

LIS-755 | SPRING 2023

INFORMATION POLICY & INFRASTRUCTURE IN JAPAN

A COMPARATIVE REPORT

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Presentation Agenda

Content and Principles

About Japan

Physical Information Infrastructure

Political, Legal, and Regulatory Information Infrastructure

Freedom of Information

E-Inclusion

Works Cited



About Japan



Geography¹

- **Located in Asia**, west of the Pacific Ocean
- Comprised of 5 main islands & thousands of smaller ones with **total land area of nearly 146,000 square miles**
- High **natural disaster risk**, particularly from earthquakes and volcanic eruptions

Society & Culture¹




- Population of **125,284,630**
- 98% of the population is **ethnically Japanese**
- At least 2/3 of the population practice both Shinto and Buddhism

Economy²

- **Third largest economy in the world** by nominal GDP
- Currency is the **Yen**
- **World-leading producer** of motor vehicles, electronics, machining tools, metals, chemicals, textiles, ships, and processed foods

Government & Politics³

- Japan is a **constitutional monarchy** with a **parliamentary** system of government
 - **Unitary State** with 47 prefectures
 - **Three-tiered administrative structure**: national government, prefectures, and municipalities
 - Bicameral Parliament (the **National Diet**) with House of Representatives and House of Councillors
- **Four political parties**



Physical Information Infrastructure



Physical Information Infrastructure

Japan

Governance⁴

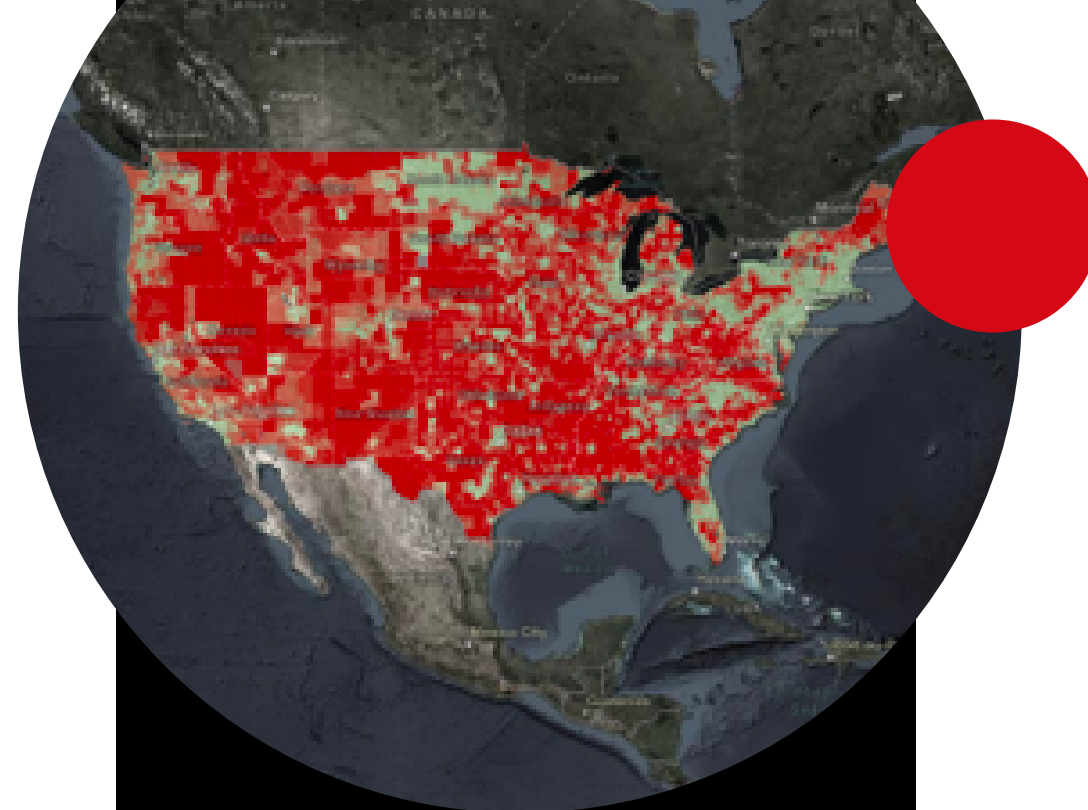
- Administered under the **Ministry of Internal Affairs and Communications** (MIAC)
 - **Two Bureaus:** Information & Communications and Telecommunications
- Three **key structural regulations:**
 - Telecommunications Business Act of 1984
 - Wire Telecommunications Act of 1953
 - Radio Act of 1950

