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## **Act on Development of an Environment that Provides Safe and Secure Internet Use for Young People (Act No. 79 of 2008)**

Latest amendment: Act No. 71 of 2009

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### **Chapter I General Provisions**

#### Article 1 (Purpose)

The purpose of this Act, in light of the situation where content harmful to young people is distributed extensively on the Internet, is to contribute to the protection of the rights of young people by providing them with safe and secure Internet use through taking measures necessary for young people to acquire skills for the appropriate utilization of the Internet as well as improving the performance and disseminating the use of software for filtering content harmful to young people and any other measures, etc. for reducing the chances of young people viewing content harmful to young people via the Internet as much as possible.

#### Article 2 (Definitions)

(1) The term "young people" as used in this Act shall mean persons under eighteen years of age.

- (2) The term "guardian" as used in this Act shall mean a person who exercises parental authority or a guardian, or any other person equivalent thereto.
- (3) The term "content harmful to young people" as used in this Act shall mean information provided for public viewing (including looking and listening; the same shall apply hereinafter) via the Internet that considerably impedes the sound growth of young people.
- (4) Content harmful to young people set forth in the preceding paragraph shall be exemplified as follows:
  - (i) Information in which the provider thereof directly and expressly offers to undertake or mediate, or induces, a crime or an act that violates criminal laws and regulations, or information that directly and expressly induces a suicide
  - (ii) Obscene depiction of sexual conduct or genitals, etc. of humans or any other information that considerably excites or stimulates sexual desire
  - (iii) Grisly depiction of a scene of murder, execution, abuse, etc. or any other information having extremely cruel content
- (5) The term "Internet service" as used in this Act shall mean a telecommunications service (meaning a telecommunications service prescribed in Article 2, item (iii) of the Telecommunications Business Act (Act No. 86 of 1984; the same shall apply hereinafter) for enabling access to the Internet.
- (6) The term "Internet service provider" as used in this Act shall mean a telecommunications carrier (meaning a telecommunications carrier prescribed in Article 2, item (v) of the Telecommunications Business Act; the same shall apply hereinafter) that provides an Internet service.
- (7) The term "mobile Internet service" as used in this Act shall mean a telecommunications service for enabling access to the Internet from a mobile phone or PHS terminal that is specified by Cabinet Order as a service through which young people are highly likely to view content harmful to young people.
- (8) The term "mobile Internet service provider" as used in this Act shall mean a telecommunications carrier that provides a mobile Internet service.
- (9) The term "software for filtering content harmful to young people" as used in this Act shall mean a program (meaning commands to a computer that are combined to produce a certain result) for restricting the viewing, by Internet users, of content harmful to young people after screening information that is provided for public viewing via the Internet based on certain criteria.
- (10) The term "service to filter content harmful to young people" as used in this Act shall mean a service for restricting the viewing, by Internet users, of content harmful to young people after screening information that is provided for public viewing via the Internet based on certain criteria, or a service to continuously provide operators of software for filtering content harmful to young people, via the Internet, with the information necessary for restricting the viewing of content harmful to young people by means of said software for filtering content harmful to young people.
- (11) The term "specified server administrator" as used in this Act shall mean a person

who provides, by using a server to be used for public viewing of information via the Internet (hereinafter referred to as a "specified server"), a service to make information available for public viewing via the Internet, upon the request of others to have them view such information.

(12) The term "transmission" as used in this Act shall mean to input information to a specified server so as to make such information available for public viewing via the Internet.

#### Article 3 (Basic Principles)

(1) Measures for providing safe and secure Internet use for young people shall be promoted based on the principle that young people should acquire skills for independently utilizing information and communication equipment, properly sorting out information available on the Internet, and appropriately transmitting information via the Internet (hereinafter referred to as "skills for the appropriate utilization of the Internet").

(2) Measures concerning the development of an environment that provides safe and secure Internet use for young people shall be promoted based on the principle of reducing the chances of young people viewing content harmful to young people via the Internet as much as possible, by way of improving the performance and disseminating the use of software for filtering content harmful to young people, and through measures for preventing young people's viewing of content harmful to young people to be taken by persons engaged in businesses related to Internet use by young people.

