



# Using AWS in the Context of Japan Privacy Considerations

*May 2018*

(Please consult <https://aws.amazon.com/compliance/resources/>  
for the latest version of this paper)

## Overview

This document provides information to assist customers who want to use AWS to store or process content containing personal information, in the context of key privacy considerations and the Act on the Protection of Personal Information (“**APPI**”). It will help customers understand:

- The way AWS services operate, including how customers can address security and encrypt their content
- The geographic locations where customers can choose to store content and other relevant considerations
- The respective roles the customer and AWS each play in managing and securing content stored on AWS services

## Scope

This whitepaper focuses on typical questions asked by AWS customers when they are considering the implications of the APPI on their use of AWS services to store or process content containing personal information. There will also be other relevant considerations for each customer to address, for example a customer may need to comply with industry specific requirements, the laws of other jurisdictions where that customer conducts business, or contractual commitments a customer makes to a third party.

This paper is provided solely for informational purposes. It is not legal advice, and should not be relied on as legal advice. As each customer’s requirements will differ, AWS strongly encourages its customers to obtain appropriate advice on their implementation of privacy and data protection requirements, and on applicable laws and other requirements relevant to their business.

When we refer to content in this paper, we mean software (including virtual machine images), data, text, audio, video, images and other content that a customer, or any end user, stores or processes using the AWS services. For example, a customer’s content includes objects that the customer stores using Amazon Simple Storage Service, files stored on an Amazon Elastic Block Store volume, or the contents of an Amazon DynamoDB database table. Such content may, but will not necessarily, include personal information relating to that customer, its end users or third parties. The terms of the AWS Customer Agreement, or any other relevant agreement with us governing the use of AWS services, apply to customer content. Customer content does not include information that a customer provides to us in connection with the creation or administration of its AWS accounts, such as a customer’s names, phone numbers, email addresses and billing information—we refer to this as account information and it is governed by the [AWS Privacy Policy](#)<sup>1</sup>.

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<sup>1</sup> <http://aws.amazon.com/privacy/>

## Customer Content: Considerations relevant to privacy and data protection

Storage of content presents all organizations with a number of common practical matters to consider, including:

- Will the content be secure?
- Where will content be stored?
- Who will have access to content?
- What laws and regulations apply to the content and what is needed to comply with these?

These considerations are not new and are not cloud-specific. They are relevant to internally hosted and operated systems as well as traditional third party hosted services. Each may involve storage of content on third party equipment or on third party premises, with that content managed, accessed or used by third party personnel. When using AWS services, each AWS customer maintains ownership and control of their content, including control over:

- What content they choose to store or process using AWS services
- Which AWS services they use with their content
- The Region(s) where their content is stored
- The format, structure and security of their content, including whether it is masked, anonymized or encrypted
- Who has access to their AWS accounts and content, and how those access rights are granted, managed and revoked

Because AWS customers retain ownership and control over their content within the AWS environment, they also retain responsibilities relating to the security of that content as part of the AWS “shared responsibility” model. This shared responsibility model is fundamental to understanding the respective roles of the customer and AWS in the context of privacy and data protection requirements that may apply to content that customers choose to store or process using AWS services.

# AWS shared responsibility approach to managing cloud security

## Will customer content be secure?

Moving IT infrastructure to AWS creates a shared responsibility model between the customer and AWS, as both the customer and AWS have important roles in the operation and management of security. AWS operates, manages and controls the components from the host operating system and virtualization layer down to the physical security of the facilities in which the AWS services operate. The customer is responsible for management of the guest operating system (including updates and security patches to the guest operating system) and associated application software, as well as the configuration of the AWS provided security group firewall and other security-related features. The customer will generally connect to the AWS environment through services the customer acquires from third parties (for example, internet service providers). AWS does not provide these connections, and they are therefore part of the customer's area of responsibility. Customers should consider the security of these connections and the security responsibilities of such third parties in relation to their systems. The respective roles of the customer and AWS in the shared responsibility model are shown in Figure 1:

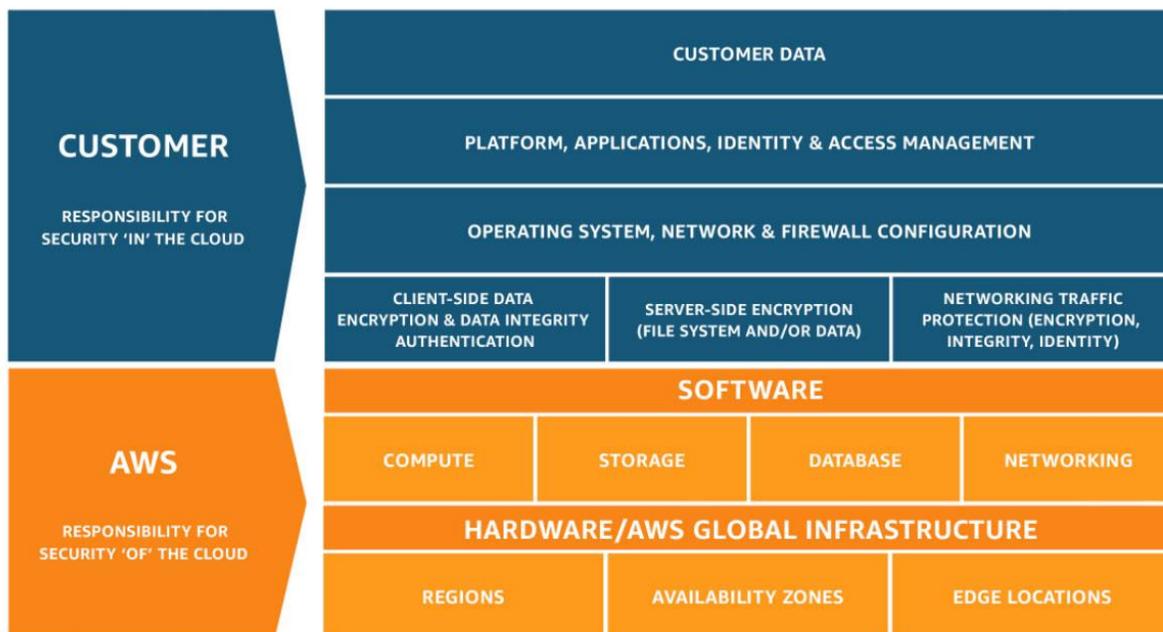


Figure 1 – Shared Responsibility Model

## What does the shared responsibility model mean for the security of customer content?

When evaluating the security of a cloud solution, it is important for customers to understand and distinguish between:

- Security measures that the cloud service provider (AWS) implements and operates – “security *of* the cloud”
- Security measures that the customer implements and operates, related to the security of customer content and applications that make use of AWS services – “security *in* the cloud”

While AWS manages security *of* the cloud, security *in* the cloud is the responsibility of the customer, as customers retain control of what security they choose to implement to protect their own content, applications, systems and networks – no differently than they would for applications in an on-site data center.

### Understanding security *OF* the cloud

AWS is responsible for managing the security of the underlying cloud environment. The AWS cloud infrastructure has been architected to be one of the most flexible and secure cloud computing environments available, designed to provide optimum availability while providing complete customer segregation. It provides extremely scalable, highly reliable services that enable customers to deploy applications and content quickly and securely, at massive global scale if necessary.

AWS services are content agnostic, in that they offer the same high level of security to all customers, regardless of the type of content being stored, or the geographical region in which they store their content. AWS’s world-class, highly secure data centers utilize state-of-the-art electronic surveillance and multi-factor access control systems. Data centers are staffed 24x7 by trained security guards, and access is authorized strictly on a least privileged basis. For a complete list of all the security measures built into the core AWS cloud infrastructure, and services, please read our [Overview of Security Processes<sup>2</sup>](#) whitepaper.

We are vigilant about our customers’ security and have implemented sophisticated technical and physical measures against unauthorized access. Customers can validate the security controls in place within the AWS environment through AWS certifications and reports, including the [AWS System & Organization Control \(SOC\) 1, 2<sup>3</sup> and 3<sup>4</sup>](#) reports, [ISO 27001<sup>5</sup>](#), [27017<sup>6</sup>](#), [27018<sup>7</sup>](#) and [9001<sup>8</sup>](#) certifications and [PCI DSS<sup>9</sup>](#) compliance reports. Our ISO 27018 certification demonstrates that AWS has a system of controls in place that specifically address the privacy protection of customer content. These reports and certifications are produced by independent third party auditors and attest to the design and operating effectiveness of AWS security controls. AWS

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<sup>2</sup> [https://d0.awsstatic.com/whitepapers/Security/AWS\\_Security\\_Whitepaper.pdf](https://d0.awsstatic.com/whitepapers/Security/AWS_Security_Whitepaper.pdf)

<sup>3</sup> <https://aws.amazon.com/compliance/soc-faqs/>

<sup>4</sup> [http://d0.awsstatic.com/whitepapers/compliance/soc3\\_amazon\\_web\\_services.pdf](http://d0.awsstatic.com/whitepapers/compliance/soc3_amazon_web_services.pdf)

<sup>5</sup> <http://aws.amazon.com/compliance/iso-27001-faqs/>

<sup>6</sup> <http://aws.amazon.com/compliance/iso-27017-faqs/>

<sup>7</sup> <http://aws.amazon.com/compliance/iso-27018-faqs/>

<sup>8</sup> <https://aws.amazon.com/compliance/iso-9001-faqs/>

<sup>9</sup> <https://aws.amazon.com/compliance/pci-dss-level-1-faqs/>

compliance certifications and reports can be requested at <https://aws.amazon.com/compliance/contact>. More information on AWS compliance certifications, reports, and alignment with best practices and standards can be found at AWS' [compliance site](#)<sup>10</sup>.

## **Understanding security *IN* the cloud**

Customers retain ownership and control of their content when using AWS services. Customers, rather than AWS, determine what content they store or process using AWS services. Because it is the customer who decides what content to store or process using AWS services, only the customer can determine what level of security is appropriate for the content they store and process using AWS. Customers also have complete control over which services they use and whom they empower to access their content and services, including what credentials will be required.

Customers control how they configure their environments and secure their content, including whether they encrypt their content (at rest and in transit), and what other security features and tools they use and how they use them. AWS does not change customer configuration settings, as these settings are determined and controlled by the customer. AWS customers have the complete freedom to design their security architecture to meet their compliance needs. This is a key difference from traditional hosting solutions where the provider decides on the architecture. AWS enables and empowers the customer to decide when and how security measures will be implemented in the cloud, in accordance with each customer's business needs. For example, if a higher availability architecture is required to protect customer content, the customer may add redundant systems, backups, locations, network uplinks, etc. to create a more resilient, high availability architecture. If restricted access to customer content is required, AWS enables the customer to implement access rights management controls both on a systems level and through encryption on a data level.

