

**Summary Report on the Implementation Status of
Act on the Protection of Personal Information in FY 2008**
(Tentative Translation)

November, 2009
Consumer Affairs Agency, Government of Japan

The Prime Minister may, according to Article 53 section 1 of the Act on the Protection of Personal Information (Law No. 57, 2003) (hereinafter referred to as “the Act”), collect reports on the status of implementation of this Act from the heads of relevant administrative institutions.

Furthermore, each year the Prime Minister, according to Article 53 section 2 of the Act, shall compile the reports mentioned in the section 1 and publicly announce their outline.

Thereby, the Prime Minister collected reports on the status of implementation in FY 2008 and publicly announce their outline.

Implementation Status of the Act on the Protection of Personal Information

Section 1 Implementation Status on Personal Information Protection by the State

1. Status of Review of Guidelines Established for Each Business Field (under Article 8 of the Act)

As of March 31 2009, 38 guidelines in 24 business fields have been established by ministries and agencies with jurisdiction over the business. Of them, 1 guideline was established and 1 was reviewed in FY 2007.

Table 1 Guidelines Developed and Reviewed in FY 2008

	Business Fields	Ministries and Agencies	Title of the Guideline	Date of Development / Review
Established	General Business	Ministry of Economy, Trade and Industry (METI)	Personal Information Protection Guidelines for Information Service Providers Processing Medical Information (public notice)	July 24, 2008
Reviewed	Medical Care [general]	Ministry of Health, Welfare and Labor (MHLW)	Guideline for Secure Control of the Medical Information System (notice of Director General)	March 31, 2009

The guidelines in each business field will be reviewed for their standardization on the basis of “On the Standardization of the Guidelines in the Fields of the Protection of Personal Information” (Agreement between Ministries and Agencies related to the protection of personal information) (refer to 4. (3) for further details).

Respecting the Agreement, each Ministry and Agency has started to review its guidelines in FY 2008.

2. Status of Authority Exercise by Competent Ministers (under Articles 32 to 34 of the Act)

In FY 2008, competent ministers gave guidance and made supervision for entities including 28 cases of collecting reports and 1 case of advice based on the Act on the Protection of Personal Information (83 cases of collection of reports in FY 2007).

Table 2 The Status of Exercise of Authorities by the Competent Ministers

Competent Minister	Type of Authority Exercised	Relevant Articles(Note 1)
Minister of Financial Services Agency (Note 2)	Collection of reports: 26 cases	Article 16 § 1 (Restriction by the Purpose of Use): 2 cases Article 20 (Security Control Measures): 18 cases Article 21 (Supervision of Employees): 6 cases Article 22(Supervision of Trustees): 6 cases
Minister of Finance	Advice: 1 case	Article 20 (Security Control Measures): 1 case
Minister of Land, Infrastructure, Transport and Tourism	Collection of reports: 1 case	Article 20 (Security Control Measures): 1 case
Minister of Health, Welfare and Labor	Collection of reports: 1 case	Article 20 (Security Control Measures): 1 case
Total (Note 3)	Collection of reports: 28 cases Advice: 1 case	Article 16 § 1: 2 cases Article 20: 21 cases Article 21: 6 cases Article 22: 6 cases

- (Note) 1. Some collections of reports may have been implemented on the basis of plural provisions.
2. Under Article 52 of the Act and Article 12 of Cabinet Order of the Act, the Prime Minister delegates authority to Minister of the FSA.
3. Overlapping cases arising from co-jurisdiction are counted respectively.

3. Status of Authorization for Authorized Personal Information Protection Organizations (under Article 37 of the Act)

As of March 31, 2009, the total number of authorized personal information protection organizations designated by competent ministers under Article 37 of the Act stood at 37. Of them, 3 organizations were newly authorized in FY 2008.

