

**GUIDELINES FOR PROTECTION OF PERSONAL INFORMATION IN TELECOMMUNICATIONS BUSINESS
(MIC Public Notice No. 152 of April 18, 2017)**

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CHAPTER I GENERAL RULES

Article 1 (Purpose)

The purpose of these Guidelines is to enhance the smooth provision of telecommunications services and to protect the rights and interests of users by setting forth basic matters which telecommunications carriers must comply with in relation to matters pertaining to the secrecy of communications and other appropriate handling of personal information in light of the public nature of telecommunications business and the significantly expanded utilization of personal information as our advanced information- and communication-based society evolves.

Article 2 (Applicability)

1. The provisions in these Guidelines shall be interpreted and operated as those setting forth basic matters which telecommunications carriers must comply with in appropriately handling personal information.
2. Telecommunications carriers must comply with the provisions of the Act on the Protection of Personal Information (hereinafter referred to as the “Act”) and Article 4 and other relevant provisions of the Telecommunications Business Act (Act No. 86 of 1984) and otherwise handle personal information appropriately in accordance with the provisions of these Guidelines.
3. With regard to various types of information specified in Chapter III, telecommunications carriers must comply with the common principles concerning the handling of personal information specified in Chapter II and otherwise handle the same appropriately in accordance with the provisions of Chapter III.

Article 3 (Definitions)

The terms used in these Guidelines shall have the same meanings as the terms used in Article 2 of the Act, and additionally, the terms in the items below shall have the meanings set forth in the respective items below.

- (1) “Telecommunications carrier” means a person who conducts telecommunications business (as defined in Article 2, Item (4) of the Telecommunications Business Act).
- (2) “Telecommunications services” means telecommunications services as defined in Article 2, Item (3) of the Telecommunications Business Act.
- (3) “Telecommunications services and incidental services” means telecommunications services provided by a telecommunications carrier as a business as well as services incidental thereto.
- (4) “User” means a person who uses telecommunications services.
- (5) “Subscriber” means a person who executes a contract with a telecommunications carrier to receive the provision of telecommunications services.

CHAPTER II COMMON PRINCIPLES REGARDING HANDLING OF PERSONAL INFORMATION

Article 4 (Specifying a Utilization Purpose)

1. A telecommunications carrier shall, in handling personal information, specify the purpose of utilizing the personal information (hereinafter referred to as a “utilization purpose”) as explicitly as possible.
2. A telecommunications carrier shall, in case of altering a utilization purpose, not do so beyond the scope recognized reasonably relevant to the pre-altered utilization purpose.
3. A telecommunications carrier shall make efforts so that the utilization purpose specified pursuant to Paragraph 1 will not go beyond the scope necessary in order to provide telecommunications services and incidental services.

Article 5 (Restriction due to a Utilization Purpose)

1. A telecommunications carrier shall not handle personal information without obtaining in advance a principal’s consent beyond the necessary scope to achieve a utilization purpose specified pursuant to the provisions under the preceding Article.
2. A telecommunications carrier shall, in case of having acquired personal information accompanied with succeeding a business from another personal information handling business operator because of a merger or other reason, not handle the personal information without obtaining in advance a principal’s consent beyond the necessary scope to achieve the pre-succession utilization purpose of the said personal information.
3. The provisions under the preceding two paragraphs shall not apply to those cases set forth in the following:
 - (1) cases based on laws and regulations;
 - (2) cases in which there is a need to protect a human life, body or fortune, and when it is difficult to obtain a principal’s consent;
 - (3) cases in which there is a special need to enhance public hygiene or promote fostering healthy children, and when it is difficult to obtain a principal’s consent;
 - (4) cases in which there is a need to cooperate in regard to a central government organization or a local government, or a person entrusted by them performing affairs prescribed by laws and regulations, and when there is a possibility that obtaining a principal’s consent would interfere with the performance of the said affairs.
4. Notwithstanding the provisions of the preceding three paragraphs, a telecommunications carrier shall not use personal information protected under the secrecy of communications except if there is consent of the users or other justifiable cause for noncompliance with the law.

Article 6 (Restriction on Acquisition)

A telecommunications carrier shall strive to limit its acquisition of personal information to cases where such information is required in order to provide telecommunications services and incidental services.

Article 7 (Proper Acquisition)

1. A telecommunications carrier shall not acquire personal information by deceit or other improper means.

2. A telecommunications carrier shall, except in those cases set forth in the following, not acquire special care-required personal information without obtaining in advance a principal's consent:
 - (1) cases based on laws and regulations;
 - (2) cases in which there is a need to protect a human life, body or fortune, and when it is difficult to obtain a principal's consent;
 - (3) cases in which there is a special need to enhance public hygiene or promote fostering healthy children, and when it is difficult to obtain a principal's consent;
 - (4) cases in which there is a need to cooperate in regard to a central government organization or a local government, or a person entrusted by them performing affairs prescribed by laws and regulations, and when there is a possibility that obtaining a principal's consent would interfere with the performance of the said affairs;
 - (5) cases in which the said special care-required personal information is being open to the public by a principal, a government organization, a local government, a person set forth in each item of Article 76, paragraph (1) of the Act, a foreign government, a foreign government agency, a local government in a foreign country, an international organization, or a person equivalent to the person set forth in each item of Article 76, paragraph (1) of the Act;
 - (6) cases in which seemingly-clear special care-required personal information is acquired by visual observation, filming or photographing of a principal;
 - (7) when receiving the provision of special care-required personal information organized as personal data in those cases set forth in each item of Article 15, Paragraph 10.
3. Notwithstanding the provisions of the preceding paragraph, a telecommunications carrier shall not acquire personal information protected under the secrecy of communications except where there is other justifiable cause for noncompliance with the law.

