Latest Policy Updates on Digital Platforms in Japan

Quarterly report (April to June, 2022)

November, 2022

Nomura Research Institute, Ltd.

ICT Media Consulting Department
This research is outsourced by Ministry of Economy, Trade and Industry, and conducted by Nomura Research Institute.

This research is based on Japanese and foreign news articles, not the views of Ministry of Economy, Trade and Industry nor Nomura Research Institute.
Trends Among Relevant Authorities in Japan
## Trends Among Relevant Authorities in Japan: April-June 2022

### Survey of trends among relevant authorities in Japan

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<td>Competition law</td>
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<td>JFTC discloses the status of its treatment of violations of the Antimonopoly Act in fiscal 2021</td>
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<td>Competition law</td>
<td>Relevant report</td>
<td>JFTC approves Expedia’s improvement plan regarding suspected antitrust violations</td>
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<td>June 7</td>
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<td>Digital Agency approves Priority Plan for Realizing a Digital Society</td>
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<td>June 24</td>
<td>Competition law</td>
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<td>METI holds meeting of the Platform Economics Study Group for the first time in fiscal 2022</td>
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Headquarters for Digital Market Competition establishes the Trusted Web Promotion Council Channel on YouTube

The Headquarters for Digital Market Competition established the Trusted Web Promotion Council official YouTube channel on April 1.

The YouTube channel is below.

- Channel name: Trusted Web Promotion Council, Cabinet Secretariat, Secretariat of Headquarters for Digital Market Competition
- URL: https://www.youtube.com/channel/UCSGVEbMkN0r5EETSfAD7kNQ/featured

Source: Headquarters for Digital Market Competition, “Establishment of Trusted Web Promotion Council Channel”
URL: https://www.kantei.go.jp/jp/singi/digitalmarket/trusted_web/index.html
JFTC establishes the “Economic Analysis Office” to strengthen systems in the digital sector, etc.

- On April 1, the JFTC established the “Economic Analysis Office” to strengthen its systems for performing high-quality economic analysis to serve as the basis for the enforcement of laws and regulations and policymaking.
  - From the viewpoint of promoting competition in the digital market, the establishment of this office is based on materials such as the "Follow-up on the Growth Strategy" (approved by the Cabinet on June 18, 2021), and aims to strengthen the JFTC's systems in the fields of digital technology, economic analysis, and examination information analysis, such as the development of a human resource base for expert knowledge, including the utilization of external human resources, in addition to taking strict and appropriate measures against anticompetitive activities, continuously conducting fact-finding surveys, cooperating with overseas competition authorities, etc.

- The Economic Analysis Office will specialize in economic analysis in such areas as the examination of alleged violations of the Antimonopoly Act, the examination of business combinations, and various fact-finding surveys, and will further utilize economic analysis in law enforcement and policymaking.

Source: JFTC (April 1, 2022), “Establishment of Economic Analysis Office”
URL https://www.jftc.go.jp/houdou/pressrelease/2022/apr/220401.html
On April 13, the 205th Meeting of the Personal Information Protection Commission was held.

The agenda was as follows.

1. Response to consultation on certification of certified producers of anonymized medical data, etc., under the Next-Generation Medical Infrastructure Act
2. Implementation status of improvement measures at LINE Corporation
3. Monitoring and supervision
On April 14, the Digital Agency held the fourth meeting of the Digital Society Planning Council.

- In accordance with the Act on Establishing the Digital Agency, this Council shall promote the implementation of measures for the formation of a digital society and coordinate among related administrative organs as necessary for measures for the formation of a digital society.

The agenda was as follows.

- (1) Toward the formulation of the next priority policy program
- (2) Public comments via the “Digital Agency Idea Box”
On April 15, 2022, the Headquarters for Digital Market Competition of the Cabinet Secretariat held the 36th meeting of the Digital Market Competition Council Working Group.

The agenda was as follows.

- (1) Competition Assessment of the Mobile Ecosystem Interim Report (Draft)
- (2) Competition Assessment of New Customer Contact Points (Voice Assistants and Wearables) Interim Report (Draft)
On April 21, MIC held the 35th meeting of the Study Group on Platform Services.

