対応関係が排斥されました統計情報で、先ほどの定義に該当するＡＩモデルが想定してございます」/「再識別等を行われるリスクというのは極めて低い」

2. **Provision of non-public special care-required personal information envisaged** (24 June; answer by government witness SAWAKI Kiyoshi [Secretary-General of the PPC]). English translation: "There may be cases where non-public special care-required personal information is necessary..." / "...there may be cases where it is technically difficult to completely delete such information in advance", with examples of audio data from emergency medical settings, call recordings from health-consultation call centres, and X-ray/CT images bearing patients' names. On the same day, Minister of State MATSUMOTO Hisashi: "the need to analyse special care-required personal information such as individual medical histories" (for drug-discovery purposes). Original: 「公開されていない要配慮個人情報が必要でございましたり」/「あらかじめ完全に削除することが技術的に困難な場合があり得る」/「個々の病歴などの要配慮個人情報を解析するニーズ」

3. **Record linkage envisaged; obligation to anonymise or pseudonymise not adopted** (**24 June**; answers by Minister of State MATSUMOTO Hisashi). English translation: "We took into account, to a certain extent, the technical difficulty of matters such as the need for record linkage when developing AI using vast amounts of data, or whether it is truly 100% possible to comprehensively delete names and other information" (answer to committee member KISHI Makiko); "because there are cases where record linkage is necessary or where it is technically difficult to delete names and other information, we are not requiring anonymisation or pseudonymisation to be made mandatory across the board" (answer to committee member IHA Yoichi). The minister added that the prohibition on providing unnecessary names and the request to delete them "will be clearly stated repeatedly in the guidelines, etc.". At the same committee on 17 June, the same minister gave a separate answer, on the premise that the provision of unnecessary names and the like is not permitted: "it is not necessary, on that account, to uniformly anonymise or pseudonymise [the data]." Original: 「膨大なデータを使ってＡＩを開発しようといった場合において、名寄せをする必要があったり、あるいは網羅的に氏名等を削除するということが一〇〇％本当に可能かといった技術的な困難性をある程度勘案した」/「名寄せの必要であるとか氏

名等を削除するということが技術的に困難である場合があるので、一律に匿名化や仮名化を義務付けるということは求めていない」/「再三ガイドライン等々でもきちんと明記する」/「それによって一律に匿名化や仮名化をする必要はない」

4. **Administrative monetary penalty as a "small start"** (12 May; answer by Minister of State MATSUMOTO, official minutes). English translation: "Since this is the first time an administrative monetary penalty system has been introduced under the Act on the Protection of Personal Information, we had no choice but to start small at first." → Chapter 2, 2.3(1). Original: 「個人情報保護法では初めてこの課徴金制度というのを導入するということなので、まずスモールスタートにせざるを得なかった」

5. **Limits of enforcement against foreign business operators** (21 May; answer by government witness SAWAKI, official minutes). English translation: "Where [a foreign business operator] holds no property whatsoever [in Japan], it is indeed true that the practical hurdle to enforcement is high" (with the qualification that this is "common to all situations requiring monetary enforcement against foreign business operators, not limited to this Bill"; set out in the text). → Chapter 2, 2.3(1). Original: 「一切有していない場合には、確かに執行上の事実上のハードルが高いというのは事実」/「本法案に限らず、国外事業者に対する金銭的執行が必要となる場面全般に共通」

6. **Rejection of an unconditional right to request cessation of use, etc.** (21 May; answer by government witness SAWAKI, official minutes). English translation: "Granting the data subject an unconditional right to request cessation of use, etc. would, in relation to the purpose of this system, amount to a kind of contradiction, and so it is difficult to institutionalise such a thing" (with the explanation that the existing right to request cessation of use, etc. can still be exercised; set out in the text). → 4.1(6). Original: 「本人に対して無条件の利用停止等請求を付与するということは、この制度の趣旨との関係ではある種矛盾することになりますので、そういったことを制度化することは困難」

7. **Application of the prohibition of inappropriate use to profiling** (17 June; answer by government witness SAWAKI Kiyoshi [Secretary-General of the PPC]). English translation: the basis is the prohibition of inappropriate use in Article 19, which covers "that which can be categorised as clearly illegal or improper", and the regulation of profiling itself is "a matter to be considered, as necessary, in the course of an ad hoc review". → 4.1(5) and 4.1(2) (relied upon as an answer explaining the general rules at the stage of use; this answer alone does not settle the scope of AI development included in the special provision for the compilation of statistics, etc.). Original: 「明らかに違法、

不当ということで整理できるもの」/「必要があれば随時の見直しの中で検討する対象」

8. **Acknowledgement that the Basic Policy preceded the Institutional Reform Policy** (12 June; answer by Minister of State MATSUMOTO Hisashi [House of Councillors plenary session, answer to member ADACHI Yuji]). English translation: "In light of the various Cabinet decisions, including the Basic Policy on the Data Utilisation Framework of June 2025 (Reiwa 7), [the PPC] decided on the Institutional Reform Policy this January." → 1.3(2) (confirmation that the timeline of planning documents is the Government's own account; corresponds to C-8). Original: 「令和七年六月のデータ利活用制度の在り方に関する基本方針等の各閣議決定を踏まえ、本年一月、同委員会において制度改正方針を決定した」

9. **AI development for diagnosis and assessment explained as the reason for the consent exception** (24 June; Minister of State MATSUMOTO Hisashi, answer to committee member ISOZAKI Tetsuji). The question concerned the legislative facts justifying dispensing with the data subject's consent for the handling of special care-required personal information under Article 30-2. English translation: "For example, if we want to develop something that uses AI to make diagnoses and assessments, an AI developed using [data on] non-Japanese people may not work well in many respects when assessing Japanese people. I think it would therefore follow that Japanese data is needed; there are needs of that kind as well. On that basis, we considered it necessary to provide an exception to the consent requirement on this occasion." → 4.1(2) (basis for envisaging development intended for the diagnosis and assessment of individuals as a situation in which the consent exception is used; not an answer that every evaluation or selection model is covered). Original: 「例えばＡＩを使って診断、判断をするようなものを作ろうと思ったときに、外国人で作られたＡＩで日本人の判断ができるかというと、これはなかなか合わない部分も多かろうと思います。ですから、それはやはり日本人のデータが必要だということにもなろうかと思いますが、そういったようなニーズもあるということ。これをもって、今回は本人同意規制の例外を認める必要があるというふうに考えたところでございます」

10. **Extension of provision by administrative organs and the like, and existing safeguards** (21 May; answer by government witness SAWAKI [Secretary-General of the PPC], official minutes). English translation: the witness explained that the bill "expands the circumstances in which [administrative organs, etc.] may provide [retained personal information] for purposes other than the original purpose", including provision for the creation of statistical information, etc.; that anonymisation is not made a uniform requirement; and that protection is provided for because "provision for other purposes is

prohibited where it is found that there is a risk of unduly harming the rights and interests of the data subject or a third party", and the provision on "requests for measures such as restricting the purpose or method of use to the compilation of statistics, etc. only" applies to recipients. → 1.3(2)(b)(ii) and 2.3(1). Official minutes. Original: 「目的外提供することができる場合を拡大」/「本人又は第三者の権利利益を不当に害するおそれがあると認めるときには目的外提供が禁止」/「利用目的又は方法を統計作成等にのみ制限するなどの措置要求」

11. **Answer declining to address policies specific to the medical field** (24 June; answer by government witness SAWAKI Kiyoshi [Secretary-General of the PPC] to committee member IWAMOTO Mana). The question asked whether there was any intention to establish a mechanism enabling data subjects to access their own medical information and to check how it had been used. English translation: "Since my answer is given from the standpoint of the enforcement authority for the Act on the Protection of Personal Information, which is a general law, and of the body proposing the related amendment bill, I would ask for your understanding that I am unable to answer regarding policies specific to medical information." The witness then explained the system of requests for disclosure and the publication obligations under the special provision. → 5.5. Original: 「一般法であります個人情報保護法の執行機関、さらにはそれに関連する改正法案を提案している立場としてのお答えになりますので、医療情報に関連する固有の政策についてお答えすることはかなわないことは御了解いただきたいと思います」

- **Capture of the source**: the relevant minutes marked in the search-result lists of the Diet minutes search system (screens on which the search terms — House, Diet session and meeting name — are displayed directly above the URL; for the direct URLs of individual speeches, see the submission metadata above)

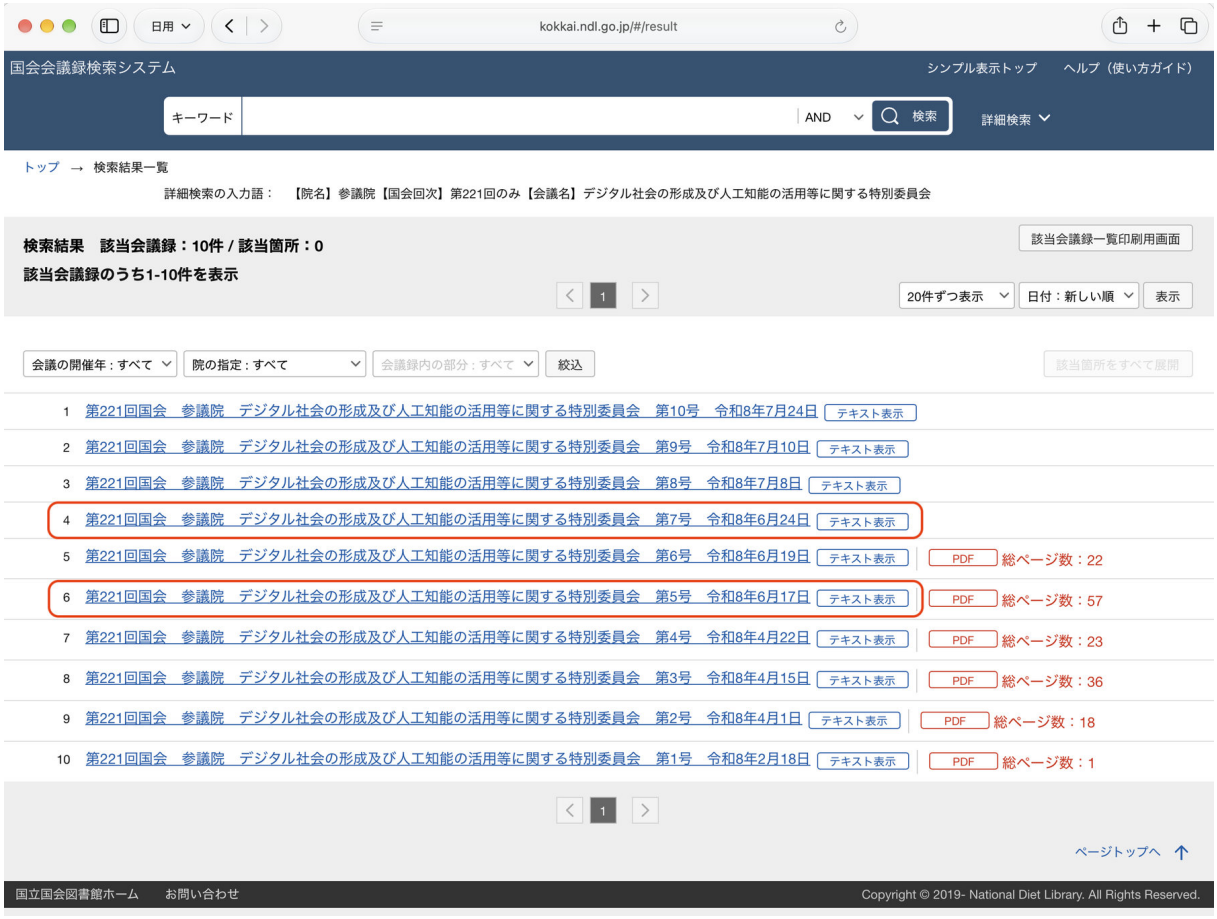
- **Fig. C-7a**: search-result list for the House of Representatives Special Committee on Regional Revitalisation, etc.; 12 May (No. 6) and 21 May (No. 8) marked.



- **Fig. C-7b**: search-result list for the House of Councillors plenary sessions; 12 June (No. 21) marked.



- **Fig. C-7c**: search-result list for the House of Councillors Special Committee on the Formation of a Digital Society, etc.; 17 June (No. 5) and 24 June (No. 7) marked.



- **Relevance to the argument**: This item records the Government's official explanations relating to Chapter 1, 1.3(2)(b)(i) (the Government's acknowledgement of the sequence whereby the Institutional Reform Policy was decided "in light of" the Basic Policy) and 1.3(2)(b)(ii) (the Government's explanation of the extension of the route of provision by administrative organs and the like and of the existing safeguards); Chapter 2 (the incompleteness of sanctions; the limits of enforcement abroad); 4.1 (the Government's official confirmation that the "compilation of statistics, etc." includes AI model development; provision without consent of non-public special care-required personal information envisaged; development of models for the diagnosis and assessment of individuals envisaged); 4.1(3) (provision of data with identifiers and record linkage envisaged by the scheme; reliance of mitigating measures on guidelines); 4.1(5) (response through the prohibition of inappropriate use); 4.1(6) (answer that an unconditional right to request cessation of use, etc. will not be institutionalised); and 5.5 (answer by the Secretary-General of the PPC that he is unable to answer regarding policies specific to medical information). The assessment of the scope of the special provision in 4.1(2) is this Opinion's interpretation based on these answers and the statutory provisions.

