

Study Group on Countermeasures against Unwanted Junk Mail—4th Meeting Summary of Minutes

1. Date and Time

Tuesday, October 16, 2007; 18:00–19:00

2. Location

Special Conference Room 4, 5th floor, Ministry of Internal Affairs and Communications

3. Attendees (honorifics omitted)

(1) Members

Hiroyasu Asami, Yoshio Igarashi, Hisashi Iguchi, Keigo Inoue (alt.: Yashuo Nakayama), Hisamichi Okamura, Takamasa Kishihara, Hiroyuki Kuwako, Shinichiro Sakata (alt.: Akira Uemura), Osamu Sakuma, Tetsuya Takase, Toru Takahashi, Miki Nagata, Ikufumi Niimi, Takashi Noguchi, Kazushi Hayashi, Naoya Bessho, Tsuneo Matsumoto, Takamichi Miyosi, Masafumi Yoshimitsu

(2) Observer

Shigeyoshi Wakabayashi

(3) MIC Representatives

Terasaki (Director-General, Telecommunications Bureau), Ando (Director, General Affairs Division, Telecommunications Bureau), Sato (Director, Telecommunications Consumer Policy Division), Kawauchi (Director, IT Security Office), Yoshida (Senior Planning Officer, Telecommunications Consumer Policy Division), Naito (Deputy Director, Telecommunications Consumer Policy Division), Ogi (Deputy Director, Telecommunications Consumer Policy Division), Oiso (Specialist, Telecommunications Consumer Policy Division)

4. Agenda

(1) Opening

(2) Draft Summary of Minutes of the 3rd meeting

(3) Discussion items

- Draft Interim Summary

- Others

(4) Closing

5. Meeting Proceedings

(1) Opening

(2) Draft Summary of Minutes of the 3rd meeting

- Draft Summary of Minutes of the 3rd meeting (Document 1) was approved.
- The Secretariat briefly reported on the international meetings, the Joint LAP/CNSA/MAAWG Workshop (Washington) and the Japan-Canada Telecommunications Policy Consultations (Ottawa), which took place just prior to the 4th meeting and at which discussions were held on countermeasures against unwanted junk mail.

(3) Discussion items

- Draft Interim Summary

The Secretariat explained the Draft Interim Summary based on Documents 2 and 3, which was followed by questions and answers as below.

- With regard to the statement on page 30 [of the “Draft Interim Summary” (Document 3); hereinafter the same] that “international harmonization is also necessary,” it would be better to use the phrase “international harmony” to maintain consistency.

- With regard to the description on page 18 of one-click fraud, Metropolitan Police Department data in the footnote shows a decrease in arrests in the first half of fiscal 2007. It would be appropriate to include a comment about this.

- With regard to the description of the situation in the Netherlands on page 24, in order to avoid the misunderstanding that introducing the opt-in system in Japan will immediately result in a big reduction in the amount of unwanted junk mail, the phrase “most of the unwanted junk mail in the Netherlands originate abroad” should be added.

- With regard to the description of the effectiveness of opt-in on page 44, since opt-in alone is not necessarily going to be effective, some examples should be provided to illustrate the fact that the number of unwanted junk mails has not necessarily decreased in countries that have introduced the opt-in system.

- It would be better to include “(5) Evaluation of the Review of the Legislative Framework” on page 48 in the outline document.

- The description of one-click fraud on page 18 should include mail sent for the purpose of perpetrating two-click fraud.

- The methods of sending unwanted junk mail are becoming very complex, including using

botnets. Who are included in the scope of those subject to penalties?

→ Owners of PCs infected with a virus are actually victims and they are not intended to be included in the scope of those subject to penalties.

- To the part in the footnote on page 43 quoting the concept of the Law Concerning the Protection of Personal Information, a description of the issue of use for other than the original purpose should be added in addition to the description of the issue of provision of personal data to third parties.

- The description on page 43 of the use of email addresses obtained from a third party should be made stronger than the current “various problems are thought to be caused.”

- With regard to the expression of consent to provision to third parties, it is doubtful whether those receiving are actually consenting because they are likely to simply push the button mechanically. Therefore, the scope of provision to third parties should be limited.

- How provision to third parties can be balanced with other laws should be considered carefully. Should it be handled more strictly than under the Law Concerning the Protection of Personal Information? The issue of to what extent mail addresses can be handled in the same manner as personal information also needs attention.

- With regard to provision to third parties, obtaining consent without limiting the scope of provision to third parties causes a problem. In obtaining consent, the names of operators other than the operator concerned and the names of services should be specified.

- From the perspective of the relationship with marketing activities described on page 42, it is understandable to a certain extent that careful attention should be paid to the scope of consent to opt-in in terms of giving consideration to responsible operators. On the receiver side, however, it is desirable to make the rules about obtaining consent stricter. Is it possible to include this kind of perspective?

- Marketing activities includes phone calls. Discrepancies in regulations between telemarketing and email marketing would not be desirable. Unbalanced regulations could lead to responsible operators being over-regulated, which should be avoided.

- As described on page 5, email is different from other kinds of communication. The regulations

will address the differences.

- With regard to the description on page 42 about sending advertising mails on a business-to-business (B2B) basis, the expression of “will study carefully” should be rewritten to be a little more proactive one because disguising advertising as other forms of communications on a B2B basis is anticipated to occur.

- With regard to using emails received from a third party as described on page 43, if the advertiser is different from the sender and the address to which consent is obtained by the advertiser is passed to the sender, should the sender obtain consent anew?

→ We do not think the sender needs to obtain consent anew.

- In the case where an advertiser requests a sender who is in possession of a mail address to run an advertisement, who is assumed to obtain consent, for example, in the case of something like a mail magazine?

→ There will be no problem if the sender has obtained consent from a receiver to send mails.

- It should be ensured that consent can be withdrawn if the conditions agreed upon by a receiver are changed.

→ This is already provided for on page 44.

(4) Others

With regard to the Draft Interim Summary, the following process was agreed upon: The draft will be modified based on comments made during the 4th meeting. Public meetings will then be held. The Study Group will compile the final version of the Interim Summary to incorporate opinion given at the public meetings.

End