

## **Summary of Minutes of the 9th Meeting of the Round Table Conference on the Privacy of Information in the Telecommunications Service Sector**

**1 Date and time:** March 10 (Wed) 2004 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, Hitoshi Saeki, Kazuteru Tagaya (Acting Chairman), Masahiro Tajima, Nobuo Tezuka, Kazunori Kohai, Susumu Hirano, Naoya Bessho, Masao Horibe (Chairman), Toru Murakami,

(2) Ministry of 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), Nakamizo (Assistant Director of the Environment Improvement Office for the Usage of Telecommunications), Shibuya (Assistant Director of Telecommunications Consumer Policy Division)

**4 Outline of proceedings**

(1) Opening

(2) Personal information leak cases

(3) Draft outline of the basic principles on personal information protection

(4) Direction of the amendment of the guideline

(5) Closing

**5 Major discussions**

(1) Cases of personal information leak

- We feel that we must further strengthen the personal information management system.

- It is difficult to request the other party of a cooperative operation, not a subcontractor, to ensure its personal information management.
- How long should we store the access log to a personal information database?
- We suppose that the lower level of internal management of personal information has led to the leak of information. We are concerned about the status of the internal management of personal information at small- and medium-size providers.
- We consider that the problems revealed in cases of personal information leak must be taken into consideration, and reflected in the direction for the amendment of the guideline.

(2) Use and provision of personal information

- It seems questionable that any use beyond the purpose specified under the current guideline will be unauthorized even where telecommunications service providers “use the personal information internally to the extent necessary to implement their services and have logical reasons for doing so.”
- Such a use must be within the range of the purpose specified, since the Personal Information Protection Law does not specify that providers can use personal information for any purpose other than that specified, namely that providers “use personal information for internal purposes, to the extent necessary to carry out their services, and for logical reasons.”
- It is also debatable whether the interpretation of the provision may be expanded according to how the purpose of usage is defined.

(3) Appropriate management of personal information

- Regarding the storage period of personal information data access logs, we feel that it is excessive for logs to be stored semi-permanently. If this is the case, specifically how long must we store them?
- Providing a specified storage period may lead to abuses.
- Cost of constructing the system should be taken into consideration.
- It seems that the provision of safety management measures need to include specific measures.

(4) Disclosure and correction of personal information

- Provision of personal information to third parties should be compatible

with that under the Personal Information Protection Law.

- It may be a problem in terms of the confidentiality of communications if the legal representative can receive the disclosure of the details of phone calls against the will of the subscriber when the subscriber is a minor.
- Disclosure is actually made upon request from the charge payers or the subscriber.
- Primarily only users can view their usage details. Are subscribers generally presumed as users?
- What are the cases specified in Article 25.1 Item 1 of the Personal Information Protection Law where the rights and interests of a third party may be damaged? It seems that it should be defined in what cases the details of phone calls can be disclosed when we compare the supervisory rights of parents and the privacy rights of children.
- The disclosure fee must be set by operators within a reasonably acceptable range by taking into consideration the actual cost incurred.

#### (5) Usage details

- We disclose the usage details of a phone according to the actual use of the phone by the subscriber, charge payer and regular user and, depending on the case, after obtaining the consent of the regular user. The usage details of a phone are provided with a view to showing the grounds for billing phone charges and thus the charge payer can request to view the details as well. In such a case, we generally obtain consent from the regular user, if any.
- Where the regular user and charge payer are different, it seems necessary to have a mechanism to give the regular user a chance to indicate his/her intention that the details must not be disclosed.
- We need to examine how each operator is handling this matter.

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