To assist customers in designing, implementing and operating their own secure AWS environment, AWS provides a wide selection of security tools and features customers can use. Customers can also use their own security tools and controls, including a wide variety of third party security solutions. Customers can configure their AWS services to leverage a range of such security features, tools and controls to protect their content, including sophisticated identity and access management tools, security capabilities, encryption and network security. Examples of steps customers can take to help secure their content include implementing:

- Strong password policies, assigning appropriate permissions to users and taking robust steps to protect their access keys
- Appropriate firewalls and network segmentation, encrypting content, and properly architecting systems to decrease the risk of data loss and unauthorized access

Because customers, rather than AWS control these important factors, customers retain responsibility for their choices, and for security of the content they store or process using AWS services, or that they connect to their AWS infrastructure, such as the guest operating system, applications on their compute instances, and content stored and processed in AWS storage, databases or other services.

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<sup>10</sup> <https://aws.amazon.com/compliance/>

AWS provides an advanced set of access, encryption, and logging features to help customers manage their content effectively, including AWS Key Management Service and AWS CloudTrail. To assist customers in integrating AWS security controls into their existing control frameworks and help customers design and execute security assessments of their organization's use of AWS services, AWS publishes a number of whitepapers<sup>11</sup> relating to security, governance, risk and compliance; and a number of checklists and best practices. Customers are also free to design and execute security assessments according to their own preferences, and can request permission to conduct scans of their cloud infrastructure as long as those scans are limited to the customer's compute instances and do not violate the AWS Acceptable Use Policy<sup>12</sup>.

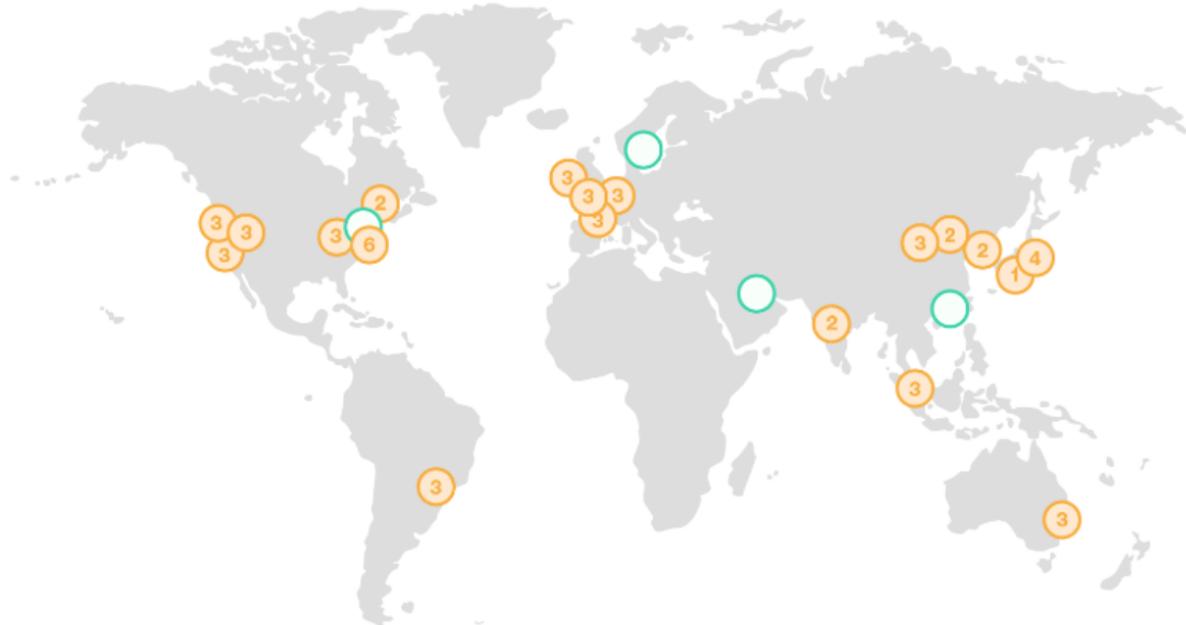
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<sup>11</sup> <http://aws.amazon.com/compliance/#whitepapers>

<sup>12</sup> <https://aws.amazon.com/aup/>

## AWS Regions: Where will content be stored?

AWS data centers are built in clusters in various global regions. We refer to each of our data center clusters in a given country as an “AWS Region”. Customers have access to a number of AWS Regions around the world, including an Asia Pacific (Tokyo) Region and an Asia Pacific (Osaka-Local) Region<sup>13</sup>. Customers can choose to use one Region, all Regions or any combination of AWS Regions. Figure 2 shows AWS Region locations as at May 2018.<sup>14</sup>



### Region & Number of Availability Zones

#### US East

N. Virginia (6),  
Ohio (3)

#### US West

N. California (3),  
Oregon (3)

#### Asia Pacific

Mumbai (2),  
Seoul (2),  
Singapore (3),  
Sydney (3),  
Tokyo (4),  
Osaka-Local (1)<sup>1</sup>

#### Canada

Central (2)

#### China

Beijing (2),  
Ningxia (3)

#### Europe

Frankfurt (3),  
Ireland (3),  
London (3),  
Paris (3)

#### South America

São Paulo (3)

#### AWS GovCloud (US- West) (3)



### New Region (coming soon)

Bahrain

Hong Kong  
SAR, China

Sweden

AWS GovCloud  
(US-East)

**Figure 2 – AWS Global Regions**

<sup>13</sup> AWS GovCloud (US) is an isolated AWS Region designed to allow US government agencies and customers to move sensitive workloads into the cloud by addressing their specific regulatory and compliance requirements. AWS China (Beijing) is also an isolated AWS Region. Customers who wish to use the AWS China (Beijing) Region are required to sign up for a separate set of account credentials unique to the China (Beijing) Region.