C-8　Statements on "Involvement of the Data Subject" and "Ex Post Rules" in Data Utilisation Planning Documents (→ 1.3(2)(b), 2.3(1), 4.1(6))

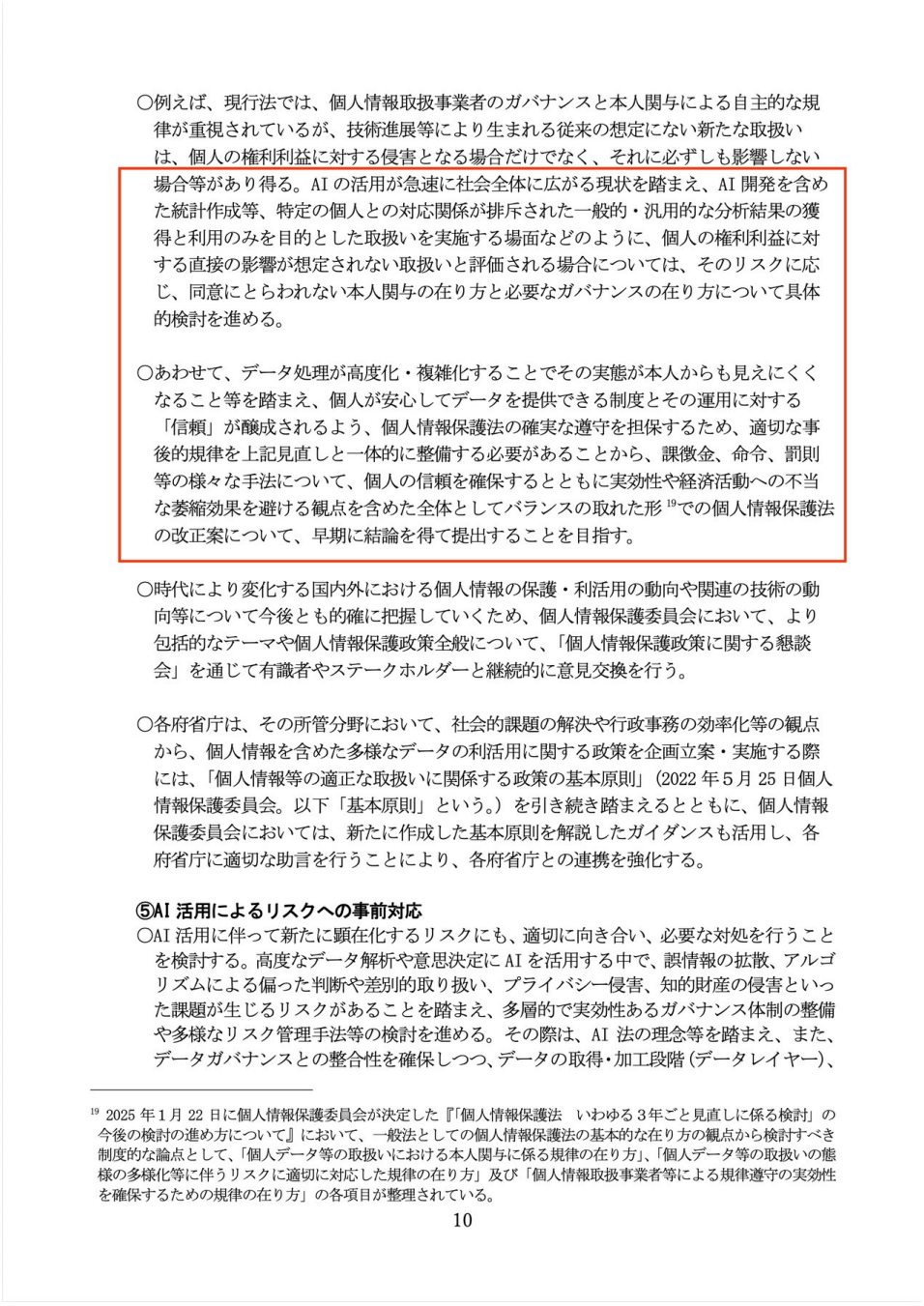
- **Submission metadata**: (1) Basic Policy on the Data Utilisation Framework / decision of the Council for Digital Administrative and Fiscal Reform (adopted by Cabinet decision on the same day as part of the Priority Policy Program for Realizing Digital Society) / 2025-06-13 / direct PDF URL: https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/pdf/data_houshin_honbun.pdf / webpage: https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/index.html (2) On the Future Course of Digital Administrative and Fiscal Reform / 12th Meeting of the Council for Digital Administrative and Fiscal Reform, Material 2 (submitted by the Minister for Digital Administrative and Fiscal Reform) / 2025-12-24 / direct PDF URL: https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/kaigi12/kaigi12_siryou2.pdf / webpage: https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/kaigi12/gijishidai12.html
- **Excerpts**:
  1. **Basic Policy 3(4)(iv) (p. 10): involvement of the data subject** (verbatim): 「ＡＩの活用が急速に社会全体に広がる現状を踏まえ、ＡＩ開発を含めた統計作成等、特定の個人との対応関係が排斥された一般的・汎用的な分析結果の獲得と利用のみを目的とした取扱いを実施する場面などのように、個人の権利利益に対する直接の影響が想定されない取扱いと評価される場合については、そのリスクに応じ、同意にとらわれない本人関与の在り方と必要なガバナンスの在り方について具体的検討を進める。」
  2. **Basic Policy 3(4)(iv) (p. 10): ex post rules** (verbatim): 「あわせて、データ処理が高度化・複雑化することでその実態が本人からも見えにくくなること等を踏まえ、個人が安心してデータを提供できる制度とその運用に対する「信頼」が醸成されるよう、個人情報保護法の確実な遵守を担保するため、適切な事後的規律を上記見直しと一体的に整備する必要があることから、課徴金、命令、罰則等の様々な手法について、個人の信頼を確保するとともに実効性や経済活動への不当な萎縮効果を避ける観点を含めた全体としてバランスの取れた形での個人情報保護法の改正案について、早期に結論を得て提出することを目指す。」
  3. **Basic Policy 8 (p. 21): foundation** (verbatim): 「個人情報保護法は、データ利活用の推進を下支えする礎となる規律であり、データ利活用全体や個別分野における制度整備と同時並行でアップデートを行う必要があることに留意する。」

4. **Future Course, p. 9 (page explaining the national data provision scheme)** (verbatim): 「個人情報保護法を見直し、 AI 開発等を含む「統計作成等」のための第三者提供等に関する制度整備を行うことにより、適正なデータ利活用の円滑化に寄与。（あわせてガバナンスの確保や規律遵守の実効性確保に向けた事後的な措置を整備）」

- English translation (unofficial translation by the submitters):
    1. "In light of the rapid spread of AI utilisation across society as a whole, for cases assessed as handling for which no direct impact on the rights and interests of individuals is envisaged — such as handling carried out solely for the purpose of obtaining and using general-purpose analytical results from which correspondence with specific individuals has been excluded, as in the compilation of statistics, etc., including AI development — concrete consideration will be advanced, in accordance with the risk involved, of approaches to the involvement of the data subject not confined to consent, and of the governance arrangements required."
    2. "At the same time, in light of such matters as the fact that, as data processing becomes more sophisticated and complex, its actual state becomes harder to see even for the individual concerned, and so that 'trust' is fostered in the system enabling individuals to provide data with peace of mind and in its operation, it is necessary — in order to secure reliable compliance with the Act on the Protection of Personal Information — to develop appropriate ex post rules in an integrated manner with the above review. Accordingly, with respect to the various methods available, including administrative monetary penalties, orders and criminal penalties, the aim is to reach conclusions at an early date and submit a bill to amend the Act on the Protection of Personal Information that is balanced as a whole, including from the standpoints of securing individuals' trust, ensuring effectiveness and avoiding an undue chilling effect on economic activity."
    3. "The Act on the Protection of Personal Information is a set of rules serving as the foundation underpinning the promotion of data utilisation, and it must be borne in mind that it needs to be updated in parallel with the development of systems for data utilisation as a whole and in individual fields."
    4. "By reviewing the Act on the Protection of Personal Information and developing systems concerning third-party provision, etc. for the 'compilation of statistics, etc.', including AI development and the like, this will contribute to facilitating appropriate data utilisation. (At the same time, ex post measures will be put in place to secure governance and ensure the effectiveness of compliance with the rules.)"

- **Capture of the source**:

- **Fig. C-8a**: Basic Policy, p. 10, with the two paragraphs of 3(4)(iv) on "involvement of the data subject" and "ex post rules" framed in red.



○例えば、現行法では、個人情報取扱事業者のガバナンスと本人関与による自主的な規律が重視されているが、技術進展等により生まれる従来の想定にない新たな取扱いは、個人の権利利益に対する侵害となる場合だけでなく、それに必ずしも影響しない場合等があり得る。AI の活用が急速に社会全体に広がる現状を踏まえ、AI 開発を含めた統計作成等、特定の個人との対応関係が排斥された一般的・汎用的な分析結果の獲得と利用のみを目的とした取扱いを実施する場面などのように、個人の権利利益に対する直接の影響が想定されない取扱いと評価される場合については、そのリスクに応じ、同意にとらわれない本人関与の在り方と必要なガバナンスの在り方について具体的検討を進める。

○あわせて、データ処理が高度化・複雑化することでその実態が本人からも見えにくくなること等を踏まえ、個人が安心してデータを提供できる制度とその運用に対する「信頼」が醸成されるよう、個人情報保護法の確実な遵守を担保するため、適切な事後的規律を上記見直しと一体的に整備する必要があることから、課徴金、命令、罰則等の様々な手法について、個人の信頼を確保するとともに実効性や経済活動への不当な萎縮効果を避ける観点を含めた全体としてバランスの取れた形[19]での個人情報保護法の改正案について、早期に結論を得て提出することを目指す。

○時代により変化する国内外における個人情報の保護・利活用の動向や関連の技術の動向等について今後とも的確に把握していくため、個人情報保護委員会において、より包括的なテーマや個人情報保護政策全般について、「個人情報保護政策に関する懇談会」を通じて有識者やステークホルダーと継続的に意見交換を行う。

○各府省庁は、その所管分野において、社会的課題の解決や行政事務の効率化等の観点から、個人情報を含めた多様なデータの利活用に関する政策を企画立案・実施する際には、「個人情報等の適正な取扱いに関係する政策の基本原則」（2022 年 5 月 25 日個人情報保護委員会。以下「基本原則」という。）を引き続き踏まえるとともに、個人情報保護委員会においては、新たに作成した基本原則を解説したガイダンスも活用し、各府省庁に適切な助言を行うことにより、各府省庁との連携を強化する。

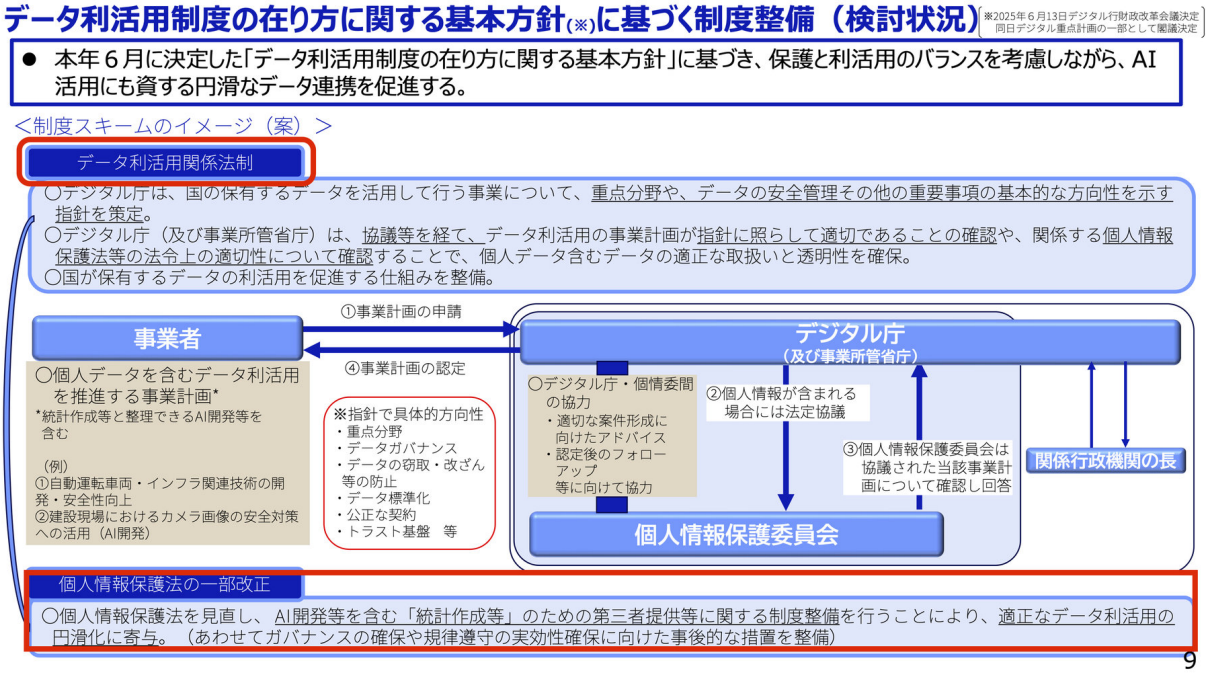
⑤AI 活用によるリスクへの事前対応

○AI 活用に伴って新たに顕在化するリスクにも、適切に向き合い、必要な対処を行うことを検討する。高度なデータ解析や意思決定に AI を活用する中で、誤情報の拡散、アルゴリズムによる偏った判断や差別的取り扱い、プライバシー侵害、知的財産の侵害といった課題が生じるリスクがあることを踏まえ、多層的で実効性あるガバナンス体制の整備や多様なリスク管理手法等の検討を進める。その際は、AI 法の理念等を踏まえ、また、データガバナンスとの整合性を確保しつつ、データの取得・加工段階（データレイヤー）、

[19] 2025 年 1 月 22 日に個人情報保護委員会が決定した『「個人情報保護法　いわゆる 3 年ごと見直しに係る検討」の今後の検討の進め方について』において、一般法としての個人情報保護法の基本的な在り方の観点から検討すべき制度的な論点として、「個人データ等の取扱いにおける本人関与に係る規律の在り方」、「個人データ等の取扱いの態様の多様化等に伴うリスクに適切に対応した規律の在り方」及び「個人情報取扱事業者等による規律遵守の実効性を確保するための規律の在り方」の各項目が整理されている。

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- **Fig. C-8b**: Future Course (Material 2, 12th Meeting of the Council for Digital Administrative and Fiscal Reform), p. 9. The upper heading "Legislation relating to data utilisation" and the lower box "Partial amendment of the Act on the Protection of Personal Information" (containing the full text of excerpt 4) framed in red.



- **Fig. C-8c**: webpage of the Future Course (agenda of the 12th Meeting of the Council for Digital Administrative and Fiscal Reform, 24 December 2025), with the link line for Material 2 framed in red.



- **Relevance to the argument**: (i) 1.3(2)(b)(i) — the direction, content and timing of the amendment of the APPI were set out in government policy documents before the PPC's Institutional Reform Policy. (ii) 1.3(2)(b)(ii) — the Basic Policy set out, as a general statement not distinguishing between routes, the integrated development of ex post rules, and both that Policy and the December meeting material promoted the use of administration-held data. The Basic Policy did not, however, commit to the same rules for the route of provision by administrative organs and the like. (iii) 2.3(1) — the difference between the administrative monetary penalty linked to recipient obligations specific to the private-to-private route and the route of provision by administrative organs and the like. (iv) 4.1(6) — the relationship between "involvement of the data subject not confined to consent" and requests for cessation of use, etc. and objections.

The Government's goal of a form "balanced as a whole" is treated in accordance with the original text, including its reservation concerning the avoidance of chilling effects.

C-9 Background to the Introduction of the Facial-Recognition My Number Card: Ex Post Consideration for Elderly People with Dementia and Others (→ 5.4)

- **Submission metadata**: (1) On the Smooth Acquisition of My Number Cards and Their Management at Welfare Facilities, etc. / My Number System Support Office, Resident System Division, Local Administration Bureau, Ministry of Internal Affairs and Communications / 2024-05-31 / direct PDF URL https://www.mhlw.go.jp/content/12602000/001279524.pdf / (2) Manual on the Acquisition and Management of My Number Cards for Welfare Facilities and Support Organisations (Ver. 2) / Digital Agency, Ministry of Internal Affairs and Communications and Ministry of Health, Labour and Welfare (jointly) / December 2023 ("12 December 2023" at the end of the main text) / main text PDF https://www.soumu.go.jp/main_content/000920144.pdf / webpage https://www.mhlw.go.jp/stf/newpage_08277.html
- **Excerpt**:
    1. **Recognition of the problem and the ex post response set out together (Ministry of Internal Affairs and Communications material; verbatim)**: 「認知症などで暗証番号の設定に不安がある方が安心してカードを利用でき、代理交付の負担軽減にもつながるよう、暗証番号の設定が不要な顔認証マイナンバーカードを導入」
    - English translation (unofficial translation by the submitters): "A facial-recognition My Number Card that does not require a PIN to be set has been introduced, so that persons who, owing to dementia or similar conditions, feel anxious about setting a PIN can use the card with peace of mind, and so as to also reduce the burden of proxy issuance."
- **Capture of the source**:

- **Fig. C-9a**: Ministry of Internal Affairs and Communications material, p. 7, "1. Facial-recognition My Number Card", with the relevant statement marked.

