

This English translation of the "Act on Identification, etc. by Mobile Voice Communications Carriers of Their Subscribers, etc. and for the Prevention of Improper Use of Mobile Voice Communications Services" (Effective April 15, 2005) has been prepared in compliance with the Standard Bilingual Dictionary (March 2007 edition).

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Act on Identification, etc. by Mobile Voice Communications Carriers of Their Subscribers, etc. and for the Prevention of Improper Use of Mobile Voice Communications Services (Act No. 31 of 2005)

Chapter I General Provisions

Article 1 (Purpose)

The purpose of this Act is to facilitate the establishment of a system for the management of subscribers by mobile voice communications carriers and to prevent the improper use of mobile voice communications services, by stipulating such matters as the personal identification measures to be taken by mobile voice communications carriers at the time of the conclusion, etc. of a contract for the provision of mobile voice communications services and the measures to be taken in connection with the transfer, etc. of telephonic call-capable terminal facilities, etc.

Article 2 (Definitions)

(1) In this Act, the term "mobile voice communications" shall mean radio communications in sound, (including voice) transmitted, conveyed or received between radio stations to be established for mobile use (in paragraph (4), referred to as "radio stations") and fixed radio stations to be established on land for communication with said mobile radio stations.

(2) In this Act, the term "mobile voice communications service" shall mean a telecommunications service pertaining to mobile voice communications, among those defined in Article 2 item (iii) of the Telecommunications Business Act (Act No. 86 of 1984) (hereinafter referred to as "telecommunications service"), and which are specified by the applicable Ordinance of the Ministry of Internal Affairs and Communications (MIC) (hereinafter referred to as "the applicable MIC Ordinance") as those which are deemed necessary to promote the establishment of management systems for those who receive such mobile voice communications services.

(3) In this Act, the term "mobile voice communications carrier" shall mean a carrier who provides mobile voice communications services from among those telecommunications carriers stipulated in Article 2 item (v) of the Telecommunications Business Act.

(4) In this Act, the term "mobile voice communications terminal facilities" shall mean, from among those telecommunications facilities stipulated in Article 2 item (ii) of the Telecommunications Business Act, a radio station's radio facilities for

conducting mobile voice communications.

(5) In this Act, the term "telephonic call-capable terminal facilities" shall mean telephonic call-capable mobile voice communications terminal facilities connected to telecommunications circuit facilities (referring to the telecommunications circuit facilities stipulated in Article 9 of the Telecommunications Business Act) used for the provision of mobile voice communications services.

(6) In this Act, the term "subscriber identifiable electromagnetic recording media" means electromagnetic recording media containing the information, by which a person who has concluded a contract on the provision of mobile voice communications services (hereinafter referred to as "the service provision contract") with a mobile voice communications carrier (hereinafter referred to as "the subscriber") can be identified, (electromagnetic recording media means the media for electromagnetic recording (this is a record made electronically, electromagnetically or by other means that cannot be recognized by persons, and used for information processing by computers)) that constitute telephonic call-capable terminal facilities together with mobile voice communications terminal facilities or other facilities (excluding telephonic call-capable terminal facilities) when the electromagnetic recording media are connected to the mobile voice communications terminal facilities or other facilities.

Chapter II Personal Identification, etc.

Article 3 (Personal Identification Obligation, etc. in Concluding a Contract)

(1) When a mobile voice communications carrier intends to conclude a service provision contract with a person who wishes to receive such service, said carrier shall identify, by methods stipulated in the applicable MIC Ordinance (including by requesting the presentation of a driver's license; hereinafter referred to as "personal identification") the person wishing to become the counterparty to the service provision contract (hereinafter in this article and Article 11 item (i) referred to as "the counterparty") with respect to the matters specified in the following items according to the classification of the counterparty (hereinafter referred to as "identification matters").

