

Points to note when handling health information among personal information in the employment management field

1st purpose

This point to note is the Industrial Safety and Health Act in the field of employment management (Act No. 57 of 1972).
Regarding the handling of health information such as the results of health examinations conducted based on the "Industrial Safety and Health Act" below)
"Guidelines for the Law Concerning the Protection of Personal Information (General Rules)" (November 2016)
Personal Information Protection Commission. Hereinafter referred to as "guidelines".) "In implementing the measures stipulated in
"Notes on handling health information among personal information related to employment management"
(Basic issue No. 1029009 dated October 29, 2004. Hereinafter referred to as "Notice of Old Notes")
There is no change compared to the discipline level, and the business operator handles it appropriately as before.
We will continue to define matters to be noted.

Second definition of health information

- Law Concerning the Protection of Personal Information (Law No. 57 of 2003; hereinafter referred to as the "Law") Article 2
Of the personal information stipulated in Section 1 and Guideline 2-1
Personal information about the health of workers (hereinafter referred to as "health information") is the result of the medical examination, medical history, etc.
Other health-related items are listed below as examples of items that correspond to health information.
Can be mentioned. Regarding this health information, Article 2, Paragraph 3 of the Law and Guidelines 2-3
It corresponds to the "personal information requiring consideration" (Note) specified in the above, but the old attention should be paid to the handling of health information.
There is no change compared to the level of discipline in the notification.
- (1) Engage in work related to health management of industrial physicians, public health nurses, health managers and other workers
Information obtained by a person (hereinafter referred to as "industrial health worker") through the health management of workers, etc.
 - (2) Based on the provisions of Article 65-2, Paragraph 1 of the Industrial Safety and Health Act, the business operator evaluates the results of work environment measurement.
Based on the medical examination conducted when it was deemed necessary to maintain the health of workers
Result of refusal
 - (3) Health examinations conducted by the business operator based on the provisions of Article 66, Paragraphs 1 to 4 of the Industrial Safety and Health Act.
Submitted by workers based on the results and the provisions of Article 66, Paragraph 5 and Article 66-2 of the Industrial Safety and Health Act
Results of medical examination
 - (4) Opinions heard by the business operator from a doctor or dentist based on the provisions of Article 66-4 of the Industrial Safety and Health Act
And the contents of the measures taken by the business operator after the implementation of the medical examination based on the provisions of Article 66-5, Paragraph 1.
 - (5) Contents of health guidance provided by the business operator based on the provisions of Article 66-7 of the Industrial Safety and Health Act
 - (6) Results of interview guidance conducted by the business operator based on the provisions of Article 66-8, Paragraph 1 of the Safety and Health Act and the same
Results of interview guidance submitted by workers based on the provisions of Article 2, Paragraph 2
 - (7) Opinions heard by business operators from doctors based on the provisions of Article 66-8, Paragraph 4 of the Industrial Safety and Health Act and the same Article
Details of the measures taken by the business operator after the interview guidance was conducted based on the provisions of Paragraph 5.
 - (8) According to the interview guidance or interview guidance provided by the business operator based on the provisions of Article 66-9 of the Industrial Safety and Health Act.
Result of measures

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- (9) Degree of psychological burden carried out by the business operator based on the provisions of Article 66-10, Paragraph 1 of the Industrial Safety and Health Act
Results of inspections (hereinafter referred to as "stress checks")
- (10) Results of interview guidance conducted by the business operator based on the provisions of Article 66-10, Paragraph 3 of the Industrial Safety and Health Act
- (11) Opinions and opinions heard by business operators from doctors based on the provisions of Article 66-10, Paragraph 5 of the Industrial Safety and Health Act.
Details of the measures taken by the business operator after the interview guidance was conducted based on the provisions of Paragraph 6
- (12) Acquired by the business operator through health maintenance and promotion measures based on the provisions of Article 69, Paragraph 1 of the Industrial Safety and Health Act.
Results of health measurement, contents of health guidance, etc.
- (13) Workers based on the provisions of Article 27 of the Workers' Accident Compensation Insurance Act (Act No. 50 of 1947)
Results of secondary medical examination submitted by
- (14) Information acquired by businesses through businesses such as health examinations conducted by health insurance associations, etc.
- (15) Information on medical treatment benefits such as consultation records and diagnosis names
- (16) Information on medical treatment such as medical certificates obtained by the business operator from medical institutions
- (17) Information on illness submitted by workers when they are absent
- (18) In addition to the items listed in (1) to (17), the person who is voluntarily provided by a worker, etc.
Medical history, health check results, and other health information