Article 8 (Notification etc. of a Utilization Purpose when Acquiring)

1. A telecommunications carrier shall, in case of having acquired personal information except in cases where a utilization purpose has been disclosed in advance to the public, promptly inform a principal of, or disclose to the public, the utilization purpose.
2. A telecommunications carrier shall, notwithstanding the provisions under the preceding paragraph, in cases where it acquires, accompanied by concluding a contract with a principal, the principal's personal information stated in a written contract or other document (including an electromagnetic record; hereinafter the same in this paragraph) or other similar cases where it acquires directly from a principal his or her personal information stated in a written document, state a utilization purpose explicitly to the said principal. This, however, shall not apply in cases where there is an urgent need to protect a human life, body or fortune.
3. A telecommunications carrier shall, in case of altering a utilization purpose, inform a principal of, or disclose to the public, a post-altered utilization purpose.
4. The provisions of the preceding three paragraphs shall not apply in those cases set forth in the following:
 - (1) cases in which there is a possibility that informing a principal of, or disclosing to the public, a utilization purpose would harm a principal or third party's life, body, fortune or other rights and interests;
 - (2) cases in which there is a possibility that informing a principal of, or disclosing to the public, a utilization purpose would harm the rights or legitimate interests of the said telecommunications carrier;

- (3) cases in which there is a need to cooperate in regard to a central government organization or a local government performing affairs prescribed by laws and regulations, and when there is a possibility that informing a principal of, or disclosing to the public, a utilization purpose would interfere with the performance of the said affairs;
- (4) cases in which it can be recognized, judging from the acquisitional circumstances, that a utilization purpose is clear.

Article 9 (Assurance of Accuracy)

A telecommunications carrier shall strive to keep personal data accurate and up to date within the scope necessary to achieve a utilization purpose.

Article 10 (Retention Period etc.)

1. A telecommunications carrier shall, in handling personal data (excluding those protected under the secrecy of communications; the same shall apply hereinafter in this Article), determine a retention period to the extent necessary for the utilization purpose and strive to delete such personal data without delay after the expiration of such retention period or after such utilization has become unnecessary. This, however, shall not apply to the following cases:
 - (1) when the retention is required under the provisions of laws and regulations;
 - (2) when a principal's consent has been obtained;
 - (3) where personal data is retained by a telecommunications carrier to the extent necessary for the execution of its business, when there is a reasonable ground for not deleting such personal data;
 - (4) other than the cases set forth in the preceding three items, when there is a special reason for not deleting such personal data.
2. Except where the user's consent has been obtained or if there is other justifiable cause for noncompliance with the law, a telecommunications carrier shall not retain personal information protected under the secrecy of communications, and even if such retention is permitted, a telecommunications carrier shall delete such personal information promptly after the utilization purpose is achieved.

Article 11 (Security Control Action)

A telecommunications carrier shall take necessary and appropriate action for the security control (hereinafter referred to as "security control action") of personal data or personal information protected under the secrecy of communications (hereinafter referred to as "personal data, etc.") including preventing the leakage, loss or damage of its handled personal data, etc.

Article 12 (Supervision over Employees and Trustees)

1. A telecommunications carrier shall, in having its employees (including dispatched workers; the same shall apply hereinafter) handle personal data, etc., exercise necessary and appropriate supervision over the employees so as to seek the security control of the personal data, etc.
2. A telecommunications carrier shall strive to provide necessary education and training to its employees for the purpose of taking security control action and otherwise ensuring proper handling of personal data, etc.
3. A telecommunications carrier shall, in case of entrusting a whole or part of the handling of personal data, etc., exercise necessary and appropriate supervision over an entrusted person so as to seek the

security control of the personal data, etc., of which the handling has been entrusted.

Article 13 (Personal Information Protection Officer)

A telecommunications carrier shall strive to appoint a personal information protection officer (which refers to a person who is in charge of the handling of personal data, etc. for such telecommunications carrier), and to have such officer implement internal regulations, establish an audit system, and oversee such telecommunications carrier's handling of personal data, etc. for compliance with these Guidelines.

Article 14 (Privacy Policy)

1. It is appropriate for a telecommunications carrier to disclose to the public a privacy policy (which refers to a concept or policy under which such telecommunications carrier promotes the protection of personal information).
2. Where a telecommunications carrier makes available application software (hereinafter referred to as an "application"), it is appropriate to disclose to the public a privacy policy which clearly and appropriately provides for collection, etc. of information through such application.
3. Where a telecommunications carrier operates a site at which an application is made available, it is appropriate to encourage the party making such application available at such site to disclose to the public a privacy policy which clearly and appropriately provides for collection, etc. of information through such application.

Article 15 (Restriction on Third Party Provision)

1. A telecommunications carrier shall, except in those cases set forth in the following, not provide personal data to a third party without obtaining in advance a principal's consent:
 - (1) cases based on laws and regulations;
 - (2) cases in which there is a need to protect a human life, body or fortune, and when it is difficult to obtain a principal's consent;
 - (3) cases in which there is a special need to enhance public hygiene or promote fostering healthy children, and when it is difficult to obtain a principal's consent;
 - (4) cases in which there is a need to cooperate in regard to a central government organization or a local government, or a person entrusted by them performing affairs prescribed by laws and regulations, and when there is a possibility that obtaining a principal's consent would interfere with the performance of the said affairs.
2. A telecommunications carrier, in regard to personal data provided to a third party (excluding special care-required personal information; hereinafter the same in this paragraph), may, in cases where it is set to cease in response to a principal's request a third-party provision of personal data that can identify the principal and when it has in advance informed a principal of those matters set forth in the following or put them into a state where a principal can easily know, and notified them to the Personal Information Protection Commission pursuant to the provisions of Article 23, paragraph (2) of the Act, provide the said personal data to a third party notwithstanding the provisions of the preceding paragraph:
 - (1) to set a third-party provision as a utilization purpose;
 - (2) the categories of personal data provided to a third party;
 - (3) a method of a third-party provision;
 - (4) to cease, in response to a principal's request, a third-party provision of personal data that can