Market⁵

- **Fixed Telecommunication Market:** Landline & home internet services
 - Monopoly, dominated by NTT Group
- **Mobile Telecommunications Market:** Mobile phone & internet connections services
 - Oligopoly, dominated by NTT DoCoMo, KDDI Group, and SoftBank Group
- Pricing and interconnectivity are determined by carriers but **require MIAC approval**

Infrastructure⁵

- **Spectrum:** mandated by the MIAC; largely dedicated to digital broadcasting, 4G, and 5G comms
- **Telephone:** widely available, with telephone numbers allocated by the MIAC and portability required
- **Wireless Communication, Mobile & Digital Services:** widely available and high-quality
 - National Broadband Initiative established in 2001, projected to achieve nation-wide 5G in 2023
 - Funding for infrastructural improvements to provide ultra-high speed broadband in underserved areas
 - Resilience for natural disasters
- **Television:** fully digital as of 2005



Physical Information Infrastructure

United States

Governance

- Administered under the **National Telecommunications and Information Administration (NTIA)** and **Federal Communications Commission (FCC)**
- Telecommunications Services are highly regulated under the **Telecommunications Act of 1996**
 - Telephone, cable, cellular service
- **Information Services**, including internet service provision, are relatively unregulated

Market

- **Telecommunications Market:** services for transmitting voice, text, and sound, video
 - Telephone, cable, television
- **Information/Information Services Market:** services for creating content and transmitting data

Infrastructure ²

- **Spectrum:** auctioned by FCC for private, state, and local government use and by NTIA for federal government and military
- **Telephone:** widely available, Universal Service act mandates interconnectivity, unbundling, and universal service. Large system of fiber-optic and coaxial cable and satellites support telephone traffic.
- **Wireless Communication, Mobile & Digital Services:** Rapidly growing cellular system, general shutdown of 3G networks with rising availability of 5G
- **Television:** shifted from analog to digital; available via cable

Telephone & Internet Subscription Comparison
(per 100 inhabitants)²

	HOME TELEPHONE	MOBILE CELLULAR	FIXED BROADBAND	MOBILE BROADBAND
Japan	49	154	49	152
United States	31	134	37	134
Global	11	110	17	97

Political, Legal and Regulatory Infrastructure

Political, Legal, & Regulatory Infrastructure

Japan - Structural Regulations^{5,6}

Telecommunications Business Act

- Regulates **the business of providing telecommunications services** through telecom facilities
- Telecom businesses with large-scale facilities must register with the MIAC
- Requires telecom business operators to **agree to network interconnections upon request**
- Mandates **consumer protections**, including provision of terms of service and ability for customers to terminate agreements
- Enforces **universal service obligations** for emergency calls, maintenance of facilities, and provision of services
- Provides personal information protection guidelines
- **Regulates pricing** and requires approval for price increases
- Includes **anti-discrimination rules** for provision of service

Wire Telecommunications Act

- Regulates the **installation and ownership of wire telecommunications facilities**;

Radio Act

- Regulates the **installation and ownership of radiation-emitting facilities**
- Maintains **spectrum allocation plan** and licensing of spectrum use

Broadcast Act

- Regulates **broadcast-related business**, requires a license from MIAC to broadcast using radio waves



