

National Public Service Ethics Act

(Act No. 129 of August 13, 1999)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent acts of national public employees that may bring about suspicion and distrust from the citizens in regard to the fairness of execution of duty to ensure public trust in public services by taking necessary measures that contribute to the maintenance of ethics pertaining to the duties of national public employees in light of the fact that national public employees are public servants of all citizens and that their duty is public service entrusted by the citizens.

(Definitions)

Article 2 (1) The term "officials" as used in this Act (excluding Article 21, paragraph (2) and Article 42, paragraph (1)) means national public employees belonging to the regular service as provided for in Article 2, paragraph (2) of the National Public Service Act (Act No. 120 of 1947) (excluding national public employees who assume positions of committee members, advisors or counselors, or the positions designated by the National Personnel Authority as equivalent to those that do not require full-time service (excluding those who occupy part-time government positions as provided for in Article 81-5, paragraph (1) of the same Act)).

(2) The term "officials at the rank of assistant director or higher rank at the headquarters" as used in this Act means the officials listed below:

- (i) officials to whom the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950; hereinafter referred to as "Regular Service Remuneration Act") is applied and who are listed as follows (regarding those who are listed in sub-item (g) or (h), limited to those who receive the payment of managerial allowance pursuant to the provisions of Article 10-2,

paragraph (1) of the Regular Service Remuneration Act.):

- (a) officials who are at the fifth grade or higher grade in the service of the Administrative Service Salary Schedule (I) in the Appended Table No. 1 (a) of the Regular Service Remuneration Act;
- (b) officials who are at the fourth grade or higher grade in the service of the Professional Administrative Service Salary Schedule in the Appended Table No. 2 of the Regular Service Remuneration Act;
- (c) officials who are at the fifth grade or higher grade in the service of the Taxation Service Salary Schedule in the Appended Table No. 3 of the Regular Service Remuneration Act;
- (d) officials who are at the sixth grade or higher grade in the service of the Public Security Service Salary Schedule (I) in the Appended Table No. 4 (a) of the Regular Service Remuneration Act;
- (e) officials who are at the fifth grade or higher grade in the service of the Public Security Service Salary Schedule (II) in the Appended Table No. 4 (b) of the Regular Service Remuneration Act;
- (f) officials who are at the fifth grade or higher grade in the service of the Maritime Service Salary Schedule (I) in the Appended Table No. 5 (a) of the Regular Service Remuneration Act;
- (g) officials who are at the third grade or higher grade in the service of the Educational Service Salary Schedule (I) in the Appended Table No. 6 (a) of the Regular Service Remuneration Act;
- (h) officials who are at the third grade or higher grade in the service of the Educational Service Salary Schedule (II) in the Appended Table No. 6 (b) of the Regular Service Remuneration Act;
- (i) officials who are at the fourth grade or higher grade in the service of the Research Service Salary Schedule in the Appended Table No. 7 of the Regular Service Remuneration Act;
- (j) officials who are at the third grade or higher grade in the service of the Medical Service Salary Schedule (I) in the Appended Table No. 8 (a) of the Regular Service Remuneration Act;
- (k) officials who are at the sixth grade or higher grade in the service of the Medical Service Salary Schedule (II) in the Appended Table No. 8 (b) of the Regular Service Remuneration Act;
- (l) officials who are at the sixth grade or higher grade in the service of the Medical Service Salary Schedule (III) in the Appended Table No. 8 (c) of the Regular Service Remuneration Act;
- (m) officials who are at the fifth grade or higher grade in the service of the Welfare Service Salary Schedule in the Appended Table No. 9 of the Regular Service Remuneration Act;
- (n) officials to whom the Designated Service Salary Schedule in the

Appended Table No. 10 of the Regular Service Remuneration Act is applied;

