

**Summary of Minutes of the 15th Meeting of the Round Table
Conference on the Privacy of Information in the
Telecommunications Service Sector**

1 Date and time: December 16 (Thurs) 2004 18:00 to 20:00

2 Location: Conference Room 401 (4F), Ministry of Internal Affairs and Communications

3 Attendees:

- (1) Members: Otani, Kuwako, Kohai, Masahiko Takada of NTT DoCoMo Inc. (by proxy of Nakamura), Tagaya (Acting Chairman), Tajima, Tezuka, Hirukawa, Bessho, Horibe (Chairman), 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)

4 Outline of proceedings

- (1) Opening
- (2) Result of investigation on the punishment stipulations for personal information leakage in foreign countries
- (3) Result of investigation on the punishment stipulations for personal information leakage in the United Kingdom
- (4) Legal measures for protecting personal information in the telecommunications service sector
- (5) Closing

5 Major discussions

- Regarding the behavior of an employee who has been authorized to have the password to access personal information providing personal information to a third party, the said wrongdoer can be punished in the

United Kingdom and France, while punishment is not necessarily carried out in the United States and Germany.

- In the United Kingdom, there are many cases where those who made unauthorized acquisition or disclosure of personal information were punished as a result of the application of Article 55 of the Data Protection Law.
- In Japan, it is considered that punishments for those who leak personal information are the issues that need to be discussed currently. However, since the leak of personal information is not limited to particular industry sectors, it seems appropriate to carry on discussions on a cross-sectoral basis regarding punishments for those who leak personal information.
- Since cases of leakage occurred frequently around 1998 and 1999 in the telecommunications service sector, we discussed if somewhat legal measures were required. Discussions on general legislations started later in the Cabinet Secretariat, which lead to the establishment of the Personal Information Protection Law. The additional resolution upon the passage of the Personal Information Protection Law refers to the information communication sector as a sector for which special measures should be examined.
- Leakage by those who have the right to access personal information must be punished.
- We agree to provide stipulations for the punishment of leakers.
- If we were to provide punishment stipulations, the focal point should be what parameters and limits we impose on the systems.
- It is undeniable that the aim of discussions will not be to demand more advanced control for sensitive personal information, but to punish the leakage of personal data in order to strengthen the general obligations for protecting personal data that are stated in the Personal Information Protection Law.
- The Personal Information Protection Law for governmental agencies will be of help because it provides direct punishment stipulations after applying strict limits to the conditions required.
- There still remains the question of how to provide for small-scale service

providers. Discussions may arise once again insisting that small-scale operators as well must be covered by regulations in the telecommunications service and medical service sectors. In the United Kingdom, they do not apply different levels of control depending on the amount of personal information possessed.

- The medical service sector also appears to have reached the conclusion that individual laws are not always necessary.
- Looking at similar discussions taking place in other sectors, we may say that cross-sectoral discussions are required.
- As the conclusion of the discussion in the telecommunications service sector, how about putting more emphasis on the reason why we don't need individual laws?
- It would seem better to put further emphasis on the expression to indicate that we will ensure prompter deliberations through the cooperation of the agencies concerned.
- While the anti-leak actions taken by operators under the guideline have been underway, many people have become very opposed to the idea of spending a huge amount of money on preventing leaks conducted by a very small number of imprudent people. It seems necessary to further promote measures through the cooperation of the agencies concerned.
- We need be aware that, if we are to directly punish leaking, we had better set to some parameter requirements such as those that allow leakage for an unauthorized purpose from where certain control measures are put in place; otherwise the range of punishment will be so large as to affect people's daily lives.

(End)
