

# Act on the Protection of Personal Information Held by Administrative Organs

(Act No. 58 of May 30, 2003)

The Act on the Protection of Personal Information Pertaining to Electronic Data Processing Held by Administrative Organs (Act No. 95 of 1988) shall be fully revised.

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the rights and interests of individuals while achieving proper and smooth administrative management, in view of a remarkable increase in the use of personal information in administrative organs, by providing for the basic matters concerning the handling of personal information in such organs.

(Definitions)

Article 2 (1) The term "Administrative Organ" as used in this Act shall mean the following organs:

- (i) Organs within the Cabinet (excluding the Cabinet Office) or organs under the jurisdiction of the Cabinet that were established pursuant to the provisions of laws
- (ii) The Cabinet Office, the Imperial Household Agency, and organs prescribed in Article 49, paragraphs 1 and 2 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (where, under these organs, an organ designated by the Cabinet Order prescribed in item 4 is established, such an organ is excluded.)
- (iii) Organs prescribed in Article 3, paragraph 2 of the National Government Organization Act (Act No. 120 of 1948) (where, under these organs, an organ designated by the Cabinet Order prescribed in item 5 is established, such an organ is excluded.)
- (iv) Organs set forth in Articles 39 and 55 of the Act for Establishment of the Cabinet Office and in Article 16, paragraph 2 of the Imperial Household Agency Act (Act No. 70 of 1947), and extraordinary organs set forth in Articles 40 and 56 (including the cases where it is applied *mutatis mutandis* pursuant to Article 18, paragraph 1 of the Imperial Household Agency Act), that are designated by a Cabinet Order
- (v) Facilities and other organs set forth in Article 8-2 of the National

Government Organization Act, and extraordinary organs set forth in Article 8-3 of the same Act, that are designated by a Cabinet Order

(vi) The Board of Audit

- (2) The term "Personal Information" as used in this Act shall mean information about a living individual, which can identify the specific individual by name, date of birth or other description contained in such information (including information that can be compared with other information and thereby identify the specific individual).
- (3) The term "Retained Personal Information" as used in this Act shall mean Personal Information having been prepared or obtained by an employee of an Administrative Organ in the course of his or her duties and is held by the said Administrative Organ for organizational use by its employees; however, this shall be limited to Personal Information recorded in Administrative Documents (administrative documents prescribed in Article 2, paragraph 2 of the Act on Access to Information Held by Administrative Organs [Act No. 42 of 1999]; the same shall apply hereinafter).
- (4) The term "Personal Information File" as used in this Act shall mean a collection of information including Retained Personal Information, as set forth below:
  - (i) A collection of information systematically arranged in such a way that specific Retained Personal Information can be retrieved by a computer in order to achieve a certain purpose in the conduct of affairs
  - (ii) In addition to what is listed in the preceding item, a collection of information systematically arranged in such a way that specific Retained Personal Information can be easily retrieved by using a name, date of birth or other description in order to achieve a certain purpose in the conduct of affairs
- (5) The term "Individual Concerned" with regard to Personal Information as used in this Act shall mean a specific individual identified by Personal Information.

## **Chapter II Handling of Personal Information in Administrative Organs**

(Restriction on Retention of Personal Information)

- Article 3 (1) An Administrative Organ may retain Personal Information only when the retention is necessary for performing the affairs under its jurisdiction provided by laws and regulations, and shall specify the purpose of use of Personal Information as much as possible upon such retention
- (2) An Administrative Organ shall not retain Personal Information beyond the scope necessary for the achievement of the purpose of use specified pursuant to the preceding paragraph (hereinafter referred to as the "Purpose of Use").
  - (3) An Administrative Organ shall not change the Purpose of Use beyond the

scope in which it is reasonable to find that the changed Purpose of Use is appropriately relevant to the original Purpose of Use.

(Clear Indication of the Purpose of Use)

Article 4 When an Administrative Organ directly acquires Personal Information on an Individual Concerned that is recorded in a document (including a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses [referred to as an "Electromagnetic Record" in Articles 24 and 55]) from the said Individual Concerned, the Administrative Organ shall clearly indicate the Purpose of Use to the Individual Concerned in advance, except in the following cases:

- (i) Where the acquisition of Personal Information is urgently required for the protection of the life, body, or property of an individual
- (ii) Where clear indication of the Purpose of Use to the Individual Concerned is likely to cause harm to the life, body, property, or other rights or interests of the Individual Concerned or a third party
- (iii) Where clear indication of the Purpose of Use to the Individual Concerned is likely to cause impediments to the proper execution of the affairs or business of state organs, Incorporated Administrative Agencies, etc. (which means incorporated administrative agencies prescribed in Article 2, paragraph 1 of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. [Act No. 59 of 2003; hereinafter referred to as the "IAA Personal Information Protection Act" ]; the same shall apply hereinafter), local public entities, or Local Incorporated Administrative Agencies (which means local incorporated administrative agencies prescribed in Article 2, paragraph 1 of the Local Incorporated Administrative Agencies Act [Act No. 118 of 2003]; the same shall apply hereinafter)
- (iv) Where the Purpose of Use is found to be clear in light of the circumstances of the acquisition

(Maintenance of the Accuracy)

Article 5 The head of an Administrative Organ (for any organ designated by the Cabinet Order prescribed in Article 2, paragraph 1, items 4 and 5, he or she shall be the person designated for each respective organ by a Cabinet Order; the same shall apply hereinafter) shall endeavor to maintain the Retained Personal Information consistent with the past or the present facts within the scope necessary for the achievement of the Purpose of Use.

(Security Control Measures)

Article 6 (1) The head of an Administrative Organ shall take necessary measures

for the prevention of leakage, loss, or damage and for the proper management of the Retained Personal information.

- (2) The provision of the preceding paragraph shall apply mutatis mutandis to cases where an individual or a business operator entrusted by an Administrative Organ with the handling of Personal Information performs the entrusted affairs.

(Obligation of Employees)

Article 7 No employee nor former employee of an Administrative Organ handling Personal Information nor person engaged in or formerly engaged in the entrusted affairs under paragraph 2 of the preceding Article shall disclose the Personal Information acquired with respect to his or her work to another person without a justifiable ground or use such information for an unjust purpose.

(Restriction on Use and Provision)

Article 8 (1) The head of an Administrative Organ shall not, except as otherwise provided by laws and regulations, use by himself or herself or provide another person with Retained Personal Information for purposes other than the Purpose of Use.

