

**Minute Summary of the 5th Meeting of the Study Group on
Actions against Illegal and Harmful Information on the
Internet**

1. Date and time: December 27 (Tue) 2005 14:00 to 16:00

2. Location: Special Conference Room No.4 (5F),

Ministry of Internal Affairs and

Communications

3. Attendees

Standing members: Omiya, Kuwako, Kokubu,

Shimada, Takada (by proxy),

Nagata, Noguchi, Hasebe,

Bessho, Horibe (Chairman), Mori

(lawyer), Morita, Yoshikawa

Ministry of Internal Affairs and Communications: Suda (Director-General of the

and Communications:

Telecommunications Bureau),

Terasaki (Director-General of the

Telecommunications Business

Department), Furuichi (Director

of Telecommunications

Consumer Policy Division),

Yajima (Planning Officer 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) Interim Report
- (3) Establishment of sub-groups
- (4) Schedule of the next meeting and beyond
- (5) Closing

5. Major discussions

After the Secretariat explained about the distributed

documents, the following discussions (summarized) took place:

(Measures by the managers of electronic bulletin boards for preventing transmission)

- As for legal responsibility when electronic bulletin board managers take measures to prevent the transmission of harmful or illegal information, we may consider two different cases: 1) when a contractual relationship exists between the two parties such as between a hosting provider and a site opener; and 2) where a contractual relationship does not necessarily exist between two parties such as the manager of an electronic bulletin board and an individual who posts a message on the board. If it takes measures to prevent

transmission which are not based on the contract the hosting provider may be accused of breaking contract, but is it feasible to think that, generally, no legal responsibility will arise if the manager of an electronic bulletin board deletes written data on his/her own?

- Considering their difference to providers that provide Internet connection services, managers of electronic bulletin boards must ensure any deletions are warranted in order to maintain sound communication channels.
- Whether or not any legal responsibility arises from the deletion of written data by the manager of an electronic bulletin board depends on the individual case, thus we cannot definitely say that the manager will or will not be accused of a crime.

- As for the legal responsibility relating to measures for preventing transmission by electronic bulletin board managers, it seems to be a reasonable approach to: 1) review in what cases the manager will be held liable for damage; and then 2) conclude that the measures for preventing transmission of illegal information will be rejected on the ground of justifiable defense.

(Establishment of sub groups)

- As for suggested hotline facility to receive messages on illegal and harmful information on the Internet from users and properly address the received information, joint sub-groups will be established under the General Security Measures Conference held by the Study Group

and the National Police Agency with a view to discussing handling procedures for illegal and harmful information received by the aforementioned hotline.

(Future schedule)

- At the next meeting, we will discuss “the provision of filtering services by providers” in the context of voluntary actions by providers and electronic bulletin board managers.

End