

Analysis of Measures against Personal Information Impact of Japanese Local Governments

Sanggyu Shin
Advanced Institute of Industrial Technology, JAPAN
e-mail : shin@aiit.ac.jp

Abstract

In Japan, 24th May 2013, the Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure (From now on referred to as the My Number Act) had raised. My Number system is used to confirm that information on individuals possessed by multiple agencies such as administrative agencies and local governments are information of the same person. In this paper, we analyzed the all item assessment report of the Specific Personal Information Protection Assessment conducted in local governments in Japan, etc. We investigated two directions: (1) Adequacy of risk assessment and measures, (2) Reuse of the Assessment Report.

1. Introduce

In Japan, 24th May 2013, the Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure (from now on referred to as the My Number ACT) had raised. As this act, the Social Security and Tax Number System (From now on referred to as the My Number system) came in.

My Number system is used to confirm that information on individuals possessed by multiple agencies such as administrative agencies and local governments are information of the same person. This system is for a fairer and lawful society, enhanced public convenience and improved administrative efficiency [1].

From October 2015, the government enforces the My Number Act, and My Number notified to all residents. The personal information including My Number is called Specific Personal Information.

Protection Assessment is done to prevent infringement of privacy of personal information, ensure the trust, and protect the rights of citizens and residents [2]. After protection assessment, each local government must conduct their risk assessment as assessment report [3].

In this paper, we analyzed the report published by the local governments in the following perspectives:

1. Adequacy of risk items.
2. Re-use of the Assessment report.

In this paper analyzes and assesses whether local governments correctly implement the Specific Personal Information Protection Assessment prescribed by the My Number law based on the assessment report issued by the local governments.

2. Specific Personal Information Protection Assessment

In the case of the My Number system, it was imperative to implement the protective assessment as one of the protective measures against the task of handling specific personal information [1]. Figure 1 shows an overview of protective evaluations.

Protection assessment for specific personal information means to prevent the leakage of specific personal information and other accidents beforehand by ensuring proper handling

of specific personal information files (My Number and personal information), to prevent then protect rights and interests of to avoid personal privacy, etc. That is the basic idea of the protection assessment. The purpose lies in the following two.

1. Prevention of infringement of rights and interests such as personal privacy by prior respond.
2. Ensuring the confidence of citizens and residents through appropriate disclosure of information.

In the protection assessment, it is obligatory to carry out either essential item assessment, priority item assessment, or all item assessment by threshold judgment.

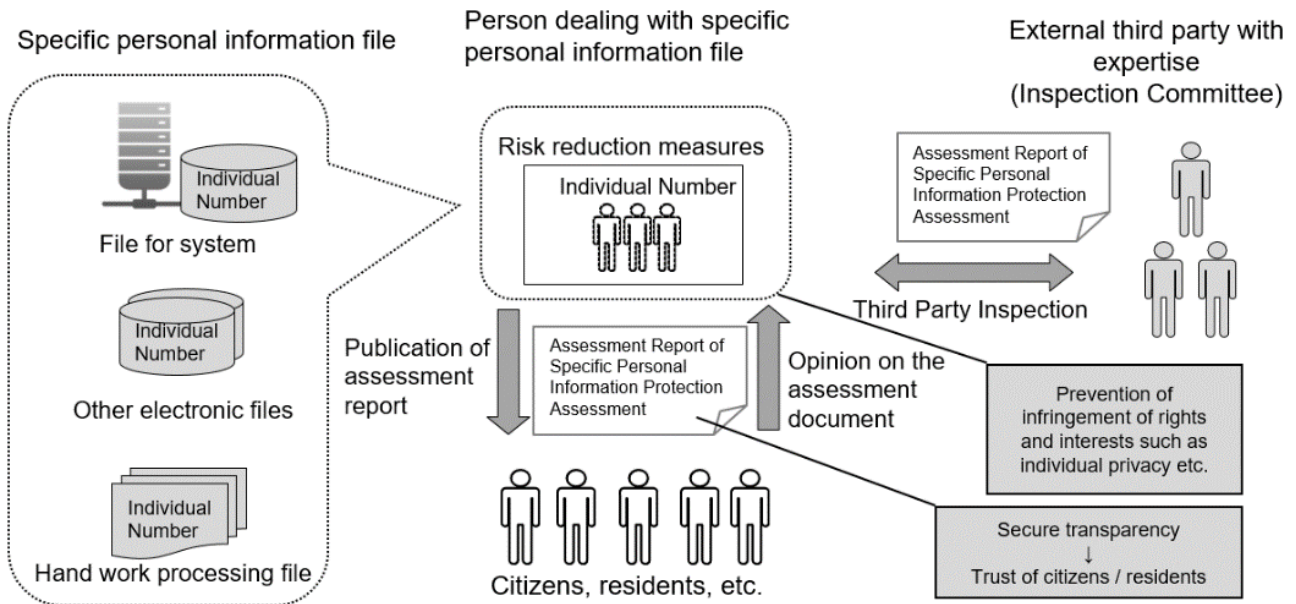
Indicators of threshold judgments include the number of people to be handled, the number of persons dealing with specific personal information files (from now on referred to as the number of handlers), and the occurrence or not of a serious accident concerning specific personal information at the assessment executing agency.