- identify the principal;
- (5) a method of receiving a principal's request.
3. A telecommunications carrier shall, in case of altering those matters set forth in Item (2), (3) or (5) of the preceding paragraph, in advance inform a principal of the contents to be altered or put them into a state where a principal can easily know and notify them to the Personal Information Protection Commission.
 4. Action for informing or putting into a state where a principal can easily know pursuant to the provisions of the preceding two paragraphs shall be carried out as set forth in the following:
 - (1) setting a necessary period for a principal identifiable by the provided personal data (referred to as the "principal" in the next following item) to request the provision to be ceased;
 - (2) adopting an appropriate and reasonable method to enable the principal to recognize without fail a matter set forth in each item of Paragraph 2.
 5. A notification pursuant to the provisions of Paragraph 2 or 3 shall be given by any of each method set forth in the following:
 - (1) a method using an electronic data processing system (meaning an electronic data processing system connecting a computer relating to use by the Personal Information Protection Commission and a computer relating to use by a notifying person via electronic telecommunication line) as prescribed by the Personal Information Protection Commission;
 - (2) a method submitting a written notification in Form No. 1 appended to the Enforcement Rules for the Act on the Protection of Personal Information (Personal Information Protection Commission Rules No. 3 of 2016; hereinafter referred to as the "Rules") and an optical disc (including an object that can assuredly keep a record of certain matters by an equivalent method to such an optical disc; hereinafter referred to as an "optical disc, etc.") that has kept a record of a matter to be stated in the written notification.
 6. A telecommunications carrier shall, in case of giving a notification pursuant to the provisions of Paragraph 2 or 3 by an agent, submit to the Personal Information Protection Commission a document verifying the power of agency in Form No. 2 appended to the Rules.
 7. A telecommunications carrier in a foreign county (meaning a country or region located outside the territory of Japan; hereinafter the same) shall, in case of giving a notification pursuant to the provisions of Paragraph 2 or 3, appoint a person domiciled in Japan who has the authorization to act for the telecommunications carrier on any action relating to the notification. In this case, the said telecommunications carrier shall submit a document (including texts translated into Japanese) verifying that it has conferred the power of agency on the person domiciled in Japan to the Personal Information Protection Commission at the same time of giving the said notification.
 8. Notwithstanding the provisions of the respective preceding paragraphs, a telecommunications carrier shall not provide to a third party personal information protected under the secrecy of communications except where the user's consent has been obtained or if there is other justifiable cause for noncompliance with the law.
 9. A telecommunications carrier shall, promptly after public disclosure pursuant to the provisions of Article 23, paragraph (4) of the Act has been made, disclose to the public those matters set forth in Paragraph 2 (when a matter set forth in Item (2), (3) or (5) has been modified, a post-modified matter set forth in each said item) by utilizing the Internet or other appropriate method.
 10. In those cases set forth in the following, a person receiving the provision of the said personal data shall not fall under a third party in regard to applying the provisions of Paragraphs 1 through 7 and the preceding paragraph:

- (1) cases in which personal data is provided accompanied by a telecommunications carrier entrusting a whole or part of the handling of the personal data within the necessary scope to achieve a utilization purpose;
 - (2) cases in which personal data is provided accompanied with business succession caused by a merger or other reason;
 - (3) cases in which personal data to be jointly utilized by a specified person is provided to the specified person, and when a principal has in advance been informed or a state has been in place where a principal can easily know to that effect as well as of the categories of the jointly utilized personal data, the scope of a jointly utilizing person, the utilization purpose for the utilizing person and the name or appellation of a person responsible for controlling the said personal data.
11. A telecommunications carrier shall, in case of altering a utilization purpose for a utilizing person or the name or appellation of a person responsible for controlling personal data prescribed in Item (3) of the preceding paragraph, in advance inform a principal of the contents to be altered or put them into a state where a principal can easily know.

Article 16 (Restriction on Provision to a Third Party in a Foreign Country)

1. A telecommunications carrier, except in those cases set forth in each item of the preceding Article, Paragraph 1, shall, in case of providing personal data to a third party (excluding a person establishing a system conforming to standards prescribed by the next following paragraph as necessary for continuously taking action equivalent to the one that a personal information handling business operator shall take concerning the handling of personal data pursuant to the provisions of Chapter IV, Section 1 of the Act; hereinafter the same in this Article) in a foreign country, in advance obtain a principal's consent to the effect that he or she approves the provision to a third party in a foreign country. In this case, the provisions of the preceding Article (except for Paragraph 8 of the said Article) shall not apply.
2. Standards prescribed as necessary measures for continuously taking measures equivalent to those which shall be taken by a personal information handling business operator pursuant to the provisions of Chapter IV, Section 1 of the Act with regard to the handling of personal data shall fall under any of each following item:
 - (1) a telecommunications carrier and a person who receives the provision of personal data have ensured, in relation to the handling of personal data by the person who receives the provision, the implementation of measures in line with the purport of the provisions under Chapter IV, Section 1 of the Act by an appropriate and reasonable method;
 - (2) a person who receives the provision of personal data has obtained a recognition based on an international framework concerning the handling of personal information.

Article 17 (Keeping, etc. of a Record on a Third-Party Provision)

1. A telecommunications carrier shall, when having provided personal data to a third party (excluding a person set forth in each item of Article 2, paragraph (5) of the Act; hereinafter the same in this Article and the next following Article), keep a record of the following matters, for each of the categories set forth in the following items by a method of keeping such record in writing, an electromagnetic form, or a microfilm. This, however, shall not apply in cases where the personal data provision falls under any of each item of Article 15, Paragraph 1 or 10 (this means, in case of a personal data provision pursuant to the provisions of the preceding Article, any of each item of

Article 15, Paragraph 1):