(i) Natural person: his or her name, address and date of birth

(ii) Juridical person: its name and address of head or principal office

(2) Where a mobile voice communications carrier performs the personal identification of the counterparty, in cases where a representative of a corporation concludes a service provision contract for said corporation, including cases where a natural person acting for said corporation who is actually authorized to conclude the service provision contract with said mobile voice communications carrier differs from said counterparty (except cases specified in the following paragraph), said mobile voice communications carrier shall identify said natural person in charge of concluding the service provision contract (in paragraph (4) and Article 11 item (i), referred to as "the representative, etc."), in addition to the identification of said

counterparty.

(3) In cases where the counterparty is a person specified by the applicable MIC Ordinance, including the central government, local government, association or foundation without juridical personality, the provisions of paragraph (1) shall apply by deeming a natural person acting for said central government, local government, association or foundation without juridical personality, who is in fact authorized to conclude the service provision contract with said mobile voice communications carrier, as the counterparty.

(4) In cases where the mobile voice communications carrier performs the personal identification, the counterparty (including the natural person deemed as the counterparty pursuant to the provisions of the preceding paragraph; the same shall apply hereinafter in this paragraph and in Article 11 item (i)) and the representative, etc. shall not falsify their identification matters.

Article 4 (Obligation to Prepare Identification Records, etc.)

(1) When personal identification is performed, all mobile voice communications carriers shall immediately prepare records of the matters regarding the identification stipulated in the applicable MIC Ordinance (hereinafter referred to as "identification records"), including identification matters, in the manner stipulated in the applicable MIC Ordinance.

(2) The mobile voice communications carrier shall retain identification records for three years from the day of termination of the service provision contract.

Article 5 (Personal Identification Obligation, etc. at the Time of Transfer)

(1) In changing the name of a subscriber due to the transfer of telephonic call-capable terminal facilities or subscriber identifiable electromagnetic recording media (hereinafter referred to as "telephonic call-capable terminal facilities, etc.") or otherwise succession of status as the person receiving a mobile voice communications service under said service provision contract, the mobile voice communications carrier shall confirm the identification matters regarding the new person who will receive said mobile voice communications service under said service provision contract due to such change of name (hereinafter referred to as a "transferee, etc.") (hereinafter referred to as "personal identification at the time of transfer"), by the methods stipulated in the applicable MIC Ordinance, including producing a driver's license.

(2) The provisions of Article 3 paragraphs (2) through (4) and of the preceding article shall apply mutatis mutandis to the cases of personal identification at the time of transfer confirmed by the mobile voice communications carrier in accordance with the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3 paragraphs (2) through (4) shall be read as "transferee, etc."; "personal identification" in Article 3 paragraphs (2) and (4) shall be read as "personal identification at the time of transfer" and "Article 11 item (i)" in said paragraphs shall be read as "Article 11 item (ii)"; "paragraph (1)" in Article 11 paragraph (3)

shall be read as "Article 5 paragraph (1)"; and "personal identification" in Article 4 paragraph (1) shall be read as "personal identification at the time of transfer".

Article 6 (Personal Identification, etc. by an Intermediary Agency, etc.)

(1) A mobile voice communications carrier may instruct persons who are in the business of acting as an intermediate in the conclusion of service provision contracts (hereinafter referred to as an "intermediary agency, etc.") or commission them to perform the personal identification or personal identification at the time of transfer.

(2) When a mobile voice communications carrier commissions an intermediary agency, etc. to perform the personal identification or personal identification at the time of transfer pursuant to the provisions of the preceding paragraph, the carrier shall not be required to perform such personal identification or personal identification at the time of transfer, notwithstanding the provisions of Article 3 paragraph (2), as applied mutatis mutandis to the provisions of Article 3 paragraphs (1) and (2), or the provisions of Article 5 paragraph (1) and in Article 5 paragraph (2).

(3) The provisions of Article 3 and Article 4 paragraph (1) shall apply mutatis mutandis to the case of identification confirmed by an intermediary agency, etc. in accordance with the provisions of paragraph (1) of this article. In this case, the term "mobile voice communications carrier" in Article 3 shall be read as "intermediary agency, etc."; and "when personal identification is performed" in Article 4 paragraph (1) shall be read as "when personal identification is performed by an intermediary agency, etc. in accordance with the provisions of Article 6 paragraph (1)".

