

The Definition of the Term 'Life-Logs' and Related Legal Accountability Issues concerning Their Use

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Life-Logs

BTA


- Behavioural Targeting Marketing

PII

- Personally Identifiable Information

Non-PII

- Non-Personally Identifiable Information



2. What are 'Life-Logs' ?

- Records of purchasing patterns
- Web-browsing activities
- The behaviour of consumer types
 - collected for some time by companies
 - offer services to individuals concerning their interests, hobbies and preferences

Behavioural Target Marketing

- The definition of the term 'life-log' is vague
- The lack of a proper discussion

The meaning of the term 'life-log'

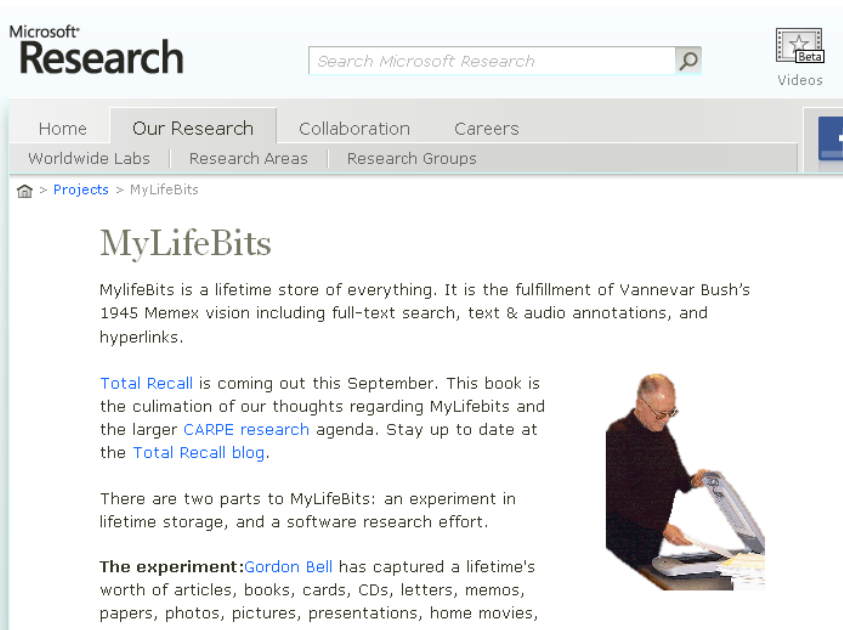
- one of a record (or log) of human activity (life)

Lifelogger / Lifeblogger

The process of acquiring a detailed record of an individual's behaviour patterns

2.3. Beginnings in the Use of 'Life-Logs'

- Beginnings in the Use of 'Life-Logs'
 - Private Sector: 'MyLifeBits', (Microsoft Corporation)
 - Public Sector: 'The Life-Log Project' (DARPA)



Microsoft Research

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Projects > MyLifeBits


MyLifeBits

MyLifeBits is a lifetime store of everything. It is the fulfillment of Vannevar Bush's 1945 Memex vision including full-text search, text & audio annotations, and hyperlinks.

Total Recall is coming out this September. This book is the culmination of our thoughts regarding MyLifebits and the larger CARPE research agenda. Stay up to date at the [Total Recall blog](#).

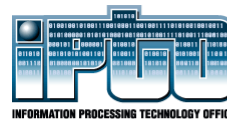
There are two parts to MyLifeBits: an experiment in lifetime storage, and a software research effort.

The experiment: Gordon Bell has captured a lifetime's worth of articles, books, cards, CDs, letters, memos, papers, photos, pictures, presentations, home movies,



MyLifeBits - Microsoft Research

<<http://research.microsoft.com/en-us/projects/mylifebits/>>



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BAA 03-30

- [FBO Announcement](#)
- [Proposer Info Pamphlet](#)
- [Modification 1](#)
- [Modification 2](#)
- [LifeLog Program Page](#)
- [Teaming Page](#)

SOLICITATIONS

[Frequently Asked Questions](#)

Open:

- [BAA_03-30](#) LifeLog
- [BAA_02-21](#) CIPT

Closed:

- [BAA_02-15](#) MARS
- [BAA_02-14](#) SDR
- [BAA_02-16](#) OASIS
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BAA # 03-30
[LifeLog](#)
Proposer Information Pamphlet