(3) Measures concerning the development of an environment that provides safe and secure Internet use for young people shall be promoted based on the principle that voluntary and independent efforts in the private sector should play a substantial role and the State and local public entities should respect this, in light of the significance of the freedom of expression and characteristics of the Internet that enable diversified entities to engage in diverse activities to express themselves to the whole world.

#### Article 4 (Responsibility of the State and Local Public Entities)

Based on the basic principles set forth in the preceding Article, the State and local public entities shall have the responsibility of formulating and implementing measures for providing safe and secure Internet use for young people.

#### Article 5 (Responsibility of Relevant Business Operators)

Persons engaged in businesses related to Internet use by young people shall endeavor, in accordance with the characteristics of their businesses, to take measures for reducing the chances of young people viewing content harmful to young people via the Internet as much as possible, and to take measures for contributing to young people's acquisition of skills for the appropriate utilization of the Internet.

#### Article 6 (Responsibility of Guardians)

- (1) Guardians, recognizing that content harmful to young people is distributed extensively on the Internet, shall endeavor to gain an appropriate understanding of the status of Internet use by the young people under their custody in accordance with their educational policy and the young people's developmental stage, as well as manage Internet use by young people appropriately through utilization of software for filtering content harmful to young people and other methods, and promote young people's acquisition of skills for the appropriate utilization of the Internet.
- (2) Guardians shall pay special attention to the fact that inappropriate use of the Internet from a mobile phone or PHS terminal may cause various problems, including young people's prostitution, crime damages, or bullying.

#### Article 7 (Development of Frameworks for Coordination and Cooperation)

The State and local public entities shall, upon taking measures for providing safe and secure Internet use for young people, endeavor to develop frameworks for coordination and cooperation between relevant organizations, persons engaged in businesses related to Internet use by young people, and private bodies engaged in related activities.

### **Chapter II Basic Plan**

#### Article 8 to Article 11 Deleted

#### Article 12

- (1) The Headquarters for the Promotion of Development and Support for Children and Young People prescribed in Article 26 of the Act on Promotion of Development and Support for Children and Young People (Act No.71 of 2009) (referred to as the "Headquarters" in paragraph (3)) shall establish a basic plan on measures for providing safe and secure Internet use for young people (hereinafter referred to as the "basic plan") and promote the implementation thereof.
- (2) The basic plan shall provide for the following matters:
  - (i) basic policies on measures for providing safe and secure Internet use for young people
  - (ii) Matters concerning measures for promoting education and awareness-raising activities on appropriate Internet use
  - (iii) Matters concerning measures for improving the performance and disseminating the use of software for filtering content harmful to young people
  - (iv) Important matters concerning support for private bodies, etc. engaged in activities for appropriate Internet use by young people and other measures for providing safe and secure Internet use for young people
- (3) When the Headquarters has established the basic plan pursuant to the provision of paragraph (1), it shall publicize the basic plan without delay.
- (4) The provision of the preceding paragraph shall apply mutatis mutandis to any changes to the basic plan.

### **Chapter III Promotion, etc. of Education and Awareness-raising Activities on Appropriate Internet Use**

#### **Article 13 (Promotion, etc. of Education on Appropriate Internet Use)**

(1) The State and local public entities shall take measures necessary for promoting education on appropriate Internet use in school education, social education and home education so that young people can acquire skills for the appropriate utilization of the Internet.

(2) The State and local public entities shall support research, gather and provide information and take any other measures necessary for promoting the development and dissemination of effective methods for young people's acquisition of skills for the appropriate utilization of the Internet.

#### **Article 14 (Dissemination of Use of Software for Filtering Content Harmful to Young People at Home)**

The State and local public entities shall take measures necessary for disseminating the use of software for filtering content harmful to young people in cases where young people use the Internet at home.