Table 3 Status of Authorization by Ministries and Agencies for Authorized Personal Information Protection Organizations

Ministries and Agencies	Number of Authorized Organizations () shows numbers newly authorized in FY 2008.
Ministry of Economy, Trade and Industry(METI)	16 (2)
Financial Services Agency (FSA)	10
Ministry of Health, Welfare and Labor(MHWL)	8
Ministry of Internal Affairs and Communications(MIC)	3
Ministry of Land, Infrastructure and Transport(MLIT)	3
National Police Agency	1 (1)
Total	37

(Note) 1. The total number avoids duplication due to co-jurisdiction.
2. One organization abolished its business pertaining to the authorization during FY 2008.

4. Review for Three Years after the Implementation of Act on the Protection of Personal Information

The “Basic Policy on the Protection of Personal Information”(the Cabinet decision of April 2, 2004, partly revised in April 25, 2008 hereinafter referred to as “the Basic Policy”) requires that:

- (i) The Cabinet Office should review the implementation status of the Act approximately 3 years after the full implementation of the Act, and take necessary measures based upon the results of such review; and,
- (ii) To this end, the Quality-of-Life Policy Council (hereinafter referred to as “the Council”) should follow up the implementation status of the Act.

In line with these requirements, the Council conducted an evaluation of the implementation status of the Act and reviewed the personal information protection system. The Council submitted “Summary on the Protection of Personal Information” to the government as its opinion (June 29, 2007).

The government took the policies below in FY 2008, as part of review three years after the enforcement of the Act.

(1) Partial Revision of the “Basic Policy on the Protection of Personal Information”(the Cabinet decision of April 25 2008)

The main revised points are the following;

(i) Measures on the so-called “overreaction”

The Basic Policy clearly indicates that the so-called “overreaction” has been occurring, and declares that the Cabinet Office and the Ministries shall provide more public relations and promotion. Furthermore, the Basic Policy clears importance of the appropriate construction and operation of acts and ordinances about the handling of retained personal information by the administrative organs, local governments, and incorporated administrative agencies, etc.

(ii) International cooperation

In line with cross-border cooperations being promoted in OECD, APEC, and EU etc., the Basic Policy clearly indicates the importance of necessary responses and measures.

(iii) Further protection of rights and interests of consumers and other individuals

From the viewpoint of the further protection of the rights and interests of the Concerned Persons, the Basic Policy indicates the importance that entities contain the following points in the privacy policies, etc.

- Voluntarily stopping of the usage of retained personal data
- Making outside processing transparent
- Clarification of the purpose of use
- To define the source from which personal information was acquired possibly concrete

(iv) Degree of safety management measures

The Basic Policy indicates the importance of safety management measures applicable to the nature of the medium on which personal data is recorded. For example, a book of an unspecified large number of names that can be purchased at any time at a book store needs to be handled based on the harmonization between the necessary of the protection of rights and interests of the Concerned Persons and the actual possibility of control by entities.

(2) Amendment of the “Cabinet Order for The Enforcement of The Act on The Protection of Personal Information”(Promulgated and Enforced on May 1 2008)

The Cabinet amended Article 2 of the “Cabinet order for the enforcement of the act on the protection of personal information”(hereinafter called “the Order”), which regulates the definition of Entities Handling Personal Information. As the result of this amendment, requirements for falling under Entities Handling Personal Information, which have the obligation on the Act, are deregulated.

To be concrete, if the personal information databases, etc concerned arranged by another entity published for the purpose of selling to many and unspecified persons and can be

purchased or could be purchased by many and unspecified persons(for example, a book of an unspecified large number of names that can be purchased at any time at a book store) are used for the business without editing or processing, the number of specific individuals identified by the personal information that makes up the personal information databases, etc. concerned shall be excluded from the “number of specific individuals”as the requirement of “a business operator handling personal information”.

(3) Standardization of The Guidelines in The Fields of the Protection of Personal Information

(i) History

The Guidelines in the fields of the protection of personal information are established in each business field under the system of competent ministers.

The Council required the necessary review on the standardization of the guidelines paying attention to entities governed by several guidelines.

