

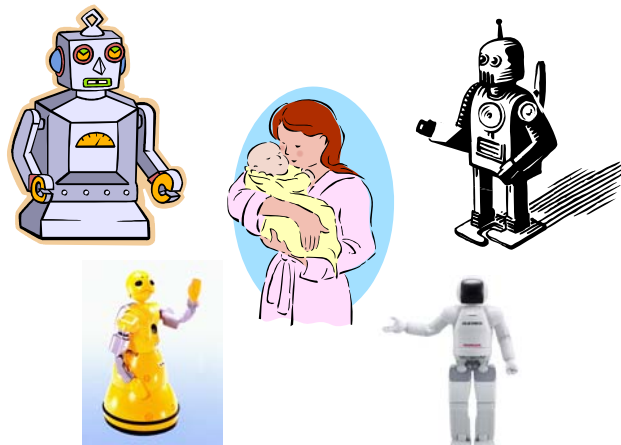
Legal issues about Network Robot Systems

ICRA2009 KOBE Workshop (Tuesday, May 12 2009)

Masahiro Kobayashi (Osaka Bar Association)

M.Kobayashi Hanamizuki
Lawoffice

Trust for Safety



Most of legal issues on NRS are related to Safety.
Not only safety but also Trust for Safety.

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In terms of NRS, "Safety" has two meanings.

1. Physical safety

(Safety for Life, Health, and Properties)

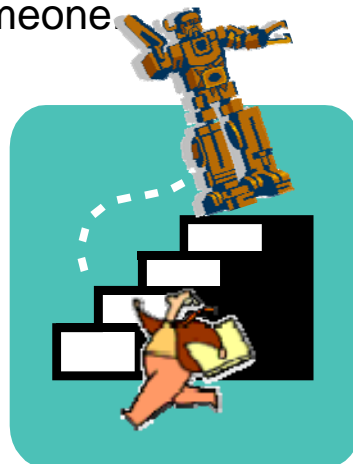
2. Data safety

(Safety for Privacy)



Physical Safety

- Robots have risks to stumble and fall down, squash or hit someone.



According to Japanese law...

- Defect in the robot
 - Manufacturer or (and) Vender has responsibility
- Mistake in manipulating
 - Manipulator or (and) Employer has responsibility.



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If robots cause a lot of accident...