#### **Article 15 (Public Relations and Awareness-Raising Activities on Appropriate Internet Use)**

In addition to what is provided for in the preceding two Articles, the State and local public entities shall engage in public relations and any other awareness-raising activities on matters concerning appropriate Internet use, such as restriction on viewing of content harmful to young people through the use of software for filtering content harmful to young people, in order to contributing to the sound growth of young people.

#### **Article 16 (Obligation of Effort by Persons Concerned)**

Persons engaged in businesses related to Internet use by young people and any other persons concerned shall endeavor, in accordance with the characteristics of their businesses, etc. to provide learning opportunities for young people to acquire skills for the appropriate utilization of the Internet when they use the Internet, and engage in activities for disseminating the use of software for filtering content harmful to young people and any other awareness-raising activities.

### **Chapter IV Obligation to Provide Service to Filter Content Harmful to Young People, etc.**

#### **Article 17 (Obligation of Mobile Internet Service Providers to Provide Service to Filter Content Harmful to Young People)**

(1) In cases where the counterparty to a contract to provide a mobile Internet service or

a mobile phone or PHS terminal user is a young person, a mobile Internet service provider shall provide its services on the condition that said young person uses a service to filter content harmful to young people; provided, however, that this shall not apply in cases where the guardian of said young person requests the non-use of the service to filter content harmful to young people.

(2) In cases where a guardian intends to conclude a contract to receive the provision of a mobile Internet service for having a young person under his/her custody use a mobile phone or PHS terminal, he/she shall notify the mobile Internet service provider to that effect.

#### Article 18 (Obligation of Internet Service Providers)

When requested to do so by a person who receives the provision of an Internet service, an Internet service provider shall provide software for filtering content harmful to young people or a service to filter content harmful to young people; provided, however, that this shall not apply in cases specified by Cabinet Order as there being only minor effects on young people's viewing of content harmful to young people.

#### Article 19 (Obligation of Manufacturers of Equipment with Functions to Access the Internet)

A business operator who manufactures equipment with functions to access the Internet that is to be used by young people (excluding mobile phone or PHS terminals) shall sell said equipment only after having taken measures to facilitate the use of software for filtering content harmful to young people or the use of a service to filter content harmful to young people, by such means as preinstalling software for filtering content harmful to young people; provided, however, that this shall not apply in cases specified by Cabinet Order as there being only minor effects on young people's viewing of content harmful to young people.

#### Article 20 (Obligation of Effort by Developers of Software for Filtering Content Harmful to Young People, etc.)

(1) Developers of software for filtering content harmful to young people and providers of service to filter content harmful to young people shall endeavor to reduce, as much as possible, content harmful to young people which is not made subject to restricted viewing, as well as endeavor to develop software for filtering content harmful to young people or provide a service to filter content harmful to young people by giving consideration to the following matters:

- (i) To enable detailed setting of the content which will be subject to restricted viewing, in accordance with the developmental stage of young people and the selection by users
- (ii) To prevent the restriction of viewing as much as possible for the content which need not be made subject to restricted viewing

(2) In addition to what is provided for in the preceding paragraph, developers of

software for filtering content harmful to young people and providers of service to filter content harmful to young people shall endeavor to improve the performance and convenience of the software for filtering content harmful to young people that they develop or the service to filter content harmful to young people that they provide.

**Article 21 (Obligation of Effort by Specified Server Administrators Where Content Harmful to Young People Has Been Transmitted)**

When a specified server administrator discovers that content harmful to young people has been transmitted by another person through the specified server under his/her administration or when he/she intends to transmit content harmful to young people by him/herself, he/she shall endeavor to take a measure to prevent the viewing of such content by young people via the Internet (hereinafter referred to as a "measure to prevent viewing by young people").

**Article 22 (Development of Systems for Receiving Notices from Citizens Concerning Content Harmful to Young People)**

A specified server administrator shall endeavor to develop a system for receiving notices from citizens concerning content harmful to young people transmitted through the specified server under his/her administration.

**Article 23 (Preparation and Preservation of Records Concerning a Measure to Prevent Viewing by Young People)**

When a specified server administrator has taken a measure to prevent viewing by young people, he/she shall endeavor to prepare and preserve records concerning said measure.