- (i)-2 officials to whom the salary schedule provided for in Article 7, paragraph (1) of the Act on Special Measures of Employment and Remuneration of Officials with Fixed Term of Office in the Regular Service (Act No. 125 of 2000; hereinafter referred to as the "Act on Officials with Fixed Term of Office" in this Article) is applied;
 - (ii) officials to whom the salary schedule provided for in Article 6, paragraph (1) of the Act on Special Measures of Employment, Remuneration and Working Hours of Researchers with Fixed Term of Office in the Regular Service (Act No. 65 of 1997; hereinafter referred to as the "Act on Researchers with Fixed Term of Office") is applied;
 - (iii) officials to whom the Act on Special Measures Concerning Remuneration, etc. of Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects (Act No. 141 of 1954) is applied and who are determined by the Minister of Agriculture, Forestry and Fisheries as performing the service and responsibility that correspond to those officials listed in item (i);
 - (iv) officials to whom the Act on Remuneration, etc. of Public Prosecutors (Act No. 76 of 1948; hereinafter referred to as the "Public Prosecutor Remuneration Act") is applied and who are listed as follows:
 - (a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor;
 - (b) public prosecutors who receive salary of the monthly salary in item 16 of the public prosecutor row in the Appended Table in the Public Prosecutor Remuneration Act or more;
 - (c) assistant public prosecutors who receive salary of a monthly salary in item 11 of the assistant public prosecutor row in the Appended Table in the Public Prosecutor Remuneration Act or more; and
 - (v) officials of a specified incorporated administrative agency provided for in Article 2, paragraph (2) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) (hereinafter referred to as "specified incorporated administrative agency") who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that correspond to those of the officials listed in item (i).
- (3) The term "officials of designated service or higher rank" as used in this Act means the officials listed as follows:
- (i) officials to whom the Designated Service Salary Schedule in the Appended Table No. 10 of the Regular Service Remuneration Act is applied;
 - (i)-2 officials to whom the salary schedule provided for in Article 7, paragraph

- (1) of the Act on Officials with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in that salary schedule or more;
 - (ii) officials to whom the salary schedule provided for in Article 6, paragraph (1) of the Act on Researchers with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in that salary schedule or more;
 - (iii) officials to whom the Public Prosecutor Remuneration Act is applied and who are listed as follows:
 - (a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor;
 - (b) public prosecutors who receive salary of the monthly salary in item 5 of the public prosecutor row in the Appended Table of the Public Prosecutor Remuneration Act or more
 - (iv) officials of a specified incorporated administrative agency who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that correspond to those of the officials listed in item (i);
- (4) The term "officials at the rank of deputy director general or higher rank at the headquarters" as used in this Act means the following officials:
- (i) officials to whom the Designated Service Salary Schedule in the Appended Table No. 10 of the Regular Service Remuneration Act is applied;
 - (i)-2 officials to whom the salary schedule provided for in Article 7, paragraph (1) of the Act on Officials with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in that salary schedule or more;
 - (ii) officials to whom the Public Prosecutor Remuneration Act is applied and who are listed as follows:
 - (a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor;
 - (b) public prosecutors who receive salary of the monthly salary in item 5 of the public prosecutor row in the Appended Table of the Public Prosecutor Remuneration Act or more;
 - (iii) officials of a specified incorporated administrative agency who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that correspond to those of the officials listed in item (i);
- (5) The term "businesses, etc." as used in this Act means corporations (including associations or foundations that are not corporations and have provisions concerning a representative or an administrator prescribed) and other organizations, and individuals doing business (limited to individuals in cases

where they perform acts for the profit of the business).

- (6) In applying the provisions of this Act, officers, employees, representatives, and other persons in the cases where they perform the acts for the profit of the businesses, etc. are deemed to be the businesses, etc., set forth in the preceding paragraph.
- (7) When the head of the specified incorporated administrative agency specifies officials at the rank of assistant director or higher rank at the headquarters, officials of designated service or higher rank, or officials at the rank of deputy director general or higher rank at the headquarters in the specified incorporated administrative agency pursuant to the provisions of paragraph (2), item (v), paragraph (3), item (iv), or paragraph (4), item (iii), the head must publicize their scope.

(Ethical Principles Pertaining to the Duties Which Officials Should Observe)

Article 3 (1) Officials must be conscious that they are public servants of all citizens and not of a part of the citizens, must not give unjust and discriminatory treatment to citizens such as handling information that they have learned in the course of duties for the mere benefit of a part of the citizens, and must perform the duties fairly at all times.

(2) Officials must always make a proper distinction between the public and private, and must not use their duties or positions for their own private interests or private interests of an organization to which they belong.

(3) In exercising the authority granted by laws, officials must not perform any acts that may bring about suspicion or distrust from the citizens such as receiving any gifts, etc. from persons upon whom the officials exercise their authority.