LifeLog
SOL BAA 03-30

POC: Dr. Doug Gage, DARPA/IPTO
Proposals Due:
Initial Closing: Monday, June 23, 2003
Final Closing: Friday, May 7, 2004
E-Mail: baa03-30@darpa.mil
FAX: (703) 741-7804
WEB: <http://www.darpa.mil/ipto/Solicitations/index.html>

[ADMINISTRATIVE NOTE:](#)

[NEW REQUIREMENTS/PROCEDURES](#)

The Defense Advanced Research Projects Agency (DARPA) often selects its research efforts through the Broad Agency Announcement (BAA) process. The BAA will be posted directly to FedBizOpps.gov, the single government point-of-entry

DARPA, PIP 03-30, DARPA's bid solicitation for LifeLog
<<http://www.darpa.mil/>>

2.4. The Definition of 'Life-Logs'

named, living individuals

the varied and specific activities
carried out by these individuals

specific information

'Life-logs' are sets of specific information

① **named, living individuals**
② **the varied and specific activities**

③ **collected automatically**
④ **stored by various forms of media**

⑤ **digitally-organised data**
⑥ **comprehensive in nature**

⑦ **Personally Identifiable Information (PII)**
⑧ **Non-Personally Identifiable Information (Non-PII)**

comprehensive

Automatically

collected

digitally-organised data

Life-logs

stored

Personally Identifiable Information (PII)

Non-Personally Identifiable Information (Non-PII)

- 3.1. What is a Behavioural Targeting Marketing?
 - One-to-One Marketing
 - Customer Relationship Management (CRM)
 - Behavioural Targeting Advertising
- 3.2. Behavioural Targeting Advertising (BTA) and 'Life-Logs'
 - Who? Who was involved?
 - What? What happened?
 - Where? Where did it take place?
 - When? When did it take place?
 - Why? Why did it happen?
 - How? How did it happen?

■ 4.1. Problems of Technical Issues

- Cookies

- Web-Beacon etc.

■ 4.2. Personal Information Definition

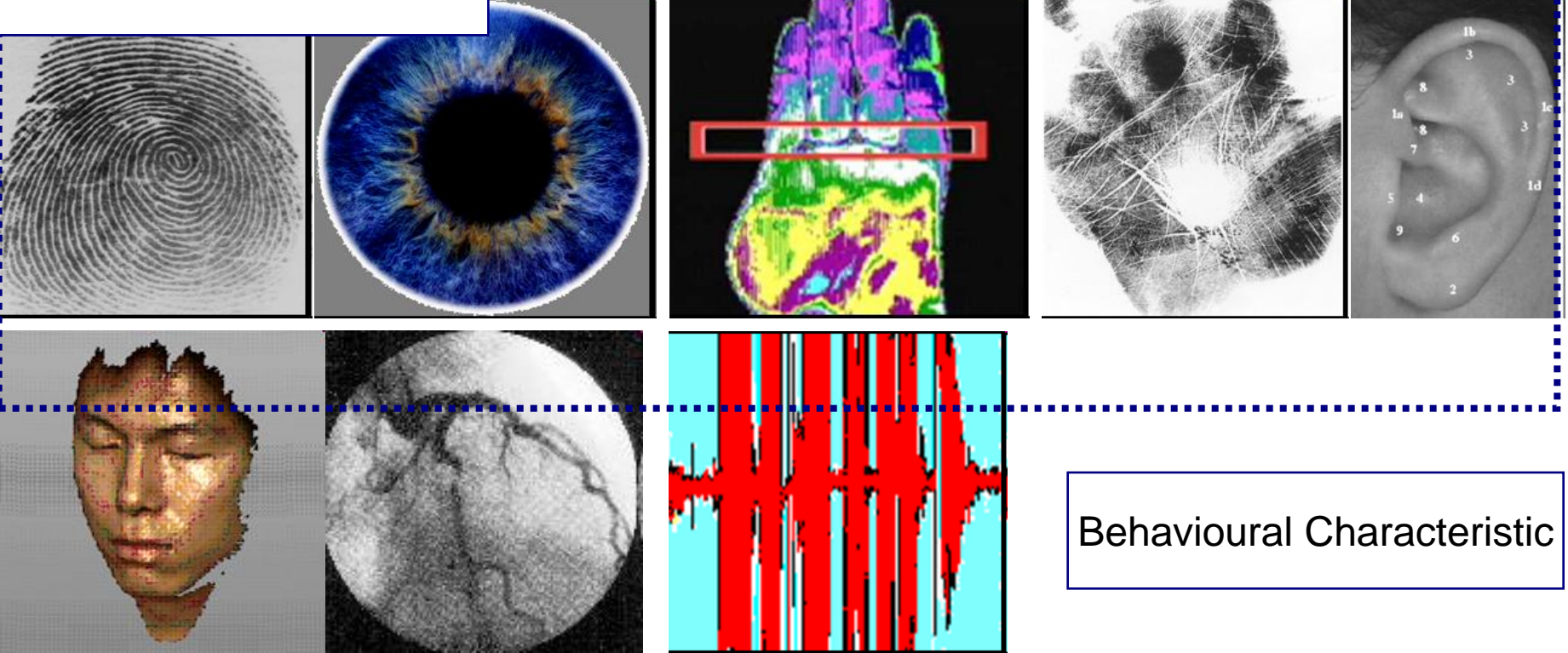
Problems facing the World`s Legal Systems

