

Summary of Minutes of the 13th Meeting of the Round Table Conference on the Privacy of Information in the Telecommunications Service Sector

1 Date and time: August 10 (Tue) 2004 17:00 to 19:00

2 Location: Conference Room 902 (9F), Ministry of Internal Affairs and Communications

3 Attendees:

- (1) Members: Otani, Kuwako, Kohai, Saeki, Tagaya (Acting Chairman), Tajima, Tezuka, Hirano, Hirukawa, Bessho, Horibe (Chairman), Matsui, Miki, 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), Shibuya (Assistant Director), Fujinami (Assistant Director), Ikeda (Assistant Director)

3 Outline of proceedings

- (1) Opening
- (2) Interim report
- (3) Closing

5 Major discussions

- 1) Viewing of details of use
 - It appears unclear whether “charge payers who are officially authorized to view” means the payer is authorized to view *any* charge at all.
 - Basically, subscribers who are responsible for paying charges have the right to view the details of use. “Charge payers who are officially authorized to view” implies a wider concept; for example, a constant user such as a child who lives separate from his/her parent, the subscriber, for a long while, also has the right to view. However, based on the restrictions under the Personal Information Protection Law stipulating that the details of use fall under the personal information of

the subscriber, the consent of the subscriber is required when allowing anyone other than the subscriber to view the details of use.

2) The personal information of the deceased

- What is the reason for removing the personal information of the deceased from the subjects of protection in the guideline?
- It was decided that the guideline is to protect only the information of living individuals, just like the Personal Information Protection Law. Moreover, if the guideline is to also protect the personal information of the deceased, we should define matters such as who will consent to the provision to third parties in addition to the right to request disclosure. These are problems of a complicated nature, and we believe it not necessary to define them at this occasion. However, the confidentiality of communications will be protected under the Telecommunications Business Law, even if it belongs to the deceased.
- It seems that the importance of exercising diligence does not change when handling the personal information of the deceased.
- We will additionally state in the commentary of the draft guideline that caution is required when handling any personal information including that of the deceased.

3) Expressions throughout the draft amendment of the guideline

- What is the reason for modifying “must not” to “shall” in paragraphs such as Article 4.2 and Article 12.5 of the draft amendment of the guideline? It appears “must” would be better at least for Article 12, which is an important provision for preventing leaks.
- We cannot give a definite answer when asked if there is any difference in the level of importance between provisions in which we used “must” or “must not,” and other provisions. In addition, we did not intend to use “must” uniformly in all provisions which are legal obligations. So we will use a standard expression of “shall” for consistency throughout the guideline.

4) Draft interim report

- One of the core matters in this amendment is claim handling. In the section regarding claim handling on page 6, we find “to solve incidents of discontent and dissatisfaction smoothly.” It is questionable whether “incidents of discontent” need to be “solved,” so how about using “distrust” in place of “discontent?” “Discontent” sounds too emotional.
- The Personal Information Protection Law uses “complaints” and the commentary to the expression states “complaints mean incidents of discontent and dissatisfaction.”
- The original draft may be OK.

(End)