(Reports to the Diet)

Article 4 The Cabinet must annually submit to the Diet a report on the state of the maintenance of ethics pertaining to the duties of officials and the measures taken concerning the maintenance of ethics pertaining to the duties of officials.

Chapter II National Public Service Ethics Code

Article 5 (1) The Cabinet is to provide Cabinet Order concerning necessary matters for the maintenance of ethics pertaining to the duties of officials, in view of the ethical principles listed in Article 3 (hereinafter referred to as the "National Public Service Ethics Code"). In this case, the National Public Service Ethics Code must include the matters which officials should observe concerning the prevention of acts that may bring about suspicion and distrust from the citizens such as contacting with those who have interests with the

duties of the officials, such as the prohibitions and restrictions of receiving gifts, etc. from those who have interests in the duties of the officials.

- (2) The Cabinet must hear the opinion of the National Public Service Ethics Board in establishment, revision or repeal the National Public Service Ethics Code.
- (3) The heads of each ministry and agency (meaning the Prime Minister, Ministers of each Ministry, the President of the Board of Audit, the President of the National Personnel Authority, Director General of the Cabinet Legislation Bureau, Director General of the National Police Agency, the Grand Steward of the Imperial Household Agency and the heads of each external bureau; the same applies hereinafter) may provide for official directives concerning ethics pertaining to the duties of officials who belong to the relevant ministry or agency with the consent of the National Public Service Ethics Board.
- (4) The head of a specified incorporated administrative agency may prescribe regulations concerning ethics pertaining to the duties of officials who belong to the specified incorporated administrative agency with the consent of the National Public Service Ethics Board.
- (5) When the head of the specified incorporated administrative agency has prescribed the regulations set forth in the preceding paragraph, the head must notify the fact to the competent minister (meaning the competent minister provided for in Article 68 of the Act on General Rules for Incorporated Administrative Agencies). The same applies when the head changes the regulations.
- (6) When the National Public Service Ethics Code, the official directives pursuant to item (iii) or the regulations pursuant to item (iv) have been established, revised, or repealed, the Cabinet must report the fact to the Diet.

Chapter III Report on Gifts and Its Disclosure

(Reports of Gifts)

Article 6 (1) When officials at the rank of assistant director or higher rank at the headquarters receive a give of money, objects, or other economic benefits, or provided entertainment or a treat (hereinafter referred to as "gifts, etc.") from businesses, etc., or when they receive payment of remuneration provided for in the National Public Service Ethics Code as the remuneration for a personal service offered, based on the relationship between the businesses, etc. and the duties of officials (limited to cases where they were officials at the rank of assistant director or higher rank at the headquarters when they received the gifts, etc. or the payment of remuneration, and limited to cases where a profit received through the gifts, etc. or a value of the remuneration received in

payment exceeds 5,000 yen per case), the officials must submit a written report on the gifts, etc., stating the following information to the heads of each ministry and agency, etc. (meaning the heads of each ministry and agency and the heads of the specified incorporated administrative agencies; the same applies hereinafter) or to a person who is delegated by them within 14 days from the first day of the quarter following the current quarter, for each term of January through March, April through June, July through September, and October through December (hereinafter referred to as "quarter").

(i) the profit received through the gifts, etc. or the value of the remuneration received in payment;

(ii) the date of receipt of profit by the gifts, etc. or payment of the remuneration and the underlying fact;

(iii) name and address of the businesses, etc. who gave the gifts, etc. or paid the remuneration; and

(iv) beyond what is set forth in the preceding three items, matters prescribed in the National Public Service Ethics Code.

(2) When the heads of each ministry and agency or a person who is delegated by them receive the submission of a written report on gifts, etc. pursuant to the provisions of the preceding paragraph, they must send a copy of the written report on gifts, etc. (limited to those of the officials of designated service or higher rank and excluding the part pertaining to the matters provided for in the proviso to Article 9, paragraph (2)) to the National Public Service Ethics Board.

(Report on Share Trading)

Article 7 (1) Officials at the rank of deputy director general or higher rank at the headquarters must annually submit a written report on share trading, regarding the acquisition or transfer of share certificates (meaning share certificates, certificates of share options or certificates of bond with share options, and in the case where the share certificates, certificates of share options or certificates of bond with share options are not issued, the rights to be indicated on them if they have been issued; hereinafter the same applies in this paragraph) made in the previous year (limited to the share trading they conducted while they were officials at the rank of deputy director general or higher rank at the headquarters; hereinafter referred to as "share trading, etc."), stating the kinds, names, numbers, and amounts of consideration pertaining to the share trading, etc. and the dates of the share trading, etc. to the heads of each ministry and agency, etc. or to a person who is delegated by them during the period from March 1 to March 31.