Since platform providers offer services using a large amount of user information, this study group examines how to ensure the appropriate handling of user information.

**Agenda**

1. Presentation by experts and related parties (Masahiro Sogabe, Professor, Graduate School of Law, Kyoto University; Tatsuhiko Yamamoto, Professor, Keio University Law School; Fujio Toriumi, Professor, Department of Systems Innovation, School of Engineering, The University of Tokyo; UUUM Co., Ltd.)
2. Information on trends overseas surrounding illegal and harmful information on the Internet
3. Q&A

Source: MIC, “35th Meeting of Study Group on Platform Services”
URL [https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000197.html](https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000197.html)
April 21, 2022

Personal Information Protection Commission publishes declaration to establish Global Cross Border Privacy Rules (CBPR) Forum

The Personal Information Protection Commission and METI published a declaration to expand the CBPR jointly signed on April 21 by the economies participating in the APEC CBPR system, including Japan, in order to expand the system with the goals of facilitating the free flow of personal data across borders on a wider scale, promoting interoperability between each country’s regulations, and more.

The main points of the declaration were as follows.

- Establishment of a forum (tentative name: Global CBPR) related to a new certification system based on APEC CBPR
- Outlook for the new forum

April 21, 2022

METI agrees on declaration to establish Global Cross Border Privacy Rules (CBPR) Forum

METI and the Personal Information Protection Commission agreed to a declaration to expand the CBPR jointly signed on April 21 by the economies participating in the APEC CBPR system, including Japan, in order to expand the system with the goals of facilitating the free cross-border transfers of personal data on a wider scale, promoting interoperability between each country’s regulations, and more.

The details of the declaration were as follows.

- Global CBPR Declaration (original text)

- Global CBPR Declaration (provisional Japanese translation)

Source: METI, “Agreement Reached on Declaration to Establish the Global Cross Border Privacy Rules (CBPR) Forum”
April 22, 2022

MIC, the 11th meeting of the Working Group on Handling User Information for Platform Services held

- On April 22, MIC held the 11th meeting of the Working Group on Handling User Information for Platform Services.
- The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.
- The agenda was as follows.
  1. Explanation by the Secretariat
  2. Monitoring of business operators (NTT DOCOMO, KDDI, SoftBank, Rakuten Mobile)
  3. Other

Source: MIC, “11th Meeting of the Working Group on Handling of User Information for Platform Services”
URL: https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000201.html
On April 26, 2022, the Headquarters for Digital Market Competition of the Cabinet Secretariat held the (sixth) meeting of the Digital Market Competition Council.

The agenda was as follows.

1. Competition Assessment of the Mobile Ecosystem Interim Report (Draft)
2. Competition Assessment of New Customer Contact Points (Voice Assistants and Wearables) Interim Report (Draft)

The report submitted is as follows.


On April 26, the Headquarters for Digital Market Competition of the Cabinet Secretariat started soliciting opinions on the “Competition Assessment of the Mobile Ecosystem Interim Report” and the “Competition Assessment of New Customer Contact Points (Voice Assistants and Wearables) Interim Report.”

- The purpose of soliciting opinions is to gain a more detailed understanding of market conditions in relation to the two interim reports compiled by the Council and the Working Group, and to gather information from a wide range of relevant parties in preparation for the final report, to support a detailed examination of how rules should be developed in the future.


URL: https://public-comment.e-gov.go.jp/servlet/Public?CLASSNAME=PCMMSTDETAIL&id=060220427&Mode=0
On April 27, MIC held the 12th meeting of the Working Group on Handling User Information for Platform Services.

- The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.

The agenda was as follows.

- (1) Technical trends related to user information, etc.
- (2) Survey and analysis related to the handling of user information in smartphone applications
- (3) Other

Source: MIC, “12th Meeting of the Working Group on Handling of User Information for Platform Services”
URL: https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000200.html
April 28, 2022

MIC announces results of launch event for “A Declaration for the future of the Internet”

On April 28, the launch event of "A Declaration for the future of the Internet" was held in a hybrid format combining both face-to-face and videoconference meetings. Minister for Internal Affairs and Communications Yasushi Kaneko attended the event via videoconference from MIC.

