

**Summary of Minutes of the 12th Meeting of the Round Table
Conference on the Privacy of Information in the
Telecommunications Service Sector**

1 Date and time: June 23 (Wed) 2004 18:00 to 20:00

2 Location: Conference Room 601 (6F), Ministry of Internal Affairs and Communications

3 Attendees:

(1) Members

Kazuko Otani, Hiroyuki Kuwako, Kazunori Kohai, Kazuteru Tagaya (Acting Chairman), Masahiro Tajima, Nobuo Tezuka, Susumu Hirano, Minoru Hirukawa, Naoya Bessho, Masao Horibe (Chairman), Koichi Miki, 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), Furuichi (Examiner), Fujinami (Assistant Director), Shibuya (Assistant Director)

4 Outline proceedings

- (1) Opening
- (2) Confidentiality of cases of communication leaks
- (3) Amendment of the guideline
- (4) Closing

5 Next meeting

August 10 (Tue) 2004 From 17:00

6 Major discussions

1) Concrete examples of “personal information”

- The guideline of the Ministry of Economy, Trade and Industry gives

examples to show that mail addresses that allow identification of personal information fall under the category of personal information. It would seem desirable to state the matter in a commentary (or the like) in the draft amendment of the guideline in the telecommunications sector, too.

- There is a problem of to what extent we should list cases. The Ministry of Economy, Trade and Industry makes it a rule to clarify in which cases a competent minister will exercise his power, since a wide range of areas are covered and the ministry received inquiries from various operators.
- The guideline of the Ministry of Economy, Trade and Industry explains the Personal Information Law and seems to differ from the guideline of the telecommunications sector. Listing over-detailed examples appears ineffective.
- If it is written that mail addresses that cannot easily identify particular individuals do not fall under the category of personal information, it may appear to the reader as if such mail addresses do not need to be appropriately handled. Therefore, we must not to state this in the guideline.
- It is desirable and easier for operators to understand if we state that following the guideline will mean that you are adhering to the Personal Information Protection Law, and we should explicitly specify this.
- When considering the structure of the entire guideline, if we start with writing concrete examples, we should continue in this manner all the way through.
- It cannot be helped that guidelines may differ by ministry. The method of supervision will differ in different industries. The Ministry of Economy, Trade and Industry is different from the telecommunications service sector in that it covers a number of fields, and thus what it must adopt are not laws and regulations specific to the Ministry, but interpretations of the laws and regulations in the Personal Information Protection Law.
- Since changes in the telecommunications sector are great, it seems that we had better not to write in too much detail, so as to be able to cope flexibly with future change.

2) Article 4 Commentary (4) of the current guideline

- We find that the description on statistics has been deleted in the draft amendment. Is it because it was determined that statistical data need not be written since they naturally do not fall under the category of personal information?
- Statistical data that cannot help identify particular individuals do not primarily fall under the category of personal information, but the act of creating statistical information based on personal information falls under the usage of personal information, and thus should require identification of the purpose of use. We decided to delete the description in question since it might have caused misunderstanding if left in the guideline.

3) Commentary (2) in Article 5 (Identification of the purpose of usage) of the draft amendment

- It is desirable to give concrete examples of the purpose of use. The current commentaries are just a list of items to be acquired, so it is difficult to determine how to write new ones. On the other hand, the description will be too indefinite if no concrete examples are given and therefore difficult to write in detail. Also, it will be hard to discuss how to identify the purpose of use in the certified personal information protection groups if no clues are found in the guideline.
- The items to be acquired are assumed to be different depending on the form of business, and thus it is desirable to specify concrete examples of the purpose of use.
- Are subscriber management, billing calculations, and billing, which are stipulated in the current commentaries, acceptable as purposes of use?
- Charge calculations and billing are acceptable but what “subscriber management” means is ambiguous.

4) Article 14 of the draft amendment (privacy policy)

- Privacy policy appears to be redundant according to the draft amendment of the guideline. We had better make the written requirements simpler.
- Privacy policies are primarily established by operators and each operator may prepare their policy individually. Therefore, it need not always include examples from the guideline. How these policies should be described in detail may be discussed in certified personal information protection groups.

5) Article 15 (Limitation of provision to third parties) of the draft amendment

- What is Article 15.1 Item 4 of the draft amendment?
- The said item is widely interpreted to refer to cases of cooperation with the Government or municipalities in their relevant clerical works. Regarding the provision of information to third parties without consent in such cases, each operator must take action after discussing the matter.
- Doesn't outsourcing collection of fees and settlement falls under the provision of personal information to third parties?
- Yes, we believe so. We understand that the provision by an operator to the party to whom the operator outsources the tasks in place of assuming responsibilities for selection and supervision does not fall under the category of the provision of personal information to third parties.

6) Article 22 of the draft amendment (response when any leak occurs)

- We would request that the intention to write "leak, etc." and "leak" differently be written in a commentary. We would also ask how we should concretely determine the meaning of "as far as possible" in Paragraph 2.

(In addition to the above, questions and answers were exchanged regarding the schedule for the amendment of the guideline.)

(End)