- (2) Notwithstanding the provision of the preceding paragraph, the head of an Administrative Organ may, in cases where he or she finds it falls under circumstances specified by any of the following items, use by himself or herself or provide another person with Retained Personal Information for purposes other than the Purpose of Use; provided, however, that this shall not apply where it is found that the use by the head himself or herself or provision to another person of the Retained Personal Information for purposes other than the Purpose of Use is likely to cause unjust harm to the rights or interests of the Individual Concerned or a third party.

(i) Where the Retained Personal Information is used or provided with the consent of the Individual Concerned, or where it is provided to the Individual Concerned

(ii) Where the Administrative Organ uses the Retained Personal Information within the organ only to the extent necessary for executing the affairs under its jurisdiction provided by laws and regulations, and there is a reasonable ground for such use of the information

(iii) Where the Retained Personal Information is provided to another Administrative Organ, Incorporated Administrative Agency, etc., local public entity or Local Incorporated Administrative Agency in which the person who receives the information uses it only to the extent necessary for executing the affairs or business under its jurisdiction provided by laws and regulations,

- and there is a reasonable ground for such use of the information
- (iv) In addition to the cases listed in the preceding three items, where the Retained Personal Information is provided exclusively for statistical purposes or academic research purposes, provision of the information to other persons is obviously beneficial to the Individual Concerned, or there are other special grounds for providing the Retained Personal Information
- (3) The provisions of the preceding paragraph shall not preclude application of the provisions of other laws and regulations restricting the use or provision of Retained Personal Information.
- (4) The head of an Administrative Organ shall, when he or she finds it particularly necessary for protecting the rights and interests of individuals, allow only a particular department(s) or agency(ies) within the organ to use Retained Personal Information for purposes other than the Purpose of Use.

(Request for Measures to the Person who Receives Retained Personal Information)

Article 9 The head of an Administrative Organ shall, if he or she finds it necessary when providing Retained Personal Information pursuant to the provision of paragraph 2, item 3 or 4 of the preceding Article, impose on the person who receives Retained Personal Information a restriction on the purpose or method of use or any other necessary restrictions with regard to the provided Personal Information or request the person to take necessary measures for the prevention of leakage and for the proper management of the information.

### **Chapter III Personal Information File**

(Prior Notice on Retention of a Personal Information File)

Article 10 (1) When an Administrative Organ (excluding the Board of Audit; hereinafter the same shall apply in this Article and Articles 50 and 51) intends to retain a Personal Information File, the head of the said Administrative Organ shall notify the following matters to the Minister of Internal Affairs and Communications in advance. The same shall apply to the case where an Administrative Organ intends to change any matter that has already been notified.

(i) Name of the Personal Information File

(ii) Name of the said Administrative Organ and the name of the organizational section in charge of the affairs for which the Personal Information File will be used

(iii) Purpose of Use of the Personal Information File

(iv) Matters recorded in the Personal Information File (hereinafter referred to

- as the "Recorded Matters" in this chapter) and the scope of individuals that are recorded in the Personal Information File as Individuals Concerned (limited to those who can be identified through a search without other description about the individual including the name and date of birth; the same shall apply in item 9 of the following paragraph) (such scope shall be hereinafter referred to as the "Scope of Record" in this chapter)
- (v) Method of collecting the Personal Information recorded in the Personal Information File (hereinafter referred to as the "Recorded Information" in this chapter)
  - (vi) Where the Recorded Information will be routinely provided to a party outside the said Administrative Organ, the name of such party
  - (vii) Where a part of the Recorded Matters or the matters listed in item 5 or the preceding item will not be described in the Personal Information File Register or the Personal Information File will not be listed in the Personal Information File Register pursuant to paragraph 3 of the following Article, a description to that effect
  - (viii) Name and address of the organizational section that accepts the request prescribed in Article 12, paragraph 1, Article 27, paragraph 1, or Article 36, paragraph 1
  - (ix) Where the proviso of Article 27, paragraph 1 or the proviso of Article 36, paragraph 1 applies, a description to that effect
  - (x) Other matters designated by a Cabinet Order
- (2) The provisions of the preceding paragraph shall not apply to the Personal Information Files listed in the following items:
- (i) Personal Information File that contains matters concerning the security, diplomatic secrets, and other important interests of the State
  - (ii) Personal Information File prepared or obtained for criminal investigation, investigation of tax crimes based on the provisions of laws related to tax, or institution or maintenance of prosecution
  - (iii) Personal Information File pertaining to employees or former employees of an Administrative Organ, which exclusively contains matters concerning their personnel matters, wages or welfare benefits or any equivalent matters (including a Personal Information File concerning the employee recruitment examination conducted by the Administrative Organ)
  - (iv) Personal Information File exclusively used for the purpose of experimental electronic data processing
  - (v) Personal Information File, which contains all or part of the Recorded Information contained in the Personal Information File pertaining to the notice prescribed in the preceding paragraph, where the Purpose of Use, the Recorded Matters and the Scope of Record are within the scope of those pertaining to the said notice

- (vi) Personal Information File only containing Recorded Information that will be deleted within one year
  - (vii) Personal Information File containing Recorded Information to be used for sending materials or any goods or money or for making the necessary business contact, which only contains the names, addresses and other necessary matters concerning the recipients
  - (viii) Personal Information File prepared or obtained by an employee based on his or her own idea for an academic research purpose, where the Recorded Information is used solely for the said academic research purpose
  - (ix) Personal Information File for which the number of Individuals Concerned is less than the number designated by a Cabinet Order
  - (x) Personal Information File designated by a Cabinet Order as being equivalent to any of the Personal Information Files listed in item 3 to the preceding item inclusive
  - (xi) Personal Information File pertaining to Article 2, paragraph 4, item 2
- (3) The head of an Administrative Organ shall, when the Administrative Organ ceases to retain the Personal Information File for which the matters prescribed in paragraph 1 have been notified or when such Personal Information File comes to fall under item 9 of the preceding paragraph, notify the Minister of Internal Affairs and Communications to that effect without delay.

