

**MISSION PERMANENTE DU JAPON**

AUPRÈS DES ORGANISATIONS INTERNATIONALES  
GENÈVE-SUISSE

EM/DLG/189

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to transmit herewith the Information for OHCHR related to "The right to privacy in the digital age".

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 23 April 2014

Enclosure mentioned



## Information for OHCHR related to “The right to privacy in the digital age”

2014/04/21

1. What measures have been taken at the national level to ensure respect for and protection of the right to privacy, including in the context of digital communication.

The Act on the Protection of Personal Information prescribes duties regarding the proper handling of personal information, to be observed by national governments, local governments, incorporated administrative agencies, and business operators handling personal information, etc.

2. What measures have been taken to prevent violations of the right to privacy, including by ensuring that relevant national legislation complies with the obligations of Member States under international human rights law?

As for protection of personal information, the Act on the Protection of Personal Information prohibits a business operator handling personal information from acquiring personal information by deception or other wrongful means and, in principle, from providing personal data to a third party without obtaining the prior consent of the data subject.

3. What specific measures have been taken to ensure that procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, are coherent with the obligations of Member States under international human rights law?

The Act on Interception of Communications for Criminal Investigation (hereinafter referred to as “the Act”) provides specific measures as follows:

- Interception of communications is permitted only when judges examine the propriety of issue of a warrant for interception and then decide that the interception fulfills the strict conditions under the Act.
- A third party, except for investigative authority, shall be present at the site of interception of communications.
- Interception of communications for the purpose of deciding if the communications fall under the scope of warrant for interception, is only permitted to the minimum extent of necessity.

● Occasion is ensured for the person concerned to confirm the contents of his/her communication intercepted and lodge an appeal.

4. What measures have been taken to establish and maintain independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and collection of personal data?

The Act provides specific measures as follows:

● The communications intercepted shall be all recorded in an appropriate way, and the recorded data shall be submitted to judges to enable them to check the appropriateness of interception.

● The government shall report each year the record of interceptions to the Diet and make it public.

5. Any other information on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or interception of digital communications and collection of personal data.

The definition of “the interception of communications” of the Act covers the interception in the context of digital communications. Therefore, the measures described in 3 and 4 are also applied to the interception of digital communications.