

Japan Information Processing Development Corporation (JIPDEC)

Rules for the Establishment and Operation of the PrivacyMark System

Chapter 1: General Provisions

(Purpose)

Article 1.

These Rules stipulate the items that are necessary for the establishment and operation of the PrivacyMark System, in order to promote the appropriate personal information protection security that complies with the Japan Industrial Standards (JIS Q 15001: 2006 Personal Information Protection Management System - - - Requirements).

(PrivacyMark System)

Article 2.

The Japan Information Processing Development Corporation (JIPDEC) establishes a PrivacyMark System accrediting PrivacyMark to the Applicants with appropriate personal information protection security in compliance with JIS standards as their certification.

(Accreditation)

Article 3.

1. The PrivacyMark is accredited only to private enterprises whose personal information protection management system is in compliance with the JIS
2. The Personal Information Protection Management System(PMS) of a private enterprise shall conform to the personal information protection guidelines, if any, of the industrial circle to which the private enterprise belongs in case that such guidelines have been formulated by a public agency or based on JIS.
3. A PrivacyMark is accredited to a certified private enterprise when JIPDEC and the enterprise conclude a PrivacyMark Agreement under which the private enterprise is licensed to use the PrivacyMark.

(Trademark right)

Article 4.

1. The PrivacyMark shall be of the design shown in Form 1.
2. JIPDEC will have the PrivacyMark registered as a trademark and become the holder of the trademark right.

(Conformity Assessment Body)

Article 5.

1. Business groups of private enterprises and like groups that are recognized as

having adequate knowledge and expertise concerning the handling and protection of personal information during the course of business activities and also having the ability to properly conduct the business related to the Certification of the PrivacyMark (such groups being limited to public interest corporations as well as business groups and other groups that are established under Japanese laws and are non-profit) may be accredited by JIPDEC as the Conformity Assessment Body of the PrivacyMark.

2. In accordance with these Rules and a contract for the Conformity Assessment Body mentioned in Paragraph 2 of Article 26, a Conformity Assessment Body shall conduct the business related to the Certification of the PrivacyMark that is to be conducted by Conformity Assessment Body in accordance with the provisions of Chapters 2 to 4.

3. The Conformity Assessment Body shall conduct the Certification Business by itself and shall not cause or allow a third party to conduct the Business by, for example, entrusting it or farming it out.

Chapter 2: Certification and Accreditation

(Application for PrivacyMark Accreditation)

Article 6.

A private enterprise applying for the Accreditation of the PrivacyMark shall submit the following Application Documents to the Conformity Assessment Body or JIPDEC:

- (1) Application in a prescribed Form
- (2) Attested copy or abstract of the register or another official document that certifies the existence of the Applicant
- (3) Articles of association, act of endowment, or like fundamental rules, and a document that explains the business related to the handling of personal information
- (4) List of directors and auditors
- (5) Personal Information Protection Management System
- (6) Other related regulations, etc. for the personal information protection
- (7) Document declaring that the Applicant in a prescribed form does not fall under any of the categories in Article 8
- (8) Any other documents specified by the Conformity Assessment Body or JIPDEC or considered proper by the Applicant

(Business Establishment)

Article 7.

1. Only private enterprises that have business establishments for the business activities related to Applications in Japan may apply for the Accreditation of the PrivacyMark.

2. Overseas Applicant could apply the Accreditation if they meet all of the following requirements:

(1) Registered as a Japanese branch in Japanese laws.

(2) Holding personal information is separate from their foreign parent company

(Disqualifications)

Article 8.

Private enterprises falling under any of the following categories, including substantially equivalent corporations, may not be accredited the PrivacyMark:

- (1) Private enterprises that were, during the period of three (3) months preceding the date of Application, denied the Certification under Paragraph 1 of Article 11 or Paragraph 2 of Article 12, cancelled the Screening/Assessment under Paragraph 5 of Article 10, or terminated PrivacyMark Accreditation under Paragraph 3 of Article 14.

- (2) Private enterprises that were, during the period of one (1) years preceding the date of Application, subjected to the cancellation of Screening/Assessment of the PrivacyMark under Paragraph 6 of Article 10 or to the withdrawing of a PrivacyMark Accreditation under Paragraph 2 of Article 36

- (3) Private enterprises within the probationary period for PrivacyMark Application provided the Rules for leakage of personal Information and/or other infringement in management of personal information.