<sup>14</sup> For a real-time location map, please visit: <https://aws.amazon.com/about-aws/global-infrastructure/>

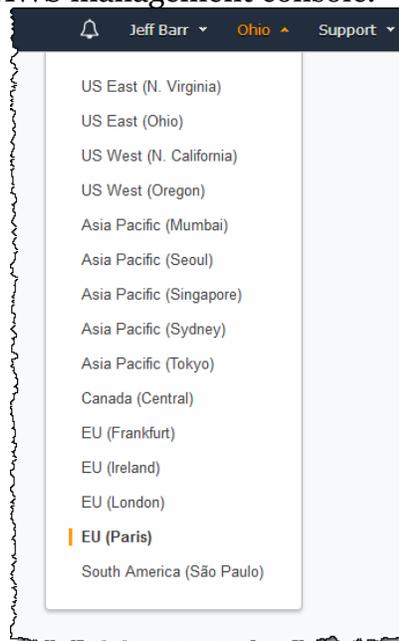
AWS customers choose the AWS Region or Regions in which their content and servers will be located. This allows customers with geographic specific requirements to establish environments in a location or locations of their choice. For example, AWS customers in Japan can choose to deploy their AWS services exclusively in one AWS Region such as the Asia Pacific (Tokyo) Region and store their content onshore in Japan, if this is their preferred location. If the customer makes this choice, AWS will not move their content from Japan without the customer's consent, except as legally required.

Customers always retain control of which AWS Region(s) are used to store and process content. AWS only stores and processes each customers' content in the AWS Region(s), and using the services, chosen by the customer, and otherwise will not move customer content without the customer's consent, except as legally required.

### How can customers select their Region(s)?

When using the AWS management console, or in placing a request through an AWS Application Programming Interface (API), the customer identifies the particular AWS Region(s) where it wishes to use AWS services.

Figure 3: Selecting AWS Global Regions provides an example of the AWS Region selection menu presented to customers when uploading content to an AWS storage service or provisioning compute resources using the AWS management console.



**Figure 3 – Selecting AWS Global Regions in the AWS Management Console**

Customers can also prescribe the AWS Region to be used for their compute resources by taking advantage of the Amazon Virtual Private Cloud (VPC) capability. Amazon VPC lets the customer provision a private, isolated section of the AWS Cloud where the customer can launch AWS resources in a virtual network that the customer defines. With Amazon VPC, customers can define a virtual network topology that closely resembles a traditional network that might operate in their own data center.

Any compute and other resources launched by the customer into the VPC will be located in the AWS Region designated by the customer. For example, by creating a VPC in the Asia Pacific (Tokyo) Region and providing a link (either a [VPN](#)<sup>15</sup> or [Direct Connect](#)<sup>16</sup>) back to the customer's data centre, all compute resources launched into that VPC would only reside in the Asia Pacific (Tokyo) Region. This option can also be leveraged for other AWS Regions.

## **Transfer of personal data cross border**

In 2016, the European Commission approved and adopted the new General Data Protection Regulation (GDPR). The GDPR replaced the EU Data Protection Directive, as well as all local laws relating to it. All AWS services comply with the GDPR. AWS provides customers with services and resources to help them comply with GDPR requirements that may apply to their operations. These include AWS' adherence to the CISPE code of conduct, granular data access controls, monitoring and logging tools, encryption, key management, audit capability, adherence to IT security standards and AWS' C5 attestations. For additional information, please visit the [AWS General Data Protection Regulation \(GDPR\) Center](#)<sup>17</sup> and see our [Navigating GDPR Compliance on AWS Whitepaper](#)<sup>18</sup>.

When using AWS services, customers may choose to transfer content containing personal data cross border, and they will need to consider the legal requirements that apply to such transfers. AWS provides a Data Processing Addendum that includes the Standard Contractual Clauses 2010/87/EU (often referred to as "Model Clauses") to AWS customers transferring content containing personal data (as defined in the GDPR) from the EU to a country outside of the European Economic Area, such as Singapore. With our EU Data Processing Addendum and Model Clauses, AWS customers—whether established in Europe or a global company operating in the European Economic Area—can continue to run their global operations using AWS in full compliance with the GDPR. The AWS Data Processing Addendum is incorporated in the AWS Service Terms and applies automatically to the extent the GDPR applies to the customer's processing of personal data on AWS.