Political, Legal, & Regulatory Infrastructure



United States - Structural Regulations

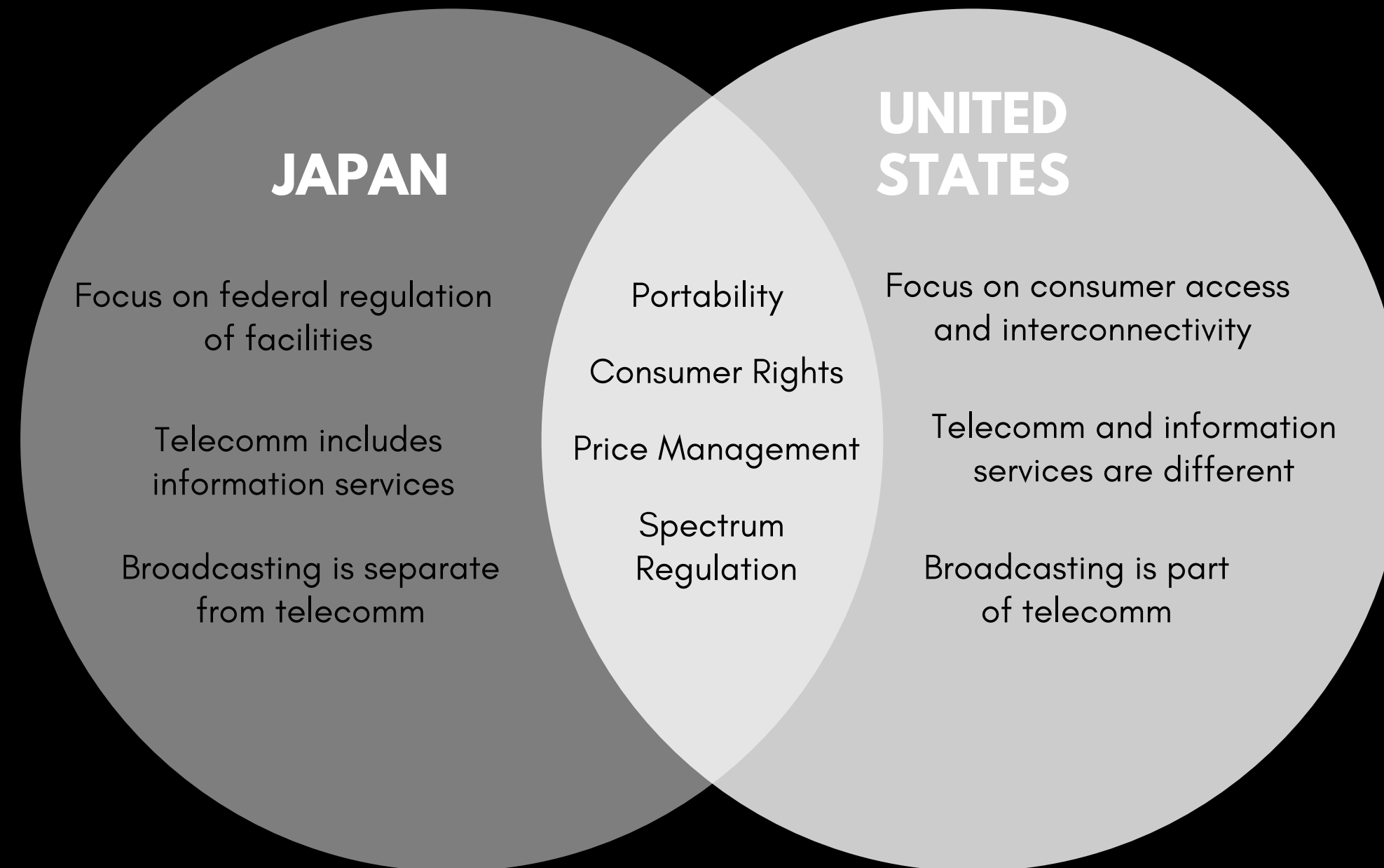
Telecommunications Act of 1996⁹

- Mandates **interconnectivity** between carriers
- Requires **portability** of phone numbers
- Improves **universal service** through discount programs for public institutions and subsidies for underserved areas
- Reduces regulatory barriers to **enable market entry** for local providers
- **Protects consumer rights** through unbundling rules