- 5.1. Can Personally Identifiable Information and Non-Personally Identifiable Information be Distinguished?
 - PII and/or Non-PII
 - subsidiary information

- 5.2. Case Study: Non-Personally Identifiable Information as Personally Identifiable Information
 - AOL case

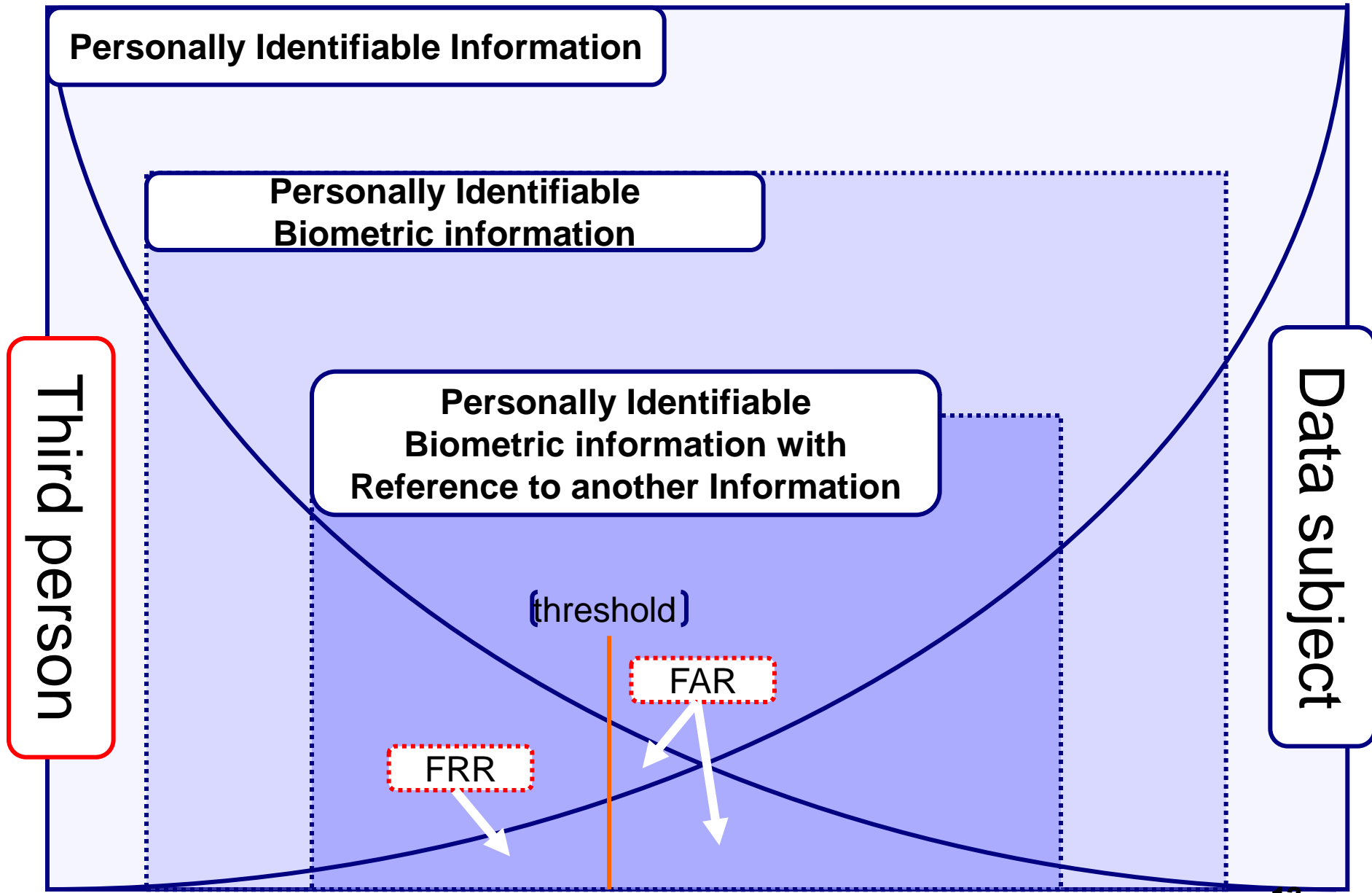
Biometrics


Distinctive Anatomical



Behavioural Characteristic







6. A Suggested Legal System
Framework for Ensuring the
Appropriate Use of 'Life-Logs'



6.1. Introduction: The Data Protection Scheme in Japan

6.2. The OECD Privacy Guidelines and Their Influence on the Protection of Personal Data for the Citizens of Japan

6.3. The Enactment of the Personal Information Protection Law

6.4. The Law which Applies to the Proper Handling of 'Life-logs' in Japan

6.1. Introduction: The Data Protection Scheme in Japan

Basic Policy

Basic policy (Basic policy on personal data protection approved by the Cabinet)

Personal Data Protection Laws

Basic laws and laws relating to the private sector (Laws and ordinances regarding the protection of personal data)

Administrative Agency Personal Data Protection Laws

Laws relating to administrative agencies in the public sector. (Laws and ordinances concerning administrative agency personal data protection)

Individual Laws

Protection of personal data by following regulations with the aim of personal data protection under each individual law. (Existing laws such as the dispatch Industry Law, Employment Security Law)

Laws with regard to legal liability concerning leakage and misuse of personal data. (Unfair Competition Prevention Law)

Privacy protection obligation regulations from a professional standing. (Public Servant Law, various industrial laws)

Personal Data Protection Regulations

Local government personal data protection regulations.

Guidelines

Guidelines for each Ministry in accordance with Article 8 of the Personal Data Protection Law.

JIS Q 15001 “Personal Data Protection Management System –Requirements–”

Standards and guidelines in accordance with laws. (Guidelines adhering to the Industry Standardization Law, Provider Limited Liability Law)