(Preparation and Publication of Personal Information File Register)

- Article 11 (1) The head of an Administrative Organ shall prepare and publish a register (referred to as the "Personal Information File Register" in paragraph 3) describing the matters listed in paragraph 1, items 1 to 6 inclusive as well as items 8 and 9 of the preceding Article and other matters designated by a Cabinet Order with regard to the respective Personal Information Files held by the Administrative Organ.
- (2) The provision of the preceding paragraph shall not apply to the Personal Information Files listed in the following items:
- (i) Personal Information Files listed in paragraph 2, items 1 to 10 inclusive of the preceding Article
  - (ii) Personal Information File, which contains all or part of the Recorded Information contained in the Personal Information File pertaining to the publication prescribed in the preceding paragraph, where the Purpose of Use, the Recorded Matters and the Scope of Record are within the scope of those pertaining to the said publication
  - (iii) Personal Information File designated by a Cabinet Order as being equivalent to the Personal Information File listed in the preceding item
- (3) Notwithstanding the provision of paragraph 1, if the head of an Administrative Organ finds that description of a part of the Recorded Matters

or the matters listed in paragraph 1, item 5 or 6 of the preceding Article in the Personal Information File Register or publication of a Personal Information File in the Personal Information File Register is likely to cause considerable impediments to the proper execution of the affairs pertaining to the Purpose of Use due to the nature of the said affairs, he or she may refrain from describing such part of the Recorded Matters or such matters in the Personal Information Register or refrain from publishing such Personal Information File in the Personal Information File Register.

## **Chapter IV Disclosure, Correction and Suspension of Use**

### **Section 1 Disclosure**

(Right to Request Disclosure)

- Article 12 (1) Any person may, pursuant to the provisions of this Act, request the head of an Administrative Organ to disclose the Retained Personal Information for which the said person is the Individual Concerned, held by the said Administrative Organ.
- (2) A statutory representative of a minor or an adult ward may make the request for disclosure (hereinafter referred to as the "Disclosure Request") prescribed in the preceding paragraph on behalf of the principal.

(Procedure for Disclosure Request)

- Article 13 (1) A Disclosure Request shall be made by submitting a document describing the matters listed in the following items (hereinafter referred to as the "Written Disclosure Request") to the head of the Administrative Organ:
- (i) Name and domicile or residence of the person making the Disclosure Request
  - (ii) Name of the Administrative Document containing the Retained Personal Information pertaining to the Disclosure Request or other matters sufficient for specifying the Retained Personal Information pertaining to the Disclosure Request
- (2) In the case prescribed in the preceding paragraph, the person making the Disclosure Request shall, pursuant to the provision of a Cabinet Order, present or submit a document to indicate that he or she is the Individual Concerned (in the case of a Disclosure Request made under the provision of paragraph 2 of the preceding Article, the statutory representative of the Individual Concerned) with regard to the Retained Personal Information pertaining to the Disclosure Request.
- (3) When the head of an Administrative Organ finds that there is a deficiency in the form of the Written Disclosure Request, he or she may, by setting a reasonable period of time, ask the person having made the Disclosure Request

(hereinafter referred to as the "Disclosure Requester") to amend the request. In this case, the head of the Administrative Organ shall endeavor to provide the Disclosure Requester with information that will be helpful in the amendment.

(Obligation to Disclose Retained Personal Information)

Article 14 When there is a Disclosure Request, unless any of the information listed in each of the following items (hereinafter referred to as "Non-Disclosure Information") is recorded in the Retained Personal Information pertaining to the Disclosure Request, the head of an Administrative Organ shall disclose said Retained Personal Information to the Disclosure Requester:

- (i) Information that is likely to cause harm to the life, health, livelihood or property of the Disclosure Requester (where a statutory representative of a minor or an adult ward makes the Disclosure Request on behalf of the principal pursuant to Article 12, paragraph 2, the said principal; the same shall apply in the following item and item 3, paragraph 2 of the following Article, and Article 23, paragraph 1)
- (ii) Information concerning an individual other than the Disclosure Requester (excluding information concerning the business of an individual who operates the said business) where it is possible to identify a specific individual other than the Disclosure Requester from a name, date of birth or other description contained in the said information (including cases where it is possible to identify a specific individual other than the Disclosure Requester through comparing the said information with other information) or where it is not possible to identify a specific individual other than the Disclosure Requester, but disclosure of the said information is likely to cause harm to the rights and interests of an individual other than the Disclosure Requester; provided, however, that the following information shall be excluded
  - (a) Information that can be made available to or is scheduled to be made available to the Disclosure Requester pursuant to the provisions of laws and regulations or by custom
  - (b) Information which is found necessary to be disclosed in order to protect a person's life, health, livelihood or property
  - (c) In the case that the said individual is a Public Officer, etc. (national public officers prescribed in Article 2, paragraph 1 of the National Public Officer Act [Act No. 120 of 1947] [excluding officers and employees of the specified incorporated administrative agencies prescribed in Article 2, paragraph 2 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) and of the Japan Post], officers and employees of Incorporated Administrative Agencies, etc., local public officers prescribed in Article 2 of the Local Public Officer Act [Act No. 261 of 1950], and officers and employees of Local Incorporated Administrative

- Agencies) and when the said information is one pertaining to the performance of his or her duties, the portion of the said information pertaining to the job of the said Public Officer, etc. and the substance of the said performance of duties
- (iii) Information concerning a juridical person or other entities (excluding the State, Incorporated Administrative Agencies, etc., local public entities and Local Incorporated Administrative Agencies; hereinafter referred to as a "Juridical Person, etc." in this item) or information concerning the business of an individual other than the Disclosure Requester who operates the said business, which corresponds to the following; provided, however, that information which is found necessary to be disclosed in order to protect a person's life, health, livelihood, or property shall be excluded
    - (a) Information which when disclosed is likely to cause harm to the rights, competitive position, or other legitimate interests of the said Juridical Person, etc. or the said individual
    - (b) Information customarily not disclosed by the Juridical Person, etc. or the individual, which has been voluntarily provided in response to a request by an Administrative Organ on the condition of non-disclosure, or information for which it is found reasonable to set such a condition in light of the nature of the information or the circumstances at the time
  - (iv) Information for which there are reasonable grounds for the head of an Administrative Organ to find that disclosure is likely to cause harm to national security, cause damage to the relationship of mutual trust with another country or an international organization, or cause a disadvantage in negotiations with another country or an international organization
  - (v) Information for which there are reasonable grounds for the head of an Administrative Organ to find that disclosure is likely to cause impediments to prevention, suppression or investigation of crimes, the maintenance of prosecutions, the execution of punishment, and other matters concerning maintenance of public safety and public order
  - (vi) Information concerning deliberations, examinations or consultations internally conducted by or mutually conducted between state organs, Incorporated Administrative Agencies, etc., local public entities and Local Incorporated Administrative Agencies, where disclosure is likely to cause unjust harm to the open exchange of opinions or the neutrality of decision making, cause unjust confusion among citizens, or bring unjust advantages or disadvantages to specific individuals
  - (vii) Information concerning the affairs or business conducted by a state organ, an Incorporated Administrative Agency, etc., a local public entity or a Local Incorporated Administrative Agency, where disclosure is likely to have the following risks or is likely to hinder the proper execution of the said affairs

or business due to the nature of the said affairs or business:

- (a) Risk of making it difficult to understand accurately facts concerning affairs pertaining to audits, inspections, supervision, examinations, or imposition or collection of tax, or facilitating illegal or wrongful acts regarding such affairs, or making it difficult to discover such acts
- (b) Risk of causing unjust damage to the property benefit of the State, an Incorporated Administrative Agency, etc., a local public entity or a Local Incorporated Administrative Agency concerning affairs pertaining to contracts, negotiations or administrative appeals and litigation
- (c) Risk of causing unjust hindrance to the fair and efficient execution of affairs pertaining to research and study
- (d) Risk of causing hindrance to the maintenance of impartial and smooth personnel practices in the affairs pertaining to personnel management
- (e) Risk of causing damage to the legitimate interests arising from corporate management with regard to the business of an enterprise managed by the State or a local public entity, an Incorporated Administrative Agency, etc. or a Local Incorporated Administrative Agency

(Partial Disclosure)

Article 15 (1) In the case that Non-Disclosure Information is included in the Retained Personal Information pertaining to a Disclosure Request, when it is possible to easily divide and exclude the portion that corresponds to Non-Disclosure Information, the head of an Administrative Organ shall disclose to the Disclosure Requester the portion other than the excluded portion.

(2) In the case that the information set forth in item 2 of the preceding Article (limited to information that can identify a specific individual other than the Disclosure Requester) is included in the Retained Personal Information pertaining to a Disclosure Request, and if by excluding the portion of the description, etc. that can identify the specific individual other than the Disclosure Requester, such as a name or date of birth, from the said information, it is found that disclosure of the information is not likely to cause damage to the rights and interests of an individual other than the Disclosure Requester, the preceding paragraph shall be applied by deeming the portion other than the excluded portion as not being included in the information prescribed in the same item.

(Discretionary Disclosure)

Article 16 Even in the case that Non-Disclosure Information is included in the Retained Personal Information pertaining to a Disclosure Request, when the head of an Administrative Organ finds it particularly necessary for protecting the rights and interests of individuals, he or she may disclose the Retained

Personal Information to the Disclosure Requester.

(Information concerning the Existence of Retained Personal Information)

Article 17 When Non-Disclosure Information will be disclosed by merely answering whether or not the Retained Personal Information pertaining to a Disclosure Request exists, the head of an Administrative Organ, without making clear the existence or non-existence of the Retained Personal Information, may refuse the Disclosure Request.

(Measures concerning Disclosure Requests)

Article 18 (1) When disclosing all or a part of the Retained Personal Information pertaining to a Disclosure Request, the head of an Administrative Organ shall make a decision to that effect, and notify the Disclosure Requester to that effect, the Purpose of Use of the Retained Personal Information to be disclosed, and matters designated by a Cabinet Order relating to the implementation of disclosure in writing; provided, however, that this shall not apply to the Purpose of Use in cases that fall under Article 4, item 2 or 3.

(2) When not disclosing any of the Retained Personal Information pertaining to a Disclosure Request (including when refusing a Disclosure Request pursuant to the provision of the preceding Article and when the Retained Personal Information pertaining to a Disclosure Request is not held), the head of an Administrative Organ shall make a decision to the effect of non-disclosure and notify the Disclosure Requester to that effect in writing.

(Due Date for Disclosure Decisions, etc.)

Article 19 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "Disclosure Decisions, etc.") shall be made within thirty days from the date of a Disclosure Request; provided, however, that in the case where an amendment is requested pursuant to the provision of Article 13, paragraph 3, the number of days required for the amendment shall not be included within this period of time.

(2) Notwithstanding the provision of the preceding paragraph, when there are justifiable grounds such as difficulties arising from the conduct of affairs, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of an Administrative Organ shall without delay notify the Disclosure Requester in writing of the extended period and the grounds for the extension.

(Exception to the Due Date for Disclosure Decisions, etc.)

Article 20 In the case that there is a considerably large amount of Retained Personal Information pertaining to a Disclosure Request, and that there is a

risk that the performance of duties may be considerably hindered by making Disclosure Decisions, etc. for all of them within sixty days from the date of a Disclosure Request, notwithstanding the provision of the preceding Article, it would be sufficient for the head of an Administrative Organ to make Disclosure Decisions, etc. for a reasonable portion of the Retained Personal Information pertaining to a Disclosure Request within the said period of time, and to make Disclosure Decisions, etc. for the remaining Retained Personal Information within a reasonable period of time. In this case, the head of an Administrative Organ shall within the period of time prescribed in paragraph 1 of the same Article notify the Disclosure Requester in writing of the following matters:

- (i) The application of this Article and the grounds for its application
- (ii) Due date for making Disclosure Decisions, etc. for the remaining Retained Personal Information

(Transfer of a Case)

Article 21 (1) The head of an Administrative Organ may, when there is a justifiable ground for the head of another Administrative Organ to make the Disclosure Decisions, etc., such as when the Retained Personal Information pertaining to a Disclosure Request was provided by that Administrative Organ, upon consulting with the head of that Administrative Organ, transfer the case to the head of that Administrative Organ. In this case, the head of the Administrative Organ who has transferred the case shall notify the Disclosure Requester in writing to the effect that the case was transferred.

(2) When a case has been transferred pursuant to the provision of the preceding paragraph, the head of the Administrative Organ who has received the transfer shall make the Disclosure Decisions, etc. for the Disclosure Request. In this case, the acts prior to transfer by the head of the Administrative Organ who has transferred the case shall be deemed to be those of the head of the Administrative Organ who has received the transfer.

(3) In the case referred to in the preceding paragraph, when the head of the Administrative Organ who has received the transfer makes a decision set forth in Article 18, paragraph 1 (hereinafter referred to as a "Disclosure Decision"), the head of that Administrative Organ shall implement disclosure. In this case, the head of the Administrative Organ who has transferred the case shall cooperate as necessary in the implementation of that disclosure.

(Transfer of a Case to an Incorporated Administrative Agency, etc.)

Article 22 (1) When there is a justifiable ground for an Incorporated Administrative Agency, etc. to make the disclosure decisions, etc. prescribed in Article 19, paragraph 1 of the IAA Personal Information Protection Act, such as when the Retained Personal Information pertaining to a Disclosure Request

was provided by that Incorporated Administrative Agency, etc., the head of an Administrative Organ may, upon consulting with the Incorporated Administrative Agency, etc., transfer the case to that Incorporated Administrative Agency, etc. In this case, the head of the Administrative Organ who has transferred the case shall notify the Disclosure Requester in writing to the effect that the case was transferred.

