

**Summary of Minutes of the 2nd Meeting of the Round Table
Conference on the Privacy of Information in the
Telecommunications Service Sector**

1 Date and time:

April 21 (Mon) 2003 17:30 to 19:30

2 Location:

Conference Room 1001 (10F), Ministry of Internal Affairs and
Communications

3 Attendees:

(1) Members (Honorifics omitted)

Kazuko Otani, Hiroyuki Kuwako, Kazunori Kohai, Hitoshi Saeki,
Masahiro Tajima, Nobuo Tezuka, Susumu Hirano, Naoya Bessho, Masao
Horibe, 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),
Yoshida (Director of the Tariff Division), Yamada (Director of the
Environment Improvement Office for the Usage of Telecommunications),
Nakamizo (Assistant 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

(2) Points of contention regarding the confidentiality of communication and
the privacy of information

(3) Discussion on overseas investigation items

(4) Discussion

(5) Closing

5 Major discussions

After the Secretariat outlined the distributed documents, the following points

were discussed:

- Billing information in general may involve the confidentiality of communications or the privacy of information, depending on the content. How should we consider the handling of billing information?
- In the case of so-called itemized billing services, billing information is virtually identical to communication history and thus it should be handled as confidentiality of communications. However, who should we consider to be the information entity in the case of disclosure? Is it the subscriber, the user of the communication service, or the bill payer?
- If, for example, the subscriber is a married man, is it permissible to disclose to his wife the details of his communications merely because she is his spouse? Such cases must be handled carefully, particularly because of the possibility of marital breakdown.
- Does this mean that all personal information handled by operators must be disclosed?
- When disclosure of information regarding the location of a cellular phone is requested, in what cases should operators disclose the information in question? Currently no system has been established for disclosing such information, and thus such cases are difficult to address. It seems necessary to consider how to address requests for disclosure from information entities, for example, billing a sum proportionate to the cost of the service to the person requesting the disclosure.
- When a guardian under the adult guardian system requests disclosure of information concerning the individual under his/her care, is it permissible for an operator to disclose this information?
- In the case of the IP telephone service, when disclosure of personal information is requested by the subscriber himself/herself, the operator who received the request for disclosure may not possess the information, so there seems to be a limit to how much personal information can be disclosed.
- Regarding cookie information, it is difficult to locate individuals through cookie information and this information tends to be used frequently so as to relieve the user from the need to log in repeatedly. Accordingly, it seems that cookie information should not be protected uniformly under the confidentiality of communications.
- It seems possible to assume cases in which cookie information may be

protected under the confidentiality of communications when, for example, a third party obtains the cookie information exchanged between the parties without permission.

- In some cases, disclosure of personal information is requested of an operator, and at a later date, damages are paid regarding that personal information. Such procedures appear impractical. It may be time to consider anonymous lawsuits. However, even if anonymous lawsuits are recognized, there still exist issues to be discussed, such as maintaining balance with non-communication sectors, and establishing suitable forms for such legal processes.
- It may be necessary to employ ADR rather than lawsuits as a means of solving disputes while remaining anonymous.
- Even if ADR is to be employed, there seem to be many issues to be considered such as measures for protecting consumers.
- Could we consider establishing a system that recognizes disclosure of transmitter information for cases such as Internet auctions, beyond the coverage of the Provider Liability Limitation Law?
- It would seem reasonable to consider allowing operators against whom lawsuit are filed from victims of defamation requesting transmitter information disclosure, the right to claim compensations from the perpetrator of the defamatory material.

(End)