(2) When the heads of each ministry and agency or a person who is delegated by them receive the submission of a written report on share trading, etc. pursuant

to the provisions of the preceding paragraph, they must send a copy of the written report on share trading, etc. to the National Public Service Ethics Board.

(Report on Income)

Article 8 (1) Officials at the rank of deputy director general or higher rank at the headquarters (limited to those who were officials at the rank of deputy director general or higher rank at the headquarters throughout the previous year) must annually submit a written report on income stating the following amounts and taxation amounts to the heads of each ministry and agency or a person who is delegated by them during the period from March 1 to March 31:

- (i) amounts listed below pertaining to the income in the previous year for which income tax for the same year is imposed (the amount and the underlying fact if the amount exceeds 1,000,000 yen):
 - (a) the amount of various types of income (meaning the amount of various types of income provided for in Article 2, paragraph (1), item (xxii) of the Income Tax Act (Act No. 33 of 1965); the same applies hereinafter) pertaining to the aggregate income amount (meaning the aggregate income amount provided for in Article 22, paragraph (2) of the same Act) and the amount of timber income (meaning the amount of the timber income provided for in paragraph (3) of the same Article).
 - (b) the amount of income calculated separate from other income, notwithstanding the provisions of Article 22 of the Income Tax Act, pursuant to the provisions of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) out of the amount of various income (excluding the amount of retirement income (meaning the amount of retirement income provided for in Article 30, paragraph (2) of the Income Tax Act) and the amount of timber income (meaning the amount of the timber income provided for in Article 32, paragraph (3) of the same Act));
 - (ii) the assessed value of gift tax (meaning the assessed value of the gift tax provided for in Article 21-2 of the Inheritance Tax Act (Act No. 73 of 1950)) pertaining to the property in the case where the gift tax for the previous year is imposed on a property acquired by a gift in the same year.
- (2) Officials may submit a report of income, etc. set forth in the preceding paragraph by submitting a copy of the tax return form (meaning the tax return form provided for in Article 2, item (vi) of the Act on General Rules for National Taxes (Act No. 66 of 1962); the same applies hereinafter). In this case, if the amount listed in (a) or (b) of item (i) in the same paragraph exceeds 1,000,000 yen, the underlying fact must be additionally stated in the copy of the tax return form.
- (3) When the heads of each ministry and agency or a person who is delegated by

them receive the submission of the written report on income, etc. set forth in paragraph (1) or a copy of the tax return form set forth in the preceding paragraph (hereinafter referred to as the "written report on income, etc."), they must send a copy of the written report on income, etc. to the National Public Service Ethics Board.

(Preservation and Inspection of Written Report)

Article 9 (1) The heads of each ministry and agency, etc. or a person who is delegated by them that receives a written report on gifts, etc., a written report on share trading, etc., or a written report on income, etc. submitted pursuant to the provisions in the preceding three Articles must preserve them for 5 years from the day following the last day of the period in which they should be submitted.

(2) Any person may request the heads of each ministry and agency, etc. or a person who is delegated by them to allow the inspection of written reports on gifts, etc. preserved pursuant to the provisions of the preceding paragraph (limited to parts where the profit received as gifts, etc. or the amount of remuneration paid exceeds 20,000 yen per case); provided, however, that this does not apply to the part pertaining to matters found in advance by the National Public Service Ethics Board as falling under any of the following items:

- (i) a matter that may pose a risk of imperiling the security of the State, damaging trust relationship with other countries or international organizations, or suffering disadvantages in negotiations with other countries or international organizations, if made known to the public;
- (ii) a matter that may pose a risk of hindering the prevention, suppression, or investigations of crimes, the maintenance of prosecutions, execution of punishments, or maintenance of other public safety and order, if made known to the public.

Chapter IV National Public Service Ethics Board

(Establishment)

Article 10 The National Public Service Ethics Board (hereinafter referred to as the "Board") is to be established in the National Personnel Authority.