- (2) When a case has been transferred pursuant to the provision of the preceding paragraph, the provisions of the Administrative Organs Personal Information Protection Act shall be applied to the transferred case by deeming the Retained Personal Information to be the Retained Personal Information prescribed in Article 2, paragraph 3 of the IAA Personal Information Protection Act, held by the Incorporated Administrative Agency, etc. which has received the transfer, and deeming the Disclosure Request to be the Disclosure Request prescribed in Article 12, paragraph 2 of the IAA Personal Information Protection Act, submitted to the Incorporated Administrative Agency, etc. which has received the transfer. In this case, the term "Article 13, paragraph 3" in Article 19, paragraph 1 of the IAA Personal Information Protection Act shall be deemed to be replaced with "Article 13, paragraph 3 of the Act on the Protection of Personal Information Held by Administrative Organs."
- (3) When a case has been transferred pursuant to the provision of paragraph 1 and the Incorporated Administrative Agency, etc. which has received the transfer implements disclosure, the head of the Administrative Organ who has transferred the case shall cooperate as necessary in the implementation of disclosure.

(Granting a Third Party an Opportunity to Submit a Written Opinion, etc.)

- Article 23 (1) When information concerning a person other than the State, an Incorporated Administrative Agency, etc., a local public entity, a Local Incorporated Administrative Agency and the Disclosure Requester (hereinafter referred to as a "Third Party" in this Article and Articles 43 and 44) is included in the Retained Personal Information pertaining to a Disclosure Request, the head of an Administrative Organ, when making Disclosure Decisions, etc., may, pursuant to the provision of a Cabinet Order, notify the Third Party pertaining to the said information of the content of the information concerning the Third Party and other matters designated by a Cabinet Order, and may grant an opportunity to submit a written opinion.
- (2) In the cases that fall under any of the following items, before making a Disclosure Decision, the head of an Administrative Organ shall, pursuant to the provision of a Cabinet Order, notify the Third Party in writing of the content of the information concerning the Third Party pertaining to the Disclosure Request and other matters designated by a Cabinet Order, and shall

grant him or her an opportunity to submit a written opinion; provided, however, that this shall not apply to the case that the Third Party's location is unknown.

- (i) When the Retained Personal Information containing information concerning a Third Party is to be disclosed, and when it is found that the said information concerning the Third Party falls under the information prescribed in Article 14, item 2, b or in the proviso of item 3 of the same Article
  - (ii) When the Retained Personal Information containing information concerning a Third Party is to be disclosed pursuant to the provision of Article 16
- (3) In the case that the Third Party who was granted an opportunity to submit a written opinion pursuant to the provisions of the preceding two paragraphs submits a written opinion manifesting the intention of opposition to disclosure of the information concerning the Third Party, the head of the Administrative Organ, when making a Disclosure Decision, shall place at least two weeks between the day of the Disclosure Decision and the day that disclosure will be implemented. In this case, upon making the Disclosure Decision the head of the Administrative Organ shall immediately notify the Third Party who submitted the written opinion (referred to as a "Written Opposition Opinion" in Articles 42 and 43) in writing to the effect that the Disclosure Decision was made and the grounds for its decision, and the date of implementation of disclosure.

(Implementation of Disclosure)

- Article 24 (1) The disclosure of Retained Personal Information shall be implemented by inspection or by the delivery of copies if the Retained Personal Information is contained in documents or pictures, and if it is contained in Electromagnetic Records, by methods designated by the Administrative Organ which take into consideration such matters as the type of the record and the state of development of information technology; provided, however, that when disclosure of Retained Personal Information is to be implemented by the inspection method, if the head of the Administrative Organ finds that the inspection is likely to hinder the preservation of the documents or pictures containing the Retained Personal Information, or for other justifiable grounds, a copy of the documents or pictures may be provided for inspection.
- (2) The Administrative Organ shall make its rules on the disclosure method for Electromagnetic Records based on the preceding paragraph available for public inspection.
  - (3) The person who will obtain disclosure of Retained Personal Information based upon a Disclosure Decision, pursuant to the provision of a Cabinet Order, shall indicate his or her desired method of implementation of disclosure and other

matters designated by a Cabinet Order to the head of the Administrative Organ who has made the Disclosure Decision.

- (4) The indication pursuant to the provision of the preceding paragraph shall be made within thirty days from the date of the notice prescribed in Article 18, paragraph 1; provided, however, that this shall not apply when there are justifiable grounds for being unable to make the indication within this period of time.

(Coordination with Disclosure Implemented by Other Laws and Regulations)

Article 25 (1) In the case that, pursuant to the provisions of other laws and regulations, the Retained Personal Information pertaining to a Disclosure Request is to be disclosed to the Disclosure Requester by the same method prescribed in the main clause of paragraph 1 of the preceding Article (when the period of time for disclosure is provided for, limited to within that period of time), notwithstanding the main clause of the same paragraph, the head of the Administrative Organ shall not disclose the Retained Personal Information by that same method; provided, however, that this shall not apply when there is a provision in other laws and regulations to the effect that disclosure shall not be implemented in certain cases.

- (2) When the disclosure method designated by the provisions of the other laws and regulations is public inspection, the preceding paragraph shall be applied by deeming the said public inspection to be inspection set forth in the main clause of paragraph 1 of the preceding Article.

(Fees)

Article 26 (1) The person who makes a Disclosure Request shall, pursuant to the provisions of a Cabinet Order, pay a fee of an amount specified within the limits of actual costs by a Cabinet Order.

- (2) When setting the amount of the fee set forth in the preceding paragraph, consideration shall be given to make the amount as affordable as possible.

## **Section 2 Correction**

(Right to Request Correction)

Article 27 (1) Any person who thinks that the content of Retained Personal Information (limited to those listed in the following items; the same shall apply in Article 36, paragraph 1) for which he or she is the Individual Concerned is untrue may, pursuant to the provisions of this Act, make a request for correction (including addition or deletion; the same shall apply hereinafter) of the Retained Personal Information to the head of the Administrative Organ holding the Retained Personal Information; provided, however, that this shall

not apply where a special procedure for correction of the Retained Personal Information is prescribed by another law or an order based on such other law.