マイナンバーカード取得の円滑化の取組①

1．顔認証マイナンバーカード

認知症などで暗証番号の設定に不安がある方が安心してカードを利用でき、代理交付の負担軽減にもつながるよう、暗証番号の設定が不要な顔認証マイナンバーカードを導入。

⇒ ・ ご高齢者やそのご家族、福祉施設等のご意見を踏まえ、導入に向けた検討を実施し、令和５年12月15日に導入した。
・ 暗証番号の入力を必要とするサービス（マイナポータル、各種証明書のコンビニ交付等）を利用することはできないが、**健康保険証としての利用については、顔認証や目視確認により可能となっている**。
・ 交付実績：16,044枚（R6.３.31現在）

（顔認証マイナンバーカードイメージ）



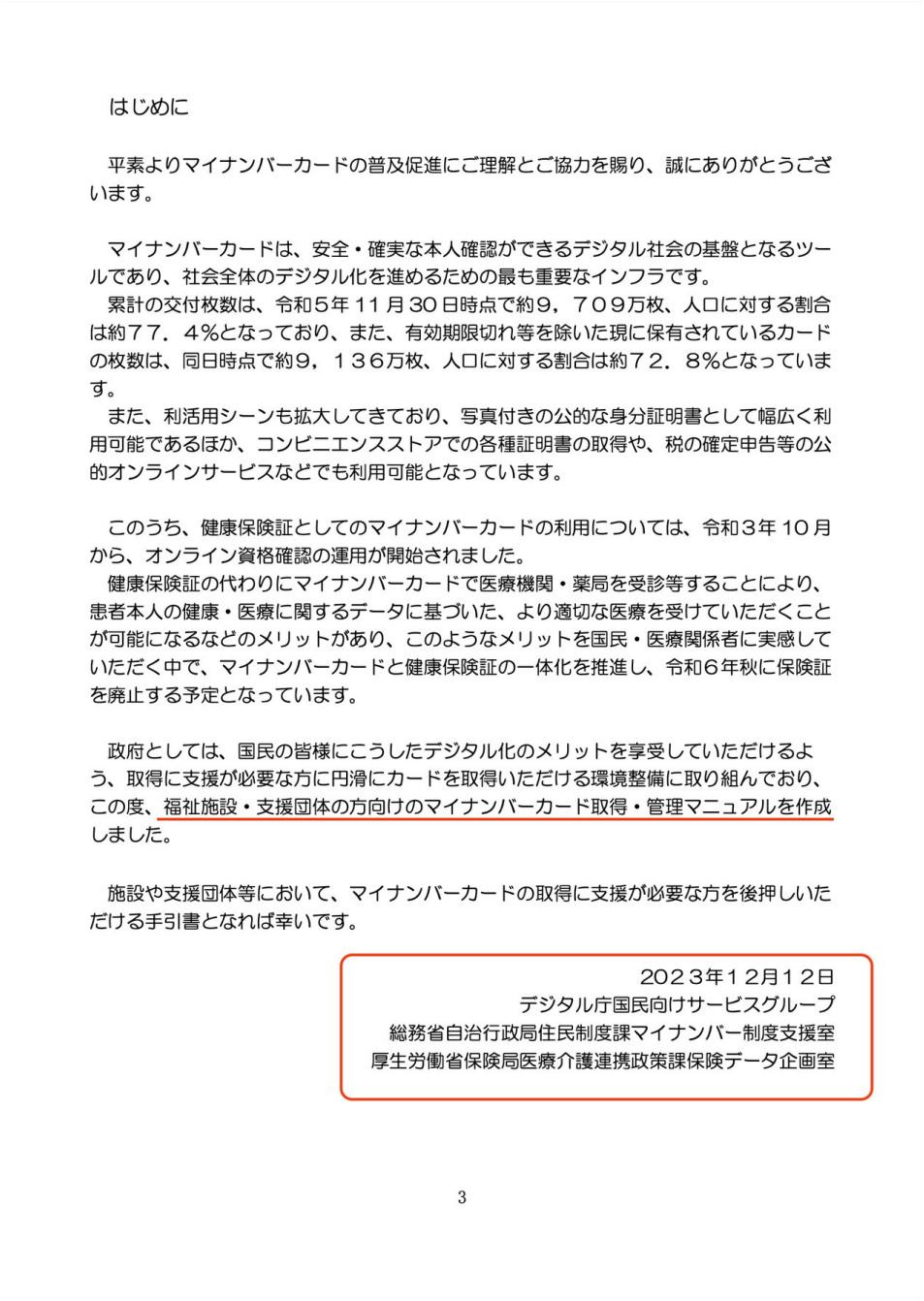
2．福祉施設・支援団体の方向けマイナンバーカード取得・管理マニュアル

高齢者や障害のある方など、マイナンバーカードの取得に課題がある方の取得促進に向け、デジタル庁、厚労省と共同で「福祉施設・支援団体の方向けマイナンバーカード取得・管理マニュアル」を令和５年８月に策定（「顔認証カード」の導入開始に合わせ、令和５年12月に改訂。）。

⇒ ・ 厚生労働省が実施している個別の福祉施設等に対する出張申請の希望調査の回答について、月１回、総務省から個別の市町村に提供を行っている。
・ **各市区町村においては、マニュアルを参考に、希望のあった施設への出張申請受付を積極的に実施いただきたい**。

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- **Fig. C-9b**: manual of the three ministries, p. 3, end of the "Introduction", with the statement of the authoring bodies and the date of 12 December 2023 marked.



はじめに

平素よりマイナンバーカードの普及促進にご理解とご協力を賜り、誠にありがとうございます。

マイナンバーカードは、安全・確実な本人確認ができるデジタル社会の基盤となるツールであり、社会全体のデジタル化を進めるための最も重要なインフラです。
累計の交付枚数は、令和５年１１月３０日時点で約９，７０９万枚、人口に対する割合は約７７．４％となっており、また、有効期限切れ等を除いた現に保有されているカードの枚数は、同日時点で約９，１３６万枚、人口に対する割合は約７２．８％となっています。
また、利活用シーンも拡大してきており、写真付きの公的な身分証明書として幅広く利用可能であるほか、コンビニエンスストアでの各種証明書の取得や、税の確定申告等の公的オンラインサービスなどでも利用可能となっています。

このうち、健康保険証としてのマイナンバーカードの利用については、令和３年１０月から、オンライン資格確認の運用が開始されました。
健康保険証の代わりにマイナンバーカードで医療機関・薬局を受診等することにより、患者本人の健康・医療に関するデータに基づいた、より適切な医療を受けていただくことが可能になるなどのメリットがあり、このようなメリットを国民・医療関係者に実感していただく中で、マイナンバーカードと健康保険証の一体化を推進し、令和６年秋に保険証を廃止する予定となっています。

政府としては、国民の皆様にこうしたデジタル化のメリットを享受していただけるよう、取得に支援が必要な方に円滑にカードを取得いただける環境整備に取り組んでおり、この度、福祉施設・支援団体の方向けのマイナンバーカード取得・管理マニュアルを作成しました。

施設や支援団体等において、マイナンバーカードの取得に支援が必要な方を後押しいただける手引書となれば幸いです。

２０２３年１２月１２日
デジタル庁国民向けサービスグループ
総務省自治行政局住民制度課マイナンバー制度支援室
厚生労働省保険局医療介護連携政策課保険データ企画室

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- **Relevance to the argument**: 5.4 — The Government's own official documents show (i) that the Government itself recognised the existence of "persons who, owing to dementia or similar conditions, feel anxious about setting a PIN" (i.e. a design issue), and (ii) that the response to it, the facial-recognition My Number Card not requiring a PIN, began to be issued in December 2023 (i.e. it was not built into the original design but added after the fact). The chronology of the Government's own materials thus supports the argument in 5.4 of the text that "protection was not built in at the design stage, but added as an operational measure after the problems had come to light".

Operational arrangements for card management in facilities and substitution by eligibility certificates are set out in the manual of the three ministries ((2)). Concerns on the ground, such as a survey by Hodanren (94% responding that they "cannot manage" cards), derive from organisational materials and press reports and are not included in this Annex (translated excerpts of public materials).

C-10　The Relationship Between the Establishment of the PPC and the EU Adequacy Decision (→ 1.3(1)(c))

- **Submission metadata**: (1) Annual Report of the Personal Information Protection Commission, FY2015 / PPC / 2016-05-24 / direct PDF URL https://www.ppc.go.jp/files/pdf/280524_annual_report_h27.pdf / webpage https://www.ppc.go.jp/aboutus/report/ (2) Summary of Proceedings, 2nd Meeting of the Study Group on the Data Utilisation Framework and Systems / Cabinet Secretariat (Secretariat of the Council for Digital Administrative and Fiscal Reform) and Digital Agency / 2025-01-21 / direct PDF URL https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/pdf/data2_giji.pdf / webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/data2/data2.html
- **Excerpts**:
    1. **Annual Report FY2015, "2. Establishment of the Personal Information Protection Commission" (verbatim)**:「他方で、欧州連合（ＥＵ）を始めとする諸外国では、プライバシーや個人情報の保護を担当する独立した監督機関を設置している例が多く、組織面での国際的な整合性をとる必要があった。」/「個人情報保護委員会は、個人情報の保護に関する独立した機関として、個人情報保護法を所管する…」/「（委員会は）国の行政機関を含むあらゆる監視・監督対象からの独立性が必要であることから、内閣府設置法…第 49 条第 3 項の規定に基づき、内閣府の外局たる合議制の機関として設置された。また、委員長及び委員は…独立してその職権を行う（同法第 53 条）こととされ、職権行使の際の独立性が明示的に定められている。」
    2. **Summary of Proceedings, 2nd Meeting of the Study Group on the Data Utilisation Framework and Systems (statement by SAWAKI Kiyoshi, Secretary-General of the Personal Information Protection Commission; verbatim)**:「この十分性認定を得るためには２つ条件がございまして、１つは、政治や行政から独立した監督機関が法を執行するということ。２つ目は、データの保護のための実態的規律が同等であるということでございます。前者の条件を満たすことが必要な背景がございまして、産業界からの要請を受ける形で個人情報保護委員会が創設されたという経緯がございます。」
    - English translation (unofficial translation by the submitters):

1. "On the other hand, in many foreign countries, including the European Union (EU), an independent supervisory authority responsible for the protection of privacy and personal information has been established in numerous instances, and it was necessary to achieve international consistency in organisational terms." / "The Personal Information Protection Commission, as an independent body concerned with the protection of personal information, administers the Act on the Protection of Personal Information..." / "(The Commission) was established, pursuant to Article 49, paragraph (3) of the Act for Establishment of the Cabinet Office, as a collegiate body attached externally to the Cabinet Office, because independence from all subjects of monitoring and supervision, including national administrative organs, is necessary. In addition, the chairperson and the commissioners... exercise their authority independently (Article 53 of the same Act), and independence in the exercise of authority is expressly provided for."
2. "In order to obtain this adequacy decision, there are two conditions. The first is that a supervisory authority that is independent of politics and the administration enforces the law. The second is that the substantive rules for data protection are equivalent. There is a background to the necessity of satisfying the former condition, and there is a history in which the Personal Information Protection Commission was established in response to a request from industry."

- **Capture of the source**:

- **Fig. C-10a**: Annual Report FY2015, p. 2, "2. Establishment of the Personal Information Protection Commission", relevant passage marked.

則禁止、特定個人情報の提供・収集・保管の制限、特定個人情報保護評価制度の導入、罰則の強化等、様々な保護措置が設けられた。

これらの制度上の保護措置の一つとして、特定個人情報の有用性に配慮しつつ、その適正な取扱いを確保するために必要な措置を講ずることを任務とする行政機関である特定個人情報保護委員会が、平成26年1月1日に設置された。

2　個人情報保護委員会の設置

マイナンバー法制定時の附則第6条第2項において、特定個人情報以外の個人情報の取扱いに関する監視・監督に関する事務を特定個人情報保護委員会の所掌事務とすることが政府の検討課題とされた。

特定個人情報以外の個人情報については、従来、消費者庁が「個人情報の保護に関する法律」（平成15年法律第57号。以下「個人情報保護法」という。）を所管し、各主務大臣がその所管する事業分野の個人情報取扱事業者に対して個人情報保護法に基づく監督を行ってきた。他方で、欧州連合（EU）を始めとする諸外国では、プライバシーや個人情報の保護を担当する独立した監督機関を設置している例が多く、組織面での国際的な整合性をとる必要があった。

これらのことも踏まえ、個人情報の保護を図りつつ、近年の飛躍的な情報通信技術の進展に対応したパーソナルデータ及びマイナンバーの適正かつ効果的な活用を積極的に推進することにより、活力ある経済社会及び豊かな国民生活の実現に資するため、「個人情報の保護に関する法律及び行政手続における特定の個人を識別するための番号の利用等に関する法律の一部を改正する法律」（平成27年法律第65号。以下「平成27年改正法」という。）が平成27年9月9日に公布された。

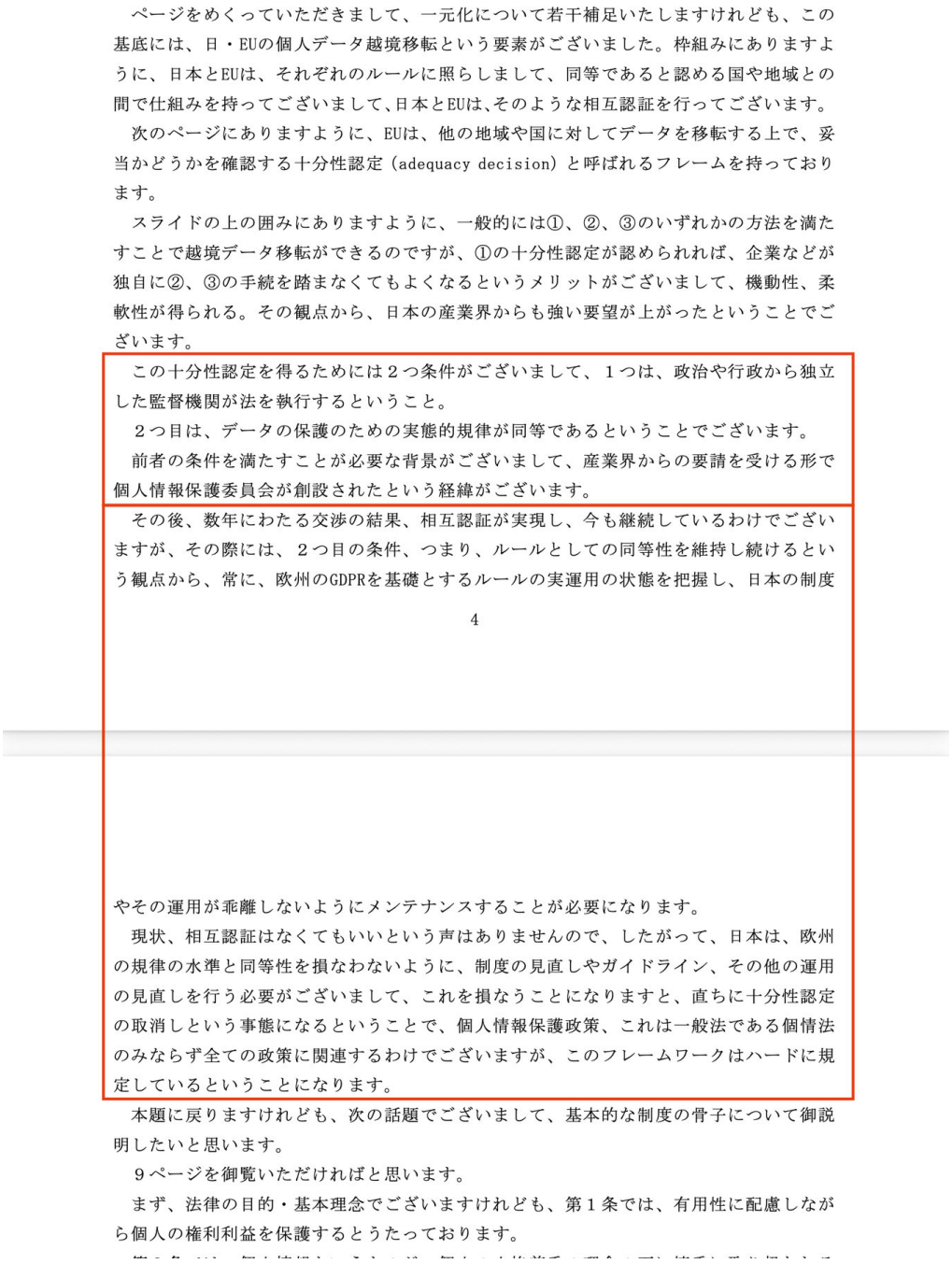
平成27年改正法による個人情報保護法及びマイナンバー法の改正により、平成28年1月1日に、特定個人情報保護委員会を改組して個人情報保護委員会が設置された。

個人情報保護委員会は、個人情報の保護に関する独立した機関として、個人情報保護法を所管するほか、改組前の特定個人情報保護委員会が担っていた全ての所掌事務を引き継いでいる。また、平成27年改正法の全面施行日（公布の日から起算して2年を超えない範囲内において政令で定める日）以降は、現在個人情報保護法に基づき各主務大臣が行使している監督権限を一元的に所掌することとされている。

第2節　委員会の組織等

個人情報保護委員会（以下「委員会」という。）は、事業分野を問わず個人情報を取り扱う全ての民間事業者等に対し個人情報保護法に基づく監視・監督を行う（平成27年改正法の全面施行日以降）とともに、特定個人情報を保有することとなる国の行政機関、地方公共団体、民間事業者等に対しマイナンバー法に基づく監視・監督を行う機関であり、国の行政機関を含むあらゆる監視・監督対象からの独立性が必要であることから、内閣府設置法（平成11年法律第89号）第49条第3項の規定に基づき、内閣府の外局たる合議制の機関として設置された。また、委員長及び委員は、両議院の同意を得て、内閣総理大臣が任命し（個人情報保護法第54条第3項）、独立してその職権を行う（同法第53条）こととされ、職権行使の際の独立性が明

- **Fig. C-10b**: Summary of Proceedings, p. 4, statement by Secretary-General SAWAKI (the two conditions for an adequacy decision and the background to the establishment of the PPC) marked. The same image is shared with C-11.