(4) The provisions of Article 3 paragraphs (2) through (4), Article 4 and paragraph (1) of the preceding article shall apply mutatis mutandis to the case of personal identification at the time of transfer confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this article. In this case, "mobile voice communications carrier" appearing in Article 3 paragraphs (2) through (4) shall be read as "intermediary agency, etc." and "counterparty" in Article 3 paragraphs (2) through (4) shall be read as "transferee, etc."; "personal identification" in Article 3 paragraphs (2) and (4) shall be read as "personal identification at the time of transfer" and "Article 11 item (i)" in Article 3 paragraphs (2) and (4) shall be read as "Article 11 item (ii)"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 5 paragraph (1)"; "when personal identification is performed" in Article 4 paragraph (1) shall be read as "when personal identification at the time of transfer is performed by an intermediary agency, etc. in accordance with the provisions of Article 6 paragraph (1)"; "matters regarding the identification" in Article 4 paragraph (1) shall be read as "matters regarding the identification at the time of transfer"; and "mobile voice communications carrier" in paragraph (1) of the preceding article shall be read as "intermediary agency, etc.".

Article 7 (Consent of Mobile Voice Communications Carrier at the Time of Transfer)

(1) When any subscriber intends to transfer to another person the telephonic

call-capable terminal facilities, etc. pertaining to the service provision contract to which it is a subscriber, such subscriber must obtain the prior consent of the mobile voice communications carrier, except in cases where it transfers such facilities to a family member, household member or dependent.

(2) No mobile voice communications carrier shall give the consent stipulated in the preceding paragraph until said carrier completes personal identification at the time of transfer regarding the transferee, etc. or until an intermediary agency, etc. completes personal identification at the time of transfer pursuant to the provisions of paragraph (1) of the preceding article.

Article 8 (Request for Subscriber Identification)

(1) When the chief of police deems necessary, in either case falling under the following items, in order to prevent the improper use of mobile voice communications services, the chief of police may request the mobile voice communications carrier who has concluded a service provision contract for telephonic call-capable terminal facilities, etc. pertaining to crimes falling under the following items, to confirm the matters stipulated in paragraph (1) of the following article pertaining to the subscriber to said service provision contract, in the manner stipulated in the Rules of the National Public Safety Commission.

(i) In cases where there is a probable cause that a crime stipulated in this Act (limited to crimes under Articles 19 through 22 and Article 26 (limited to the part pertaining to crimes under Articles 19 through 22)) has been committed

(ii) In cases where there is a probable cause that a mobile voice communications service is used in acts classified as crimes under Article 246 or Article 249 of the Penal Code (Act No. 45 of 1907) or any other act classified as crimes and specified in the applicable cabinet order as requiring prevention of damage or danger to the public which may arise from such act in which mobile voice communications services are often used

(2) The National Public Safety Commission shall consult with the Minister of Internal Affairs and Communications (hereinafter referred to as "the Minister") in advance, when it intends to set forth the Rules of the National Public Safety Commission as stipulated in the preceding paragraph.

Article 9 (Subscriber Identification)

(1) The mobile voice communications carrier who is requested to perform the confirmation pursuant to the provisions of paragraph (1) of the preceding article may confirm, with respect to the subscriber concerned, the identification matters and other matters specified in the applicable MIC Ordinance as matters necessary to confirm that such a subscriber holds the status under the service provision contract as a subscriber to the mobile voice communications service (hereinafter referred to as "subscriber identification") in the manner specified in the applicable MIC Ordinance.

(2) The Minister shall consult with the National Public Safety Commission in

advance when he or she intends to set forth the applicable MIC Ordinance stipulated in the preceding paragraph.