- (1) cases in which personal data has been provided to a third party pursuant to the provisions of Article 15, Paragraph 2: a matter set forth in (a) to (d) below.
 - (a) the date on which the personal data was provided;
 - (b) the name or appellation of the third party or other matter sufficient to identify the said third party (when provided to a large number of unspecified persons, the fact to that effect);
 - (c) the name of a principal identifiable by the personal data and other matter sufficient to specify the principal;
 - (d) the category of the personal data.
- (2) cases in which personal data has been provided to a third party pursuant to Article 15, Paragraph 1, or the provisions of the preceding Article: a matter set forth in (a) and (b) below.
 - (a) the fact to the effect that a principal's consent has been obtained under Article 15, Paragraph 1, or the preceding Article;
 - (b) a matter set forth in (b) to (d) in the preceding item.
2. Regarding those matters prescribed in each item of the preceding paragraph which are identical in contents to those matters contained in a record already kept by using a method prescribed in Paragraphs 1, 3 and 4 (limited to those in the case of such a record having been maintained), a record on the said matters may be omitted.
3. A record under Paragraph 1 shall be kept promptly at each time of personal data having been provided to a third party. Such a record, however, may be kept at one time for a series of provisions if personal data has been provided (excluding a provision pursuant to the provisions of Article 15, Paragraph 2; the same shall apply in this paragraph) continuously or repeatedly to the third party, or if it is certainly expected that personal data will be provided continuously or repeatedly to the said third party.
4. Notwithstanding the provisions of the preceding paragraph, in cases where personal data relating to a principal, pursuant to the provisions of Article 15, Paragraph 1, or the preceding Article, has been provided to a third party in connection with supplying goods or services to the principal and when a matter prescribed in each item of Paragraph 1 is stated in a contract or other document prepared in connection with the said supply, such a document may substitute for a record relating to the said matter.
5. A telecommunications carrier shall keep the record under Paragraph 1 for a period of time prescribed in each following item in accordance with the categories of those cases set forth in each following item:
 - (1) cases in which a record was kept by using a method prescribed in the provisions of the preceding paragraph: a period of time up to the day on which one year has passed from the last date of personal data relating to the record having been provided;
 - (2) cases in which a record was kept by using a method prescribed in the proviso to Paragraph 3: a period of time up to the day on which three years have passed from the last date of personal data relating to the record having been provided;
 - (3) cases other than the preceding two items; three years.

Article 18 (Confirmation etc. when Receiving a Third-Party Provision)

1. A telecommunications carrier shall, when receiving the provision of personal data from a third party, confirm those matters set forth in the following in the manner set forth in the following,

respectively. This, however, shall not apply in cases where the said personal data provision falls under any of each item of Article 15, Paragraph 1 or 10.

- (1) the name or appellation and address of the third party and, for a corporate body, the name of its representative (for a non-corporate body having appointed a representative or administrator, the said representative or administrator) (except for the matters set forth in item (3)): by a method of reporting by the third party providing such personal data or in another appropriate manner;
 - (2) circumstances under which the said personal data was acquired by the said third party (except for the matters set forth in the next following item): by a reasonable method such as having the said third party present a contract or other document showing those circumstances under which the said third party acquired the personal data;
 - (3) matters which have already been confirmed when receiving the provision of other personal data from a third party (limited to those in cases where a record has been kept and maintained by using a method prescribed in Paragraphs 3, 5 and 6 relating to the confirmation): by a method to confirm that the said matters are identical in contents to those matters set forth in the preceding two items relating to the said provision.
2. A third party under the preceding paragraph shall, in cases where a telecommunications carrier confirms pursuant to the provisions of the preceding paragraph, not deceive the telecommunications carrier on a matter relating to the confirmation.
 3. A telecommunications carrier shall, when having confirmed pursuant to the provisions of Paragraph 1, keep a record of each of the following matters for the respective categories in the following items, by a method of preparing such record in writing, an electromagnetic form, or a microfilm:
 - (1) cases in which the provision of personal data has been received from a personal information handling business operator pursuant to the provisions of Article 23, paragraph (2) of the Act: a matter set forth in (a) to (e) below.
 - (a) the date on which the provision of personal data was received;
 - (b) a matter set forth in each item of Paragraph 1;
 - (c) the name of a principal identifiable by the personal data and other matters sufficient to specify the principal;
 - (d) the categories of the personal data;
 - (e) the fact to the effect that disclosure to the public has been made pursuant to the provisions of Article 23, paragraph (4) of the Act.
 - (2) cases in which the provision of personal data has been received from a personal information handling business operator pursuant to the portions listed in the respective items of Article 23, paragraph (1) or Article 24 of the Act: matters set forth in (a) and (b) below.
 - (a) the fact to the effect that a principal's consent has been obtained under Article 23, paragraph (1) or Article 24 of the Act;
 - (b) matters set forth in (b) to (d) under the preceding item.
 - (3) cases in which the provision of personal data has been received from a third party (excluding a person falling within the purview of a personal information handling business operator): a matter set forth in (b) to (d) under Item (1).
 4. Regarding those matters prescribed in each item of the preceding paragraph which are identical in contents to matters contained in a record already kept by using a method prescribed in the preceding paragraph, the next following paragraph, and Paragraph 6 (limited to those in the case of such a record having been maintained), a record on the said matters may be omitted.

5. A record under Paragraph 3 shall be kept promptly at each time when the provision of personal data has been received from a third party. Such a record, however, may be kept at one time for a series of receipts if the provision of personal data has been received continuously or repeatedly from the third party (excluding a provision pursuant to the provisions of Article 15, Paragraph 2; hereinafter the same in this Article), or when it is certainly expected that the provision of personal data will be received continuously or repeatedly from the said third party.
6. Notwithstanding the provisions of the preceding paragraph, in cases where the provision of personal data relating to a principal has been received from a third party in connection with supplying the principal with goods or services and when a matter prescribed in each item of Paragraph 3 is stated in a contract or other document prepared in connection with the supply, such a document may substitute for a record relating to the matter.
7. A telecommunications carrier shall maintain a record under Paragraph 3 for a period of time prescribed in the following items for the categories set forth in the following items, respectively:
 - (1) cases in which a record was kept by using a method prescribed in the preceding paragraph: a period of time up to the day on which one year has passed from the last date on which the provision of personal data relating to the record was received;
 - (2) cases in which a record was kept by using a method prescribed in the proviso to Paragraph 5: a period of time up to the day on which three years have passed from the last date on which the provision of personal data relating to the record was received;
 - (3) cases other than the preceding two items: three years.

