

# Personal Information Protection Regulations of the Setagaya Arts Foundation

April 1, 2003

SAF Regulations No. 8

(Purpose)

Article 1 These regulations are hereby established to ensure that the personal information handled by the Setagaya Arts Foundation (hereinafter referred to as the “Foundation”) is collected, managed, used, and provided in the proper way.

(Definitions)

Article 2 In these regulations, “personal information” shall refer to information about a living individual that can identify a specific individual either by name, date of birth, or other descriptions contained in the information (including things that can easily be compared with other information allowing a specific individual to be identified).

2 In these regulations, “personal information database, etc.,” shall refer to a collection of information containing personal information and that are listed below:

(1) Things with a systematic structure that allows specific personal information to be searched for via a computer

(2) In addition to things mentioned in the preceding item, things specified separately as something with a systematic structure that allows specific personal information to be searched for easily

3 In these regulations, “personal data” shall refer to the personal information that constitutes a personal information database, etc.

4 In these regulations, “retained personal data” shall refer to personal data that the Foundation has the authority to disclose, revise, add or delete, suspend usage of, remove, or stop providing to third parties, and shall refer to things determined separately as things that could harm public interests or other interests if its existence were revealed, or to things other than things that will be removed within a period specified to within one year.

5 In these regulations, the “owner” with respect to personal information shall refer to the specific individual that is identified by the personal information.

(Responsibilities of the Foundation)

Article 3 The Foundation shall work to ensure that personal information is handled carefully in harmony with the philosophy of respect for individuality.

(Specification of the Usage Purpose)

Article 4 In handling personal information, the Foundation shall specify the usage purpose (hereinafter referred to as the “usage purpose”) to the extent possible.

2 If the Foundation changes the usage purpose, it shall be changed to a scope deemed to be reasonably relevant to the original usage purpose.

(Restrictions according to the Usage Purpose)

Article 5 The Foundation shall not use personal information without the prior consent of the owner beyond the scope necessary to achieve the usage purpose specified in the preceding article.

2 If personal information is acquired by taking over the business of another foundation due to a merger or other reason, the Foundation shall not use the relevant personal information beyond the scope necessary to achieve the usage purpose of the relevant personal information before taking it over without obtaining the prior consent of the owner.

3 The provisions in the preceding two paragraphs shall not apply in the following cases:

(1) If required by law

(2) When it is necessary in order to protect a life, body, or property of a person and it is difficult to obtain the consent of the owner.

(3) When it is especially necessary in order to improve public health or promote the healthy development of children and it is difficult to obtain the consent of the owner.

(4) If it is necessary in order to cooperate with a national institution, a local public organization, or a person appointed by these to perform tasks specified by laws, and there is the risk of interfering with the fulfillment of the relevant task by acquiring the consent of the owner.

(Proper Acquisition)

Article 6 The Foundation shall not acquire personal information using deception or other wrongful means.

(Notification, etc., of the Usage Purpose at the Time of Acquisition)

Article 7 Unless the usage purpose has already been disclosed in advance, when obtaining personal information, the Foundation shall promptly notify the owner of the usage purpose or announce it.

2 Notwithstanding the provision in the preceding paragraph, if personal information is acquired for the relevant owner described in a contract or other document (including records

created in digital form, magnetic form, or another method that cannot be recognized by humans; the same shall apply hereinafter in this paragraph), and if the personal information of the relevant owner is written directly onto a document by the owner themselves, the Foundation shall clearly indicate the usage purpose to the owner in advance.

However, this shall not apply to cases where there is an urgent need to protect the life, body, or property of a person.

3 If the usage purpose is changed, the Foundation shall notify the owner or publicly announce the changes to the usage purpose.

4 The provisions in the preceding three paragraphs shall not apply in the following cases:

- (1) If notifying the owner or announcing the usage purpose may result in harm to life, body, property, or other rights and interests of the owner or a third party
- (2) If notifying the owner or announcing the usage purpose may harm the rights or legitimate interests of the Foundation.
- (3) If it is necessary to cooperate with a national institution or a local public organization to perform tasks specified by laws, and when there is the risk of interfering with the fulfillment of the relevant task by notifying the owner or announcing the usage purpose.
- (4) If it is determined that the usage purpose is clear based on the acquisition circumstances (Ensuring the Accuracy of Data Contents)

Article 8 The Foundation shall endeavor to keep personal data accurate and up-to-date within the scope necessary for achieving the usage purpose.

(Security Control Measures)

Article 9 The Foundation shall implement necessary and appropriate measures for controlling the security of personal data such as preventing the leakage, loss, or damage of handled personal data.

(Supervision of Employees)

Article 10 The Foundation shall provide necessary and appropriate supervision of relevant employees when staff handle personal data in order to ensure that the relevant personal data is managed safely.

2 Employees shall not disclose personal information obtained from their work duties to others without permission or use it for any unjust purpose. The same shall apply after leaving their

employment.

