



Accreditation assessment checklist: Members

To be completed by secretariat	
Applicant contact	Nozomi Matsui [REDACTED]
Name of Authority and country/economy	Personal Information Protection Commission, Japan/Asia
Description of Authority	Commission

To be completed by principal assessor (Morocco)	
<i>Recommendation (select appropriate recommendation):</i> Applicant meets criteria	
<p>1. Is the applicant a public entity created by an appropriate legal instrument?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <ul style="list-style-type: none"> The Commission is created by Article 59 of the “Act on the Protection of Personal Information (APPI)” of Japan as amended on May 30,2017. The Art 59 states that <i>The Personal Information Protection Commission is to be established based on the provisions of Article 49, paragraph (3) of the Act for Establishment of the Cabinet Office.</i> The Act on the Protection of Personal Information 2015 (APPI) has come into full enforcement on May 30, 2017.
<p>2. Does the applicant have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The art. 60 & 61 enumerate the prerogatives of the Commission.</p>
<p>3. Is the legislation under which the applicant operates compatible with the principal international instruments dealing with data protection or privacy?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <ol style="list-style-type: none"> According to the applicant, the APPI principally implements the OECD Privacy Guidelines (1998/2013) and the Asia Pacific Economic Cooperation (APEC) Privacy Framework (2005). The main data protection principles adopted by the Law are: <ul style="list-style-type: none"> Personal data must be processed lawfully (Art. 17); Purpose specification and limitation (Art. 15);

	<ul style="list-style-type: none"> - Prior consent (Art. 16 & 17); - Right to be informed (Art. 18); - Right to access (Art. 28) and to rectify (Art. 29); - Right to erase (Art. 30); - Data accuracy (Art. 19); - Data security and confidentiality (Art. 20, 21 & 22). <p>However, we could not find any reference to Data retention limitations.</p>
<p>4. Does the applicant have an appropriate range of legal powers to perform its functions?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>The PIPC is given by the APPI the following powers :</p> <ul style="list-style-type: none"> - Supervision over the protection of personal data and compliance enforcement (Art 40.1); - Accreditation /Prior approvals (Art. 47, 48, 49 & 50) - Receiving complaints (Art. 61.2); - Guidance (Art. 41); - Rule-making (Art. 61.1); - Investigations (Art. 61); - Applying sanctions (Art. 42) - Policy advice for Government (Art. 55 of the Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure);
<p>Does the applicant have appropriate autonomy and independence?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Brief comments</p> <p>Autnomy and independency of the Commission are granted by law as below :</p> <ul style="list-style-type: none"> - The Commission is to act independently (Art. 62); - The Agency’s Chairman and Commissioners are appointed by the Prime Minister with consent of both Houses of the Diet (Art. 63); - Conditions of dismissing The Chairman and members before the expiry of their terms are listed on the Art. 65; <p>According to the applicant :</p> <ul style="list-style-type: none"> - The PIPC budget is to be allocated from national budget as those of other government organizations; - Commission members benefit from legal protection against civil suits for actions performed in good faith in the course of their lawful duties, as they are considered “public officers”.

To be completed by ExCo member other than principal assessor (NZ)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	----
Name of ExCo member	NZ

To be completed by ExCo member other than principal assessor (CA)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓
2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	----
Name of ExCo member	CA

To be completed by ExCo member other than principal assessor (HK)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
6. is a public entity created by an appropriate legal instrument	✓
7. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
8. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
9. has an appropriate range of legal powers to perform its functions	✓
10. has appropriate autonomy and independence	✓
Brief comments	----
Name of ExCo member	Hong Kong

To be completed by ExCo member other than principal assessor (FR)	
I agree with the principal assessor's evaluation that the applicant (tick the statements that apply)	
1. is a public entity created by an appropriate legal instrument	✓

Checklist created on 7 June 2017

2. has the supervision of the implementation of the legislation on the protection of personal data or privacy as one of its principal regulatory mandates	✓
3. has a legislation under which it operates is compatible with the principal international instruments dealing with data protection or privacy	✓
4. has an appropriate range of legal powers to perform its functions	✓
5. has appropriate autonomy and independence	✓
Brief comments	
Name of ExCo member	CNIL, France

Notes:

1. Where more information is required from the applicant the principal assessor should get the relevant information from the applicant.
2. Principal assessor's recommendation will be circulated via email to ExCo members. Where the ExCo agrees with the principal assessor's recommendation the secretariat will notify the applicant of the ExCo's decision.
3. If any member of the ExCo disagrees with the principal assessor's recommendation the relevant application/s will be discussed at the following ExCo meeting.