Article 19 (Public Disclosure etc. on Matters relating to Retained Personal Data)

1. A telecommunications carrier shall, concerning its retained personal information, put those matters set forth in the following into a state where a principal can know (including those cases in which it, at the request of a principal, responds without delay):
 - (1) the name or appellation of the said telecommunications carrier;
 - (2) the utilization purpose of all retained personal data (excluding those cases falling under Items (1) through (3) of Article 8, Paragraph 4);
 - (3) the procedures for responding to a request pursuant to the provisions of the next following paragraph or a demand pursuant to the provisions of Paragraph 1 of the next following Article, Article 21, Paragraph 1, or Article 22, Paragraph 1 or 3 (including, when the amount of a fee has been decided pursuant to the provisions of Article 25, Paragraph 2, the amount of the fee);
 - (4) where to lodge a complaint about the handling of retained personal data by the said telecommunications carrier;
 - (5) in those cases where the telecommunications carrier is a covered business operator of an accredited personal information protection organization, the appellation of the accredited personal information protection organization and where to lodge a petition for resolving a complaint.
2. A telecommunications carrier shall, when requested by a principal to get informed of a utilization purpose of retained personal data that can identify the principal, inform the said principal thereof without delay. This, however, shall not apply in those cases falling under any of each following item:
 - (1) cases in which the utilization purpose of retained personal data that can identify the said principal is clear pursuant to the provisions of the preceding paragraph;
 - (2) cases falling under Items (1) through (3) of Article 8, Paragraph 4.

3. A telecommunications carrier shall, when having been requested based on the provisions of the preceding paragraph but deciding not to inform a principal of the utilization purpose of retained personal data, inform the principal to that effect without delay.

Article 20 (Disclosure)

1. A principal may demand of a telecommunications carrier the disclosing of retained personal data that can identify him or herself.
2. A telecommunications carrier shall, when having received a demand pursuant to the provisions of the preceding paragraph, disclose retained personal data to a principal without delay by delivery of a document to the principal (or by such method as agreed to by the person making the demand). However, in cases where disclosing such data falls under any of each following item, a whole or part thereof may not be disclosed:
 - (1) cases in which there is a possibility of harming a principal or third party's life, body, fortune or other rights and interests;
 - (2) cases in which there is a possibility of interfering seriously with the said telecommunications carrier implementing its business properly;
 - (3) cases of violating other laws or regulations (excluding the Act, the Cabinet Order to Enforce the Act on the Protection of Personal Information (Cabinet Order No. 507 of 2003), and the Rules; the same in Paragraph 4 of this Article and Paragraph 2 in the next following Article).
3. A telecommunications carrier shall, when having decided not to disclose a whole or part of retained personal data in connection with a demand pursuant to the provisions of Paragraph 1 or when the retained personal data does not exist, inform a principal thereof without delay.
4. In cases where a whole or part of retained personal data that can identify a principal is to be disclosed to the principal pursuant to the provisions of other laws or regulations using a method equivalent to that prescribed in the main clause of Paragraph 2, the provisions of Paragraphs 1 and 2 shall not apply in regard to the said whole or part of retained personal data.

Article 21 (Correction etc.)

1. A principal may, when the contents of retained personal data that can identify the principal are not factual, demand of a telecommunications carrier the making of a correction, addition or deletion (hereinafter referred to as a "correction etc." in this Article) in regard to the contents of the retained personal data.
2. A telecommunications carrier shall, in case of having received a demand pursuant to the provisions of the preceding paragraph except in cases where special procedure concerning a correction etc. of the contents is prescribed by the provisions of laws or regulations, conduct a necessary investigation without delay to the extent necessary to achieve a utilization purpose and, based on the result thereof, make a correction etc. of the contents of the retained personal data.
3. A telecommunications carrier shall, when having made a correction etc. on a whole or part of the contents of the retained personal data in connection with a demand pursuant to the provisions under Paragraph 1 or when having made a decision not to make a correction etc., inform a principal without delay to that effect (including, when having made a correction etc., the contents thereof).

Article 22 (Utilization Cease etc.)

1. A principal may, when retained personal data that can identify the principal is being handled in violation of the provisions of Article 5 or has been acquired in violation of the provisions of Article

- 7, demand of a telecommunications carrier a utilization cease or deletion (hereinafter referred to as a “utilization cease etc.” in this Article) of the retained personal data.
2. A telecommunications carrier shall, in case of having received a demand pursuant to the provisions of the preceding paragraph and when it has become clear that there is a reason in the demand, fulfill a utilization cease etc. of the said retained personal data to the extent necessary to redress a violation without delay. This, however, shall not apply in cases where a utilization cease etc. of the said retained personal data requires a large amount of expenses or other cases where it is difficult to fulfil a utilization cease etc. and when necessary alternative action is taken to protect a principal’s rights and interests.
 3. A principal may, when retained personal data that can identify the principal is being provided to a third party in violation of the provisions of Article 15, Paragraph 1 or Article 16, demand of a telecommunications carrier the ceasing of a third-party provision of the retained personal data.
 4. A telecommunications carrier shall, in case of having received a demand pursuant to the provisions of the preceding paragraph and when it has become clear that there is a reason in the demand, cease a third-party provision of the retained personal data without delay. This, however, shall not apply in cases where ceasing a third-party provision of the said retained personal data requires a large amount of expenses or other cases where it is difficult to cease a third-party provision and when necessary alternative action is taken to protect a principal’s rights and interests.
 5. A telecommunications carrier shall, when having fulfilled a utilization cease etc. or decided not to fulfill a utilization cease etc. of a whole or part of retained personal data in connection with a demand pursuant to the provisions of Paragraph 1, or when having ceased a third-party provision or decided not to cease a third-party provision of a whole or part of retained personal data in connection with a demand pursuant to the provisions of Paragraph 3, inform a principal to that effect without delay.

Article 23 (Explanation of Reason)

A telecommunications carrier shall, in case of informing a principal to the effect that, as regards a whole or part of action requested or demanded by the principal pursuant to the provisions of Article 19, Paragraph 3; Article 20, Paragraph 3; Article 21, Paragraph 3; or Paragraph 5 of the preceding Article, the action will not be taken, or to the effect that different action from the said action will be taken, strive to explain a reason therefor to the said principal.

