

**Minute Summary of the 1st Meeting of the Study Group
on Actions against Illegal and Harmful Information on
the Internet**

- 1 Date and time: August 1 (Mon.), 2005
14:00 to 16:00
- 2 Location: Conference Room 1001 (10F),
Ministry of Internal Affairs
and Communications
- 3 Attendees
Standing members: Omiya, Kuwako, Kokubu,
Goto, Kobayashi, Shimada,
Tagaya, Nakamura, Nagata,
Noguchi, Hasebe, Bessho,

Horibe, Mori (by proxy),

Morita, Yoshikawa

Ministry of Internal Affairs and Communications:

Yamamoto (Senior Vice Minister for Internal Affairs and

Communications), Aritomi

(Director-General of the

Telecommunications Bureau),

Ezaki (Director-General of the

Telecommunications Business

Department), Oku (Director of

Telecommunications Consumer

Policy Division), Shibuya

(Assistant Director of

Telecommunications Consumer

Policy Division), Ikeda (Assistant

Director of Telecommunications

Consumer Policy Division)

4 Proceedings

- (1) Opening
- (2) Address by Senior Vice Minister for Internal Affairs and Communications
- (3) Introduction of standing members
- (4) Introduction of attendees from Ministry of Internal Affairs and Communications
- (5) Explanation of draft Guidelines for the Meeting
(The guidelines for the meeting were thus determined.)
- (6) Election of the Chairman
(Mr. Horibe, a standing member, was elected Chairman.)
- (7) Appointment of the Acting Chairman.)
(Tagaya, a standing member, was appointed Acting Chairman.)
- (8) Discussion on introducing the establishment of the Study Group to the public.
- (9) Current status of illegal and harmful information on the Internet and related laws and regulations.
- (10) Current status of independent measures against illegal and harmful information on the Internet

(11) Schedule for the next meeting

(12) Closing

5 Major discussions

After the election of the Chairman and the appointment of the Acting Chairman, the Secretariat and exponents explained the distributed documents. A summary of the discussion that followed are given below:

- This Study Group needs each operator to explain its judgment criteria and specific cases of action. We are afraid that problems may arise if such specific cases of action against illegal or harmful information are directly made public. Therefore, it was decided to make meetings and minutes closed to the public and only disclose the summary of proceedings. However, we will make public as much information as possible so long as the topic in question commands a high level of interest. We will also summarize and present our discussions as needed and as possible.
- The Study Group plans to proceed with discussions centered mainly on domestic laws, but we will also compile as much as possible information on actions against illegal or

harmful Internet-related events abroad.

- As for the criminal responsibility of Internet Service Providers (ISPs), there is a trend to expand the application of aiding crime in the world of the Internet and it seems that the circumstances are tougher for providers to be exempted from criminal responsibility just because they are the mere middlemen of information. Direction to compile information on cases in which providers have been judged as aiding Internet-related crime.
- When examining actions against illegal and harmful information on the Internet, the issue of anonymity on the Internet should also be examined from the viewpoint of preventing crime. Since, for example, identity verification by providers appears to have a certain effect in deterring crimes, identity verification of subscribers by providers should be considered.
- Improvement of the application of the sender information disclosing system based on the Provider Responsibility Restriction Law should be also examined.
- Disclosure of sender information is an issue relating to the

confidentiality of communication, and thus an international comparison may be needed for the protection of communications confidentiality.

- As for the judgment criteria for deleting illegal and harmful information, illegal and harmful information may be deleted as desired based, to certain extent, on the terms of use at operators' own judgment, since the terms make up the contract under which subscribers are bound.
- For the purpose of preventing crimes, the confidentiality of communication cannot help being somewhat restricted. The Internet is accessible by anyone, which proves its high public nature. Accordingly, certain restrictions may be imposed.
- As for the anonymity of the Internet, there are various technologies that enable sending of information anonymously. In addition, there are places such as Internet cafes where anyone can use the Internet, which makes it difficult to fully exclude anonymity.
- In order for the Study Group to remain just that, and not a governing body, we must first of all clarify objectively

matters such as: 1) the volume of illegal and harmful information that exist within information on the Internet; and 2) what values are protected or not through Internet anonymity.

- Measures against illegal and harmful information on the Internet are a worldwide issue of great concern. We hope we can present some independent measures on the part of providers while having a global viewpoint formed through specific case studies.

End