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<sup>15</sup> <https://docs.aws.amazon.com/AmazonVPC/latest/UserGuide/vpn-connections.html>

<sup>16</sup> <https://aws.amazon.com/directconnect/>

<sup>17</sup> <https://aws.amazon.com/compliance/gdpr-center/>

<sup>18</sup> [https://d1.awsstatic.com/whitepapers/compliance/GDPR Compliance on AWS.pdf](https://d1.awsstatic.com/whitepapers/compliance/GDPR%20Compliance%20on%20AWS.pdf)

## Who can access customer content?

### Customer control over content

Customers using AWS maintain and do not release effective control over their content within the AWS environment. They can:

- Determine where their content will be located, for example the type of storage they use on AWS and the geographic location (by AWS Region) of that storage
- Control the format, structure and security of their content, including whether it is masked, anonymized or encrypted. AWS offers customers options to implement strong encryption for their customer content in transit or at rest, and also provides customers with the option to manage their own encryption keys or use third party encryption mechanisms of their choice
- Manage other access controls, such as identity access management, permissions and security credentials

This allows AWS customers to control the entire life-cycle of their content on AWS, and manage their content in accordance with their own specific needs, including content classification, access control, retention and deletion.

### AWS access to customer content

AWS makes available to each customer the compute, storage, database, networking or other services, as described on our website. Customers have a number of options to encrypt their content when using the services, including using AWS encryption features (such as AWS Key Management Service), managing their own encryption keys, or using a third party encryption mechanism of their own choice. AWS does not access or use customer content without the customer's consent, except as legally required. AWS never uses customer content or derives information from it for other purposes such as marketing or advertising.

### Government rights of access

Queries are often raised about the rights of domestic and foreign government agencies to access content held in cloud services. Customers are often confused about issues of data sovereignty, including whether and in what circumstances governments may have access to their content. The local laws that apply in the jurisdiction where the content is located are an important consideration for some customers. However, customers also need to consider whether laws in other jurisdictions may apply to them. Customers should seek advice to understand the application of relevant laws to their business and operations.

When concerns or questions are raised about the rights of domestic or foreign governments to seek access to content stored in the cloud, it is important to understand that relevant government bodies may have rights to issue requests for such content under laws that already apply to the customer. For example, a company doing business in Country X could be subject to a legal request for information even if the content is stored in Country Y. Typically, a government agency seeking access to the data of an entity will address any request for information directly to that entity rather than to the cloud provider.

Japan, like most countries, has legislation that enables Japan's law enforcement and

government security bodies to seek access to information. Foreign law enforcement bodies may also work with the local law enforcement and government security bodies to obtain access to information in Japan. However, it is important to remember that the relevant laws all contain criteria that must be satisfied before authorizing access by the relevant government body. For example, the government agency seeking access will need to show it has a valid reason for requiring a party to provide access to content.

Many countries have data access laws which purport to apply extraterritorially. An example of a US law with extra-territorial reach that is often mentioned in the context of cloud services is the U.S. Patriot Act. The Patriot Act is similar to laws in other developed nations that enable governments to obtain information with respect to investigations relating to international terrorism and other foreign intelligence issues. Any request for documents under the Patriot Act requires a court order demonstrating that the request complies with the law, including, for example, that the request is related to legitimate investigations. The Patriot Act generally applies to all companies with an operation in the U.S., irrespective of where they are incorporated and/or operating globally and irrespective of whether the information is stored in the cloud, in an on-site data center or in physical records. This means that Japanese companies doing business in the United States may find they are subject to the Patriot Act by reason of their own business operations.

### **AWS policy on granting government access**

AWS is vigilant about customers' security and does not disclose or move data in response to a request from the U.S. or other government unless legally required to do so in order to comply with a legally valid and binding order, such as a subpoena or a court order, or as is otherwise required by applicable law. Non-governmental or regulatory bodies typically must use recognized international processes, such as Mutual Legal Assistance Treaties with the U.S. government, to obtain valid and binding orders. Additionally, our practice is to notify customers where practicable before disclosing their content so they can seek protection from disclosure, unless we are legally prohibited from doing so or there is clear indication of illegal conduct in connection with the use of AWS services. For additional information, please visit the [Amazon Information Requests Portal](https://aws.amazon.com/compliance/amazon-information-requests/) online<sup>19</sup>.

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<sup>19</sup> <https://aws.amazon.com/compliance/amazon-information-requests/>

## Privacy and Data Protection in Japan: The Act on the Protection of Personal Information

In Japan, the primary legislation dealing with data protection is the Act on the Protection of Personal Information (APPI) and its related regulations. In addition, multiple guidelines have been issued to date by various government ministries for their respective industries, as well as by the Personal Information Protection Commission (PPC)<sup>20</sup>, a recently established government data protection authority.

This part of the paper discusses aspects of the amended APPI, which came into force on 30 May 2017<sup>21</sup>.

Unlike many other countries, the APPI does not strictly distinguish between a data controller who has control over personal information and the purposes for which it can be used, and a data processor who processes information at the direction of and on behalf of a data controller. The APPI applies to all business operators (individuals and entities) that handle personal information. The APPI also distinguishes between personal information and personal data, which the APPI defines as personal information that constitutes part of a personal information database. Obligations on business operators vary depending on whether the business operators acquire, use, or provide, personal information or personal data.