- (4) Private enterprises that do not conform to the provisions of the preceding article

- (5) If any of the executive officers of the private enterprise (includes representatives or managers appointed for non-corporate organizations. The same shall apply hereinafter.) fall under any of the conditions below:
 - a. Those who were sentenced to imprisonment (or any other more severe penalty) and have served their sentence or have had their sentence suspended, but for whom two (2) years have not passed since the day of fulfillment

 - b. Those who were sentenced under the “Act on the Protection of Personal Information” and have fulfilled their sentence or have had their sentence suspended, but for whom two (2) years have not passed since the day of fulfillment

(Application Fee)

Article 9.

1. When filing an Application, the Applicant shall pay a prescribed amount of Application Fee to the Conformity Assessment Body or JIPDEC.
2. The Conformity Assessment Body or JIPDEC shall not implement the Screening/Assessment until the Application Fee is paid and, if the Application Fee would not be paid within one (1) month after the date of Application, shall decide to suspend the Certification and notify the Applicant of the Suspending with the reasons.
3. The Applicant may not demand the return of an Application Fee it has paid.

(Screening/Assessment)

Article 10.

1. The Conformity Assessment Body and/or JIPDEC shall implement the Screening and Assessment of the Applicant's PMS with JIS as well as the matters prescribed in Article 8.
2. In the Screening and Assessment of the preceding paragraph, importance shall be attached to the following items as the Screening/Assessment Criteria:
 - (1) Presence of a proper PMS together with other regulations, etc. for the appropriate protection of personal information security;
 - (2) Appointment of a manager for personal information protection, clear assignment of responsibilities and roles in the personal information protection security, and presence of other systems for appropriate personal information protection security;
 - (3) Performance of education or training at least once a year for those who collect, use, or provide personal information;
 - (4) Performance of audits at least once a year with respect to the state of management and protection of personal information;
 - (5) Establishment of a standing unit to contact for consumers requests, complaints and consultations, and announcement of the service;
 - (6) Presence of appropriate security measures, including those for the maintenance of confidentiality in information systems related to the processing of personal information and the prevention of unauthorized access from the outside or leakage of personal information;
 - (7) Presence of appropriate measures for the protection of personal information when it is provided outside or its processing is subcontracted, including the conclusion of the contracts concerning personal information protection and the division of its responsibilities;
3. When it is specifically necessary for the Screening/Assessment, the Conformity Assessment Body or JIPDEC may demand a Fact-finding Study at the Applicant's business establishments.
4. The Conformity Assessment Body or JIPDEC may charge the Applicant, in the event that the above-mentioned on-site Fact-finding Study is conducted, the

Study fee and a travel fee (transportation and accommodation) in accordance with the rules of the Conformity Assessment Body or JIPDEC.

5. The Conformity Assessment Body or JIPDEC could suspend Screening/Assessment in the event that payment of the Fee would not be paid within three (3) months after the billing.

6. If the Conformity Assessment Body or JIPDEC would find any of the following during the Screening/Assessment, they could suspend the Screening/Assessment. In this case, the Fees will be charged:

(1) The falsification of details related to the Application.

(2) Anyone other than the employees of the Applicant is present during the On-site Assessment.

(Accreditation)

Article 11.

1. Based on the results of the Screening/Assessment prescribed at paragraph 1 of article 10, the Conformity Assessment Body or JIPDEC would notify the Applicant of PrivacyMark Accreditation or denial of the Accreditation.

2. PrivacyMark Accreditation is under the condition that the Conformity Assessment Body or JIPDEC could enacts the measures prescribed in Chapter 4.

3. No party that holds a direct vested interest in the Applicant shall be involved in the Accreditation process.

4. When the Conformity Assessment Body accredits the PrivacyMark, they shall notify the JIPDEC.

5. In the case of a denial of Accreditation, the notification prescribed in paragraph 1 of article 11 shall be accompanied by an explanation.

(Re-assessment)

Article 12.

1. The applicant who received the Decision to reject may, within three (3) months after the Decision to reject, request Re-assessment after taking measures to improve the points mentioned in the reasons for rejection.

2. When a request is made under the preceding paragraph, the Conformity Assessment Body or JIPDEC shall assess the measures taken for improvement and decide whether to certify the PrivacyMark to the Applicant or not.