(Note) Regarding the "personal information requiring consideration" stipulated in Article 2, Paragraph 3 of the Law and Guideline 2-3, when acquiring it.
In addition to requiring the consent of the person himself / herself, in principle, the consent of the person himself / herself is also required when providing the information to a third party.
Provision to a third party pursuant to the provisions of Article 23, Paragraph 2 of the Act (for the purpose of use to provide to a third party, etc.)
Notify the person or put it in a state that the person can easily know, and notify the Personal Information Protection Commission.
Therefore, provide personal information to a third party without obtaining the consent of the person in advance. No. 1 by opt-out
It is said to be provided by three parties.) Is not allowed, so the discipline water for handling health information in the old notice
There is no change compared to the associate.
In addition, in the following cases, the handling of health information is the same as the handling in the old notice of precautions.
The consent of the person is not required for acquisition and provision to a third party.
(A) When the business operator obtains the results of a worker's health examination or provides it to a third party based on laws and regulations.
(B) When the third party does not fall under Article 23, Paragraph 5, Items 1 to 3 of the Act (Example: The business operator is a medical insurance company
Health information is provided to those who jointly use it when conducting a health examination jointly with a sick person.
When

Third matters that businesses should be aware of regarding the handling of health information

- 1 Basic way of thinking when a business operator handles health information
- (1) Regarding the health information listed in the second (1) to (18), it is necessary for the physical and mental health of individual workers.
This information is related to the information and may lead to disadvantageous treatment or discrimination against the person.
Since it is personal information that requires special consideration, the business operator needs to pay special attention to the handling of health information.
To do.
(2) Health information should be used to the extent necessary to ensure the health of workers, and is a business.
Persons must not handle this health information beyond the scope necessary to ensure the health of workers.

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- Not.
- 2 Purpose of use for proper acquisition prescribed in Article 17 of the Act and acquisition prescribed in Article 18 of the Act
Matters concerning notifications, etc. (related to Guideline 3-2)
(1) When a business operator obtains worker health information, except when required by law,
The consent of the Ecklonia cava must be obtained.
(2) In addition, the employer may cause self-harm or other harm to the worker's life, body or property.
Unless it is necessary for protection, the purpose of use must be clearly stated to the person.
(3) Doctors and public health nurses who conducted stress checks in Article 66-10, Paragraph 2 of the Industrial Safety and Health Act
Other persons specified by the Ordinance of the Ministry of Health, Labor and Welfare (hereinafter referred to as "implementers") shall obtain the consent of the workers.
It is said that the stress check result should not be provided to the business operator without it.
The contractor is the implementer or a person engaged in the office work of implementing other stress checks (hereinafter referred to as "actual").
It is called "office worker".), Or fraudulent work such as forcing workers to consent
Do not obtain the results of worker stress checks by means.
- 3 Regarding safety management measures stipulated in Article 20 of the Act and employee supervision stipulated in Article 21 of the Act
Matters (related to guidelines 3-3-2 and 3-3-3)
(1) The business operator has the information before processing such as the diagnosis name, test value, specific content of complaint, etc. in the health information.
Regarding the handling of information and detailed medical information, it is based on medical knowledge when using it.
Since it may require processing and judgment, let an occupational health worker do it.
Is desirable.
(2) The employer provides health information from occupational health workers to persons other than occupational health workers.
When providing it, it is necessary to ensure that the information is used to the extent necessary to ensure the health of workers.
If necessary, take measures such as having occupational health workers process health information appropriately.
thing.
(3) For implementers and implementation clerical workers who handle individual stress check results
All workers are nominated by the employer based on the investigation and deliberation by the Health Committee, etc. in advance.
To inform.
(4) Since the stress check result does not include detailed medical information, the business operator
The information can be handled by persons other than occupational health workers, but the business operator
Get a stress check if you do not have the worker's consent to provide
Direct authority over dismissal, promotion or transfer (hereinafter referred to as "personnel") for workers
Do not let someone in a supervisory position handle it. In addition, the business operator is stressed
Person in charge of personnel affairs of workers (supervisory place with direct authority regarding personnel affairs)
Excludes those in the rank.) Beyond the range necessary to ensure the health of workers
Inform the person concerned of the following matters so that they will not be used for personnel affairs.
thing.
(A) The person concerned shall be obliged to maintain confidentiality based on the provisions of Article 104 of the Industrial Safety and Health Act.
(B) The handling of stress check results is handled by doctors and other stress checkers.
It is done by instructions, and the results are leaked after receiving instructions from the superiors of the department to which they belong.