(Affairs under the Jurisdiction and Authority)

Article 11 Beyond what is provided for in Article 5, paragraph (3) and (4), the proviso to Article 9, paragraph (2), Article 39, paragraph (2), and Article 42, paragraph (3), the affairs under the jurisdiction and authority of the Board are to be as follows:

- (i) offering opinions to the Cabinet concerning the establishment, revision or repeal of the National Public Service Ethics Code with a draft;
- (ii) establishing and changing standards for disciplinary actions in the cases where an official violates this Act or orders based on this Act (including official directives pursuant to the provisions of Article 5, paragraph (3) and the regulations based on paragraph (4) of that Article; the same applies hereinafter);
- (iii) conducting research and study on and planning matters concerning the maintenance of ethics pertaining to the duties of officials;
- (iv) conducting comprehensive planning and adjustment of matters concerning training for the maintenance of ethics pertaining to the duties of officials;
- (v) providing guidance and advice to the heads of each ministry and agency, etc. concerning development of system for observing the National Public Service Ethics Code;
- (vi) examining written reports on gifts, etc., written reports on share trading, etc., and written reports on income, etc.;
- (vii) requesting the appointers (meaning appointers provided for in paragraph 1 of Article 55 of the National Public Service Act and appointers separately provided for by other laws, and a person who is delegated by them; the same applies hereinafter) to investigate acts that violate this Act or orders based on this Act, requesting them to report the progress of the investigation, stating its opinions on the above-mentioned progress, approving the disciplinary actions to be taken by them, and stating its opinions on the publication of outlines of the disciplinary actions;
- (viii) conducting investigations, based on the authority delegated pursuant to the provisions of Article 17-2 of the National Public Service Act;
- (ix) requesting the appointers to take necessary measures for supervision on maintaining ethics pertaining to the duties of officials;
- (x) initiating disciplinary proceedings against officials by the authority delegated pursuant to the provisions of Article 84-2 of the National Public Service Act, and publicizing an outline of the disciplinary action;
- (xi) beyond what is set forth in the preceding items, the affairs under jurisdiction and authority vested in the Board, pursuant to laws or orders based on laws.

(Exercise of Authority)

Article 12 The chairperson and Board members are to independently exercise their authority.

(Organization)

Article 13 (1) The Board is composed of a chairperson and four Board members.

- (2) The chairperson and Board members may serve on a part-time basis.
- (3) The chairperson presides over the affairs of the Board and represents the Board.
- (4) If the chairperson is unavailable, a Board member designated in advance by the chairperson acts on behalf of the chairperson.

(Appointment of Chairperson and Board Members)

Article 14 (1) Chairperson and Board members other than the Board member provided for in the following paragraph is appointed by the Cabinet, with the consent of both Houses of the Diet, from among persons of high moral character and integrity, who are able to make a fair judgment on the maintenance of ethics pertaining to the duties of officials, who have relevant expertise concerning laws or the society, and whose previous term of office as an official (excluding public prosecutors), if any, does not exceed 20 years.

- (2) One of the Board members is to be appointed from among the commissioners at the National Personnel Authority by the Cabinet.
- (3) The Cabinet may appoint a chairperson or Board members other than the Board member provided for in the preceding paragraph from among persons who have the qualifications provided for in the paragraph (1), notwithstanding the provisions of that paragraph, if the consent by both Houses of the Diet cannot be obtained due to the closing of the Diet or the dissolution of the House of Representatives, in the case the term of office of the chairperson or the Board members other than the Board member prescribed in the preceding paragraph expires, or there is vacancy for the position.
- (4) In the case referred to in the preceding paragraph, ex-post-facto approval by both Houses of the Diet must be obtained at the first Diet after the appointment. In this case, if the ex-post-facto approval by both Houses of the Diet cannot be obtained, the Cabinet must immediately dismiss the chairperson or the Board members other than the Board member prescribed in paragraph (2).

(Term of Office of Chairperson and Board Members)

Article 15 (1) The term of office of a chairperson and each Board member is 4 years.

- (2) The term of office of a Board member provided for in paragraph (2) of the preceding Article in the case where the remaining term as a commissioner is less than 4 years is that remaining term, notwithstanding the provisions of the preceding paragraph.
- (3) The term of office of a chairperson and Board members filling a vacancy is to be the remaining terms of the predecessors.
- (4) Chairperson and Board members may be reappointed.