- (i) Retained Personal Information that was disclosed based on a Disclosure Decision
  - (ii) Retained Personal Information that was disclosed based on the disclosure decision prescribed in Article 21, paragraph 3 of the IAA Personal Information Protection Act in the case where the case has been transferred pursuant to Article 22, paragraph 1
  - (iii) Retained Personal Information pertaining to a Disclosure Decision, which was disclosed pursuant to the provisions of other laws and regulations under Article 25, paragraph 1
- (2) A statutory representative of a minor or an adult ward may make the request for correction (hereinafter referred to as the "Correction Request") prescribed in the preceding paragraph on behalf of the principal.
  - (3) A Correction Request shall be made within ninety days from the date of disclosure of the Retained Personal Information.

(Procedure for Correction Request)

Article 28 (1) A Correction Request shall be made by submitting a document describing the matters listed in the following items (hereinafter referred to as the "Written Correction Request") to the head of the Administrative Organ:

- (i) Name and domicile or residence of the person making the Correction Request
  - (ii) Date of disclosure of the Retained Personal Information pertaining to the Correction Request and/or other matters sufficient for specifying the said Retained Personal Information
  - (iii) An outline of the Correction Request and the grounds therefor
- (2) In the case prescribed in the preceding paragraph, the person making the Correction Request shall, pursuant to the provision of a Cabinet Order, present or submit a document to indicate that he or she is the Individual Concerned (in the case of a Correction Request made under the provision of paragraph 2 of the preceding Article, the statutory representative of the Individual Concerned) with regard to the Retained Personal Information pertaining to the Correction Request.
  - (3) When the head of an Administrative Organ finds that there is a deficiency in the form of the Written Correction Request, he or she may, by setting a reasonable period of time, ask the person having made the Correction Request (hereinafter referred to as the "Correction Requester") to amend the request.

(Obligation to Correct Retained Personal Information)

Article 29 When there is a Correction Request, if the head of an Administrative

Organ finds grounds for the said Correction Request, he or she shall correct the Retained Personal Information pertaining to the Correction Request within the scope necessary for achieving the Purpose of Use of the said Retained Personal Information.

(Measures concerning Correction Requests)

Article 30 (1) When correcting the Retained Personal Information pertaining to a Correction Request, the head of an Administrative Organ shall make a decision to that effect, and notify the Correction Requester to that effect in writing.

(2) When not correcting the Retained Personal Information pertaining to a Correction Request, the head of an Administrative Organ shall make a decision to that effect, and notify the Correction Requester to that effect in writing.

(Due Date for Correction Decisions, etc.)

Article 31 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "Correction Decisions, etc.") shall be made within thirty days from the date of a Correction Request; provided, however, that in the case where an amendment is requested pursuant to the provision of Article 28, paragraph 3, the number of days required for the amendment shall not be included within this period of time.

(2) Notwithstanding the provision of the preceding paragraph, when there are justifiable grounds such as difficulties arising from the conduct of affairs, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of an Administrative Organ shall without delay notify the Correction Requester in writing of the extended period and the grounds for the extension.

(Exception to the Due Date for Correction Decisions, etc.)

Article 32 If the head of an Administrative Organ finds that the Correction Decisions, etc. would require a particularly long period of time, notwithstanding the provision of the preceding Article, it would be sufficient for him or her to make Correction Decisions, etc. within a reasonable period of time. In this case, the head of an Administrative Organ shall within the period of time prescribed in paragraph 1 of the same Article notify the Correction Requester in writing of the following matters:

- (i) The application of this Article and the grounds for its application
- (ii) Due date for making Correction Decisions, etc.

(Transfer of a Case)

Article 33 (1) The head of an Administrative Organ may, when there is a justifiable ground for the head of another Administrative Organ to make the

Correction Decisions, etc., such as when the Retained Personal Information pertaining to a Correction Request was disclosed pursuant to Article 21, paragraph 3, upon consulting with the head of that Administrative Organ, transfer the case to the head of that Administrative Organ. In this case, the head of the Administrative Organ who has transferred the case shall notify the Correction Requester in writing to the effect that the case was transferred.

- (2) When a case has been transferred pursuant to the provision of the preceding paragraph, the head of the Administrative Organ who has received the transfer shall make the Correction Decisions, etc. for the Correction Request. In this case, the acts prior to transfer by the head of the Administrative Organ who has transferred the case shall be deemed to be those of the head of the Administrative Organ who has received the transfer.
- (3) In the case referred to in the preceding paragraph, when the head of the Administrative Organ who has received the transfer makes a decision set forth in Article 30, paragraph 1 (hereinafter referred to as a "Correction Decision"), the head of that Administrative Organ which has transferred the case shall implement the correction based on the Correction Decision.

(Transfer of a Case to an Incorporated Administrative Agency, etc.)

- Article 34 (1) When there is a justifiable ground for an Incorporated Administrative Agency, etc. to make the correction decisions, etc. prescribed in Article 31, paragraph 1 of the IAA Personal Information Protection Act, such as when the Retained Personal Information pertaining to a Correction Request corresponds to those listed in Article 27, paragraph 1, the head of an Administrative Organ may, upon consulting with the Incorporated Administrative Agency, etc., transfer the case to that Incorporated Administrative Agency, etc. In this case, the head of the Administrative Organ who has transferred the case shall notify the Correction Requester in writing to the effect that the case was transferred.
- (2) When a case has been transferred pursuant to the provision of the preceding paragraph, the provisions of the Administrative Organs Personal Information Protection Act shall be applied to the transferred case by deeming the Retained Personal Information to be the Retained Personal Information prescribed in Article 2, paragraph 3 of the IAA Personal Information Protection Act, held by the Incorporated Administrative Agency, etc. which has received the transfer, and deeming the Correction Request to be the Correction Request prescribed in Article 27, paragraph 2 of the IAA Personal Information Protection Act, submitted to the Incorporated Administrative Agency, etc. which has received the transfer. In this case, the term "Article 28, paragraph 3" in Article 31, paragraph 1 of the IAA Personal Information Protection Act shall be deemed to be replaced with "Article 28, paragraph 3 of the Act on the Protection of

Personal Information Held by Administrative Organs."

- (3) When a case has been transferred pursuant to the provision of paragraph 1 and the Incorporated Administrative Agency, etc. which has received the transfer makes the Correction Decision prescribed in Article 33, paragraph 3 of the IAA Personal Information Protection Act, the head of the Administrative Organ who has transferred the case shall implement the correction based on the Correction Decision.