**Chapter V Private Bodies, etc. Engaged in Activities on Appropriate Internet Use**

**Section 1 Organizations that Promote Filtering**

**Article 24 (Registration of Organizations that Promote Filtering)**

(1) A person who is engaged in any of the following businesses, for the purpose of improving the performance or disseminating the use of software for filtering content harmful to young people (hereinafter referred to as a "business to promote filtering"), may be registered by the Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry:

- (i) Investigation and research concerning software for filtering content harmful to young people and services to filter content harmful to young people, and dissemination and awareness-raising thereof
- (ii) Promotion of technological development of software for filtering content harmful to young people

(2) A person who intends to obtain registration set forth in the preceding paragraph

(hereinafter simply referred to as "registration") shall make an application to the Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry, as specified by Ordinance of the Ministry of Internal Affairs and Communications and Ordinance of the Ministry of Economy, Trade and Industry.

(3) A person falling under any of the following items may not obtain registration:

(i) A person who had his/her registration rescinded pursuant to the provision of Article 26 and two years have not yet elapsed from the date of the rescission

(ii) A juridical person that holds any person falling under the preceding item as its officer

(4) The Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry shall register a person who made an application set forth in paragraph (2), when said person satisfies all of the following requirements:

(i) The person shall have equipment with functions to enable Internet use and have a person falling under any of the following perform a business to promote filtering:

(a) A person who has experience being engaged in the development of software for filtering content harmful to young people or the provision of a service to filter content harmful to young people for one year or longer

(b) A person who has the ability equivalent or superior to those prescribed in (a)

(ii) The following measures shall have been taken so as to properly perform a business to promote filtering:

(a) An administrator shall be appointed to properly perform a business to promote filtering

(b) Documents shall be prepared concerning the administration and proper performance of a business to promote filtering

(5) Registration shall be made by entering the following matters in a registry of organizations that promote filtering:

(i) Date of registration and registration number

(ii) Name and address of a person who has obtained registration (hereinafter referred to as an "organization that promotes filtering"), and in the case of a juridical person, name of the representative thereof

(iii) The office address where the organization that promotes filtering performs its business to promote filtering

(6) When an organization that promotes filtering intends to change matters prescribed in item (ii) or item (iii) of the preceding paragraph, it shall notify to that effect to the Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry, pursuant to the provision of Ordinance of the Ministry of Internal Affairs and Communications and Ordinance of the Ministry of Economy, Trade and Industry.

#### Article 25 (Suspension and Abolition of Business)

(1) When an organization that promotes filtering has suspended or abolished the business to promote filtering, it shall notify to that effect to the Minister for Internal

Affairs and Communications and the Minister of Economy, Trade and Industry, pursuant to the provision of Ordinance of the Ministry of Internal Affairs and Communications and Ordinance of the Ministry of Economy, Trade and Industry.

(2) When an organization that promotes filtering has made a notification to the effect that it had abolished the business to promote filtering pursuant to the provision of the preceding paragraph, registration of said organization shall cease to be effective.

#### Article 26 (Rescission of Registration)

The Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry may rescind a registration when an organization that promotes filtering falls under any of the following items:

- (i) When the organization has come to fall under Article 24, paragraph (3), item (ii)
- (ii) When the ministers deem that the organization no longer satisfies any of the items of Article 24, paragraph (4)
- (iii) When the organization has violated the provision of Article 24, paragraph (6) or paragraph (1) of the preceding Article
- (iv) When the organization has obtained registration by wrongful means
- (v) When the organization has failed to submit a report or materials pursuant to the provision of the next Article, or has submitted a false report or false materials

#### Article 27 (Submission of Report or Materials)

The Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry may request an organization that promotes filtering to submit a report or materials concerning the status of its business to the extent necessary for ensuring proper performance of a business to promote filtering.