The event was hosted by the US, and was attended by initial partner countries (Japan, Australia, Canada, the EU, and the UK), supporting countries, etc., and “A Declaration for the future of the Internet” was announced at the event.

Main points of “A Declaration for the future of the Internet”

- The declaration calls for support for an open, free, global, interoperable, reliable, and secure future for the Internet.
- The following principles are set forth in relation to the future of the Internet: (1) protection of human rights and fundamental freedoms; (2) global (undivided) Internet; (3) inclusive and available Internet access; (4) trust in the digital ecosystem; and (5) multi-stakeholder Internet governance.
- Participating countries are expected to promote these principles in existing international forums, etc., and implement them through specific policies, etc.

Source: MIC, “Results of Launch Event for ‘A Declaration for the future of the Internet’” and “A Declaration for the future of the Internet”
METI announces results of G7 Digital and Technology Ministers’ Meeting

For two days on April 28 and 29, Kei Sato, the Parliamentary Vice-Minister of Economy, Trade and Industry attended the G7 Digital and Technology Ministers’ Meeting, which was held online.

The ministers discussed the directions for the actions that each country should take in using digital technology to build a resilient and more productive society, and adopted a Ministerial Declaration.

The G7 Digital and Technology Ministers’ Meeting, chaired by the UK, discussed the following six areas under the theme of “Building Back Better.”

- ICT infrastructure supply chains
- Developing digital technology standards
- Data Free Flow with Trust
- Improving Internet security
- Ensuring fair competition in the digital market
- Digitalization of trade business procedures

Source: METI, “Parliamentary Vice-Minister of Economy, Trade and Industry Sato Attended the G7 Digital and Technology Ministers’ Meeting (Online Conference)” and “Ministerial Declaration G7 Digital and Technology Ministers’ meeting”

URL
https://www.gov.uk/government/publications/g7-digital-and-technology-ministerial-declaration
On May 12, MIC held the 36th meeting of the Study Group on Platform Services.

In light of the fact that platform providers offer services using a large amount of user information, this study group examines how to ensure the appropriate handling of user information.

**Agenda**

- (1) Fake news, COVID-19 information distribution survey results, etc.
- (2) Status of fact-checking efforts overseas
- (3) Survey on policy trends related to ICT literacy in other countries, etc.
- (4) Questionnaire survey concerning the actual status of the distribution of illegal or harmful information on the Internet
- (5) Main points of debate related to measures against illegal or harmful information on platform services (slander, fake information, etc.)

Source: MIC, “36th Meeting of Study Group on Platform Services”
URL: https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000204.html
On May 12, MIC held the 13th meeting of the Working Group on Handling User Information for Platform Services.

The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.

The agenda was as follows

- Monitoring of business operators (Apple Inc., Yahoo Japan Corporation, and LINE Corporation)
- Other
On May 12, the 28th Japan-EU Summit was held in Tokyo, and the Japan-EU Digital Partnership was launched.

The partnership will cover digital priorities shared by Japan and the EU, with METI, the Digital Agency, and MIC playing the leading role from Japan, and the European Commission (EC)’s Directorate-General for Communications Networks, Content and Technology (DG Connect) doing so from the EU.

A ministerial-level meeting based on this partnership (the Japan-EU Digital Partnership Council) will be held once a year, with the Digital Agency and the EC’s DG Connect as nodal agencies.

Source: METI, “The Launch of the Japan-EU Digital Partnership” and “JAPAN-EU DIGITAL PARTNERSHIP”
URL https://www.meti.go.jp/press/2022/05/20220512005/20220512005.html
https://www.digital.go.jp/assets/contents/node/information/field_ref_resources/b530adc8-3af1-4d9f-af84-6f21af4067af/5c1b4399/20220512_news_digital_group_japanese_03.pdf
https://www.digital.go.jp/assets/contents/node/information/field_ref_resources/b530adc8-3af1-4d9f-af84-6f21af4067af/b2447bdc/20220512_news_digital_group_original_02.pdf
On May 12, the Japan-EU Digital Partnership was launched at the 28th Japan-EU Summit held face-to-face in Tokyo.