Article 24 (Procedure for Responding to a Demand etc. for Disclosure etc.)

1. A telecommunications carrier may, as regards a request pursuant to the provisions of Article 19, Paragraph 2 or a demand pursuant to the provisions of Article 20, Paragraph 1; Article 21, Paragraph 1; or Article 22, Paragraph 1 or 3 (hereinafter referred to as a “demand etc. for disclosure etc.” in this Article), decide on a method of receiving a request or demand pursuant to those prescribed in each of the following items. In this case, a principal shall make a demand etc. for disclosure etc. in accordance with the method.
 - (1) where to file a demand etc. for disclosure etc.;
 - (2) a format of a document to be submitted at the time of making a demand etc. for disclosure etc. and other forms wherein a demand etc. for disclosure etc. may be made;
 - (3) a method of confirming that a person making a demand etc. for disclosure etc. is a principal or an agent prescribed in Paragraph 3;
 - (4) a method of collecting a fee under Paragraph 1 of the next following Article.

2. A telecommunications carrier may, as regards a demand etc. for disclosure etc., request a principal to present a matter sufficient to specify retained personal data subject to the demand etc. In this case, a telecommunications carrier shall take appropriate action in consideration of a principal's convenience such as providing information conducive to specify the retained personal data so that the principal would be able to easily and precisely make a demand etc. for disclosure etc.
3. A demand etc. for disclosure etc. may be made through an agent pursuant to those prescribed in the following. This, however, shall not apply if the secrecy of communications of a principal may be violated or any item of Article 20, Paragraph 2 is otherwise applicable.
 - (1) a statutory agent of a minor or adult ward;
 - (2) an agent entrusted by a principal with making a demand etc. for disclosure etc.
4. A telecommunications carrier shall, in establishing a procedure for responding to a demand etc. for disclosure etc. based on the provisions of the preceding three paragraphs, give consideration so as not to impose excessive burden on a principal.

Article 25 (Fee)

1. A telecommunications carrier may, when having been requested to inform of a utilization purpose pursuant to the provisions of Article 19, Paragraph 2 or when having received a demand for disclosure pursuant to the provisions of Article 20, Paragraph 1, collect a fee in relation to taking such action.
2. A telecommunications carrier shall, in case of collecting a fee pursuant to the provisions of the preceding paragraph, decide on the amount of the fee within a range recognized as reasonable considering actual expenses.

Article 26 (Advance Demand)

1. A principal may, when intending to file a lawsuit in connection with a demand pursuant to the provisions of Article 20, Paragraph 1; Article 21, Paragraph 1; or Article 22, Paragraph 1 or 3, not file the lawsuit unless the principal had issued the demand in advance against a person who should become a defendant in the lawsuit and two weeks have passed from the delivery day of the issued demand. This, however, shall not apply when the person who should become a defendant in the lawsuit has rejected the demand.
2. A demand under the preceding paragraph is deemed as having been delivered at the time when such a demand should have normally been delivered.
3. The provisions of the preceding two paragraphs shall apply *mutatis mutandis* to a petition for a provisional disposition order in connection with a demand pursuant to the provisions of Article 20, Paragraph 1; Article 21, Paragraph 1; or Article 22, Paragraph 1 or 3.

Article 27 (Telecommunications Carrier's Dealing with a Complaint)

1. A telecommunications carrier shall deal appropriately and promptly with a complaint about the handling of personal information.
2. A telecommunications carrier shall establish a system necessary to achieve a purpose under the preceding paragraph.

Article 28 (Production etc. of Anonymously Processed Information)

1. A telecommunications carrier shall, when producing anonymously processed information (limited to those constituting anonymously processed information databases etc.; hereinafter the same),

process personal information in accordance with standards set forth below as those necessary to make it impossible to identify a specific individual and restore the personal information used for the production.

- (1) deleting a whole or part of those descriptions etc. which can identify a specific individual contained in personal information (including replacing such descriptions etc. with other descriptions etc. using a method with no regularity that can restore the whole or part of descriptions etc.)
 - (2) deleting all individual identification codes contained in personal information (including replacing such codes with other descriptions etc. using a method with no regularity that can restore the individual identification codes)
 - (3) deleting those codes (limited to those codes linking mutually plural information being actually handled by a telecommunications carrier) which link personal information and information obtained by having taken measures against the personal information (including replacing the said codes with those other codes which cannot link the said personal information and information obtained by having taken measures against the said personal information using a method with no regularity that can restore the said codes)
 - (4) deleting idiosyncratic descriptions etc. (including replacing such descriptions etc. with other descriptions etc. using a method with no regularity that can restore the idiosyncratic descriptions etc.)
 - (5) besides action set forth in each preceding item, taking appropriate action based on the results from considering the attribute etc. of personal information database etc. such as a difference between descriptions etc. contained in personal information and descriptions etc. contained in other personal information constituting the personal information database etc. that encompass the said personal information
2. A telecommunications carrier, when having produced anonymously processed information, shall, in accordance with standards set forth below as those necessary to prevent the leakage of information relating to those descriptions etc. and individual identification codes deleted from personal information used to produce the anonymously processed information, and information relating to a processing method carried out pursuant to the provisions of the preceding paragraph, take action for the security control of such information.
- (1) defining clearly the authority and responsibility of a person handling processing method etc. related information (which refers to information relating to those descriptions etc. and individual identification codes which were deleted from personal information used to produce anonymously processed information and information relating to a processing method carried out pursuant to the provisions of the preceding paragraph (limited to those which can restore the personal information by use of such relating information); the same shall apply hereinafter in this Article)
 - (2) establishing rules and procedures on the handling of processing method etc. related information, handling appropriately processing method etc. related information in accordance with the rules and procedures, evaluating the handling situation, and based on such evaluation results, taking necessary action to seek improvement
 - (3) taking necessary and appropriate action to prevent a person with no legitimate authority to handle processing method etc. related information from handling the processing method etc. related information
3. A telecommunications carrier, when having produced anonymously processed information, shall,

without delay by utilizing the Internet or other appropriate method, disclose to the public the categories of information relating to an individual contained in the anonymously processed information.