After preparing all item assessment report by the local government, it is necessary to publicize the assessment report, request the opinion of the residents, etc. widely, and need to do an appropriate review to the assessment report after fully considering the obtained opinion. After consideration of the assessment report, they are submitted to the Personal Information Protection Committee after undergoing a third-party inspection [4].

3. Issues of specific personal information protection assessment

Although protection evaluation is said to be equivalent to PIA adopted in other countries, there are the following differences when compared with PIA.

1. The assessment object is "clerical work handling specific personal information file," the definition of administrative tasks is unclear, and the system and operation related to the target functions (organizational and human) are mixed.
2. While PIA is evaluated by a third-party organization with neutrality and expertise, protection evaluation is a self-assessment by the system operator (officials such as administrative agencies) and self-declaration



(Figure 1) Overview of Specific Personal Information Protection Assessment

- by the chief, etc.
3. Risk assessment manual etc. for protection evaluation still has not been sorted out. Therefore, administrative agencies are preparing assessment reports by individual risk analysis methods.

As described above, there is a possibility that the risk assessment is not correctly implemented in the protection assessment on specific personal information. Therefore, using all the item assessment reports released by the local governments, we analyze whether the risk assessment is implemented correctly, from two viewpoints.

1. Adequacy of risk assessment and measures: Assess the excess and deficiency of assessment standard and safety control measures created separately for system and operation.
2. Reuse of the assessment report: We analyze the assessment report published by the local governments and assess the situation on reuse.

4. Analysis of all item assessment report

As described above, protection assessment differs from PIA in target and procedure. For this reason, we analyzed whether protection assessment deal with regarding the protection of specific personal information in the My Number system based on the following two points.

In the protection assessment, for example, each local government implements measures of risk countermeasure against the risk items described in the all item assessment report. However, there is a possibility that risk assessment and safety control measures will not be considered sufficiently in the protection evaluation. About this issue, three issues 1 to 3 are conceivable.

1. For risk countermeasures, since risks (threats and vulnerabilities) are different in the system and operation, they should be evaluated and described separately, but many local governments expressed mixed about systems and operational risk mitigation measures.

2. The basis for the content of the description for the risk item is unclear.
3. Risk items in the assessment reports are uniform entries and the specific level when the local governments consider the risk countermeasure is not indicated. For that reason, it is conceivable that local governments differ in the way of grasping risks and the level of description. There are issues such as whether adequacy judgment is carried out depend on personal, such as “adequate measures” for risks in situations where countermeasure standards are not presented. As a result, the local governments that assess can select “Enough” etc. depending on a personal decision.

Reuse of the assessment report has two viewpoints. One is to reuse assessment reports of other local governments that precede the same affairs, or samples provided by the central government. Secondly, it is conceivable to reuse the content of the assessment report of the administrative office that previously assessed in the same local government in the assessment of another office work.

As described before, the protection assessment is classified into three evaluations based on threshold judgment, essential item assessment, priority item assessment, and all item assessment.

In this paper, we focused the assessment report of all items. Many officials deal with a lot of specific personal information in the all items assessment. Therefore, the risk of leakage of specific personal information and other accidents is high, and more detailed and accurate risk measures are required.

As of June 2015, 221 assessment reports of all items have been released by the Personal Information Protection Committee. We investigated 10 cases of all item assessment reports [5].

Selection criteria for the all item assessment report to be investigated are as follows.

1. Official assessment report released by the Personal

- Information Protection Committee.
2. Assessment report for the same affairs that is, “affairs concerning the basic resident register.”
3. Selection from local governments in various parts of Japan that do not depend on locality: 9 assessment reports corresponding to approximately 10% of all item assessment documents (80 cases).
4. Select the description proceeds that is presented from the central government as a criterion to compare with all the item assessment reports of the local government.

5. Analysis of all item assessment report

In the protection assessment, there is no procedural manual on risk assessment, so the evaluation is left to the administrative agencies and local governments. In addition, the skill level of the person in charge who performs the assessment is not stipulated. In this section, we analyze whether each local government described appropriate risk response for risk assessment.

The evaluation criteria were prepared according to the safety measure standards shown in the (Separate) Safety Management Measures for Specific Personal Information (Operator’s Guide). We prepared assessment criteria by classifying risk correspondence to be implemented for each risk item into systematic correspondence and personal, organizational correspondence [6].

We analyzed to compare each risk items which are assessment criteria classified into system-related measures and measures concerning the operation of the “III Risk measures in the handling process of specific personal information” about the primary resident register file with all item assessment reports to be analyzed which published by local governments.