ページをめくっていただきまして、一元化について若干補足いたしますけれども、この基底には、日・EUの個人データ越境移転という要素がございました。枠組みにありますように、日本とEUは、それぞれのルールに照らしまして、同等であると認める国や地域との間で仕組みを持ってございまして、日本とEUは、そのような相互認証を行ってございます。

次のページにありますように、EUは、他の地域や国に対してデータを移転する上で、妥当かどうかを確認する十分性認定（adequacy decision）と呼ばれるフレームを持っております。

スライドの上の囲みにありますように、一般的には①、②、③のいずれかの方法を満たすことで越境データ移転ができるのですが、①の十分性認定が認められれば、企業などが独自に②、③の手続を踏まなくてもよくなるというメリットがございまして、機動性、柔軟性が得られる。その観点から、日本の産業界からも強い要望が上がったということでございます。

この十分性認定を得るためには２つ条件がございまして、１つは、政治や行政から独立した監督機関が法を執行するということ。

２つ目は、データの保護のための実態的規律が同等であるということでございます。

前者の条件を満たすことが必要な背景がございまして、産業界からの要請を受ける形で個人情報保護委員会が創設されたという経緯がございます。

その後、数年にわたる交渉の結果、相互認証が実現し、今も継続しているわけでございますが、その際には、２つ目の条件、つまり、ルールとしての同等性を維持し続けるという観点から、常に、欧州のGDPRを基礎とするルールの実運用の状態を把握し、日本の制度

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やその運用が乖離しないようにメンテナンスすることが必要になります。

現状、相互認証はなくてもいいという声はありませんので、したがって、日本は、欧州の規律の水準と同等性を損なわないように、制度の見直しやガイドライン、その他の運用の見直しを行う必要がございまして、これを損なうことになりますと、直ちに十分性認定の取消しという事態になるということで、個人情報保護政策、これは一般法である個情法のみならず全ての政策に関連するわけでございますが、このフレームワークはハードに規定しているということになります。

本題に戻りますけれども、次の話題でございまして、基本的な制度の骨子について御説明したいと思います。

９ページを御覧いただければと思います。

まず、法律の目的・基本理念でございますけれども、第１条では、有用性に配慮しながら個人の権利利益を保護するとうたっております。

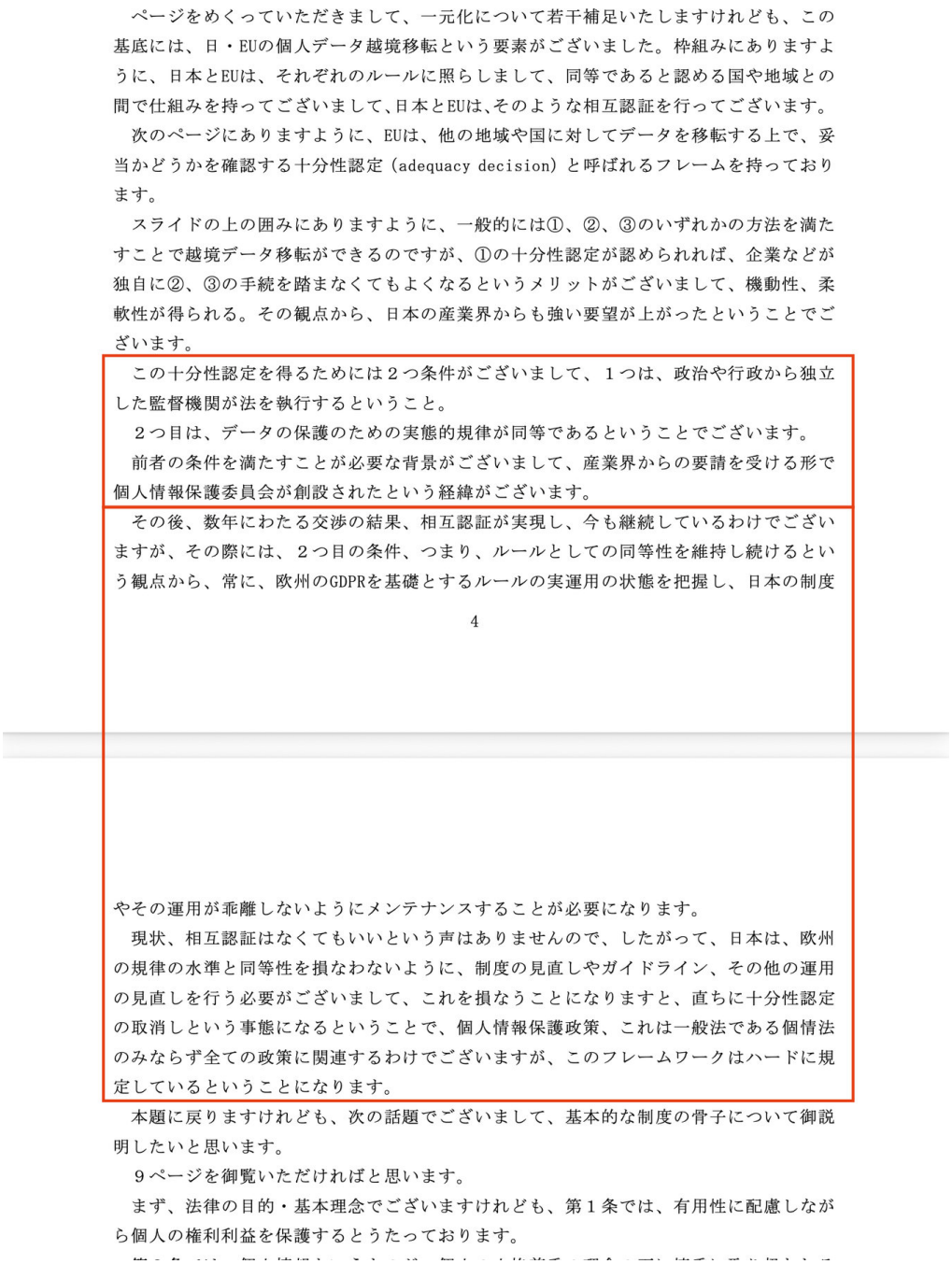
- **Relevance to the argument**: 1.3(1)(c) — Japan established the PPC as an independent supervisory authority in response to the requirement of "a supervisory authority independent of politics and the administration" that is a premise of an EU adequacy decision (the Government's own explanation). Types of material and timing: (a) the Annual Report FY2015 is a contemporaneous official explanation immediately after establishment (2016), which expressly states "international consistency in organisational terms" with the EU and others as the background to establishment, but does not state in a single sentence that it was "for the adequacy decision"; (b) the

Summary of Proceedings is the most explicit, retrospective explanation by the Secretary-General of the PPC in 2025. The two reinforce each other. At the House of Representatives Committee on Internal Affairs and Communications in April 2016, a government witness answered that the criteria for an adequacy decision "have not yet been clearly indicated", which is consistent with the chronology in which explicit references to EU adequacy became stronger in later years (particularly in 2025).

C-11 The Government's Own Acknowledgement of the Obligation to Maintain the Adequacy Decision (→ Executive Summary 1)

- **Submission metadata**: Summary of Proceedings, 2nd Meeting of the Study Group on the Data Utilisation Framework and Systems / Cabinet Secretariat (Secretariat of the Council for Digital Administrative and Fiscal Reform) and Digital Agency / 2025-01-21 / direct PDF URL https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/pdf/data2_giji.pdf / webpage https://www.cas.go.jp/jp/seisaku/digital_gyozaikaikaku/data2/data2.html (the source is the same material as C-10; only the passage cited differs)
- **Excerpt** (statement by SAWAKI Kiyoshi, Secretary-General of the Personal Information Protection Commission; verbatim): 「（十分性認定の）２つ目の条件、つまり、ルールとしての同等性を維持し続けるという観点から、常に、欧州の GDPR を基礎とするルールの実運用の状態を把握し、日本の制度やその運用が乖離しないようにメンテナンスすることが必要になります。…日本は、欧州の規律の水準と同等性を損なわないように、制度の見直しやガイドライン、その他の運用の見直しを行う必要がございまして、これを損なうことになりますと、直ちに十分性認定の取消しという事態になるということで、個人情報保護政策、これは一般法である個情法のみならず全ての政策に関連するわけでございますが、このフレームワークはハードに規定しているということになります。」
    - English translation (unofficial translation by the submitters): "From the standpoint of continuing to maintain equivalence as a matter of rules — the second condition for the adequacy decision — it is necessary to constantly grasp the actual state of operation of the rules based on the European GDPR, and to maintain [Japan's system] and its operation so that they do not diverge from that state. ... Japan must review its system, guidelines and other aspects of operation so as not to impair equivalence with the level of European rules; should this be impaired, it will immediately result in repeal of the adequacy decision. This framework thus imposes hard constraints on personal information protection policy, which relates not only to the Act on the Protection of Personal Information as the general law, but to all policies."

- **Capture of the source**: **Fig. C-11**: Summary of Proceedings, p. 4, statement by Secretary-General SAWAKI (obligation to maintain; consequence of repeal) marked. Included as a separate frame within the same image as C-10b.



ページをめくっていただきまして、一元化について若干補足いたしますけれども、この基底には、日・EUの個人データ越境移転という要素がございました。枠組みにありますように、日本とEUは、それぞれのルールに照らしまして、同等であると認める国や地域との間で仕組みを持ってございまして、日本とEUは、そのような相互認証を行ってございます。

次のページにありますように、EUは、他の地域や国に対してデータを移転する上で、妥当かどうかを確認する十分性認定（adequacy decision）と呼ばれるフレームを持っております。

スライドの上の囲みにありますように、一般的には①、②、③のいずれかの方法を満たすことで越境データ移転ができるのですが、①の十分性認定が認められれば、企業などが独自に②、③の手続を踏まなくてもよくなるというメリットがございまして、機動性、柔軟性が得られる。その観点から、日本の産業界からも強い要望が上がったということでございます。

この十分性認定を得るためには２つ条件がございまして、１つは、政治や行政から独立した監督機関が法を執行するということ。

２つ目は、データの保護のための実態的規律が同等であるということでございます。

前者の条件を満たすことが必要な背景がございまして、産業界からの要請を受ける形で個人情報保護委員会が創設されたという経緯がございます。

その後、数年にわたる交渉の結果、相互認証が実現し、今も継続しているわけでございますが、その際には、２つ目の条件、つまり、ルールとしての同等性を維持し続けるという観点から、常に、欧州のGDPRを基礎とするルールの実運用の状態を把握し、日本の制度

4

やその運用が乖離しないようにメンテナンスすることが必要になります。

現状、相互認証はなくてもいいという声はありませんので、したがって、日本は、欧州の規律の水準と同等性を損なわないように、制度の見直しやガイドライン、その他の運用の見直しを行う必要がございまして、これを損なうことになりますと、直ちに十分性認定の取消しという事態になるということで、個人情報保護政策、これは一般法である個情法のみならず全ての政策に関連するわけでございますが、このフレームワークはハードに規定しているということになります。

本題に戻りますけれども、次の話題でございまして、基本的な制度の骨子について御説明したいと思います。

９ページを御覧いただければと思います。

まず、法律の目的・基本理念でございますけれども、第１条では、有用性に配慮しながら個人の権利利益を保護するとうたっております。

- **Relevance to the argument**: Executive Summary 1 — the Government of Japan (the Secretary-General of the PPC) itself states expressly that the **continued maintenance** of essential equivalence is a premise of the adequacy decision, and that impairing it would lead to its repeal. The lowering of the level of protection (Chapter 4), mutability (Chapter 3), limitation of redress and enforcement (Chapter 2) and doubts as to independence (Chapter 1) argued in this Opinion are changes precisely in the direction of undermining this "equivalence to be maintained". The quotation is used to confirm the standard — the obligation to maintain equivalence and the consequence of repeal

— and not in the sense that the Government has acknowledged that the amendment impairs equivalence.

C-12 The PPC Guidelines (General Rules) at the Time of the 2019 Adequacy Decision: Separate Treatment of Individual Identification Codes and Special Care-Required Personal Information (→ 4.3)

This item is an excerpt intended to show **the absence of a statement**. Whereas Recital 66 of the 2019 Adequacy Decision assessed, on the basis of section 2.3(8) of the PPC Guidelines, that "biometric data" are included in special care-required personal information, the relevant parts of the Japanese version published at the time contain no reference to biometric data or facial recognition data, and codes converted from bodily features were treated as a separate category (individual identification codes). This item enables the Commission to verify this for itself.