3. The request prescribed in item 1 is allowed once per Application.

(Contract of PrivacyMark Accreditation of)

Article 13

1. A private enterprise that has received the Accreditation of the PrivacyMark should conclude a PrivacyMark Operation Contract with Accreditation Body (JIPDEC) for use of the PrivacyMark.
2. The Form of the Contract shall be as prescribed in Attachment 1-A.
3. A private enterprise that has concluded the Contract and accredited in paragraph 1 could use the PrivacyMark in its business activities within the scope of accreditation and in accordance with these Rules and the Contract.
4. The effective period of the Contract shall be two (2) years from the date after 11 days of Accreditation (excluding Saturday, Sunday, national holydays and year end holydays).
5. When having concluded a Contract with a private enterprise, JIPDEC shall notify the Conformity Assessment Body of it.
6. When having concluded a Contract with a private enterprise, JIPDEC shall deliver a Accreditatio Certificate of PrivacyMark in Form 2 to it.
7. In the event that the Contract prescribed in paragraph 1 would not be concluded within three (3) months of date of the Accreditation, the PrivacyMark Accreditation would lose validity.

(PrivacyMark Use Fee)

Article 14.

1. A private enterprise that has concluded a Contract with JIPDEC shall pay to JIPDEC two (2) years' prescribed Fee for use of the PrivacyMark in a lump sum.
2. Except when JIPDEC considers it specially appropriate, a private enterprise may not request the return of the Fee for use of the PrivacyMark already paid to JIPDEC.
3. In the event that the 2-year use fee of PrivacyMark as prescribed in paragraph 1 is not paid to the JIPDEC within three (3) months of the billing date, the PrivacyMark Accreditation would lose validity.

(Changes in Reported Matters, etc.)

Article 15.

1. If any important change occurs in the matters reported in the Application Documents mentioned in Article 6, the private enterprise shall promptly report the change to the Conformity Assessment Body or JIPDEC.
2. In the event that a PrivacyMark accredited private enterprise is merged or divided, the Conformity Assessment Body or JIPDEC shall re-assess and decide whether or not to allow a succeeding enterprise to inherit the PrivacyMark Accreditation. Likewise, when the goodwill of a PrivacyMark accredited private enterprise is transferred in a method except for the merger and division mentioned above, the Conformity Assessment Body or JIPDEC shall carry the same procedure.

3. The procedure for exemption and decision in the paragraph 2 shall be decided by the PrivacyMark Office based on the deliberation by the PrivacyMark System Committee.

(Registration of Private Enterprises)

Article 16.

1. Conformity Assessment Body and/or JIPDEC shall keep registers in prescribed form to record and publicly announce the under-mentioned matters concerning private enterprises that have concluded PrivacyMark Operation Contracts with JIPDEC and shall announce the contents of the registers as through the web-site of Conformity Assessment Body and JIPDEC (PrivacyMark Promotion Center).

- (1) Names of the private enterprise and its representative;
- (2) Location of the business establishment;
- (3) Description of the business related to the management of personal information;
- (4) Name and the location of the Conformity Assessment Body that certified the PrivacyMark;
- (5) Date of Accreditation of the PrivacyMark, the date of its Renewal, if any, and the effective period of the original or renewed Accreditation;
- (6) Date of conclusion of the PrivacyMark Operation Contract, the date of its renewal, if any, and the effective period of the original or renewed Contract;
- (7) Information on the unit to contact for consumer.

2. When any Accreditation of the PrivacyMark or any PrivacyMark Operation Contract has lost effect due to the expiry of the effective period, cancellation, or termination, the Conformity Assessment Body and JIPDEC shall enter the date of losing effect and the reason in their respective registers and cross out the other entries concerning the private enterprise.

Chapter 3: Renewal

(Renewal of accreditation)

Article 17.

1. A private enterprise that has accredited the PrivacyMark and is using the PrivacyMark under the PrivacyMark Operation Contract may, if it is recognized as appropriately management and protection of personal information compatible with JIS, have the Accreditation of the PrivacyMark renewed at the time of expiry of the effective period of the Accreditation (or any renewed certification under this paragraph; this definition shall apply hereinafter).

2. A private enterprise that applies for Renewal under the preceding paragraph

shall file the following Application Documents to the Conformity Assessment Body or JIPDEC no later than one (1) month but no earlier than three (3) months prior to the expiry of the effective period of the Accreditation of the PrivacyMark:

- (1) Renewal Application in the prescribed Form;
- (2) Documents listed in paragraph 2 - 8 of Article 6 (of which, those listed in paragraph 2 - 6 shall be file only when there are any changes, except changes already reported to the Conformity Assessment Body or JIPDEC in accordance with the provisions of paragraph 1 of Article 15);
- (3) Audit report on the state of management and protection of personal information in their business.

3. Based on the results of Screening/Assessment, the Conformity Assessment Body shall decide whether to certify or reject the Renewal Application under paragraph 1 and shall notify the Applicant and JIPDEC of the decision.