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- 4 Matters concerning supervision of contractors stipulated in Article 22 of the Act (related to Guidelines 3-3-4)
Medical examination, stress check, interview guidance or health maintenance promotion measures in whole or in part
Entrusted to medical institutions, institutions that support mental health care, etc. (hereinafter referred to as "external institutions")
When entrusting, the contractor has a system in place to properly manage information.
You must confirm in advance whether or not.
- 5 Matters concerning the consent of the person regarding the provision to a third party as stipulated in Article 23, Paragraph 1 of the Act (Guide)
Line 3-4 relationship)
(1) The business operator provides information other than the contents of the medical certificate submitted by the worker from the medical institution.
When it is necessary to collect health information, the medical institution provides the information requested by the business operator.
Since doing so corresponds to provision to a third party under Article 23 of the Act, the medical institution consents from the worker.
Need to get. Even in this case, the business operator acquires this information in advance.
Clarify the purpose of the work to the workers and obtain their consent, and if necessary, provide this information.
It is desirable to receive the submission from the worker himself / herself.
(2) Health examination based on the provisions of Article 66, Paragraphs 1 to 4 of the Industrial Safety and Health Act and Article 66-8, Paragraph
Regarding interview guidance based on the provisions of paragraph 1, the business operator is a doctor or younger in these provisions.
Or you have to have a medical examination by a dentist or an interview guidance by a doctor.
It has been. The business operator consults with an external organization when conducting a health examination or interview guidance.
When entrusting the implementation of refusal or interview guidance, the business operator shall carry out the actual medical examination or interview guidance.
It is necessary to provide the personal information of the workers necessary for the treatment to an external organization. In addition, the Industrial Safety and Health Act No. 66
In Article 3, Article 66-4, Article 66-8, Paragraphs 3 and 4, the business operator conducts a medical examination.
Recording of the results of refusal or interview guidance and hearing of opinions from doctors or dentists regarding the results
Is obligatory, and in Article 66-6, the employer is a worker who has a medical examination result.
Notification is required. In order for businesses to fulfill these obligations, they are in good health.
The result of the diagnosis or interview guidance must be reported (provided) to the business operator from an external organization.
Absent. For these reasons, the business operator entrusts an external organization with these medical examinations or interview guidance.
Providing the personal information of workers necessary for entrustment to an external organization, and entrusted by an external organization
Report (provide) the results of worker health examinations or interview guidance to the original business operator
That is an act of fulfilling the obligations of the business operator based on the Industrial Safety and Health Act, and Article 23 of the Act.
Corresponds to the "case based on laws and regulations" in Paragraph 1, Item 1, and is provided to a third party without the consent of the person.