- **Submission metadata**: Guidelines for the Act on the Protection of Personal Information (Volume on General Rules) (formulated November 2016, partially amended January 2019) / Personal Information Protection Commission / 2019-01-23 / webpage (archived by the National Diet Library's WARP as at 1 February 2019): https://warp.ndl.go.jp/web/20190201091009/https://www.ppc.go.jp/personal/legal/ / direct PDF URL (WARP replay): https://warp.ndl.go.jp/20190201/20190201001009/https://www.ppc.go.jp/files/pdf/190123_guidelines01.pdf (obtained from the link in the HTML of the archived webpage; file name `190123_guidelines01.pdf`, SHA-256 `0f7acbc470f3030eb4db7e40c08f3bfb746e3cee6704033be8200fac31941eec`)
- **Excerpt (i)**: 2-2 Individual identification codes (relating to Article 2(2) of the Act) — the enumeration in Article 1, item (i) of the Cabinet Order as cited
    - Original (verbatim; line breaks and spacing around numerals adjusted, as the text was extracted from the PDF): 「(1) 次に掲げる身体の特徴のいずれかを電子計算機の用に供するために変換した文字、番号、記号その他の符号であって、特定の個人を識別するに足りるものとして個人情報保護委員会規則で定める基準に適合するもの／イ 細胞から採取されたデオキシリボ核酸（別名 DNA）を構成する塩基の配列／ロ 顔の骨格及び皮膚の色並びに目、鼻、口その他の顔の部位の位置及び形状によって定まる容貌／ハ 虹彩の表面の起伏により形成される線状の模様／ニ 発声の際の声帯の振動、声門の開閉並びに声道の形状及びその変化／ホ 歩行の際の姿勢及び両腕の動作、歩幅その他の歩行の態様／ヘ 手のひら又は手の甲若しくは指の皮下の静脈の分岐及び端点によって定まるその静脈の形状／ト 指紋又は掌紋」
    - English translation (unofficial translation by the submitters): "(1) Characters, numbers, symbols or other codes into which any of the following bodily

features has been converted in order to be provided for use by computers, and which conform to the standards prescribed by Order of the Personal Information Protection Commission as being sufficient to identify a specific individual: (a) the sequence of bases constituting the deoxyribonucleic acid (DNA) collected from cells; (b) the appearance determined by the skeletal structure and skin colour of the face and by the position and shape of the eyes, nose, mouth and other parts of the face; (c) the linear pattern formed by the unevenness of the surface of the iris; (d) the vibration of the vocal cords, the opening and closing of the glottis, and the shape of the vocal tract and its variation when producing sound; (e) posture and movement of both arms when walking, stride and other manners of walking; (f) the shape of the veins determined by the branching and end points of the subcutaneous veins of the palm, the back of the hand or the fingers; (g) fingerprints or palm prints."

- **Excerpt (ii)**: 2-3 (special care-required personal information) (8) (relating to Article 2, item (ii) of the Cabinet Order)
    - Original (verbatim; as above): 「（8）本人に対して医師その他医療に関連する職務に従事する者（次号において「医師等」という。）により行われた疾病の予防及び早期発見のための健康診断その他の検査（同号において「健康診断等」という。）の結果（政令第 2 条第 2 号関係）（※）／疾病の予防や早期発見を目的として行われた健康診査、健康診断、特定健康診査、健康測定、ストレスチェック、遺伝子検査（診療の過程で行われたものを除く。）等、受診者本人の健康状態が判明する検査の結果が該当する。〔中略〕なお、身長、体重、血圧、脈拍、体温等の個人の健康に関する情報を、健康診断、診療等の事業及びそれに関する業務とは関係ない方法により知り得た場合は該当しない。」
    - English translation (unofficial translation by the submitters): "(8) The results of a medical check-up or other examination (referred to in the next item as a 'medical check-up etc.') for the prevention and early detection of a disease conducted on the data subject by a medical doctor or other person engaged in duties related to medicine (referred to in that item as a 'doctor etc.') (relating to Article 2, item (ii) of the Cabinet Order) (*) / This covers the results of examinations by which the state of health of the person examined is ascertained, such as health examinations, health check-ups, specific health check-ups, health measurements, stress checks and genetic testing (excluding testing carried out in the course of medical treatment), which are conducted for the purpose of preventing or detecting disease at an early stage. [...] Information concerning an individual's health, such as height, weight, blood pressure, pulse or body temperature, does not fall within this item where it is obtained by means unrelated to the business of health check-ups, medical treatment and the like and the operations relating thereto."

- **Excerpt (iii)**: 2-3(9) (relating to Article 2, item (iii) of the Cabinet Order) — opening
    - Original (verbatim; as above): 「（9）健康診断等の結果に基づき、又は疾病、負傷その他の心身の変化を理由として、本人に対して医師等により心身の状態の改善のための指導又は診療若しくは調剤が行われたこと（政令第 2 条第 3 号関係）（※）」
    - English translation (unofficial translation by the submitters): "(9) The fact that guidance for the improvement of the mental and physical condition, or medical care or dispensing, has been given to the data subject by a doctor etc., on the basis of the results of a medical check-up etc. or by reason of disease, injury or other mental and physical changes (relating to Article 2, item (iii) of the Cabinet Order) (*)"
- **Capture of the source**

- **Fig. C-12a**: the webpage as archived by WARP as at 1 February 2019 (the WARP banner at the top of the screen shows "as at 1 February 2019", and the URL field shows the archived URL). The link line for the General Rules PDF and the link line for the Q&A PDF in the section "Guidelines, Q&A, etc." are framed in red.



- **Fig. C-12b**: General Rules, printed p. 7 (PDF p. 11) — Article 1, item (i)(a) to (g) of the Cabinet Order as cited in 2-2.

記載され、若しくは記録されることにより、特定の利用者若しくは購入者又は発行を受ける者を識別することができるもの

政令第１条

個人情報の保護に関する法律（以下「法」という。）第２条第２項の政令で定める文字、番号、記号その他の符号は、次に掲げるものとする。

(1)　次に掲げる身体の特徴のいずれかを電子計算機の用に供するために変換した文字、番号、記号その他の符号であって、特定の個人を識別するに足りるものとして個人情報保護委員会規則で定める基準に適合するもの

イ　細胞から採取されたデオキシリボ核酸（別名 DNA）を構成する塩基の配列

ロ　顔の骨格及び皮膚の色並びに目、鼻、口その他の顔の部位の位置及び形状によって定まる容貌

ハ　虹彩の表面の起伏により形成される線状の模様

ニ　発声の際の声帯の振動、声門の開閉並びに声道の形状及びその変化

ホ　歩行の際の姿勢及び両腕の動作、歩幅その他の歩行の態様

ヘ　手のひら又は手の甲若しくは指の皮下の静脈の分岐及び端点によって定まるその静脈の形状

ト　指紋又は掌紋

(2)　旅券法（昭和 26 年法律第 267 号）第６条第１項第１号の旅券の番号

(3)　国民年金法（昭和 34 年法律第 141 号）第 14 条に規定する基礎年金番号

(4)　道路交通法（昭和 35 年法律第 105 号）第 93 条第１項第１号の免許証の番号

(5)　住民基本台帳法（昭和 42 年法律第 81 号）第７条第 13 号に規定する住民票コード

(6)　行政手続における特定の個人を識別するための番号の利用等に関する法律（平成 25 年法律第 27 号）第２条第５項に規定する個人番号

(7)　次に掲げる証明書にその発行を受ける者ごとに異なるものとなるように記載された個人情報保護委員会規則で定める文字、番号、記号その他の符号

イ　国民健康保険法（昭和 33 年法律第 192 号）第９条第２項の被保険者証

ロ　高齢者の医療の確保に関する法律（昭和 57 年法律第 80 号）第 54 条第３項の被保険者証

ハ　介護保険法（平成９年法律第 123 号）第 12 条第３項の被保険者証

(8)　その他前各号に準ずるものとして個人情報保護委員会規則で定める文字、番号、記号その他の符号

規則第２条

個人情報の保護に関する法律施行令（以下「令」という。）第１条第１号の個人情報

- **Fig. C-12c**: General Rules, printed p. 9 (PDF p. 13) — commentary on 2-2.

（14） 国家公務員共済組合法施行規則第 127 条の 2 第 1 項の船員組合員証及び船員組合員被扶養者証の記号、番号及び保険者番号
（15） 地方公務員等共済組合法施行規程（昭和 37 年総理府・文部省・自治省令第 1 号）第 93 条第 2 項の組合員証の記号、番号及び保険者番号
（16） 地方公務員等共済組合法施行規程第 100 条第 1 項の組合員被扶養者証の記号、番号及び保険者番号
（17） 地方公務員等共済組合法施行規程第 100 条の 2 第 1 項の高齢受給者証の記号、番号及び保険者番号
（18） 地方公務員等共済組合法施行規程第 176 条第 2 項の船員組合員証及び船員組合員被扶養者証の記号、番号及び保険者番号
（19） 雇用保険法施行規則（昭和 50 年労働省令第 3 号）第 10 条第 1 項の雇用保険被保険者証の被保険者番号
（20） 日本国との平和条約に基づき日本の国籍を離脱した者等の出入国管理に関する特例法（平成 3 年法律第 71 号）第 8 条第 1 項第 3 号の特別永住者証明書の番号

「個人識別符号」とは、当該情報単体から特定の個人を識別できるものとして個人情報の保護に関する法律施行令（平成 15 年政令第 507 号。以下「政令」という。）に定められた文字、番号、記号その他の符号をいい、これに該当するものが含まれる情報は個人情報となる（2-1（個人情報）参照）（※）。

具体的な内容は、政令第 1 条及び個人情報の保護に関する法律施行規則（平成 28 年個人情報保護委員会規則第 3 号。以下「規則」という。）第 2 条から第 4 条までに定めるとおりである。

政令第 1 条第 1 号においては、同号イからトまでに掲げる身体の特徴のいずれかを電子計算機の用に供するために変換した文字、番号、記号その他の符号のうち、「特定の個人を識別するに足りるものとして個人情報保護委員会規則で定める基準に適合するもの」が個人識別符号に該当するとされている。当該基準は規則第 2 条において定められているところ、この基準に適合し、個人識別符号に該当することとなるものは次のとおりである。

イ 細胞から採取されたデオキシリボ核酸（別名 DNA）を構成する塩基の配列
ゲノムデータ（細胞から採取されたデオキシリボ核酸（別名 DNA）を構成する塩基の配列を文字列で表記したもの）のうち、全核ゲノムシークエンスデータ、全エクソームシークエンスデータ、全ゲノム一塩基多型（single nucleotide polymorphism：SNP）データ、互いに独立な 40 箇所以上の SNP から構成されるシークエンスデータ、9 座位以上の 4 塩基単位の繰り返し配列（short tandem repeat：STR）等の遺伝型情報により本人を認証することができるようにしたもの

- **Fig. C-12d**: General Rules, printed p. 14 (PDF p. 18) — the whole of 2-3(8) and the opening of (9). **There is no reference to biometric data or facial recognition data anywhere on this page.**

・医師又は精神保健福祉センターにより精神障害や発達障害があると診断又は判定されたこと（障害の程度に関する情報を含む。）
・都道府県知事又は指定都市の長から精神障害者保健福祉手帳の交付を受け、これを所持していること又は過去に所持していたこと（障害の程度に関する情報を含む。）

④「治療方法が確立していない疾病その他の特殊の疾病であって障害者の日常生活及び社会生活を総合的に支援するための法律第 4 条第 1 項の政令で定めるものによる障害の程度が同項の厚生労働大臣が定める程度であるもの」があることを特定させる情報
・医師により、厚生労働大臣が定める特殊の疾病による障害により継続的に日常生活又は社会生活に相当な制限を受けていると診断されたこと（疾病の名称や程度に関する情報を含む。）

(8) 本人に対して医師その他医療に関連する職務に従事する者（次号において「医師等」という。）により行われた疾病の予防及び早期発見のための健康診断その他の検査（同号において「健康診断等」という。）の結果（政令第 2 条第 2 号関係）（※）

疾病の予防や早期発見を目的として行われた健康診査、健康診断、特定健康診査、健康測定、ストレスチェック、遺伝子検査（診療の過程で行われたものを除く。）等、受診者本人の健康状態が判明する検査の結果が該当する。

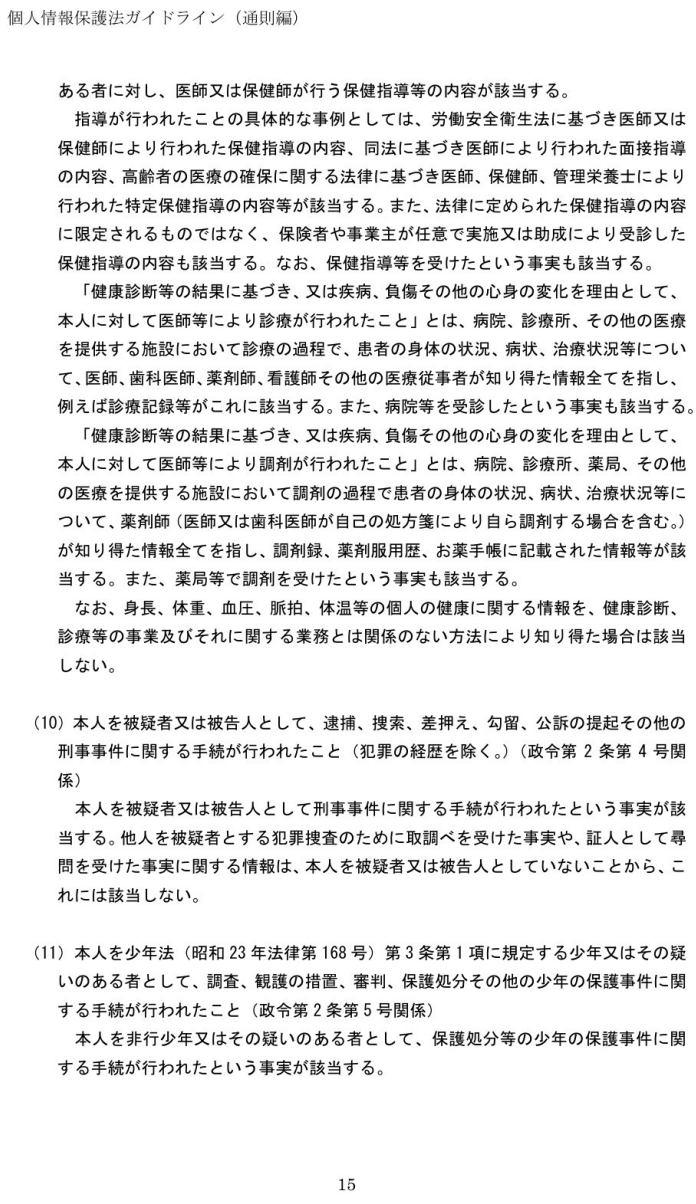
具体的な事例としては、労働安全衛生法（昭和 47 年法律第 57 号）に基づいて行われた健康診断の結果、同法に基づいて行われたストレスチェックの結果、高齢者の医療の確保に関する法律（昭和 57 年法律第 80 号）に基づいて行われた特定健康診査の結果などが該当する。また、法律に定められた健康診査の結果等に限定されるものではなく、人間ドックなど保険者や事業主が任意で実施又は助成する検査の結果も該当する。さらに、医療機関を介さないで行われた遺伝子検査により得られた本人の遺伝型とその遺伝型の疾患へのかかりやすさに該当する結果等も含まれる。なお、健康診断等を受診したという事実は該当しない。

なお、身長、体重、血圧、脈拍、体温等の個人の健康に関する情報を、健康診断、診療等の事業及びそれに関する業務とは関係ない方法により知り得た場合は該当しない。

(9) 健康診断等の結果に基づき、又は疾病、負傷その他の心身の変化を理由として、本人に対して医師等により心身の状態の改善のための指導又は診療若しくは調剤が行われたこと（政令第 2 条第 3 号関係）（※）

「健康診断等の結果に基づき、本人に対して医師等により心身の状態の改善のための指導が行われたこと」とは、健康診断等の結果、特に健康の保持に努める必要が

- **Fig. C-12e**: General Rules, printed p. 15 (PDF p. 19) — continuation of 2-3(9). **Likewise, there is no such reference.**