AWS appreciates that its services are used in many different contexts for different business purposes, and that there may be multiple parties involved in the data lifecycle of personal information included in customer content stored or processed using AWS services. For simplicity, the guidance included in the table below assumes that, in the context of the customer content stored on the AWS services, the customer:

- Acquires personal information from their end users, and determines the purpose for which they require and will use the personal information
- Has the capacity to control who can access, update and use the personal information
- Manages the relationship with the individual about whom the personal information relates, including by communication with the individual as required to comply with any relevant notification and consent requirements

Customers may in fact work with or rely on third parties to discharge these responsibilities, but the customer, rather than AWS, would manage its relationships with third parties.

We summarize the data protection principles of the APPI in the table below. We also discuss aspects of the AWS services relevant to these requirements.

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<sup>20</sup> <https://www.ppc.go.jp/en/>

<sup>21</sup> A tentative English translation of the text of the APPI is available at:  
[https://www.ppc.go.jp/files/pdf/Act\\_on\\_the\\_Protection\\_of\\_Personal\\_Information.pdf](https://www.ppc.go.jp/files/pdf/Act_on_the_Protection_of_Personal_Information.pdf).

<b>Data Protection Principle</b>	<b>Summary of Data Protection Obligations</b>	<b>Considerations</b>
<p>Acquisition, Notification and Purpose of Use</p>	<p>Business operators are prohibited from using deceptive or other improper means to acquire personal information. Business operators must obtain the data subject’s consent when acquiring sensitive information<sup>22</sup>.</p> <p>When acquiring personal information, business operators must promptly either notify the data subject or publicly announce the purpose of use of such personal information. The purpose of use must be specified in as much detail as possible, and any changes must be reasonable. Entities must not use the personal information beyond the scope necessary to achieve the purpose of use, unless they have obtained the prior consent of the data subject or are allowed to under an exemption in the APPI or other applicable law.</p>	<p><b>Customer:</b> The customer determines and controls when, how and why it acquires personal information from individuals, and decides whether it will include that personal information in customer content it stores or processes using the AWS services. The customer may also need to ensure it notifies or publicly announces the purposes for which it collects that data to the relevant data subjects, acquires the data from a permitted source and it only uses the data for a permitted purpose.</p> <p>As between the customer and AWS, the customer has a relationship with the individuals whose personal information the customer stores on AWS, and therefore the customer is able to communicate directly with them or make appropriate public announcements about acquisition and handling of their personal information. The customer rather than AWS will also know the scope of any notifications given to, or consents obtained by the customer from, such individuals relating to the acquisition of their personal information.</p> <p><b>AWS:</b> AWS does not acquire personal information from individuals whose personal information is included in content a customer stores or processes using AWS, and AWS has no contact with those individuals. Therefore, AWS is not required and is unable in the circumstances to communicate with the relevant individuals.</p> <p>AWS only uses customer content to provide the AWS services selected by each customer to that customer and does not use customer content for any other purposes.</p>
<p>Accuracy of Personal Data</p>	<p>Business operators must strive to ensure personal data (personal information constituting part of a personal information database) is</p>	<p><b>Customer:</b> When a customer chooses to store personal data using AWS, the customer has control over the quality of that personal data, and the customer retains access to and can correct it. This means that the customer must take all required steps to ensure that</p>

<sup>22</sup> Sensitive information is personal information containing descriptions requiring special consideration in handling so as to avoid any unfair discrimination, prejudice or other disadvantage to an individual based on a person's race, belief, social status, medical history, criminal records, or the fact that a person has suffered damage through a criminal offense, etc.



<b>Data Protection Principle</b>	<b>Summary of Data Protection Obligations</b>	<b>Considerations</b>
	always accurate and up to date.	<p>the personal data is accurate, complete, not misleading and kept up-to-date.</p> <p><b>AWS:</b> AWS’s SOC 1 Type 2 report includes controls that provide reasonable assurance that data integrity is maintained through all phases including transmission, storage and processing.</p>
Security of Personal Data	Business operators must take necessary and appropriate security measures for personal data.	<p><b>Customer:</b> Customers are responsible for their content and for security <b>in</b> the cloud (and personal data included in their content).</p> <p><b>AWS:</b> AWS is responsible for managing the security <b>of</b> the underlying cloud environment. For a complete list of all the security measures built into the core AWS cloud infrastructure, and services, please read our <a href="#">Overview of Security Processes</a><sup>23</sup> whitepaper. Customers can validate the security controls in place within the AWS environment through AWS certifications and reports, including the <a href="#">AWS System &amp; Organization Control (SOC) 1, 2</a><sup>24</sup> and <a href="#">3</a><sup>25</sup> reports, <a href="#">ISO 27001</a><sup>26</sup>, <a href="#">27017</a><sup>27</sup> and <a href="#">27018</a><sup>28</sup> certifications and <a href="#">PCI DSS</a><sup>29</sup> compliance reports.</p>
Transferring Personal Data to Third Parties	<p>Business operators generally must obtain consent from the data subjects to transfer their personal data to third parties unless they fall under certain exemptions.</p> <p>Note that the PPC suggested in its <a href="#">2017 Q&amp;As</a><sup>19</sup> that provision of a personal data by an entity to a cloud service provider is not considered a transfer of a</p>	<p><b>Customer:</b> The customer should consider whether it is required to obtain any consents from the relevant individuals relating to the transfer of personal data to a third party. As between the customer and AWS, the customer has a relationship with the individuals whose personal information is stored by the customer on AWS, and therefore the customer is able to communicate directly with them about such matters.</p> <p><b>AWS:</b> AWS does not acquire personal data from content that a customer stores or processes using AWS, and AWS has no contact with individuals whose personal</p>