In line with the opinion, the government held the liaison meeting between the Ministries and the Agencies related to the protection of personal information July 2008, where these Ministries and Agencies agreed “On the Standardization of the Guidelines in the Fields of the Protection of Personal Information”. In the agreement, considering the Basic Policy partly revised, each Ministry and Agency was required necessary measurement for the standardization of the guidelines based on the views formulated and published by the Cabinet Office.

(ii) Purpose

In the standardization of the guidelines, unstandardized items in the guidelines established by each Ministry and Agency are carefully surveyed, and part of unstandardized items caused by the character or identity of each business field is removed. For the remained part of unstandardized items, reviewing the guidelines in line with the policy identified by the Cabinet Office, each Ministry and Agency may minimize the differences of each guidelines as possible. Through these operations, the standardization aims for adjustment of the form of guidelines (for example, the standardization of the names of the guidelines) and clearing the system of the protection of personal information of the private sector.

(iii) Details

“On the Standardization of the Guidelines” published by the Cabinet Office shows the followings as the points of the standardization, which is recognized to be referred when the guidelines are established or reviewed.

- To clear the definition and the position of the guidelines
- Standardization of the names and the scopes of the guidelines (case studies and Q&As are separated from the guidelines themselves)
- Standardization of the form to the public notices
- Standardization of terms
- Enhancement of voluntary initiatives by entities excluded from “a business operator handling personal information”
- Understandable contents of the guidelines

Furthermore, the Cabinet Office establishes and publishes the “Standard Guideline^{*}” common to all the business fields in line with these points. Each Ministry and Agency refers to the Standard Guideline for establishing or reviewing the guidelines.

(Note) the “Standard Guideline” is not applied to entities of the private sector itself.

(iv) Schedule

The guidelines previously established is reviewed by each Ministry and Agency in line with the characteristics of each business field within 1 year after establishing the “Standard Guideline”(July 25, 2008) by the Cabinet Office. Also in newly establishing the guidelines, the “Standard Guideline” has to be referred.

5. Others

In June 27, 2008, the Government decided the “Basic Plan of Promoting the Consumer Administration”(hereinafter referred to as “the Plan”) as a cabinet decision. On the basis of the Plan, the new organization (the Consumer Affairs Agency hereinafter referred to as “the CAA”) was established for the purpose of monitoring of the whole policy from the viewpoint of consumers, as the “Guide of the government led by consumers”.

Furthermore, the Plan decided to transfer the Act from the Cabinet Office to the CAA as the act handling problems closing to consumers.

In September 2008, in line with the cabinet decision, the bills of “the Act for Establishment of the Consumer Affairs Agency” and other two bills were endorsed by the cabinet decision, and submitted to the 170th extraordinary session of the Diet. The bills were carried over to the next session of the Diet, and deliberated in the 171th ordinary session of the Diet*.

(Note) After that, in 2009 FY, the three bills were established as the acts through the revision by the Diet. Based on the three acts, the CAA and the Consumer Commission have started. As a result, the system of the protection of the personal information is changed as followings.

- “The establishment and the promotion of the Basic Policy on the Protection of Personal Information”, formerly under the jurisdiction of the Cabinet Office is transferred to the jurisdiction of the CAA

(Article 4 (xxiii) of the Act for Establishment of the Consumer Affairs Agency and the Consumer Commission).

- “The important issues about appropriate treatment of personal information”, formerly discussed in the Quality-of-Life Council, is transferred to the Consumer Commission(Article 6 Paragraph 2(i) of the Act for Establishment of the Consumer Affairs Agency and the Consumer Commission)
- The consulting organization when the Prime Minister establishes or reviews the Basic Policy is changed from the Quality-of-Life Council to the Consumer Commission (Article 7 Paragraph 3 of the Act for Establishment of the Consumer Affairs Agency and the Consumer Commission).

Section 2. Status of Efforts Made by Entities Handling Personal Information Protection

1. Status of Handling Complaints on Personal Information Protection (under Articles 9 and 13 of the Act)

(1) General Status

In FY 2008, a total of 9,779 complaints regarding the protection of personal information (The total number was 12,728 in FY 2007) were filed with local public bodies and National Consumer Affairs Center of Japan, a little more than 80% complaints of which were received by local consumer centers.

