

Summary of Minutes of the 7th Meeting of the Round Table Conference on the Privacy of Information in the Telecommunications Service Sector

1 Date and time: December 11 (Thurs) 2003 18:00 to 20:00

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

3 Attendees:

(1) Members

Kazuko Otani, Hiroyuki Kuwako, Masahiro Tajima, Nobuo Tezuka, Kazunori Kohai, Susumu Hirano, Naoya Bessho, Masao Horibe (Chairman), Koichi Miki, Toru Murakami, Hatsuko Yoshioka

(2) Ministry of Internal Affairs and Communications

Suzuki (Director-General), Oku (Director), Takeuchi (Director), Nakamizo (Assistant Director), Shibuya (Assistant Director), Okawa (Assistant Director)

4 Outline of proceedings

(1) Opening

(2) Response to the Personal Information Protection Law in the telecommunications service sector

(3) Perspectives toward the advanced use of electronic tags and issues involved

(4) Closing

5 Major discussions

(1) Handling of personal information owned by withdrawn telecommunications service operators

- Some laws in foreign countries have stipulations that obligate the disposal of unused information. The Personal Information Protection Law of Japan has no direct stipulation, isn't it possible to infer that this stipulation exists?
- It seems that the point of contention will be the diffusion of personal information owned by bankrupt companies. Isn't it necessary to take

measures to prevent diffusion? However, it seems difficult infer an obligation to dispose of information by interpretation of the Personal Information Protection Law. In cases of bankruptcy, how to force the disposal of information where there is no longer any person responsible is also a problem.

- Even in cases of bankruptcy, it may be possible to think that obligations relating to the handling of personal information will be inherited so long as reconstruction takes place.
- Given that ISPs may transfer their business, it is debatable whether a company should completely delete the personal information it owns when transferring its business.
- Even in cases of transferring operations, we can think that the party to whom the operations are transferred must be an operator who is able to assume the responsibilities involved in managing personal information.
- Can we say that the handling of personal information owned by withdrawn operators is an issue specific to telecommunications service operators? Are there any issues specific to telecommunications service operators other than the confidentiality of communications?
- It seems that what we need to consider is how we should think about personal information other than that which falls under the category of confidentiality of communications.
- For example, if any call details are left with an operator even after the operator has been withdrawn, they are protected under the category of confidentiality of communications.

(2) Whether establishment of a penalty provision for employees is required or not

- If such a provision is to be established, we may have to clarify why penalties will be posed on employees of telecommunications service operators alone and what difference exists between this sector and other sectors.
- It seems that we should compare personal information other than that falling under the category of confidentiality of communications handled in the telecommunications service with the information owned by other sectors.
- Is there any need to protect personal information other than that belongs under confidentiality of communications, to such a degree as imposing

penalties on employees?

- It seems that we need to examine the peculiar characteristics of the telecommunications service.
- For example, the handling of names and addresses as subscriber information is not peculiar to the telecommunications service. In the case of medical and financial services, it is important because the content of the personal information is itself of a private nature, while in the case of telecommunications, it seems sufficient so long as the confidentiality of communications is protected.
- Furthermore, the extent of protection of the confidentiality of communications is large which includes the facts that imply the existence of communications.
- The Personal Information Protection Law of Japan is evaluated as having too many exceptional provisions and there is concern as to whether this is sufficient for protecting personal information.
- However, it appears that the confidentiality of communications is protected more strictly in Japan than in foreign countries.

(3) Protection of children

- It seems that we need a law like COPPA in the United States to prevent the collection of children's private information on the Internet.
- The United States is particular in that they have no comprehensive personal information protection law and that there are many Web sites that do not follow security policies.
- It seems that some kind of system for protecting children is necessary. We should specify that in the guideline if the use of telecommunications involves the matter.

(4) General

- It seems the guideline requires some amendment.

(End)