<sup>23</sup> [https://d0.awsstatic.com/whitepapers/Security/AWS\\_Security\\_Whitepaper.pdf](https://d0.awsstatic.com/whitepapers/Security/AWS_Security_Whitepaper.pdf)

<sup>24</sup> <http://aws.amazon.com/compliance/soc-faqs/>

<sup>25</sup> [https://d0.awsstatic.com/whitepapers/compliance/soc3\\_amazon\\_web\\_services.pdf](https://d0.awsstatic.com/whitepapers/compliance/soc3_amazon_web_services.pdf)

<sup>26</sup> <http://aws.amazon.com/compliance/iso-27001-faqs/>

<sup>27</sup> <http://aws.amazon.com/compliance/iso-27017-faqs/>

<sup>28</sup> <http://aws.amazon.com/compliance/iso-27018-faqs/>

<sup>29</sup> <https://aws.amazon.com/compliance/pci-dss-level-1-faqs/>

<b>Data Protection Principle</b>	<b>Summary of Data Protection Obligations</b>	<b>Considerations</b>
	personal data unless the cloud service provider handles the personal data stored on its server.	information is stored by the customer on AWS. Therefore, AWS is not required and is unable in the circumstances to communicate with the relevant individuals to seek any required consents for transfer.
Restrictions on International Transfer of Personal Data	<p>Business operators may only transfer personal data to a foreign country when such country has a legal system that is deemed equivalent to the Japanese system for protection of personal information, or where the data is transferred to an overseas third party that undertakes adequate precautionary measures for the protection of personal data. Otherwise, business operators must obtain the data subject’s consent to perform international data transfers.</p> <p>Note that this rule only applies where there is a transfer to an overseas recipient. The PPC has suggested in its <a href="#">2017 Q&amp;As<sup>30</sup></a> that storing a personal data on a server in Japan operated by a foreign cloud service provider does not constitute an international data transfer.</p>	<p><b>Customer:</b> The customer can choose the AWS Region or Regions in which their content will be located and can choose to deploy their AWS services exclusively in the Asia Pacific (Tokyo) Region if preferred. AWS services are structured so that a customer maintains effective control of customer content regardless of what AWS Region they use for their content.</p> <p>The customer should consider whether it should disclose to individuals the locations in which it stores or processes their personal information and obtain any required consents relating to such locations from the relevant individuals if necessary. As between the customer and AWS, the customer has a relationship with the individuals whose personal information the customer stores on AWS, and therefore the customer is able to communicate directly with them about such matters.</p> <p>If a customer chooses to store content in more than one Region, or copy or move content between Regions, that is solely the customer's choice, and the customer will continue to maintain effective control of its content, wherever it is stored and processed.</p> <p><b>AWS:</b> AWS only stores and processes each customers’ content in the AWS Region(s), and using the services, chosen by the customer, and otherwise will not move customer content without the customer’s consent, except as legally required.</p> <p>AWS is ISO 27001 certified and offers robust security features to all customers, regardless of the geographical Region in which they store their content.</p>
Record Keeping and Confirmation of Transfers of Personal	Business operators must confirm and record certain information	<b>Customer:</b> Customers are responsible for confirming and recording certain information prescribed by the Personal

<sup>30</sup> <https://www.ppc.go.jp/files/pdf/kojouhouQA.pdf>

<b>Data Protection Principle</b>	<b>Summary of Data Protection Obligations</b>	<b>Considerations</b>
Data to Third Parties	prescribed by the Personal Information Protection Commission relating to inbound and outbound transfers of personal data involving third parties.	<p>Information Protection Commission relating to personal data that is received from, or provided to, third parties in order to ensure the traceability of such transfers of personal data.</p> <p><b>AWS:</b> AWS cannot confirm or record information relating to transfers of personal data as AWS does not know what personal data (if any) is uploaded by the customer, or if the customer transfers a personal data to a third party.</p>
Disclosure Relating to Retained Personal Data	Business operators handling retained personal data must make the following information available to data subjects for the purposes of handling complaints: (i) the business operator’s name; (ii) the purpose of use of retained personal information; (iii) the procedures a data subject may use to request the entity to disclose, correct and discontinue using the personal information it possesses; and (iv) the business operator’s contact information.	<p><b>Customer:</b> The customer is responsible for meeting these disclosure requirements to individuals whose personal information the customer is storing on AWS.</p> <p><b>AWS:</b> AWS does not know when a customer chooses to upload content to AWS that may contain personal information. AWS also does not acquire personal information from individuals whose personal information is stored in AWS by AWS customers. AWS is unable, in these circumstances, to provide any required information to the relevant individuals.</p>
Disclosure, Correction and Deletion	Business operators must disclose retained personal data to data subjects upon their request. Business operators must correct incorrect retained personal data if a data subject makes such a demand for correction. Business operators may be required to discontinue use of retained personal data if they are found to have violated the purpose of use.	<p><b>Customers:</b> When a customer chooses to store content containing retained personal data using AWS, the customer has control over the content and retains access and can correct or discontinue use of such retained personal data. This means that the customer must take all required steps to ensure that the personal data included in customer content is accurate, complete, not misleading and kept up to date.</p> <p><b>AWS:</b> AWS does not know what type of content the customer chooses to store in AWS, and the customer retains control over how their content is stored, used and protected from disclosure. The AWS Services provide the customer with controls to enable the Customer to delete content, as described</p>

<b>Data Protection Principle</b>	<b>Summary of Data Protection Obligations</b>	<b>Considerations</b>
		in the <a href="#">AWS Documentation</a> <sup>31</sup> .

