

Q&A on Personal Data Protection at Financial Institutions

SAMPLE ONLY

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Q&A on Personal Data Protection at Financial Institutions

I. GENERAL INTRODUCTION

QI-1: What is the relationship between the Personal Data Protection Law system and the business law system?

A:

On the one hand, the Personal Data Protection Law system has the “Law concerning Personal Data Protection” (“Personal Data Protection Law”), the Personal Data Protection Enforcement Ordinance, the Guidelines on Personal Data Protection in the Financial Industry (“Guidelines”), and the Practical Guidelines on Security Measures, etc. in Guidelines on Personal Data Protection in the Financial Industry (“Practical Guidelines”). Basically, its laws apply to “businesses handling personal information,” and the provisions defined mainly concern the management and use of “personal data.”

On the other hand, in the system of some of the business laws such as the Banking Law and the Insurance Business Law, the enforcement regulations of the business laws (Cabinet Office Ordinance) set down matters such as ① security measures for individual customer information, ② the handling of repayment capacity information, and ③ the handling of special non-disclosed information. The supervisory guidelines, etc. of each business category require compliance with the provisions of the “Guidelines” and “Practical Guidelines.”

The provisions of each business law apply naturally to the financial institutions*¹ in each business category, and are not overly concerned about whether they are “businesses handling personal information” under the Personal Data Protection Law. Accordingly, the number of particular individuals identified by the “personal data” offered for the use of business is irrelevant (see QIII-1). The security measures, etc. target the “personal data” concerning individual customers.

*1 In this Q&A, “financial institution” covers a broad range of businesses in the financial industry such as the “moneylenders” in the Law on Controls, etc. on Money Lending. However, there are also differences among the business laws in the content of the provisions concerning personal data protection.