Administrative agencies setting guidelines for themselves. (Safety management and use of telecommunications technology)

Setting guidelines for private organizations and the private sector. (Business world guidelines)

8 OECD Principles

■ Start of personal data protection systems management

■ **Administrative Agency Personal Protection Laws**

■ Establishment of personal data protection laws (national administrative agencies only)

- "Law relating to protection and management of personal data stored on administrative agency computers" (December 16, 1988 Law No. 95)

■ **Dealing With the Private Sector**

- "Guidelines for personal data protection in the private sector" Japan Information Processing Development Corporation (JIPDEC) (1988)
- "Guidelines relating to protection and management of personal data on computers in the private sector" (March 4, 1997 Ministry of International Trade and Industry proclamation No.98)

■ **Privacy Mark System**

- Privacy mark system put into effect (April 1, 1998)
- JIS Q 15001 "Personal data protection compliance program requirements" established March 20, 1999
- JIS Q 15001 "Personal data protection management system –requirements–" established March 20, 2006

6.3. The Enactment of the Personal Information Protection Law

July 14, 1999 Agreement on formation of “Personal Data Protection Investigation Unit” (Chairman: Masao Horibe, Professor at Chuo University’s Faculty of Law)

October 20, 1999 Announcement of “Regarding Protection of Personal Data” (Central theme: Chairman’s plan)

November 19 Announcement of “State of Personal Data Protection systems in Japan” by High-Tech Telecommunications Society Promotion Committee’s Personal Data Protection Investigation Unit (mid-term report)

February 4, 2000 Formation of “Personal Data Protection Legislation Specialist Committee” (Committee Chairman: Itsuo Sonobe, Associate Professor at Ritsumeikan University’s Graduate School) (Session No.28)

October 11, 2000 Agreement on “Fundamentals Relating to Personal Data Protection Laws”

Drawing up of proposed legislation in accordance with fundamentals. Submitted as Cabinet Legislation No.90 to the 151st Diet on March 27, 2001.