Four

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- Is not restricted.
- (3) When carrying out a stress check, the business operator asks an external organization for the stress check.
When entrusting the implementation, the personal information of the workers necessary for conducting the stress check is excluded.
Need to provide to departments. In this case, the act of providing the provision shall be stipulated in 5 (2).
In the same way as in the case of regular medical examinations, etc., in the act of fulfilling the obligations of the business operator based on the Industrial Safety and Health Act.
Yes, because it falls under the "case based on laws and regulations" in Article 23, Paragraph 1, Item 1 of the Law, the person himself / herself
There are no restrictions on third-party provision without consent.
In addition, under Article 66-10, Paragraph 2 of the Industrial Safety and Health Act, a stress check is conducted in advance.
The results must not be provided to the employer without the consent of the worker.
There is. For this reason, the external organization must be the consignor without obtaining the consent of the person in advance.
It is not possible to provide stress check results to vendors.
In addition, in Article 66-10, Paragraph 3 of the Industrial Safety and Health Act, notification of the results of stress checks will be given.
When a worker who has received an offer that meets the requirements specified by the Ordinance of the Ministry of Health, Labor and Welfare
Businesses are obliged to provide interview guidance. For the business operator to fulfill this obligation
To confirm whether the worker meets the requirements specified by the Ordinance of the Ministry of Health, Labor and Welfare.
In addition to requiring workers to submit stress checks, external machines that have undergone stress checks
It is possible to ask Seki to provide the stress check results, but the worker's offer
Can be considered to have agreed to provide the stress check results to the business operator?
It is not necessary for the request of the business operator, an external organization provides the stress check result to the business operator.
Therefore, it is not necessary to obtain the consent of the person again.
In addition, the business operator is based on the provisions of Article 66-8, Paragraph 1 or Article 66-10, Paragraph 3 of the Industrial Safety and Health Act.
Provide the personal information of workers necessary for entrusting interview guidance to an external organization, and also outside
Providing the results of worker interview guidance to the contractor by the department is 5
As in the case of medical examinations, etc. prescribed in (2), we will fulfill the obligations of the business operator based on the Industrial Safety and Health Act.
It corresponds to the "case based on the law" of Article 23, Paragraph 1, Item 1 of the Act, and the person himself / herself
Even if you do not agree, you will not be restricted from providing it to a third party. In this case, obtain the consent of the person
Health information that is not restricted by third parties should be used as information necessary for conducting interview guidance.
The stress check results provided by the business operator to the external organization are also included.
 - (4) Law Concerning Ensuring Proper Operation of Worker Dispatching Business and Protection of Dispatched Workers (Showwa)
1960 Law No. 88) (hereinafter referred to as the "Worker Dispatch Law") Article 45, Paragraphs 10 and 14
In addition, the dispatched business operator conducts a health examination based on the provisions of Article 66, Paragraphs 2 to 4 of the Industrial Safety and Health Act.
Is it a doctor based on the provisions of Article 66-4 of the Industrial Safety and Health Act based on the results of these medical examinations?
When we heard their opinions, we prepared a document describing the results of the medical examination and dispatched them.
It must be sent to the former business operator and the opinion of the doctor must be notified to the dispatching business operator.
It is supposed to be something that must be done. For this reason, the dispatched company is the dispatching company.
Providing a document containing the results of these medical examinations and the opinions of doctors is a labor force.
It is an act based on the provisions of the law, and in the case of "when based on the law" in Article 23, Paragraph 1, Item 1 of the Law.
Applicable, and without the consent of the person, there are no restrictions on provision to a third party.
 - (5) When a business operator requests a health insurance association, etc. to provide health information on workers, it is healthy.
Insurance associations, etc. acquired for the purpose of providing the relevant business operator with health information on the relevant worker.

