

# Serious Concerns about the Revision of the Telecommunications Business Law Now Under Consideration by MIC

- MIC intends to submit the amendment of Telecommunications Business Law to the next ordinary Diet session in terms of tightening user information protection over telecommunication.
- The direction of the amendment currently being clarified will invite a serious burden and even high risk of obstruction not only to the digital business but also the entire digitalization of Japanese society, and our serious concerns are as followings.

## Concern①

**MIC's trying to tighten regulations by widely targeting to internet-based companies/digital services.**

Banks, consumer electronics manufacturer, automobile manufacturer, trading companies, logistics companies, game companies, restaurants, etc. can be categorized as "telecommunication carrier."

→ With the progress of DX, a wider range of entities will be subject to the regulation of Telecommunications Business Law, which will have a huge impact on IoT / M2M data distribution.

## Concern②

**Telecommunications Business Law will turn into a "general law for handling information" and bring double regulation and over- regulation.**

Double regulation and over- regulation in balance with Personal Information Protection Law (even regulate the handling of non-personally identifiable information, disclose the names of countries of their server computer's location etc.)

→ All kinds of companies will need to understand and correspond to Telecommunications Business Law in addition to the Personal Information Protection Law.

## Concern③

**Internationally unique Galapagos regulations will invite negative impact on Japan's digitization.**

Such a Galapagos regulation that notification to MIC is required just by adding a chat/messaging function to the service.

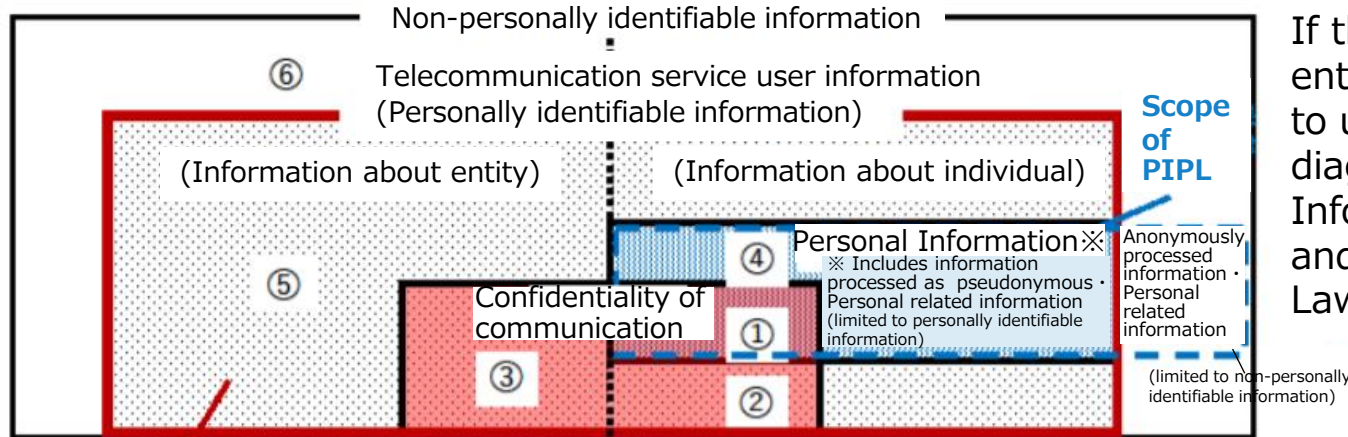
## Concern④

**MIC's deciding such a serious revision after hasty discussion at the undisclosed meeting.**

Originally started only to react so-called LINE problem, but as a result of half a year of undisclosed discussions, this amendment consists of many unrelated regulatory tightening.

# Possible Confusion in the Industries over the Correspondence to Double Regulation

Relation between telecommunication service user information and personal information etc.



If the amendment is passed, all the entities working on DX are required to understand the relationship diagram between Personal Information Protection Law(PIPL) and Telecommunications Business Law, and correspond to them.



**Is this really feasible?**

**We worried it will be needed to visit and ask MIC because the application to specific situations is vague, and unclear discretionary administration can invite an obstruction to DX.**

Category	Target·Examples
① Personal information & Confidentiality of communication	Communications content linked to information that can identify a specific individual, communications partner, communications date, etc. (telephone communications history, etc.)
② User information & Confidentiality of communication	Information that cannot identify a specific individual by itself, but the communications content linked only to information that can identify the user (registration ID, account name, etc.), communications partner, communications date, etc.
③ Entity information & Confidentiality of communication	Information about entity, communications partner, communications date, etc.
④ Individual information & Non-confidentiality of communication	Information that can identify an individual but is not linked to individual communications.
⑤ Other telecommunication service user information	Information that cannot identify a specific individual or entity by itself, but can identify a user (user ID, account name, location information, cookie, advertising ID, beacon, etc.) , which is not linked to individual communication
⑥ Non-personally identifiable information	Statistical information, anonymously processed information (* subject to the rule of Personal Information Protection Law), etc.

Source : MIC "Telecommunications Business Governance study group" -13<sup>th</sup> (Dec.14, 2021)