4. The provisions of paragraphs 3 and 4 of Article 8, Article 9, Article 10, and paragraph 4 of Article 11 shall apply correspondingly to the Renewal mentioned in paragraph 1 of this article.

5. Private enterprises that is to apply a Renewal of PrivacyMark Accreditation and not completed their suspension period under the paragraph 2 of article 21 until four (4) months prior to the expire of the effective period, must file the Application Documents prescribed in paragraph 2 to the Conformity Assessment Body within one (1) month of the end of the suspension.

(Renewal of the granting agreement and effective period)

Article 18.

1. When any Accreditation of the PrivacyMark is renewed under paragraph 1 of the preceding article, JIPDEC shall, as of the date of Renewal, renew the PrivacyMark Operation Contract with the Applicant and issue the Accreditation Certificate corresponding to the effective period after renewal to the Applicant.

2. The effective periods of the renewed PrivacyMark Accreditation and the renewed PrivacyMark Operation Contract shall be two (2) years added to their respective effective periods before the renewal.

3. The PrivacyMark Operating Contract with the Renewal will be valid even after the completion of the effective period until the Conformity Assessment Body certifies the Renewal. However, the time elapsed after the completion of the effective period will be included in the term of the renewed PrivacyMark Accreditation prescribed in the previous paragraph.

(Use Fee)

Article 19.

1. A private enterprise that has had the PrivacyMark Operation Contract renewed under paragraph 1 of the preceding article shall pay to JIPDEC two (2) years' prescribed charge for use of the PrivacyMark in a lump sum.
2. The provisions of paragraph 2 and 3 of Article 14 shall apply correspondingly to the charge for use of the PrivacyMark prescribed in the preceding paragraph.

Chapter 4: Fact-finding Study and Improvement Measures

(Fact-finding Study)

Article 20.

1. When it is necessary for the proper operation of the PrivacyMark System, a Conformity Assessment Body may demand that a private enterprise using the PrivacyMark report on the state of management and protection of personal information and use of the PrivacyMark and file an audit report on the state.
2. When it is specifically necessary for the Fact-finding Study prescribed in the preceding paragraph, the Conformity Assessment Body may demand that the private enterprise accept an on-site study at its business establishments.
3. The Conformity Assessment Body may, under certain circumstances, demand that the private enterprise bear all or part of the expenses for the on-site study mentioned in the preceding paragraph.
4. Private enterprises that have accredited the PrivacyMark must immediately report to the Conformity Assessment Body in case of any accidents related to the management of personal information.

(Improvement Measures)

Article 21.

1. When the results of the Fact-finding Study prescribed in the preceding article show it necessary for the proper operation of the PrivacyMark System, the Conformity Assessment Body could warn, recommend, suspend or withdraw the Accreditation for improvement of its management and protection of personal information and use of the PrivacyMark.
2. When necessary, the Conformity Assessment Body would provide warnings and recommendation to the private enterprise after notification of the results of the Fact-finding Study to the Accreditation Body (JIPDEC) and deliberation of PrivacyMark System Committee.
3. No party that holds a direct vested interest in the private enterprise shall be involved in the Conformity Assessment Body's decisions on above measures.

Further, no party that holds a direct vested interest in the private enterprise or in the Conformity Assessment Body that decides upon the above measures shall be involved in the PrivacyMark System Committee's deliberations.

4. When the Conformity Assessment Body enacts above measures, these shall be reported to the Accreditation Body (JIPDEC).

(Suspending Accreditation)

Article 21-2.

1. In cases where any of the following applies, the Conformity Assessment Body may suspend the PrivacyMark Accreditation of the private enterprise (hereafter, "Suspending Accreditation") for a period of less than one (1) year with the conditions of releasing Suspending Accreditation.

(1) If the private enterprise would not comply with the warning or recommendation prescribed in the previous article, or not undertake adequate improvement measures.

(2) If it is determined that a Suspending Accreditation is the proper course of action according to the criteria prescribed in this Rules to the external leakage of personal information or the infringement of personal rights and interests in the the private enterprise's management of personal information.

2. In the event that the Conformity Assessment Body suspends the Accreditation under the previous paragraph, the private enterprise must be afforded an opportunity for explanation. If Suspending Accreditation would be the best course of action after the results of Fact-finding Study and explanation, the Conformity Assessment Body shall report the results of the Study and explanation to the Accreditation Body (JIPDEC), and suspend the Accreditation upon deliberations by the PrivacyMark System Committee.