(Supervision of Consignees)

Article 11 If the handling of personal data is consigned in whole or in part, the Foundation shall carry out necessary and appropriate supervision of the consigned party in order to ensure that the personal data they are entrusted with handling is managed safely.

(Restrictions on Provision to Third Parties)

Article 12 The Foundation shall not provide personal data to third parties without the prior consent of the owner except in the following cases:

- (1) If required by law
- (2) When it is necessary in order to protect a life, body, or property of a person and it is difficult to obtain the consent of the owner.
- (3) When it is especially necessary in order to improve public health or promote the healthy development of children and it is difficult to obtain the consent of the owner.
- (4) If it is necessary in order to cooperate with a national institution, a local public organization, or a person appointed by these to perform tasks specified by laws, and there is the risk of interfering with the fulfillment of the relevant task by acquiring the consent of the owner.

2 Regarding the personal data provided to a third party, if it is stipulated that provision of personal data that can identify the owner to a third party shall be suspended upon request of the owner, the Foundation may provide the personal data to a third party regardless of the provision in the preceding paragraph when the items listed below are notified to the owner in advance or are otherwise made easily accessible to the owner.

- (1) That provision to a third party is the usage purpose.
- (2) Personal data items provided to a third party
- (3) Means or method of provision to a third party
- (4) Suspending provision of personal data that can identify the relevant owner to a third party at the request of the owner.

3 If the things listed in items 2 or 3 of the preceding paragraph are changed, the Foundation shall notify the changed contents to the owner in advance or otherwise make it easily accessible to the owner.

4 Regarding the application of the preceding three paragraphs, in the following cases, the party that receives the relevant personal data shall not be considered a third party.

- (1) If the Foundation consigns the handling of personal data in whole or part to the extent necessary for achieving the usage purpose
- (2) If the personal data is provided in connection with the taking over of business due to a merger or other reasons
- (3) If the personal data is used together with a specific party, when the jointly used personal data items, the scope of the party jointly using it, the usage purpose of the party using it, and the name of the party responsible for managing the relevant personal data are notified to the owner in advance or are otherwise made easily accessible to the owner.

5           If the usage purpose of the user or the name of the party responsible for managing the personal data mentioned in item 3 of the preceding paragraph is changed, the Foundation shall notify the changed contents to the owner in advance or otherwise make it easily accessible to the owner.

(Disclosure of Items related to Retained Personal Data)

Article 13 Regarding retained personal data, the Foundation shall keep the following items easily accessible to the owner (including cases for responding to requests by the owner without delay).

- (1) Name of the Foundation
- (2) Usage purpose of all retained personal data (excluding cases to which items 1 to 3 of Article 7.4. apply)
- (3) Procedures in response to requests based on the provisions in the following paragraph, paragraph 1 of the following article, Article 15-1, or Articles 16-1 or 16-2 (when the fee amount is determined according to the provision in Article 19-2, the said fee shall be included)
- (4) In addition to the items listed in the preceding three items, other items determined separately to be necessary for ensuring the proper handling of retained personal data.

2 If the owner requests notification of the usage purpose for retained personal data that can identify the relevant owner, the Foundation shall notify this to the owner without delay.

However, this shall not apply to any of the following cases.

- (1) If the usage purpose of the retained personal data that can identify the relevant owner based on the provision in the preceding paragraph is obvious
- (2) Cases to which items 1 to 3 of Article 7.4 apply

3 If the Foundation decides not to notify the usage purpose of the retained personal data

requested based on the provision of the preceding paragraph, this shall be notified to the owner without delay.

(Disclosure)

Article 14 When a request is made for the disclosure of retained personal data that can identify the relevant owner (including notification of the fact that retained personal data that can identify the relevant owner does not exist; the same shall apply hereinafter), the Foundation shall disclose relevant retained personal data to the owner without delay in a manner to be determined separately. However, if disclosure causes any of the following items to apply, it may not be disclosed either in whole or in part.

- (1) There is the risk of harm the life, body, property or other rights and interests of the owner or a third party
- (2) There is the possibility that it will significantly interfere with the proper execution of work by the Foundation
- (3) Doing so would lead to the violation of other laws and regulations

2 When the Foundation decides not to disclose the retained personal data requested according to the provision of the preceding paragraph either in whole or part, this fact shall be notified to the owner without delay.

3 If provisions in other laws or regulations require the disclosure of retained personal data that can identify the relevant owner either in whole or part to the owner via a manner equivalent to the method stipulated the operative part of paragraph 1, the provision in the said paragraph shall not apply to the relevant retained personal data either in whole or part.

(Revisions, etc.)

Article 15 If the owner requests the revision, addition, or deletion of the retained personal data (hereinafter referred to as “revision, etc.” in this article) because the contents of the retained personal data that can identify the relevant owner are not correct, the Foundation shall conduct a necessary investigation within the scope necessary for fulfilling the usage purpose without delay, and shall execute revision, etc., of the retained personal data contents based on the results, unless other laws and regulations stipulate special procedures for revision, etc., of those contents.