(3) The provisions of Article 3 paragraphs (2) through (4) shall apply mutatis mutandis to the case of subscriber identification performed by the mobile voice communications carrier pursuant to the provisions of paragraph (1). In this case, the term "the counterparty" in paragraphs (2) through (4) of the same article shall be read as the "subscriber"; "personal identification" in paragraphs (2) and (4) of the same article shall be read as "subscriber identification"; "Article 11 item (i)" in the same paragraphs shall be read as "Article 11 item (iv)"; and "paragraph (1)" in paragraph (3) of the same article shall be read as "Article 9 paragraph (1)".

Article 10 (Personal Identification Obligation, etc. of Lease Operator at the Time of Leasing)

(1) When a person engaged in the business of leasing telephonic call-capable terminal facilities, etc. for value (hereinafter referred to as the "lease operator") intends to conclude a contract on the lease of telephonic call-capable terminal facilities, etc. for value (hereinafter referred to as a "lease contract"), the lease operator shall not deliver telephonic call-capable terminal facilities, etc. to the counterparty with whom the lease contract is concluded (hereinafter referred to as "the lessee"), unless the lease operator has confirmed the matters specified in the following items (hereinafter referred to as the "identification matters at the time of leasing"), according to the classification of the counterparty in said items, by methods stipulated in the applicable MIC Ordinance (including by requesting the presentation of a driver's license) (hereinafter referred to as "personal identification at the time of leasing").

(i) Natural person: his or her name, address (if the person is a foreigner without residence in Japan who is designated by the applicable MIC Ordinance, the matters specified in such MIC Ordinance) and date of birth

(ii) Juridical person: its name and address of head or principal office

(2) The provisions of Article 3 paragraphs (2) through (4) and Article 4 shall apply mutatis mutandis to cases in which a lease operator conducts personal identification at the time of leasing according to the provisions of the preceding paragraph. In this case, "mobile voice communications carrier" in Article 3 paragraphs (2) through (4) shall be read as "lease operator"; "Where a mobile voice communications carrier performs the personal identification of the counterparty, in cases where a representative of a corporation" in Article 3 paragraph (2) shall be read as "In cases where a representative of a corporation"; "service provision contract" in Article 3 paragraph (2) shall be read as "lease contract"; "said counterparty" in Article 3 paragraph (2) shall be read as "the lessee"; "the identification of said counterparty" in Article 3 paragraph (2) shall be read as "personal identification at the time of leasing for the lessee"; "in paragraph (4) and Article 11 item (i)" in Article 3 paragraph (2) shall be read as "in paragraph (4)"; "shall identify" in Article 3

paragraph (2) shall be read as "shall not deliver telephonic call-capable terminal facilities, etc. to the lessee unless personal identification is made at the time of leasing"; "the counterparty" in Article 3 paragraph (3) shall be read as "the lessee"; "service provision contract" in Article 3 paragraph (3) shall be read as "lease contract"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 10 paragraph (1)"; "the counterparty" in Article 3 paragraph (4) shall be read as "the lessee"; "in this paragraph and Article 11 item (i)" in Article 3 paragraph (4) shall be read as "in this paragraph"; "personal identification" in Article 3 paragraph (4) shall be read as "personal identification at the time of leasing"; "identification matters" in Article 3 paragraph (4) shall be read as "identification matters at the time of leasing"; "mobile voice communications carrier" in Article 4 shall be read as "lease operator"; "identification records" in Article 4 shall be read as "identification records at the time of leasing"; "personal identification" in Article 4 paragraph (1) shall be read as "personal identification at the time of leasing"; "immediately" in Article 4 paragraph (1) shall be read as "within the period specified in the applicable MIC Ordinance"; "identification matters" in Article 4 paragraph (1) shall be read as "identification matters at the time of leasing"; and "service provision contract" in Article 4 paragraph (2) shall be read as "lease contract".

Article 11 (Refusal to Provide Mobile Voice Communications Services, etc.)

In the cases listed under the following items, mobile voice communications carriers may refuse to provide mobile voice communications services and telecommunications services other than said mobile voice communications services that are to be made available via telephonic call-capable terminal facilities, etc. pertaining to a service provision contract.