Table 4 Complaints Filed by Receiving Organizations

Receiving Organization		FY2008		FY2007(for reference)	
		Number of Complaints	Percentage of Total	Number of Complaints	Percentage of Total
Local Public Bodies	Local Consumer Centers	8,044	82.3%	10,745	84.4%
	Others	354	3.6%	741	5.8%
National Consumer Affairs Center of Japan		1,381	14.1%	1,242	9.8%
Total		9,779	100.0%	12,728	100.0%

- (Note) 1. The term “local consumer centers” as used in the table refers to local consumer centers with PIO-NET installed therein.
 2. The term “others” as used in the table refers to departments and agencies holding jurisdiction over ordinance on the protection of personal information, etc.
 3. Regarding local consumer centers and National Consumer Affairs Center of Japan, the numbers on the table is based on the registered numbers at May 31 of the next fiscal year.

(2) Status by Business Fields

Of the total complaints filed, about 35% of the total covers the business field in which proper handling of personal information is specifically required, including medical care, finance and credit, and information and communications businesses, while a little more than 50% of the total covers other business fields.

Table 5 Number of Complaints Classified by Business Fields

Business Fields	FY 2008		FY 2007(for reference)	
	Number of Complaints Filed	Percentage of Total	Number of Complaints Filed	Percentage of Total
Individual business fields in which proper handling of personal information is specifically required(excluding overlapping cases)	3,407	34.8%	4,585	36.0%
Medical Care	209	2.1%	217	1.7%
Finance and Credit	807	8.3%	1,019	8.0%
Information and Communications	2,431	24.9%	3,368	26.5%
Other Business Fields	4,812	49.2%	6,653	52.3%
Unknown	1,711	17.5%	1,649	13.0%
Total (excluding overlapping cases)	9,779	100.0%	12,728	100.0%

(3) Status of the Content of Consultations Filed

In terms of the content of consultations, about 50% cases of the total, which accounted for the largest proportion of the total number of complaints filed, relates to fraudulent or other dishonest acquisition of personal information; while about 25% cases of the total, which accounted for the second-largest proportion, relates to leakage or loss of data; and nearly 20% cases of the total relates to provision to third parties without the person's consent.

Table 6 Breakdown of Complaints by Content

Content of Consultations	FY 2008		FY 2007(for reference)	
	Number of Complaint Filed	Percentage of Total	Number of Complaint Filed	Percentage of Total
Fraudulent or other dishonest acquisition	5,185	53.0%	6,307	49.6%
Leakage or loss of data	2,426	24.8%	3,250	25.5%
Provision to third parties without the person's consent	1,460	14.9%	2,250	17.7%
Handling of personal information beyond the purpose of use specified	1,540	15.7%	2,106	16.5%
Disclosure and related issues	648	6.6%	674	5.3%
Handling of complaints, etc.	454	4.6%	345	2.7%
Data error	209	2.1%	196	1.5%
Supervision of trustees, etc.	195	2.0%	151	1.2%
Violation of the opt-out rule	27	0.3%	30	0.2%
Others	1,667	17.0%	2,033	16.0%
Total (excluding overlapping cases)	9,779	100.0%	12,728	100.0%

(4) Status of Result on Handling of Complaint

The result of handling of complaints was mainly comprised of about 85% cases of the total of guidance and advice, followed by about 10% cases of the total of other types of information provision.