3. PrivacyMark Accreditation and the use of PrivacyMark will be ineffective from the day that the Conformity Assessment Body has notified the Suspending Accreditation. However, this does not affect the effective period of the Accreditation.

4. The private enterprise that notified Suspending Accreditation must suspend any advertising related to the PrivacyMark Accreditation and use of the PrivacyMark until the Suspending period is fulfilled, and must return the Accreditation Certificate to the JIPDEC.

5. When the Conformity Assessment Body and JIPDEC implement Suspending Accreditation under the paragraph 1, they would announce that at their web-sites.

6. The Suspending Accreditation would end once the Conformity Assessment Body confirms that conditions for termination have been fulfilled and have notified the private enterprise and JIPDEC of it.

7. When the Suspending Accreditation is terminated under previous paragraph, it would be announced at web-sites of Conformity Assessment Body and JIPDEC (PrivacyMark Promotion Center). The JIPDEC will return the

Accreditatio Certificate to the private enterprise.

(Withdrawing Accreditation)

Article 22.

1. A Conformity Assessment Body may withdraw the Accreditation of PrivacyMark in any of the following cases:

- (1) It is found that there is a misrepresentation in the contents of the Application Documents
- (2) Private enterprise does not accept the Fact-finding Study under paragraph 1 or 2 of Article 20 without good reason or made a false report at the Study
- (3) Private enterprise does not comply with the Suspending Accreditation under preceding articles without good reason, or the period of the Suspending Accreditation has exceeded one (1) year due to non-fulfillment of the termination conditions, or the private enterprise requests the Withdrawing Accreditation.
- (4) If any portion of Article 8 would apply to the private enterprise.

2. In the event that the Conformity Assessment Body withdraws the Accreditation under the previous paragraph the private enterprise must be afforded an opportunity for explanation. If Withdrawing Accreditation would be the best course of action after the results of Fact-finding Study and explanation, the Conformity Assessment Body shall report the results of the Study and explanation to the Accreditation Body (JIPDEC), and withdraw the Accreditation upon deliberations by the PrivacyMark System Committee.

3. In the Withdrawing under paragraph 1, the PrivacyMark Accreditation certified by the Conformity Assessment Body and the PrivacyMark Operating Contract would be ineffective from the day of Withdrawing. The private enterprise must cease use of the PrivacyMark and must return the Accreditatio Certificate to the JIPDEC.

4. When the Conformity Assessment Body and JIPDEC have withdrawn any Accreditation of the PrivacyMark under paragraph 1, they shall announce it at their web-sites.

Chapter 5: Conformity Assessment Body

(Application)

Article 23.

An organization applying for Accreditation as a Conformity Assessment Body shall file following Application Documents to the Accreditation Body (JIPDEC):

- (1) Prescribed Application Forms for Accreditation;
- (2) Attested copy or abstract of the register or another official document that certifies the existence of the Applicant;
- (3) Articles of association or act of endowment and a document that explains the

Applicant's business

- (4) List of directors and auditors;
- (5) Documents that explain the structure to conduct the Conformity Assessment Body and the accounting base;
- (6) Documents that explain security measures for documents and other information to be received from private enterprises during the Conformity Assessment activities;
- (7) Guidelines of the industry formulated by the Applicant, if any, and other rules, etc. for the personal information protection;
- (8) Documents that explain the state of (or plans for) implementation of other business concerning the personal information protection, if any;
- (9) Any other documents specified by JIPDEC or considered proper by the Applicant

(Disqualifications)

Article 24.

Organizations falling under any of the following categories, including substantially equivalent organizations may not be accredited as Conformity Assessment Body:

- (1) Organizations that were denied Accreditation as a Conformity Assessment Body during the period of three (3) months preceding the date of the Application;
- (2) Organizations that had its Accreditation as a Conformity Assessment Body withdrawn during the period of two (2) years preceding the date of the Application
- (3) Organizations that do not meet in its character the requirements mentioned in paragraph 1 of article 5

(Assessment)

Article 25.

1. JIPDEC shall assess the following matters in addition to the matters mentioned in the preceding article:

- (1) Presence of a clerical processing structure and an accounting base necessary for properly and smoothly conducting the Conformity Assessment Business
- (2) Absence of the possibility that the structure of directors and auditors or business other than the Conformity Assessment Business may hamper the fair execution of that Business or the maintenance of reliability
- (3) A permanent contact point for private enterprises, information agent, and consumers to consult or complain etc. about the Accreditation of

the PrivacyMark

- (4) Security measures, including those for maintaining confidentiality and preventing leaks to the outside, for documents and other information to be received from private enterprises during the Conformity Assessment Business

2. When it is specifically necessary for an assessment, JIPDEC may demand that the Applicant accept an on-site study at its offices.