(i) Where the counterparty or the representative, etc. refuses to undergo personal identification (limited to the period until said counterparty or representative, etc. undergoes personal identification)

(ii) Where the transferee, etc. or the representative, etc. refuses to undergo personal identification at the time of transfer (limited to the period until said transferee, etc. or representative, etc. undergoes personal identification at the time of transfer)

(iii) Where the telephonic call-capable terminal facilities, etc. are transferred in violation of the provisions of Article 7 paragraph (1)

(iv) Where the subscriber or the representative, etc. refuses to undergo confirmation of the identification matters pursuant to the provisions of Article 9 paragraph (1) (limited to the period until said subscriber or representative, etc. undergoes said confirmation)

(v) Where the telephonic call-capable terminal facilities, etc. are delivered in violation of the provisions of Article 3 paragraph (2) in case where these provisions apply mutatis mutandis to Article 10 paragraph (1) or (2)

Article 12 (Supervision of Intermediary Agency, etc.)

When a mobile voice communications carrier determines to instruct an intermediary agency, etc. to perform the personal identification or personal identification at the time of transfer pursuant to the provisions of Article 6 paragraph (1), said carrier shall perform necessary and appropriate supervision of such intermediary agency, etc. in the manner specified in the applicable MIC Ordinance, to ensure such personal identification or personal identification at the time of transfer.

Chapter III Supervision

Article 13 (Reporting)

The Minister may, to the extent necessary for the enforcement of this Act, request any mobile voice communications carrier (including an intermediary agency, etc.; the same shall apply in the following article) to submit reports or materials on its business.

Article 14 (On-site Inspection)

(1) The Minister may, to the extent necessary for the enforcement of this Act, instruct ministerial officials to enter the business office or other premises of a mobile voice communications carrier, inspect identification records or other properties, or ask relevant persons questions concerning its operations.

(2) In the case of the preceding paragraph, said officials shall carry identification cards and produce them to the persons concerned upon request.

(3) The authority conferred under the provisions of paragraph (1) of this article shall not be construed as being invested in the ministerial officials for the purpose of detecting a crime.

Article 15 (Correction Order)

(1) In the event that the Minister finds that a mobile voice communications carrier is, in respect of its operations, in violation of the provisions of Article 3 paragraph (1), Article 3 paragraph (2) or (3) (including cases where these provisions apply mutatis mutandis to Article 5 paragraph (2)), Article 4 paragraph (1) (including cases where these provisions apply mutatis mutandis to Article 5 paragraph (2) and Article 6 paragraphs (3) and (4)) or Article 4 paragraph (2) (including cases where these provisions apply mutatis mutandis to Article 5 paragraph (2) and Article 6 paragraph (4)), Article 5 paragraph (1), Article 7 paragraph (2) or Article 12, the Minister may order said mobile voice communications carrier to take the measures necessary to correct said violation.

(2) When the Minister finds that an intermediary agency, etc. is, in respect of its operations, in violation of the provisions of Article 3 paragraphs (1) through (3) as applied mutatis mutandis in Article 6 paragraph (3), or in violation of Article 3 paragraph (2) or (3), or Article 5 paragraph (1) as applied mutatis mutandis in Article 6 paragraph (4), the Minister may order said intermediary agency, etc. to take the measures necessary to correct said violation.

Chapter IV Miscellaneous Provisions

Article 16 (Provision of Information)

In order to contribute to measures taken by mobile voice communications carriers to prevent improper use of mobile voice communications services, the National Public Safety Commission shall provide mobile voice communications carriers with information related to modi operandi to conceal identification matters at the time of conclusion of a service provision contract.

Article 16-2 (Measures to Deepen Understanding for Citizens)

The central government and the local governments shall make efforts to help citizens deepen their understanding of the importance of preventing the improper use of mobile voice communications services.

Article 16-3 (Cooperation between the Minister and the National Public Safety Commission)

The Minister and the National Public Safety Commission shall cooperate with each other in preventing the improper use of mobile voice communications services.