From the Japanese side, Prime Minister Fumio Kishida attended, and on the EU side, President of the European Council Charles Michel and President of the European Commission Ursula von der Leyen attended.

The Japan-EU Digital Partnership will cover digital priorities shared by Japan and the EU, with the Digital Agency, MIC, and METI playing the leading role from Japan, and the European Commission (EC)'s Directorate-General for Communications Networks, Content and Technology (DG Connect) doing so from the EU.

A ministerial-level meeting based on this partnership (the Japan-EU Digital Partnership Council) will be held once a year, and the Digital Agency and the EC's DG Connect will function as nodal agencies.
Yoshikawa Yumi, Parliamentary Vice-Minister of Economy, Trade and Industry, attended the two-day G7 Digital Ministers’ Meeting held in Germany on May 10 and 11.

At the meeting, the ministers discussed current issues related to digitalization and related frameworks, and adopted a Ministerial Declaration.

Main points of the Ministerial Declaration

- Under the overall theme of "Stronger Together," the participants first discussed matters such as the joint declaration concerning the “cyber resilience of digital infrastructure in relation to the war in Ukraine” and the maintenance of a free, global (undivided), open, interoperable, highly reliable, and secure single Internet, before discussing and sharing their understanding concerning six fields: (1) digitalization and environmental digital technology standards, (2) standardization, (3) data, (4) competition, (5) eSafety, and (6) electronic transferable records and other digital information related to the transportation of goods.

Source: METI, "METI Parliamentary Vice-Minister Yoshikawa Participated in the G7 Digital Ministers' Meeting" and “MINISTERIAL DECLARATION”

### Headquarters for Digital Market Competition holds the 37th meeting of the Digital Market Competition Council Working Group

On May 16, 2022, the Headquarters for Digital Market Competition of the Cabinet Secretariat held the 37th meeting of the Digital Market Competition Council Working Group.

The agenda was as follows.

- (1) Addition to the scope of the Act on Improving Transparency and Fairness of Digital Platforms (TFDPA) (digital advertising market)

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### Table: Agenda Items

On the 1st, the JFTC disclosed the status of its treatment of violations of the Antimonopoly Act in fiscal 2021

During fiscal 2021, the JFTC took strict measures against bid-rigging cases in the medical and pension fields, which are closely related to people’s daily lives. In addition, the JFTC actively examined fields related to IT and digital technology, including cases involving global digital platforms operated by foreign companies, and worked to eliminate competition problems through effective measures.

Examples of incidents related to platforms
- Suspected case of private monopolization, etc., by Apple Inc. (announced on September 2, 2021)
- Approval of commitment plan for Booking.com B.V. (approved on March 16, 2022)
- Suspected abuse of superior position by Rakuten Group, Inc. (announced on December 6, 2021)

Source: JFTC, “Status of Treatment of Violations of the Antimonopoly Act in Fiscal 2021 (June 1, 2022)”
JFTC approves Expedia’s improvement plan regarding suspected antitrust violations

On the 2nd, the JFTC announced that it received and approved the submission of a plan (commitment plan) from the company operating “Expedia,” a major US travel booking site, to remedy suspected violations of the Antimonopoly Act.

Background to the case

- In contracts with accommodation facilities in Japan listed on its reservation website, “Expedia,” the company established terms requiring that room rates and availability would be the same or more favorable than those offered on other competing websites. This impacted the business activities of other accommodation reservation websites, including requests from the operators of accommodation facilities to stop posting discount prices when they set their own discounts, for the reason that they “must also lower their prices on Expedia.”
- The JFTC recognized the suspicion that Expedia’s conduct violated Article 19 of the Antimonopoly Act, which prohibits trading on restrictive terms. The JFTC issued a Notice of Commitment Procedures to the company in February, to ensure that measures were promptly taken to eliminate these practices and quickly restore competition through the commitment procedures.
- The “commitment plan” submitted by the company includes ending similar practices and requiring employees to undergo regular training.
- The JFTC approved the commitment plan based on its judgment that the plan complies with all of the requirements for approval stipulated in the Antimonopoly Act.