Table 7 Status of Result of Handling Complaint

Result of Handling Complaints	FY2008		FY 2007(for reference)	
	Number of Complaints	Percentage of Total	Number of Complaints	Percentage of Total
Guidance and advice	8,273	84.6%	11,041	86.7%
Other types of information provision	1,054	10.8%	1,053	8.3%
Introducing other appropriate institutions	156	1.6%	311	2.4%
Successfully mediated	207	2.1%	212	1.7%
Unsuccessfully mediated	16	0.3%	13	0.1%
Impossible to handle	35	0.4%	41	0.3%
Unnecessary to handle	38	0.4%	57	0.5%
Unknown	0	0%	0	0%
Total (excluding overlapping cases)	9,779	100.0%	12,728	100.0%

(Note) 1: The term “guidance and advice” as used in the table refers to a method of handling in which advice is given to the complainer as a method for independently solving a problem that could be solved through independent negotiations between concerned parties.
 2: The term “other types of information provision” as used in the table refers to handling results other than mediation that do not fall under “guidance and advice.”

2. Status of Cases Concerning Leakage of Personal Information from Entities

(1) General Status

The “Basic Policy on the Protection of Personal Information” (Cabinet Decision on April 2, 2004, Partial Revision April 25, 2008) states that, in case of leakage of personal information, it is important that entities handling personal information should make public the fact of the cases as far as possible in order to prevent secondary damage and avoid occurrence of similar cases.

In line with this principle, a total of 538 cases concerning leakage concerning personal information were reported by entities in FY 2008 (1,556 cases in FY 2005, 893 cases in FY 2006, and 848 cases in FY 2007).*

(note) The figures noted above include cases of “loss” or “damage,” in addition to those of “leakage.”

(2) Scale of Leakage and Type of Leaked Information

- (i) Concerning the number of persons allegedly affected by the leakage (hereinafter referred to as “the number of leakage-affected persons”), many cases were relatively small in scale, which is represented by the fact that cases of 500 persons or less account for about 75% of the total cases.

Table 8 Number of Persons Affected by Leakage

Number of Leakage-affected Persons	FY 2008		FY 2007(for reference)	
	Number of Cases	Percentage of Total	Number of Cases	Percentage of Total
500 or less	408	75.8%	667	78.7%
501 to 5,000	73	13.6%	104	12.3%
5,001 to 50,000	38	7.1%	60	7.1%
50,001 or more	18	3.3%	17	2.0%
Unknown	1	0.2%	0	0.0%
Total	538	100.0%	848	100.0%

(Note) The term “Percentage of Total” as used in the Table refers to the percentage of a total of cases(538 in FY 2008, 848 in FY 2007) concerning leakage.

(ii) In terms of types of leaked information, which include customer information, employee information, and other information, cases of leakage of customer information account for almost all of the total cases.

In terms of the content of leaked information, the categories consisting of name, date of birth, gender, and postal address (hereinafter collectively referred to as “basic information”) and other information (hereinafter referred to as “additional information”), cases of leakage exclusively consisting of basic information account for about 15% of the total cases of leakage, and most cases involve leakage of additional information such as telephone number, bank account number, e-mail address, and credit card number.

Table 9 Types of Information Leaked (FY 2008)

Types of Information Leaked	Number of Cases of Leakage	Exclusively Consisting of Basic Information
Customer Information	522 (97.0%)	99 (18.4%)
Employee Information	27 (5.0%)	3 (0.6%)
Other Information	21 (3.9%)	4 (0.7%)
Total (excluding overlapping cases)	538 (100.0%)	101 (18.8%)

(Note) 1: The figures in parentheses are percentages of a total of cases(538 in FY 2008, 848 in FY 2007) concerning leakage.

2. The figures under the title of the “Exclusively Consisting of Basic Information” in the Table represents the number of such cases out of the total number of cases concerning leakage, and the proportion of such cases of a total of 1,556 cases , respectively.

(FY 2007 for reference)

Types of Information Leaked	Number of Cases of Leakage	Exclusively Consisting of Basic Information
Customer Information	822 (96.9%)	124 (14.6%)
Employee Information	48 (5.7%)	3 (0.4%)
Other Information	30 (3.5%)	2 (0.2%)
Total (excluding overlapping cases)	848 (100.0%)	125 (14.7%)

(3) Media of Leakage and Protective Measures such as Encryption against Leakage of Information

(i) Media of Leakage cases show that electric media occupies 40 % and paper media occupies 60 %.