April 18, 2001 Formation of “Administrative Agency Personal Data Protection Law Research Group” (Chairman: Takashi Mogushi – former Director-General of the Cabinet Legislation Bureau) and presided over by the secretary to the Minister of Internal Affairs and Communications on approval of the Minister.

March 15, 2002 Submission of Cabinet Legislation Nos. 70-73 to the 154th Diet.

December 13, 2002 5 personal data protection bills rejected by the Lower House Committee of the Cabinet.

March 7, 2003 5 revised personal data protection bills, Cabinet Legislations 71 – 75, submitted to the 156th Diet.

May 23, 2003 5 personal data protection bills approved: formally announced on May 30.

Approved on May 23, 2003: formally announced and enacted on May 30.

Regulations in Chapters 4-6, and additional regulations in Articles 2-6 imposing specific responsibilities for companies handling personal data under the personal data protection laws and administrative agency personal data protection laws, enacted April 1, 2005.

■ **Act on the Protection of Personal Information**

□ (2003 Law No.57)

■ **Act on the Protection of Personal Information Held by Administrative Organs**

□ (2003 Law No.58)

■ **Act on the Protection of Personal Information Held by Administrative Agencies**

□ (2003 Law No.59)

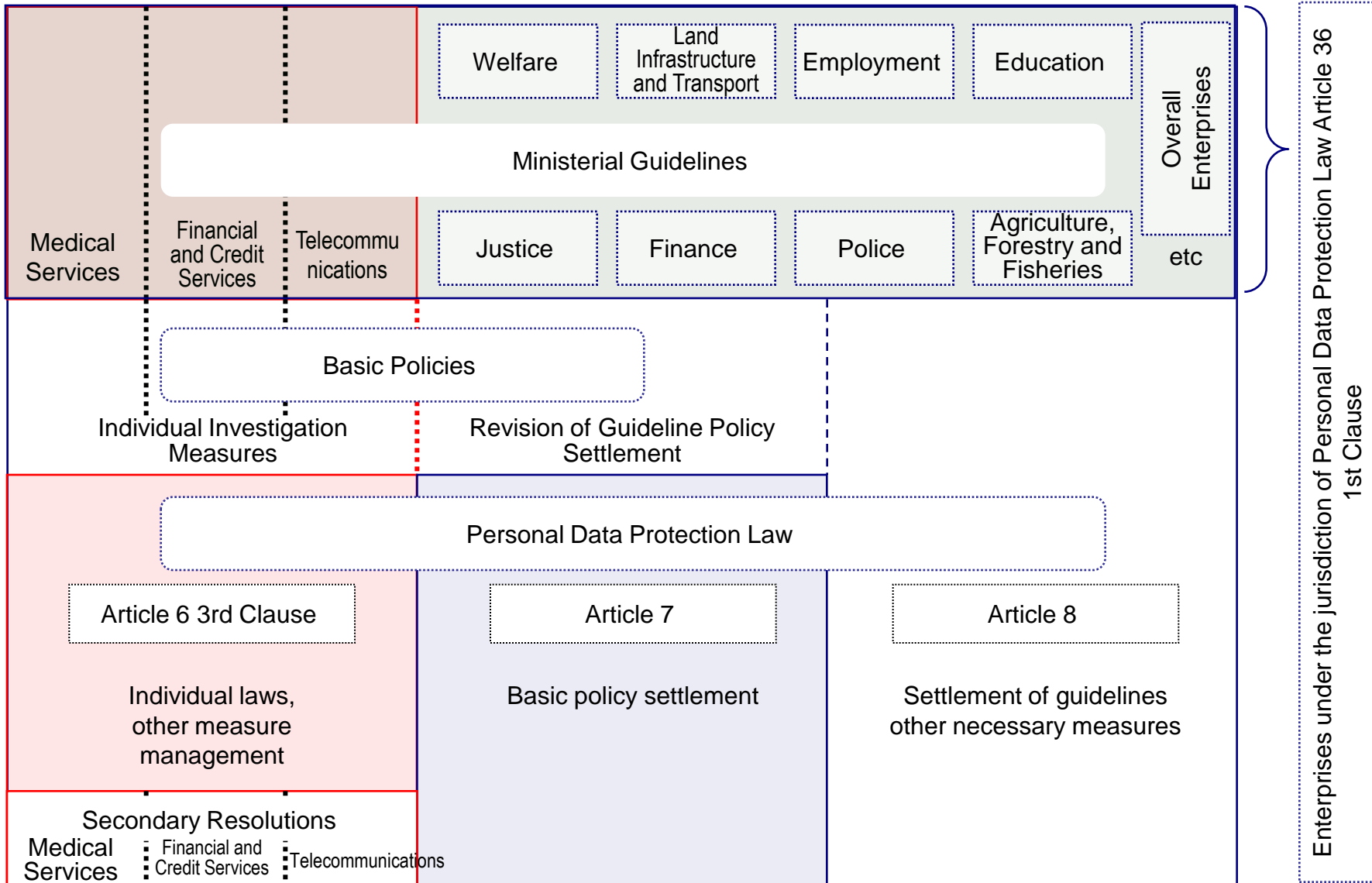
■ **Act for Establishment of the Information Disclosure and Personal Information Protection Review Board**