Source: JFTC, “(June 2, 2022) Approval of the Commitment Plan submitted by Expedia Lodging Partner Services Sàrl”
On June 7, the Digital Agency approved the Priority Plan for Realizing a Digital Society.

Based on the Basic Act on the Formation of a Digital Society, the Act on the Promotion of Administration Utilizing Information and Telecommunications Technologies, and the Basic Act on the Advancement of Public and Private Sector Data Utilization, the plan makes clear government measures and a roadmap to realize a digital society.

The basic measures are as follows:

1. Digitalization of administrative services for citizens
2. Digitalization of livelihood
3. Digitalization of industry
4. Systems and technologies supporting the digital society
5. Lifestyle and talented people of digital society

URL: https://www.digital.go.jp/news/f6b7bb94-b31c-4d85-9e3f-269fe8f2ee3a/
On June 9, MIC held the 37th meeting of the Study Group on Platform Services.

In light of the fact that platform providers offer services using a large amount of user information, this study group examines how to ensure the appropriate handling of user information.

**Agenda**

- (1) Main points of debate related to measures against illegal or harmful information on platform services (slander and fake information) (draft)
- (2) Q&A
June 17, 2022

MIC, the 15th meeting of Working Group on Handling User Information for Platform Services held

- On June 17, MIC held the 15th meeting of the Working Group on Handling User Information for Platform Services.
- The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.
- The agenda was as follows
  - (1) Explanation by the Secretariat
  - (2) Interviews with business operators
  - (3) Other

Source: MIC, “15th Meeting of the Working Group on Handling of User Information for Platform Services”
URL https://www.soumu.go.jp/main_sosiki/kenkyu/platform_service/02kiban18_02000219.html
On June 22, MIC held the 16th meeting of the Working Group on Handling User Information for Platform Services.

The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.

The agenda was as follows

1. Interviews with business operators
2. Summary outline (draft)
3. Other
On June 24, METI held a meeting of the Platform Economics Study Group (the first of fiscal 2022).

The agenda was as follows:

- The paper "Platform Oligopoly with Endogenous Homing: Applications to Mergers and Free Entry" (Commissioner Adachi)
- Trends in platform regulations overseas (Fumio Sensui, Professor, Graduate School, Kobe University)
- Developments related to the Act on Improving Transparency and Fairness of Digital Platforms (Report)

Source: METI, “1st Meeting of the Platform Economics Study Group of Fiscal 2022”
URL https://www.meti.go.jp/shingikai/mono_info_service/platform_economics/2022_001.html
On June 27, MIC held the 17th meeting of the Working Group on Handling User Information for Platform Services.

The objective of the working group is to ensure appropriate handling of user information for platform services by studying from an expert perspective based on recent trends, etc.

The agenda was as follows.

- (1) Summary draft
- (2) Other
JFTC releases report on fact-finding related to trades in the cloud service sector

On the 28th, the JFTC released a report on fact-finding regarding trades in the cloud service sector (report on a fact-finding survey regarding the trade practices of digital platform business operators, etc.).

- The purpose of this survey was to clarify the trade practices and competitive situation surrounding digital platform business operators in the cloud services field, to prevent violations of the Antimonopoly Act in this field, and to promote efforts by related parties to ensure a fair and free competitive environment.
- The JFTC has been continuously conducting fact-finding surveys related to trades. In October 2019, the commission compiled a report on a survey related to online malls and app stores, and in February 2021, it compiled a report on a survey related to the digital advertising field. The latest survey related to the cloud services field will be conducted as a follow-up fact-finding survey related to the trade practices of digital platform business operators, etc.

Source: JFTC, "(June 28, 2022) Report Regarding Cloud Services"
On June 30, MIC held the 38th meeting of the Study Group on Platform Services. Since platform providers offer services using a large amount of user information, this study group examines how to ensure the appropriate handling of user information.

Agenda
- (1) Second summary (draft)
- (2) Free discussion
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