(5) When the term of office of a chairperson or a Board member expires, the chairperson or the Board member is to continue to perform their duties until their successors are appointed.

(Guarantee of Status)

Article 16 The chairperson and Board member (excluding the Board member provided for in Article 14, paragraph (2); hereinafter the same applies in this Article, the following Article, Article 18, paragraph (2) and (3), and Article 19) are not to be dismissed against their will while they are in office, except in cases where they fall under any of the following items:

- (i) if the person is given an order for commencement of bankruptcy proceedings;
- (ii) if the person is punished by imprisonment without work or severer punishment; or
- (iii) if the person is found incapable to perform duties due to a mental or physical disorder or is found to be guilty of breaching their obligation in the course of duties and other malfeasance that renders them unfitting to be the chairperson or a Board member by the Board.

(Dismissal)

Article 17 The Cabinet must dismiss the chairperson or any Board member if the chairperson or the Board member falls under any of the items of the preceding Article.

(Service Discipline)

- Article 18 (1) The chairperson or Board member must not divulge any secret which have come to their knowledge in the course of duties. This also applies after the person has left the position.
- (2) The chairperson or Board member may neither be an officer of any political party or other political organizations nor actively conduct any political activities while they are in office.
 - (3) A full-time chairperson or a full-time Board member, while they are in office, may not operate any profit-making enterprise or conduct any business for the purpose of profit, and may not engage in other duties for which they receive remuneration except when they are permitted by the Cabinet.

(Remuneration)

Article 19 The remuneration of the chairperson and Board members is separately prescribed by law.

(Meetings)

Article 20 (1) The chairperson calls the Board.

(2) The Board may neither hold a meeting nor make a resolution unless the chairperson and two or more Board members attend the meeting.

(3) Decisions of the Board are to be made by a majority of the participants, and in the case of a tie, the chairperson makes the decision.

(4) In the application of the provisions of paragraph (2) in the case where the chairperson is unavailable, the Board member provided for in Article 13, paragraph (4) is deemed to be the chairperson.

(Secretariat)

Article 21 (1) The Board is to have a secretariat under its jurisdiction to carry out the administrative affairs of the Board.

(2) The secretariat is to have a secretary-general and necessary officials.

(3) The secretary-general presides over the affairs of the secretariat under the orders of the chairperson.

(4) An official who engages in the affairs of the Board may not divulge any secret which have come to their knowledge in the course of duties. This also applies after the official has left the position.

(Report of Appointer about the Origin of Investigation)

Article 22 If an appointer considers it suspicious that an official has committed an act that violates this Act or orders based on this Act, the appointer must report this to the Board.

(Investigation by Appointer)

Article 23 (1) If an appointer considers it suspicious that an official has committed an act that violates this Act or orders based on this Act, and seeks to investigate the act, the appointer must notify this to the Board.

(2) The Board may request the appointer to report the progress of the investigation prescribed in the preceding paragraph or state its opinions to the appointer.

(3) If the appointer concludes the investigation under paragraph (1), the appointer must report the results of the investigation to the Board without delay.

(Request for Investigation by Appointer)

Article 24 (1) If the Board considers it suspicious that an official has committed an act that violates this Act or orders based on this Act, the Board may request the appointer to investigate the act.

(2) The provisions of paragraph (2) and (3) of the preceding Article apply mutatis mutandis to the investigation set forth in the preceding paragraph.

(Joint Investigation)

Article 25 The Board may investigate an act that violates this Act or orders based on this Act jointly with the appointer, if the Board finds it necessary to do so in the case it receives a report pursuant to the provisions of Article 23, paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article). In this case, the Board must notify the appointer that it will jointly investigate the act.

(Disciplinary Action by Appointer)

Article 26 If the appointer seeks to take a disciplinary action against an official for the reason that the official has committed an act that violates this Act or orders based on this Act, the appointer must obtain the approval of the Board in advance.

(Publication of Outline of the Disciplinary Action by Appointer)

Article 27 (1) When the appointer has taken a disciplinary action against an official for the reason the official has committed an act that violates this Act or orders based on this Act and the appointer finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the appointer may publicize an outline of the disciplinary action (including the publication of the part about share trading, etc. pertaining to the disciplinary action in the written report on the share trading, etc. set forth in Article 7, paragraph (1); the same applies hereinafter).

