

**Memorandum of Cooperation
between
The Information Commissioner for the United Kingdom of Great Britain and Northern
Ireland
and
The Personal Information Protection Commission of Japan
for Cooperation in the Personal Information Protection**

This Memorandum of Cooperation (“MOC”) establishes a framework for cooperation between the Data Protection Authorities:

- (I) The Personal Information Protection Commission of Japan (the “PPC”)
and
- (II) The Information Commissioner (the “Commissioner”),

hereinafter referred to individually as a “DPA” and collectively as the “DPAs”.

The DPAs;

Recognising the nature of the modern global economy, the increase in circulation and exchange of personal information across borders, the increasing complexity of information technologies, and the resulting need for increased cross-border enforcement cooperation;

Acknowledging that the DPAs have similar functions and duties for the protection of personal information in their respective countries;

Reaffirming the intent of the DPAs to deepen their existing relations and to promote exchanges to assist each other in the enforcement of laws protecting personal information;

Emphasizing that one of the most important and fundamental functions of the DPAs is to exercise their authorities, conferred by legislation, against violations of individual privacy and to prevent further possible breaches. This function is essential to protect the rights and interests of individuals and should not be limited unnecessarily by prioritizing the economic benefits of business operators; and

Convinced that the bilateral cooperation between the DPAs may support them to exercise their authorities against violations of their national legislations on the protection of personal information,

Have reached the following recognition:

1. General Matters

- (a) The Japanese Data Protection Authority is represented by the PPC, and the United Kingdom of Great Britain and Northern Ireland Data Protection Authority is represented by the Commissioner.
- (b) Requesting DPA means the DPA that requests information or assistance.
- (c) Requested DPA means the DPA to which information or assistance is requested.

2. Non-Binding Effect of This MOC

This MOC is a statement of intent that does not give rise to legally binding obligations on the part of each DPA.

3. Scope of Cooperation

- (a) All measures mentioned in this MOC will be provided and implemented in accordance with the applicable laws and regulations of the DPA's respective jurisdictions and within the limits of its competence and available resources.
- (b) The DPAs will provide each other, either on their own initiative or on request, with information necessary to ensure proper application of national legislations on personal information protection by exchanging relevant information and providing necessary assistance pursuant to this MOC.

4. Information Exchange

- (a) In order to facilitate information exchange, each DPA will ensure that the information on contact points is kept up to date. The DPAs will mutually exchange information on their own initiatives or on request and to the extent it is available, through the contact points.
- (b) On request, the requested DPA will, within the limits of the laws, regulations and available resources, provide the following information:
 - (i) contact information of entities that the requesting DPA needs to communicate for its own investigation on a specific case,
 - (ii) past enforcement record which deems relevant to and helpful for the requesting DPA to conduct an investigation on a specific case, provided that such enforcement records will not contain any personally identifiable data, and
 - (iii) any other relevant information which deems relevant to and helpful for the requesting

DPA to conduct an investigation on a specific case.

- (c) Requests pursuant to this MOC will be made in writing in English. Information deemed useful for the execution of such requests will accompany the requests. When the urgency of the situation so requires, oral requests may also be made and accepted, but will be promptly confirmed in writing.
- (d) Requests pursuant to this MOC will include the following information:
 - (i) the nature of the proceedings in respect of which the request is made;
 - (ii) the purpose and the reason for the request;
 - (iii) contact information of the persons to whom the request relates, if known; and
 - (iv) a brief description of the matter under consideration and the legal elements involved.
- (e) The Requested DPA may impose restrictions and conditions on its use when sharing information with the Requesting DPA.
- (f) Personal information will not be shared, except for cases where contact information including personal information will be shared according to subparagraphs (b) (i) and (d)(iii) of this paragraph.
- (g) If the Requested DPA is unable to provide information, or declines or postpones doing so, it will explain the reasons why.
- (h) The DPAs may provide non-confidential information on their own initiative. The non-confidential information includes but not limited to methods, practices, and guidance documents that may be useful for the other DPA to exercise their legal authorities.