(Accreditation)

Article 26.

1. Based on the results of the above assessment in paragraph 1 of the preceding article and after deliberation by the PrivacyMark System Committee, the Accreditation Body (JIPDEC) shall decide whether or not to accredit the Applicant as a Conformity Assessment Body and notify the Applicant of the decision.
2. The Accreditation of an Applicant as a Conformity Assessment Body shall be executed in a contract to be concluded between JIPDEC and the Applicant for the Conformity Assessment Business of a Conformity Assessment Body (hereinafter called the "Conformity Assessment Contract").
3. The Form of the Conformity Assessment Contract shall be as prescribed in attachment 2.
4. When having concluded a Conformity Assessment Contract with an Applicant, JIPDEC shall deliver a Accreditation Certificate of PrivacyMark Conformity Assessment Body in Form 3 to the Applicant.
5. The effective period of the Conformity Assessment Contract shall be two (2) years from the date of conclusion.
6. In the case of a decision rejecting the Accreditation of an Applicant as a Conformity Assessment Body, the notice in paragraph 1 shall be accompanied by the reason for the rejection.

(PrivacyMark System Operation Regulations)

Article 27.

1. A Conformity Assessment Body shall establish regulations concerning the operation of the PrivacyMark System, which shall include provisions equivalent to the provisions of Chapters 2 through 4 hereof, and follow those regulations in conducting the Conformity Assessment Business.
2. When having established regulations as required by the preceding paragraph, a Conformity Assessment Body shall file a copy of the regulations to the Accreditation Body (JIPDEC).

(Changes in Reported Matters)

Article 28. If any important change occurs in the matters reported in the application documents mentioned in Article 23, the Conformity Assessment Body shall promptly report the change to JIPDEC. Conformity assessment

body must immediately notify the Corporation in the event that major changes take place in the content of their application documents as laid out in Article 23.

(Registration of Conformity Assessment Body)

Article 29.

1. JIPDEC shall keep a register in prescribed form to record and publicly disclose the under-mentioned matters concerning Conformity Assessment Body and shall announce the contents of the register as through the web-site of the PrivacyMark Promotion Center of JIPDEC:

- (1) Names of the organization and its representative
- (2) Location of the office
- (3) Outline of the business
- (4) Date of Accreditation (i.e. the date of conclusion of the Conformity Assessment Contract), the date of renewal (i.e. the date of renewal of the Contract), if any, and its effective period (i.e. the effective period of the original or renewed Contract; this definition shall apply hereinafter)
- (5) Information on the locations of private enterprises, information agent and contact points of consumer consultation

2. When any Accreditation has lost effect due to the expiry of the effective period or withdrawing of the Accreditation, JIPDEC shall enter the date of losing effect and the reason in its register and cross out the other entries concerning the organization.

(Renewal of the Contract)

Article 30.

1. A Conformity Assessment Body that is recognized as appropriately conducting the Conformity Assessment Business may have the Conformity Assessment Contract renewed at the time of expiry of its effective period (or any renewed effective period under this paragraph; this definition shall apply hereinafter).

2. A Conformity Assessment Body that applies for the Renewal under the preceding paragraph shall file the following Application Documents to JIPDEC not later than one (1) month but not earlier than three (3) months prior to the expiry of the effective period of the Conformity Assessment Contract:

- (1) Renewal Application in the prescribed Form
- (2) Documents prescribed in paragraphs 2 - 9 of article 23.

3. Based on the results of assessment and deliberation by the PrivacyMark System Committee, JIPDEC shall decide whether to renew the Conformity Assessment Contract or not under paragraph 1 and, if the decision is for Renewal, JIPDEC shall renew the Contract as from the date of the decision and notify the Conformity Assessment Body of it, and if the decision is not for

Renewal, JIPDEC shall notify the Conformity Assessment Body of it.

4. The Conformity Assessment Contract shall remain effective even after the expiry of its effective period until JIPDEC decides whether to renew the Contract or not.

5. The effective periods of the renewed Conformity Assessment Contract shall be two (2) years added to its effective period before the Renewal.

6. When having renewed the Conformity Assessment Contract under paragraph 3, JIPDEC shall deliver an Accreditation Certificate corresponding to the renewed effective period to the Conformity Assessment Body.