□ (2003 Law No.60)

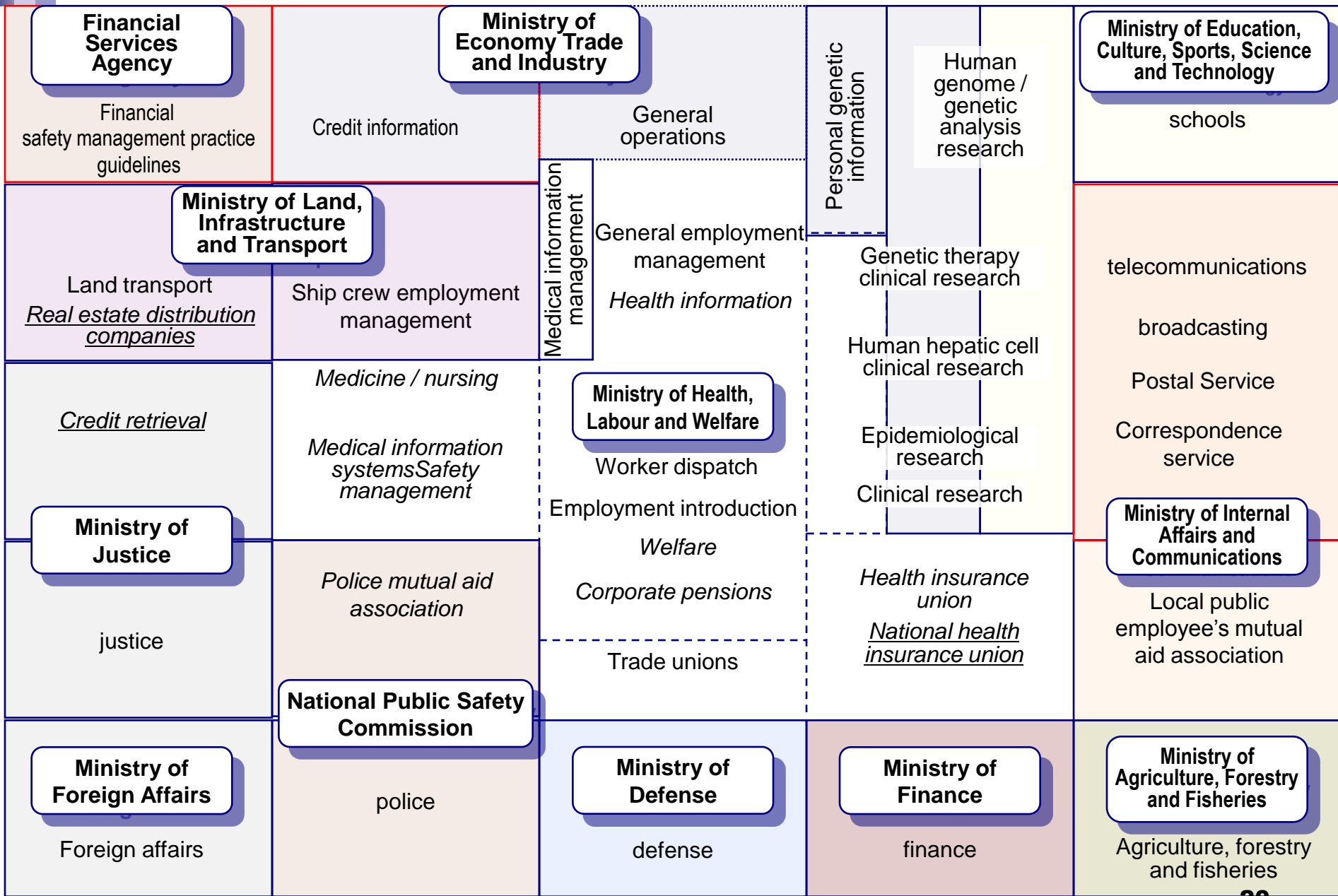
■ **Act on Preparation of Relevant Acts Accompanying Effectuation of the Act on the Protection of Personal Information Held by Administrative**