Five

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- Because it does not, it falls under the restriction of provision to third parties under Article 23 of the law, and health insurance associations, etc. are workers.
It is necessary to obtain the consent of (insured person). Even in this case, the business operator
Therefore, it is necessary to clarify the purpose of obtaining this information to the workers and obtain their consent.
Therefore, it is desirable that this information be submitted by the worker himself / herself.
However, when a business operator conducts a health examination jointly with a health insurance association, etc., Article 23, Article 23 of the Act
In the cases listed in items 1 to 3 of paragraph 5, the person who receives the provision of health information is the third person.
It is not necessary to obtain the consent of the worker because he / she does not fall under the category of a person.
(6) Law Concerning Ensuring Medical Care for the Elderly (Law No. 80 of 1982), Article 27, Paragraph 2 and Item
According to the provisions of paragraph 3, the medical insurer was the business operator using the subscriber or was using it.
Based on the Industrial Safety and Health Act and other laws and regulations, as stipulated by the Ordinance of the Ministry of Health, Labor and Welfare, for businesses.
We will provide a copy of the subscriber's health checkup records kept by the operator.
Businesses that can be asked to provide a copy of the medical examination record are thick
A copy of the record must be provided as provided by the Ordinance of the Ministry of Health, Labor and Welfare.
It has been. For this reason, the standards for the implementation of specific health examinations and specific health guidance (flat)
19th Ministry of Health, Labor and Welfare Ordinance No. 157) Regarding a copy of the record pertaining to the items stipulated in Article 2,
The business operator shall provide a copy of the record when requested by the medical insurer.
Is based on laws and regulations, so it falls under Article 23, Paragraph 1, Item 1 of the Law, and the consent of the person.
Can be provided without.
In addition, among the records related to health examinations related to subscribers kept by the business operator, specific health
Items that are not included in the items stipulated in Article 2 of the Standards for Implementation of Medical Examinations and Specified Health Guidance
(Work history, eyesight, hearing, chest X-ray examination, sputum examination) for workers
And clearly state that the information on the results of the regular medical examination will be provided to the medical insurer, and obtain consent.
Matters are required.
- 6 Matters concerning disclosure of retained personal data stipulated in Article 28 of the Act (related to Guidelines 3-5-2)
Of the health information held by businesses, Article 66-8, Paragraph 3 and Article 66-10, Article 4 of the Industrial Safety and Health Act
Records of the results of interview guidance created by the business operator based on the provisions of the section Other doctors, public health nurses, etc.
Request for disclosure of health information including judgments and opinions and detailed medical information
If requested, it must be disclosed in principle. However, it should be disclosed to the person
Therefore, if any of the items in Article 28, Paragraph 2 of the Act is applicable, all or part of it will be opened.
Can not be shown.
- 7 Matters concerning the handling of complaints stipulated in Article 35 of the Act (related to Guidelines 3-6)
Regarding the contact point for complaints stipulated in Guideline 3-6, it is related to health information.
Cooperate with occupational health workers as needed to respond appropriately to complaints
It is desirable to have a system that can be used.
- 8 Matters to consider to ensure the proper handling of personal information related to employment management by businesses
Matters to consider when doing
(1) Businesses often outsource the implementation of health examinations, etc. based on the Industrial Safety and Health Act to an external organization.

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- Therefore, there are many opportunities to exchange health information with the outside, and in the workplace.
In some cases, health information may be handled by persons other than occupational health workers.
In view of the above, in addition to the items listed in Guideline 3-5, the items listed below
We will establish the rules, etc. in the workplace, inform the workers of this, and inform the concerned parties.
It is desirable to handle it in accordance with the regulations.
(A) Purpose and method of using health information
(B) Thing about safety management system to affect health information
(C) Regarding the person who handles health information, its authority, and the scope of health information handled
thing
(D) For disclosure, correction, addition or deletion of health information (including those related to disposal)
Things to do
(E) Handling of complaints regarding the handling of health information
- (2) When establishing the rules, etc. of (1), the business operator shall deliberate at the Health Committee, etc.
Therefore, it is desirable to notify the labor union, etc. and hold discussions as necessary.
 - (3) There is a possibility of infection or spread in the workplace such as HIV infection and hepatitis B.
For information on low infectious diseases and hereditary diseases such as color vision tests,
The employer should not obtain it from workers, etc., unless there is a special business need.
However, at the request of workers, consideration will be given to employment for the treatment of these diseases, etc.
If it is necessary, the business operator will limit the information necessary for the relevant employment consideration.
It is conceivable to obtain it from a worker.
 - (4) Workers' health information can be found at medical institutions as "Personal information in medical / nursing care providers."
It is handled based on "Guidance for proper handling of information", and the health insurance association
"Guidance for the proper handling of personal information by health insurance associations, etc."
Since it is handled based on the above, the business operator, especially regarding safety management measures, etc., both guys
It is expected that attention will also be paid to the content of the dance.

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