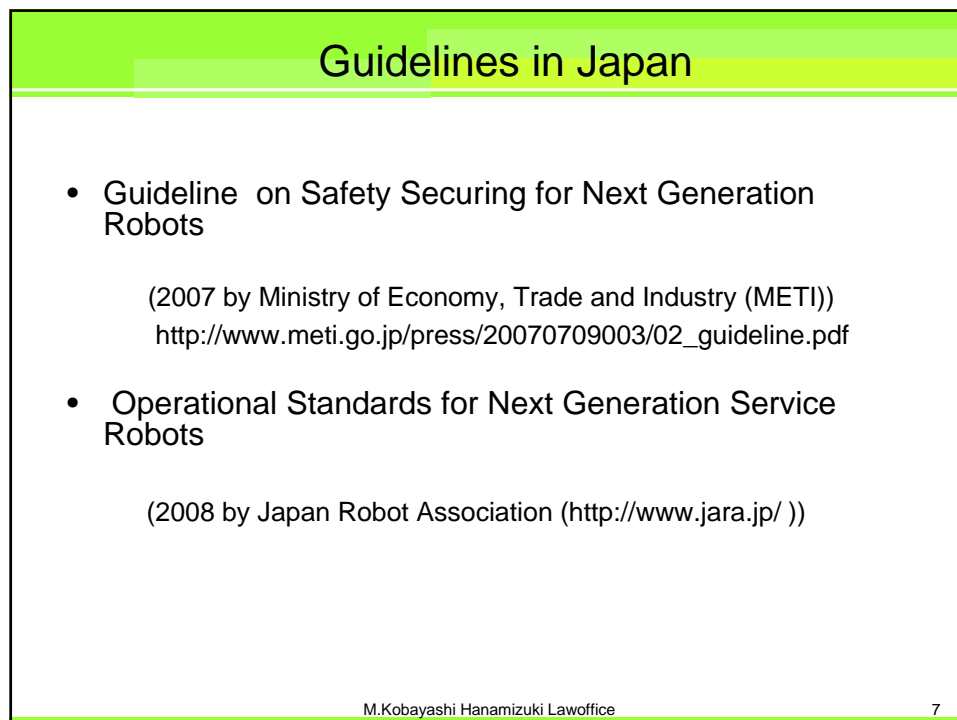
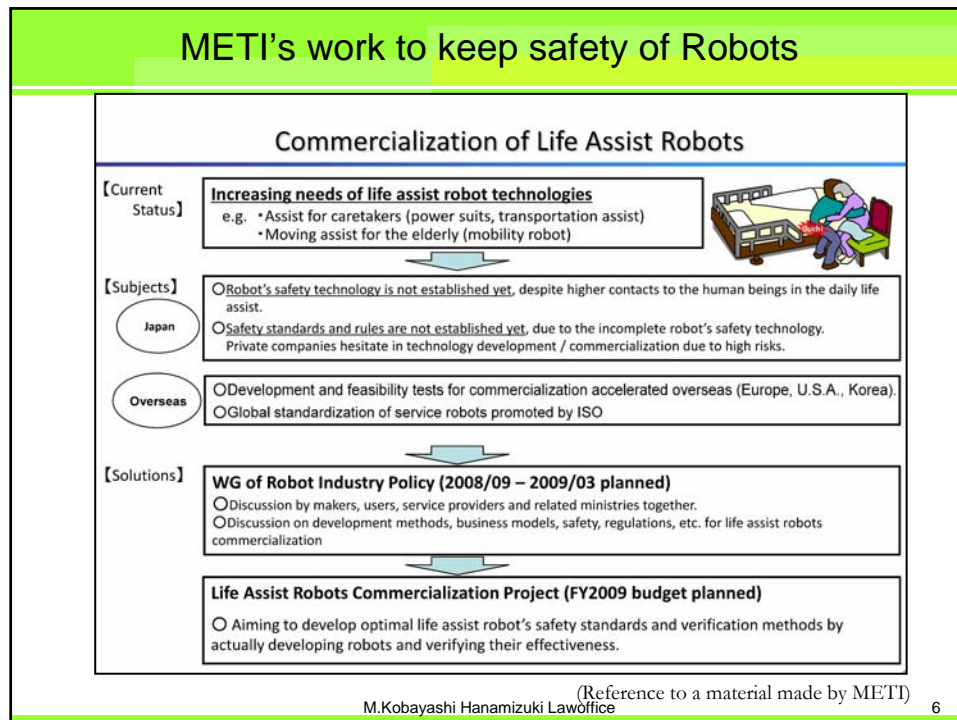
Robots are dangerous! I don't want to be hurt!
I don't want to have any robots which might hurt someone!
I don't want to take any responsibility!



We can not **trust** Robots.
They are not safe!

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Data Safety of Network Robot Systems

His name is Brown.

His address & phone number is...

His Biometric Information is...

His house will be empty for 7 days

He must be rich!

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Data Safety and Intelligent Space

NRS assume an Intelligent Space or Intelligent Environment.

(Quotation from ATR)

These sensors collect a lot of personal data (Life Logs).
Do people mind being collected their personal data?

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Anger against photographs taken indiscriminately

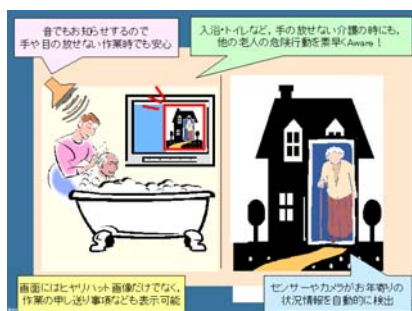
This vending machine, set in the Iwata Sports Park was **broken**, and was scribbled, **"Surveillance Society"**.

Few days later, the vending machine was repaired, and set up again.

But it was soon broken, and was scribbled again.



A failure because of lack of consideration for privacy



National Association of Group Home Nursing Staff



Why do you oppose our project?
We're gonna help you!




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Legal problem of collecting personal data

- Taking Photographs
- Videotaping
- Listening to Conversations
- Chasing Movements

} Without permission
might be illegal



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Why does collecting personal data have legal problem?

Hello, Mr. Smith.
Did you like the tie you bought last week?



Why do you know my name?
Why do you know what I bought?



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Why does collecting personal data have legal problem?