個人情報保護法ガイドライン（通則編）

ある者に対し、医師又は保健師が行う保健指導等の内容が該当する。
　指導が行われたことの具体的な事例としては、労働安全衛生法に基づき医師又は保健師により行われた保健指導の内容、同法に基づき医師により行われた面接指導の内容、高齢者の医療の確保に関する法律に基づき医師、保健師、管理栄養士により行われた特定保健指導の内容等が該当する。また、法律に定められた保健指導の内容に限定されるものではなく、保険者や事業主が任意で実施又は助成により受診した保健指導の内容も該当する。なお、保健指導等を受けたという事実も該当する。
　「健康診断等の結果に基づき、又は疾病、負傷その他の心身の変化を理由として、本人に対して医師等により診療が行われたこと」とは、病院、診療所、その他の医療を提供する施設において診療の過程で、患者の身体の状況、病状、治療状況等について、医師、歯科医師、薬剤師、看護師その他の医療従事者が知り得た情報全てを指し、例えば診療記録等がこれに該当する。また、病院等を受診したという事実も該当する。
　「健康診断等の結果に基づき、又は疾病、負傷その他の心身の変化を理由として、本人に対して医師等により調剤が行われたこと」とは、病院、診療所、薬局、その他の医療を提供する施設において調剤の過程で患者の身体の状況、病状、治療状況等について、薬剤師（医師又は歯科医師が自己の処方箋により自ら調剤する場合を含む。）が知り得た情報全てを指し、調剤録、薬剤服用歴、お薬手帳に記載された情報等が該当する。また、薬局等で調剤を受けたという事実も該当する。
　なお、身長、体重、血圧、脈拍、体温等の個人の健康に関する情報を、健康診断、診療等の事業及びそれに関する業務とは関係のない方法により知り得た場合は該当しない。

（10）本人を被疑者又は被告人として、逮捕、捜索、差押え、勾留、公訴の提起その他の刑事事件に関する手続が行われたこと（犯罪の経歴を除く。）（政令第 2 条第 4 号関係）
　本人を被疑者又は被告人として刑事事件に関する手続が行われたという事実が該当する。他人を被疑者とする犯罪捜査のために取調べを受けた事実や、証人として尋問を受けた事実に関する情報は、本人を被疑者又は被告人としていないことから、これには該当しない。

（11）本人を少年法（昭和 23 年法律第 168 号）第 3 条第 1 項に規定する少年又はその疑いのある者として、調査、観護の措置、審判、保護処分その他の少年の保護事件に関する手続が行われたこと（政令第 2 条第 5 号関係）
　本人を非行少年又はその疑いのある者として、保護処分等の少年の保護事件に関する手続が行われたという事実が該当する。

15

- **Relevance to the argument**: 4.3 "Relationship with the premises of the 2019 Adequacy Decision" — Recital 66 of the 2019 Adequacy Decision states that the sub-categories of "medical history" in Article 2(ii) and (iii) of the Cabinet Order (corresponding, in the Japanese version, to 2-3(8) and (9) of the General Rules) cover genetic and biometric data. The statements in those parts, however, are limited to the results of genetic testing and the facts of medical treatment and the like in a medical context, with no reference to biometric data or facial recognition data. On the other hand, codes converted from facial appearance, iris, vocal cords, gait, veins, fingerprints and the like are placed in 2-2 as **individual identification codes**, a

category separate from special care-required personal information. Accordingly, the understanding that the "biometric data" referred to in Recital 66 include facial feature templates for unique identification cannot be confirmed from the Japanese materials published at the time.

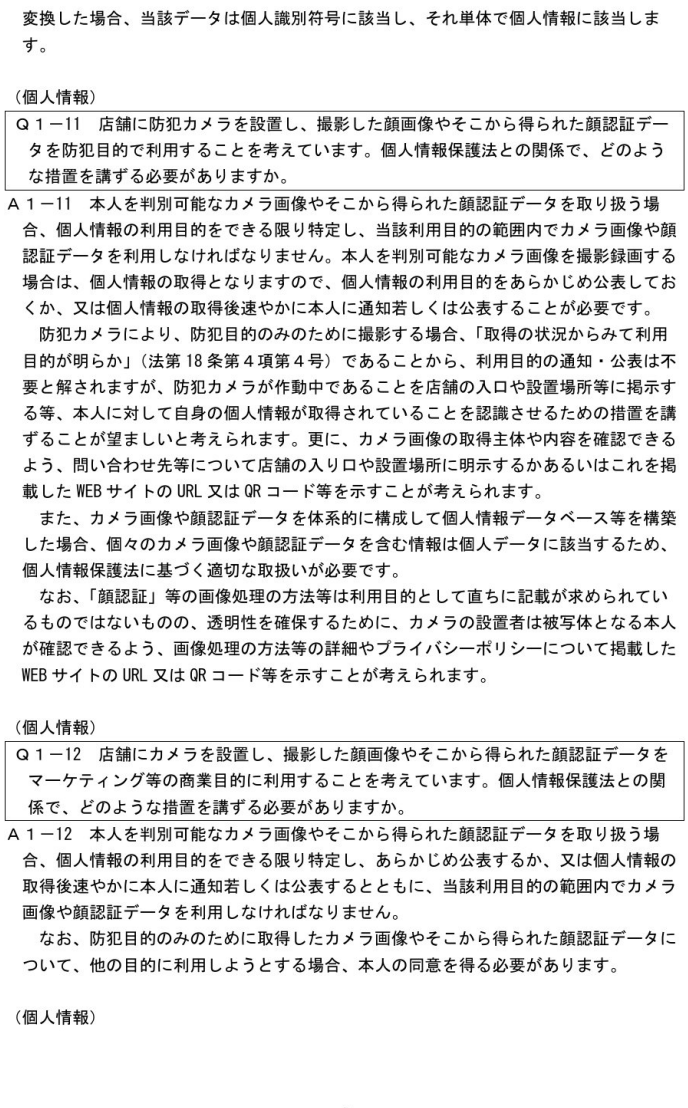
C-13　The PPC Q&A at the Time of the 2019 Adequacy Decision: Handling of Facial Images and Facial Recognition Data (→ 4.3)

- **Submission metadata**: Q&A on the "Guidelines on the Act on the Protection of Personal Information" and "Response to Cases of Leakage of Personal Data, etc." (16 February 2017, updated 25 December 2018) / Personal Information Protection Commission / 2018-12-25 / webpage (archived by WARP as at 1 February 2019): https://warp.ndl.go.jp/web/20190201091009/https://www.ppc.go.jp/personal/legal/ / direct PDF URL (WARP replay): https://warp.ndl.go.jp/20190201/20190201001009/https://www.ppc.go.jp/files/pdf/181225_APPI_QA.pdf (as above; file name `181225_APPI_QA.pdf`, SHA-256 `b0775b8b0e7d004ad449ae44318360a9a0e8f5726667b26dc8fc5917e853ed3a`)
- **Excerpt (i)**: Q1-11 and A1-11 (crime-prevention purposes)
    - Original (verbatim; line breaks and spacing around numerals adjusted, as the text was extracted from the PDF): 「Ｑ１－11　店舗に防犯カメラを設置し、撮影した顔画像やそこから得られた顔認証データを防犯目的で利用することを考えています。個人情報保護法との関係で、どのような措置を講ずる必要がありますか。／Ａ１－11　本人を判別可能なカメラ画像やそこから得られた顔認証データを取り扱う場合、個人情報の利用目的をできる限り特定し、当該利用目的の範囲内でカメラ画像や顔認証データを利用しなければなりません。本人を判別可能なカメラ画像を撮影録画する場合は、個人情報の取得となりますので、個人情報の利用目的をあらかじめ公表しておくか、又は個人情報の取得後速やかに本人に通知若しくは公表することが必要です。〔中略〕また、カメラ画像や顔認証データを体系的に構成して個人情報データベース等を構築した場合、個々のカメラ画像や顔認証データを含む情報は個人データに該当するため、個人情報保護法に基づく適切な取扱いが必要です。」
    - English translation (unofficial translation by the submitters): "Q1-11 We are considering installing security cameras in our shop and using the facial images captured and the facial recognition data derived from them for crime-prevention purposes. What measures must we take under the Act on the Protection of Personal Information? / A1-11 Where camera images by which the data subject can be identified, or facial recognition data derived from them, are handled, the purpose of use of the personal information must be specified

as far as possible and the camera images and facial recognition data must be used within the scope of that purpose. Recording camera images by which the data subject can be identified constitutes acquisition of personal information; the purpose of use must therefore be published in advance or, promptly after acquisition, either notified to the data subject or published. [...] Furthermore, where camera images or facial recognition data are systematically organised so as to constitute a personal information database etc., information containing each such camera image or facial recognition datum falls within personal data and must be handled appropriately under the Act on the Protection of Personal Information."

- **Excerpt (ii)**: Q1-12 and A1-12 (commercial purposes; full text)
    - Original (verbatim; as above): 「Ｑ１－12　店舗にカメラを設置し、撮影した顔画像やそこから得られた顔認証データをマーケティング等の商業目的に利用することを考えています。個人情報保護法との関係で、どのような措置を講ずる必要がありますか。／Ａ１－12　本人を判別可能なカメラ画像やそこから得られた顔認証データを取り扱う場合、個人情報の利用目的をできる限り特定し、あらかじめ公表するか、又は個人情報の取得後速やかに本人に通知若しくは公表するとともに、当該利用目的の範囲内でカメラ画像や顔認証データを利用しなければなりません。／なお、防犯目的のみのために取得したカメラ画像やそこから得られた顔認証データについて、他の目的に利用しようとする場合、本人の同意を得る必要があります。」
    - English translation (unofficial translation by the submitters): "Q1-12 We are considering installing cameras in our shop and using the facial images captured and the facial recognition data derived from them for commercial purposes such as marketing. What measures must we take under the Act on the Protection of Personal Information? / A1-12 Where camera images by which the data subject can be identified, or facial recognition data derived from them, are handled, the purpose of use of the personal information must be specified as far as possible and either published in advance or, promptly after acquisition, notified to the data subject or published, and the camera images and facial recognition data must be used within the scope of that purpose. / Where camera images acquired solely for crime-prevention purposes, or facial recognition data derived from them, are to be used for another purpose, the consent of the data subject must be obtained."
- **Capture of the source**

- **Fig. C-13**: Q&A, printed p. 3 (PDF p. 26) — Q1-11/A1-11 and Q1-12/A1-12. For the location on the webpage, see the lower red frame in Fig. C-12a.



変換した場合、当該データは個人識別符号に該当し、それ単体で個人情報に該当します。

（個人情報）

Ｑ１－11　店舗に防犯カメラを設置し、撮影した顔画像やそこから得られた顔認証データを防犯目的で利用することを考えています。個人情報保護法との関係で、どのような措置を講ずる必要がありますか。

Ａ１－11　本人を判別可能なカメラ画像やそこから得られた顔認証データを取り扱う場合、個人情報の利用目的をできる限り特定し、当該利用目的の範囲内でカメラ画像や顔認証データを利用しなければなりません。本人を判別可能なカメラ画像を撮影録画する場合は、個人情報の取得となりますので、個人情報の利用目的をあらかじめ公表しておくか、又は個人情報の取得後速やかに本人に通知若しくは公表することが必要です。

防犯カメラにより、防犯目的のみのために撮影する場合、「取得の状況からみて利用目的が明らか」（法第 18 条第４項第４号）であることから、利用目的の通知・公表は不要と解されますが、防犯カメラが作動中であることを店舗の入口や設置場所等に掲示する等、本人に対して自身の個人情報が取得されていることを認識させるための措置を講ずることが望ましいと考えられます。更に、カメラ画像の取得主体や内容を確認できるよう、問い合わせ先等について店舗の入り口や設置場所に明示するかあるいはこれを掲載した WEB サイトの URL 又は QR コード等を示すことが考えられます。

また、カメラ画像や顔認証データを体系的に構成して個人情報データベース等を構築した場合、個々のカメラ画像や顔認証データを含む情報は個人データに該当するため、個人情報保護法に基づく適切な取扱いが必要です。

なお、「顔認証」等の画像処理の方法等は利用目的として直ちに記載が求められているものではないものの、透明性を確保するために、カメラの設置者は被写体となる本人が確認できるよう、画像処理の方法等の詳細やプライバシーポリシーについて掲載した WEB サイトの URL 又は QR コード等を示すことが考えられます。

（個人情報）

Ｑ１－12　店舗にカメラを設置し、撮影した顔画像やそこから得られた顔認証データをマーケティング等の商業目的に利用することを考えています。個人情報保護法との関係で、どのような措置を講ずる必要がありますか。

Ａ１－12　本人を判別可能なカメラ画像やそこから得られた顔認証データを取り扱う場合、個人情報の利用目的をできる限り特定し、あらかじめ公表するか、又は個人情報の取得後速やかに本人に通知若しくは公表するとともに、当該利用目的の範囲内でカメラ画像や顔認証データを利用しなければなりません。

なお、防犯目的のみのために取得したカメラ画像やそこから得られた顔認証データについて、他の目的に利用しようとする場合、本人の同意を得る必要があります。

（個人情報）

3

- **Relevance to the argument**: 4.3 "Relationship with the premises of the 2019 Adequacy Decision" — in the interpretative material published by the PPC itself shortly before the 2019 Adequacy Decision, for facial recognition data for both crime-prevention and commercial purposes, the PPC required no more than **specification of the purpose of use and publication or notification as for ordinary personal information and personal data**, rather than consent to acquisition as special care-required personal information. The passage requiring consent for use for another purpose is likewise based not on the rules on special care-required personal information but on the restriction by purpose of use (Article 16 of the Act at the time).

This shows an inconsistency between the assessment in Recital 66 and the PPC's own interpretation at the time.

C-14 The PPC Secretariat's Reply on the Basis for Drafting the Bill (10 September 2026) (→ 1.3(1)(d), 1.4, item 2)

- **Submission metadata**: A written reply dated 10 September 2026 by the General Coordination Unit, General Affairs Division, PPC Secretariat, to question 9(b) (on the provision on which the drafting of the bill amending the APPI was based, an enquiry made in light of the absence in Article 132 of the APPI of any provision equivalent to "planning and drafting") in the request for an interview that the Study Group on the Role and Structure of Personal Information Protection Authorities sent to the Personal Information Protection Commission (addressed to Chairperson TEZUKA Satoru) on 6 July 2026, in the name of the principal investigator of the research (JITSUHARA Takashi, Professor, Nanzan University, School of Law), as part of the Japan Law Foundation (*Nichibenren Hōmu Kenkyū Zaidan*) research project "Research on the Substantive Requirements that the Personal Information Protection Commission Should Satisfy as an Independent Administrative Commission" (see "About the Submitting Organisations"). **This reply was given by the PPC Secretariat at the working level and does not represent a decision of the PPC as a collegiate body composed of the Chairperson and the Commissioners.** The reply was sent by e-mail to the contact person for the research, and was forwarded to the members of the Study Group on 18 September 2026. The submitters of this Opinion hold the forwarded e-mail, including the transmission headers (sender, date and time, subject, etc.).
- **Excerpt**: reply to question 9(b) (on the provision on which the drafting of the bill amending the APPI was based)
    - Original (verbatim): 「個人情報保護法第 7 条において、基本方針の立案の機能が位置づけられており、そのもとで、政府内で企画立案機能を担っております。また、同法第 132 条の所掌事項中、同条第 1 号中に「基本方針の策定及び推進に関すること」が規定されており、閣議決定された基本方針の中で、「個人情報等に関する国の政策の企画立案を担う」旨が明記されております。〔中略：基本方針掲載ページ URL〕なお、ご参考までに、個人情報保護委員会事務局組織令第 5 条第 4 号において、法律案の作成は所掌事務とされております。」
    - English translation (unofficial translation by the submitters): "Article 7 of the Act on the Protection of Personal Information provides for the function of drafting the Basic Policy, and under it the Commission bears a planning and drafting function within the Government. In addition, among the matters within the Commission's jurisdiction under Article 132, item (i) of the Act provides for 'matters concerning the formulation and promotion of the Basic Policy,' and the Basic Policy as decided by the Cabinet expressly states that the

Commission 'bears responsibility for the planning and drafting of national policy concerning personal information, etc.' [reference to the Basic Policy's webpage omitted] For reference, Article 5, item (iv) of the Cabinet Order on the Organisation of the Secretariat of the Personal Information Protection Commission provides that the preparation of bills is among the Secretariat's functions."