Article 17 (Entrustment to Order)

In addition to the provisions specified in this Act, other matters necessary for the enforcement of this Act shall be specified in the applicable MIC Ordinance or the Rules of the National Public Safety Commission.

Article 18 (Transitional Measures)

In cases where stipulating, amending or abolishing orders pursuant to the provisions of this Act, the necessary transitional measures (including transitional measures concerning penal provisions) may be set forth by such orders to the extent deemed reasonably necessary in line with such stipulations, amendments to or abolition of said orders.

Chapter V Penal Provisions

Article 19

Any person who has violated the provisions of Article 3 paragraph (4) (including cases where said provisions shall be applied mutatis mutandis in Article 5 paragraph (2), Article 6 paragraphs (3) and (4) and Article 9 paragraph (3)) in order to conceal the identification matters shall be punished by a fine not exceeding five hundred thousand yen. The same punishment shall apply to any person who has violated the provisions of Article 3 paragraph (4) that apply mutatis mutandis to Article 10 paragraph (2) for the purpose of concealing the identification matters at the time of leasing.

Article 20

(1) Any person who has transferred telephonic call-capable terminal facilities, etc. for value as a business, in violation of the provisions of Article 7 paragraph (1), shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

(2) Any person who has accepted the transfer of telephonic call-capable terminal facilities, etc. from a counterparty for value as a business, knowing that the

counterparty is in violation of the provisions of Article 7 paragraph (1), shall also be punished as prescribed in the preceding paragraph.

Article 21

(1) Any person who has transferred telephonic call-capable terminal facilities, etc. pertaining to a service provision contract to which said person is not the subscriber shall be punished by a fine not exceeding five hundred thousand yen.

(2) Any person who has accepted the transfer of telephonic call-capable terminal facilities, etc. from a counterparty, knowing that the counterparty is not the subscriber to said service provision contract pertaining to said telephonic call-capable terminal facilities, etc., shall also be punished as prescribed in the preceding paragraph.

(3) Any person who, as a business, has committed acts that are identified as crimes under paragraph (1) or the preceding paragraph shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

Article 22

(1) Any person who falls under any of the following items shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

(i) A person who delivers telephonic call-capable terminal facilities, etc. in violation of the provisions of Article 3 paragraph (2) that apply mutatis mutandis to Article 10 paragraph (1) or (2)

(ii) Any person who fails to prepare identification records at the time of leasing in violation of the provisions of Article 4 paragraph (1) that apply mutatis mutandis to Article 10 paragraph (2), or prepares false identification records at the time of leasing

(iii) Any person who fails to maintain identification records at the time of leasing in violation of the provisions of Article 4 paragraph (2) that apply mutatis mutandis to Article 10 paragraph (2)

(2) Any person who has taken delivery of telephonic call-capable terminal facilities, etc. pertaining to said violation, knowing that the counterparty is in violation of the provisions of Article 3 paragraph (2) that apply mutatis mutandis to Article 10 paragraph (1) or (2), shall be punished by a fine not exceeding five hundred thousand yen.

Article 23

Any person, who has solicited or lured by advertisement or other similar means other persons into becoming counterparties to acts that are identified as crimes in Article 20, Article 21 paragraph (1) or (2), or paragraph (1) item (i) of the preceding article shall be punished by a fine not exceeding five hundred thousand yen.

Article 24

Any person who has violated the order pursuant to the provisions of Article 15 shall be punished by imprisonment with work not exceeding two years or a fine not

exceeding three million yen, or both.

Article 25

Any person who falls under any of the following items shall be punished by imprisonment with work not exceeding one year or a fine not exceeding three million yen, or both.

(i) Any person who has failed to submit reports or materials or who has submitted false reports or materials pursuant to the provisions of Article 13

(ii) Any person who has failed to answer questions of said ministerial officials pursuant to the provisions of Article 14 paragraph (1) or who has given false answers to said questions, or who has refused, hindered or evaded the inspection pursuant to the provisions of the same paragraph

Article 26

Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed acts violating any of the provisions in Articles 19 through 25 with regard to the business operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective articles.