7. The provisions of paragraph 3 of article 24, article 25 and paragraph 6 of Article 26 shall apply correspondingly to the Renewal paragraph 1 of this article.

8. As part of the assessment of the Renewal of Conformity Assessment Contract, JIPDEC demand to accompany the Conformity Assessment Body on its On-site Assessments for private enterprises for PrivacyMark Accreditation.

(Fact-finding Study)

Article 31.

1. When it is necessary for the proper operation of the PrivacyMark System, JIPDEC may demand the Conformity Assessment Body to report on the state quo of Conformity Assessment Business.

2. When it is specifically necessary for the Fact-finding Study in the preceding paragraph, JIPDEC may demand that the Conformity Assessment Body to accept an on-site Study at its office.

3. As part of the Fact-finding Study, JIPDEC demand to accompany the Conformity Assessment Body on its On-site Assessments for private enterprises for PrivacyMark Accreditation.

(Recommendations or requests)

Article 32.

When the results of the Fact-finding Study prescribed preceding article show that it is necessary for the proper operation of the PrivacyMark System, JIPDEC may, through deliberation by the PrivacyMark System Committee, recommend or request the Conformity Assessment Body to take necessary improvement measures for its Conformity Assessment Business.

(Withdrawing of Accreditation)

Article 33.

1. JIPDEC may, through deliberation by the PrivacyMark System Committee,

withdraw the Accreditation of the organization as a Conformity Assessment Body in any of the following cases:

- (1) It is found that there is a misrepresentation in the Application Documents;
- (2) Conformity Assessment Body does not accept the Fact-finding Study prescribed in article 31 without good reason or made a false report at the Study;
- (3) Conformity Assessment Body does not comply with the request in the preceding article without good reason
- (4) Conformity Assessment Body has come to fall under paragraph 3 of Article 24

2. The Withdrawing in the preceding paragraph shall be effected by the cancellation of the Conformity Assessment between JIPDEC and the Conformity Assessment Body

3. Once the Accreditation as a Conformity Assessment Body was withdrawn under paragraph 1, the Conformity Assessment Body shall terminate the Conformity Assessment Business and return its Accreditation Certificate to the JIPDEC.

4. Once the Accreditation is withdrawn under paragraph 1, JIPDEC shall announce it at the web-site of PrivacyMark Promotion Center of JIPDEC.

(Effect of the Withdrawing)

Article 34.

The Withdrawing under paragraph 1 of the preceding article shall not immediately make invalid any Accreditation of the PrivacyMark or the PrivacyMark Operation Contract concluded by JIPDEC with a private enterprise under the Certification by the Conformity Assessment Body. However, JIPDEC shall not be precluded from taking measures under article 36.

Chapter 6: Business of JIPDEC

(Conduct of Conformity Assessment Business)

Article 35.

1. When necessary, JIPDEC may conduct the Conformity Assessment Business for itself in response to Applications of such private enterprises as are not belong to the industrial organization that is a Conformity Assessment Body.

2. The provisions of articles 6 to 10, article 11 (except paragraph 3), article 12, article 13 (except paragraphs 2 and 5), articles 14 to paragraph 2 of article 21, and article 22 shall apply correspondingly to cases where JIPDEC conducts the Conformity Assessment Business.

3. The PrivacyMark Operation Contract under paragraph 1 of article 13, which applies correspondingly under the preceding paragraph, shall be as prescribed

in Attachment 1-B.

(Improvement Measures and Cancellation of the PrivacyMark Operation Contract)

Article 36.

1. When it is specifically necessary for the proper operation of the PrivacyMark System, JIPDEC may, through deliberation by the PrivacyMark System Committee, directly take measures prescribed in article 20 to paragraph 2 of article 21 against private enterprises certificated by Conformity Assessment Body.

2. JIPDEC may cancel for the future the PrivacyMark Operation Contract with the private enterprise, in following cases, i.e. the private enterprise does not comply with the request without good reason during Suspending of Accreditation prescribed in article 21 under preceding paragraph; the Suspending period exceeds of one (1) year due to non-fulfillment of the termination conditions; the private enterprise requests a termination of the Contract.

3. The private enterprise that has had its PrivacyMark Operation Contract canceled under the preceding paragraph shall discontinue to use the PrivacyMark and return its Accreditation Certificate to JIPDEC.

4. When the Contract is canceled under paragraph 2, JIPDEC shall notify the Conformity Assessment Body and announce it at the web-site of the PrivacyMark Promotion Center of JIPDEC.

Chapter 6-2: Objections

(Objection by the private enterprises)

Article 36-2.