4. In cases where a telecommunications carrier entrusted by another personal information handling business operator has produced anonymously processed information, the said other personal information handling business operator shall disclose the categories of information relating to an individual contained in the anonymously processed information by a method prescribed in the preceding paragraph. In such cases, it shall be deemed that the public disclosure of the said categories has been made by such telecommunications carrier.
5. A telecommunications carrier, when having produced anonymously processed information and providing the anonymously processed information to a third party, shall, by utilizing the Internet or other appropriate method, in advance disclose to the public the categories of information concerning an individual contained in anonymously processed information to be provided to a third party and its providing method, and state to the third party explicitly by emailing, in writing, or in other appropriate manner, to the effect that the information being provided is anonymously processed information.
6. A telecommunications carrier shall, when having produced anonymously processed information and itself handling the anonymously processed information, not collate the said anonymously processed information with other information in order to identify a principal concerned with personal information used to produce the said anonymously processed information.
7. A telecommunications carrier shall, when having produced anonymously processed information, strive to take itself necessary and appropriate action for the security control of the anonymously processed information and necessary action for ensuring the proper handling of the anonymously processed information such as dealing with a complaint about the handling, including producing, of the said anonymously processed information, and strive to disclose to the public the contents of such action taken.

Article 29 (Provision of Anonymously Processed Information)

A telecommunications carrier as an anonymously processed information handling business operator, when providing anonymously processed information (excluding those which it produced itself by processing personal information; hereinafter the same in this Chapter) to a third party, shall, by utilizing the Internet or other appropriate method, in advance disclose to the public the categories of personal information contained in anonymously processed information to be provided to a third party and state to the third party explicitly by emailing, in writing, or in other appropriate manner, to the effect that the provided information is anonymously processed information.

Article 30 (Prohibition against the Act of Identifying)

A telecommunications carrier as an anonymously processed information handling business operator, shall, in handling anonymously processed information, neither acquire information relating to those descriptions etc. or individual identification codes deleted from the personal information and information relating to a processing method carried out pursuant to the provisions of Article 28, Paragraph 1; Article 44-10, paragraph (1) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) (including cases to which paragraph (2) of the said Article applies *mutatis mutandis*), or Article 44-10, paragraph (1) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. (Act No. 59 of 2003)

(including cases to which paragraph (2) of the said Article applies *mutatis mutandis*), nor collate the said anonymously processed information with other information in order to identify a principal concerned with personal information used to produce the anonymously processed information.

Article 31 (Security Control Measures, etc.)

A telecommunications carrier as an anonymously processed information handling business operator shall strive to take itself necessary and appropriate action for the security control of anonymously processed information and necessary action to ensure the proper handling of anonymously processed information such as dealing with a complaint about the handling of anonymously processed information, and shall strive to disclose to the public the contents of such action taken.

CHAPTER III HANDLING OF VARIOUS TYPES OF INFORMATION

Article 32 (Communications History)

1. A telecommunications carrier may record communications history (which refers to dates and times of the user's use of telecommunications, counterparties in such telecommunications and other information concerning the user's telecommunications other than contents of such telecommunications; the same shall apply hereinafter) only where necessary in order to charge fees, issue invoices, respond to complaints, prevent unauthorized use, or conduct other operations.
2. A telecommunications carrier shall not provide communications history to others except in any of the following cases: where the user's consent has been obtained, where such provision is made to comply with a warrant issued by a judge, in the event of self-defense or necessity, or if there is other justifiable cause for noncompliance with the law.

Article 33 (Usage Details)

1. The scope of information which a telecommunications carrier indicates in a statement of usage details (which refers to a statement that indicates dates and times of the user's use of telecommunications, recipients of such telecommunications, corresponding billing information, and other information concerning the user's use of such telecommunications; the same shall apply hereinafter) shall not exceed the extent necessary in order to achieve the purpose of a statement of usage details.
2. In allowing a subscriber or other permitted person to view a statement of usage details or delivering such statement, a telecommunications carrier shall take necessary measures so as not to violate the user's secrecy of communications and personal information without due cause.

Article 34 (Caller Information)

1. When a telecommunications carrier provides a caller information display service (which refers to a telephone service of notifying the recipient of the telephone number of a caller, caller location information, etc., and such other information concerning the caller (hereinafter referred to as the "Caller Information"); the same shall apply hereinafter), the telecommunications carrier shall provide a function to prevent the display of the Caller Information for each instance of communications.
2. In providing a caller information display service, a telecommunications carrier shall take measures

necessary in order to secure the user's rights.

3. A telecommunications carrier shall not provide Caller Information to others except where such provision is necessary for the provision of the caller information display service or other services. The foregoing, however, shall not apply where the user's consent has been obtained; where such provision is made to comply with a warrant issued by a judge; where an actual crime of intimidation by phone is being committed and a phone call of an offender is traced upon a request of a victim or an investigating authority; where an emergency call is made to report that a human life, body, etc. is in imminent danger and a phone call is traced upon a request of such informant; or if there is other justifiable cause for noncompliance with the law.

Article 35 (Location Information)

1. A telecommunications carrier may obtain location information (which refers to certain information which indicates a location of a mobile device holder and which is not Caller Information; the same shall apply hereinafter) only where the user's prior consent has been obtained; where such activity is conducted in pursuit of a lawful business in relation to the provision of telecommunications service; or of there is other justifiable cause for noncompliance with the law.
2. A telecommunications carrier may provide to others or otherwise use location information only where the user's prior consent has been obtained; where such provision is made to comply with a warrant issued by a judge; or of there is other justifiable cause for noncompliance with the law.
3. When a telecommunications carrier provides or has a third party provide a service to inform a subscriber or his or her designees of location information, it is appropriate for such telecommunications carrier to take necessary measures in order to prevent undue violation of the user's rights.
4. When a telecommunications carrier is asked by an investigating authority to obtain certain location information, such location information may be obtained only to comply with a warrant issued by a judge.
5. In addition to the preceding paragraph, when a telecommunications carrier is asked by the police, the Japan Coast Guard, a fire department, or any other institution similar to the foregoing, which searches for a person who needs to be rescued and conducts rescue activities, to obtain such rescuee's location information, such telecommunications carrier may obtain such location information only if it is recognized that such rescuee's life or body is in imminent and great danger and that such location information is indispensable in order to find such rescuee expeditiously.