(2) If the appointer has taken a disciplinary action set forth in the preceding paragraph and the Board finds it particularly necessary to do so, the Board may state its opinions on the publication of an outline of the disciplinary action to the appointer.

(Investigation by the Board)

Article 28 (1) When the Board considers it suspicious that an official has committed an act that violates this Act or orders based on this Act by a report under Article 22 or other means and the Board finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the Board may decide to start investigating the act. In this case, the Board must hear an opinion of the appointer of the official who is subject of the investigation in advance.

(2) If the Board makes a decision set forth in the preceding paragraph, it must notify the fact to the appointer under that paragraph.

(3) If the appointer receives the notice set forth in the preceding paragraph, the appointer must cooperate in the investigation to be conducted by the Board.

(4) If the appointer receives the notice under paragraph (2) and the appointer seeks to take a disciplinary action or disposition pertaining to retirement against the official who is subject of the investigation set forth in paragraph (1), the appointer must consult with the Board about the matter in advance; provided, however, that this does not apply to the case where the appointer receives the recommendation of a disciplinary action pursuant to the provisions of paragraph (1) of the following Article or receives a notice pursuant to the provisions of Article 31.

(Recommendation of Disciplinary Action)

Article 29 (1) If the Board considers it appropriate for the appointer to take a disciplinary action as a result of the investigation set forth in the preceding Article, the Board may recommend that the appointer should take the disciplinary action.

(2) The appointer must report on the measure pertaining to the recommendation set forth in the preceding paragraph to the Board.

(Disciplinary Action by the Board)

Article 30 If the Board, through conducting the investigation set forth in Article 28, finds it necessary to take a disciplinary action against the official who is subject of the investigation, the Board may initiate disciplinary proceedings against the official.

(Notice of Conclusion of Investigation and Disciplinary Action)

Article 31 If the Board concludes the investigation set forth in Article 28 or has taken a disciplinary action pursuant to the provisions of the preceding Article, the Board must notify the appointer to that effect and the content of the disciplinary action.

(Publication of Outline of Disciplinary Action by the Board)

Article 32 When the Board has taken a disciplinary action pursuant to the provisions of Article 30 and finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the Board may publicize the outline of the disciplinary action.

(Special Provision on the Relation with Criminal Court)

Article 33 In applying the provisions of Article 85 of the National Public Service Act concerning disciplinary proceedings pertaining to an act that violates this Act or orders based on this Act, the term "the National Personnel Authority" in that Article is deemed to be replaced with the "the National Public Service Ethics Board."

(Special Provision on Obligation to Preserve Secrecy)

Article 34 In applying the provisions of Article 100, paragraph (4) of the National Public Service Act concerning the investigation conducted by the Board, the term "the National Personnel Authority" and the term "investigation or hearing" in that paragraph are deemed to be replaced with "the National Public Service Ethics Board" and "investigation," respectively.

(Request for Cooperation to Relevant Administrative Organs)

Article 35 The Board may request the heads of relevant administrative organs to provide the Board with material or information or other necessary cooperation if the Board finds it necessary in order to carry out the affairs under the jurisdiction.

(Request for Enactment of Rules of the National Personnel Authority)

Article 36 The Board may request the National Personnel Authority to enact rules of the National Personnel Authority with a draft concerning the affairs the Board has jurisdiction over.

(Hearing of Report by the National Personnel Authority)

Article 37 If the National Personnel Authority finds it necessary in order to ensure fairness in personnel administration, it may request the Board to give reports or may state its opinion to the Board.

(Delegation to Rules of the National Personnel Authority)

Article 38 Beyond what is provided for in this Chapter, necessary matters concerning the Board are prescribed by rules of the National Personnel Authority.

Chapter V Ethics Supervisory Officer

Article 39 (1) In order to maintain ethics pertaining to the duties of officials, each organization established in the Cabinet pursuant to the provisions of laws, each organization established as an organization that takes charge of administrative affairs under the supervision of the Cabinet, each organization established under the jurisdiction of the Cabinet, the Board of Audit, and each specified incorporated administrative agency (hereinafter referred to as "administrative organs, etc.") is to have an ethics supervisory officer.

(2) The ethics supervisory officer is to provide necessary guidance and advice to officials who belong to the administrative organs, etc., as well as develop a system to maintain ethics pertaining to the duties of officials of the

administrative organs, etc. in accordance with the instructions of the Board.

