



EU Japan Adequacy Decision

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What happens to the personal data transferred from the EU to Japan?

Japan has recently modernised its data protection law applicable to the private sector, bringing it closer to the European standards. Following the negotiations with the European Commission, the Japanese Government has adopted the Supplementary Rules applicable only to data transferred from the EU, thereby filling the remaining gaps.

As a result, whenever the data travel from the EU to Japan, the same guarantees as those under the EU law will continue to apply.

- ✓ data is only processed for the purpose for which they were legally transferred from the EU, unless EU citizens give their consent for processing for a different purpose;
- ✓ data is processed to the extent necessary for this purpose;
- ✓ data is kept for no longer than necessary for this purpose;
- ✓ the data is kept accurate and up to date;
- ✓ data is never further transferred to individuals or entities abroad which do not guarantee an adequate level of protection, unless consent of EU individuals is obtained for such a transfer;
- ✓ the processing should be done under appropriate security measures, protected against unauthorised or unlawful processing and against accidental loss, destruction or damage;
- ✓ additional safeguards apply to sensitive data (data revealing health conditions, sexual orientation, political opinions etc.).

EU individuals will benefit from rights equivalent to those that they have in the EU. Notably, everyone will have the right to:

-  be informed about the purpose of processing of his or her personal data;
-  request access to his or her personal data;
-  request correction or deletion of his or her personal data if they are inaccurate.

What happens if something goes wrong?

Similarly as in the EU, if these safeguards and rights are not respected, there are enforcement mechanisms, in terms of both oversight by an independent public authority and avenues for judicial and administrative redress. This includes:

-  an independent supervisory authority;
In Japan, the independent data protection authority (PPC) can investigate about the processing of personal data by Japanese business operators and, if it finds irregularities, can issue binding decisions.
-  possibilities to obtain redress;
If an EU individual is not happy with how his or her data have been processed or his or her rights respected, he or she can:
 - Have recourse to extensive mediation possibilities existing in Japan;
 - Complain to the Japanese data protection authority (PPC) to obtain redress via a binding decision of the latter;
 - File a civil action with a Japanese court to obtain damages or injunction.