## Privacy Breaches

Given that customers maintain control of their content when using AWS, customers retain the responsibility to monitor their own environment for privacy breaches and to notify regulators and affected individuals as required under applicable law. Only the customer is able to manage this responsibility.

A customer's AWS access keys can be used as an example to help explain why the customer rather than AWS is best placed to manage this responsibility.

Customers control access keys, and determine who is authorized to access their AWS account. AWS does not have visibility of access keys, or who is and who is not authorized to log into an account. Therefore, the customer is responsible for monitoring use, misuse, distribution or loss of access keys.

It is currently not a mandatory requirement of the APPI to notify individuals of unauthorized access to or disclosure of their personal information. However, in some jurisdictions it is mandatory to notify individuals or a regulator of unauthorized access to or disclosure of their personal data, and there are circumstances in which this will be the best approach to mitigate risk, even if not mandatory. It is for the customer to determine when it is appropriate for them to notify individuals and the notification process they will follow.

## Other considerations

This white paper does not discuss other Japanese privacy laws, aside from the APPI, that may also be relevant to customers, including prefectural ordinances and industry specific requirements. The relevant privacy and data protection laws and regulations applicable to individual customers will depend on several factors including where a customer conducts business, the industry in which they operate, the type of content they wish to store, where or from whom the content originates, and where the content will be stored.

Customers concerned about their Japanese privacy regulatory obligations should first ensure they identify and understand the requirements applying to them, and seek appropriate advice.

## Closing Remarks

For AWS, security is always our top priority. We deliver services to millions of active customers, including enterprises, educational institutions, and government agencies in over 190 countries. Our customers include financial services providers and healthcare providers and we are trusted with some of their most sensitive information.

AWS services are designed to give customers flexibility over how they configure and deploy their solutions as well as control over their content, including where it is stored, how it is stored and

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<sup>31</sup> <https://aws.amazon.com/documentation/>

who has access to it. AWS customers can build their own secure applications and store content securely on AWS.

## Additional Resources

To help customers further understand how they can address their privacy and data protection requirements, customers are encouraged to read the risk, compliance and security whitepapers, best practices, checklists and guidance published on the AWS website. This material can be found at <http://aws.amazon.com/compliance> and <http://aws.amazon.com/security>.

As of the date of this document, specific whitepapers about privacy and data protection considerations are also available for the following countries or regions:

[European Union](#)<sup>32</sup>

[Germany](#)<sup>33</sup>

[Australia](#)<sup>34</sup>

[Hong Kong](#)<sup>35</sup>

[Singapore](#)<sup>36</sup>

[Malaysia](#)<sup>37</sup>

[New Zealand](#)<sup>38</sup>

[Philippines](#)<sup>39</sup>

## Further Reading

AWS also offers training to help customers learn how to design, develop, and operate available, efficient, and secure applications on the AWS cloud and gain proficiency with AWS services and solutions. We offer [free instructional videos](#)<sup>40</sup>, [self-paced labs](#)<sup>41</sup>, and [instructor-led classes](#)<sup>42</sup>. Further information on AWS training is available at: <http://aws.amazon.com/training/>.

AWS certifications certify the technical skills and knowledge associated with the best practices for building secure and reliable cloud-based applications using AWS technology. Further information on AWS certifications is available at: <http://aws.amazon.com/certification/>.

If you require further information, please contact AWS at: <https://aws.amazon.com/contact-us/> or contact your local AWS account representative.

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<sup>32</sup> [https://d1.awsstatic.com/whitepapers/compliance/AWS\\_EU\\_Data\\_Protection\\_Whitepaper.pdf](https://d1.awsstatic.com/whitepapers/compliance/AWS_EU_Data_Protection_Whitepaper.pdf)

<sup>33</sup> [https://d1.awsstatic.com/whitepapers/compliance/German\\_Data\\_Protection\\_Whitepaper.pdf](https://d1.awsstatic.com/whitepapers/compliance/German_Data_Protection_Whitepaper.pdf)

<sup>34</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_Australian\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_Australian_Privacy_Considerations.pdf)

<sup>35</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_Hong\\_Kong\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_Hong_Kong_Privacy_Considerations.pdf)

<sup>36</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_Singapore\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_Singapore_Privacy_Considerations.pdf)

<sup>37</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_Malaysian\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_Malaysian_Privacy_Considerations.pdf)

<sup>38</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_New\\_Zealand\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_New_Zealand_Privacy_Considerations.pdf)

<sup>39</sup> [https://d1.awsstatic.com/whitepapers/compliance/Using\\_AWS\\_in\\_the\\_context\\_of\\_Philippines\\_Privacy\\_Considerations.pdf](https://d1.awsstatic.com/whitepapers/compliance/Using_AWS_in_the_context_of_Philippines_Privacy_Considerations.pdf)

<sup>40</sup> <https://www.aws.training/>

<sup>41</sup> <https://aws.amazon.com/training/self-paced-labs/>

<sup>42</sup> <https://aws.amazon.com/training/course-descriptions/>

## Document Revisions

Date	Description
December 2017	First publication
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