(ii) Concerning whether or not leaked information has been provided with any protective measure, such as encryption against leakage, cases of leakage with no protective measures provided account for a little less than 80% of the total cases.

In contrast, cases of leakage of information with any protective measure provided, including a limited one, account for a little less than 20% of the total cases.

Table 10-1 Media of Leakage and its Protective Measures such as Encryption (FY 2008)

Media of Leakage Information Protective Measures as Encryption	Electric Media Alone		Paper Media Alone		Both Electric and Paper Media		Unknown		Total
	Number	(Proportion)	Number	(Proportion)	Number	(Proportion)	Number	(Proportion)	
Overall Measures Taken	50	(9.3%)	3	(0.6%)	0	(0.0%)	4	(0.7%)	
Partial Measures Taken	25	(4.6%)	8	(1.5%)	4	(0.7%)			
No Measures Taken	109	(20.3%)	302	(56.1%)	4	(0.7%)			
Unknown	15	(2.8%)	14	(2.7%)	0	(0.0%)			
Total	199	(37.0%)	327	(60.8%)	8	(1.5%)	4	(0.7%)	538

- (Note) 1. The figures in parentheses are percentages of a total of 538 cases of leakage.
2. The term “Protective Measure(s) such as Encryption” as used in this Table refers to measure(s) taken to protect information, including encryption and restriction of access for lost PC(s) through passwords.
3. “Paper Media Alone” includes leakage by utterance (it is classified as “Unknown”).

(iii) The details show that information protective measures were taken in a little less than 40 % leakage cases through electric media (The cases in which partial protective measures were taken are included). The number of cases in which no protective measures were taken is smaller than the number of cases which some information protective measures were taken.. On the other hand, information protection measures were not taken in over 90 % leakage cases through paper media.

Table 10-2 Proportion of Protective Measures Classified by Media of Leakage
(FY 2008)

Media of Leakage Information Protective Measures as Encryption	Electric Media Alone		Paper Media Alone	
	Number	(Proportion)	Number	(Proportion)
Overall Measures Taken	50	(25.1%)	3	(0.9%)
Partial Measures Taken	25	(12.6%)	8	(2.4%)
No Measures Taken	109	(54.8%)	302	(92.4%)
Unknown	15	(7.5%)	14	(4.3%)
Total	199	(100.0%)	327	(100.0%)

(FY 2007 for reference)

Media of Leakage Information Protective Measures as Encryption	Electric Media Alone		Paper Media Alone	
	Number	(Proportion)	Number	(Proportion)
Overall Measures Taken	99	(31.6%)	0	(0.0%)
Partial Measures Taken	26	(8.3%)	2	(0.4%)
No Measures Taken	127	(40.6%)	483	(93.1%)
Unknown	61	(19.5%)	34	(6.6%)
Total	313	(100.0%)	519	(100.0%)

(4) Sources of Leakage, and Leakers

- (i) In terms of the sources of leakage, cases of direct leakage from “entities” account for about 75%, and cases of leakage from “trustees” a little more than 20% of the total cases.
- (ii) In terms of the persons actually involved in the leakage (hereinafter referred to as “the Leakers”) in “entities” and “trustees” cases in which the Leakers were “employees” account for about 80 % of the total cases.
- (iii) In terms of the causes for leakage, 18 cases were caused “intentionally”, and 390 cases “by negligence,” thus most cases being attributable to “negligence,” as far as “entities” are concerned as the source of leakage.
- For “third parties” as the source of leakage, most of the cases of leakage (60 cases) were caused “intentionally”.