5. Use of Information

- (a) When the Requesting DPA receives information from the Requested DPA pursuant to this MOC, the information will be used solely for the purpose defined pursuant to paragraph 4 (d) of this MOC. Where the Requesting DPA wishes to use such information for other purposes, it will obtain a prior written consent of the Requested DPA which provided the information. Such use will then be subject to any restrictions laid down by the Requested DPA.
- (b) When the Requesting DPA receives information from the Requested DPA pursuant to this MOC, the use of information will comply with restrictions and conditions laid down by

the Requested DPA pursuant to paragraph 4 (e) of this MOC.

- (c) Information provided pursuant to this MOC will not be used in criminal case investigation and adjudication, without prior written consent.
- (d) Information shared pursuant to this MOC will be marked with the appropriate confidentiality classification. Security measures will be decided to be taken by the Requesting DPA for storage, use, disclosure to the third party or any other processing of the information in line with the sensitivity of the information and any classification that is applied by the Requested DPA. Where confidential information is wrongfully disclosed, the Requesting DPA who has wrongfully disclosed the information will bring this to the attention of the Requested DPA.
- (e) Where one DPA has received information from the other DPA pursuant to this MOC, it will consult with the other DPA before disclosing the information to a third party such as other relevant competent authorities or using the information in an enforcement proceeding or court case.

6. Further Cooperation

- (a) The DPAs may jointly identify one or more areas or initiatives for cooperation. Such cooperation may include:
 - (i) sharing of experiences and exchange of best practices on data protection policies, education and training programmes;
 - (ii) implementation of joint research projects;
 - (iii) cooperation in specific projects of interest; and
 - (iv) any other areas of cooperation as mutually decided by the DPAs.
- (b) The DPAs may convene bilateral meetings annually or as mutually decided between the DPAs.

7. Cost

Expenses incurred by the Requested DPA in carrying out a request from the Requesting DPA under this MOC will be borne by the Requested DPA. If the execution of a request requires expenses of a substantial or extraordinary nature, the Requested DPA will consult to determine the conditions under which the request will be executed as well as the manner in which the costs will be borne.

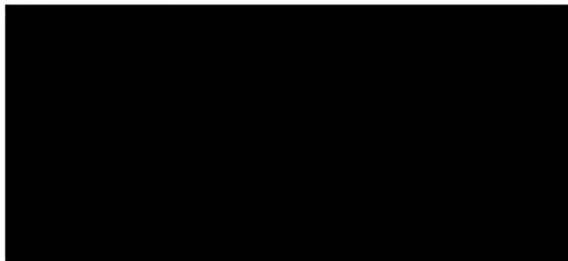
8. Review and Modification

- (a) Both of the DPAs will monitor the operation of this MOC and review it biennially, or sooner if either DPA so requests.
- (b) Any issues arising in relation to this MOC will be notified to the designated point of contact for each DPA.
- (c) This MOC may only be modified by the DPAs in writing and signed by each DPA.

9. Commencement and Discontinuation

- (a) This MOC will commence upon signature by the DPAs and will continue indefinitely unless either DPA notifies, in written form, the other DPA of its intention to cease this MOC at least three months in advance of the discontinuation date.
- (b) The discontinuation of this MOC will not affect the duration of any ongoing programmes or activities made under this MOC.

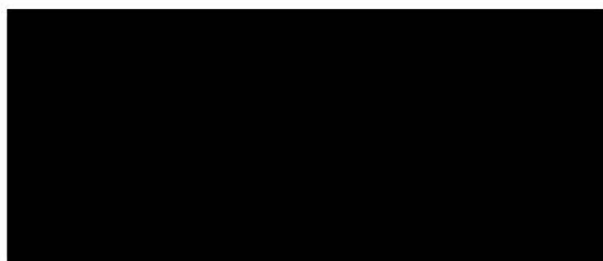
**For the Information Commissioner For the Personal Information
for the United Kingdom of Great Protection Commission of Japan
Britain and Northern Ireland**



Name: Mr John Edwards

Title: UK Information Commissioner

Date: 



Name: Ms Mieko Tanno

Title: Chairperson, Personal
Information Protection Commission
of Japan

Date: 