Supplementary Provisions

Article 1 (Effective Date)

This Act shall come into force as from the day specified in the applicable cabinet order within a period not exceeding one year calculating from the day of promulgation. However, the provisions listed in the following items shall come into force as from the day specified respectively in those items.

(i) The provisions of Article 8 paragraph (2) and Article 9 paragraph (2): As from the day of promulgation

(ii) The provisions of Article 8 paragraph (1), Article 9 paragraphs (1) and (3), Article 10, Article 11 (limited to parts pertaining to items (iv) and (v)), Article 16, Article 22, Article 23 (limited to parts pertaining to Article 22 paragraph (1); the same shall apply hereinafter in this item) and Article 26 (limited to parts pertaining to Articles 22 and 23): As from the day following the elapse of twenty days from the day of promulgation

Article 2 (Transitional Measures)

(1) With respect to a person who, at the time of the enforcement of this Act, is actually using a mobile voice communications service based on a service provision contract (hereinafter referred to as a "user at the time of the effective date"), the mobile voice communications carrier concerned shall confirm the identification matters of the user as of the effective date (hereinafter referred to as "the personal identification of the user at the time of the effective date") , by the date stipulated in the applicable MIC Ordinance, by the methods stipulated in the applicable MIC Ordinance, including producing a driver's license. However, this shall not apply to

the cases listed in the following items.

(i) In cases where the mobile voice communications carrier has performed, prior to the day of enforcement of this Act, confirmation of the matters pursuant to the provisions of Article 3 paragraph (1) which are sufficient to identify the user at the time of the effective date, and where the records concerning such confirmation are prepared and maintained

(ii) In cases where personal identification at the time of transfer is performed prior to the personal identification of the user at the time of the effective date

(iii) In cases where the service provision contract concerned is terminated prior to personal identification of the user at the time of the effective date

(2) The provisions of Article 3 paragraphs (2) through (4) and Article 4 shall apply *mutatis mutandis* to cases where the mobile voice communications carrier confirms the personal identification of the user at the time of the effective date pursuant to the provisions of the preceding paragraph. In this case, the "counterparty" in Article 3 paragraphs (2) through (4) shall be read as the "user at the time of the effective date"; "personal identification" in Article 3 paragraphs (2) and (4) shall be read as "personal identification of the user at the time of the effective date" and "Article 11 item (i)" in the same paragraphs shall be read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 2 paragraph (1) of the Supplementary Provisions"; and "personal identification" in Article 4 paragraph (1) shall be read as "personal identification of the user at the time of the effective date".

(3) The records of the confirmation stipulated in paragraph (1) item (i) shall be deemed to be the identification records to which the provisions of Article 4 paragraph (2) shall apply.

Article 3

(1) The mobile voice communications carrier may instruct an intermediary agency, etc. to confirm the personal identification of the user at the time of the effective date.

(2) In cases where the mobile voice communications carrier has decided, pursuant to the provisions of the preceding paragraph, to instruct an intermediary agency, etc. to confirm the personal identification of the user at the time of the effective date, said mobile voice communications carrier shall not be required to confirm said personal identification of the user at the time of the effective date, notwithstanding the provisions of Article 3 paragraph (2) as applied *mutatis mutandis* to Article 2 paragraphs (1) and (2).

(3) The provisions of Article 3 paragraphs (2) through (4), Article 4, Article 12 and Article 2 paragraph (1) shall be applied *mutatis mutandis* to the case of the personal identification of the user at the time of the effective date confirmed by an intermediary agency, etc. pursuant to the provisions of paragraph (1) of this article. In this case, "mobile voice communications carrier" in Article 3 paragraphs (2) through (4) shall be read as "intermediary agency, etc." and the "counterparty" in