Bipartisan Infrastructure Law¹⁰

- Funds programs for **building internet infrastructure**, providing tools and technology, and teaching digital skills
- Extends **broadband internet connection** to areas without access
- Aims to control prices and affordability of internet and technology
- Expands telehealth and improves **internet connectivity for public safety services**

Structural Regulation Comparison



Political, Legal, & Regulatory Infrastructure



Japan - Information Policy^{7, 8, 11}

Article 21

- Article 21 of Japan's constitution prohibits censorship and protects freedom of assembly, as well as "speech, press, and all other forms of expression," as well as the "secrecy of any means of communication"

Act on the Protection of Personal Information (APPI)

- Regulates **the privacy and data protection activities** of businesses handling personal information
 - **Excludes government organizations and broadcasting institutions**
- Protects personal information, requiring removal of PII from data, increasing requirements and penalties for data breaches, and defining data subject rights

Act on Access to Information Held by Administrative Organs

- Provides the **right for citizens to request disclosure of administrative and government documents**

Political, Legal, & Regulatory Infrastructure



United States - Information Policy

First Amendment

- The 1st Amendment of the US constitution protects **freedom of speech, press, and assembly** and forbids Congress from creating laws that obstruct these freedoms

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

- Regulates **the privacy and data protection activities** of organizations handling personal health information
 - Protects personal information, requiring removal of PII and PHI from data
 - Provides rules and regulations about sharing and moving health-related data

Family Educational Rights and Privacy Act (FERPA)

- Protects the **confidentiality of student and academic records**

Freedom of Information Act (FOIA)

- Provides **public access to federal government documents and records** upon request

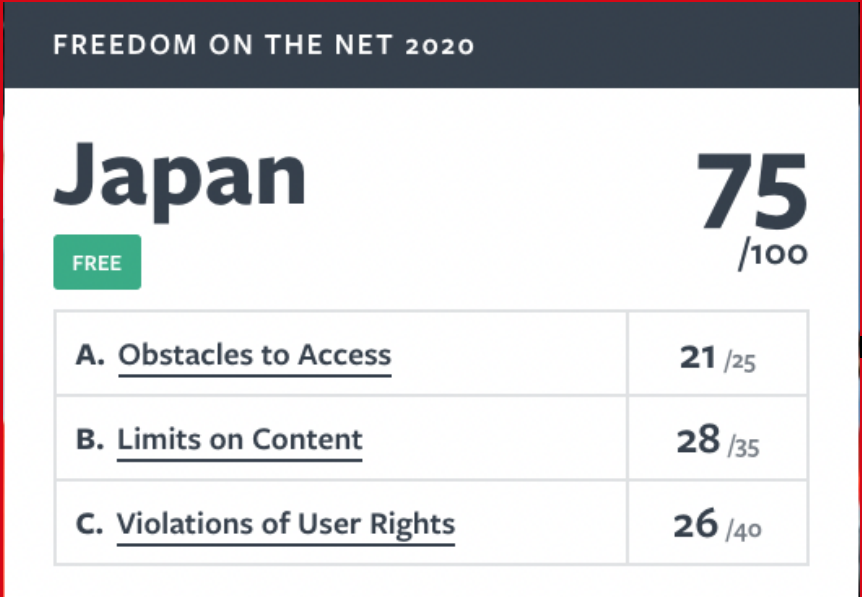
Information Policy Comparison

	CONSTITUTIONALLY PROTECTED SPEECH	BROAD DATA PRIVACY PROTECTION	ACCESS TO GOVERNMENT RECORDS
Japan	✓	✓	✓
United States	✓	✗	✓