□ (2003 Law No.61)

Ministerial Guideline Policy Decisions / Basis of Revisions



Areas for Establishing Ministerial Guidelines Relating to Personal Data Protection Laws



Italics = communication / Underline = notification

Examples of improper handling of personal information

- Collecting 'life-log' data offered to third party without obtaining the permission/consent of the data subject
- Collecting 'life-logs' which exceed the range of permission by the data subject
- Collecting information which the data subject has not yet permitted
- Collecting information after the data subject expressed the intention to 'opt-out' his/her information from database

Examples of the third party-offering of 'life-logs'

- Disclosure to the general public
- Publishing on the Web
- Uploading on the Net
- Offering data to other (related) companies which offer 'life-log' services
- P2P sharing of information
- Security-breach disclosure of 'life-logs' files

- The Ministry of Internal Affairs and Communications (MIC) 'Life-Log' Study Committee
 - (1) `Street View` services offered by search engine providers
 - (2) copyright infringement issues of music distribution over the Net
 - (3) 'life-log' services
 - (4) the amendment of the guidelines concerning personal information protection in the field of telecommunication industries
 - (5) CGM(Consumer Generated Media)
 - (6) security measures for the protection of personal information

- Behavioural Targeting Advertising
 - which makes use of not only 'life-logs', but also of 'Deep Packet Inspection' (DPI) technology

■ ① `Object information`

- information gained from a specific computer, terminal, equipment, and/or browser. It is not `genuine`, personal information, but rather information relating to devices or applications. However, by collecting such data from these devices or applications, it is easy to match or link a particular user's information. Therefore, whether or not this is `genuine` personal information, these principles will apply still.

■ ② `Object company`

- refers to any company which uses object information for its business. It follows therefore that businesses which do not accumulate object information are excluded from the application of these principles.

Self-Regulation Principles

1

Promotion of public relations, diffusion and enlightenment activities

2

Ensure transparency

3

Ensure the opportunity to access

4

Ensure the proper acquisition of object information

5

Ensure appropriate security measures


6

Establish a division which receives complaints

■ 7.1. The Relationship between Tort and the Right to Privacy

- 1. intrusion upon seclusion or solitude, or into private affairs
- 2. public disclosure of embarrassing private facts
- 3. publicity which places a person in a false light in the public eye
- 4. appropriation of name or 'likeness'

□ William L. Prosser , Privacy, 48 CAL. L. REV. 383 (1960)

- 
- 7.2. The Exposure of a Private Life in the Past
 - 7.3. The Handling of Inaccurate Information
 - 7.4. The `Failure to Maintain Data` and Ensuing Legal Accountability Issues of 'Life-Log' Information Management

PII

or

Non—PII

- A 'life-log'-related service provider should handle 'life-log' PII/Non PII according to the self-regulatory principles enacted by any industrial group, governmental agency, or competent minister.