The result of the comparison is indexed in Table 1 to confirm the excess or deficiency for each corresponding risk item. We roughly distinguished that the assessment index of risk to three stages (Table 1) because it is hard to fix the index based on a logical basis. This assessment index was decided based on a discussion with the expert on PIA.

<Table 1> The category of assessment of the risk response

Assessment results	Assessment index
The risk correspondence indicated by the evaluation standard is being satisfied. Furthermore, the risk described corresponding to the evaluation criteria is supported.	3
The only parts of the risk management that are shown in the assessment criteria are described.	2
The risk correspondence indicated by the assessment standard isn’t mentioned.	1
Risk correspondence isn’t indicated in the assessment standard.	- (Excluded from assessment)

Table 2 shows the distribution and the assessment value of the assessment index concerning the risk correspondence on

the system in each local government. The assessment value is calculated by adding the value of multiplying risk number by the assessment index and dividing by the number obtained by subtracting the number of items not subject to evaluation from the total number of elements (49).

For example, in the case of City A, it is calculated as follows.

$$\text{Assessment value} = (3 \times 7 + 2 \times 12 + 1 \times 5) \div (49 - 25) = 2.08$$

<Table 2> The situation of corresponding to the risk (System)

All 49 items	System				Assessment index (Average of all item)
	3	2	1	0	
A city	7	12	5	25	2.08
B city	11	10	5	23	2.23
C city	7	12	6	24	2.04
D district	11	8	8	22	2.11
E city	9	13	3	24	2.24
F city	10	13	1	25	2.38
G city	11	12	1	25	2.42
H city	5	16	3	25	2.08
I district	24	0	0	25	3.00

The assessment index when not mentioning the risk correspondence indicated by the assessment standard at all is 1 point. Also, since the assessment index when only a part of the risk correspondence noted in the assessment criteria is described is 2 points when the average value of the assessment index is 2 points or less, there is a possibility that proper risk response could not be made. The fact that the average value of the assessment index is 2 points or less means that many risk items did not cope with the risk indicated by the assessment criteria.

Many descriptions of all items assessed by local governments are like the Procedure for Specific Personal Information Protection Evaluation Procedure (draft) on affairs related to primary residential ledger (from now on referred to as the Procedure) exemplified by the Ministry of Internal Affairs and Communications [7] [8].

In other words, there is a possibility that the all item assessment report announced previously was reused by copy and paste. In the case of preparing the all items evaluation document by reuse, it may be considered that the examination of risk assessment is inappropriate, and it is possible that the existence reason of the system itself will be gone.

We analyzed the identity confirmation information file of all items assessment report selected. We compared the corresponding item in the description proceeds and its similarity concerning the “III Risk measures in the handling process of specific personal information.”

Individually, we count the number of characters for which the Description of the assessment report and the statement of description are identical and calculate the ratio. The higher the reuse rate, the higher the likelihood of reuse. Table 3 shows the reuse rate by the local governments.

6. Conclusion

In this paper, we analyzed from the viewpoint of all items assessment report on the specific personal information protection assessment system for all item assessment.

Because of the analysis, we found out the following problems.

1. Since risk assessment guidelines do not exist, cases were found where appropriate risk assessment was not conducted for each local government.
2. Because the legal status of third-party inspection is unclear, there are local governments whose third-party controls are not functioning efficiently.

To deal with these problems, it is necessary to consider countermeasures from both the improvement in the current system and the review of the institutional design.

Improvement measures in the current system are to prepare guidelines for frequent evaluation of local governments [9].

References

- [1] Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures, 2013.
<http://law.e-gov.go.jp/htmldata/H25/H25HO027.html>, (Japanese) last accessed 2017/3/17.
- [2] The Specific personal information protection committee. "Description of the specific personal information protection evaluation guidelines," 2014.
<http://www.ppc.go.jp/files/pdf/explanation.pdf>, (Japanese) last accessed 2018/4/25.
- [3] Takashi, M. "Improper specific personal information protection evaluation shakes "My number" system." *Nikkei Computer* 2015.5.14, pp. 6-10 (2015).
- [4] Cabinet Secretariat. "Specific personal information protection evaluation guidelines (draft Cabinet Secretariat), Attached document 3: All items evaluation sheet," Dec. 2013.
- [5] From demographics by each local government (Web site of each local government as of June 2015).
- [6] Personal Information Protection Commission, Guidelines on proper handling of specific personal information (Operator's edition).
- [7] Personal Information Protection Commission, My number protection assessment Web.
<http://www.ppc.go.jp/mynumber/evaluationSearch/>, (Japanese) last accessed 2018/4/23.
- [8] Personal Information Protection Commission, Proposed guidelines for prescribing specific personal information protection assessment on affairs related to basic resident register (draft).
<http://www.ppc.go.jp/files/pdf/260624siryo1.pdf>, (Japanese) last accessed 2018/4/25.
- [9] Advanced Institute of Industrial Technology. "Related manual of Specific Personal Information Protection Assessment," 2015.
http://aiit.ac.jp/master_program/isa/professor/y_seto.html, (Japanese) last accessed 2018/4/25.