Freedom of Information

FREEDOM OF INFORMATION

JAPAN ¹²



Few Obstacles to Access

- Strong infrastructure with widely available internet access
- Affordable mobile access
- No government restriction of connectivity
- Monopolies and oligopolies restrict diversity of service providers
- Low accountability in regulatory functions



Moderate Limits on Content

- Government-sanctioned internet censorship
- High level of content removal requests to social media platforms
- Laws enable ISPs to provide personal data to gov't without consent
- Evidence of citizen self-censorship
- Proven cases of government manipulation of online news and content
- Barriers to locations and institutional access for independent and citizen media outlets



Troubling Violations of User Rights

- Constitution prohibits censorship and protects speech and privacy
- Number of laws regulate online activity and impose civil and criminal liability, some with disproportionate penalties and fines
- Significant infringement to user privacy via state surveillance of internet activity
- Service providers are legally obligated to require some information to the government and law enforcement
- Targeted harassment for criticizing the government

FREEDOM OF INFORMATION

UNITED STATES ¹³

FREEDOM ON THE NET 2022	
United States	76 /100
FREE	
A. <u>Obstacles to Access</u>	21 /25
B. <u>Limits on Content</u>	30 /35
C. <u>Violations of User Rights</u>	25 /40



Few Obstacles to Access

- Significant investment in improving telecommunications and information infrastructure in the **Internet for All** act
 - Addressing in access among rural and tribal lands
- Minimal restrictions on ability to access internet
- Accountability in regulatory bodies
- Growing concentration of broadband market



Few Limits on Content

- No filtering or blocking of online content
- Little evidence of government censorship on the citizen level, though there are requirements and rules for ISPs
- Few restrictions to internet and digital content
- High prevalence of false and misleading information, including that disseminated by government agents
- No constraints on citizen content publishing and organizing



Troubling Violations of User Rights

- Constitution protects freedom of speech and of the press
- Criminal defamation laws at the state level, and ambiguous use of federal laws for prosecuting online activity
- Law enforcement misusing online information and user content in investigations
- Challenges to online anonymity
- Poor legal protections from government surveillance of online activity and social media use
- Few constraints on ISP collection of user data
- Increasing online harassment
- Significant cyberattack risk

Freedom of Information Comparison

Japan
United States

ACCESS



CONTENT



USER RIGHTS





E-Inclusion

E-Inclusion



Rural E-Inclusion in Japan

Digital Garden City Nation Initiatives¹⁶

- **Building Digital Infrastructure:** Fiber-Optic Broadband access to 99.9% of Japan by 2030
- **Digital Skills Education**
- **Digital Services to Solve Rural Issues:** Includes agricultural technology and ICT access for rural schools
- **Inclusivity and Digital Equity Outreach**

8%¹⁵
Population of Japan
Living in Rural Areas



87%¹⁴
Rural Households with
Home Internet Access



90%¹⁴
Urban Households with
Home Internet Access



E-Inclusion



Rural E-Inclusion in the US

ReConnect Program¹⁹

- Part of the **Bipartisan Infrastructure Law**
- Funds **Construction & Improvement of Facilities** to provide fixed broadband service in rural areas
- **Allocates \$2 billion** to loans and grants to pay capital costs