Table 11 Sources of Leakage, and Leakers (FY 2008)

Leaker Source of Leakage	Employee				Third Party				Others	Un- known	Total
	Inten- tional	By negli- gence	Un- known	Total	Inten- tional	By negli- gence	Un- known	Total			
Entity	7 (1.3%)	320 (59.5%)	11 (2.0%)	338 (62.8%)	39 (7.2%)	2 (0.4%)	1 (0.2%)	42 (7.8%)	27 (5.0%)	2 (0.4%)	409 (76.0%)
Trustee	11 (2.0%)	70 (13.0%)	9 (1.7%)	90 (16.7%)	21 (3.9%)	4 (0.7%)	3 (0.6%)	28 (5.2%)	5 (0.9%)	0 (0.0%)	123 (22.9%)
Unknown	-	-	-	-	-	-	-	-	-	7 (1.3%)	7 (1.3%)
Total	18 (3.3%)	390 (72.3%)	20 (3.7%)	428 (79.6%)	60 (11.2%)	6 (1.1%)	4 (0.7%)	70 (13.0%)	32 (5.9%)	9 (1.7%)	538 (100.0%)

(Note) The figures in parentheses represent proportions of a total of 538 cases of leakage.

(FY 2007 for reference)

Leaker Source of Leakage	Employee				Third Party				Others	Un- known	Total
	Inten- tional	By negli- gence	Un- known	Total	Inten- tional	By negli- gence	Un- known	Total			
Entity	6 (0.7%)	517 (61.0%)	32 (3.8%)	555 (65.4%)	43 (5.1%)	1 (0.1%)	12 (1.4%)	56 (6.6%)	23 (2.7%)	13 (1.5%)	647 (76.3%)
Trustee	4 (0.5%)	113 (13.3%)	14 (1.7%)	131 (15.4%)	23 (2.7%)	5 (0.6%)	1 (0.1%)	29 (3.4%)	15 (1.8%)	5 (0.6%)	180 (21.2%)
Unknown	-	-	-	-	-	-	-	-	-	21 (2.5%)	21 (2.5%)
Total	10 (1.2%)	630 (74.3%)	46 (5.4%)	686 (80.9%)	66 (7.8%)	6 (0.7%)	13 (1.5%)	85 (10.0%)	38 (4.5%)	39 (4.6%)	848 (100.0%)

(Note) The figures in parentheses represent proportions of a total of 848 cases of leakage.

(5) Status of Remedial Measures Taken after Leakage

(i) In terms of remedial measures taken after leakage, almost all of total cases concerned have taken some form of security control measures.

(ii) The breakdown of such security control measures indicates that about 90% of entities concerned have taken organizational measures such as provision of educational and training programs.

Table 12 Remedial Measures Taken after Leakage

Period Covered	Total	Remedial Measures Taken by Entities					No remedial measure taken	Unknown
		Security Control Measures			Other Measures			
		Organizational	Technical					
FY 2008	538 (100.0%)	538 (100.0%)	519 (96.5%)	495 (92.0%)	119 (22.1%)	526 (97.8%)	0 (0.0%)	1 (0.1%)
FY 2007(for reference)	848 (100.0%)	847 (99.9%)	809 (95.4%)	789 (93.0%)	168 (19.8%)	827 (97.5%)	0 (0.0%)	1 (0.1%)

(Note) 1: “Organizational” Security Control Measures in the Table refers to the creation of the post of Manager in charge of Security Control, the improvement of internal rules, the implementation of education and training programs, the carrying out of audits, etc.

“Technical” Security Control Measures in the Table refers to the formulation of fire walls, the introduction of leakage prevention software, and the monitoring of the status of access to personal data.

“Other Measures” refers to the transmission of apologetic letters, the establishment of windows to respond to complaints, report to the police, etc. (see Table 12-2)

2: Figures for “Security Control Measures” and “Other Measures” involve multiple answers.

3: Figures in parentheses represent proportions of a total of cases (538 in FY 2008, 848 in FY 2007) of leakage.

(iii) Details of improvement measures except safety management measures shows that about 80 % entities contacted or apologized to persons whose personal information had been leaked, nearly 30 % of entities reported to the Police, and also about 30 % of entities established contact points.

