

個人情報保護に関する 国際動向（総論）

弁護士・ひかり総合法律事務所
板倉陽一郎

1. 欧州

- 一般データ保護規則

- On 8 April 2016 the Council adopted the Regulation and the Directive. And on 14 April 2016 the Regulation and the Directive were adopted by the European Parliament.
- On 4 May 2016, the official texts of the Regulation and the Directive have been published in the EU Official Journal in all the official languages. **While the Regulation will enter into force on 24 May 2016, it shall apply from 25 May 2018.** The Directive enters into force on 5 May 2016 and EU Member States have to transpose it into their national law by 6 May 2018.

セーフハーバーから プライバシーシールドへ

- Schrems判決
 - 欧米セーフハーバーの十分性認定無効
- プライバシーシールド
 - 「十分性認定草案」に対して…
 - 29条作業部会の意見
 - EDPSの意見
- カナダ-EU PNR協定
 - 4月8日CJEUヒアリング

EU-U.S. Privacy Shield

The EU-U.S. Privacy Shield imposes **stronger obligations on U.S. companies** to protect Europeans' personal data. It reflects the requirements of the European Court of Justice, which ruled the previous Safe Harbour framework invalid. The Privacy Shield requires the U.S. to **monitor and enforce more robustly**, and cooperate more with European Data Protection Authorities. It includes, for the first time, written commitments and assurance regarding **access to data by public authorities**.

The new arrangement will include the following elements:

Commercial sector

Strong obligations on companies and robust enforcement:

- > Greater transparency.
- > Oversight mechanisms to ensure companies abide by the rules.
- > Sanctions or exclusion of companies if they do not comply.
- > Tightened conditions for onward transfers.

Redress

Several redress possibilities:

- > **Directly with the company:** Companies must reply to complaints from individuals within 45 days.
- > **Alternative Dispute Resolution:** free of charge.
- > **With the Data Protection Authority:** they will work with U.S. Department of Commerce and Federal Trade Commission to ensure unresolved complaints by EU citizens are investigated and swiftly resolved.
- > **Privacy Shield Panel:** As a last resort, there will be an arbitration mechanism to ensure an enforceable decision.

What will it mean in practice?

For American companies

- > Self-certify annually that they meet the requirements.
- > Display privacy policy on their website.
- > Reply promptly to any complaints.
- > (If handling human resources data) Cooperate and comply with European Data Protection Authorities.

For European individuals

- > More transparency about transfers of personal data to the U.S. and stronger protection of personal data.
- > Easier and cheaper redress possibilities in case of complaints — directly or with the help of their local Data Protection Authority.

U.S. Government access

Clear safeguards and transparency obligations:

- > For the first time, written assurance from the U.S. that any access of public authorities to personal data will be subject to clear limitations, safeguards, and oversight mechanisms.
- > U.S. authorities affirm absence of indiscriminate or mass surveillance.
- > Companies will be able to report approximate number of access requests.
- > New redress possibility through EU-U.S. Privacy Shield Ombudsperson mechanism, independent from the Intelligence community, handling and solving complaints from individuals.

Monitoring

Annual joint review mechanism:

- > Monitoring the functioning of the Privacy Shield and U.S. commitments, including as regards access to data for law enforcement and national security purposes.
- > Conducted by the European Commission and the U.S. Department of Commerce, associating national intelligence experts from the U.S. and European Data Protection Authorities.
- > Annual privacy summit with NGOs and stakeholders on developments in the area of U.S. privacy law and its impact on Europeans.
- > Public report by the European Commission to the European Parliament and the Council, based on the annual joint review and other relevant sources of information (e.g. transparency reports by companies).

2. APEC

- CBPRへの参加及びAA認定
 - 2016年1月 JIPDEC認定
 - 改正個人情報保護法の下で移転に効果？
- 個人情報保護委員会出張報告
 - ○平成28年4月5日(火)及び6日(水)に、アメリカ合衆国のワシントンD.C.において開催されたプライバシー専門職国際協会(IAPP)主催のグローバルプライバシーサミット2016に、委員及び事務局職員が参加した。
 - ○当会議では、EUの拘束的企業準則(BCR)制度(...)とAPECの越境プライバシールール(CBPR)システム制度(...)との相互運用に関する議論等が行われた。

3. 国際規格

- 個人情報保護委員会出張報告
 - 平成 28 年 4 月 11 日(月)から 14 日(木)まで、アメリカ合衆国フロリダ州のタンパにおいて開催された国際標準化機構 (ISO) 及び国際電気標準会議 (IEC) が共同で開催する国際標準に関する会議 (第 21 回 ISO/IEC JTC 1/SC27/WG5 会合) に、事務局職員が参加した。
 - 個人識別情報 (PII) の非識別化技術に関する規格案である「プライバシー強化のための非識別化技術」の他、「オンラインサービスにおける同意と通知のためのガイドライン」や「プライバシー影響評価」、「PII 保護行動指針」などについてそれぞれ議論が行われた。

4. その他

- 米国
 - Apple対FBI
- 韓国
 - 十分性認定を申請？
- 欧州評議会
- TPP



COUNCIL OF EUROPE

Directorate General
Human Rights and Rule of Law

[Home - Latest News](#) [Mandate and Chart](#) [Directorates ▾](#) [Activities ▾](#) [Ministerial Conferences](#) [Publications and Newsletters](#)

You are here: [Human Rights and Rule of Law](#) > [International Conference Convention 108](#)



Convention 108: from a European reality to a global treaty



The Data Protection Convention will soon count 48 Parties (the ratification by Turkey will enter into force in September) and accession by Mauritius, Morocco, Senegal, Tunisia and hopefully soon Cape Verde (currently being examined), are pending.

In few months the Convention will gather 53 countries from different continents, and this is only the beginning.

Why is accession to Convention 108 of importance? What is Convention 108 about and what can it bring to countries that accede to it?

The Council of Europe is pleased to welcome representatives from all regions of the world, to address those questions during this one-day conference, a dense programme and intense discussions.

[Website Data Protection >>](#)



[Handbook on European data protection law](#)

DOCUMENTS

[Programme](#)

ACCOMODATION

[Hotels in Strasbourg](#)

USEFUL INFORMATION

[Access to the Council of Europe](#)

CONTACT

[✉ dataprotection \[AT\] coe.int](mailto:dataprotection [AT] coe.int)