2 When revision, etc., is executed for the contents of the retained personal data either in whole or part according to a request based on the provision of the preceding paragraph, or the decision

was made to not execute revision, etc., the Foundation shall notify this fact (including the contents of the revision, etc., if such are made) to the owner without delay.

(Usage Suspension, etc.)

Article 16 If the owner requests that usage of the retained personal data be suspended or that it be deleted (hereinafter referred to as “usage suspension, etc.” in this article) because the retained personal data that can identify the relevant owner is being handled in violation of the provision in Article 5 or because it was obtained in violation of the provision in Article 6, and when the request is determined to be legitimate, the Foundation shall approve of usage suspension, etc., of the relevant retained personal data within the limit necessary for correcting the violation without delay. However, this shall not apply to cases where the usage suspension, etc., of the retained personal data requires a large expense, or usage suspension, etc., is difficult to perform, and alternative measures are taken to protect the rights and interests of the owner.

2 If the owner requests that the retained personal data not be provided to a third party because the retained personal data that can identify the relevant owner is being provided to a third party in violation of the provision in Article 12.1, and when the request is determined to be legitimate, the Foundation shall suspend provision of the relevant retained personal data to third parties without delay. However, this shall not apply to cases where suspending provision of the retained personal data requires a large expense, or suspending provision to third parties is difficult, and alternatives measures are taken to protect the rights and interests of the owner.

3 When the Foundation executes usage suspension, etc., or decides not to execute usage suspension, etc., of the retained personal data either in whole or part as requested according to the provision of paragraph 1, or when the Foundation suspends provision of the retained personal data to third parties either in whole or part as requested according to the provision of the preceding paragraph, or decides not to suspend provision to third parties, this fact shall be notified to the owner without delay.

(Explanation of Reasons)

Article 17 If the owner is notified that no action will be taken or that action will be taken that differs from the measures required by the owner as stipulated in Article 13.3, Article 14.2, Article 15.2, or paragraph 3 of the preceding article either in whole or part, the Foundation shall endeavor to explain the reason to the owner.

(Procedures for Responding to Requests for Disclosure, etc.)

Article 18 Regarding the requests stipulated in the provisions of Article 13.2, Article 14.1, Article 15.1, Article 16.1, or Article 16.2 (hereinafter referred to as a “request for disclosure, etc.” in this article), the Foundation may determine the method for accepting the request based on separate determination. In this case, the owner must make a request for disclosure, etc., according to the relevant method.

2 Regarding the request for disclosure, etc., the Foundation may request the owner to submit sufficient information for identifying the target retained personal data. In this case, the business handling the personal information must take the proper measures taking into account the provision of information that contributes to the identification of the relevant retained personal data and the convenience of the owner so that the owner can make a request for disclosure, etc., easily and properly.

3 A request for disclosure, etc., may be made handled by a proxy according to separate determination.

(Commission Fee)

Article 19 When a request is made to notify the usage purpose according to the provision in Article 13.2 or for disclosure according to the provision in Article 14.1, the Foundation may charge a fee for implementing relevant measures.

2 If a commission fee is collected according to the provision in the preceding paragraph, the Foundation shall determine the amount of the commission fee within a range deemed reasonable based on the actual costs.

(Grievances Process by the Foundation)

Article 20 The Foundation shall endeavor to handle complaints related to the handling of personal information properly and swiftly.

(Entrustment)

Article 21 Necessary matters related to the enforcement of these regulations shall be specified separately.

Supplementary Provisions

These regulations shall be in effect as of April 1, 2003.

Supplementary Provisions

1 These regulations shall be in effect as of April 1, 2005.



2           If consent is given by the owner regarding the handling of personal information prior to the enforcement of these regulations, when that consent is equivalent to consent for authorizing the handling of personal information for purposes other than the usage purpose specified in the provision of Article 4.1, it shall be deemed that consent has been given as specified in Article 5.1 or 5.2.

3           If consent is given by the owner regarding the handling of personal information prior to the enforcement of this law, when that consent is equivalent to consent for authorizing the provision of personal data to a third party as stipulated in the provision of Article 12.1, it shall be deemed that consent has been given as specified in the said paragraph.

4           Regarding items equivalent to items that must be notified to the owner or otherwise be made easily accessible to the owner according to the provision in Article 12.2, when it has been notified to the owner prior to the enforcement of these regulations, it shall be deemed that the relevant notification has been made according to the provision in the said paragraph.

5           Regarding items equivalent to items that must be notified to the owner or otherwise be made easily accessible to the owner according to the provision in Article 12.4.3, when it has been notified to the owner prior to the enforcement of these regulations, it shall be deemed that the relevant notification has been made according to the provision in the said item.