- **Relevance to the argument**: 1.3(1)(d) — a primary source replacing what had previously been described as "no official explanation by the Government has been found" with the PPC Secretariat's explanation. It directly supports the fact that the PPC Secretariat expressly identified, as the structure of grounds for drafting bills, Article 7 and Article 132, item (i), of the Act, the Basic Policy adopted by Cabinet decision, and Article 5, item (iv), of the Secretariat Organisation Order. The expression "preparation of bills (*hōritsuan*)" in the reply differs in wording from the actual text of Article 5, item (iv), of the Secretariat Organisation Order, "preparation of draft laws and regulations (*hōreian*)". The text of 1.3(1)(d) uses the wording faithful to the source, whereas the excerpt in this item reproduces the reply e-mail verbatim — the difference is a paraphrase by the respondent, not an error of quotation.

C-15　Press Report by the Asahi Shimbun on the Process of Forming the Bill (Reference Material) (→ 1.3(2)(b)(i), 2.3(2))

- **Bibliographic information**: "進むデータ活用、消えた団体訴訟　個情法改正案「密室の政策形成」" / Asahi Shimbun / published 12 April 2026, 17:00 / Article URL. English title (unofficial translation by the submitters): *Data Use Advances, Collective Litigation Dropped: "Closed-Door Policymaking" on the APPI Amendment Bill*.
- **Source material**: Archived PDF (6 pages). The page numbers below are those of the archived PDF. On 21 September 2026, in editing the materials for submission, we checked the text of the archived PDF and the title and date and time of publication of the article.
- **Status of this material**: This item is reference material enabling readers to check the content of the press report referred to in 1.3(2)(b)(i) and 2.3(2). The claims concerning independence in 1.3(2)(b)(i) are based on published policy documents, Government answers and PPC minutes, and the account of the course of events concerning the collective injunction and redress scheme in 2.3(2) is based on the PPC's public materials. What follows shows what the article reports; the submitters do not present anonymous statements or the content of materials referred to in the article as facts independently verified by them.
- **Excerpt (i)**: archived PDF, p. 2, opening of "A legislative process delayed by a year". The original excerpts in (i) to (iii) below are all verbatim (only the line breaks of the PDF have been tidied).

「妥協するしかなかった」。個情委の幹部は打ち明ける。「事業者団体が納得しない限り、法案はいつまでも提出できない構造なんだ」

English translation (unofficial translation by the submitters):

"We had no choice but to compromise," a senior PPC official confided. "The structure is such that unless the business associations agree, the bill can never be submitted."

- **Excerpt (ii)**: archived PDF, p. 3, passage concerning meetings attended by a ruling-party organisation and business associations. "The three associations" refers to Keidanren, the Japan Association of New Economy and the Information Technology Federation of Japan, which the article names immediately before.

  3団体が頼ったのが、自民党のデジタル政策の司令塔とも呼ばれる党内組織「デジタル社会推進本部」（平井卓也本部長、デジ本）だった。

  情報公開法などに基づき入手した資料によれば、個情委の事務局幹部は24年4月に4度、デジ本に呼ばれている。3団体のロビイストも同席する場で、議員らは「経済界が望まない課徴金の話が、なぜ出てきたのか」と事務局幹部に問いただした。

  English translation (unofficial translation by the submitters):

  The three associations turned to the Liberal Democratic Party's Headquarters for the Promotion of a Digital Society (headed by HIRAI Takuya; referred to as "Dejihon"), a party organisation also described as the "control tower" (*shireitō*) for the party's digital policy.

  According to materials obtained under the Information Disclosure Act and the like, senior officials of the PPC secretariat were called to Dejihon four times in April 2024. At meetings also attended by lobbyists from the three associations, lawmakers pressed the secretariat officials: "Why has the issue of administrative monetary penalties come up when the business community does not want them?"

- **Excerpt (iii)**: archived PDF, p. 4, passage concerning the shelving of collective litigation, the scaling back of the administrative monetary penalty and the meeting of 12 December 2025.

  だが、成果を手にしても、事業者団体は法改正を拒み続けた。「このままでは26年も改正できない」。焦った個情委が切ったカードが団体訴訟の見送りと課徴金の縮小の方針だった。

  25年12月12日、デジ本の下部組織「デジタル基盤小委員会」の役員会で数人の議員と官僚、3団体のロビイストが話し合いの場をもっている。

入手した資料によれば、議員の一人は、個情委が示した改正方針を確認しながら「これで条文作成の作業に入っていいですか」と 3 団体に尋ねた。

この会合を経て改正案はやっと国会への提出を認められた。

English translation (unofficial translation by the submitters):

Yet even after securing gains, the business associations continued to oppose the legislative amendments. "At this rate, the law cannot be amended in 2026 either." The card the anxious PPC played was a policy of shelving collective litigation and scaling back administrative monetary penalties.

On 12 December 2025, several lawmakers and government officials met with lobbyists from the three associations at an executive meeting of the Digital Infrastructure Subcommittee, a subordinate body of Dejihon.

According to materials obtained, one of the lawmakers, while reviewing the amendment policy presented by the PPC, asked the three associations: "May we proceed with drafting the provisions on this basis?"

Following this meeting, the amendment bill was finally allowed to be submitted to the Diet.

- **Capture of the source**: **Fig. C-15**: top of p. 1 of the archived PDF: title of the article, name of the medium, and date and time of publication.

進むデータ活用、消えた団体訴訟　個情法改正案「密室の政策形成」

朝日新聞2026年4月12日 17時00分

C-16　Expert View of UGA Katsuya, former Justice of the Supreme Court of Japan (Reference Material) (→ note to 1.3(2)(a))

- **Bibliographic information**: "宇賀克也・元最高裁判事に聞く　改正個情法と『統計例外』の課題は" / Asahi Shimbun / published 2 September 2026, 06:00 / Article URL. English title (unofficial translation by the submitters): *Interview with UGA Katsuya, Former Justice of the Supreme Court: Issues Raised by the APPI Amendment and the "Statistical Processing Exception"*.
- **Source material**: Archived PDF (7 pages). The page numbers below are those of the archived PDF. On 21 September 2026, in editing the materials for submission, we checked the text of the archived PDF and the title and date and time of publication of the article.

- **Status of this material**: This item is reference material enabling readers to check the expert view of UGA Katsuya, former Justice of the Supreme Court of Japan, referred to supplementarily in the note to 1.3(2)(a). Mr Uga's view does not in itself prove any fact concerning the PPC's decision-making process or the involvement of the Government. The assessment of independence in the text is based on published materials and CJEU case law.
- **Excerpt**: archived PDF, p. 6, "The ultimate purpose of the APPI is 'protection'; concern about treating it on a par with utilisation". The original excerpt is verbatim (only the line breaks of the PDF have been tidied).

  「1998 年の中央省庁等改革基本法は、基本的な政策目的や価値体系が対立する行政機能は、できる限り異なる省が担うべきだと定めています。一つの組織に、対立する政策目的や価値観を同居させると、外部から見えない形で利害調整が行われる恐れがあり、対立する論点は組織外で透明性の高い議論を行うことが望ましいという考え方です」

  「個人情報の保護と利活用は、対立する場面があります。個人情報保護委員会は利活用に配慮しつつも保護を優先し、デジタル庁は保護に配慮しつつも利活用を優先するといった形で、対立する価値は異なる機関が担うことで、交渉過程を外部から見えるようにすることが重要です」

  English translation (unofficial translation by the submitters):

  "The 1998 Basic Act on Central Government Reform provides that administrative functions involving conflicting fundamental policy objectives or value systems should, insofar as possible, be assigned to different ministries. If conflicting policy objectives or values are housed within a single organisation, there is a risk that interests will be adjusted in a manner invisible from outside; the underlying idea is that it is desirable for contested issues to be discussed outside the organisation in a highly transparent manner."

  "The protection and use of personal information can conflict. It is important that conflicting values be assigned to different institutions, with the PPC giving priority to protection while taking the use of data into account, and the Digital Agency giving priority to data use while taking protection into account, so that the process of negotiation can be made visible from outside."

- **Capture of the source**: **Fig. C-16**: top of p. 1 of the archived PDF: name of the medium, title of the article, date and time of publication, and interviewer.



朝日新聞

インタビュー

宇賀克也・元最高裁判事に聞く　改正個情法と「統計例外」の課題は

2026年9月2日 6時00分 有料記事

聞き手 編集委員・若江雅子

C-17　The Priority Policy Program and the PPC's Opinion on It (→ 5.5)

- **Submission metadata**: (1) Priority Policy Program for Realizing Digital Society (Cabinet decision of 9 June 2023; the draft submitted to the PPC for its opinion is Material 1-1, Attachment 2, 244th meeting of the Personal Information Protection Commission [31 May 2023]) / PDF https://www.ppc.go.jp/files/pdf/230531_shiryou-1-1-besshi-2.pdf ; (2) Opinion Based on Article 37(4) of the Basic Act on Forming a Digital Society and Article 8(4) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (Reply) (PPC No. 1901, 1 June 2023, Chairperson of the Personal Information Protection Commission) / PDF https://www.ppc.go.jp/files/pdf/230531_shiryou-1-2-sankou.pdf ; (3) Response Policy (Draft) of the PPC regarding Various Incidents concerning the My Number Card, etc. (Material 3, 244th meeting of the Personal Information Protection Commission, 31 May 2023) / PDF https://www.ppc.go.jp/files/pdf/230531_shiryou-3.pdf (all last accessed: 2026-09-30)
- **Excerpts**:
    1. **Abolition of the health insurance card** ((1), main text, Part 1 "1. My Number Card / Digital Administrative Services", printed p. 2 [PDF p. 7]; verbatim): 「（２）行政サービス等の拡充　① 健康保険証との一体化　マイナンバーカードと健康保険証の一体化に関する検討会の取りまとめを踏まえ、一体化を加速し、2024 年（令和 6 年）秋に健康保険証を廃止する。」
    2. **Position of the Online Eligibility Confirmation System** ((1), main text, printed p. 60 [PDF p. 65]; verbatim): 「医療情報の共有の基盤となるオンライン資格確認等システムについて、マイナポータルを介して個人が自ら扱えるデータの拡充に向けて機能を強化するため、ガバメントクラウドの活用について明確化する。」

3. **Purpose of receiving medical treatment with the My Number card** ((1), separate volume "Collection of Measures relating to the Basic Measures for Realizing Digital Society", printed p. 15 [PDF p. 183]; verbatim): 「[No. ５－８] マイナンバーカードと健康保険証の一体化の加速　・国民がマイナンバーカードで受診することで、健康・医療情報に基づいたより良い医療を受けることが可能となるよう、2023 年（令和５年）４月から保険医療機関・薬局へのオンライン資格確認の導入の原則義務化を実施。」
4. **The meeting at which the opinion was compiled** ((2), covering letter, PDF p. 1; verbatim): 「令和５年５月 29 日付けデ戦第 1628 号をもって意見を求められた件について、令和５年５月 31 日に開催された第 244 回個人情報保護委員会において意見がとりまとめられたので、別紙のとおり回答する。」
5. **Basic standpoint of the opinion** ((2), Attachment, PDF p. 2; verbatim): 「また、行政を効率化し、国民の利便性を高め、公平・公正な社会を実現するため、マイナンバー制度の利用並びにマイナンバーカードの普及及び利用を推進するに当たっては、その前提として、個人番号その他の特定個人情報等の取扱いの適正を確保するために必要な措置を講じることが肝要である。」
6. **Response to mislinking deliberated at the same meeting** ((3), PDF p. 1; verbatim): title 「マイナンバーカード等に係る各種事案に対する個人情報保護委員会の対応方針（案）」;「○　個人情報保護委員会は、コンビニでの住民票等の誤交付、マイナンバーカードの健康保険証利用における紐付け誤り、公金受取口座の誤登録等の一連の事案について、マイナンバー及びマイナンバーカードを活用したサービスを利用する国民が不安を抱くきっかけになり得るといった影響範囲の大きさに鑑み、以下の表のとおり、詳細な事実関係を把握するとともに、今後、確認された問題点に応じて、指導等の権限行使の要否を検討することとする。」

- English translation (unofficial translation by the submitters):
    1. "(2) Expansion of administrative services, etc. ① Integration with the health insurance card: Based on the conclusions of the Study Group on the Integration of the My Number Card and the Health Insurance Card, the integration will be accelerated and the health insurance card will be abolished in autumn 2024 (Reiwa 6)."

2. "With regard to the Online Eligibility Confirmation System, which serves as the infrastructure for sharing medical information, the use of the Government Cloud will be clarified in order to strengthen its functions with a view to expanding the data that individuals can handle themselves via Mynaportal."
3. "[No. 5-8] Acceleration of the integration of the My Number card and the health insurance card — So that citizens may receive better medical care based on their health and medical information by receiving medical treatment with their My Number card, the introduction of online eligibility confirmation at insurance medical institutions and pharmacies was, in principle, made mandatory from April 2023 (Reiwa 5)."
4. "With respect to the matter on which our opinion was requested by Digital Strategy No. 1628 of 29 May 2023 (Reiwa 5), the opinion was compiled at the 244th meeting of the Personal Information Protection Commission held on 31 May 2023, and we hereby reply as set out in the Attachment."
5. "In addition, in promoting the use of the My Number system and the dissemination and use of the My Number card in order to make administration more efficient, enhance convenience for the public and realise a fair and just society, it is essential, as a prerequisite, to take the measures necessary to ensure the proper handling of Individual Numbers and other specific personal information, etc." (The points to note (1) to (4) that follow concern proper handling in accordance with the APPI, the transparency of measures and careful explanation, the use of PIA methods, and coordination with the PPC's policies. They contain no reference to the health insurance card or to medical information.)
6. Title: "Response Policy (Draft) of the Personal Information Protection Commission regarding Various Incidents concerning the My Number Card, etc." / "The Personal Information Protection Commission, in view of the magnitude of the impact of the series of incidents — including the erroneous issuance of residence certificates, etc. at convenience stores, mislinking in the use of the My Number card as a health insurance card, and the erroneous registration of accounts for receiving public funds — which may give rise to anxiety among citizens using services that utilise the My Number and the My Number card, will ascertain the detailed facts as shown in the table below and, depending on the problems identified, consider whether to exercise its powers, such as giving guidance."

- **Capture of the source**:

- **Fig. C-17a**: (1), PDF p. 1 (cover); "Attachment 2", the title and "9 June 2023 (Reiwa 5)" marked.

別紙２

デジタル社会の実現に向けた重点計画

2023年（令和５年）６月９日

- **Fig. C-17b**: (1), printed p. 2 (PDF p. 7); the passage in excerpt 1 marked.