20%¹⁸
Population of US
Living in Rural Areas



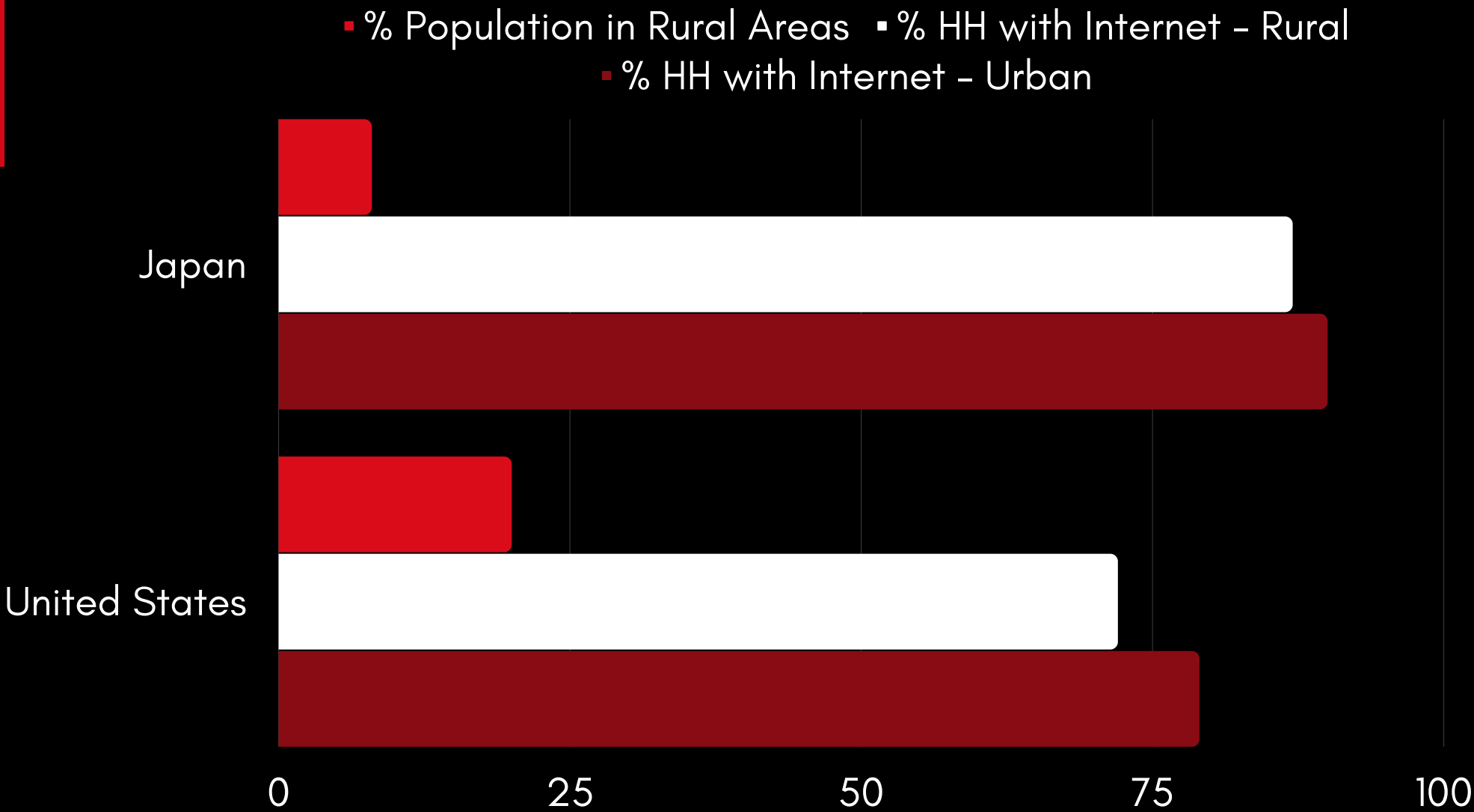
72%¹⁷
Rural Households with
Home Internet Access

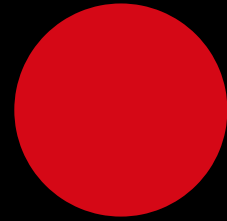


79%¹⁷
Urban Households with
Home Internet Access



E-Inclusion Comparison





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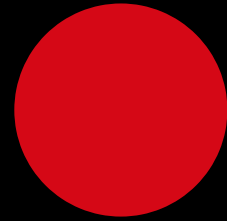
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