#### Article 28 (Public Notice, etc.)

(1) In cases prescribed as follows, the Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry shall publicly notify to that effect in the official gazette:

- (i) When the ministers have registered a person
- (ii) When a notification has been made pursuant to the provision of Article 24, paragraph (6)
- (iii) When a notification has been made pursuant to the provision of Article 25, paragraph (1)
- (iv) When the ministers have rescinded a registration pursuant to the provision of Article 26

(2) When the Minister for Internal Affairs and Communications and the Minister of Economy, Trade and Industry have made a public notice pursuant to the provision of the preceding paragraph, they shall publicize the date and the details of said public notice by such means as the use of the Internet.

Article 29 (Delegation to Ordinance of the Ministry of Internal Affairs and Communications and Ordinance of the Ministry of Economy, Trade and Industry)

In addition to what is prescribed in this Section, necessary matters concerning organizations that promote filtering and businesses to promote filtering shall be specified by Ordinance of the Ministry of Internal Affairs and Communications and Ordinance of the Ministry of Economy, Trade and Industry.

## **Section 2 Support to Private Bodies, etc. Engaged in Activities on Appropriate Internet Use**

Article 30

The State and local public entities shall endeavor to provide the necessary support to the following private bodies or business operators:

- (i) Organizations that promote filtering
- (ii) Private bodies engaged in the preparation of guidelines on the performance of software for filtering content harmful to young people
- (iii) Business operators that develop or provide software for filtering content harmful to young people or business operators that provide a service to filter content harmful to young people
- (iv) Private bodies engaged in activities for allowing young people to acquire skills for the appropriate utilization of the Internet
- (v) Private bodies engaged in activities to receive reports on content harmful to young people and to request specified server administrators to take measures
- (vi) Private bodies engaged in activities to gather information on content which need not be made subject to restricted viewing by means of software for filtering content harmful to young people, and to provide such information to developers of software for filtering content harmful to young people and any other persons concerned
- (vii) Private bodies engaged in activities to work as a fair third party on behalf of parties seeking a resolution without using litigation, with regard to civil disputes over measures to prevent viewing by young people, updating of the content which will be subject to restricted viewing by young people and any other measures taken for the development of an environment that provides safe and secure Internet use for young people
- (viii) Other private bodies engaged in related activities

## **Chapter VI Miscellaneous Provisions**

Article 31 (Delegation of Transitional Measures to Orders)

In cases where an order is established, revised or abolished based on this Act, said order may specify required transitional measures within the scope reasonably necessary in accordance with said establishment or revision or abolition.

## Supplementary Provisions

### Article 1 (Effective Date)

This Act shall come into effect as from the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

### Article 2 (Transitional Measures)

Transitional measures necessary for the enforcement of this Act shall be specified by Cabinet Order.

### Article 3 (Review)

The government shall review the status of the enforcement of this Act within three years from the enforcement of this Act, and take any necessary measures based on the results thereof.

### Article 4

In cases where the act of making content available for public viewing via the Internet constitutes a crime or violation of criminal laws and regulations and where a server administrator has taken a measure to prevent public viewing of such content, a review shall be promptly made after the enforcement of this Act with regard to a desirable limitation on damages that may be claimed by the transmitter of content against the server administrator, and necessary measures shall be taken based on the results thereof.

### Article 5 (Partial Revision of the Act for Establishment of the Cabinet Office)

The Act for Establishment of the Cabinet Office shall be partially revised as follows:

The following item shall be added after Article 4, paragraph (3), item (xxvi):

(xxvi)-2 Affairs concerning the preparation and promotion of the basic plan prescribed in Article 12, paragraph (1) of the Act on Development of an Environment That Provides Safe and Secure Internet Use for Young People (Act No. 79 of 2008)

The term "Matters concerning" in Article 4, paragraph (3), item (xxvii) shall be revised to "In addition to what is listed in the preceding item, matters concerning."

In Article 40, paragraph (3), the following row shall be added to the top of the table.

Council for Promoting Measures Against Content Harmful to Young People on the Internet and Development of an Appropriate Environment	Act on Development of an Environment That Provides Safe and Secure Internet Use for Young People
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