Table 12-2 Details of Improvement Measures Except Safety Management Measures

	Total (excluding duplication)	Apologies and Contacts	Establishment of Contact Points	Distribution of Gift Cards, etc.	Report to the Police	Others
FY 2008	526 (97.8%)	428 (79.6%)	160 (29.7%)	22 (4.1%)	170 (31.6%)	61 (11.3%)
FY 2007(for reference)	827 (97.5%)	699 (82.4%)	278 (32.8%)	26 (3.1%)	311 (36.7%)	118 (13.9%)

(Note) The numbers in the brackets show the proportion to the total leakage cases(848 in FY 2008, 538 in FY 2007).

(6) Reports to Authorized Personal Information Protection Organizations

The number of cases in which entities handling personal information belonged to authorized personal information protection organizations is 117, which amount to be about 20% to the total number (538 cases). Among them, 72 cases were reported to their belonged authorized personal information protection organizations, which amount to be nearly 60% to the total cases.

3. Status of Efforts Made by Authorized Personal Information Protection Organizations (under Articles 42 and 43 of the Act)

Authorized personal information protection organizations handled complaints and made the following efforts in relation to entities, including requests for explanations and documents, guidance, recommendations and other actions under Article 42 and 43 of the Act:

Table 13 Efforts made by Authorized Personal Information Protection Organizations (FY 2008)

Competent Ministries and Agencies	Handling of Complaints	Request for Explanations	Request for Documents	Guidance	Recommendations	Other Measures
National Police Agency	0	0	0	0	0	0
Financial Services Agency	165	36	0	49	0	2
Ministry of Internal Affairs and Communications	413	90	25	22	0	0
Ministry of Health, Welfare and Labor	7	1	0	0	0	0
Ministry of Economy, Trade and Industry	448	91	26	24	0	18
Ministry of Land, Infrastructure and Transport	21	0	0	0	0	13
Total (excluding overlapping cases arising from co-jurisdiction)	624	128	26	73	0	33

(Note) "Other Measures" indicates measures excluding "Guidance" and "Recommendations" taken by authorized personal information protection organizations to have entities handling personal information observe their own publicized policy on the protection of personal information under Article 43 of the Act.

(FY 2007 for reference)

Competent Ministries and Agencies	Handling of Complaints	Request for Explanations	Request for Documents	Guidance	Recommendations	Other Measures
Financial Services Agency	199	50	1	44	0	4
Ministry of Internal Affairs and Communications	290	91	3	2	0	0
Ministry of Health, Welfare and Labor	8	1	1	1	0	1
Ministry of Economy, Trade and Industry	323	81	8	3	4	0
Ministry of Land, Infrastructure and Transport	33	2	0	0	0	22
Total (excluding overlapping cases arising from co-jurisdiction)	542	144	10	48	4	27

Section 3 Implementation Status Concerning Protection of Personal Information by Local Government

(Note) The description of this Section is based on the “Summary of Information Administration in Local Governments” published by Local Administration Bureau, Ministry of Internal Affairs and Communications in October 2009.

Article 11 of the Act prescribes that local public bodies shall endeavor to take necessary measures to ensure the proper handling of personal information it holds in consideration of the nature of the personal information, etc.

1. Status of Public Bodies Establishing Ordinance

Handling of personal information held by local public bodies is historically governed by ordinance. Regarding the status of the establishment of ordinance on the protection of personal information by local governments, all of the prefectures (47 bodies in total) and the municipalities (1,800 bodies in total) have established such ordinances as of April 1, 2009.

2. Status of Measures on the So-called “Overreaction”

The Basic Policy requires local public bodies to take measures against so-called “overreaction”: for instance, publicity to residents, the appropriate interpretation and operation of ordinance, etc.

In terms of the status of measures on the so-called “overreaction” in 2008 FY, the percentage of measures taken by prefectures (lectures about “overreaction”:34 bodies (72.3%) and publicities about “overreaction”:44 bodies (93.6%)) is higher than the percentage of measures taken by municipalities (lectures about “overreaction”:299 bodies (16.6%) and publicities about “overreaction”:212 bodies (11.8%)).