Article 36 (Non-paying Person Information)

1. A telecommunications carrier may exchange with another telecommunications carrier non-paying person information (which refers to the name, address, unpaid amount, telephone number, or other information concerning a person who fails to pay fees for a telecommunications service past the due date, or a person named in a contract concerning the provision of mobile voice communications services in the cases under the respective items of Article 11 of the Act on Identification, etc. by Mobile Voice Communications Carriers of their Subscribers, etc. and for Prevention of Improper Use of Mobile Voice Communications Services (Act No. 31 of 2005); the same shall apply hereinafter) only if such exchange is recognized as particularly necessary and appropriate in order to prevent non-payment of fees for telecommunications services or unauthorized use of mobile voice communications services. The foregoing, however, shall not apply if it is recognized that the principal's rights and interests will be violated without due cause by exchanging such non-paying

person information.

2. When a telecommunications carrier exchanges non-paying person information with another telecommunications carrier, it is appropriate for such telecommunications carrier to inform a principal in advance of, or put them into a state where a principal can easily know, such exchange as well as items of non-paying person information to be exchanged, the scope of telecommunications carriers exchanging such information, and the name or appellation of a person in charge of the management of non-paying person information to be exchanged.
3. When a telecommunications carrier changes the name or appellation of the person in charge of the management of non-paying person information to be exchanged pursuant to the preceding paragraph, it is appropriate for such telecommunications carrier to inform a principal in advance of, or put them into a state where a principal can easily know, the specifics of such change.
4. It is appropriate for a telecommunications carrier which has exchanged non-paying person information to refrain from using such non-paying person information for any purpose other than screening at the time of entering into a subscription contract.
5. It is appropriate for a telecommunications carrier which has provided or received non-paying person information to take all possible measures, in particular, to manage such non-paying person information in an appropriate manner.

Article 37 (Subscriber Information Concerning Sending of Unsolicited Email)

1. A telecommunications carrier may exchange with another telecommunications carrier subscriber information (which refers to a subscriber's name, address, and other information concerning such subscriber against whom a telecommunications carrier has taken usage suspension measures or whose contract has been terminated because such subscriber sent electronic mail to many persons simultaneously in violation of the provisions of the Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of 2002) or otherwise sent electronic mail which is likely to cause hindrances to transmission and reception of electronic mails; the same shall apply hereinafter) if such exchange is recognized as particularly necessary and appropriate in order to prevent hindrances to transmission and reception of electronic mails due to simultaneous transmission to many persons. The foregoing, however, shall not apply if it is recognized that the principal's rights and interests will be violated without due cause by exchanging such subscriber information.
2. When a telecommunications carrier exchanges subscriber information with another telecommunications carrier, it is appropriate for such telecommunications carrier to inform a principal in advance of, or put them into a state where a principal can easily know, such exchange as well as items of subscriber information to be exchanged, the scope of telecommunications carriers exchanging such information, and the name or appellation of the person in charge of the control of subscriber information to be exchanged.
3. When a telecommunications carrier changes the name or appellation of the person in charge of the control of subscriber information to be exchanged pursuant to the preceding paragraph, it is appropriate for such telecommunications carrier to inform a principal in advance of, or put them into a state where a principal can easily know, the specifics of such change.
4. It is appropriate for a telecommunications carrier which has exchanged subscriber information to refrain from using such subscriber information for any purpose other than screening at the time of entering into a subscription contract.
5. It is appropriate for a telecommunications carrier which has provided or received subscriber information to take all possible measures, in particular, to manage such subscriber information in

an appropriate manner.

Article 38 (Telephone Number Information)

1. When a telecommunications carrier publishes a telephone directory or provides a telephone directory service by using telephone number information (which refers to the name of a subscriber which the telecommunications carrier may obtain in connection with the execution of a telephone subscription contract, or the appellation and associated telephone number which a subscriber wishes to be included in the telephone directory or the telephone directory service, and other subscriber information; the same shall apply hereinafter), it is appropriate for such telecommunications carrier to give the subscriber an opportunity to opt out from such inclusion in the printed telephone directory or the telephone directory service. In this case, if the subscriber opts out, such subscriber's information shall be removed from the telephone directory or the telephone directory service without delay.
2. Where a telecommunications carrier publishes a telephone directory or provides a telephone directory service, it is appropriate for such telecommunications carrier to ensure that the scope of telephone number information to be provided shall not exceed the scope necessary for the purpose of achieving the respective operations. The foregoing, however, shall not apply where the subscriber's consent has been obtained.
3. Where a telecommunications carrier publishes a telephone directory or provides a telephone directory service, it is appropriate to ensure the form of the provision of telephone number information not to violate the principal's rights and interests without due cause.
4. Except in connection with the publication of a telephone directory or the provision of a telephone directory service, it is appropriate for a telecommunications carrier to refrain from providing telephone number information. This, however, shall not apply in any of the following cases:
 - (1) when the publication of a telephone directory or the provision of a telephone directory service is outsourced;
 - (2) when telephone number information is provided to a party which publishes a telephone directory or conducts a telephone directory service; [or]
 - (3) when any of the items in Article 5, Paragraph 3 is otherwise applicable.
5. When a telecommunications carrier provides telephone number information to a party which publishes a telephone directory or provides a telephone directory service, it is appropriate to set forth, in such provision agreement, etc., that such telephone number information shall be handled in the manner equivalent to that under the respective preceding paragraphs.

CHAPTER IV MISCELLANEOUS PROVISIONS

Article 39 (Reexaminations of Guidelines)

These Guidelines shall be reexamined as it becomes necessary in view of various environmental changes, such as a change in social circumstances, change in public awareness, and change in technological trends.