第１ 安全・安心で便利な国民の生活や事業者の活動に向けた重点的な取組

重点計画は、第２「１．デジタルにより目指す社会の姿」に示すとおり、デジタルの活用により、一人ひとりのニーズに合ったサービスを選ぶことができ、これまで以上に安全・安心が確保され、多様な幸せが実現できる社会を目指す。今回の改定に当たり、その社会の実現に向けて、国民生活や事業者活動の利便性向上、安全・安心の確保の観点からの当面の政策対応について、以下の各事項について重点的に取り組むこととする。

１．マイナンバーカード/デジタル行政サービス

マイナンバーカードを使って国民の生活を向上させるため、マイナンバーカードと各種カードとの一体化や、行政手続のオンライン・デジタル化、市民カード化、民間ビジネスにおける利用、カードの利便性の向上など、以下に掲げる事項について重点的に取り組む。

（１）申請・交付環境の整備

紛失等の場合に最短５日間で発行・交付できる特急発行・交付の仕組み、出張申請受付の推進等、取得に課題がある方への環境整備を推進し、マイナンバーカードの交付体制や申請環境を整備する。

（２）行政サービス等の拡充

① 健康保険証との一体化

マイナンバーカードと健康保険証の一体化に関する検討会の取りまとめを踏まえ、一体化を加速し、2024 年（令和６年）秋に健康保険証を廃止する。

② 運転免許証との一体化

2024 年度（令和６年度）末までの少しでも早い時期に、マイナンバーカードと運転免許証の一体化の運用を開始する。

③ 在留カードとの一体化

マイナンバーカードと在留カードの一体化について、今後、必要となる関連法案を速やかに国会に提出するなどし、次期マイナンバーカードの議論を踏まえつつ一体化の実現を目指す。

④ 障害者手帳との連携の強化

障害者手帳については、マイナンバー連携を活用し、スマートフォンアプリやウェブサービスで手帳情報を簡便に利用できる民間の仕組みが普及し始めている。この仕組みの更なる普及のため、利用方法や利用場面についての障害当事者への情報提供を進める。

⑤ 年金情報との連携の強化

年金分野においては、マイナポータルにログインをすることにより、「ねんきんネット」上の年金加入記録等の情報を閲覧可能となっている。今後、「ねんきん定期便」のデジタル化を更に促進し、2024 年度（令和６年度）を目途に、日本年金機構が作成する「ねんきん定期便」情報をマイナポータル上でプッシュ型でお知らせする機能を構築する。

2

- **Fig. C-17c**: (1), printed p. 60 (PDF p. 65); the passage in excerpt 2 marked.

コスト縮減の観点も踏まえながら、モダンシステムへの刷新を図っていく。

・「医療 DX の推進に関する工程表」に記載された施策に係る業務を担う主体について、社会保険診療報酬支払基金が行っているレセプトの収集・分析や、オンライン資格確認等システムの基盤の開発等の経験やノウハウを生かす観点から、同基金を、審査支払機能に加え、医療 DX に関するシステムの開発・運用主体の母体とし、抜本的に改組する。この改組に当たっては、地方関係者の参画を得つつ、国が責任を持ってガバナンスを発揮できる仕組みを確保し、絶えず進歩する IoT 技術やシステムの変化に柔軟に対応して一元的な意思決定が可能となる仕組みとするとともに、既存の取組を効果的に取り入れられるよう、体制を構築する。この観点から、具体的な組織の在り方、人員体制、受益者負担の観点を踏まえた公的支援を含む運用資金の在り方等について速やかに検討し、必要な措置を講ずる。

・マイナポータルを活用した自身の保健医療情報を閲覧できる仕組みについて、健診・検診情報については事業主健診（40 歳未満）[57]（2023 年度（令和５年度）～）、学校健診（2024 年度（令和６年度）～）等に対象となる情報を拡大するため、システム改修等の必要な対応を行う。

・レセプト情報・NDB と介護保険総合データベース（介護 DB）を連結したサンプルデータについて、厚生労働科学研究の結果を踏まえ、2023 年度（令和５年度）中を目途に公表する。

・医療情報の共有の基盤となるオンライン資格確認等システムについて、マイナポータルを介して個人が自ら扱えるデータの拡充に向けて機能を強化するため、ガバメントクラウドの活用について明確化する。

イ オンライン診療等の強力な推進

新型コロナウイルスへの対応等を踏まえ、これまで「オンライン診療の適切な実施に関する指針」の改訂や、「オンライン服薬指導の実施要領」の策定を実施しており、これらに沿ったオンライン診療・服薬指導の適切な普及・促進を図るための取組を進める。

また、オンライン診療その他の遠隔医療の推進に向けた基本方針に基づき、適切なオンライン診療の普及を推進する。

ウ 新型コロナウイルス感染症での対応を踏まえた次の感染症への備え等

医療機関等情報支援システム（G-MIS）の運用状況を踏まえ、有事においても効率的な情報収集が実施できるよう課題検証を実施し、全国の感染症情報、医療情報の基盤整備に向けた検討を進める。

G-MIS について、医療機関を対象とした調査を行うプラットフォームとして引き続き改修を行う。収集した情報を、地方公共団体等と迅速な情報共有を行うツールとして、新型コロナウイルス感染症対策以外においても、長期的に活用する。

このほか、ローコーディングツール[58]等を軸とした保守性・拡張性・連携性の高い現場視点の広域災害救急医療情報システム（EMIS）代替サービス調達に係る調査研究事業を行い、その結果を反映したシステムを構築する。

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[57] 特定健診結果として保険者に提供された 40 歳以上の事業主健診の結果は、2021 年（令和３年）10 月から、マイナポータルを用いた本人閲覧が可能となっている。

[58] 可能な限りソースコードを書かずに、アプリケーションを迅速に開発する手法やその支援ツール。

60

- **Fig. C-17d**: (1), Collection of Measures, printed p. 15 (PDF p. 183); the passage in excerpt 3 marked.

KPI： 登録自治体数
主担当府省庁： 総務省

［No. ５－６］国外におけるマイナンバーカード・公的個人認証サービスの継続利用

- 情報通信技術の活用による行政手続等に係る関係者の利便性の向上並びに行政運営の簡素化及び効率化を図るための行政手続等における情報通信の技術の利用に関する法律等の一部を改正する法律（令和元年法律第16号。以下この施策において「改正法」という。）による住民基本台帳法（昭和42年法律第81号）等の改正に基づき、国外転出後においてもマイナンバーカード・公的個人認証サービスが継続して利用できるよう整備する。
- 2024年度（令和６年度）中のマイナンバーカード・公的個人認証サービスの国外継続利用の実現を目指し、住基ネット等の必要なシステムの構築・改修を行う。
- これにより、改正法の改正規定の施行期日（改正法の公布の日（2019年（令和元年）５月31日）から起算して５年以内で政令で定める日）以降、国外転出した日本国民の利便性が向上。

KPI： マイナンバーカード・公的個人認証サービスの国外継続利用に必要なシステムの改修（2024年度（令和６年度）中））
マイナンバーカードを保有する全ての国民のマイナンバーカード・公的個人認証サービス（電子証明書）の国外継続利用の実施
主担当府省庁： 総務省

［No. ５－７］コンビニ交付サービスの導入推進

- 住民票の写しなどの各種証明書を取得するためには、地方公共団体窓口等で申請する手間が発生。
- 地方公共団体における住民票の写しなどの各種証明書について、郵便局やコンビニなどにおけるマイナンバーカードを用いて取得する証明書自動交付サービスの導入促進を図り、ほとんどの住民が利用できる環境を確実に構築するとともに、各地方公共団体において、住民票記載事項証明書や戸籍証明書など証明書自動交付サービスにより取得できる証明書の種類の充実を図る。
- これにより、国民のサービス利便性の向上及び地方公共団体の窓口負荷を軽減。

KPI： コンビニ交付サービス導入市町村の人口
住民票の写しのコンビニ交付サービスの割合
主担当府省庁： 総務省

［No. ５－８］マイナンバーカードと健康保険証の一体化の加速

- 国民がマイナンバーカードで受診することで、健康・医療情報に基づいたより良い医療を受けることが可能となるよう、2023年（令和５年）４月から保険医療機関・薬局へのオンライン資格確認の導入の原則義務化を実施。

15

- **Fig. C-17e**: (2), PDF p. 1 (covering letter); the passage in excerpt 4 marked.

個情第 1901 号
令和５年６月１日

内閣総理大臣
岸田　文雄　殿

個人情報保護委員会
委員長　丹野　美絵子
（　公　印　省　略　）

デジタル社会形成基本法第 37 条第４項及び
官民データ活用推進基本法第８条第４項の規定に基づく意見について（回答）

令和５年５月 29 日付けデ戦第 1628 号をもって意見を求められた件について、令和５年５月 31 日に開催された第 244 回個人情報保護委員会において意見がとりまとめられたので、別紙のとおり回答する。

以上

- **Fig. C-17f**: (2), PDF p. 2 (Attachment); the passage in excerpt 5 marked.

（別紙）

デジタル社会形成基本法第 37 条第４項及び
官民データ活用推進基本法第８条第４項の規定に基づく意見

令和５年６月１日
個人情報保護委員会

デジタル社会の実現に向けた政策の遂行に当たっては、AI、IoT、クラウドサービスや 5G 等のデジタル技術の飛躍的な進展等により、多種多様かつ膨大なデータの収集・分析等が容易かつ高度化している状況を踏まえ、個人情報の有用性に配慮しつつ、個人の権利利益を保護するために、個人情報を含む個人に関する情報（以下「個人情報等」という。）の適正な取扱いが確保されることが肝要である。

また、行政を効率化し、国民の利便性を高め、公平・公正な社会を実現するため、マイナンバー制度の利用並びにマイナンバーカードの普及及び利用を推進するに当たっては、その前提として、個人番号その他の特定個人情報等の取扱いの適正を確保するために必要な措置を講じることが肝要である。

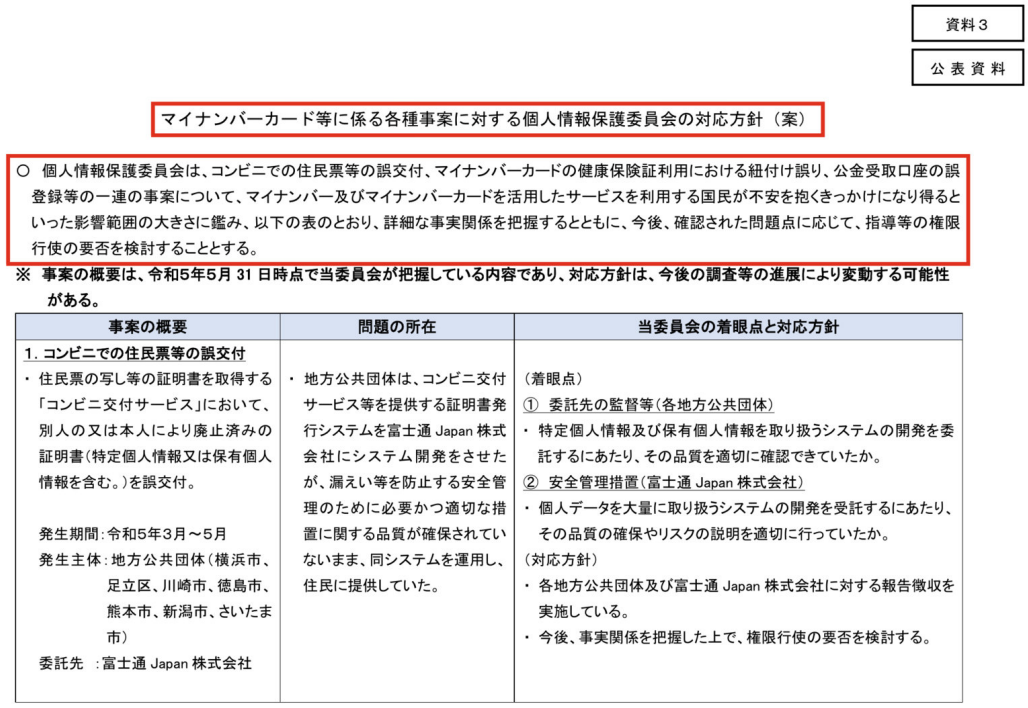
こうした基本的視座に立った上で、デジタル社会の実現に向けた重点計画（以下「重点計画」という。）に定められた施策の実施に当たっては、次の点に留意することが必要である。

（１）令和５年４月に全面施行されたデジタル社会形成整備法による改正後の個人情報の保護に関する法律（平成 15 年法律第 57 号。以下「個人情報保護法」という。）により、行政機関等における個人情報等の取扱いについても個人情報保護法の規律が適用されることになったことを踏まえ、各行政機関等においては、重点計画に含まれる各施策の遂行に当たり、個人情報保護法の規律に則り、本人の権利利益を保護するため、個人情報等の適正な取扱いを確保するべきこと。

（２）行政機関等が個人情報等を取り扱う施策やシステム構築を実施する際には、その透明性と信頼性の確保が特に重要であることから、政策目的や国民が得ることが期待される便益を明確にし、それらをわかりやすく、丁寧に国民に説明するべきこと。

特に、マイナンバー制度の利用等の推進に関する施策の実施に当たっては、特定個人情報保護評価の着実な実施を含め、個人番号その他の特定個人情報等の取扱いの適正の確保及び丁寧な説明が求められること。

- **Fig. C-17g**: (3), PDF p. 1; the title and the passage in excerpt 6 marked.



資料３

公 表 資 料

マイナンバーカード等に係る各種事案に対する個人情報保護委員会の対応方針（案）

○ 個人情報保護委員会は、コンビニでの住民票等の誤交付、マイナンバーカードの健康保険証利用における紐付け誤り、公金受取口座の誤登録等の一連の事案について、マイナンバー及びマイナンバーカードを活用したサービスを利用する国民が不安を抱くきっかけになり得るといった影響範囲の大きさに鑑み、以下の表のとおり、詳細な事実関係を把握するとともに、今後、確認された問題点に応じて、指導等の権限行使の要否を検討することとする。

※ 事案の概要は、令和5年5月31日時点で当委員会が把握している内容であり、対応方針は、今後の調査等の進展により変動する可能性がある。

事案の概要	問題の所在	当委員会の着眼点と対応方針
1. コンビニでの住民票等の誤交付 ・住民票の写し等の証明書を取得する「コンビニ交付サービス」において、別人の又は本人により廃止済みの証明書（特定個人情報又は保有個人情報を含む。）を誤交付。 発生期間：令和5年3月～5月 発生主体：地方公共団体（横浜市、足立区、川崎市、徳島市、熊本市、新潟市、さいたま市） 委託先　：富士通 Japan 株式会社	・地方公共団体は、コンビニ交付サービス等を提供する証明書発行システムを富士通 Japan 株式会社にシステム開発をさせたが、漏えい等を防止する安全管理のために必要かつ適切な措置に関する品質が確保されていないまま、同システムを運用し、住民に提供していた。	（着眼点） ① 委託先の監督等（各地方公共団体） ・特定個人情報及び保有個人情報を取り扱うシステムの開発を委託するにあたり、その品質を適切に確認できていたか。 ② 安全管理措置（富士通 Japan 株式会社） ・個人データを大量に取り扱うシステムの開発を受託するにあたり、その品質の確保やリスクの説明を適切に行っていたか。 （対応方針） ・各地方公共団体及び富士通 Japan 株式会社に対する報告徴収を実施している。 ・今後、事実関係を把握した上で、権限行使の要否を検討する。

- **Relevance to the argument**: 5.5 — The official documents of the Government and the PPC themselves show (i) that the draft Priority Policy Program on which the PPC's opinion was sought pursuant to statute set out the abolition of the health insurance card (excerpt 1) and the sharing of medical information through the Online Eligibility Confirmation System (excerpts 2 and 3); (ii) that the PPC's opinion in response was confined to points to note concerning the My Number system in general and did not refer to the health insurance card or to medical information (excerpt 5); and (iii) that the opinion was compiled at the same 244th meeting at which the policy for responding to mislinking in the use of the My Number card as a health insurance card was deliberated (excerpts 4 and 6). The assessment that the PPC did not raise matters such as how consent is to be obtained when medical information is shared, or how persons unable to manage the card and PIN themselves are to be treated once the health insurance card is abolished, is this Opinion's assessment based on these documents.