Chapter VI Miscellaneous Provisions

Article 40 Deleted

(Special Measures Concerning Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects and Officials of Specified Incorporated Administrative Agencies)

Article 41 (1) The provisions of Chapter IV does not apply to officials to whom the Act on Special Measures Concerning Remuneration, etc. of Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects is applied, and to officials of specified incorporated administrative agencies (excluding those holding managerial or supervisory government positions prescribed by rules of the National Personnel Authority).

(2) In applying the provisions of Article 37, paragraph (1), item (i) of the Act on Labor Relationship of Specified Incorporated Administrative Agency, etc. (Act No. 257 of 1948) to the officials set forth in Article 2, item (iv) of that Act to whom the provisions of Chapter IV of this Act are applied, the term "from Article 3, paragraph (2) to paragraph (4), Article 3-2," the term "Article 17, Article 17-2," the term "Article 84, paragraph (2), Article 84-2" and the term "Article 100, paragraph (4)" in Article 37, paragraph (1), item (i) of the same Act are deemed to be replaced with "from Article 3, paragraph (2) to paragraph (4) (excluding affairs concerning the maintenance of ethics pertaining to the duties of officials)," "Article 17 (excluding matters conducted for the maintenance of ethics pertaining to the duties of officials)," "Article 84, paragraph (2) (excluding those conducted concerning acts that violate the National Public Service Ethics Act (Act No. 129 of 1999) or orders based on this Act (including official directives pursuant to the provisions of Article 5, paragraph (3) of the same Act and regulations pursuant to the provisions of paragraph (4) of the same Article))," and "Article 100, paragraph (4) (excluding those pertaining to investigations conducted by the National Public Service Ethics Board, to which the authority is delegated pursuant to the provisions of Article 17-2)," respectively.

(Measures Taken by Special Corporations)

Article 42 (1) Among corporations which are directly established by laws, corporations which are established by a special establishing act pursuant to special laws (excluding those to which the provisions of Article 4, item (xv) of the Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999) are not applied), incorporated

administrative agencies which are provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies and are not specified incorporated administrative agencies, and other corporations which are provided for by Cabinet Order as equivalent to these, corporations in which officers, employees, and other persons engaged in the duties of the corporations are deemed to be those engaged in public services by laws and regulations in the law governing the establishment of the corporations or an Act that grants a legal personality and which are funded by the government (hereinafter referred to as "special corporations, etc.") must take measures necessary to maintain ethics pertaining to the duties of employees of the special corporations, etc., in accordance with the measures taken by the State and the specified incorporated administrative agencies pursuant to the provisions of this Act.

(2) The heads of each ministry and agency may provide necessary supervision on the measures taken by the special corporations, etc. under their jurisdiction, pursuant to the provisions of the preceding paragraph.

(3) The Board may request heads of each ministry and agency to give reports or to take necessary measures for supervision concerning the measures taken by the special corporations, etc. pursuant to the provisions of paragraph (1).

(Measures Taken by Local Governments)

Article 43 Local governments and specified local incorporated administrative agencies provided for in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003) must endeavor to take necessary measures to maintain ethics pertaining to the duties of local public employees, in accordance with the measures taken by the State and the specified incorporated administrative agencies pursuant to the provisions of this Act.

(Jurisdiction of This Act)

Article 44 (1) Affairs under the jurisdiction of the Prime Minister concerning the maintenance of ethics pertaining to the duties of officials based on this Act are limited to those concerning the National Public Service Ethics Code and the Cabinet Orders set forth in Article 42, paragraph (1) and the following Article, in addition to the affairs provided for in Article 4, Article 5, paragraph (6), Article 14, Article 17 and Article 18, paragraph (3).

(2) The Board is to have jurisdiction over the affairs concerning the maintenance of ethics pertaining to the duties of officials based on this Act, in addition to what is provided for in the preceding paragraph and the affairs which are to be performed by other organizations under this Act.

(Delegation to Cabinet Order)

Article 45 Beyond what is provided for in this Act, necessary matters concerning the implementation of this Act (excluding Chapter IV) are prescribed by Cabinet Order after hearing the opinion of the Board.

(Penal Provision)

Article 46 A person who has divulged secrets in violation of the provisions of Article 18, paragraph (1) or Article 21, paragraph (4) is punished by imprisonment with work for not more than 2 years or a fine of not more than 1,000,000 yen.