

**Summary of Minutes of the 1st Meeting of the Round Table
Conference on Privacy of Information in the Telecommunications
Service Sector**

1 Date and time:

February 24 (Mon) 2003 18:00 to 20:00

2 Location:

Conference Rooms No.2 and No.3 (2nd basement level), Ministry of Internal Affairs and Communications

3 Attendees:

(1) Members (Honorifics omitted)

Kazuko Otani, Hiroyuki Kuwako, Kazunori Kohai, Kazuteru Tagaya, Masahiro Tajima, Nobuo Tezuka, Susumu Hirano, Naoya Bessho, Masao Horibe, Shigeki Matsui, Koichi Miki, Toru Murakami, Hatsuko Yoshioka

(2) Ministry of Internal Affairs and Communications

Aritomi (Director-General of the Telecommunications Bureau), Suzuki (Director-General of the Telecommunications Business Department), Yamada (Director of the Environment Improvement Office for the Usage of Telecommunications), Osuga (Assistant Director of the Environment Improvement Office for the Usage of Telecommunications)

4 Outline of proceedings

(1) Opening address

(2) Introduction of members

(3) Explanation of the Meeting Guideline, etc.

- After the Meeting Guideline was approved, Committee Member Masao Horibe was elected Chairman and Committee Member Kazuteru Tagaya, was appointed Acting Chairman.

(4) Clarifying the current status and points of contention regarding the confidentiality of communications and the protection of privacy of information

(5) Discussions

(6) Closing

5 Major discussions

After the Secretariat explained the distributed documents on the table, the following points were discussed:

- Regarding the confidentiality of communications, it is not allowed, for example, for companies to tap the private phone calls of their employees. On the other hand, some people think that it is permissible for companies to read the private e-mails of their employees. Therefore, further debate may be made regarding the difference in thinking between the cases of phone calls and e-mails, regarding the protection of confidentiality of communications.
- The checking of employees' e-mails by a company could be argued to fall under the category of the exercise of management rights of the company rather than the confidentiality of communications.
- On well-known anonymous bulletin boards subject to frequent defamatory comments, it is usually impossible to solve problems between the defaming poster and the defamed, since the defamed cannot demand the log to be disclosed, as the log itself has been lost.
- Regarding the disclosure of transmitter information in auction fraud, we should consider acknowledging the fact that this constitutes disclosure of transmitter information, even though such disclosure is not covered by the Provider Liability Limitation Law.
- We should discuss whether or not to allow anonymous comments to influence specific individual cases, including in cases of whistle-blowing in companies.
- We feel that the confidentiality of communications is more securely protected in Japan compared with in foreign countries.
- It seems that the situation is similar in foreign countries because they, too, are concerned about the protection of communication logs.
- Regarding troubles in Internet auctions, it seems that the problem lies in moral attitudes of the transacting parties towards transactions, rather than there being an imbalance between the confidentiality of communications and public welfare.
- We should carry out detailed overseas investigations on the protection levels of the confidentiality of communications and anonymous expressions regarding handling of the confidentiality of communications in the private sector.
- With the diversified use of the Internet, the emergence of Web hosting, Web

sites, electronic bulletin boards and one-versus-many broadcasting mails has raised various problems and accordingly it seems that we need to discuss individual cases to suit the IT society including the application of views such as “open communications” for the handling of the confidentiality of communications.

- We should recommend communications operators to consider services with multiple levels of privacy protection.
- As for the issue of personal information leaking through file exchange software, providers are necessarily taking measures alerting users to be careful, since they cannot disclose users who are committing illegal acts.
- Is it necessary for providers to disclose transmitter information for checking fake brand products in auctions on the Internet? It sometimes appear doubtful if the party demanding disclosure has done all what they should have done.
- Regarding the investigation procedure under the Law of Criminal Procedure for cyber crimes, we are considering revising domestic laws including amending the Law of Criminal Procedure toward ratification of the Cyber-Crime Treaty.
- Discussions regarding issues of confidentiality of communications and the protection of privacy may sometimes develop into constitutional debates, and in any case we should devote sufficient time to the discussion of such issues.

(End)