(Notice to Any Party to which Retained Personal Information is Provided)

Article 35 Where the head of an Administrative Organ has implemented a correction of Retained Personal Information based on a Correction Decision (including the Correction Decision under paragraph 3 of the preceding Article), if he or she finds it necessary, he or she shall notify to that effect in writing without delay any party to which the Retained Personal Information is provided.

### **Section 3 Suspension of Use**

(Right to Request Suspension of Use)

Article 36 (1) Any person who thinks that Retained Personal Information for which he or she is the Individual Concerned falls under any of the following items may, pursuant to the provisions of this Act, make a request for the measures specified in the respective items to the head of the Administrative Organ holding the Retained Personal Information; provided, however, that this shall not apply where a special procedure for suspension of use, deletion, or suspension of provision (hereinafter referred to as "Suspension of Use") of the Retained Personal Information is prescribed by another law or an order based on such other law.

- (i) Where the Administrative Organ holding the Retained Personal Information has not obtained the information lawfully, retains the information in violation of Article 3, paragraph 2, or uses the information in violation of Article 8, paragraph 1 or 2-Suspension of use or deletion of the Retained Personal Information
- (ii) Where the Retained Personal Information is provided in violation of Article 8, paragraph 1 or 2-Suspension of provision of the Retained Personal Information
- (2) A statutory representative of a minor or an adult ward may make the request for Suspension of Use (hereinafter referred to as the "Suspension of Use Request") prescribed in the preceding paragraph on behalf of the principal.
- (3) A Suspension of Use Request shall be made within ninety days from the date of disclosure of the Retained Personal Information.

(Procedure for Suspension of Use Request)

Article 37 (1) A Suspension of Use Request shall be made by submitting a document describing the matters listed in the following items (hereinafter referred to as the "Written Suspension of Use Request") to the head of the Administrative Organ:

- (i) Name and domicile or residence of the person making the Suspension of Use Request
  - (ii) Date of disclosure of the Retained Personal Information pertaining to the Suspension of Use Request and/or other matters sufficient for specifying the said Retained Personal Information
  - (iii) An outline of the Suspension of Use Request and the grounds therefor
- (2) In the case prescribed in the preceding paragraph, the person making the Suspension of Use Request shall, pursuant to the provision of a Cabinet Order, present or submit a document to indicate that he or she is the Individual Concerned (in the case of a Suspension of Use Request made under the provision of paragraph 2 of the preceding Article, the statutory representative of the Individual Concerned) with regard to the Retained Personal Information pertaining to the Suspension of Use Request.
- (3) When the head of an Administrative Organ finds that there is a deficiency in the form of the Written Suspension of Use Request, he or she may, by setting a reasonable period of time, ask the person having made the Suspension of Use Request (hereinafter referred to as the "Suspension of Use Requester") to amend the request.

(Obligation for Suspension of Use of Retained Personal Information)

Article 38 When there is a Suspension of Use Request, if the head of an Administrative Organ finds grounds for the said Suspension of Use Request, he or she shall implement Suspension of Use of the Retained Personal Information pertaining to the Suspension of Use Request within the scope necessary for ensuring the proper handling of Personal Information in the Administrative Organ; provided, however, that this shall not apply where it is found that the Suspension of Use of the Retained Personal Information is likely to hinder the proper execution of the affairs pertaining to the Purpose of Use of the Retained Personal Information due to the nature of the said affairs.

(Measures concerning Suspension of Use Requests)

Article 39 (1) When implementing Suspension of Use of the Retained Personal Information pertaining to a Suspension of Use Request, the head of an Administrative Organ shall make a decision to that effect, and notify the Suspension of Use Requester to that effect in writing.

(2) When not implementing Suspension of Use of the Retained Personal Information pertaining to a Suspension of Use Request, the head of an Administrative Organ shall make a decision to that effect, and notify the Suspension of Use Requester to that effect in writing.

(Due Date for Use Suspension Decisions, etc.)

Article 40 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "Use Suspension Decisions, etc.") shall be made within thirty days from the date of a Suspension of Use Request; provided, however, that in the case where an amendment is requested pursuant to the provision of Article 37, paragraph 3, the number of days required for the amendment shall not be included within this period of time.

(2) Notwithstanding the provision of the preceding paragraph, when there are justifiable grounds such as difficulties arising from the conduct of affairs, the head of an Administrative Organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of an Administrative Organ shall without delay notify the Suspension of Use Requester in writing of the extended period and the grounds for the extension.

(Exception to the Due Date for Use Suspension Decisions, etc.)

Article 41 If the head of an Administrative Organ finds that the Use Suspension Decisions, etc. would require a particularly long period of time, notwithstanding the provision of the preceding Article, it would be sufficient for him or her to make Use Suspension Decisions, etc. within a reasonable period of time. In this case, the head of an Administrative Organ shall within the period of time prescribed in paragraph 1 of the same Article notify the Suspension of Use Requester in writing of the following matters:

- (i) The application of this Article and the grounds for its application
- (ii) Due date for making Use Suspension Decisions, etc.

## **Section 4 Appeals**

(Consulting the Review Board)

Article 42 When there is an appeal against a Disclosure Decision, etc., a Correction Decision, etc. or a Use Suspension Decision, etc. pursuant to the provisions of the Administrative Appeal Act (Act No. 160 of 1962), the head of the Administrative Organ who is expected to make a determination or decision on the appeal shall, except in the cases that fall under any of the following items, consult the Information Disclosure and Personal Information Protection Review Board (when the head of the Administrative Organ who is expected to make a determination or decision on the appeal is head of the Board of Audit, a

review board separately provided for by a law):

- (i) When the appeal is illegitimate and is to be dismissed
- (ii) When, by a determination or decision, the Disclosure Decision, etc. (excluding the decisions to the effect of disclosing all the Retained Personal Information pertaining to a Disclosure Request; hereinafter the same shall apply in this item and in Article 40 (1)) pertaining to the appeal is rescinded or altered, and all the Retained Personal Information pertaining to the appeal is to be disclosed; provided, however, that this shall exclude the cases in which a Written Opposition Opinion regarding the Disclosure Decision, etc. has been submitted
- (iii) When, by a determination or decision, the Correction Decision, etc. (excluding the decisions to the effect of making a correction by accepting the entirety of the Correction Request) pertaining to the appeal is rescinded or altered, and a correction is to be made by accepting the entirety of the Correction Request pertaining to the appeal
- (iv) When, by a determination or decision, the Use Suspension Decision, etc. (excluding the decisions to the effect of implementing Suspension of Use by accepting the entirety of the Suspension of Use Request) pertaining to the appeal is rescinded or altered, and Suspension of Use is to be implemented by accepting the entirety of the Suspension of Use Request pertaining to the appeal

(Notice of the Fact of Consultation)

Article 43 The head of an Administrative Organ who has made a consultation pursuant to the provisions of the preceding Article shall notify the following persons to the effect that the consultation was made:

- (i) The appellant and intervenor
- (ii) The Disclosure Requester, Correction Requester, or Suspension of Use Requester (except when such person is the appellant or an intervenor)
- (iii) A Third Party who has submitted a Written Opposition Opinion regarding the Disclosure Decision, etc. that is pertaining to the appeal (excluding the cases in which the Third Party is the appellant or an intervenor)

(Procedures in the Case that an Appeal from a Third Party is Dismissed, etc.)

