

Last Updated: 11.15.2024

1. What is the APPI?

The Act on the Protection of Personal Information (“**APPI**”) is Japan’s comprehensive data protection law. The APPI incorporates some similar concepts from the European Union’s General Data Protection Regulation (“**GDPR**”), such as strictly regulating international transfers of personal information and granting individuals—referred to as “principals” under the APPI—with certain rights over their personal data.

The original APPI was passed in 2003 and came into force in 2005. Japan amended the APPI in 2017 to keep pace with technological developments and in light of renewed attention to data protection and privacy issues. Although the APPI was amended several times, the recent major amendments were promulgated in 2020 and 2021 and entered into effect at different times between 2020 and April 2023. The APPI is enforced by the Personal Information Protection Commission (“**PPC**”), an independent government agency charged with overseeing compliance with the APPI, promulgating guidance regarding the law’s implementation, and determining the adequacy of other countries’ data protection regulations, among other responsibilities.

2. What is the territorial scope of the APPI?

Similar to the GDPR, the APPI applies extraterritorially. Businesses outside of Japan are subject to the law if they handle the personal information of principals in Japan, or non-identifiable information created from it, in the context of providing goods or services to customers in Japan.

Unlike earlier iterations of the APPI, the version currently in force empowers the PPC to share information regarding a noncompliance of a foreign business subject to the APPI with data protection enforcement agencies wherever the business is based.

3. What does it mean to process personal information?

“Personal information” is broadly defined under the APPI to encompass descriptors, recordings, individual identification codes or numbers, as well as other records or data that can identify a living person in Japan. Information which would enable the identification of a person if easily combined with other information but which is not itself identifiable would be considered “personal information” as well.

Under the APPI, “processing” is not a defined term. Instead, the law refers to the “handling” of personal information, which would encompass both the “controller” and “processor” functions in other data protection legislation. The “handling” of personal information might involve collecting, maintaining, storing, accessing, using, processing, transferring, and disclosing personal information, among other activities.

4. What is a “personal information handling business operator”?

The APPI uses the terminology of “personal information handling business operators” (“**PICs**”), which are business operators that handle personal information about principals. A PIC can be entrusted to handle personal data on behalf of another PIC for a purpose determined by the other PIC and subject to their supervision. In this scenario, the PIC entrusted to assist another PIC in handling personal data is similar to a “data processor” under the GDPR. The PIC determining the purpose for which personal information under their control is handled is akin to a “controller” under the GDPR.

Autodesk acts as a PIC in both of these roles. Where we handle personal information of our employees, we act as a PIC in the “controller” function. Where we provide products and services to our customers and handle personal information of principals in Japan in the process of providing products and services to our customers, we are entrusted to handle personal data of those customers, so we act in the “processor” function for that customer content.

5. What rights do individuals have under the APPI and how will Autodesk support these rights?

The APPI provides principals with certain rights. To comply with the APPI, Autodesk entities handling principals’ personal data will be expected to facilitate the exercising of these rights, where required by law. These include principals’ rights to:

- Obtain identifiable information a PIC retains about them;
- Request that inaccurate information about them be corrected, supplemented, or deleted;
- Be granted access to PICs’ records of transfers of their personal information to third parties;
- Require that a PIC no longer handle their identifiable information or delete their information;
- Request that a PIC no longer disclose their information to third parties; and
- Require that a PIC stop handling their information or stop disclosures of their information to third parties, if the use or disclosure of that information is no longer necessary to achieve the purpose for which the information was collected.

Principals may also submit complaints regarding the handling of their personal information to PICs that handle their personal information. These complaints may be mediated by the PPC, if need be.

6. Does the APPI require personal information to stay in Japan?

The APPI does not contain a data localization requirement, meaning that personal data is not required to be kept in Japan.

However, the transfer of principals’ personal data out of Japan is subject to safeguards. Cross-border transfers are permitted where the principal gives their prior consent so long as the principal is provided with certain information regarding the transfer ahead of time. This information must include details concerning the data protection regulations of the country to which their personal data is to be sent.

A PIC may transfer a principal’s personal data out of Japan without seeking the principal’s prior consent if one of several limited exceptions apply, such as:

- the PIC has provided the principal an opportunity to opt-out of the transfer, in accordance with the APPI, and the principal has not done so;
- the transfer is for the joint use of multiple business operators, in accordance with the APPI; or
- the transfer is to a recipient PIC which is entrusted to handle personal data on the transferor PIC’s behalf.

Under each of these exceptions, the transfer must be to a European Economic Area (“EEA”) jurisdiction or to the United Kingdom (the only jurisdictions with data protection regulations so far deemed to provide an “adequate” level of data protection determined by the PPC), or be subject to appropriate data protection safeguards, such as a data protection agreement between the parties sending and receiving the personal data.

7. Does Autodesk jointly use personal data?

We may jointly use personal data with our affiliates, based on the joint use exception as explained in Section 6 above. To expand, our affiliates may share and jointly use your personal data for any of the purposes described in the Section "How does Autodesk use the information it collects about you?" in our Autodesk Privacy Statement. The categories of personal data to be jointly shared and used are the same as described in the Subsection "Information we collect from other parties" under the Section "What information does Autodesk collect about you?". Autodesk Ltd. Japan as indicated Section 10 below is responsible for the joint use.

8. Does the APPI create special rules for minors?

The APPI does not create special rules for minors.

9. How will Autodesk demonstrate compliance with the APPI?

We are committed to practicing transparency in how we handle personal data. Although there are currently no certifications available to demonstrate compliance with the APPI, we conduct internal assessments to maintain our obligations under the APPI. Further, we maintain ISO certifications for the operational environment of certain cloud products and have undergone SOC 2 compliance audits for select cloud products. For additional information, please visit our [Trust Center](#). You can find our updated Privacy Statement for Japan [here](#).

10. How can I contact Autodesk's Japanese affiliate?

Autodesk's Japanese affiliate is Autodesk Ltd. Japan. Its contact information is below.

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