the same paragraphs shall be read as the "user at the time of the effective date"; "personal identification" in Article 3 paragraphs (2) and (4) shall be read as "personal identification of the user at the time of the effective date" and "Article 11 item (i)" in the same paragraphs shall be read as "Article 4 of the Supplementary Provisions"; "paragraph (1)" in Article 3 paragraph (3) shall be read as "Article 2 paragraph (1) of the Supplementary Provisions"; "When the personal identification is performed" in Article 4 paragraph (1) shall be read as "When the personal identification of the user at the time of the effective date is confirmed by an intermediary agency, etc. pursuant to the provisions of Article 3 paragraph (1) of the Supplementary Provisions" and "matters regarding the identification" in the same paragraph shall be read as "matters regarding the identification of the user at the time of the effective date"; "Article 6 paragraph (1)" in Article 12 shall be read as "Article 3 paragraph (1) of the Supplementary Provisions" and the "personal identification or the personal identification at the time of transfer" in the same article shall be read as the "personal identification of the user at the time of the effective date" and "such personal identification or personal identification at the time of transfer" in the same article shall be read as "said personal identification of the user at the time of the effective date"; and "the mobile voice communications carrier" in paragraph (1) of the preceding article of the Supplementary Provisions shall be read as "an intermediary agency, etc.".

Article 4

In cases where the person who is the user at the time of the effective date and to whom the provisions of the main clause of Article 2 paragraph (1) of the Supplementary Provisions (including the case where said provisions are applied *mutatis mutandis* to paragraph (3) of the preceding article) shall apply, or the representative, etc., fails to undergo personal identification of the user at the time of the effective date, the mobile voice communications carrier concerned may refuse to provide the mobile voice communications services and telecommunications services other than said mobile voice communications services which are to be made available via the telephonic call-capable terminal facilities covered pertaining to a service provision contract, during the period until said user at the time of the effective date or the representative, etc. undergoes personal identification at the time of transfer.

Article 5

(1) When the Minister finds that a mobile voice communications carrier is, with regard to the business of personal identification of the user at the time of the effective date, in violation of the provisions of Article 2 paragraph (1) of the Supplementary Provisions, Article 3 paragraph (2) or (3) or Article 4 as applied *mutatis mutandis* to Article 2 paragraph (2) of the Supplementary Provisions, or the provisions of Article 4 or Article 12 as applied *mutatis mutandis* to Article 3 paragraph (3) of the Supplementary Provisions, the Minister may order said mobile voice communications carrier to take the measures necessary to correct said

violation.

(2) When the Minister finds that an intermediary agency, etc. is, with regard to the business of personal identification of the user at the time of the effective date, in violation of the provisions of Article 3 paragraphs (2) or (3) as applied *mutatis mutandis* to Article 3 paragraph (3) of the Supplementary Provisions, or the provisions of Article 2 paragraph (1) of the Supplementary Provisions, the Minister may order said intermediary agency, etc. to take the measures necessary to correct said violation.

Article 6

(1) Any person who has violated the order pursuant the provisions of the preceding article shall be punished by imprisonment with work not exceeding two years or a fine not exceeding three million yen, or both.

(2) Any person who has violated the provisions of Article 3 paragraph (4) as applied *mutatis mutandis* to Article 2 paragraph (2) of the Supplementary Provisions or the provisions of Article 3 paragraph (4) as applied *mutatis mutandis* to Article 3 paragraph (3) of the Supplementary Provisions for the purpose of concealing its identification matters, shall be punished by a fine not exceeding five hundred thousand yen.

(3) Where the representative of a juridical person, or an agency, staff or other employee of a juridical person or a person has committed acts violating any of the provisions of paragraph (1) or the preceding paragraph with regard to the business operations of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective items.

Article 7 (Entrustment of Other Transitional Measures to Applicable Cabinet Order)

In addition to the transitional measures stipulated in these Supplementary Provisions, other transitional measures as required for the enforcement of this Act (including transitional measures concerning penal provisions) shall be specified in the applicable cabinet order.

Article 8 (Review)

After around one year has elapsed from the enforcement of this Act, the provisions of this Act shall be reviewed, taking into consideration the implementation status, etc. of the enforcement of this Act; and further, necessary measures shall be taken based upon the results of the review.