

**Summary of Minutes of the 19th Meeting of the Round Table  
Conference on the Privacy of Information in the  
Telecommunications Service Sector**

- 1 Date and time: March 17 (Fri) 2006 10:00 to 12:00
- 2 Location: Conference 901 (9F), Ministry of Internal Affairs and Communications
- 3 Attendees
- Members: Otani, Kohai, Saeki, Tagaya (Acting Chairman), Nagata, Nakamura, Hirukawa, Fukumoto, Horibe (Chairman), Murakami
- Ministry of Internal Affairs and Communications: Terasaki (Director-General of the Telecommunications Business Department), Furuichi (Director of the Telecommunications Consumer Policy Division), Yajima (Senior Planning Officer), Shibuya (Assistant Director of the of the Telecommunications Consumer Policy Division), Ikeda (Assistant Director of the Telecommunications Consumer Policy Division), Hiramatsu (Assistant Director of the Telecommunications Consumer Policy Division)
- Exponents: Takada, Section Manager, NTT DoCoMo Inc.  
Eguchi, Assistant Section Manager, KDDI Corporation  
Takahashi, Deputy Section Manager, Vodafone
- 4 Outline of proceedings
- (1) Opening
  - (2) Filtering based on the consent of subscribers
  - (3) Exercise of parental authority and the confidentiality of communications (privacy)
  - (4) Issues to be discussed in the future (draft)
  - (5) Closing

## 5 Contents of major discussions

(Filtering based on the consent of subscribers)

- It is necessary to further discuss the time of receipt of e-mails, since there are various ways of interpreting this. If we think, for example, that there are two steps of receiving: 1) receiving meaning that the e-mail has reached the receive server; and 2) receiving meaning that the e-mail has actually reached the terminal of the recipient, it would seem possible to define the limitation on the freedom of communication of the sender as being composed of two steps. The limitation on freedom may include that of sending an e-mail as far as the receiving server, but not guaranteeing whether it actually reaches the terminal of the recipient.
- When defining the relationship between filtering and the Telecommunications Business Law, it is perhaps necessary to examine Article 3 (prohibition of censorship) in addition to Article 4 (Confidentiality of communications) of the Telecommunications Business Law.
- Filtering provided by telecommunications service providers upon accepting applications from subscribers may be considered to be conducted in response to the exercise by subscribers of the right to select communications as part of the right to use a line, under the line use contract between telecommunications service providers and subscribers.
- The interest of senders must be limited to the minimum for the e-mail filtering service to be justified as an allowable service activity, since senders also have an interest in the communications they send being sent to addressed recipients. Specifically speaking, it may be considered that measures must be taken to make “the extent that recipients do not want to receive” and “the extent actually recipients do not receive,” as equivalent as possible.

(Exercise of parental authority and the confidentiality of communications (privacy))

- It is a little known fact that parents of minors may, by the exercise of their parental authority, introduce a filtering service to cellular phones subscribed by their children, when the minors subscribe under their own name for a cellular phone with the consent of their parents. Providers’ providing the filtering service in response to a request from parents falls under the

category of a justifiable act, since limiting minors from viewing web sites via cellular phone can be deemed as a justifiable exercise of parental authority, unless there exists any special reason that would constitute the abuse of parent authority.

- When introducing the filtering service with the consent of the persons having parental authority, it is essential to inform the child users of the provision of the filtering service.
- In order to promote the filtering service, application procedures must be simpler, for example, to make the application for the service acceptable online. Furthermore, we should also promote the dissemination of the service to existing subscribers.

End

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