Article 44 (1) The provision of Article 23, paragraph 3 shall apply mutatis mutandis to the cases in which the determination or decision falls under any of the following items:

- (i) A determination or decision to dismiss without prejudice or dismiss with prejudice on the merits an appeal from a Third Party against a Disclosure Decision
- (ii) A determination or decision altering the Disclosure Decision, etc.

- pertaining to an appeal to the effect of disclosing the Retained Personal Information pertaining to that Disclosure Decision, etc. (limited to the case in which an intervenor who is a Third Party has manifested an intention to oppose the disclosure of the information concerning the Third Party)
- (2) With regard to the application for examination of a Disclosure Decision, etc., Correction Decision, etc. or Use Suspension Decision, etc., the special provisions prescribed in Article 5, paragraph 2 of the Administrative Appeal Act may be established pursuant to the provision of a Cabinet Order.

## **Chapter V Miscellaneous Provisions**

(Exclusion from Application)

- Article 45 (1) The provisions of the preceding chapter shall not apply to Retained Personal Information pertaining to a judgment in a criminal case or juvenile case, a disposition executed by a public prosecutor, public prosecutor's assistant officer, or judicial police official, execution of a punishment or protective measure, post-incarceration rehabilitation services, or pardon (limited to Retained Personal Information pertaining to a person who received the said judgment or measure, a person to whom the punishment or protective measure was executed, a person who applied for post-incarceration rehabilitation services, or a person who filed a petition for pardon).
- (2) Of the Retained Personal Information (limited to those recorded in Administrative Documents that exclusively contain the Non-Disclosure Information prescribed in Article 5 of the Act on Access to Information Held by Administrative Organs), those that have yet to be classified or otherwise put in order and from which it is extremely difficult to retrieve specific Retained Personal Information due to the existence of a very large amount of information pertaining to the same Purpose of Use shall be deemed as not being held by the Administrative Organ with respect to application of the provisions of the preceding Chapter (excluding Section 4).

(Delegation of Authority or Affairs)

- Article 46 The head of an Administrative Organ may delegate the authority or affairs prescribed in the three preceding Chapters (excluding Article 10 and Section 4 of the preceding Chapter) to any employee(s) of the Administrative Organ, pursuant to the provision of a Cabinet Order (in the case of an organ established under the jurisdiction of the Cabinet and in the case of the Board of Audit, an order of the said organs).

(Provision of Information to a Person who Intends to Make a Disclosure Request, etc.)

Article 47 (1) In order to allow a person who intends to make a Disclosure Request, Correction Request or Suspension of Use Request (hereinafter referred to as the "Disclosure Request, etc." in this paragraph) to make the Disclosure Request, etc. easily and appropriately, the head of an Administrative Organ shall provide information that contributes to specifying the Retained Personal Information held by the Administrative Organ and take other adequate measures in consideration of the convenience of the person who intends to make the Disclosure Request, etc.

(2) The Minister of Internal Affairs and Communications shall establish comprehensive information centers for ensuring the smooth implementation of this Act.

(Processing of Complaints)

Article 48 The head of an Administrative Organ shall endeavor to properly and expeditiously process any complaints on the handling of Personal Information in the Administrative Organ.

(Public Announcement of the Status of Enforcement)

Article 49 (1) The Minister of Internal Affairs and Communications may collect reports on the status of enforcement of this Act from the heads of Administrative Organs.

(2) Each year the Minister of Internal Affairs and Communications shall compile the reports set forth in the preceding paragraph and make public a summary of them.

(Request for Submission of Materials and Explanations)

Article 50 In addition to what is prescribed in paragraph 1 of the preceding Article, the Minister of Internal Affairs and Communications may, if he or she finds it necessary for achieving the purpose of this Act, request the head of an Administrative Organ for submission of materials and explanations on the implementation status of affairs concerning the handling of Personal Information in the Administrative Organ.

(Statement of Opinions)

Article 51 The Minister of Internal Affairs and Communications may, if he or she finds it necessary for achieving the purpose of this Act, state opinions to the head of an Administrative Organ concerning the handling of Personal Information in the Administrative Organ.

(Delegation to Cabinet Orders)

Article 52 The matters necessary for implementation of this Act, in addition to

those prescribed in this Act, shall be prescribed by Cabinet Orders.

## **Chapter VI Penal Provisions**

Article 53 An employee or former employee of an Administrative Organ or a person engaged in or formerly engaged in the entrusted affairs under Article 6, paragraph 2 who provides another person with a Personal Information File (including a Personal Information File of which content has been reproduced or processed in whole or in part) pertaining to Article 2, paragraph 4, item 1 containing individuals' confidential matters without justifiable grounds shall be sentenced to imprisonment with work for not more than two years or to a fine of not more than 1,000,000 yen.

Article 54 A person prescribed in the preceding paragraph who provides another person with or appropriates the Retained Personal Information that he or she acquired with respect to his or her work for making illicit gain for himself or herself or for a third party shall be sentenced to imprisonment with work for not more than one year or to a fine of not more than 500,000 yen.

Article 55 An employee of an Administrative Organ who, by abusing his or her authority, collects documents, pictures or Electromagnetic Records containing individuals' confidential matters for exclusive use for a purpose other than his or her duties shall be sentenced to imprisonment with work for not more than one year or to a fine of not more than 500,000 yen.

Article 56 The provisions of the preceding three Articles shall also apply to persons who commit the offenses outlined in these Articles outside Japan.

Article 57 A person who has received disclosure of Retained Personal Information based on a Disclosure Decision by deception or other wrongful means shall be sentenced to a fine of not more than 100,000 yen.

## **Supplementary Provisions**

(Effective Date)

Article 1 (1) This Act shall come into force as from a date specified by a Cabinet Order within a period not exceeding two years from the day of promulgation.  
<Omitted>