

# 携帯音声通信事業者による契約者等の本人確認等及び携帯音声通信役務の不正な利用の防止に関する法律の一部を改正する法律の概要

近年、携帯通信端末向けの電気通信役務の不正な利用が多様化・巧妙化していることに鑑み、当該電気通信役務を提供する事業者が契約締結時の本人確認等を行うべき役務に音声通信役務以外の電気通信役務を追加するとともに、特定の個人が同時に利用することができる携帯通信端末の数が一定数を超えることとなる場合に当該電気通信役務を提供する事業者が役務の提供を拒むことを可能にする等の措置を講ずる。

## 改正の概要

### (1) 契約締結時の本人確認等の対象となる電気通信役務の範囲の拡大

役務提供契約の締結時における契約者の本人確認等の対象となる役務に、音声通信役務以外の電気通信役務(データ通信役務)を追加する。【題名、第1条～第3条関係】

※ これに伴い、法律の題名を「携帯通信事業者による契約者等の本人確認等及び携帯通信役務の不正な利用の防止に関する法律」に改めるとともに、役務の名称を「携帯通信役務」、事業者の名称を「携帯通信事業者」に改める。

### (2) 本邦内に住居を有しない外国人の本人確認を行う場合の規定の整備

携帯通信事業者が本邦内に住居を有しない外国人と役務提供契約を締結する場合の、住居に代わる事項(例:旅券番号)の確認による本人確認に関する規定を整備する。【第3条第1項関係】

### (3) 警察署長による電気通信事業者に対する照会に係る規定の整備

警察署長が、一定の罪に当たる行為に利用された携帯通信役務に係る契約者の本人確認等を携帯通信事業者に求めることができる制度において、(1)によりデータ通信役務が対象となることに伴い、その求めのために必要があると認めるときは、関係事業者に照会して必要な事項の報告を求めることができることとする。【第8条第2項関係】

### (4) 個人が同時に利用可能な携帯通信端末が一定数を超えることとなる場合の役務提供拒否に係る規定の整備

特定の個人が同時に利用することができる携帯通信端末の数が一定数を超えることとなる場合には、不正な利用のおそれが高いことを踏まえ、携帯通信事業者がその超えることとなる部分についての役務の提供を拒否することができることとする。【第11条第6号関係】

### (5) 役務提供契約締結の任に当たっている者の権限又は地位の確認に係る規定の整備

携帯通信事業者に対して、役務提供契約締結の相手方と役務提供契約締結の任に当たっている自然人が異なる場合に、総務省令で定めるところにより、当該自然人の権限又は地位の確認を行うことを義務付ける。【第3条第2項、第3項関係】

### (6) その他所要の改正を行う。

# **Outline of the Act Partially Amending the Act on Identity Confirmation, etc. Performed by Mobile Voice Communications Carriers for their Subscribers, etc. and Prevention of Wrongful Use of Mobile Voice Communications Services**

In light of the fact that, in recent years, the wrongful use of telecommunications services provided to mobile communications terminals has become increasingly diverse and sophisticated, measures are to be taken to add telecommunications services other than voice communications services to the services that require the carrier providing the telecommunications services to perform identity confirmation, etc. at the time of concluding a contract, and enabling the carrier providing the telecommunications services to refuse to provide services, etc. when the number of mobile communications terminals that a specific individual can use simultaneously exceeds a certain number.

## **Outline of the amendment**

### **1. Expansion of the Scope of Telecommunications Services Subject to Identity Confirmation, etc. at the Time of Concluding a Contract**

Telecommunications services other than voice communications services (data communications services) are to be added to the services subject to identity confirmation, etc. of a subscriber when concluding a service provision contract. [Related to the Title and Articles 1 through 3]

\* In conjunction with this, the title of the Act is to be changed to "Act on Identity Confirmation, etc. Performed by Mobile Telecommunications Carriers for their Subscribers, etc. and Prevention of Wrongful Use of Mobile Telecommunications Services" the name of the services is to be changed to "mobile communications services" and the name of the business operators is to be changed to "mobile communications carriers".

### **2. Development of Provisions for Performing Identity Confirmation of Foreign Nationals Who Do Not Have a Residence in Japan**

When a mobile telecommunications carrier concludes a service provision contract with a foreign national who does not have a residence in Japan, provisions concerning identity confirmation by confirming particulars in lieu of residence (e.g.: passport number) will be established. [Related to Article 3, paragraph (1)]

### **3. Development of Provisions Concerning Inquiries by the Chief of a Police Station to Telecommunications Carriers**

Under the system in which the chief of a police station may request a mobile telecommunications carrier to the identity confirmation, etc. of a subscriber to the mobile telecommunications services used in an act that constitutes a specified crime, when the chief finds it necessary to do so in line with the data communications services becoming subject to the system pursuant to what was referred to in 1, the chief may inquire with the relevant carriers and request them to report on necessary particulars. [Related to Article 8, paragraph (2)]

### **4. Development of Provisions Concerning the Refusal to Provide Services When the Number of Mobile Communications Terminals that an Individual can Use Simultaneously Exceeds a Certain Number**

In light of the high risk of wrongful use when the number of mobile communication terminals that a specific individual may use simultaneously exceeds a certain number, a mobile telecommunications carrier may refuse to provide services for the portion exceeding that number. [Related to Article 11, item (6)]

### **5. Development of Provisions Concerning Confirmation of the Authority or Position of Persons in Charge of Concluding a Service Provision Contract**

When the counterparty to a service provision contract differs from the natural person in charge of concluding the service provision contract, a mobile telecommunications carrier is required to confirm the authority or position of the natural person pursuant to Order of the Ministry of Internal Affairs and Communications. [Related to Article 3, paragraphs (2) and (3)]

### **6. Make Other Necessary revisions**