1. Within one (1) month, the private enterprise may file an objection against the measures decided by the Conformity Assessment Body or JIPDEC.

2. Objections, as prescribed in the previous item, may be on the following matters;

- (1) Notification that the Application could not be accepted under any of the conditions in article 8;
- (2) The decision to reject the PrivacyMark Accreditation under paragraph 2 of article 9;
- (3) Suspending or termination of the Screening/Assessment under paragraph 5 of article 10;
- (4) The termination of Screening/Assessment under paragraph 6 of article 10;
- (5) The decision to reject the PrivacyMark Accreditation under paragraph 1 of article 11;
- (6) The decision to reject the PrivacyMark Accreditation under paragraph 2 of article 12;
- (7) Invalidation of the PrivacyMark Accreditation under paragraph 7 of article 13;

- (8) Invalidation of the PrivacyMark Accreditation under paragraph 3 of article 14;
 - (9) The measures under paragraph 1 of article 21;
 - (10) Cancellation of the PrivacyMark Operating Contract under paragraph 2 of article 36.
3. The procedures of the objections are to be provided separately by the Conformity Assessment Body and JIPDEC.

(Re-filing of the Objection)

Article 36-3.

1. Private enterprises that had filed the objection to the Conformity Assessment Body under previous article and is not content of that decision could file the objection to the JIPDEC within one (1) month. However, this does not apply to decisions made by the JIPDEC.
2. The procedures for the previous item is to be provided separately.

(Objection by the Conformity Assessment Body)

Article 36-4.

1. Conformity Assessment Body or organizations seeking Accreditation of the Conformity Assessment Body could file objections to the JIPDEC against its measures within one (1) month.
2. Objections prescribed in the previous paragraph, may be following matters:
 - (1) Notified that the Application can not be accepted under any of the conditions in article 24
 - (2) The decision to reject the Accreditation of the Conformity Assessment Body under paragraph 1 of article 26;
 - (3) The decision to reject the Renewal of the Accreditation of the Conformity Assessment Body under paragraph 3 of article 30;
 - (4) The Withdrawing of Accreditation as the Conformity Assessment Body under paragraph 1 of article 33.
3. The procedures prescribed in paragraph 1 are to be provided separately.

Chapter 7: Committee and PrivacyMark Office

(PrivacyMark System Committee)

Article 37.

JIPDEC shall set up a PrivacyMark System Committee (hereinafter called the "Committee").

(Task Duties)

Article 38.

The Committee shall deliberate important matters concerning the planning, formulation, and operation of the PrivacyMark System as well as the matters specified in these Rules.

(Committee etc.)

Article 39.

1. Members of the Committee shall be appointed by the chairman of JIPDEC from among those who have adequate knowledge and experience in the management and protection of personal information.
2. The Committee shall have a chairman, who shall be elected by ballot from among the members.
3. Clerical work of the Committee shall be handled by the PrivacyMark Office.

(PrivacyMark Office)

Article 40.

1. JIPDEC shall have a PrivacyMark Office (hereinafter called the "Office").
2. The Office shall handle clerical work related to the planning, formulation, operation, and diffusion of the PrivacyMark System.
3. The Office shall have a Secretary General.

(Contact Point for Consultation etc.)

Article 41.

The Office shall have a contact point to deal with questions, consultation, complaints, etc. of private enterprises, subjects of information, and consumers about the operation of the PrivacyMark System.

(Cooperation with Public Agencies)

Article 42.

At the request of the public agencies, JIPDEC shall report on the status quo of operation of the PrivacyMark System.

Supplementary Provisions

These Rules shall be put into effect on November 24, 1998, and be applicable as from September 1, 1998.

Supplementary Provisions

The revisions on these Rules shall be put into effect on July 1, 1999.

Supplementary Provisions

The revisions on these Rules shall be put into effect on October 1, 1999.

Supplementary Provisions

The revised Rules (paragraph 2 of article 17) came into effect on October 1, 2003, but will be applicable to private enterprises whose effective period is completed after April 1, 2004. With regards to the private enterprises whose effective period will be completed before that point (private enterprises whose effective period will be completed between November 1, 2003 and March 31, 2004), an interim measure will be adopted so that they could allow to apply

between one (1) to four (4) months prior to the end of the effective period.

Supplementary Provisions

The revisions on these Rules shall be put into effect on May 1, 2006.

Supplementary Provisions

The revisions on these Rules shall be put into effect on March 23, 2007.

Supplementary Provisions

The revisions on these Rules shall be put into effect on December 21, 2007.