- Human being have the freedom from identification.
- Right to act as an anonymous one.
- Right to be left alone.

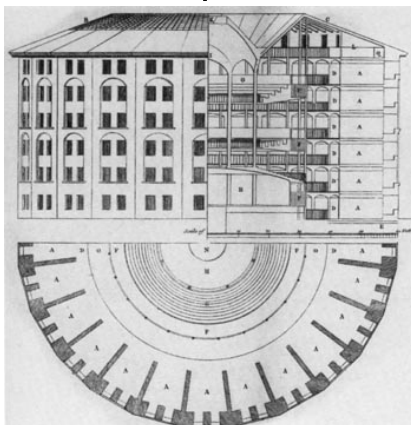


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The Influence of modern Surveillance System to Human Being

“Panopticon”

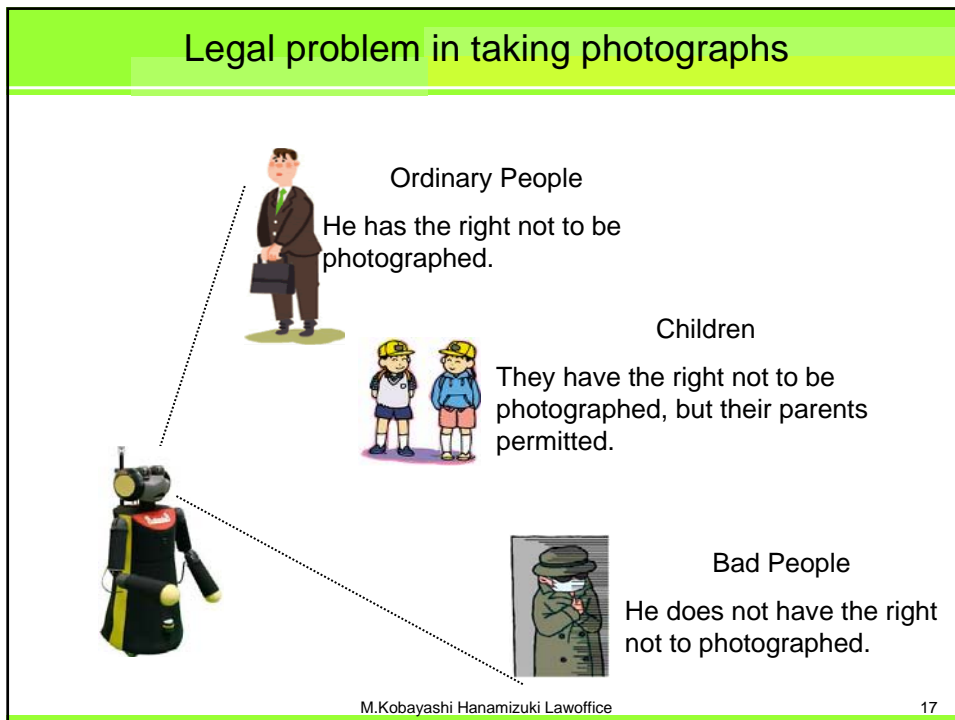
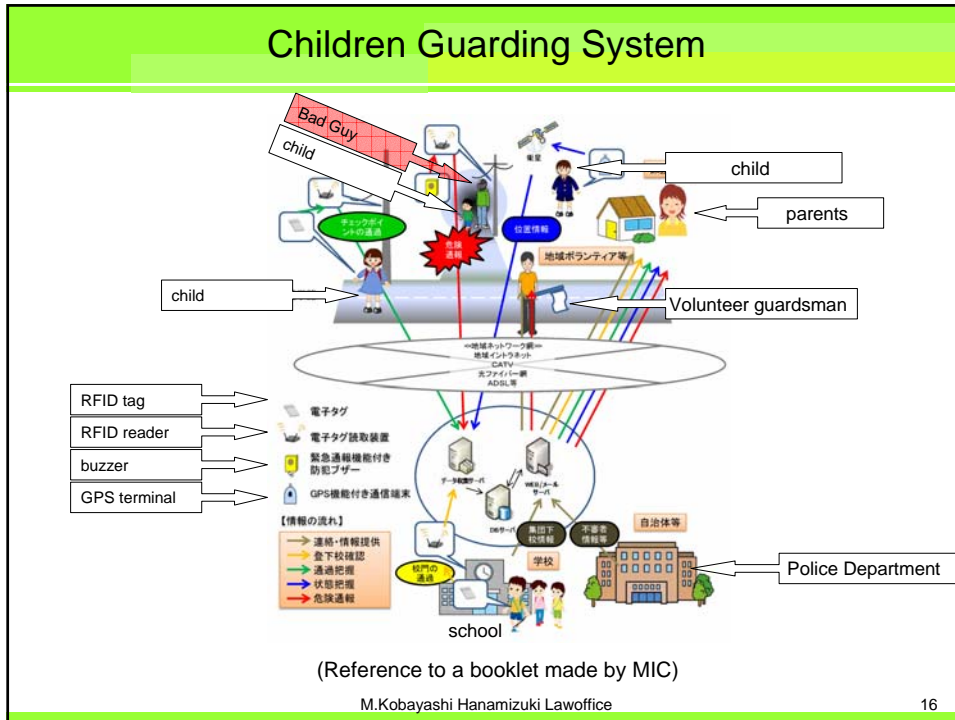


