

Ten Basic Questions for the Three Topics and Initial Research Item related to Underlying Legal Culture

International Transaction:

- 1 Requirements for formation of contract
- 2 Pre-contractual liability or culpa in comprehendo
- 3 Standard form of contract
- 4 Written contract requirement
- 5 Special performance
- 6 Remedies for breach of contract
- 7 Harmonization with international treaties
- 8 General principles concerning interpretation of contract
- 9 Regulations concerning special type contract (tripartite agreement, consumer contract, commercial contract, etc.)
- 10 Special characteristics / considerations in the relevant jurisdiction

Data Privacy:

- 1 Is the legal concept “privacy right” recognized in your jurisdiction? If it is not, what is the concept in your jurisdiction which is closest to the concept of privacy right? What differences are generally understood to exist between such concept and the concept of privacy right?
- 2 Is there a general law to protect privacy (or another concept that is closest to privacy)?
 - E.g. It is included in the fundamental rights under the constitution law.
 - E.g. It is recognized in case law.
 - E.g. It is recognized under statute of parliament.
- 3 What are protected under the concept of privacy (or another concept that is closest to privacy)?
 - E.g. Freedom that one’s private space, such as home, is not infringed
 - E.g. Freedom that one’s body is not unduly held in bondage
 - E.g. Freedom of sexual orientation such as homosexual
 - E.g. Freedom of reproduction such as abortion
 - E.g. Personal information protection
- 4 What are considered as grounds opposing against protection of privacy?
 - E.g. Judicial police activities (law enforcement)
 - E.g. Administrative police activities (policing)
 - E.g. Preservation of value of family
 - E.g. Preservation of value of local community
 - E.g. Preservation of value of religious community
- 5 What is the general understanding as to the relationship between privacy right and personal information protection? If there are differences between academic theory, case law and statute, please explain separately.
 - E.g. Personal information protection is part of privacy right.
 - E.g. These are independent concepts (reference: 1980 OECD 8 principles)
- 6 How is the personal information protection law of your jurisdiction structured (including, but not limited to, the following matters)?
 - (1) Definition of personal information
 - (2) Basic principles concerning handling of personal information
 - (3) Differences in restrictions imposed on government sector and private sector
 - (4) Relationship between general law and restriction law concerning specific matter
 - (5) Area or subject which is not subject to personal information protection law
 - (6) Differences in restrictions on computerized information and other information
 - (7) Special restriction on information on internet
 - (8) Regulating authority and dispute resolution authority, and relationship between

them

- (9) Whether criminal penalty exists and scope thereof
- 7 What are the role of rules other than law with respect to personal information protection?
E.g. There is a code established by industry organization and breach of the code results in sanction by such organization.
- 8 What are recognized as legal benefits that oppose against personal information protection?
E.g. Freedom of expression
E.g. Commercial activities
E.g. Judicial police activities
E.g. Administrative police activities
- 9 Are there special restrictions on the following matters?
 - (1) Cross-border transfer of personal information
 - (2) Right to be forgotten
 - (3) Cryptographic communication (including digital signature)
- 10 Are there special restrictions on expressions on internet?

Dispute Resolution:

[To be inserted]

Underlying Legal Research:

Perspective of Research:

Self-perception in each jurisdiction on the way how laws have been adopted

Reason for selecting the above perspective:

We selected the above perspective because this question will introduce a new perspective in understanding of diversity of laws, as we compare such “self-perception” and the form of adoption of laws observed from other jurisdictions.