blueprint by **Jeremy Bentham (UK)**, 1791

“Discipline and Punish (Surveiller et punir)”
by **Michel Foucault (FRA)**, 1971

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Privacy Protecting Technology



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Auto-Face-Deleting-Technology does not necessarily protect one's Privacy



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Auto-Face-Deleting-Technology does not necessarily protect one's Privacy



“Now I know who he is!”

“He was playing golf when he had to work!”

- His Social Security Number is 1234-5678
- His Biometric Code of his face is 9876-5432
- MAC address of his computer is abcdefg...

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Privacy-Protecting-Technology does not necessarily protect one's Privacy



Hello, madam.
This is the second time you visit this salon, isn't it?
Do you mind telling me your name?
Let's make the VIP card for you.



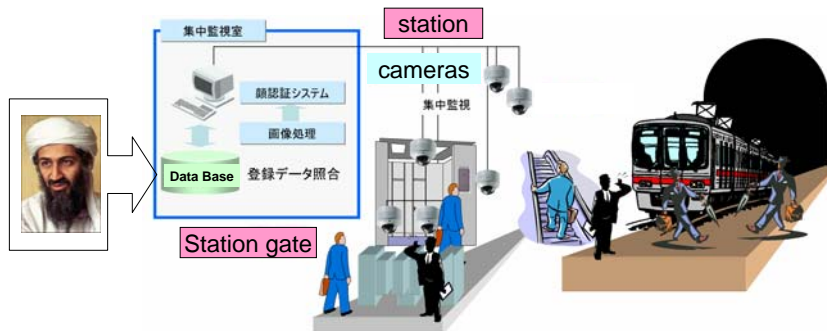
Why does it know I've come
to this place before?

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Anti-Terrorism-System by automatic Face-Recognition

1. Recording the Biometric Face data to the Data Base
2. Taking pictures of all people who pass through the gate
3. Making the Biometric Face data of the passengers
4. Comparing passengers data to that of terrorist
5. If two data are match...alert!



(Reference to a homepage of MLIT)
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Decision by the Grand Bench of the Japanese Supreme Court (at December 24, 1969)

All people have the right not to be photographed without any reason.
This right is guaranteed by the Constitution.
But there are some exceptions.
For example, in the case when the crime is proceeding, or just after the crime, policemen taking photographs without warrants are reasonable.
In this case, there is a possibility of becoming legal.



Supreme Court, Japan



Three important elements for NRS

1. Justice
2. Modesty
3. Trust



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28th International conference of data protection and Privacy Commissioners (2006, London)

CLOSING COMMUNIQUÉ

(<http://www.privacy.org.nz/28th-international-conference-of-data-protection-and-privacy-commissioners/>)

- **The ‘Surveillance Society’ is already with us.**
- Surveillance activities can be well-intentioned and bring benefits.
- But unseen, uncontrolled or excessive surveillance activities also pose risks that go much further than just affecting privacy.
- Privacy and data protection regulation is an important safeguard but not the sole answer.
- A systematic use of impact assessments should be adopted.
- The issues are wide ranging and cannot be taken forward by data protection/privacy regulators alone.
- **Public trust and confidence is paramount.**



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May NRS make a good friendship with human...

Thank you for listen to me!

